



**VILLAGE OF BARTLETT  
PLANNING & ZONING COMMISSION  
AGENDA**

**BARTLETT MUNICIPAL CENTER  
228 S. MAIN STREET  
April 7, 2022  
7:00 P.M.**

- I. Roll Call
- II. Approval of the March 3, 2022 Zoning Board of Appeals meeting minutes
- III. Approval of the March 10, 2022 Plan Commission meeting minutes
- IV. **APA-IL Planning and Zoning Officials Training**
- V. Old Business/New Business
  - a) Rules of procedure
  - b) Village documents and maps
  - c) Open Meetings Act training
- VI. Adjournment



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M. Werden called the meeting to order at 7:00 pm.

**Roll Call**

Present: M. Werden, B. Bucaro, J. Banno, C. Deveaux, G. Koziol, and M. Sarwas  
Absent: None

Also Present: Planning & Development Services Director, Roberta Grill, Village Planner, Kristy Stone, Associate Planner, Devin Kamperschroer, and Bryan Mraz, Village Attorney

**Approval of Minutes**

A motion was made to approve the February 3, 2022 meeting minutes.

Motioned by: J. Banno  
Seconded by: G. Koziol

**Roll Call**

Ayes: G. Koziol, M. Sarwas, J. Banno, C. Deveaux, and M. Werden  
Nays: None  
Abstain: B. Bucaro

The motion carried.



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**(#21-16) Massage Establishments and Bodywork Approach Businesses**

**Text Amendment**

**PUBLIC HEARING**

The following exhibits were presented:

**Exhibit A – Notification of Publication**

**Exhibit B – Letter from Massage Envy, Bloomingdale**

**Exhibit C – Letter from Kate Piscopo, LMT**

**Exhibit D – Letter from Leah Ziegler Hammerl, LMT**

**Exhibit E – Letter from James Speaker, AMTA**

**Exhibit F – Letter from Laura B. Embleton, ABMP**

**R. Grill** currently massage establishments and bodywork approach businesses are permitted by right in commercial districts as a personal service under the Zoning Ordinance. As directed, staff has drafted the attached text amendment to the Zoning Ordinance that would prohibit massage establishments and bodywork approach businesses in all commercial, industrial, public lands and in certain Planned Development zoning districts; allow massage establishments and bodywork approach businesses as accessory uses to certain principal uses such as medical facilities, beauty salons/parlors, physical therapy, chiropractic and physician's offices; permit massage establishments and bodywork approach businesses by right in the Office/Research District; and would allow massage establishments and bodywork approach businesses in certain Planned Development Districts or in Planned Unit Developments where Office/Research uses are expressly listed as permitted by right such as in the Blue Heron and Southwind developments. Staff understands that hair and/or nail salons may also wish to offer massage therapy as an ancillary use. This text amendment addresses this issue by requiring these uses to also apply for a massage establishment or bodywork approach license, if they want to have massage or bodywork proposed as an accessory use to their salon. Also included as part of this text amendment is the elimination of nonconforming land uses. If this text amendment is approved, the establishments currently located in a commercial zoning district would become nonconforming and would have a 3-year amortization period within which said uses shall be discontinued. **M. Werden** roughly how many establishments would that affect now? **R. Grill** that would affect 5 businesses that I know of now. We have one that has not opened since COVID. We are still trying to validate if that is going to continue or not. **B. Bucaro** can you provide the locations? **R. Grill** the locations are 337 S. Prospect Avenue, 140 Bartlett Plaza, 191 E. Lake Street, 949 S. Route 59, 1689 S. Route 59, and 850 W. Bartlett Road. **M. Werden** would the 850 W. Bartlett Road location be in an area that would be permitted? **R. Grill** yes, that is zoned Office/Research and would be allowed to stay. **G. Koziol** I was disappointed when I started to read this ordinance. It talks about a number of business districts. I do not think that all of the members of the ZBA are familiar with where these are located. The map with those areas plainly spelled out with the locations of the businesses should have been provided to us. Is staff going to read the entire ordinance? **R. Grill** no, we typically do not do that. If you have specific questions outlined in the ordinance we would be happy to address those. If you have legal questions, I would prefer that we have our village attorney sworn in at this time. **Bryan Mraz, Village Attorney** of 111 E. Irving Park Rd, Roselle came forward and was sworn in by **M. Werden**. **B. Mraz** stated that he did not need to be sworn in to answer questions with respect to the legal document, which is the proposed draft ordinance before you, but I would like to give a little history of some of the efforts and prosecutions



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of various businesses at different locations over the years where massage establishment licenses were suspended or revoked just so that you have some background as to the issue. I believe we have good regulations with respect to our licensing and we are looking to improve more with respect to these types of businesses. We have Chapter 29A in the municipal code dealing with massage establishment and we have 29B dealing with Asian bodyworks establishments. We can regulate the businesses. We do not regulate the licensed massage therapists. Those licenses are issued by the State and not by the Village. We have had a number of allegations that have been investigated by the Police Department over the years and charges of prostitution. Those complaints are issued to the licensee whether it is a massage establishment licensee or the business licensee. The Village prosecutor prosecutes at a hearing before the Village President and there is often a disposition. I have been the Village Attorney for over 30 years and with respect to these addresses there have been a number of businesses that have been bought and sold at those same locations and often it is when the Village issues a complaint relative to the illegal uses going and takes it through a process whether it is a suspension, a fine and/or revocation and the business owner sells the business and we start over with a new massage establishment in that same location. **R. Grill** I want to make sure that it is very clear to you that there are 2 issues with massage establishments and bodywork approach businesses. Before you tonight is only the zoning. This is a text amendment to the Zoning Ordinance. The second prong of this is the actual license restrictions. That is not before you tonight. What is before you tonight is the zoning and the zoning districts that this would apply to and that we are proposing amending. **B. Mraz** I was giving you background as to where this proposed text amendment came from. I think it would be more appropriate if I answered your legal questions first about the ordinance itself. **M. Werden** are we proposing to allow this in farther out areas, not busy commercial strips? **R. Grill** the map identifies areas where the massage establishments and bodywork approach business could be located if this text amendment is passed. **M. Werden** they would be more isolated than areas closer to downtown making it easier for them to get by with things that we do not want them to do. **R. Grill** that is not a zoning issue. **G. Koziol** the fact that they are going to be eliminated from the business districts is a zoning issue. I find it difficult because I do not know where all of these areas are. I wish I could look at a map and see where these would be. I do not understand from these codes. I feel that I am asked to make a decision here tonight when I do not have all of the information that I need. Why were we not provided with a map in the packet that identifies these areas? **R. Grill** this is the zoning map and it is available to anyone. **J. Banno** under the current zoning with these establishments, if they do not operate in a legal manner currently does the Village have authority to shut them down or fine them substantially? **B. Mraz** yes. **J. Banno** in view of that, I am opposed to zoning out of these other areas. **B. Mraz** we have a good and thorough licensing ordinance and in that there is the ability to suspend for up to 30 days and fine up to \$1,000 for each violation and when particularly egregious, we can revoke the license. There is a process. First there is the complaint, a hearing, and then a disposition by the Mayor. Over the last 30 years, when we work through that process and there is a finding of guilty, the owner will sell the business and then there is a new massage establishment. There is a provision if there is a revocation that a new business cannot reopen at that same location for a number of years, but they often sell before the whole prosecution process is completed. For example, in Bartlett Plaza, now Streets of Bartlett there was a corporation that operated for a while as Classic Massage, originally Thai Massage, doing business as Classic Massage going back to April 2021. That owner sold to an individual and that individual had an employee that was arrested for prostitution. In that instance, it was very blatant. They formed an LLC and applied for a new license, so they were actually operating



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without a massage establishment license and that business was shut down, but did not go through the whole process. It was shut down because they left and it was sold to another company, MT Tang Spa Inc., doing business as Shutai and that is the current owner. There are a number of these going back to 2015. The Asian Spa, Feng Lin Spa, and A+ Therapy all have operated out of the 377 S. Prospect Avenue site. Zen Spa, at 949 Route 59 has had roughly 5 different owners and there have been various complaints and suspensions. There have been problems and the Village has tried to prosecute those. We believe that the best solution is to down zone them in this manner. The current massage establishment on W. Bartlett Road that is zoned O/R, the Village has had no trouble with. If we were to take the total area of the O/R zoned property in the Village it would comprise of roughly 1.85% of the Village and if you exclude the Forest Preserve District it would be 2.35 percent. Currently, the B1, B2, B3, B4 and Commercial PD sites account for 3.37% of the Village or 4.28% excluding the forest preserve. We also have a number of accessory uses where we allow it as a permitted use as an accessory to the permitted businesses mentioned. It would be allowed in those areas, but it would be in connection with other businesses. Legally, if the Village Board approves this, we believe it will be a deterrent. When these types of uses are involved they are often in retail centers. There are often scantily-clad workers out in these shopping centers. We have had complaints from the neighbors across the street and from patrons and businesses in the shopping center. There is a negative effect on the neighbors and other businesses near those areas. Part of the area out west for example Blue Heron, that is a Planned Development with commercial, industrial and O/R uses allowed and it would be allowed there. There is some commercial out in that area. I can answer questions with respect to the ordinance. The Village does have the ability to adopt ordinances if there is a rational basis for it. The Village has the legal ability to gradually eliminate uses if they are incompatible with the character of the location. These uses have secondary affects that arise from them on surrounding properties, neighboring business, and residential uses that are negative. **M. Werden** you mentioned scantily-clad people. Are these people trying to attract business? Are they employees? **B. Mraz** no, that is just how they are dressed. They are outside smoking and people are coming to the shopping center with their kids. For instance, on Prospect Avenue, there were several instances that I can recall at that particular location. **M. Werden** did staff receive any calls or comments from the public while the notice was posted? **R. Grill** I had 2 FOIA requests, but nobody came in. **M. Sarwas** the businesses that we have had problems with in the past, was massage their sole service that they provided? Were they combined with a nail salon? **B. Mraz** these were solely massage. There was a time period when these businesses were not licensed by the State as Asian bodyworks and the State was not regulating that. The Village moved to plug that gap to try to regulate that, but more recently, we have seen arrests with licensed massage therapists not just the Asian bodyworks practitioners, which were not regulated by the state. **M. Werden** when was the most recent case where we had a legal issue or enforcement issue with them? **B. Mraz** in October 2021. **M. Sarwas** how would we address a large franchise like Hand and Stone or Massage Envy that would certainly not go into a hidden spot in the Village and would generate revenue? **B. Mraz** you are correct, they would not be allowed except in those areas. The Village cannot draft an ordinance to make an exception for a national franchise and eliminate others. You are correct, this ordinance would dissuade the large franchises from operating if they only want to operate in a commercial district. **G. Koziol** in the areas where these businesses are today, can we monitor and enforce the rules that we have in place today. Why do we have to put them in remote areas of the Village? What is to say that if we put them in these more remote areas that enforcement will take place in a manner that we better like? **B. Mraz** the police department works countless hours sending



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officers in undercover based on the complaints by a neighbor or by someone who witnessed what they believed was going on and that generates the investigation of that site. There has to be an occurrence of a violation that would start the whole process. **G. Koziol** the problems of enforcement today will probably be the same problems tomorrow in these new areas. I am afraid that these new areas would create a red-light district. **B. Mraz** I do not agree. I think it will be a deterrent. Some people will not want to go into the industrial district and so I think there will be fewer. I do not think they will move into those areas. The Village cannot have exclusionary zoning to exclude a use. Adult uses can be allowed in industrial areas. Do you want them there? Do you want them anywhere? Generally, no, but they have to be allowed somewhere and this is the same type of concept. They often do not want to be in industrial areas. If these establishments are in commercial areas, they are affecting residences and businesses more directly. I believe there will be fewer because they will not want to go there. **G. Koziol** I feel like the goal is to disincentivize businesses like this from opening in the Village. **B. Mraz** yes. **G. Koziol** if it can happen to businesses like this today, what is to prevent it from happening to other businesses tomorrow? **B. Mraz** hopefully, the Village Board would not do that. There has been a history of problems. It is the belief that the current regulations are not enough and that this amendment will be more effective than regulations that historically have not worked to solve the problem. **J. Banno** this proposed change to the zoning is going to prevent establishments that want to operate within the perimeters of law from operating in areas of the Village that are more desirable. Whereas establishments that are not going to follow the laws are going to operate as they wish wherever they are. **B. Bucaro** I agree with that. Those businesses know the system. This would just be moving the problem from the commercial districts to the O/R district. I do not think the problem is going to go away. We see how they buy each other out and change the name. They will do that as much in an O/R district as they do where they are now. The legitimate establishments are the ones who are going to be hurting because they will not have the visibility. I do not think the other ones need the visibility. They advertise on the internet. In some regards, they might like being in a remote area more. This will just move the problem. We need to eliminate the problem. **B. Mraz** let me give an analysis of what has happened. Way back when, dirty book stores were allowed in towns in commercial areas and since you cannot exclude it, they were located in less desirable areas and those businesses did not want to be there, so on the contrary, we would not have a red-light district. I think it is analogous to that. I do not believe this will just move the problem, but eliminate or minimize the problem. I think it will be a deterrent in the sense that they do not want to be in these less desirable areas. **G. Koziol** I feel like this is semantics. We are saying yes, you can have this business, but we will only offer you less desirable locations in the Village. That is not fair. **B. Mraz** this continues to be a problem. There are tools in the current ordinance, but that alone has not been successful and has not solved the problem. This change is an extra layer of protection from a zoning perspective. **G. Koziol** I feel like we are declaring these businesses as bad first and likely never to be proven as good. I think it should be the other way around. I think it should be declared as a good business until they have violated the law in some fashion. **B. Mraz** that is the issue of regulation and we are modifying those as well, but almost every one of the locations that I mentioned but for the O/R and some of the newer locations have had violations. We do go through a process when there is a violation and there have been penalties imposed, but that has not solved the problem. We are trying to solve the problem from a zoning standpoint because regulations alone have not been effective. **B. Bucaro** is there a limit to the number of massage establishments that would be allowed in any O/R district? **R. Grill** no, we are not limiting the number. We are permitting them by right. **G. Koziol** a business today that would face



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the 3-year amortization would have to relocate into one of the O/R districts if they wanted to stay in Bartlett and if there was no space available they would be forced out. **R. Grill** that is correct. **M. Sarwas** is there space available in any of those sections today? **R. Grill** some of these areas are still vacant. **J. Banno** are there other villages that are using this type of ordinance for enforcement or are we the first? **B. Mraz** this is somewhat novel. The Cook County Zoning Ordinance lumps massage establishments with adult uses. We do not call them adult uses, but Cook County put them with other adult uses and has relegated them to industrial areas in unincorporated Cook County. **G. Koziol** can you specifically name other towns that are doing this today in this manner? **B. Mraz** no, not on massage, but on other uses. We looked at case law and adult uses have been done in this manner, but in terms of another town that has adopted what the Village is proposing, no. **R. Grill** there are some towns that allow massage establishments and bodywork approach businesses as accessory businesses. That is not unique to Bartlett. We did research and found several towns that have regulated those establishments in that manner in conjunction with a doctor's office or chiropractic office, health club or gym, they allow massage establishments as an accessory use. **G. Koziol** this would force the independent business and entrepreneur from opening unless they wanted to work under a chiropractor or beauty salon business. **R. Grill** it would be allowed in the O/R district or the PD district as a principle use.

**M. Werden** opened the public hearing portion of the meeting.

**A. Hopkins** of 976 S. Chippendale Drive, Bartlett came forward, was sworn in and stated, obviously, I am opposed to the zoning text amendment. This is a slap in the face to massage therapists. I understand where staff is coming from and I am glad that the Village attorney is here tonight and spoke about some of the instances in the past because something did happen in 2015 and at the time, the Village Board asked if I would sit down and talk with the Village attorney, we met and that is where we came up with the other licensing for practitioners of Asian bodywork. Obviously, Illinois is now going to regulate them so that aspect has to be changed, but there was some other great stuff that got put into that ordinance and so I want to share with you guys what has happened since 2017 because I did FOIA for documentation after that ordinance was passed and I wanted to see, almost as an independent audit, what was happening with that type of ordinance that went into effect. Let me cite some of the things that I found. There are things that are redacted and things that I am not entitled to, but from what I have found and this goes into what warrants a zoning change and this is information that you need in order to make a zoning change, which is very much important for a zoning change. Here is what I found. Since 2017 to today, which is 2022, zero code violations have been sent to any massage establishment, 2 complaints have been reported to the police department, and zero fines have been issued related to code violations. There have been unfortunately, 2 arrests, but as the Village attorney stated, 1 of those establishments did not have a massage establishment license, so technically, there has only been 1 arrest at a massage establishment. If you want to claim 2, that establishment would not have re-opened because in our ordinance it clearly states that if there is an arrest for prostitution that is a revocable offence. This happened in 2017; however, the Village decided not to revoke the license. There has been 1 letter sent to the Village from residents or business owners about 1 establishment. That is what I found. The police have been called out to some establishments and they do compliance checks. We also touched on enforcement. It is very hard to enforce these places. I spoke to the Village Board in November about curtains in the windows. If they cannot enforce curtains in the windows, how do they enforce everything else in the ordinance? This is an easy thing



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when you drive by. Our ordinance clearly states that there has to be an unobstructed view into the waiting room area. The Village attorney stated that they are walking around scantily clad. Okay, great, from 2017, there is no documentation that ever existed and if it did, I was not able to get that information or that information was withheld from me illegally and if that takes place that is reported to the Health Inspector. A code violation is then sent. That is the proper procedure in that case. Again, enforcement. This is such an issue. This is such a problem. How many times is this enforced? There is an email response stating that it is twice a year. I will tell you, since 2017, I am going to say it is about 62 months, of the establishments that have been open since 2017, there were a couple that for some reason, I did not get the applications for, which was part of my FOIA request, which I am a little concerned about, but will say there are 3 establishments, of those 62 months, there have been 8 inspections conducted by the Village Health Inspector. That does not sound like a lot of enforcement to me. However, on behalf of the Village, I will say that the police do compliance checks. It is not as many as the health department does. I do not want to go into the numbers and specifics of that, that is a police issues and I feel like the Chief of Police should have been here to talk about that. **M. Werden** one clarification, the health department? At what level? **A. Hopkins** the health inspector, I believe his name is Bruce, he is employed by the Village. He will check to make sure the business hours are posted. He will check to make sure that the therapists are properly licensed. He will check to make sure they have their driver's license to match the State ID. He checks to make sure hot water is working and things like that, but again, there are several times where he went there, noted on his reports that the blinds need to stay open and sometimes he marks that there has been a re-inspection, but there is never any documentation that he has gone back to reinspect and the curtains in the windows violations, those stand. You can drive by some of these establishments. You cannot see in. That is a problem. We have to figure out a way to enforce that. Staff also mentioned the accessory use. I am glad they are putting this in here because this is something that I asked for in 2015 because a beauty or nail salon can have massage and before, the Village could not regulate them, so I applaud them for adding that. However, I should let you know that will increase enforcement time for the Village and staff dedication because there are 15 to 20 beauty salons in the Village. All of those now have to be enforced. You have to go in there and make sure they are not doing massage. That is going to take up staff time, but I am okay with that because that is an option after the 3-year period. As one of the commissioners mentioned, after the 3 years, one of their options is to open a nail salon and still have a couple of rooms in the back as long as, I believe the percentage is 20% of the business, is not dedicated towards massage, we could stay in business in those locations. Franchises will not be allowed in the Village if this passes. They could go on the west side of town, but again, the franchises look for desirable locations and higher traffic like off of Route 59 or Route 20 and that is important. The Village attorney referenced adult books stores. Why are you lumping every massage establishment in with adult use? Maybe 40 years ago, before the internet that was a thing, but today, it is different. There are so many different modalities of massage. You are wiping out a whole licensed profession saying that if you want to work in the Village of Bartlett you are going to have to work in a chiropractic office or a medical facility. I work for Massage Envy because I need the flexibility, but one day, I would love to open a medical massage business, but I would not be able to do it in my hometown where my family has called home since 1938. It would not be allowed. That concerns me and not just for myself, but for other potential business owners and people that are in school now. What do we tell them, that the \$10,000 to \$20,000 you are spending on schooling, Bartlett does not care? Bartlett views you as an adult use and that concerns me. Back to my original point, it is enforcement. The amendment to the



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ordinance that the Village Board is going to look at does strengthen enforcement, but enforcement does not do anything unless you actually do it. I am going to state to the Village Board that they need to give staff directives to enforce this. I did lay out for the staff, they did not even want to hear it, when I had to sit down with them, easy ways for staff to enforce this to make sure all areas are covered without making it invasive or increasing staff hours dedicated to this. One thing I did find throughout all of my FOIAs is that everything is kind of all over the place. It looks like there is no organization and I think that is part of the issue with the enforcement. There are things all over the place. People have to look for things. Things are not properly dated and the inspections are scribbled on and not even on official massage establishment forms, they are on food establishment forms and they just cross that out and put things on there, so I think there needs to be updates to those procedures as well. I could go on and on and on. I would love the opportunity if there is something I need to rebut because I do have a lot of information with me, statistics and facts from the past 5 years that I can recall if I see any discrepancies. I want to remind you that massage therapy is not sex work. I want to make that clear. Voting against this does not mean that you support prostitution or human trafficking even if that is what staff wants you to believe. **Linda Moore**, 3435 Grand Blvd, Brookfield was sworn in and stated, I have been a massage therapist for 30 years and I have been a massage educator for 20 years. I have worked for the Illinois State Board and I am board certified. I currently own my own practice. Massage therapy has multiple aspects and benefits for various people. If I were to open a business in Bartlett I am not sure if my clients would be able to come. The clients I work with have medical issues. Having worked on the State Board we have looked very hard at how to understand this issue. I looked at the ordinance that you already have and I am impressed with that ordinance. I feel that enforcement within the ordinance that you already have is definitely going to be of benefit. As some people on the committee here mentioned, in isolating things, you are creating a red-light district. The attorney was mentioning the Asian bodyworkers and there is currently a senate bill that is being worked on to get licensure for Asian bodyworkers. They are looking into organizing and licensing that aspect because they are exempt from the Massage Therapy Act. I ask that you please vote no on this ordinance and see if you can look at enforcing the ordinance that is already in place. **Lurana Bain** of 428 Mill Street, Batavia was sworn in and stated, I am the Director of the Massage Therapy program at Elgin Community College, a licensed massage therapist with the State of Illinois and a Board-Certified Massage Therapist. Massage therapy as a profession holds its members to ethical professional standards. This profession, which is as legitimate as physical therapy, occupational therapy, and esthetics is being singled out and discriminated against. Other licensed professions have not been regulated to the fringes of a community. I would like you to consider the impact of the proposed amendment. When Bartlett initially enacted this ordinance several years ago multiple municipalities used the ordinance in creation of their own and looked to Bartlett's current ordinance as a solid ordinance to amend and use. In this capacity, Bartlett has been a leader. The current ordinance may not be perfect, but it is good as evidenced in many others using similar versions of it successfully. I ask that the committee to consider if this is actually a zoning issue or more likely a zoning enforcement issue, which would negate the need for a zoning change. Please consider the impact of your decision to all of the stakeholders involved and vote no to this change. I would be happy to work as a consultant free of charge on anything the comes your way as a town and I know there are many other professional massage therapists who would also welcome the opportunity to make a positive impact on this profession in your town. **Mike Kelly** of 118 Bartlett Avenue, Bartlett was sworn in and stated, I have been an attorney in Bartlett for 39 years. Tonight, I am speaking for several owners of massage



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spa businesses in Bartlett; Shutai, A+ Therapy and Zen Spa. This is the only group that I am speaking for this evening. I would like to thank the board. I know how hard you work and I do not know if everybody here knows that you are volunteering your time week after week, so I certainly appreciate it. Some of you have been here for decades, I know, so we appreciate it. I strongly disagree with this ordinance. I appreciate the hard work of the staff. They try very hard and it is an honor to be here with Mr. Mraz who is undoubtedly the best Village Attorney that I know although I disagree totally with what he has said here this evening. I want to thank Mr. Hopkins and the ladies who spoke. A lot of the statistics that have been used were identical so I can totally support what was said under oath from these people that spoke earlier. I have been here for 39 years. I am 66 years old. I have a business that supposedly, whoever came up with the ordinance, thinks could be trouble right in the middle of Gorski's parking lot so let's move it out to Blue Heron where it is nice and private and nobody is out there. What is it more likely going to happen? Where is the bigger problem going to be? Is it going to be out there or is it going to be here? We know there are going to be way bigger problems when any business regarding people in the evening is stuck out in the middle nowhere. If these businesses are required to move, someone on the board said it earlier and I could not have said it better, what is next? Certainly, we know we have a good board and this present Village Board is not going to hurt anybody, but there are going to be many, many, many Village Boards after this and you have given them the gun. You have said okay, here it is, you can kick somebody out and who is going to be next? We know there will be somebody next. Maybe not next year. Maybe in 5 years, but the precedent will have been set and you cannot unset it. As far as the time devoted, I appreciate that there have been inspections and over 40 years here, yes, of course there have been problems in every business, but I tell you, if we just examine bars, where is more police time spent, trouble at bars or trouble at massage spas? I will bet every dollar that I have and ever will have that it is hundreds of times, maybe thousands of times more spent fixing problems, fights, traffic accidents, DUIs, under aged drinking, and that is the bars. I am not beating on the bars, but nobody is asking to move the bars. Lastly, just any comparison to the Asian massage and dirty book stores and adult uses is just completely unfair. These are ladies that have children. One of the daughters is here. These are fine ladies and to compare it like that is insulting. In my view, this ordinance, with due respect to the staff is discriminatory. The ordinance clearly discriminates against Asians. It deprives them and will deprive them of their property rights. There is no mistake, Asian is used throughout the ordinance. I do not see any other race. I do not see Irish. I do not see anybody else, I see Asian. This proposed ordinance would do no good in my view and would not help anyone. Instead, it would just discriminate against these hard working people. I do not know what makes a Massage Envy and I have nothing against Massage Envy, they are fine organization, but what makes a Massage Envy or Hand and Stone good, but an Asian massage bad? I do not know, but that seems to be the idea. These people are US citizens. You people here need to know that. These people came to America. They worked hard. They became citizens. They were not born into it like me or most of us here, they worked at it. They have built these businesses by their own hard work. I asked them, they each average 72 hours a week and never get a vacation. They work every day. They work incredible hours. They do not hurt anybody. They provide a valuable service. They do not hurt the community. They do not get any TIF money. They do not get any BEDA money. They do not ask for money from the tax payers. They follow the law. They are licensed professionals. They have to get licensed. They are inspected by the Village. They should be inspected by the Village. This town we know has dozens of gambling establishments. They are in nearly every restaurant and bar. Studies have shown that gambling is a major cause of family breakdown, domestic abuse, and suicide. I



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have seen no move to prevent gambling. I just see it expanding. Every month there is another one. In this town we have dozens of bars and liquors stores. Like I said, countless studies have shown that alcohol contributes to domestic abuse, family breakdown and drunk driving, alcohol-related accidents and fatalities, but like I said, I do not see any move ever to keep bars out of this town. Massage therapy, as indicated earlier, I am sure no expert, I just read about this before I was here, but it has a very positive impact on mental health and many studies have shown massage therapy helps with anxiety and depression. Studies have shown a direct causal relationship between massage therapy and help for those who suffer from anxiety and depression. The *Journal of Military Medicine* recently published research that found massage therapy helped military veterans suffering from pain, worry, anxiety and depression. Massage therapy is a part of almost all posttraumatic stress disorder treatment for veterans. To me, in my opinion, this ordinance is discriminatory and unconstitutional on its face. These owners are single moms and the sole source of their income for their families is their business. Like I said, they are United States citizens. They pay their taxes. They have invested their life savings into buying these businesses. Their businesses are not cheap. They have borrowed or used all of their savings so this is everything to them. That is all they have. If this ordinance is passed it will be taken away from them. They will lose everything. All of their work would have been for nothing and just thrown away because they cannot have their business where they built it. The Village as was said earlier, has many rules that can be enforced. Enforce the rules, do not just throw these people out. That is where due process comes in. This would effectively steal their businesses. The 3-year sunset provision is really worthless. If you know your business has to shut down in 3 years it has not value. Who is going to buy a business that they know is going to shut down in 3 years. Oh great, we do not shut it down this month, you have 36 months, but you cannot have it here so nobody is going to buy it. The ordinance targets dramatically the majority Asian citizens and business owners, and again, in my opinion, it is discriminatory. The ordinance ignores the medical benefits that massage therapy provides for those suffering from depression and anxiety as I said. These spas are singled out not on the basis of the harm to the community, which really, I have not heard any, but evidently on the type of business and Asian nationality of the people. These therapists are licensed by the State of Illinois and the Village. They are asking nothing from this government except to operate a business and to raise their children. When they came here from communist China they were told this was the American way, that they could build a business and if they did good, worked hard, and followed the rules, they would do well. They work hard and follow the rules, but they are being told that because other people do bad things in other towns, which I do not know where they are, probably Chicago, then they are going to be punished. I think this ordinance is very unfair. It is the most unfair thing I have ever heard of. I cannot remember anything more unfair. I ask you to vote no. Do not take away these people's business and do not take away their savings and everything that they have tried so hard to build. **Rudy Fan** of 1689 Route 59, Bartlett was sworn in and stated, I think a lot of people here know that being an entrepreneur is hard and now you are making it harder. If I had a salon or a doctor's office I would not want to make room for massage. That would not be feasible. If a business wants to do bad things they will do it regardless of where they are located. Trying to move them from one space to another is not going to solve the issue. The zoning would be so limited and in the same spot. How would you have 5 massage establishments in one area? This ordinance will just create more problems and not fix the problem. There are other ways to fix the current situation. You cannot completely eliminate one thing because it is not perfect. Passing this ordinance in my opinion will just create more issues. **Natalie Pendergrass** of 22 S. Alfred Avenue, Elgin stated, I have my own massage practice. That is the second location that



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I have worked out of. I now work out of my home, which is zoned by the board. Thankfully, our board was willing to hear my case and I was allowed to get special zoning. My first location was a store front on Larkin Avenue, which is a main busy street through town where I was able to open 3 massage rooms at a reasonable rate for my fellow massage therapists who graduated with me. I have been teaching at Elgin Community College for nearly 20 years and have educated many massage therapists who have gone on to be wonderful therapists. Massage therapy can do so much for so many. I have been able to help clients that were told they need surgery, but have come to me for therapy and no longer need surgery. I train people to do things like that because people do not always want surgery or medication. They might want a way to heal with hands on therapy, which has been proven historically to be beneficial. Massage therapy has a very long history. It is one of the oldest traditions and yes, prostitution is as well and we cannot help that. We cannot control the fact that prostitution has been made illegal and there are people who still choose to practice that. That is beyond our control. However, we also cannot control the fact that they have chosen massage therapy as the closest thing they can come up with because they consider themselves hands on. That is not our fault and should not be held against us. Rather, we would like to see the villages, boards and code enforcement officers doing their jobs and enforcing what is legal and what is not legal. All of us who are practicing legally and helping to improve lives want to be able to continue working legitimately, legally, and in reasonably priced places. I was able to rent space to other therapists at a reasonable rate. A friend of mine works for a chiropractor and has to pay \$1,000 a month to do so. You are putting us out of business in multiple ways if you pass this zoning. It is unfair and should not be allowed to pass. It is racially biased and I am very offended by the fact that my profession was compared to prostitution during this meeting. There is not one race who has done this more than another. Thankfully, the state law is coming in alignment with what it should be, but now we also need everybody else to accept that massage therapy is a legitimate profession. We are licensed. We have trained hard and we work hard. We get continuing education every year. I am a nationally recognized educator and I will be teaching at a state conference next week. I plan to continue teaching because I find what we do extremely valuable. **M. Werden** I think this ordinance change is absurd. I have been on this board for over 42 years and I have never been more opposed to something than I have been today. We have had our intelligence insulted. Why would we think that moving things to an industrial area is going to solve the problem? It is not going to solve the problem. The more isolated, the more they can get by with things. I certainly hope we vote this down and that the Village Board is not foolish enough to override us. **B. Bucaro** I think this ordinance puts the cart before the horse. The existing ordinance is a model for other communities. I looked at Schaumburg and St. Charles. I do not agree that moving these establishments will be a significant deterrent. I believe the deterrent will be for the bad actors to look at Bartlett as having a strong reputation of enforcement. I do not think this is the right thing to do. It is sending the wrong message to the profession and the wrong message to the entire business community. **M. Werden** I think we blew it with this proposal. **C. Deveaux** the curtains being open at these establishments. I noticed at the establishment at Streets of Bartlett, the curtains are not open. Code enforcement needs to be improved. I think that will be caught more in a busy area than in an isolated area. **G. Koziol** I have been on the ZBA for 19 years and I totally agree, I have never been so strongly set in my opinion on how this should be and it should be that we do not approve this ordinance change as it exists today. It is the wrong way to do things. **M. Sarwas** I appreciate that this is a problem that needs to be fixed and as a Village resident I am appalled that we have these kinds of problems and we do need to do something about it, but I think we are attacking the wrong problem. Maybe it



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is not just the enforcement and maybe it is not just saying no to this ordinance change. There may be some other solution that we need to look at. We owe it to our businesses to be fair. I come from an industry that is discriminated against and has been banned from other towns in years past so I get the hardship, but I also understand that we have to do something to protect the residents in the Village, but I do think there is a different way to do it. I think we need to do more investigation before we just make a sweeping change that could drastically change the lives of many people. **B. Mraz** I understand your points and I understand your concerns. We have worked at improving the regulations. The Board has looked at that at a Committee level. I strongly disagree that this draft is discriminatory. When we use the term Asian bodyworks, that is a defined term in State and Village regulations. We were specific and tried not to discriminate in trying to solve this problem because of the number of bad actors, but there was no intent to discriminate against people of Asian descent, it was written neutrally. Enforcement is more what we are hearing. We are proposing a drastic step and we have just heard your input and opinion with respect to the text amendment that is before you.

**G. Koziol** made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#21-16) a proposed Text Amendment to Title 10 Zoning Massage Establishment and Bodywork Approach Businesses.**

**M. Werden** closed the Public Hearing portion of the meeting.

**Motioned by: G. Koziol**  
**Seconded by: B. Bucaro**

**Roll Call**

**Ayes: None**

**Nays: M. Werden, B. Bucaro, J. Banno, C. Deveaux, G. Koziol, M. Sarwas**



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**Old Business/ New Business**

**M. Werden** what is the next step? Will this go to the Village Board at the end of the month? **R. Grill** we will let you know. The next step is Village Board Committee. I do not have a date yet for certain. **M. Werden** asked if there was anything else coming up. **R. Grill** no, not that I know of. **G. Koziol** thank you to everyone who showed up tonight and spoke. We appreciate it. I am glad to know that people care.

**M. Werden** asked if there was a motion to adjourn.

**Motioned by: C. Deveaux**

**Seconded by: M. Sarwas**

**Motion passed by unanimous voice vote.**

**The meeting was adjourned at 8:50 pm.**



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J. Lemberg called the meeting to order at 7:05 pm.

**Roll Call**

Present: J. Lemberg, Chair, A. Hopkins, M. Hopkins, J. Miaso, J. Kallas, J. Kapadoukakis  
Absent: None

Also Present: Roberta Grill, Planning & Development Services Director, Kristy Stone, Village Planner and Devin Kamperschroer, Associate Planner

**Approval of Minutes**

A motion was made to approve the February 10, 2022 meeting minutes.

Motioned by: J. Miaso  
Seconded by: J. Kallas

**Roll Call**

Ayes: A. Hopkins, M. Hopkins, J. Kallas, J. Miaso, J. Kapadoukakis, and J. Lemberg  
Nays: None  
Abstain: None

The motion carried.



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**(#21-13) Hanover Township Campus Extension**

The following exhibits were presented:

**Exhibit A – Picture of Sign**

**Exhibit B – Mail Affidavit**

**Exhibit C – Notification of Publication**

The petitioner, **Mary Cave, Project Manager**, Thomas Engineering Group, 2625 Butterfield Road, Oak Brook came forward and was sworn in. **M. Cave** stated that the campus expansion will be in the 7.9 acres directly south of the existing Township Townhall and will be utilizing the existing entrance on Route 59. The existing entrance into the residential property will be removed. **James Barr, Hanover Township Administrator**, 0N550 Wellington Court, Geneva came forward and was sworn in and stated that this expansion will provide an opportunity of growth of the Township campus that aligns with our strategic plan while preserving and enhancing wetlands and green lands on the property and making it accessible to the public, especially senior citizens, those that use the senior center as well as Victory Center and youth that are engaged in our youth and family services programs. The Township has had discussions with the former property owners going back over 10 years regarding this property. The most recent discussion started approximately 18 months ago and the Township closed on the property last March. Since that time, we have retained FMG Architects, Inc and Thomas Engineering Group to aid in the design, planning, and annexation of the property. The Township's Department of Emergency Services was established approximately 14 years ago and has operated at the fire barn. Since that time, the department has grown to 25 volunteer members and has over 200 call outs and preplanned events a year. Most of the services of the department include traffic control, scene lighting, decontamination, search and rescue, severe weather spotting, damage assessments and debris removal. The emergency services station that is planned for this property will have 24/7 coverage for immediate response to call outs with additional personnel called back in for medium to large scale events. The emergency services station will have bunkrooms, a training room, communications room, a director's office, equipment room and 12 bays. A full-time director will be based out of the station during normal business hours along with 2 to 3 volunteer members at any given time during the day. Additional members may be present for periodic meetings or training. There are usually 2 volunteers present overnight for immediate response. Additionally, most regularly scheduled training occurs at the facility on Wednesday evenings between 7 pm and 9 pm and periodically on Saturday mornings with approximately 10 to 15 people present. The Township anticipates continuing to lease the fire barn and relocate some of our buses to that location to get them under a roof. The immediate plans are focused on the emergency services station and after that, renovating the main house on the property into headquarters for our department for the facilities maintenance staff and improving the wetlands and making those areas around the ponds accessible to the public and longer term, adding a cemetery. There has been interest in a township cemetery. There is no longer a public cemetery in most of the Township that has available plots. That will be several years out. **Jason Estes, Project Manager, FMG Architects, Inc.**, 4N591 Shadow Way Ln, Elburn came forward and was sworn in. **J. Estes** stated that the existing facility is going to be utilized for the office function. The front porch will be removed and an apparatus bay addition will be added to the building. The addition will match the existing building with a pitched roof and masonry knee wall. It will be a metal-skinned wooden structure to house all of the vehicles and get those under a roof. In addition, there will be restroom facilities,



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decontamination facilities, mechanical space, turn out gear, lockers, and equipment storage. We are looking to blend these facilities together and give them a good response zone so that they can meet their mission statement for the services. **Vince Micek, Project Engineer**, Thomas Engineering Group, 3S483 Barkley Ave, Naperville was sworn in and stated that as part of this project there was quite a bit of permitting required through DuPage County to address all of the environmental and storm water components. As part of that permitting process, we completed a wetland delineation report and identified 3 wetlands on site. The street and facilities on site were designed to make sure that the largest wetland was not impacted directly or indirectly. The second largest wetland is quite a way off from the proposed improvements and there will be no impact on that wetland. The wetland in the far northeast corner will be impacted. It is a low-quality wetland that will be mitigated with a detention basin in the northeast corner that will be planted with wetland plantings and a prairie on the upslope. We also did an inventory of all of the trees. There are approximately 2,000 trees on site. Each tree was inventoried for health and structure as well as species. As part of the improvements, we will remove a lot of the invasive species and preserve and protect native species. There is also a pretty robust landscaping plan to add native species such as oak trees. **M. Cave** we are proposing 3 phases of the project. The first phase is the emergency services station. It will include the building addition, the parking around the building and the driveway into the property from the north. We are providing more parking than is required. Most of the parking for the services station for the volunteers and employees will be south of the building and we will have extra parking to the north to be used for future uses. The building is located approximately 200 feet from the south property line and 100 feet west of Route 59. We are leaving any wooded areas that are not under the construction footprint so that will provide quite a bit of buffering just using the existing vegetation that is there and we are also providing landscaping to the south of the parking lot to provide an additional buffer for the properties to the south. The existing access drive for the Township will be used to enter the site. Those wishing to exit can also use that drive or drive through the entire Township campus and exit to W. Bartlett Road as well. We have prepared a traffic study that has been reviewed and approved by IDOT already. Phase 2 is renovating the main house to provide offices for the facilities and road maintenance department. We will also be sending water and sanitary sewer to the site. Right now, it is septic and well. We are extending water down to Sayer Road. We need to do that in order to loop the water main so that the water system will work correctly. We are also planning to increase the size to make it mesh into the Village's water system better. There will be a turn-around that we will design during phase 2, but there will be no connection to Sayer Road for vehicles. The vehicles will turn around, have parking there, and leave the site to the north. The final phase is the public cemetery in the northwest corner of the site leaving a buffered tree area around the perimeter with walking trails. We will be removing the invasive species and improving the quality of the wetland and bringing the public to them with the walking trails. We are providing extra parking at the emergency services station. The public can use that parking to access the walking trails once they are built. We are also building a sidewalk that will go from the parking lot up to the parking lot for the existing townhall. If there is ever a need for additional parking that area can be used as well. **K. Stone** I do want to clarify the annexation of the property. There are currently 2 parcels that are within the corporate limits of the Village. There is 1 parcel that is unincorporated that they will be annexing. They are proposing to rezone all 3 parcels to the P-1, PUD Zoning District. They are also proposing a Plat of Consolidation to consolidate all 3 parcels into 1 PIN as well as



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dedicate a portion of their property for Sayer Road. Currently, their property line goes into Sayer Road. The property is currently designated as residential on our Future Land Use Map. The petitioner is asking to amend that to municipal and institutional uses. Staff recommends approval of the petitioner's requests subject to the conditions and findings of fact in your staff report. **A. Hopkins** this is a great presentation. Everything was laid out very well. What is the timing of each phase? **M. Cave** we are anticipating starting the first phase this spring. The second phase is 2 to 4 years out. The third phase is 3 to 8 years out. If we are able to get funding for the walking trails those would come in as soon as we can get funding. It is a great opportunity and would provide a great amenity to the area. **M. Hopkins** when will the cemetery portion of the property be cleared of trees? **M. Cave** trees would remain until they are ready to build. We have had preliminary talks about the trees. With previous cemeteries that I have worked on, a designer came in to plot that out. Cemeteries are actually changing. They are not straight up and down rows any more. There is an opportunity to leave trees in and create walking paths where remains would be below trees. There would be no clearing until they are ready to begin. That area has great trees and we have arborists on staff to keep an eye on what we need to clear and what would stay. **M. Hopkins** will there be buildings as part of the cemetery? **M. Cave** no, there will not be buildings. Most likely there would be some columbariums. **M. Hopkins** as these phases progress over time, what will the limitations be on public access to the back property? **J. Barr** this is public property and the intent is to allow the public to access the property unless there is active construction going on in a particular area. **J. Kapadoukakis** I am very familiar with this property and I think the plans are beautiful. Going in and out off of Route 59 is a concern to me for the seniors using the property and people going to the Township for assistance. Is there any way to possibly avoid all of the traffic going out to Route 59? That is a very heavy accident-prone area and it is a very hard crossing to enter. I do have a concern about adding more vehicles coming in and out as well as construction vehicles. **M. Cave** actually, IDOT was very happy that we are removing an entrance. The fewer entrances on their state route, the less opportunity for conflicts. We are requesting from IDOT a temporary construction entrance during construction to remove construction traffic from the township entrance for residents and people that use the townhall and senior center. We are trying to find an opportunity during construction to keep those trucks away. Future use is actually very low impact. Our traffic study looked at peak hours in the morning and evening. During that time, we are really only adding 10 to 20 vehicles accessing the property for the new emergency services station and the office. Those using the walking trails in the future we anticipate will be a lot of the people that are already using the trails on the campus now. The higher peaks will be in the evenings and weekends when there is less traffic coming in and out of the townhall. **J. Kapadoukakis** who is utilizing those trails now? **J. Barr** the senior center and the Victory Center primarily use the trails now. **J. Kapadoukakis** what will you be doing with the connection on Sayer Road? **M. Cave** there will be no connection on Sayer Road. The plat that we provided for Sayer Road has a triangle of property that would be in the best interest of the Township not to own and we need it to go to the Highway Department. **J. Kapadoukakis** where would the people visiting the cemetery exit and enter? **M. Cave** at the time of a burial ceremony there would be vehicles, but it would be very sporadic and they would use the turn-around. Staff would need to approve traffic or extra parking during the design of phase 3.



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**J. Lemberg** opened the public hearing portion of the meeting.

**John Valavanis** 8N194 Naperville Road, Bartlett stated that Naperville Road connects to Sayer Road and I just saw today for the first time that you are not connecting to Sayer Road. Please update the website because public records show that there is a connection to Sayer Road. I am concerned about the wild animals in the area and how you are going to upset them or relocate them with the plans for this property. You addressed the 2,000 trees there and I am concerned about wildlife protection with the trees that are there. The picture of the service building depicted several lights, which I am assuming would be illuminated at night. That is going to bring distractions to the wildlife as well as our neighbors with lights glaring in our backyards all hours of the night because you are going to want security there. I would like to know what is going to be done to buffer that and make sure that we are not disrupted. Also, the noise factor if it is a maintenance building, what type of noise can we expect to hear? My backyard has a hill with a valley and I can hear the train 3 miles away. Noise coming from this will be intrusive to us. **M. Cave** the lights will be LED lights and will not shine up. They just shine down. There will be no spill over even a little bit past the parking lot. We are 200 feet from the south property line and 100 feet from the east property line so we do not anticipate much light pollution. I discussed the noise with the Township. The emergency services station is used for traffic control and weather spotting. There will not be sirens used. They are maintaining vehicles and there are garage doors to keep that work inside. In terms of the animals and the environmental impact, we have identified some trees that are habitats for different native species. Some of the trees are dead and we are going to keep some dead trees. We are going to remove the invasive species. We are trying to provide a great habitat for the animals that are there. This is a gem in the area and we want to keep it that way. **David Trupiano** 347 Sayer Road, Bartlett stated that the cemetery is my concern. I live on the corner of Sayer Road. My daughter and many kids play in the backyards next to the proposed cemetery. There are wells and my concern is contamination from the wells from seepage from the cemetery. The walking trail is a fantastic amenity, but who is going to use it, the people that work there? We would love to have access to the walking trail where the water line is to give us availability. We do not have a sidewalk down Sayer Road so access to that walking trail would be ideal for us. There is a huge plot of land there. Could you give us a park for the kids? There are kids that cross the street on Sayer Road and that is the most dangerous part. I live on that bend and people go 40 miles an hour around that bend. It is a huge concern for us. A speed bump there with access to get to a park or the walking trails would be a request for us. **M. Cave** in terms of contamination from the cemetery, things will be sealed and we do not anticipate seepage. This is going to be in a future phase. If there are any concerns, we will make sure those are considered during the design. I think a walking trail connected to the neighborhood is a great idea. This schematic is not the final approved site plan for the future phases. We can try to add that. In terms of traffic calming, that would be a separate issue for the Highway Department. Hopefully, we can provide some amenities to the neighborhood as well. **Fred Bapper** 1126 Preserve Trail, Bartlett asked if there would be fencing around the property? **M. Cave** fencing right now is not proposed or required because we are leaving a landscaping buffer around the entire site. **Connor Kewaf** 8N135



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Naperville Road, Bartlett my biggest concern is about contamination from the cemetery. The World Health Organization states that a cemetery should not be closer than 800 feet to a water source. My well is about 320 feet away. The cemetery is the biggest concern for our drinking water. It may take a couple of years for contamination to percolate down to our drinking water. It depends how deep the well is. I just finished drilling my well, which is 225 feet. **M. Cave** as part of phase 3 we can definitely take a look at the ground water. The whole site drains to the wetlands, which is the low spot and that is why they hold water. Usually groundwater flows in the same direction as surface water. Everything is heading south and to the east, south into the center and then to the northeast section. As part of phase 3, we can definitely take a look and make sure that the wells are not drawing down and changing the flow of the groundwater, but just from my experience, things usually tend to flow down. We can get a ground water specialist in and get more information, but in general, if the flow of land is moving in one area, the flow of groundwater is actually in that area as well unless there is hard bedrock or something preventing it from flowing the way it wants to go. This is a schematic for concept and to allow this use. We can address any concerns with phases 2 and 3. **K. Stone** phase 2 and phase 3 would have to come back for final approval so there would be future submittals as part of that. **C. Kewaf** how many burial spots will the cemetery have? Is it really worth having a cemetery at all? **M. Cave** I would request that we continue to keep phase 3 in the voting tonight, but if you would like to, you could add conditions for the design in the future before coming back to the commission.

**J. Lemberg** closed the public hearing portion of the meeting.

**M. Hopkins** are future phases of this project going to be submitted for public review later and are we approving the use as part of the PUD? **K. Stone** yes. Right now, the petitioner is requesting approval of the phasing plan, the preliminary overall PUD plan and the Phase 1 Final PUD Plan. **M. Hopkins** specifically for the layout of the paths and proposed layout of the cemetery in that zone, would that be reviewed by the public later? **K. Stone** yes.

**A. Hopkins** made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#21-13) Hanover Township Campus Extension** subject to the conditions and findings of fact outlined in the staff report.

**Motioned by: A. Hopkins**  
**Seconded by: J. Miaso**

**Roll Call**

**Ayes: A. Hopkins, M. Hopkins, J. Miaso, J. Kallas, J. Kapadoukakis, J. Lemberg**  
**Nays: None**

**The motion carried.**



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**(#21-12) Grasslands Subdivision  
Final Subdivision/PUD Plat and Phase 1 Final PUD Plan**

**K. Stone** last year, the Plan Commission reviewed a preliminary Plat of Subdivision and a Preliminary PUD Plan for the Grasslands Subdivision. There was a development agreement that was also approved by the Village Board at that time. The property was to be developed in 3 phases and the petitioner has returned for Final Plat and Final PUD Plan for phase 1. If you recall, there are 3 PODs proposed. There are a total of 231 dwelling units. The traditional single-family POD has 81 traditional single-family homes. There are 60 active-adult range homes and 90 active-adult duplexes. The plan identifies a curb cut on W. Bartlett Road as well as on Naperville Road. There is a bike path system that goes throughout the property. It comes down through a park site that will be dedicated to the Park District. The petitioner is also proposing a bike path that would go underneath Route 59 and come down on the east side of Route 59. The petitioner is installing a sidewalk along the north side of W. Bartlett Road that will connect to the future intersection improvements at Route 59 and W. Bartlett Road. There is a 9' tall berm along W. Bartlett Road and Naperville Road that is heavily landscaped. Lot 197 is shown on the Plat of Subdivision to create the lot; however, that will be a future phase 3 for commercial development. The petitioner submitted a revised traffic study, which was reviewed by the Village's Traffic Consultant who concurred with the findings in the traffic study. The Final PUD Plat and Final PUD Plan for phase 1 are in substantial compliance with the preliminary plat dated March 20, 2021, last revised March 21, 2021 and the Preliminary PUD Plan dated January 29, 2021, last revised January June 25, 2021. Staff recommends approval of the petitioner's requests subject to the findings of fact and conditions in your staff report. **J. Lemberg** has anyone from staff looked at the passageway under Route 59 by the railroad tracks? **K. Stone** we have seen what it looks like. That is something we will work on in the future. We are going to apply for grants because we do know that there are grading concerns there. **J. Lemberg** is there going to be enough room to put a path next to the railroad tracks? **K. Stone** yes, there is enough room next to the right-of-way. **J. Lemberg** on phase 1 you only show 1 track, but there are 2 tracks there and the path will be less than 10 feet from the tracks. **K. Stone** if you recall, when this came through preliminarily, we showed an exhibit of how they handled the bike path on Route 59 that goes under Lake Street that is cut into the wall to make room for a bike path. They would be doing something similar what you see when you drive on Route 59 under Lake Street. They modified the wall to make room for a bike path. **J. Lemberg** are they going to cut the concrete wall to put in the path? **K. Stone** yes. **J. Lemberg** what kind of safety barricades will be on the northern part where the tracks are? **K. Stone** that will be done when the petitioner submits engineering plans for that portion of the bike path. **J. Lemberg** would you let your kids go underneath that bridge when there is a train there going 40 miles an hour? **K. Stone** there will be safety considerations looked at when the bike path is designed. **J. Lemberg** that is a disaster waiting to happen. Who is going to maintain that? Is the police department going to go down there and put up a camera or something to watch for safety? When somebody finds out that people are going underneath there, in today's world, somebody is going to get stopped. That is not a good safety plan to be thinking about putting a walkway underneath that bridge so far away from civilization. **R. Grill** when the engineering comes in we will have a much better handle on it. There is no way the Village is going to build something that is not safe. We are going to apply for grants. We will not receive grants if it is not safe. There is about 20 feet of property on that narrow strip and it is possible. We will ensure that it is going to be safe. **J. Lemberg** is that possible? Would the petitioner like to add anything? **D. Olsem** we had a lot of



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discussions with staff and with counsel about bike paths and how to get pedestrians safely across Route 59. A bridge over Route 59 is not practical because of grading issues, space limitations, and costs. We proposed a crossing underneath Route 59 that is similar to the crossing just to the north at Lake Street. The development agreement requires that we design and submit a plan to the Village for approval within 6 months of Final Plat approval. That is our obligation and we will be doing that. Part of that plan will be safety considerations. The path will be on the opposite side of the piers that are there now. There will be fencing along that and once it gets beyond that where it goes through a wetland area we are proposing a boardwalk-type pathway through that area with rails on the sides. That will deter pedestrians from leaving the path and going onto the railroad tracks. We think it will be approved. It will need the approval of the Village, IDOT, and the railroad. We think it can be designed safely. We are confident that when we submit our plan, which will go out to numerous agencies including the Village, they will make sure that it is safe. **J. Lemberg** is that path taking any easement from the railroad? **D. Olsem** it is 20 feet wide and the path is 10 feet wide. We do not need grading if it is a boardwalk. We only need 10 feet. It would sit on piers. There are numerous areas like that on the Fox River Trail. We do not need additional grading beyond the boardwalk at that point. **J. Lemberg** is it okay to take away part of the embankment that holds the bridge up? **D. Olsem** yes, it can be done. It was done just to the north. We have met with IDOT. They have not committed to our plan yet because they have not seen our plan yet, but they were not opposed to the plan because they have done it before. Obviously, any structural integrity issues will be addressed and we will accommodate any concerns that IDOT has. **J. Kapadoukakis** will the playground back up to the railroad tracks? **D. Olsem** there are 2 parcels that we have proposed to deed to the Park District. They are very interested in those parcels. The Park District has requested that we clear the areas and they made it clear that they will determine what their needs are for this area and will construct that. I suspect there will be at least a playground and ball fields there. **J. Kapadoukakis** what would prevent a child from wondering into the area where the train tracks are? Will there be something there to deter that? **D. Olsem** that will be a decision that the Park District will make. It depends on what they are programming. It is uphill where the fields are and a significant distance away from the railroad tracks, but as far as any protection or fencing, the Park District will have to make the decision. **J. Kapadoukakis** will the proposed commercial area have access through the subdivision off of W. Bartlett Road or will that access be off of Route 59? **D. Olsem** Cook County owns W. Bartlett Road so we will be getting an access permit from them. We are confident that we can get that access permit. That will be a full access point. We do have a connection into the neighborhood to keep traffic off the road as much as possible for our residents so they do not have to enter W. Bartlett Road and create traffic to go to the commercial property. We have proposed to IDOT a right in/right out. We cannot get full access off of Route 59 into the commercial property, but IDOT cannot commit until we submit a plan, but we are not at the point where we would submit a plan because we do not have a user. **A. Hopkins** Grassland Way has a median in the center. I am concerned that if a car breaks down there can other cars and emergency vehicles get through? Is there enough space? **D. Olsem** if there is a car that breaks down, if there is an accident the median actually provides protection so that the whole passageway is not blocked. **A. Hopkins** my concern is that there is not enough room if a car is broken down and you have to block off the other side of the road. Maybe there just should not be a median there. How much retail space is there? **D. Olsem** that is not part of our petition tonight. I believe it is 6 acres. We did expand it at the request of the Mayor and staff. **A. Hopkins** it does look bigger than last time, which I like. Will there be access in that subdivision to get into the commercial space or will there



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only be access from W. Bartlett Road? **D. Olsem** you can see where it connects. That was a request from staff as well, which was actually a good one. We talked to our traffic consultant about this as well and they agreed it does help. **A. Hopkins** I think it is important. **J. Kallas** what type of fence will be used along W. Bartlett Road? **D. Olsem** the fence will be board-on-board. **J. Kallas** wrong. When you drive down Route 59 any places that have board-on-board fences look like hell. It just does not work. You need to put up brick panels along that whole road. At least you are cutting down the noise that is going in and the brick panel will stay there for a long time rather than the board-on-board fence. **D. Olsem** I can appreciate that. We build a lot of fences and deal with a lot of fences. It seems like everybody has a different idea about what a proper fence is. A brick panel fence would be cost prohibitive for us. **J. Kallas** when you drive down Route 59 any place that has wood fencing, its deplorable. It is falling down. People put sticks up to hold it. This is ridiculous. **D. Olsem** I share your concern. I see it too and the example I always give is Schaumburg Road on the north side there are 10 different types of wooden fences along that area and they are not maintained, but the difference here is that this is on HOA property and will be maintained by an HOA. It looks bad if you do not maintain it and that is what the HOA is for. The problem you run into is with individual homeowners that do not maintain their fences. In this case, I think you would be pleasantly surprised and if you look at the landscape plans, it is very heavily landscaped. I think you are going to be looking at landscaping and not fencing, which is our goal, but I do appreciate your point. **R. Grill** we did put in the condition that the wood fence would have to have the steel posts. **J. Kallas** whether you have steels posts or not, the wood deteriorates and it really looks like hell. Any place that has a wooden fence, it is falling apart. **R. Grill** staff can enforce a fence falling down. That is what code enforcement does. We can contact the HOA and stay on them about that. That is part of our job. **J. Kallas** I still think a stone wall would look a lot better than a board-on-board fence even if it has steel posts. **J. Kapadoukakis** I do think this property is going to be beautiful and an asset to the community. I do hope that you will take care of that fence. I think the housing values in that neighborhood are going to demand that anyway, but with the commercial property on Route 59, I do just want it to be on the record that is a very dangerous intersection. **D. Olsem** that is not part of our petition tonight. We will be back before you for the Final PUD for Phase 3 and IDOT will scrutinize our plans as well as the Village and Cook County. There will be a different traffic report regarding that. IDOT is aware that this is a broken intersection and has been for a long time. IDOT does have plans and I believe they have the funding to make the improvements to W. Bartlett Road and Route 59, which would create a big intersection with 2 turn lanes in every direction, right turn lanes, and dual left turn lanes. That will have a huge impact on the safety of that intersection and the flow of traffic. Right in/right outs take traffic off the road before the intersection and that helps. **M. Hopkins** who will maintain the naturalized areas with the stormwater area and the wetlands? **D. Olsem** the HOA would do that. We have found that it is best to do a prescribed mow and to spot herbicide invasive weeds after it has been planted and there is some growth. That is the intent. It would be the HOA's responsibility. There is also a SSA in place, which gives the Village the authority to enforce that. **M. Hopkins** I want to commend the landscape planner and beautiful nature of the boulevard with the berm and the layout. It is creative and interesting. It is filled with public spaces and public paths. There has been a lot of care taken on this site plan and it will be a gorgeous community. **D. Olsem** thank you for that. **M. Hopkins** the staff report says the exhibits are substantially similar to what was presented last time. Beside the retail area, what else was changed? **D. Olsem** the retail area actually was changed very late in the process. At the Mayor's request, we made the change to the retail. **K. Stone** my review of the plans was very easy from preliminary to final.



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**M. Hopkins** if we approve something and set the PUD is there a time out if something does not happen over a specific period of time? **K. Stone** we have deadlines in the development agreement that the petitioner has to follow. **M. Hopkins** that goes along with the last finding of fact in the report that the project needs to proceed according to its schedule, but I did not see a schedule. **K. Stone** that is in the development agreement that was approved by Ordinance 2021-68. **D. Olsem** I can assure you that we do not sit on properties once we close. **M. Hopkins** in terms of the building elevations, it says staff will determine if the final proposed elevations by the final developer are similar to the elevations that were attached and approved. What constitutes substantially similar? **K. Stone** we look at roof pitches, building materials, and options for elevations. **M. Hopkins** what would constitute not being substantially similar? **K. Stone** from what we received in the preliminary set, there were multiple elevations with 4 to 5 very different options for each housing type. We do not want to just have box homes where really all that is changed is the siding color. We want different elevations, bump outs, roof types, and material changes. **D. Olsem** the first buyer decided to pass on the project for reasons not due to us or the Village and the exhibits in the report are theirs. That is how that provision got there, but to try to define what is a substantial deviation from those plans are their competitors plans, they would be building the same product. This is all about quality. We agreed to give that authority to staff. We did not want to have to come back to another public hearing with a whole new set of plans for that. We think you will be happy with the elevations. **J. Lemberg** on the plat that shows the walkway under Route 59 it says "by others.". Who is others? **K. Stone** we are working towards getting grants. They are providing the engineering and paying for a portion of the construction. **J. Lemberg** I have concerns about the under pass on Route 59. It is definitely a safety hazard. The exit from the commercial into the residential streets is also a problem. Otherwise, the rest of the development is fine, but those are 2 concerns that need to be addressed.

**J. Kallas** made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#21-12) Grasslands Subdivision, Final Subdivision/PUD Plat and Phase 1 Final PUD Plan** subject to the conditions and findings of fact outlined in the staff report.

**Motioned by: J. Kallas**  
**Seconded by: J. Miaso**

**Roll Call**

**Ayes: A. Hopkins, M. Hopkins, J. Miaso, J. Kallas, J. Kapadoukakis, J. Lemberg**  
**Nays: None**

**The motion carried.**



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**Old Business/ New Business**

**K. Wallace** after watching the review I am very happy that we have the right people to do this job. In 2017, the Board asked staff to look into the idea of combining the ZBA and Plan Commission into one commission. I met with Chairman Lemberg and Chairman Werden to talk about this. That request came from the complete review of the development process. This is in an effort to have a more streamlined process from start to finish. I did give this a great deal of thought and we had a lot of conversations and a lot of meetings about who will be appointed to the new commission and those appointments are going to be before the Village Board on Tuesday, March 15, 2022. **R. Deyne** It has been a great privilege to serve with most of you over the last 34 years. We are streamlining the process for the developers in the Village and so much of it is dependent on what you have all done, so I thank you all for your service. **R. Grill** thank you for your service. It has been a pleasure working with all of you.

**J. Lemberg** asked if there was a motion to adjourn.

**Motioned by: J. Miaso**

**Seconded by: J. Kallas**

**Motion passed by unanimous voice vote.**

**The meeting was adjourned at 8:35 pm.**



# Citizen Planner Training

Bartlett, IL Planning & Zoning Commission

April 7, 2022

# Participating Agencies



**DEPAUL  
UNIVERSITY**  

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**CHADDICK INSTITUTE FOR  
METROPOLITAN DEVELOPMENT**

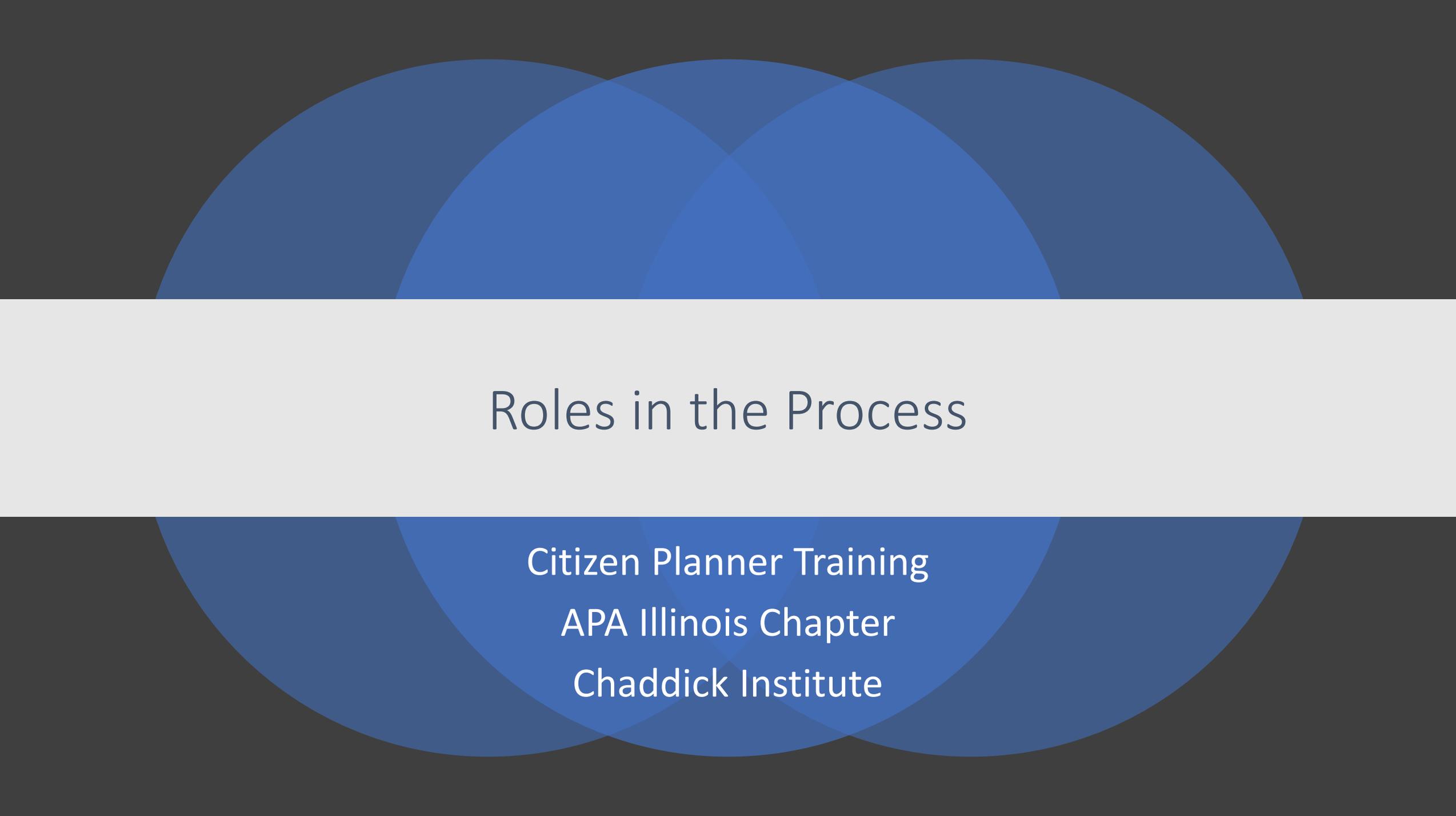


## Session Leaders:

- Tom Farace, AICP
- Phillip Green

# Agenda

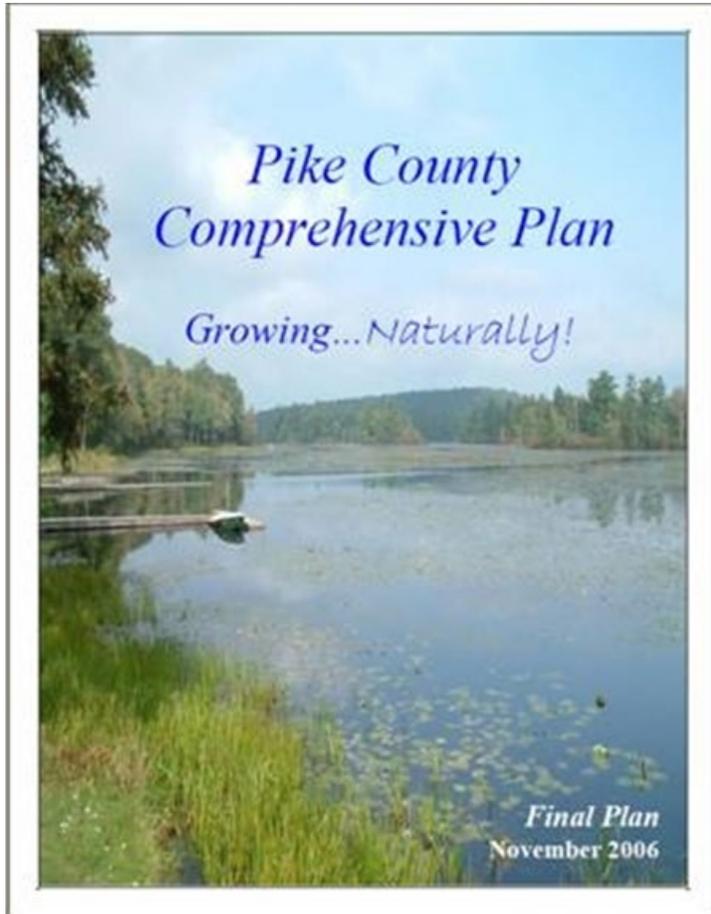
1. Welcome and Introductions
2. Roles in the Process
3. Responsibilities of Commission Members
4. Findings of Fact
5. The Fine Print
6. Tools of the Trade
7. Resources for Commissioners



# Roles in the Process

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APA Illinois Chapter  
Chaddick Institute

# Role of the Commission and Commissioner



- Prepare plans for future of community
- Focus on community vision and character
- Note outstanding examples of development and place making in other communities.
- Visit developments after occupancy
- Keep informed on local issues via local media, municipal newsletter
- Current tools and techniques: APA publications, podcasts, news



# Role of Elected Officials

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- Non-land use responsibilities
- Final authority on land use matters
- Policy direction to Commission
- Appoint Commission members

# Working with Elected Officials



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

# Role of the Planner / Staff

- Planner may be a community employee, consultant, other staff member, or part time staff.
- Manages zoning entitlement process.
- Collects and analyzes information from applicants and feedback from other staff.
- Works closely with Commission to provided needed information about zoning applicants.
- Guides applicant and public regarding codes and hearings
- Educates citizens about purpose and process of planning
- Objective and consistent with both supporters and objectors
- Explains the request (the applicant advocates for request)

# Working with the Staff

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- Call staff with any questions about upcoming case
- Review past cases to remain consistent
- Suggest changes to hearing procedure when needed
- Hold workshop for training on technical issues
- Suggest informal meeting with related municipal committees



# Staff Report



- Overview: applicant, address, action requested, notices
- Background: zoning and uses of site and surrounding area
- Data: description of site, history of prior uses, relief granted
- Comprehensive Plan objectives; zoning requirements
- Standards of review for Findings of Fact
- Documents from the applicant, reports from consultants
- Comments from other departments
- Communications from the public
- May or may not include staff recommendation
- Provide commission adequate time to read it

# Examples of Related Commissions

- Design Review Commission
- Economic Development Commission
- Environment Commission
- Historic Preservation Commission
- Transportation Commission



# Other Key Actors

## **Municipal 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



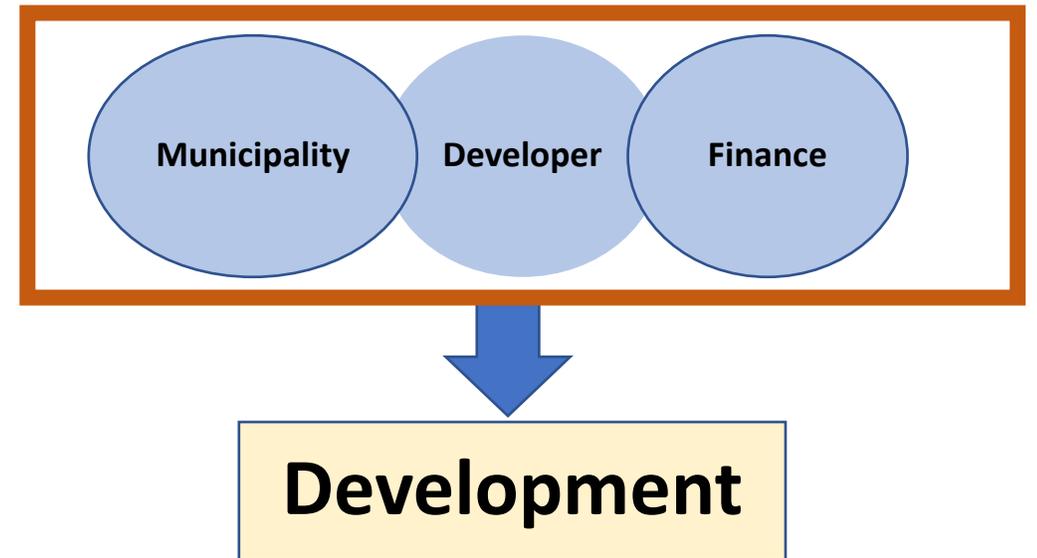
# Developer's Role

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- 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.

# 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.
- Towns have lots of rules, which change from town to town.
- Not all towns 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.

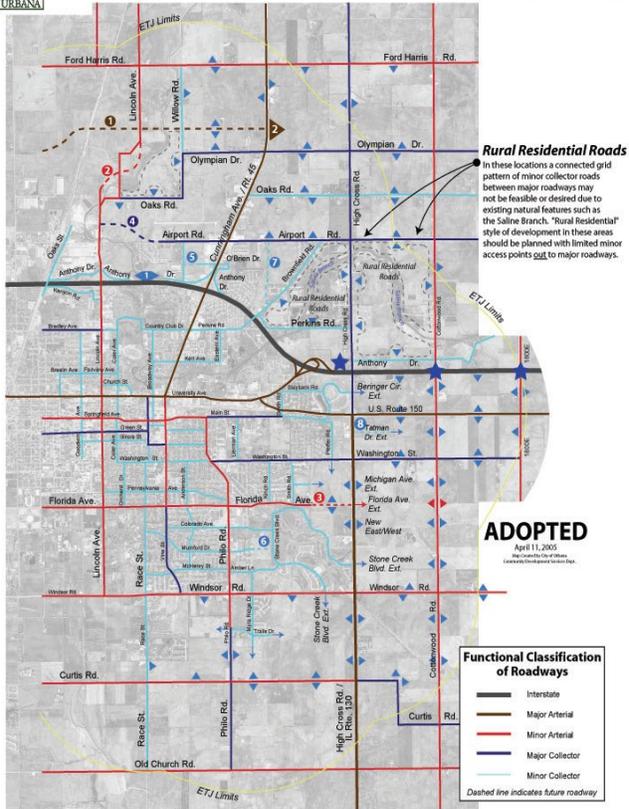


# Other Jurisdictions

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- School District
- Public Library
- Park District
- Fire Protection District
- Adjoining municipalities
- Townships
- County, Forest Preserve District
- Soil and Water Conservation District
- Stormwater Management Commission
- Water Reclamation District
- State Agencies: IDOT, IEPA, DCEO
- Federal Agencies: FHWA, FEMA, EPA





Planned Roadway Extensions Connections have been determined and planned for accordingly.	Potential Projects Projects identified as needing additional study to determine necessity, design, location and function, economic, environmental and ecological impact.	Extending the Grid System Extending a consistent system of collector and arterial roadways is critical to ensure adequate facilities are constructed in tandem with development. The map indicates general locations where the system shall be extended. The map identifies two different types of grid extension symbols:
<ol style="list-style-type: none"> <li>1 Olympian Drive relocation and extension west from U.S. Route 43</li> <li>2 Lincoln Avenue re-aligned north between Oaks Road and Olympian Drive</li> <li>3 Florida Avenue extended to east to High Cross Road</li> <li>4 Airport Road extended to Lincoln Avenue</li> <li>5 O'Brien Drive extended to Willow Road</li> <li>6 Mumford Drive extended to Stone Creek Boulevard</li> <li>7 North/South Collector between Brownfield Road and Airport Road</li> <li>8 Tatman Drive extended east from High Cross Road</li> </ol>	<ul style="list-style-type: none"> <li>Anthony Drive connection between Lincoln Avenue and Willow Road</li> <li>Olympian Drive termination at U.S. Route 43 or continuation to High Cross Road</li> <li>Interstate 74 interchange alternatives when needed as Urbana grows east: High Cross Road, Cottonwood Road, 1800E</li> </ul> <p>Consideration of interchange alternatives to include:</p> <ul style="list-style-type: none"> <li>* Rural Residential Development Area</li> <li>* Ecological Areas</li> <li>* Horizontal and vertical alignments of intersecting roads</li> <li>* Desired land use patterns</li> </ul>	<p><b>Direction and approximate location.</b> The exact location of roadways and/or right-of-way dedication shall be determined depending on factors including (but not limited to) proposed development plans, natural features and safety needs.</p> <p><b>Pre-determined location for extension</b> The desired location of roadways and/or right-of-way dedication is known though further study is required to determine the final design.</p> <p><small>Note: Colors indicate classification</small></p>

# Regional Planning Commission

- RPC addresses issues that cross municipal borders such as: roads, transit, economic development, housing, air quality and water supply
- RPC cooperates with municipalities to further integrated planning for all sub-areas within jurisdiction
- RPC *recommends* on land use issues
- Municipalities *regulate* land use
- RPC partners with municipalities:
  - collects data
  - provides technical assistance to update plans
  - disseminates best practices, case studies
  - develops model plans and ordinances

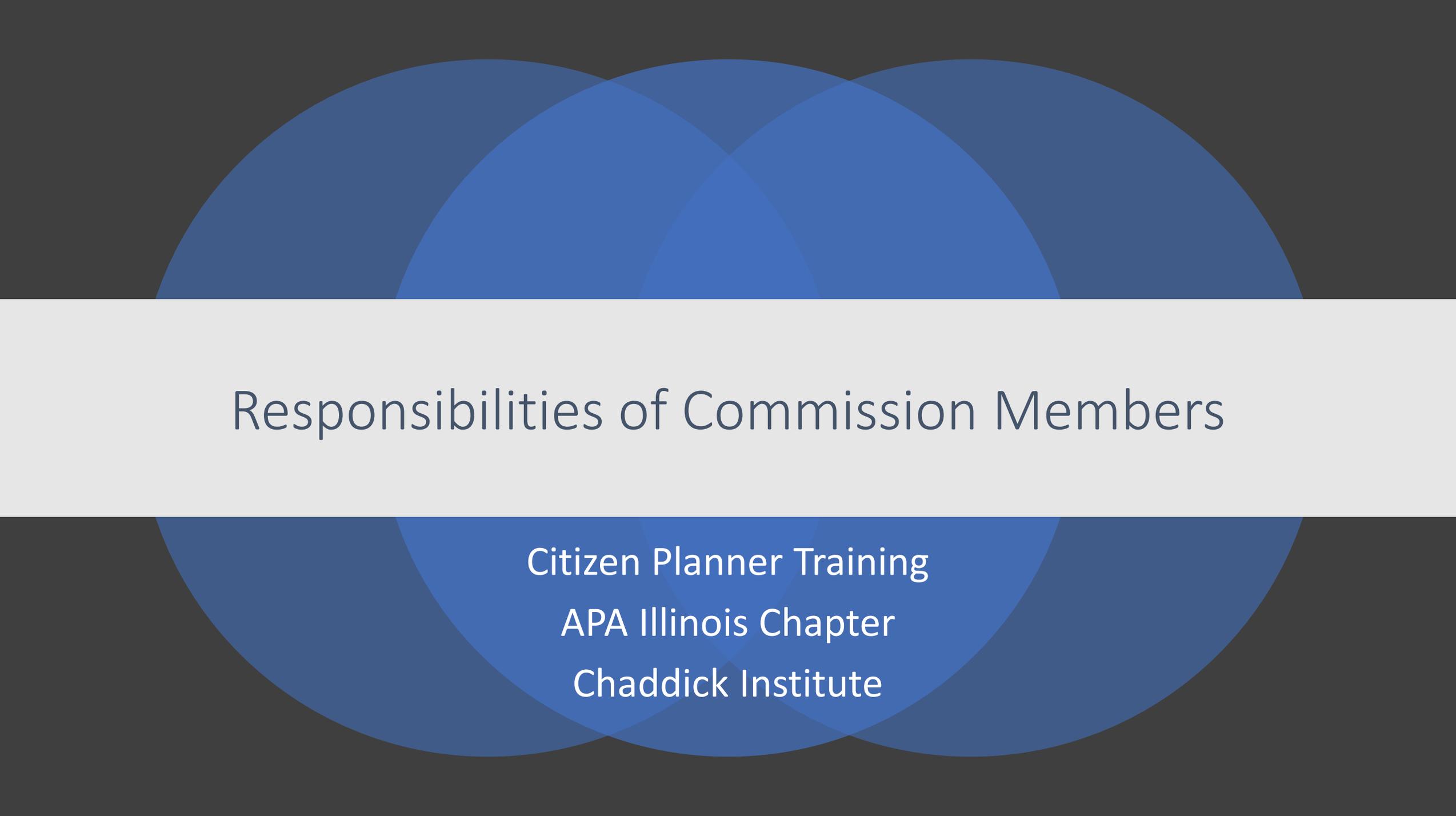
# Becoming an ILAPA Member:

**Chapter-Only Membership:** Choice for non-traditional planners, allied professionals, plan commissioners, elected officials, engaged citizens, and those that want to stay up-to-date on Illinois planning (only \$50/year). [www.ILAPA.org](http://www.ILAPA.org)





# Questions and Discussion



# Responsibilities of Commission Members

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## Commissioner Responsibilities

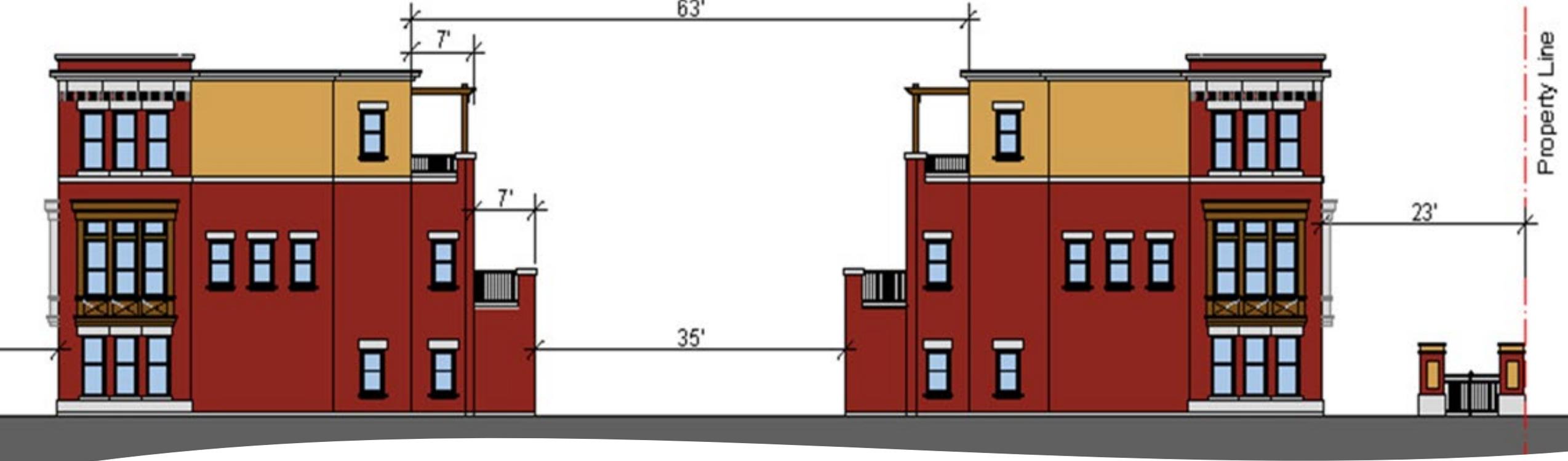
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### **Be Prepared**

- Understand Comprehensive Plan and Zoning Ordinance
- Read packet to be informed at the hearing
- Visit site
- Understand proposal
- Contact staff with questions (before hearing)

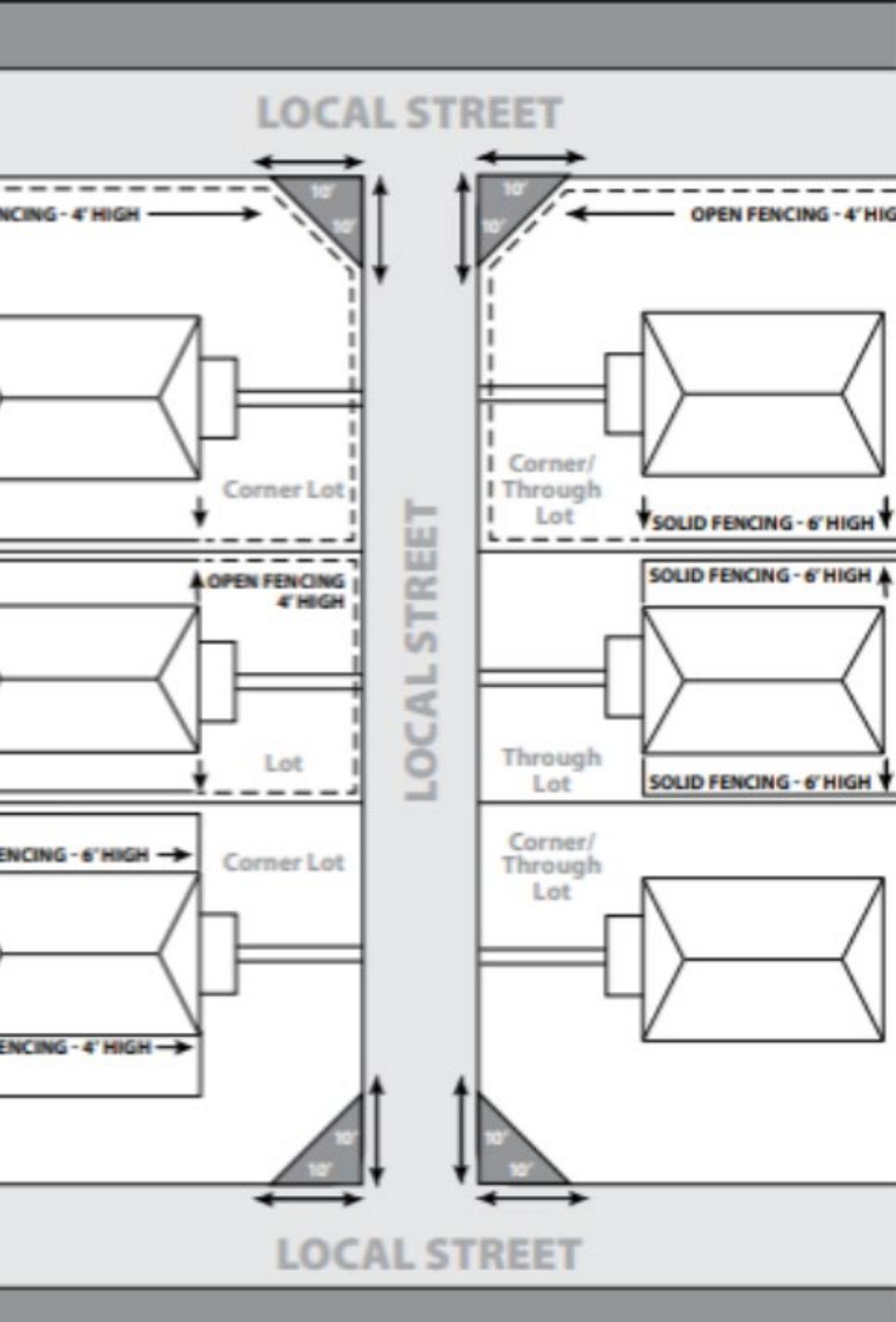
### **Play an Active Role**

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



## Commissioner Responsibilities

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



# Commissioner Responsibilities

## Hearing Responsibilities

- Generally follow Robert’s Rules to give structure to hearing
- Avoid esoteric details of parliamentary procedure
- Consider requiring conditions to mitigate impacts raised by public
- Avoid debates: Hear public questions, comment later
- Obtain all information needed to make decision
- Continue hearing, if necessary, to obtain information

# Commissioner Responsibilities

## **Vote Based on Standards**

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

# Items not Reviewed by Plan Commission

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Some items reviewed by staff

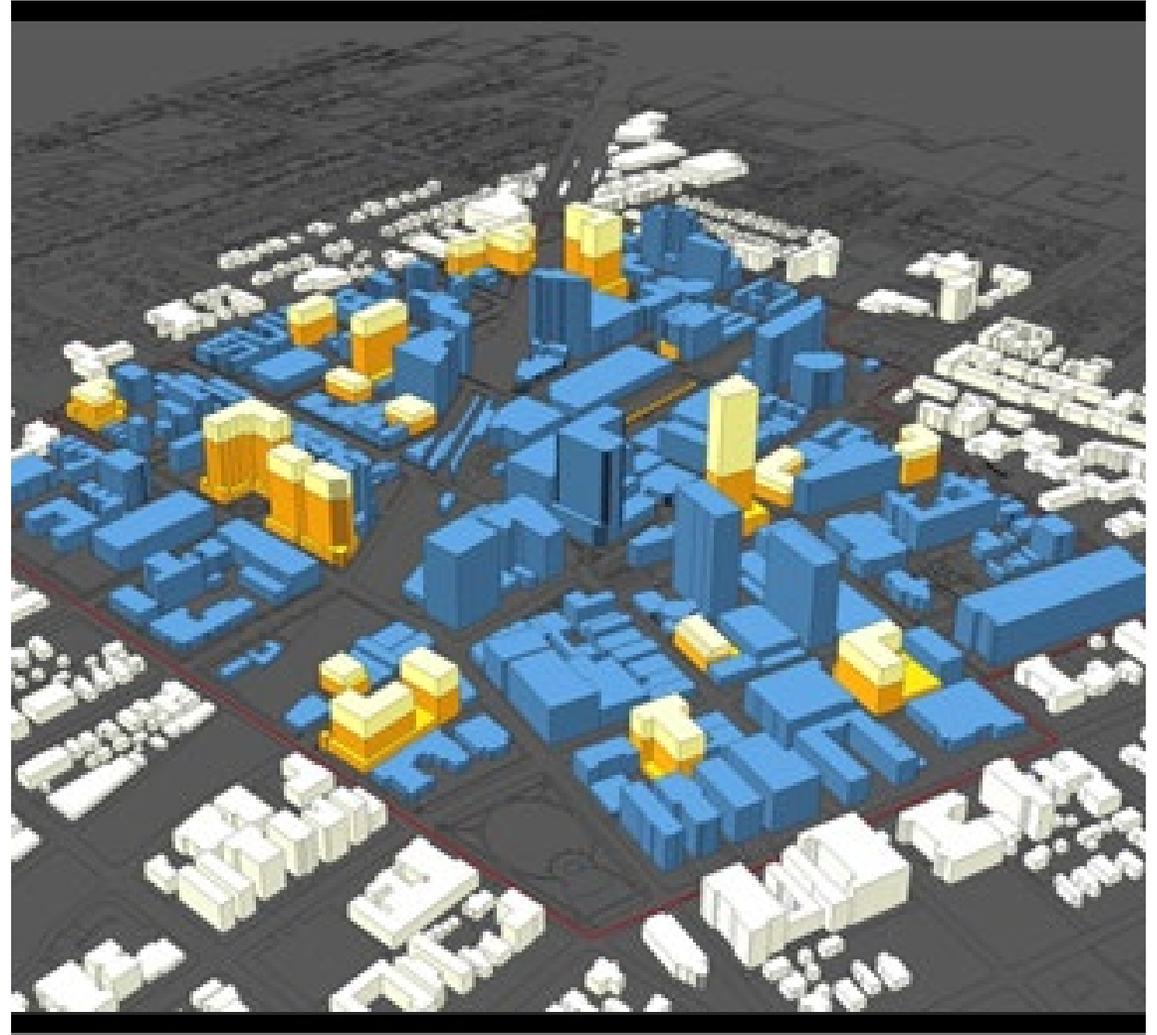
- Building code issues
- Property maintenance issues
- Private security

Some items reviewed by elected officials

- Financing

Some items not reviewed by Municipality

- Interior design
- Internal business operations
- Rents, sale prices and unit mix
- Business competition (free market)

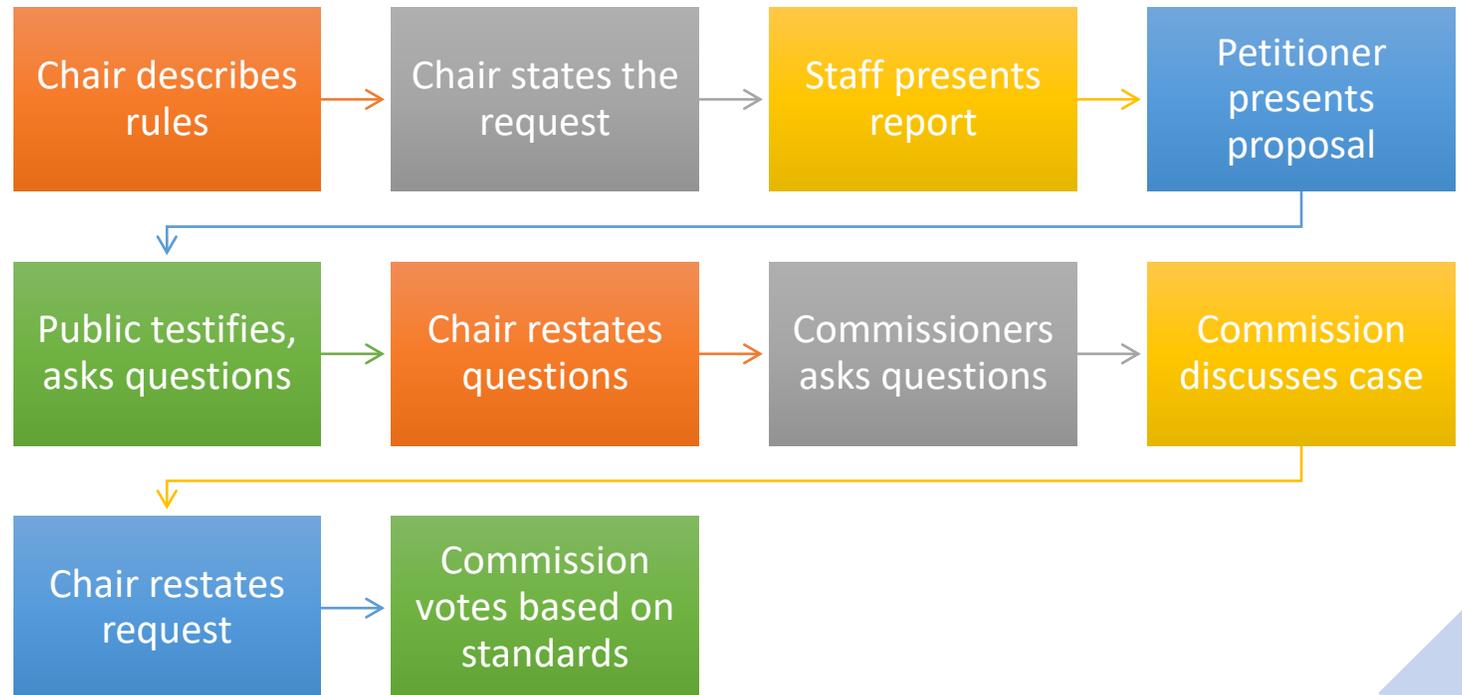


# Responsibilities of the Chair

## **Run Efficient, Effective Meeting**

- Quality decisions by Commission depend on strong leadership by Chair
- Chair controls meeting and sets tone
- Ensures all interested parties have input
- Focuses discussion on the topic
- Expedites action
- Votes

# Typical Hearing Procedure





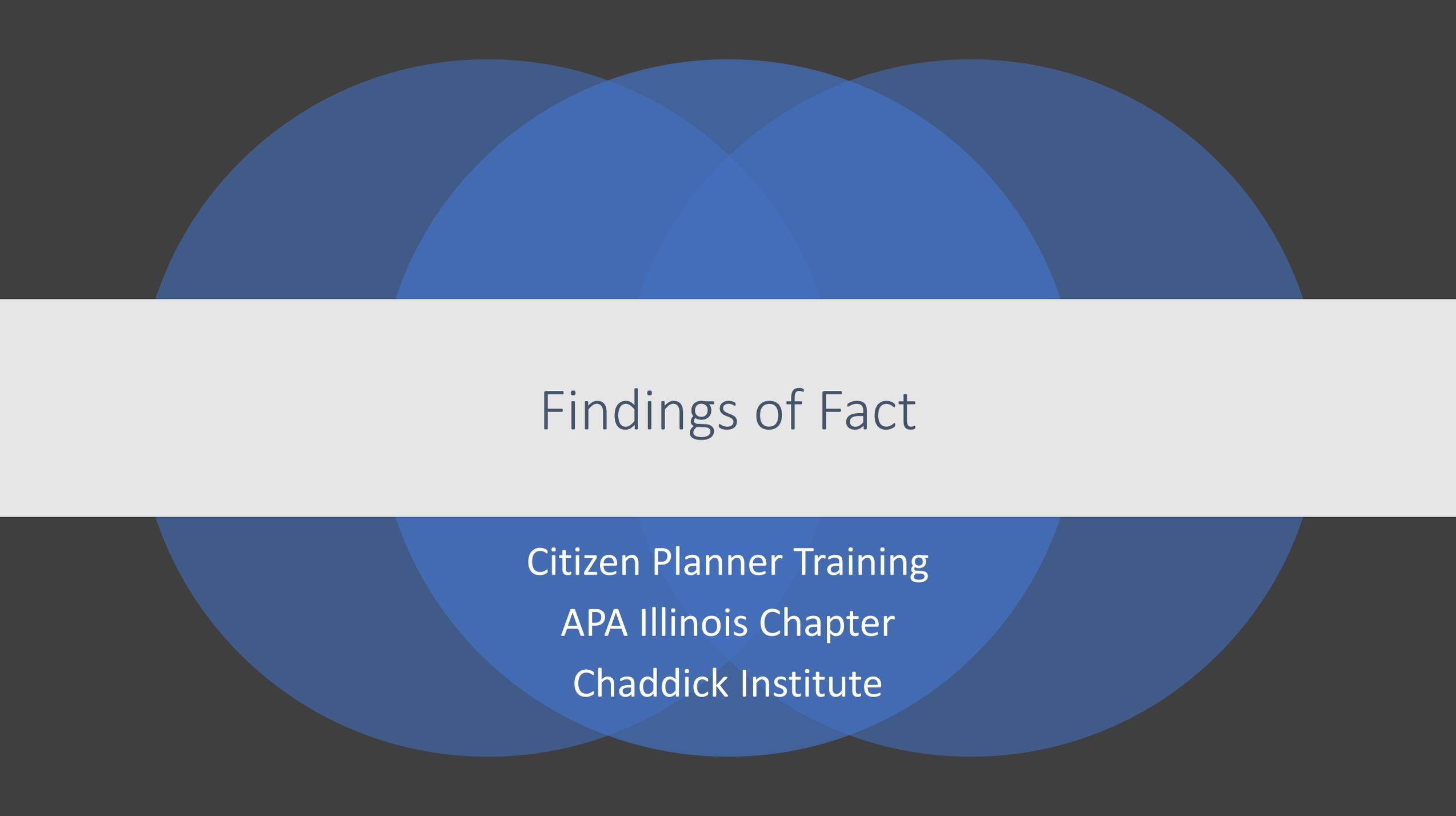
**LAUREL AVENUE PARK**

# Taking Testimony

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## Holding a 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



# Findings of Fact

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# Findings of Fact

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- Basis to ensure fair decisions
- Consistency with the Plan
- Evidence must show standards are met
- Refer to standards when voting
- Essential if there is litigation
  
- Setting a precedent
  - Proposal considered on its merits
  - Record clear reason for decision



# Findings of Fact

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 and general welfare of the public

The “LaSalle Factors” – basis of zoning standards:

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



# Special Uses

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Special Uses are considered appropriate for the Zoning District, and...

- Possess unique characteristics to consider:
- Mitigate impact of use upon neighboring property, public facilities
- Mitigate impact of use upon environment, natural resources, community
- Consider public need for the particular use at the particular location

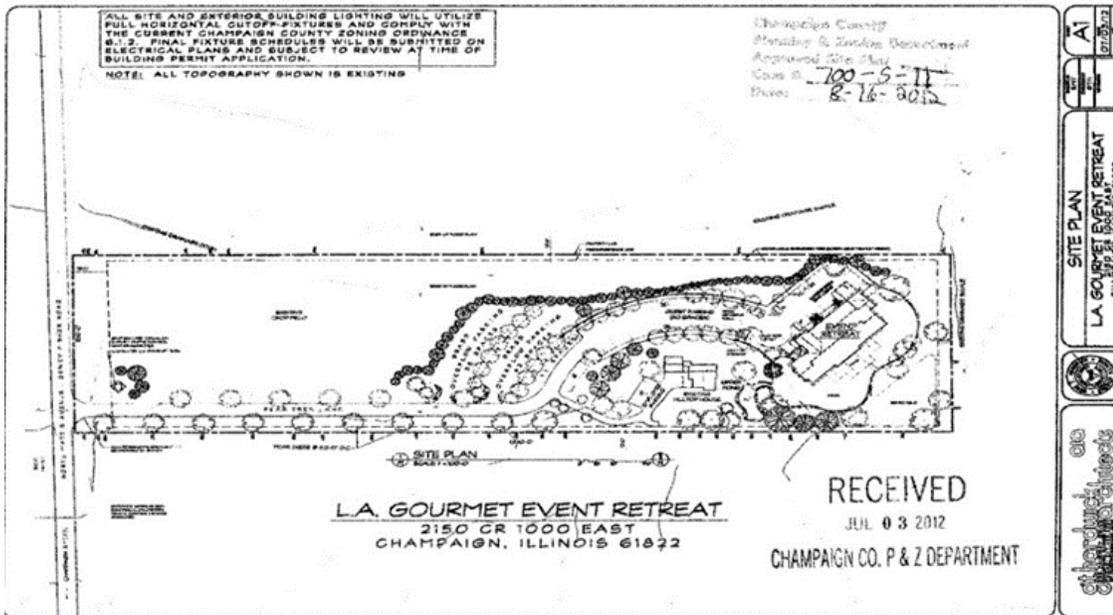
# Bartlett: Findings for Special Uses

Section 10-1-8-D... Such findings of fact shall include all of the following:

1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
2. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity;
3. That the special use shall conform to the regulations and conditions specified in this title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.

# Variations

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- Variations may be granted when carrying out the strict letter of the code will create a practical difficulty or a particular **hardship** for the owner.
- The particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner,
- Variation must be in harmony with the purpose and intent of the zoning code.
- Ordinances often limit variations
- Use variations are not good zoning

# Bartlett: Findings for Variations

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## Section 10-13-5-E. Standards for Variations:

1. The Zoning Board of Appeals shall not recommend a variation from the provisions of this Title unless it shall have made findings based upon the evidence presented to it in the following cases:
  - a. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
  - b. That conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.
  - c. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

# Bartlett: Findings for Variations

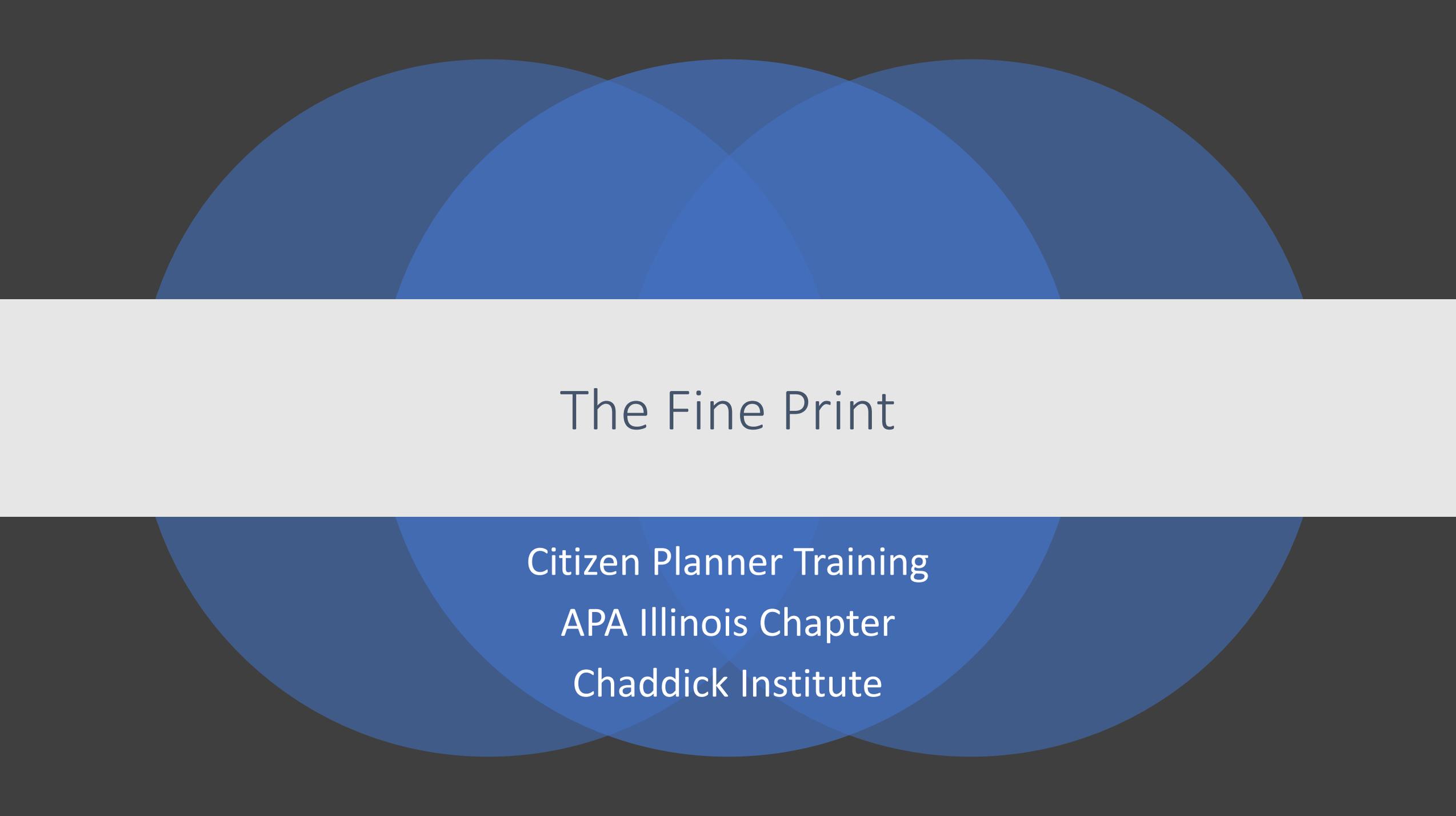
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## Section 10-13-5-E. Standards for Variations:

- d. That the alleged difficulty or hardship is caused by the provisions of this Title and has not been created by any person presently having an interest in the property.
  - e. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.
  - f. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
  - g. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Title to other lands, structures or buildings in the same district.
2. A variation shall be recommended only if the evidence, in the judgment of the Board of Appeals, sustains all the conditions enumerated above.



# Questions and Discussion

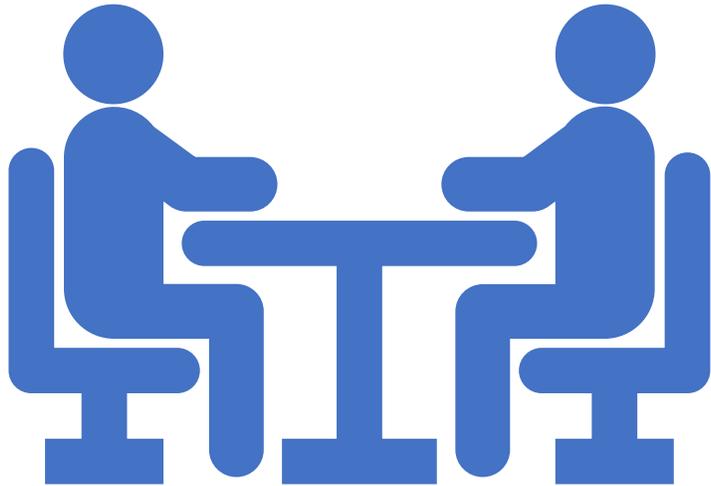


# The Fine Print

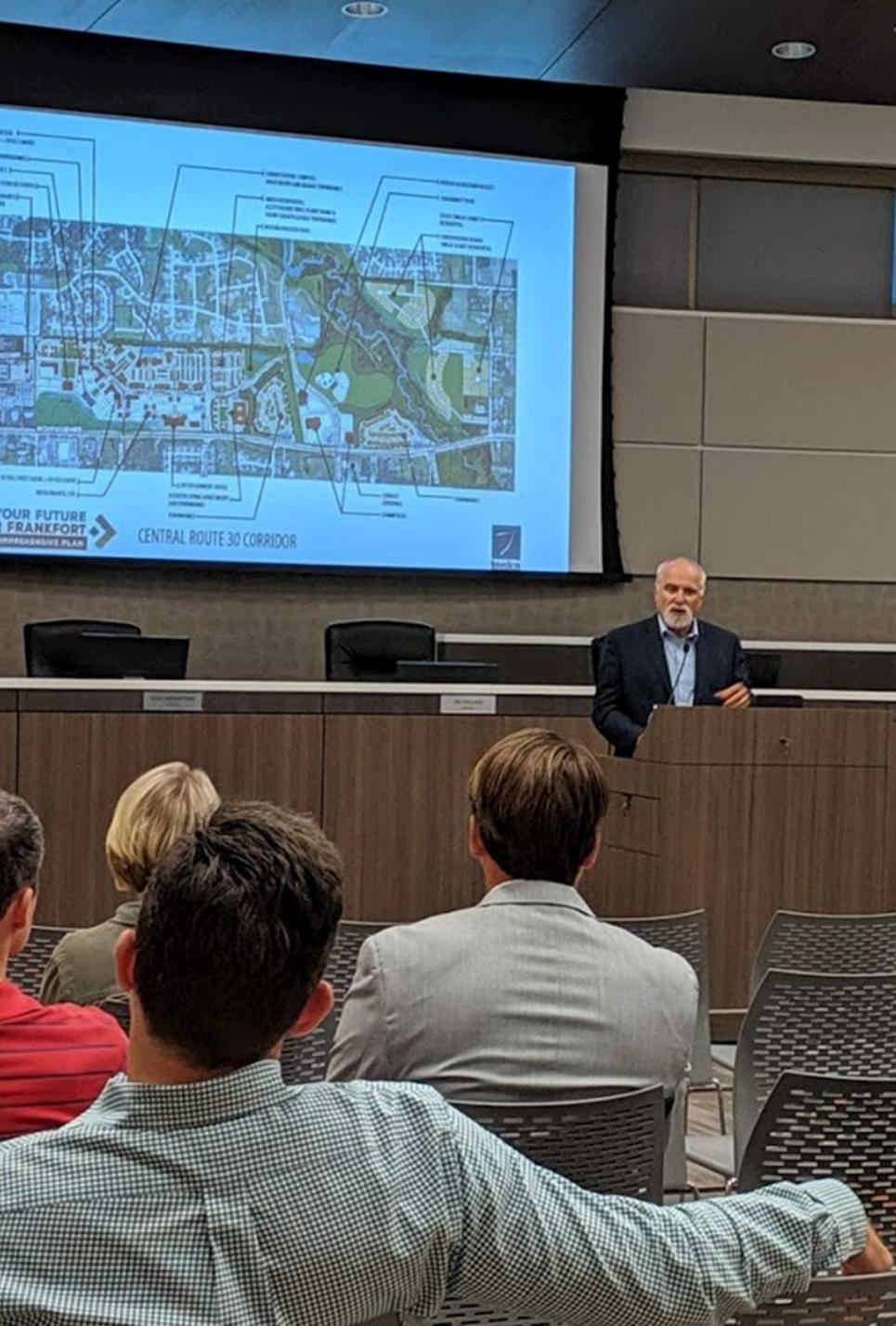
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# Ex Parte Communications

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- Contact between Commissioners and applicant, opponents or supporters 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 possible
- Disclose any ex parte contact at the hearing



# Ethics

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- Intent: serve public interest without opportunity for personal gain
- State Statute 5ILCS 430/1-1 et seq. and Municipal Code
- Applies to elected and appointed officials and employees
- Limits specified gifts and certain political activities
- Some communities have Ethics Advisor or Ethics Commission
- For questions, check with staff or Municipal Attorney

# Conflict of Interest

Having a business or financial relationship with an applicant as a client or customer

Having a financial interest in the project or are business partner with applicant or own the property

## 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



## Conflict of Interest

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- ***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



# Conflict of Interest

What is 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 to project

# Open Meetings Act

Why have the Open meetings Act?

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



# Open Meetings Act

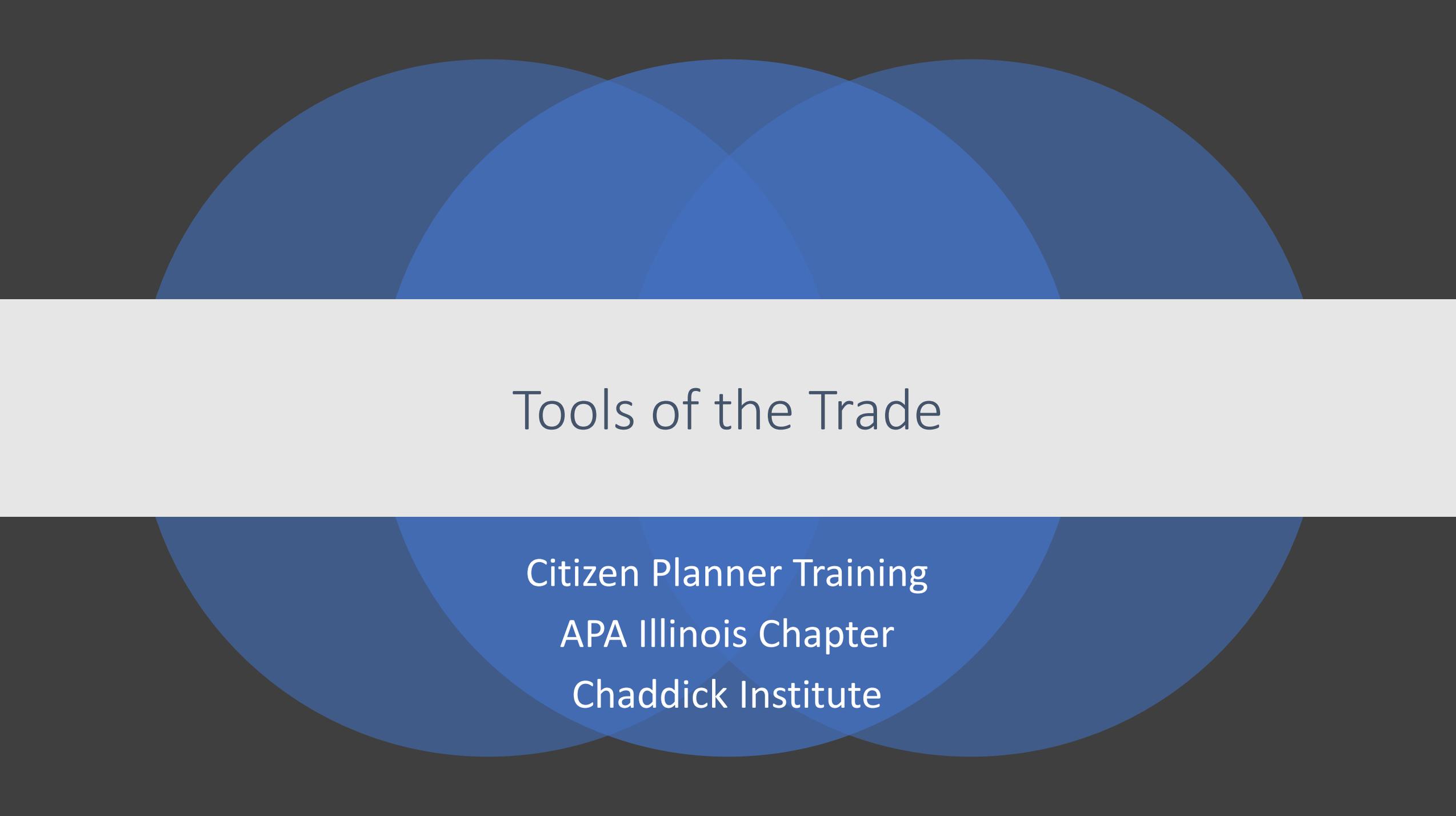
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- All commission meetings are open to the public
- When commission hears testimony on a specific case, it is a public hearing (which requires 15 day notice)
- When commission meeting is informal workshop, it is a public meeting (which requires 48 hour notice)
- Gathering of a majority of quorum to discuss public business is a public meeting
  - Meetings
  - Phone calls
  - Video conferences
  - Email
  - Instant messaging





# Questions and Discussion



# Tools of the Trade

Citizen Planner Training  
APA Illinois Chapter  
Chaddick Institute



# Policy Planning

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- Foundation for Implementation, Planning, Budgeting, Grants, CIP...
  - Comprehensive Plan
  - Downtown Plan
  - Corridor Plan
  - Neighborhood Plan
  - Housing Plan
  - Watershed Plan
  - Transportation Plan
  - Preservation Plan
  - Sustainability Plan
- Process fundamentals apply all Planning.



# Comprehensive Plan

- The community's vision for its future
- Authority established by Illinois State Statutes
- Plan - general future policy
- Zoning - specific current regulation



# Comprehensive Plan

- **Typical topics:**

- Land Use
- Environment
- Public Facilities, private utilities
- Transportation
- Historic Preservation, urban design
- Housing
- Economic Development
- Sustainability



# Public Participation in Planning

- Educates and informs the public
- Public ownership of plan supports implementation
- Various formats to engage residents and businesses
  - Print, radio
  - Local cable TV access channel
  - Social Media
  - On line survey
  - Advisory groups
  - Design charrette
  - Open house
  - Public hearing
- No right answer, customize the community.



# Working with the Public

- Make participation as easy as possible
- Work for maximum turnout, don't expect it
- Keep workshops interesting, interactive, and fed
- Anticipate and answer questions – teach, don't lecture
- Publicize meeting on websites, social media, public places, in multiple languages if appropriate.
- Provide copies of material for public
- Public hearings
  - Create atmosphere that welcomes public participation
  - Arrange agenda so simple, non-controversial cases are first



# Who are your Neighbors?

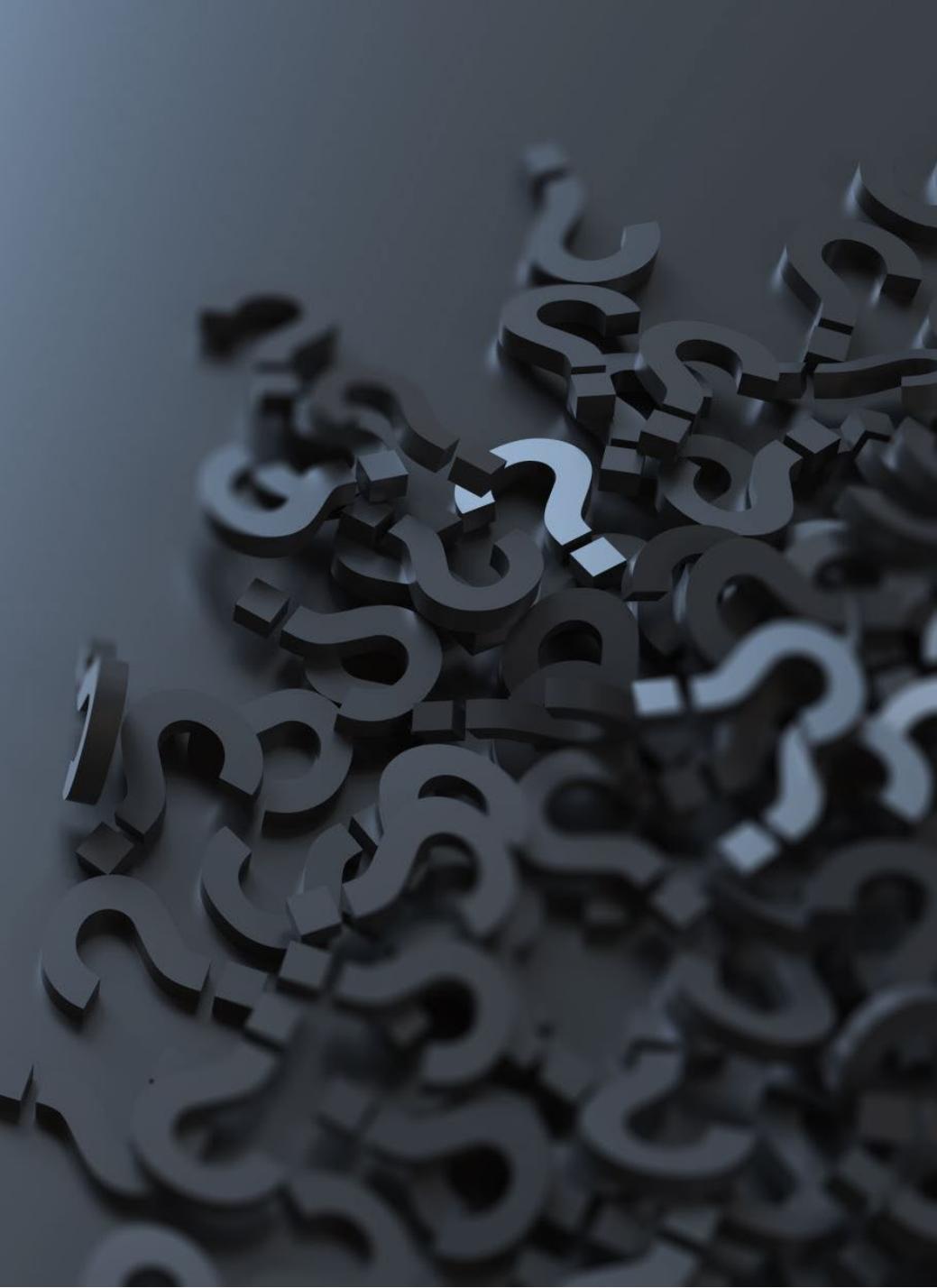
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- Senior citizens, 65 and older; children, 18 and under
- Disabled
- Asian, Black, Hispanic, Native American, White
- High school education, graduate level education
- Speaks a foreign language at home
- Currently unemployed, retired, student
- Income below poverty line, below 80% of median income
- Lives in a single-family home (owner or renter); homeless
- Lives in a multi-family structure (apartment, townhome, condo)
- Moved from another state, moved from another country



# Plan Implementation

- Policy: economic, environmental well being of municipality
- Financial: CIP, TIF, SSA, downtown façade grants
- Regulations: solar and wind farms, casinos, cannabis
- Procedures: development review, design guidelines
- Improvements: streetscape, greenway and trail system
- Intergovernmental issues: consolidation, property taxes
- Review and revise plan when needed



# Questions and Discussion

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arking lots to improve the  
ment and to contribute to

with a logical layout  
circulation.

s is encouraged in order  
g lots.

ises, and other elements  
ne design of parking lots.

walkability within the  
g developments.

minimize curb cuts and  
conflict between travel  
g vehicle access into the

## Design Techniques

Site Access, Circulation

### Decorative Fencing a



### Landscaped Berm



# Regulating Development

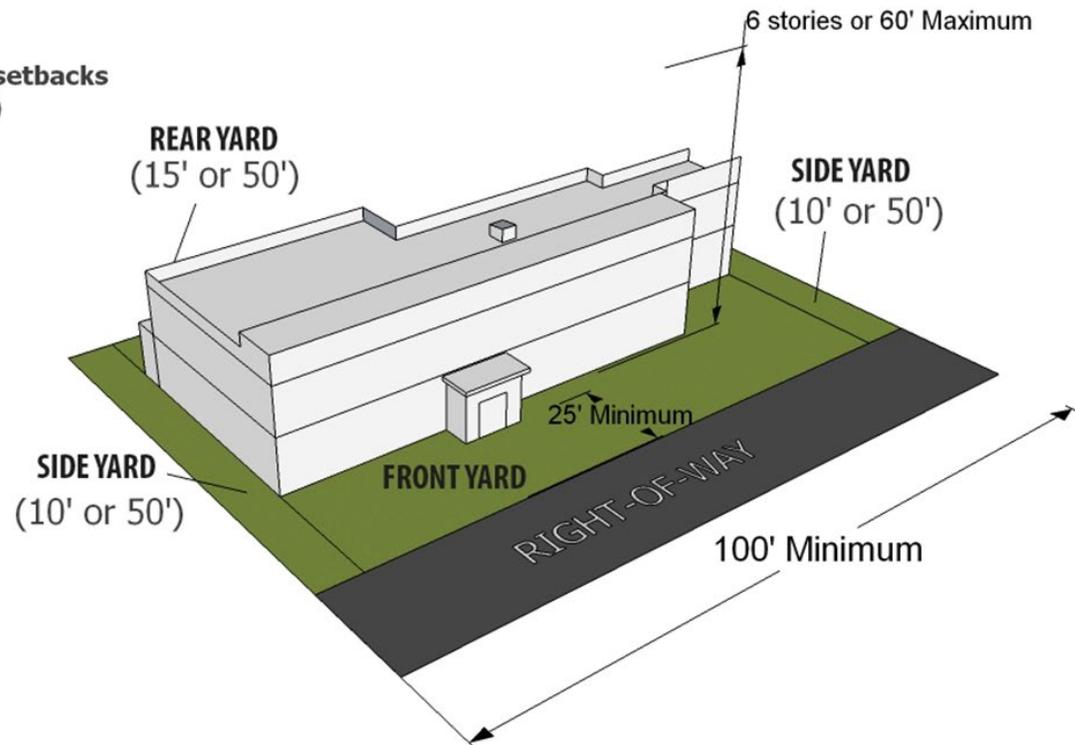
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- Police Power – health, safety, welfare
- Balance community character and economic development
- Clear structure with objective codes applied consistently
- Predictable, fair, timely process
- Each community is different
- No right answer, but consider legal limitations
- Design Guidelines

# Zoning

## 20,000 sq. ft. Minimum Lot Area

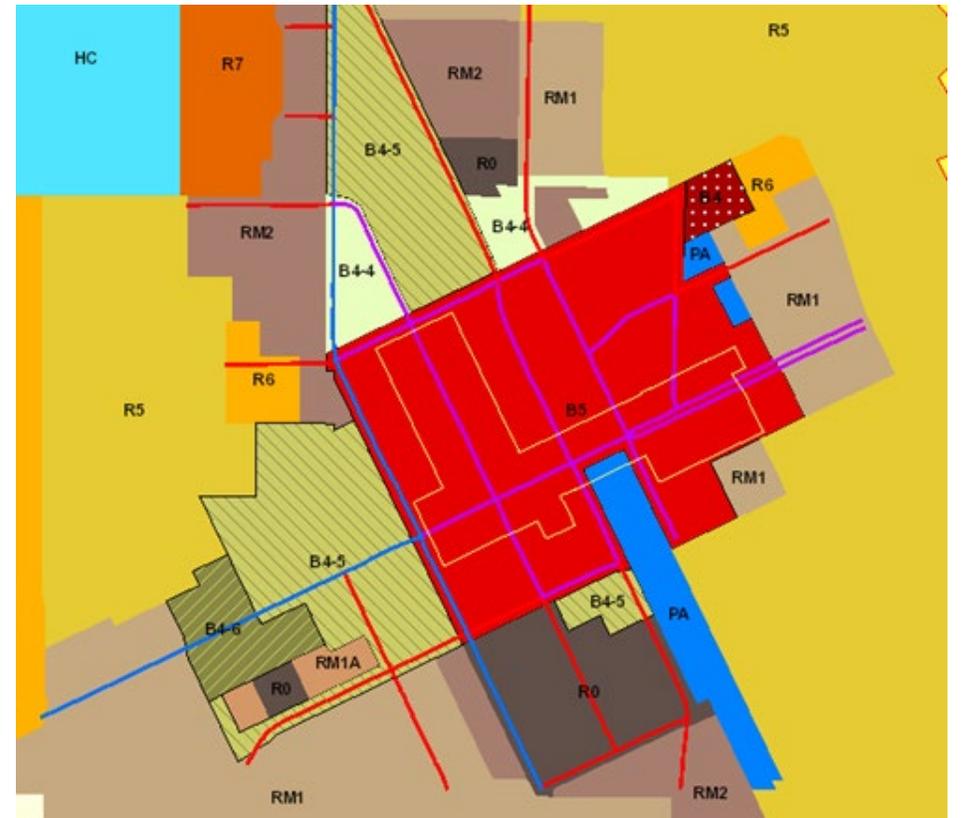
(50' side and/or rear yard setbacks  
when lot abuts residential)



- Creates predictability. Protect residents from others' actions, not primarily to limit owner's use
- State statutes authorize local governments to zone; case law limits how zoning is used
- Tools to implement Plan by regulating
  - Use of land
  - Amount of open space on lot, building setbacks
  - Bulk of buildings, land coverage on lot

# Zoning Districts

- Single Family
- Multiple family
- Central Business District
- Mixed Use
- Retail
- Commercial
- Office
- Manufacturing
- Institutional
- Open Space
- Agricultural
- Overlay District(s)



# Types of Zoning Approval



- Permitted Uses (no hearing)
- Variation or variance
- Special Use or Conditional Use
- Planned Development or PUD
  
- Conditions
  - Must be rational nexus to proposal
  - Listed in approving ordinance

# Planned Development

(aka Planned Unit  
Development)

## Benefits to Developer

- Flexibility in design
- Phased construction
- Consolidates variations

## Benefits to the Municipality

- Public Benefit
- Open space & recreational areas
- Preserve natural features & environmental resources
- Incentivize Community Goals (ie. historic preservation, affordable housing)

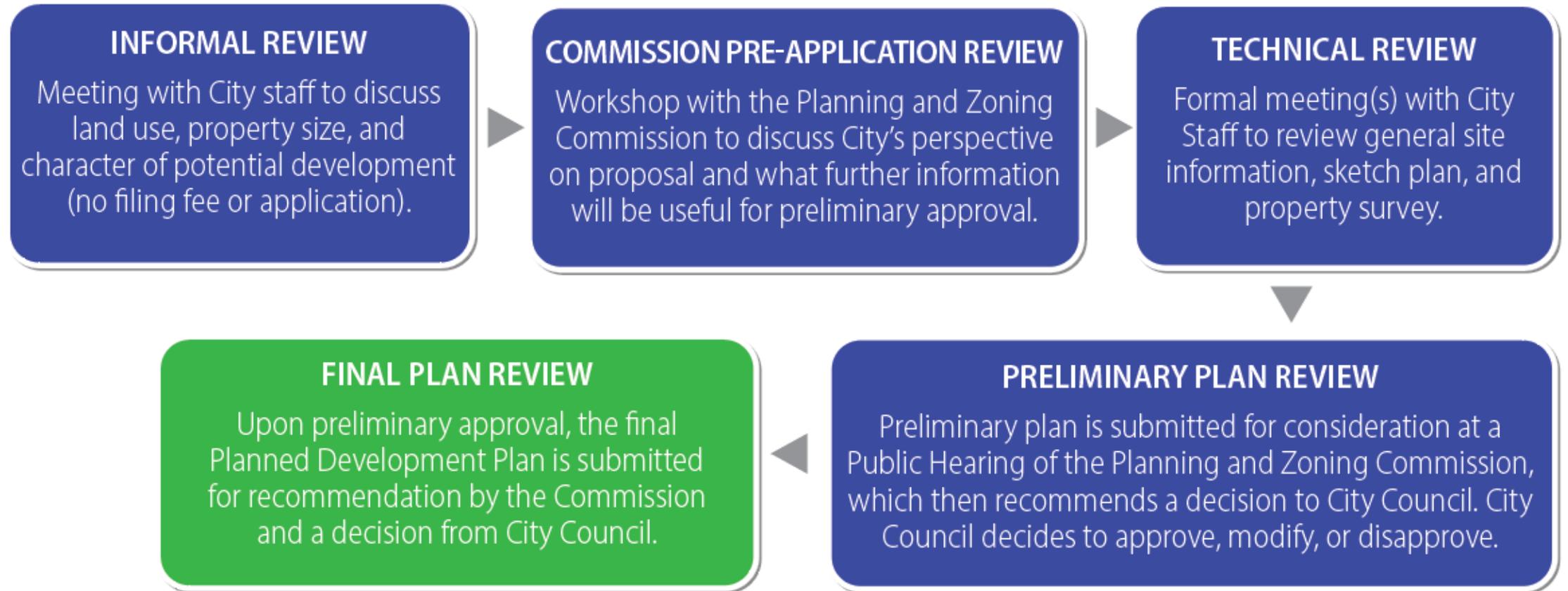


# Keeping Zoning Current

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- Text Amendment changes the language in the code
- Map Amendment changes the zoning district for some parcels - avoid spot rezoning just one parcel
- Often amend zoning text and zoning map after new Comp Plan adopted

# Example of Planned Development Process



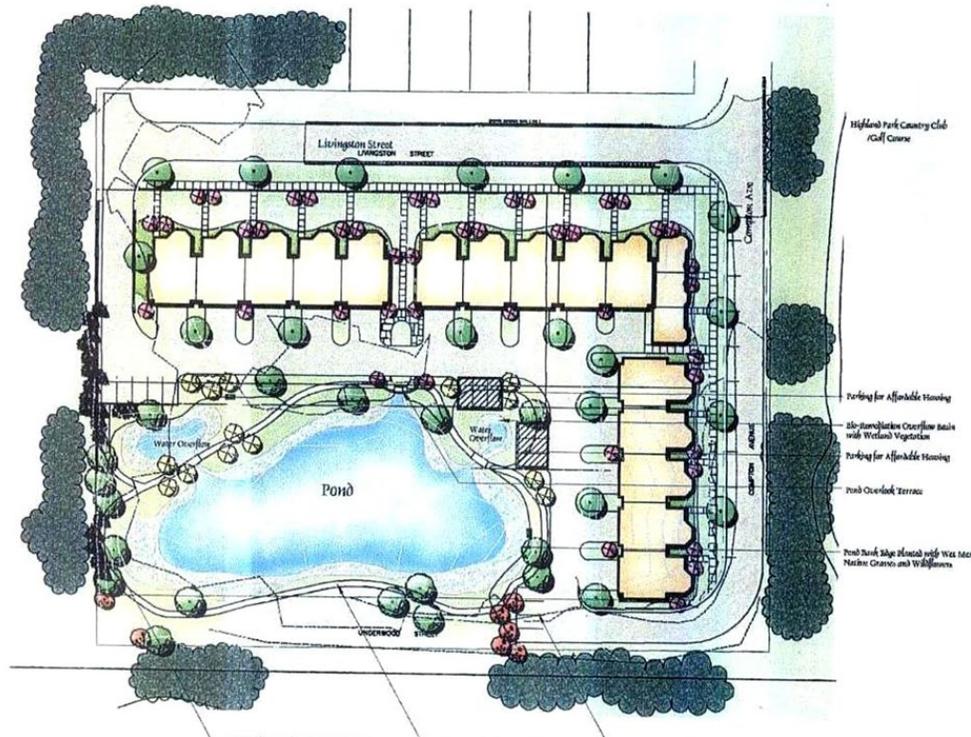
# Subdivision

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- Procedure to regulate division of land into lots for sale, lease, or development
- Operates with zoning code and building code
- Affects the look and function of a community
- Requirements for access, safety and health
- Technical process to confirm plat meets standards in the ordinance
- Dedication of Land or Fee in Lieu for Schools and Parks

# Subdivision Regulations



- Public Improvement Standards Define Community Character
  - Roads, curbs & gutter, street lighting
  - Sidewalks (both sides of the street?), paths
  - Utilities, stormwater (sewer or swale?)
- Approval Process Ensures Infrastructure Installation
  - Ministerial Function
  - Plan Commission reviews preliminary & final plat
  - Elected officials act on preliminary & final plat
  - Utilities installed in advance of / concurrent with lotting

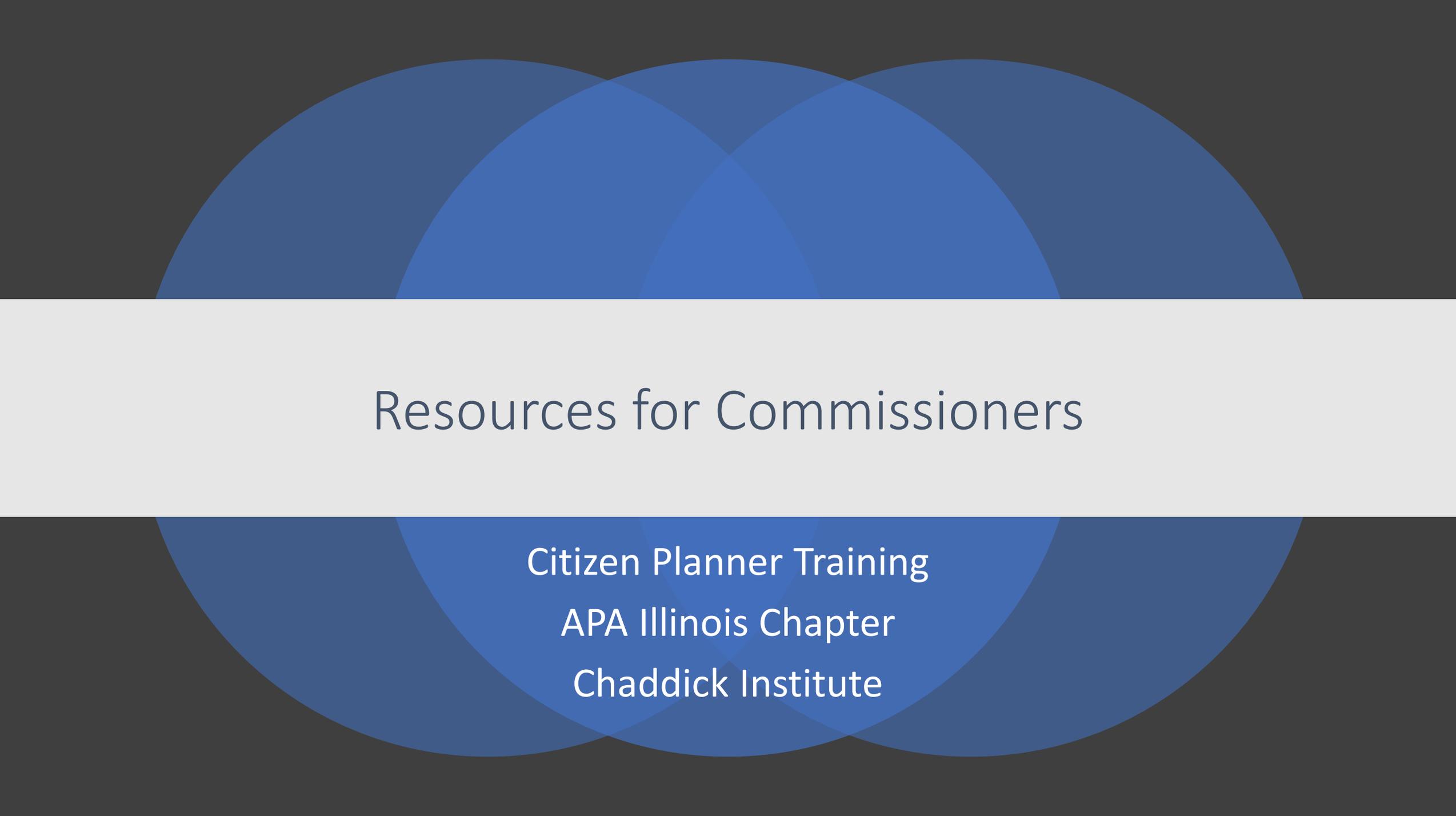
# Annexation

- Growth tool to expand municipal boundaries
  - Address potential impacts of adjacent properties outside of municipality
- Voluntary Annexation may be in advance of contiguity
  - Pre annexation agreement sets parameters for later annexation
- Force Annexation
  - Required to be less than 60 acres and surrounded by municipality





# Questions and Discussion



# Resources for Commissioners

Citizen Planner Training  
APA Illinois Chapter  
Chaddick Institute

# Resources:

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

# 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.pps.org](http://www.pps.org)
  - [www.landmarks.org](http://www.landmarks.org)
  - [www.savingplaces.org](http://www.savingplaces.org)
  - <http://petepointnerplanning.blogspot.com/>

# Diversity, Equity, and Inclusiveness Resources:

- APA Annual Diversity Forums: <https://planning.org/diversity/efforts/>
- 2019 PAS Memo Increasing Diversity, Equity and Inclusion in Planning: <https://planning.org/publications/documents/9176238>
- APA-IL 2017 Planning for Equity Program: <https://www.ilapa.org/diversity-equity-inclusion>
- APA Ambassador Program: <https://planning.org/ambassadors/>
- APA Diversity and Inclusion Training: [https://learn.planning.org/local/catalog/view/product.php?globalid=LRN-PAC18\\_001](https://learn.planning.org/local/catalog/view/product.php?globalid=LRN-PAC18_001)
- APA course Promoting Diversity and Inclusive Communities: <https://learn.planning.org/local/catalog/view/product.php?globalid=LRN188182>
- American Association of University Women Work Smart Online: [www.salary.aauw.org](http://www.salary.aauw.org)
- American Planning Association Equity Policy Guide (2019): <https://planning.org/publications/document/9178541/>
- Informational Videos -- Jim Crow of the North: <https://www.tpt.org/minnesota-experience/video/long-lead-jiyjix/> and The Color Tax: <https://www.youtube.com/watch?v=UVHqMbyzZ-Y>

# Thank You!

Citizen Planner Training

APA Illinois Chapter

Chaddick Institute

**PLANNING AND DEVELOPMENT SERVICES MEMORANDUM**

**22-27**

DATE: March 28, 2022

TO: The Chairman and Members of the Planning and Zoning Commission

FROM: Kristy Stone, Village Planner *KS*

RE: **Rules of Procedure**

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According to the Zoning Ordinance, the Planning and Zoning Commission shall adopt its own rules of procedure not in conflict with the Illinois Revised Statutes. Staff will prepare a draft outline of the rules of procedures for the Commission to review, discuss, amend and adopt at either the May 5, 2022 or June 2, 2022 P&Z Commission meeting. Staff has attached the bylaws for the former Plan Commission, as well as the of rules of procedures/bylaws from the Planning and Zoning Commissions in Lisle and Waukegan for your reference.

# VILLAGE OF BARTLETT

9/91

## By Laws of the Plan Commission

1. The number of meetings per month and a schedule of meeting dates shall be established and may be altered or changed at any regularly scheduled meeting. One regular meeting date is established each month on the second Thursday at 7:30 P.M. in the Village Hall.
2. Additional meetings may be held at any time upon the call of the chairman or by a majority of the voting members of the commission or upon request of the Village Board following at least twenty-four hours' notice to each member of the commission.
3. The commission at its first regular meeting in January of each year shall elect a chairman and vice-chairman and shall also appoint a recording secretary who need not be a commission member.
4. The duties and powers of the officers of the Plan Commission shall be as follows:
  - A. Chairman;
    - (1) Preside at all meetings of the commission.
    - (2) Call special meetings of the commission in accordance with the by-laws.
    - (3) Sign documents of the commission.
    - (4) See that all actions of the commission are properly taken.
  - B. Vice Chairman;

During the absence, disability or disqualification of the chairman, the vice-chairman shall exercise or perform all the duties and be subject to all the responsibilities of the chairman.
  - C. Recording Secretary;
    - (1) Keep the minutes of all meetings of the commission in an appropriate minute book.
    - (2) Prepare the agenda as directed by the chairman for all meetings of the commission.

5. The role of the Village Clerk in conjunction with the Recording Secretary shall be as follows:
  - A. Give or serve all notices required by law or the by-laws.
  - B. Be custodian of commission records.
  - C. Inform the commission of correspondence relating to business of the commission and attend such correspondence.
  - D. Handle funds allocated to the commission in accordance with its directives, the law and Village regulations.
6. All maps, plats and other matters required by law are to be filed in the office of the Village Clerk.
7. Matters referred to the commission by the Village Board shall be placed on the calendar for consideration and action at the discretion of the commission chairman.
8. A majority of the members of the commission entitled to vote shall constitute a quorum for the transaction of business.
9. When it does not conflict with ordinance limitations, reconsideration of any decision of the commission may be had when the interested party for such reconsideration makes a showing--satisfactory to the chairman--that without fault on the part of such party, essential facts were not brought to the attention of the commission.
10. **Robert's Rules of Order** are hereby adopted for the government of the commission in all cases not otherwise provided for in these rules.
11. These rules may be amended at any meeting by a vote of the majority of the entire membership of the commission provided five (5) days' notice has been given to each member of the commission.
12. **Order of Consideration of Agenda Items:**  
The following procedure will normally be observed; however, it may be rearranged by the chairman for individual items if necessary for the expeditious conduct of business.

## General Order of Business

- A. Minutes
  - B. Personal appearance (i.e. any citizen desiring to speak on a matter that is not scheduled on the agenda)
  - C. Scheduled matters:
    - a. Consent items (i.e. items that require little or no discussion)
    - b. Zoning amendments
    - c. Special use permits
    - d. Planned Development districts
    - e. Subdivisions
    - f. Other items referred by Village Board
  - D. Adjournment
13. Consideration of Agenda Items shall not continue beyond 10:00 P.M. or beyond the time considered appropriate at the chairman's discretion.
14. Designation of Voting Order. The vote of each commission member shall be specifically recorded in every item; and the order of voting to be rotated each month except that the chairman shall not vote unless his vote is needed to break ties or make up a quorum.
15. Any member of the plan commission who shall feel that he or she has a conflict of interest on any matter that is on the planning commission agenda shall voluntarily excuse himself/herself, vacate his/her seat, and refrain from discussion and voting on said items as a planning commissioner.
16. Each member of the planning commission who has knowledge of the fact that he/she will not be able to attend a scheduled meeting of the Plan Commission shall notify the Village Clerk at Village Hall at the earliest possible opportunity and, in any event, prior to 5:00 P.M. on the date of the meeting. The Village Clerk shall notify the chairman of the commission in the event that the projected absences will produce a lack of quorum.
17. The chairman shall be an ex-officio member of all committees, with voice but no vote.

18. No member may serve more than two (2) full consecutive terms as chairman or vice-chairman. For the purpose of this paragraph only, the word "term" shall mean a period of one (1) year.
19. The vice-chairman shall succeed the chairman if he/she vacates his/her office before the term is completed, the vice-chairman to serve the unexpired term of the vacated office. A new vice-chairman shall be elected at the next regular meeting.

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## LISLE PLANNING AND ZONING COMMISSION BY-LAWS

### ARTICLE I

#### OFFICERS

##### Section 1. Selection

- A. Pursuant to Section 2-1-2 of the Lisle Village Code, the Chairman of the Planning and Zoning Commission (hereinafter also referenced as "Commission") is appointed by the Mayor, subject to the confirmation of the Board of Trustees.
- B. A Vice-Chairman shall be elected annually by the Commission.
- C. A secretary may be elected annually by the Commission.

##### Section 2. Tenure

- A. Commission terms of office shall be in accordance with Section 2-1-3 of the Lisle Village Code.
- B. The Chairman shall take office immediately following their selection by the Mayor and Board of Trustees. The Chairman shall hold office until a successor is appointed and assumes office or until his or her term is expired, whichever occurs first.
- C. The Vice-Chairman and Secretary shall take office immediately following their selection and shall hold office until their successors are selected and assume office, or until their terms are expired, whichever occurs first.

##### Section 3. Duties

- A. The Chairman shall preside at all hearings or meetings, shall appoint such committees as may be necessary to carry out the purposes of the Commission, shall appoint committee chairmen, shall provide for oaths to be administered to all witnesses at public hearings, shall prepare or direct the preparation of all reports of recommendation or official action for the Village Board, shall perform such other duties as may be ordered by the Commission, and shall perform such other duties necessary to carry out the purpose of the Commission.
- B. The Vice-Chairman shall perform all the duties and exercise all of the powers of the Chairman in the case of absence or disability of the Chairman. In the event of death, removal for cause, resignation, or inability of the Chairman to serve, the Vice-Chairman shall serve as Acting Chairman with all the powers and duties of the Chairman until a successor is appointed. The Vice-Chairman shall perform such other duties as directed by the Chairman.

- C. The Secretary, if this office is created by the Commission, shall call the roll, call public speakers, direct the preparation of the minutes of all meetings and public hearings, execute documents in the name of the Commission, conduct correspondence of the Commission subject to the instructions of the Commission and Chairman, and perform such other duties as the Commission may determine. In case of absence or temporary disability of the Secretary, the Chairman may appoint an Acting Secretary to carry out the functions of the Secretary's office until the Secretary returns to his or her post, or until a successor is selected.
- D. A recording secretary (hereinafter "Recording Secretary") supplied by the Development Services Department shall oversee recording of the Commission proceedings and shall prepare the minutes of the commission meetings showing the vote of the Commission, recording all official actions of the Commission and summarizing accurately the testimony of those appearing before the Commission.
- E. In the absence of both Chairman and Vice-Chairman, an Acting Chairman designated by the Chairman, or by the Mayor if the Chairman is unavailable, shall preside.
- F. Commission members shall not accept compensation and / or benefits related to their service as a Commission member.
- G. Commission members shall recuse themselves when a conflict exists that may influence their decision or vote.

## ARTICLE II

### MEETINGS

#### Section 1. General Provisions

- A. All meetings and notices of Commission meetings shall comply with the Illinois Open Meeting Act, 5 ILCS 120/1 et.seq. Unless closed in compliance with the Illinois Open Meetings Act, all meetings of the Commission shall be open to the public. No final action shall be taken except at a public meeting.
- B. There are seven (7) members of the Commission. Four (4) members of the Commission shall constitute a quorum for the transaction of business and the taking of official action. A continuance of a public hearing to the next regularly scheduled Commission meeting due to a lack of quorum shall not be considered transaction of business.
- C. All documents and communications to be brought to the Commission's attention are to be filed with the Recording Secretary of the Commission the Thursday preceding a meeting to assure that the Commission will have adequate time to consider the document or communication prior to the meeting. Said documents and communications shall be made part of the case packet and posted on the Village's website if possible. At the Chairman's discretion, documents and communications may be filed after this date and time; however, the Chairman may choose to continue the hearing, in whole or in part, based upon the late submission of materials.

- D. A record of proceedings shall be maintained for all meetings of the Commission in accordance with applicable laws and shall at a minimum include the date, location of the meeting, Commission members present, and a record of any action taken by the Commission.
- E. Members of the public who wish to comment or testify at a public hearing to be conducted by the Commission shall comply with the provisions of Article IV of these By-laws. Any member of the public who wishes to address the Commission for any other purpose may notify the Recording Secretary of his or her intent to speak during public forum; see Article V for additional information.

#### Section 2. Regular Business Meeting

- A. The Regular Business Meeting of the Commission shall be held on the third Wednesday of each month at 7:00 p.m.; provided, the Commission may adopt another hour and date of holding its meetings by majority vote.
- B. All regular meetings of the Commission shall conclude at ten (10:00) p.m. unless extended to a time certain by a simple majority of Commission members present.
- C. Public hearings shall be scheduled by the Development Services Director or by the Village Planner, and shall occur during the Commission's Regular Business Meeting. The Development Services Department shall publish proper notice for all public hearings in the newspaper of general circulation as required by law. The Development Services Department shall be responsible to provide all other notices as may be required by the Lisle Village Code.
- D. The record of proceedings for all hearings shall include documentation that notices required by the Lisle Village Code have been given.

#### Section 3. Special Meeting

The Commission may schedule Special Meetings for the purpose of training, consideration of reports, planning discussions, and other matters related to the scope of the Commission's activities as defined by Section 2-1-9 of the Lisle Village Code. Such meetings may be scheduled on the call of the Chairman or at the written request of three members of the Commission, provided that at least 48 hours' notice of any such meeting is posted by the Village and given by mail, email or telephone to each member. The notice of the special meeting shall state the purpose and time of the meeting and comply with the Illinois Open Meetings Act.

#### Section 4. Legal Holidays

Any meeting that falls on a Village observed holiday shall be held on such other date as may be selected by the Director of Development Services with consent of the majority of the Commission.

ARTICLE III  
RULES OF ORDER

Section 1. Agenda

The Recording Secretary shall prepare the agenda for approval by the Chairman for each meeting of the Commission. The Director of Development Services or Village Planner, in consultation with the Chairman, shall endeavor to manage the agenda for the Commission so as to ensure that fair and full consideration is given to each item on the agenda. The Chairman may modify the order of consideration of any item on the agenda with the concurrence of the Commission.

Section 2. Regular Business Meetings

- A. Order of Business: The order of business at regular business meetings shall be as follows:
- i. Call to Order
  - ii. Roll Call
  - iii. Approval of Minutes
  - iv. Public Comment
  - v. Continued Public Hearings
  - vi. Public Hearings
  - vii. New Business
  - viii. Old Business
  - ix. Adjournment
- B. Change of Agenda Item Order: The Chairman may, at his or her discretion, or at the request of a Commissioner, change the order of an item or items on the agenda with the consent of the Commission.
- C. Item(s) Not on Agenda: The failure to specifically list a matter on the agenda shall not preclude discussion of any matter that is germane to a general topic listed on an agenda or meeting notice, but no final action may be taken with respect thereto.
- D. Conduct of Members:
- a. When two (2) or more Commission members seek recognition at the same time, the Chairman shall name the member who speaks first.
  - b. Commission members shall always demonstrate respect for the opinions of each other, members of the staff, and members of the audience.
  - c. While business of the Commission is being transacted, no Commission member shall leave the meeting without first informing the Chairman.

### Section 3. Electronic Attendance

- A. Electronic Attendance: A member of the Commission wishing to attend a Commission meeting by telephonic or video means shall notify the Recording Secretary as soon as possible, but not less than twenty-four (24) hours before the meeting unless advance notice is impractical. Attendance by telephonic or video means is only permitted in cases of: 1) personal illness or disability; 2) employment purposes or other public business; or 3) a family or other emergency.
  - a. No more than two Commission members may attend a meeting by telephonic or video means.
- B. Physical quorum present: A majority of the Commission must be physically present at a meeting in order to achieve a quorum.
- C. Procedure:
  - a. The Chairman will announce the name of any Commissioner attending by telephonic or video means at the beginning of the meeting.
  - b. After a roll call establishing that a quorum is physically present, any member physically present may make a motion to permit another member to participate by telephonic or video means. Such motion shall include the reason for the absence. All members physically present are permitted to vote on whether such participation will be allowed and the motion must be approved by a vote of a majority of those members physically present.
  - c. Commission members participating by telephonic or video means shall preface their comments and their votes by first stating their last name.
- D. State Disaster Declaration
  - a. Pursuant to Section 7(e) of the Open Meetings Act (OMA) (5 ILCS 120/7), an open or closed meeting subject to OMA may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area.
  - b. In the event of a State Disaster Declaration as defined above in Section 3-D-a, the Chairman is authorized to determine that an in-person meeting is not practical or prudent because of a disaster. In making this determination, the Chairman is further authorized to establish meeting policies and procedures that are otherwise compliant with the OMA.
    - i. Agendas, mailed notifications, and publications shall identify the methods for public participation.

#### Section 4. Motions

- A. Motions shall be seconded by a voting member of the Commission before a vote is taken. The name of the individual making the motion and the name of the individual seconding the motion shall be recorded. A motion is not before the Commission until it has been seconded.
- B. All motions are debatable except the motion to adjourn and the motion to close debate and call the question.
- C. A motion may be amended or a motion to substitute may be made. A motion to substitute takes the place of the main motion and only one vote is needed.

#### Section 5. Voting

- A. Voting on final recommendations of the Planning and Zoning Commission shall be by roll call. Other voting shall be by voice vote unless a roll call is requested by the Chairman or another member of the Commission. Motions shall be made in the affirmative; a majority of members present shall vote in the affirmative in order to constitute a majority recommendation of approval. A tie vote shall result in a majority recommendation of denial.
- B. In the event that majority recommendation of approval is not achieved by the Commission on any item under consideration, the Chairman shall note that fact and the Recording Secretary shall provide a summary of each Commissioner's comments.

#### Section 6. Rules of Order

The following rules of order shall govern all Commission proceedings:

- A. Robert's Rules of Order shall govern Commission proceedings.
- B. Chairman to Preside: The Chairman shall preside at all Regular Business Meetings and Special Meetings of the Planning and Zoning Commission provided that in the absence of the Chairman the Vice Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman, an Acting Chairman designated by the Chairman, or by the Mayor if the Chairman is unavailable, shall preside.
- C. The Chairman shall preserve order and decorum and shall decide on all questions of order. The rulings of the Chairman shall be appealable to the Planning and Zoning Commission and shall be decided by a majority vote of those present, including the Chairman, without debate.
- D. Precedence of Motions:
  - i. Motion to adjourn to a date certain.
  - ii. Motion to adjourn.
  - iii. Motion to recess the meeting to a time certain.
  - iv. Motion to close debate and call the question. When a motion is made to "close debate and call the question" a vote on the main motion shall be taken without further debate unless either a motion to adjourn is made or unless the motion is objected to. If the motion to close debate and call the question is contested by an objection to the motion, the Chairman will ask for a roll call on the motion to close debate and call the question, which shall pass if approved by a majority of the

Commission. A motion to close debate and call the question does not require a second.

- v. Motion to substitute (takes the place of the main motion and only one vote is required).
- vi. Motion to amend.
- vii. Motion to table to a date certain.
- viii. Main motion
- ix. Motion to reconsider at the same meeting. A motion to reconsider a decision made at the same meeting the original vote was taken may be made by any member of the Commission, if that member voted with the prevailing side. If the motion to reconsider is made before another item has been discussed, and if the motion is seconded and passed by a two-thirds (2/3) vote of the Commission, the item may be reconsidered at that meeting.
- x. Motion to change a vote. A member has a right to change his or her vote up to the time that the result is announced; after that, he or she can make the change only by the unanimous consent of the assembly granted without debate.
- xi. Motion to suspend the rules. Planning and Zoning Commission procedural rules may be temporarily suspended for only the matter under consideration at any time by a vote of two-thirds (2/3) of the Commission. . However, rules relating to issues governed by State statute shall not be so suspended.
- xii. Motion to remove an item from the agenda. This motion is appropriate when the Commission chooses to take no action on an item (i.e., when the petitioner has withdrawn the request).
- xiii. Motion to rescind: Motions approved by the Commission shall remain stayed for a period of seven (7) calendar days during which a member of the Commission may request that a motion to rescind be considered by the Commission. The motion to rescind shall be considered by the Commission at the next regularly scheduled meeting; the applicant shall be notified in writing of the contemplated motion to rescind, and the motion to rescind shall be posted in accordance with the Open Meetings Act.

#### ARTICLE IV

##### PUBLIC COMMENT FORUM

###### Section 1. Public Comment Forum

The Illinois Open Meetings Act provides that members of the public must be given an opportunity to address public officials at open meetings and provides that public comment maybe subject to the rules established and recorded by the public body. The purpose of the public comment forum is to allow members of the public an opportunity to address the Commission on issues of concern to them which are not part of the agenda.

###### Section 2. Conduct of Public Comment Forum

- A. All individuals participating in the public comment forum shall conduct themselves in a courteous and civil manner. No applause, cheering, or other distractions shall be permitted. The Chairman shall take such actions as needed to maintain an orderly and civil hearing.
- B. Speakers shall address the Commission from the podium and shall state their name for the record before beginning their remarks.

- C. Speakers shall limit their remarks to no more than three (3) minutes unless additional time is granted by the Chairman or by majority vote of the Commission.
- D. A timer may be used to notify speakers when the allotted time has expired. Speakers will be informed when their allotted time has expired. Upon the expiration of the allotted time, speakers shall stop speaking and leave the podium unless additional time is granted or unless there are questions directed to the speaker from the Commission.
- E. Public participation during the public comment forum shall be limited to no more than thirty (30) minutes in total unless extended for a time certain by the Chairman or by a majority vote of the Commission. If there are more speakers signed up to address the Commission than time will allow, public forum shall be bifurcated and continued to the end of the agenda, prior to new business.

## ARTICLE V

### PUBLIC HEARINGS

#### Section 1. Public Hearing Conduct

All individuals participating or attending a public hearing shall conduct themselves in a courteous and civil manner. No applause, cheering, or other distractions shall be permitted. The Chairman shall take such actions as needed to maintain an orderly and civil hearing.

#### Section 2. Notice Confirmation

Prior to commencement of the hearing, Village staff shall confirm that proper notice of the hearing was given in accordance with state statutes and the Lisle Village Code, and that documentation of such notice is included in the case file for the Petition.

#### Section 3. Introduction by the Chairman

- A. The Chairman will begin each public hearing by announcing the name of the petitioner (hereinafter "Petitioner") and the nature of the request.
- B. An oath will be administered to all persons intending to testify during the course of the public hearing.

#### Section 4. Order of Business

The order of business for a public hearing shall be as follows:

- i. Village Staff Presentation
- ii. Petitioner Presentation
- iii. Interested Party Presentation
- iv. Cross Examination of Petitioner
- v. Cross Examination of Interested Party
- vi. Public Comment
- vii. Petitioner Response
- viii. Commission Discussion and Public Hearing Closure

#### Section 5. Village Staff Presentation

- A. Village staff will provide a presentation summarizing the nature of the Petitioner's request, basic facts of the case, the staff recommendation, and any additional information that is relevant to the Planning and Zoning Commission's consideration of the case.
- B. Staff shall also be present to respond to inquiries by the Planning and Zoning Commission, Petitioner, and public regarding the facts of the case of the provisions of the Village Code.

#### Section 6. Petitioner's Presentation

- A. The Petitioner shall be allocated time to present the Petition including testimony of witnesses and other evidence as are relevant to the case. The Chairman shall allow the Petitioner reasonable time to make this presentation without interruption; provided, however, that questions by the Chairman or other members of the Commission may be permitted if necessary to aid the Commission or public in understanding a particular aspect of the presentation.
  - a. The provisions of Section 7 (Evidence) shall apply to the Petitioner's presentation.

#### Section 7. Interested Party Presentation

- A. The Chairman will begin the interested party presentation forum by advising all interested parties of the following:
  - a. The amount of time permitted for interested party testimony, comment, and general questions;
  - b. that all speakers state their names and addresses before addressing the Commission;
  - c. that interested parties are to avoid repetitive comments, testimony, and general questions;
  - d. that interested parties are to appointment a person to speak on behalf of a group; and
  - e. that all information presented to the Commission is under oath.
- B. Interested Party Defined. An interested party is defined as a person who received a personal notice addressed to them as required under the Zoning Ordinance about the public hearing.
  - a. A person wishing to exercise this right must be prepared to demonstrate to the satisfaction of the Commission that they are the person to whom the notice was addressed or that they reside at the address on the notice.
- C. An interested party may present testimony of witnesses and other evidence regarding the petition. The Commission should allow persons to make this presentation without

interruption, except for those questions allowed by the Chairman that may be immediately necessary to aid the Commission or the public in understanding a particular aspect of the presentation.

- D. All interested parties will be collectively allowed an equal amount of time as was provided to the petitioner for its full presentation.
- E. An interested party is allowed to speak one time, unless the Chairman determines that allowing an interested party to address the Commission an additional time will contribute new testimony or other evidence.
- F. School District Right: Pursuant to 65 ILCS 5/11-13-20 any school district within which the property in issue, or any part thereof, is located shall have the right to appear and present evidence.

#### Section 8. Cross Examination Rights

- A. Interested Parties. An interested party has the right to cross-examine petitioners and petitioners' witnesses.
- B. Petitioners. A petitioner has the right to cross-examine any witness offered in opposition to their petition.
- C. School District. 65 ILCS 5/11-13-20 any school district within which the property in issue, or any part thereof, is located shall have the right to cross examine the petitioners and their witnesses.
- D. General Public. Any other party who does not otherwise have a right to cross-examination under these rules must file a formal request to do so at least one (1) days in advance of the scheduled public hearing date or continuation thereof. The request must be made in writing and be submitted to the Development Services Director. The Commission shall determine whether their request to cross-examine witnesses has been granted or denied at the public hearing. No such request will be unreasonably denied.

#### Section 9. Cross Examination Content Requirements

- A. Matters that are subject to cross-examination must be factual and not merely matters of taste or personal opinion.
- B. The cross-examination must help simplify otherwise complex issues before the Commission.
- C. The cross-examination must relate to the factors to be considered by the Commission in making its recommendation.

#### Section 10. Cross Examination – Chairman Authority

- A. The Chairman may restrict the scope of cross-examination to the testimony offered.

- B. The Chairman may specify which issues are considered relevant to the factors the Commission must use to make its recommendation and limit cross examination accordingly.
- C. The Chairman shall determine whether a party conducting a cross examination is eliciting relevant information and may direct a cross-examiner to adjust questions accordingly.
- D. Cross-examination designed to elicit extraneous, irrelevant, or repetitive testimony may be ruled out of order by the Chairman and may result in disqualification of the person from further cross-examination of the witness.

#### Section 11. Public Comment

- A. Members of the public who are interested in the subject matter of the Petition shall be allocated time to speak.
  - a. Any individual providing public comment shall address the Commission from the podium and state their name for the record.
  - b. Individuals providing public comment shall avoid repetitive comments, testimony and questions.
  - c. Individuals speaking on the same issue should coordinate testimony to the extent possible in order to promote an efficient hearing, including selection of a representative to speak on behalf of a group where appropriate.

#### Section 12. Petitioner Response

The Chairman shall allow the petitioner a reasonable time to respond to the testimony and comments presented.

#### Section 13. Commission Discussion

- A. During the Commission's discussion, members of the Commission may direct additional questions to the petitioner, witnesses for the petitioner, or members of the public who testified. The petitioner, witnesses for the petitioner, or members of the public or their attorneys may not address the Commission during this portion of the meeting without the consent of the Chairman.
- B. Based on the discussions, the Commission may:
  - a. request the petitioner, a member of the public, Village staff, and/or the Village Attorney to provide new or additional information and continue the hearing to a date certain; or
  - b. continue the hearing to a date certain for any reason deemed appropriate by the Commission; or
  - c. motion to move to the regular meeting and close the public hearing.

#### Section 14. Subpoena of Witnesses

- A. There is no automatic right to request the issuance of a subpoena for any witness.
  - a. The Chairman may, in accordance with state law, compel the attendance of a witness if the following exists:
    - i. a proper showing that the testimony to be elicited is relevant to the factors under consideration by the Commission;
    - ii. an allegation of some special interest beyond that of the general public; and
    - iii. that the evidence to be elicited from the subpoenaed witness cannot be obtained through some other document or testimony.
  - b. Any person who satisfies the requirements for issuance of a subpoena will be completely responsible for presenting the witness before the Commission, including, without limitation all costs, attorney fees, and enforcement of the subpoena.
  - c. A subpoena may not be issued to obtain documents or other non-testimonial evidence.
  - d. Failure of a subpoenaed witness to appear shall not result in a delay of the proceedings before the Commission.

#### Section 15. Evidence

- A. The Commission is not bound by strict rules of evidence. The Chairman shall rule on all questions related to the admissibility of evidence presented by the Petitioner or any Interested Party, provided that the Chairman's ruling may be overruled by a majority of the Commission members present.
- B. Submission of written documentation of any kind which is relevant to the Petition shall be governed by the provisions of Article II, Section 1(c) above.
- C. An individual presenting information to the Commission as an expert witness shall provide the Commission with his or her name, the Village, county and state (if other than Illinois) where he or she resides, the address of the business which he or she represents, and a description of the area of knowledge or expertise of such witness. It is preferred that such witness register with the Recording Secretary in advance of the meeting and provide the Recording Secretary with a business card and/or curriculum vitae. Such witness shall be allowed to testify subject to the conditions set forth herein or as may be reasonably imposed by the Chairman.

## ARTICLE VI

### MISCELLANEOUS

#### Section 1. Suspension of the Rules

The Commission may suspend any of these rules by a vote of two-thirds vote of total membership of the Commission.

#### Section 2. Amendments

These By-laws may be amended at any regular or special meeting by a two-thirds vote of total membership of the Commission if amendment of the By-laws is included on the Commission Agenda. Any proposed amendment must be presented in writing before the vote on the amendment is taken.

#### Section 3. Conflicting Provisions

These By-laws are intended to abrogate any provision of Title 2, Chapter 1, of the Lisle Village Code. In the event conflicting provisions exist, the Lisle Village Code and Illinois State Statute shall prevail.

**CITY OF WAUKEGAN  
RULES OF PROCEDURE FOR THE  
PLANNING AND ZONING COMMISSION**

**ARTICLE I - General Provisions**

Section 1: It is the purpose of these rules to establish a guide for the operation of the Waukegan Planning and Zoning Commission. These rules are supplemental to the provisions of Section 16-31(g) of the Waukegan City Code, which state that the Commission shall adopt rules necessary to conduct its affairs, and that are consistent with the provisions of the Waukegan Zoning Ordinance.

Section 2: Any member who has any financial or personal interest in a matter before the Commission shall remove himself or herself from any consideration of that matter.

Section 3: The Commission's attorney shall be consulted in cases where the powers of the Commission are not clearly defined, or where legal questions are at issue.

**ARTICLE II - Officers and Duties**

Section 1: The officers shall be a Chair and an Acting Chair. The Mayor shall designate the Chair. An Acting Chair will be elected from among the members of the Commission at those meetings when the Chair is absent. The Director of the Planning & Zoning or his/her representative shall serve as Secretary to the Commission.

Section 2: The Chair shall supervise the affairs of the Commission. He/She shall preside at all meetings of the Commission; shall appoint such committees and sub-committees as may be necessary to carry out the duties of the Commission; and shall provide that an oath be administered to all witnesses in cases before the Commission. The Chair shall be an ex-officio member of all committees and sub-committees so appointed.

Section 3: The Acting Chair, in the absence or disability of the Chair, shall perform all the duties and exercise all the powers of the Chair.

Section 4: The Secretary of the Commission or his/her designee shall:

1. Record and maintain permanent minutes of the Commission's proceedings, in accordance with the regulations of the Open Meetings Act, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact.
2. Keep records of its hearings and other official actions.
3. Record the names and addresses of all persons appearing before the Commission, and provide accurate summaries of their testimony.
4. Have published in a local public newspaper the notices of meetings or hearings as required by law.
5. File the minutes and records in the office of the City Clerk. Such minutes and records shall be of public record.

6. Be the custodian of the files of this Commission and keep all records.
7. Notify the media in accordance with the Open Meetings Act.

### **ARTICLE III - Meetings**

Section 1: Regular meetings shall be held at a time and day to be agreed upon from time to time by the Commission.

Section 2: All meetings shall be open to the public, except for those meetings that may be closed in compliance with the Open Meetings Act.

Section 3: No decision shall be made without a quorum present. A quorum of any regular or special meeting shall consist of a majority of the appointed members.

Section 4: Public hearings may not be held by less than a quorum of the Planning and Zoning Commission. And such public hearings shall be continued until a quorum is present, at which time a vote may be taken.

Section 5: Special meetings may be called by the Chair at his/her discretion, or upon the request of two (2) or more members, provided that public notice is given in accordance with the Open Meetings Act.

Section 6: Authorizations.

1. With the exception of the approval of the minutes, all decisions shall be made by a roll call vote and shall require at least a majority of the members present.
2. Conditional use permit requests may be recommended for approval to the City Council by a simple majority vote.
3. Variance requests may be recommended for approval to the City Council by a simple majority vote.
4. Map amendment requests may be recommended for approval to the City Council by a simple majority vote.
5. Appeals may be granted by a simple majority.

Section 7: Robert's Rules of Order shall be the official rules of the Planning and Zoning Commission except when they conflict with the officially adopted Rules of Procedure, in which case, the Rules of Procedure shall govern.

Section 8: The Planning and Zoning Commission shall review the Rules of Procedure at least bi-annually at a regular meeting the Chair designates.

Section 9: Any Commission member absent from three (3) or more meetings in any twelve (12)-month period may be recommended for dismissal. This shall be at the discretion of the Mayor and may include consideration of factors such as extenuating circumstances associated with the absence.

## **ARTICLE IV - Order of Business**

Section 1: Meetings of the Commission shall ordinarily proceed as follows:

1. Roll call and declaration of quorum
2. Changes to the Agenda
3. Approval of Minutes of the previous meeting
4. Written Communications
5. Old Business
  - a. Staff Reports
  - b. Audience Participation
6. New Business
  - a. Staff Reports
  - b. Audience Participation
7. Adjournment

Section 2: Continuances. Continuances may be granted to a specific time and date, at the discretion of and with the approval of a simple majority of the Planning and Zoning Commission, for good cause shown. Continuances may be considered at the request of staff, a Planning and Zoning Commission member, or any interested party who has entered his/her appearance. Continuances may be considered as follows:

1. A case may be continued by the Chair in the event of the lack of a quorum (does not require a vote).
2. New cases appearing for the first time on the agenda - continuances may be granted upon request.
3. Continued cases – All cases which have previously appeared on the agenda of the Commission, constitute continued cases. A request for further continuance will be considered upon application by the applicant and/or his/her representative at the time the case is called, and upon showing:
  - a) That he/she has given reasonable notice in writing to all persons who have filed an appearance in the matter of his/her intent to request a continuance; and
  - b) That he/she will be unable to proceed with his/her evidence at the scheduled meeting.

Section 3: Failure of Applicant to Appear.

The Planning and Zoning Commission may or may not act upon a case in the event that an applicant fails to appear. This shall be at the discretion of the Planning and Zoning Commission and may include consideration of factors such as extenuating circumstances associated with the absence, complexity of the case, and level of public interest in the case. Procedures for dismissal due to failure of an applicant to appear are as follows:

1. The Chair may entertain a motion from a Planning and Zoning Commission member to dismiss a case for failure of the applicant to appear if no request for a continuance is made prior to the hearing. Dismissal shall require a simple majority vote of the Planning and Zoning Commission.

2. In cases that are dismissed when the applicant does not appear, the applicant will be furnished with written notice by the Secretary of the Commission, or his/her designee.
3. The applicant shall have seven (7) days from date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown, and upon payment of a fee in the same amount as that required for initial filing.
4. In all cases reinstated, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

## **ARTICLE V - Procedures at Hearings**

Section 1: Unless otherwise determined by the Chair, the procedure at a hearing shall be as specified herein.

Section 2: All witnesses shall testify under oath.

Section 3: The applicant may appear in his/her own behalf, and/or be represented by counsel or agent. The applicant or his/her representative may make a statement outlining the nature of his/her request prior to introducing evidence.

Section 4: Evidence shall be presented in the following order:

1. Applicant makes statement and presents evidence
2. Commission examines applicant
3. Proponents make statements
4. Commission questions proponents
5. Opponents make statements.
6. Commission questions opponents. Opponents shall be allowed a reasonable opportunity for relevant questioning (i.e. "cross-examination") of the applicant. If the applicant is unable or unwilling to respond to the relevant questions, the Chair shall direct the Recording Secretary to take note of such in the minutes of the Planning and Zoning Commission.
7. Rebuttal by applicant
8. Rebuttal by objector
9. Applicant makes final statement
10. Staff presents recommendation
11. Commission questions staff

Section 5: In cases where the issue for consideration by the Planning and Zoning Commission is revocation of an existing Conditional Use Permit (CUP), resulting from alleged violation(s) of conditions imposed when the CUP was originally granted, the following procedures will apply:

1. City staff/City attorney makes opening statement and either the CUP holder or his/her attorney follows with an opening statement, if desired.
2. City staff/City attorney presents evidence and witnesses to support evidence of violation of CUP conditions.
3. Planning and Zoning Commission may question City staff and/or witnesses for City.
4. CUP holder/their attorney may cross-examine witnesses for City, and City staff/attorney may ask re-direct questions of the City witnesses.

5. CUP holder/their attorney presents his/her case why the CUP should not be revoked, including witnesses, if desired.
6. Planning and Zoning Commission may question the CUP holder and any witnesses he/she has presented.
7. City staff/City attorney may cross-examine CUP holder and/or any witnesses for CUP holder, if desired.
8. Closing statements by City staff/City attorney and CUP holder/their attorney.

## **ARTICLE VI -- Decisions**

Section 1: The Commission shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Commission considers additional time for deliberation is necessary.

Section 2: All recommendations of the Commission shall be made at a public meeting by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion, which decides the issue, shall be in the form of fact and shall state the reason(s) for the findings of the Commission. If conditions are imposed in the granting of a variance or conditional use, such conditions shall be included in the motion.

## **Article VII – Conflict of Interest**

Section 1: Any member of the Planning and Zoning Commission who has a conflict of interest in a matter before the Commission shall not participate in the discussion or vote thereon. Conflicts of interest may arise from various scenarios including, but not limited to, financial, ownership or property interests, conflicts with employment or appointments, or conflicts with a publicly-stated opinion on a pending application.

Section 2: If it is determined that a Commission member has a conflict of interest, they must state so and remove themselves from the discussion while the matter is resolved. Such action shall not affect the quorum established to conduct the meeting. The Commission member's recusal will be considered an abstention and shall not be counted as either an aye or a nay vote. Further, the abstaining member shall not be counted in determining the total number of votes required for approval of a matter before the Commission, any statute, ordinance or rule of parliamentary procedure to the contrary notwithstanding.

Section 3: A Commission member that has publicly stated a position in the press, in a public forum or on a public petition in regards to a case prior to that case being voted on by the Commission shall be deemed a conflict of interest. In this event, the Commission member shall indicate a conflict of interest as described herein and shall recuse themselves from participating in that case.

Section 4: The Chair, after consulting with the City Planner and the City Attorney, shall determine if a Rule of Procedure has been violated for the purposes of determining a conflict of interest. The determination of the Chair is subject to being over-ruled by the Commission.

**ARTICLE VIII - Amendment of Rules**

Section 1: These rules may be amended by majority vote of the Commission.

Section 2: A proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Passed and approved by the Planning and Zoning Commission on this 14<sup>th</sup> day of January, 2016.

  
\_\_\_\_\_  
Michael Rodriguez, Chairman  
Planning and Zoning Commission

1. Amended on January 14, 2016 by adding a new Section 5 under Article V.

**PLANNING AND DEVELOPMENT SERVICES MEMORANDUM**

**22-26**

DATE: March 28, 2022  
TO: The Chairman and Members of the Planning and Zoning Commission  
FROM: Kristy Stone, Village Planner *KS*  
RE: **Village documents and maps**

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Below is a list of links to the Village's Municipal Code, maps and adopted plans to assist in your review of planning and zoning cases. Staff recommends saving this document on your Chromebook desktop so you can easily access these links while you are reviewing your packet and during the meeting.

**MUNICIPAL CODE**

[Title 10 Bartlett Zoning Code](#)

Chapter 13 Administration and Enforcement-paper copy attached  
(codifiers updating)

[Title 11 Subdivision and PUD Regulations](#)

**BARTLETT MAP HUB**

[Zoning Map](#)

[Future Land Use Map](#)

[Current Development Projects Map](#)

**Adopted Plans:**

[Transit Oriented Development \(TOD\) Plan](#)

[Downtown Bartlett Zoning Overlay](#)

[West Bartlett Road Corridor Plan](#)

[Chicago Metropolitan Agency for Planning \(CMAP\) ON TO 2050](#)

## CHAPTER 13

### ADMINISTRATION AND ENFORCEMENT

#### SECTION:

- 10-13-1: Zoning Administrator, Power and Duties**
- 10-13-2: Abolishment of Zoning Board of Appeals and Plan Commission**
- 10-13-3: Planning and Zoning Commission**
- 10-13-4: Appeals**
- 10-13-5: Comprehensive Plan Amendments**
- 10-13-6: Variations**
- 10-13-7: Major Design Exceptions**
- 10-13-8: Text Amendments and Rezonings/Map Amendments**
- 10-13-9: Special Use Permits**
- 10-13-10: Site Plan Review**
- 10-13-11: Administrative Site Plan Review**
- 10-13-12: Notices Of Public Hearing**
- 10-13-13: Fees**

#### **10-13-1: ZONING ADMINISTRATOR, POWER AND DUTIES:**

- A. The Director of Planning & Development Services shall serve as the Zoning Administrator who shall be responsible for the administration and enforcement of this title. The Zoning Administrator shall:
1. Receive applications required, issue permits and furnish certificates, all as authorized by this title.
  2. Review plans and documents submitted for referral to the P&Z Commission or Village Board under this title and/or title 11 in order to assure conformance of such plans and submittals for the requirements of said title or titles, and apprise petitioners and applicants with respect to deficiencies in submitted plans.
  3. Examine premises for which permits have been issued, and make necessary inspections to determine compliance.
  4. When requested by the Village President or Board of Trustees, or when the interest of the Village so requires, make investigations and render written reports.
  5. Issue such notices or orders as may be necessary.
  6. Keep careful and comprehensive records of applicants, permits, certificates, inspections, reports, notices, orders and all localized actions of the Board of Trustees and shall file the same permanently by street address.
  7. Keep all such records open to public inspection, at reasonable hours, but not for removal from his/her office.
  8. Review and forward petitions for annexations, comprehensive plan amendments (refer to Section 10-13-5, variations (refer to Section 10-13-6), major design exceptions (refer to Section 10-13-7), text amendments and/or rezonings (refer to Section 10-13-8), special

use permits (refer to Section 10-13-9), including without limitation for planned unit developments (“PUDs”) (refer to Chapter 9 of this title), planned developments (“PDs”) (refer to Chapter 9A of this title), site plan review (refer to Section 10-13-10), and other administrative reviews required by this title to the P&Z Commission or Village Board, as specified.

9. Review and make final decisions on applications for administrative site plan review (refer to Sections 10-9C-1 and 10-13-11).
  10. Review and forward applications for preliminary and final plats of subdivision, and preliminary and final PUD plans.
  11. Recommend rules and procedures consistent with this chapter.
  12. Initiate a petition or application for a comprehensive plan amendment or text amendment.
  13. Request and receive the assistance and cooperation of the Police Department, the Village Attorney and other Village officials.
  14. Inform the Village Attorney of all violations and all other matters requiring prosecution or legal action.
  15. Be entitled to rely upon any opinion of the Village Attorney as to the interpretation of this title and/or title 11 or the legal application of this title and/or title 11 to any factual situation.
  16. Discharge such other duties as may be placed upon the Zoning Administrator by this title or title 11.
- B. Status of Building Permit Application and Necessity for Certificate of Occupancy or Certificate of Completion.
1. Every application for a building permit for new construction, or building addition shall be reviewed and approved by the Zoning Administrator or the Building Official prior to a building permit being issued.
  2. If in the judgment of the Zoning Administrator or the Building Official, the building permit application does not contain sufficient information to enable such Zoning Administrator, or any officer to properly discharge the duties and responsibilities of such office, such officer may request additional information from the applicant.

**10-13-2: ABOLISHMENT OF ZONING BOARD OF APPEALS AND PLAN COMMISSION:**

- A. The Zoning Board of Appeals, as heretofore created and established under the provisions of the Zoning Ordinance of the Village, also referred to in this title as the Zoning Code, is hereby abolished effective upon the consent by the Board of Trustees to the appointment by the Village President of the last of the nine members of the Planning and Zoning Commission created under Section 10-13-3 of this chapter.
- B. The Plan Commission, as heretofore created and established under the provisions of Zoning Ordinance of the Village, also referred to in this title as the Zoning Code, is hereby abolished effective upon the consent by the Board of Trustees to the appointment by the Village

President of the last of the nine members of the Planning and Zoning Commission created under Section 10-13-3 of this chapter.

**10-13-3: PLANNING AND ZONING COMMISSION:**

- A. Creation: There is hereby created the Planning and Zoning Commission with such powers and to perform such duties and functions as are hereinafter set forth in this chapter and to replace the former Zoning Board of Appeals and the former Plan Commission upon the abolishment of both said subsidiary bodies as provided in Section 10-13-2 of this chapter. The said Planning and Zoning Commission referred to in this title and in the Bartlett Municipal Code (the "P&Z Commission") shall consist of nine (9) members appointed by the Village President, subject to confirmation by the Board of Trustees, with five (5) members to serve a four (4) year term, and four members to serve a two (2) year term, or such shorter term as the corporate authorities shall determine, and shall retain such office for said term or until his or her successor is appointed and qualified. One member shall be designated by the Village President as chairman at the time of his or her appointment.
- B. Meetings: All meetings of the Planning and Zoning Commission shall be held at the call of the chairman or at such other times as the Planning and Zoning Commission may determine. All testimony by witnesses at any hearing provided for in this title shall be given under oath. The chairman of the P&Z Commission, or in his or her absence the vice-chairman elected by its members, may administer oaths and compel the attendance of witnesses. All meetings of the P&Z Commission shall be open to the public. The P&Z Commission shall keep minutes of its proceedings, including all appeals, comprehensive plan amendments, variations, major design exceptions, text amendments, map amendments/rezonings, special use permits, PUD plans, subdivision plats, site plan reviews and other matters referred to it for consideration by the Village President and Board of Trustees, showing the vote of each member upon every question and matter before the P&Z Commission, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case sustaining or overturning the Zoning Administrator on appeal, and with each recommendation to approve, disapprove, grant, or deny each requested comprehensive plan amendment, variation, major design exception, text amendment, map amendment/rezoning, special use permit, site plan review, or other matter referred to the P&Z Commission for review by the Corporate Authorities or the Zoning Administrator. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the P&Z Commission shall be immediately filed in the Planning and Development Services Department of the Village, and shall be public record. The P&Z Commission shall adopt its own rules of procedure not in conflict with the Illinois Revised Statutes.
- C. Procedures: The Planning and Zoning Commission shall decide matters, make recommendations and/or findings of fact as authorized by this title in a specific case and after public hearing where required by this title or state statute.
- D. Jurisdiction and Authority: The Planning and Zoning Commission is hereby vested with the following jurisdiction and authority:
1. To hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator under this title.
  2. To hear all petitions for comprehensive plan amendments, variations, major modifications, text amendments, map amendments/rezonings, special use permits, and

site plan review, PUD plans, and subdivision plats, and make recommendations to the Village Board relative thereto.

3. To hear all other matters referred to it by the Village Board and other matters upon which it is required to conduct hearings under this title or title 11, and to make recommendations to the Village Board relative thereto.

#### **10-13-4: APPEALS:**

- A. Purpose: Appeals from decisions of the Zoning Administrator are allowed under this title in order to ensure any discretionary action taken by such officer pursuant to duties assigned by this title is consistent with the purposes of this title, and/or title 11 if applicable, and any related policies adopted by the President and Board of Trustees.
- B. Authority: The Planning and Zoning Commission shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by the Zoning Administrator charged with the enforcement of this title and/or title 11.
- C. Initiation and Processing: An appeal may be taken to the Planning and Zoning Commission by any person, firm or corporation, or by any office, department, board, bureau or commission aggrieved by an administrative order, requirement, decision or determination under this title.
- D. The appeal shall be taken within forty-five (45) days of the action complained of by filing with the Zoning Administrator a notice of appeal, specifying the grounds thereof. Such appeal shall be taken upon forms provided by the Village. The Zoning Administrator shall forthwith transmit to the P&Z Commission all the papers constituting the record upon which the action appealed from was taken.
- E. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the P&Z Commission, after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate a stay would in his/her opinion, cause imminent peril to life or property. In such event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the P&Z Commission or by a court of record on application and on notice to the officer from whom the appeal is taken, and on due cause shown.
- F. The P&Z Commission shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. The Planning and Zoning Commission shall decide the appeal within thirty (30) days after the conclusion of its hearing on the appeal.
- G. Decisions:
  1. The concurring vote of five (5) members of the P&Z Commission shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, to decide in favor of the applicant any matter upon which it is required to pass under this title.
  2. All decisions of the Planning and Zoning Commission from an administrative order, requirement, decision or determination of the Zoning Administrator shall, in all instances, be final and subject to review under the Administrative Review Act of the State of Illinois.

## **10-13-5: COMPREHENSIVE PLAN AMENDMENTS:**

- A. Purpose; Role of Comprehensive Plan in Administration of Chapter. The comprehensive plan of the village shall serve as the basic policy guide for the administration of this chapter. The comprehensive plan serves as the statement of goals and policies to guide new development and redevelopment in the village. It therefore is the intent of the village to administer this chapter in accordance with the comprehensive plan. The goals and policies of the comprehensive plan may be amended from time to time to meet the changing requirements of the village. Such amendments may at times be necessary to accommodate proposed development or redevelopment of property that may not be consistent with the comprehensive plan. This section therefore establishes the procedures for an amendment to the comprehensive plan.
- B. Initiation of Amendments. An amendment to the comprehensive plan may be initiated only by the Zoning Administrator, the Planning and Zoning Commission, or Village President and Board of Trustees, or the owner of property proposing development of such property under this chapter that may be inconsistent with the comprehensive plan.
1. Filing of Applications.
    - a. Where an amendment to the comprehensive plan is proposed by someone other than the Planning and Zoning Commission, or Village President and Board of Trustees, an application requesting the amendment shall be filed with the Zoning Administrator. The application shall be accompanied by a written statement from the applicant stating the basis for the request.
    - b. Within a reasonable time after submission of the application, the Zoning Administrator shall schedule the application for a public hearing before the Planning and Zoning Commission. The Zoning Administrator shall forward copies of the application and all supporting materials to the Planning and Zoning Commission in advance of the public hearing.
  2. Staff Review. Upon receiving an application requesting an amendment, or upon an instruction from the President and Board of Trustees or the P&Z Commission that it will consider a proposed amendment, the Zoning Administrator shall review the proposed amendment to evaluate its effect on the integrity of the comprehensive plan and this chapter. The Zoning Administrator may deliver copies of the proposed amendment to appropriate government agencies for review and comment. Prior to the scheduled public hearing, the Zoning Administrator shall deliver to the P&Z Commission a written report incorporating or summarizing the recommendations of the Planning & Development Services Department and other departments or agencies.
  3. Action by the Planning and Zoning Commission.
    - a. The P&Z Commission shall hold at least one public hearing on the proposed amendment.
    - b. Notice of Hearing. Notice shall follow the procedures for posting notice of public hearings in section 10-13-12 of this chapter.

- c. In considering the amendment, the Planning and Zoning Commission shall review the proposed amendment, the standards set forth in subsection 3.C. below, the report of the Zoning Administrator, and any oral and written comments received by the P&Z Commission before or at the public hearing or otherwise made part of the record of the P&Z Commission on the application. Based on this information, the P&Z Commission shall submit, within a reasonable time, a report and recommendation to the President and Board of Trustees on whether or not the proposed amendment should be adopted.
- C. Standards for Reviewing Amendments. In deciding whether to recommend adoption of a proposed amendment to the comprehensive plan, the Planning and Zoning Commission shall consider whether the amendment is necessary based on one or more of the following factors:
1. There has been a change in projections or assumptions (such as demographic trends or the availability of public facilities) from those on which the comprehensive plan is based; or
  2. The data used as the basis for formulating the comprehensive plan are in error or out of date; or
  3. New issues or needs have presented themselves to the village that are not adequately addressed in the comprehensive plan; and
  4. The amendment will not adversely affect the character of the area in which the proposed development is to be located.
- D. Action by the President and Board of Trustees. Upon receiving the report of the Zoning Administrator and the report and recommendation of the Planning and Zoning Commission, without further public hearing the President and Board of Trustees may adopt the proposed amendment by ordinance, may reject the proposed amendment, or may refer the matter back to the Planning and Zoning Commission for further consideration.
- E. Effect of Denial. No application for an amendment shall be accepted by the village that is proposed by someone other than the Zoning Administrator, the President and Board of Trustees, or the Planning and Zoning Commission, and which is identical or substantially similar to a proposed amendment for the same parcel or parcels of land which have been rejected by the President and Board of Trustees within the previous 365 days.
- F. Typographical or Drafting Errors. Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors in the comprehensive plan may be adopted by the President and Board of Trustees at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.

**10-13-6: VARIATIONS:**

- A. Purpose: The variation process is intended to provide limited relief from the requirement of this title in those cases where the strict application of those requirements will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this title. In no event, however, shall the Village Board grant a variation that

would allow the establishment of a use not otherwise allowed in a zoning district or that would change the zoning district classification of any or all of the affected property.

- B. Authority: The Planning and Zoning Commission shall consider variations from the bulk regulations of this title in harmony with its general purpose and intent, and shall recommend that the Village Board vary them only in the specific instances hereinafter set forth, where the Planning and Zoning Commission shall have made a finding of fact based upon the standards hereinafter prescribed.
- C. Initiation: An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or commission requesting or intending to request application for a building permit or occupancy certificate.
- D. Processing: An application for a variation shall be filed with the Zoning Administrator on forms provided by the Village and accompanied by such information as shall be established from time to time by the Village and kept on file with the Zoning Administrator. The Zoning Administrator shall forward such application to the Planning and Zoning Commission for processing in accordance with applicable statutes of the State of Illinois and the provisions of this title.
- E. The Planning and Zoning Commission shall make its recommendation after a public hearing, of which there shall be a notice of public hearing given in accordance with the requirements set forth in Section 10-13-12 of this chapter and indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village, or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village. Notice of the public hearing shall also be mailed and posted on the Village's web site. In addition, at least fifteen (15) days prior to the date of the public hearing, the Village shall cause to be posted on the real estate which is the subject of such variation petition the following notice:

*Public Notice. Public Hearing for variation from Bartlett Zoning Ordinance for this site (insert date and time), Bartlett Municipal Building, 228 South Main Street.*

*The Bartlett Planning and Zoning Commission*

The procedure for publication, posting on the Village's website, mailing, and posting the notice on the subject property hereinbefore required shall be governed by Section 10-13-12 hereinafter set forth.

- F. Authorized Variations: Variations from the regulations of this title shall be granted by the Village Board only in accordance with the standards set out in this Section and may be granted only in the following instances:
  - 1. To permit up to a twenty percent (20%) reduction in the front, side or rear yard in residential zoning districts required by this title; provided, however, the corporate authorities may by a vote of a) five (5) Trustees, or b) the Village President and four (4) Trustees, grant a variation which permits more than a twenty percent (20%) reduction in the front, side or rear yards in residential zoning districts required by this title, and to permit an unlimited reduction in the front, rear and side yards in all other zoning districts required by this title.

2. To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area of the lot or lots, but in no event shall the respective area of the lot be less than ninety percent (90%) of the required area. The percentage set forth in this subsection is not to be reduced by any other percentage for minimum lot area set forth in this title.
3. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or twenty percent (20%) of the applicable regulations, whichever number is greater.
4. To increase by not more than ten percent (10%) the maximum gross floor area of any use so limited by the applicable regulations.
5. To extend the period of time a nonconforming use may continue or remain.
6. To exceed any of the authorized variations allowed under this section, when a lots of record or a zoning lot, vacant or legally used on the effective date of this title, is by reason of the exercise of the right of eminent domain by any authorized governmental body or by reason of a conveyance under threat of an eminent domain proceeding so reduced in size that the remainder of said lot does not conform with one or more of the regulations of the district in which said lot of record or zoning lot or structure is located.
7. To permit up to a twenty percent (20%) reduction in landscape planting requirements based on site specific conditions.
8. To eliminate the requirement of enclosing loading spaces located in a front and/or corner side yard for buildings located in an I-2 EDA Zoning district.
9. To grant a variation where the P& Z Commission has recommended and found, and/or the Corporate Authorities find that where, by reason of an exceptional situation, surroundings or a condition of rezoning a lot or lot of record, or by reason of exceptional narrowness or shape of a zoning lot, or by reason of exceptional topographical conditions, the District's application of the provisions of this title would result in a peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, as distinguished from a mere inconvenience to such owner, provided such relief be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations an provisions contained in this Title.
10. To grant a variation from the requirements as outlined in Section 10-3 of this title.

G. Standards for Variations:

1. The variation if granted will not alter the essential character of the property and the surrounding properties, and will be consistent with the goals and objectives set forth in the comprehensive plan.
2. The plight of the owner is due to unique circumstances.
3. For purposes of supplementing the above standards, the Planning and Zoning Commission and the Corporate Authorities, in determining that there are particular

difficulties or hardships shall also take into consideration the extent to which the following standards favorable to the applicant have been established by the evidence:

- (a) That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- (b) That conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.
- (c) That the purpose of the variation is not based exclusively upon a desire to receive a greater economic return.
- (d) That the alleged difficulty or hardship is caused by the provisions of this Title and has not been created by any person presently having an interest in the property.
- (e) That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.
- (f) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the general area of the property.
- (g) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this title to other lands, structures or buildings in the same district.
- (h) The design of the development in connection with the proposed variation will minimize adverse effects, including visual impacts of the proposed use on abutting nearby properties.

4. A variation shall be recommended only if the evidence, in the judgment of the Planning and Zoning Commission, sustains all the conditions enumerated above.

- H. **Vote Required:** The concurring vote of five (5) members of the Planning and Zoning Commission shall be necessary to recommend any proposed variation to the Corporate Authorities for approval. In the event any proposed variation fails to receive a positive recommendation for approval of the Planning and Zoning Commission, the ordinance proposing to grant the proposed variation shall not be passed except by the favorable vote of two-thirds (2/3) of all trustees of the Village.
- I. **Village Board Action:** The Village Board shall review the report and recommendation of the Planning and Zoning Commission and shall either approve the requested variation by ordinance or approve the requested variation with conditions as set forth in the ordinance approving it, or deny it, or send it back to the P&Z Commission for further consideration, and if the underlying site plan or variation request is materially changed to increase density, decrease parking, or in the opinion of the Zoning Administrator is likely to negatively impact any surrounding property from the variation the P&Z Commission considered originally, a new

public hearing shall be held by the P&Z Commission after due notice thereof is given in accordance with this chapter shall be held before a recommendation thereon is forwarded to the Village Board.

**10-13-7: MAJOR DESIGN EXCEPTIONS:**

- A. Authority: The Planning and Zoning Commission shall hear and consider major design exceptions as part of a Site Plan review as determined by the Zoning Administrator and shall make a recommendation to the Village Board. Major design exceptions shall be authorized or denied by the Village Board by ordinance in accordance with the procedural provisions of this title and the downtown overlay district regulations. No application for a major design exception shall be acted on by the Village Board until after a public hearing held before the Planning and Zoning Commission, and the findings and recommendations of the Planning and Zoning Commission have been reported to the Village Board.
- B. Initiation: An application for a major design exception may be made by any person, firm or corporation, or by any office, department, board, bureau or commission requesting or intending to request application for a site plan review of property lying within the downtown overlay district.
- C. Processing: An application for any major design exception shall accompany the associated site plan application along with the associated fees and shall be filed with the Zoning Administrator. The application shall define the requested exception, reference the applicable code section, and provide supporting material for review by the staff. The Zoning Administrator shall forward such application to the Planning and Zoning Commission for processing in accordance with applicable statutes of the State of Illinois and the provisions of this title.
- D. The Planning and Zoning Commission shall make its recommendation after a public hearing, of which there shall be a notice of a public hearing given in accordance with the requirements set forth in Section 10-13-12 or this chapter, including without limitation, notice indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village, or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village. Notice of the public hearing shall also be mailed and posted on the Village's web site. In addition, at least fifteen (15) days prior to the date of the public hearing, the petitioner shall cause to be posted on the real estate which is the subject of such major exception the following notice:

*Public Notice: Public hearing for major design exception from the Bartlett Zoning Ordinance and the downtown overlay district for this site (insert date and time), Bartlett Municipal Building, 228 South Main Street.*

*The Planning and Zoning Commission.*

The procedure for publication, posting on the Village's website, mailing, and for posting the notice on the subject property hereinbefore required shall be governed by section 10-13-12 hereinafter set forth.

- E. Authorized Major Design Exceptions: Major design exceptions may include exceptions as outlined in section 10-9C-1 hereinafter set forth.

- F. Conditions And Standards For Major Design Exceptions: The Planning and Zoning Commission shall hold the public hearing and forward its recommendations and findings of fact in the form of a written report to the Village Board within a reasonable time, usually within thirty (30) days following the date of public hearing on each application, unless it is withdrawn by the petitioner. Such findings of fact as to the conditions and standards for major design exceptions shall include all of the following:
1. The exception fulfills the intent defined for in article 10-9C of the zoning regulations (refer to section 10-9C-1).
  2. The resulting development is consistent or compatible with the surrounding context or the vision defined in the Village's comprehensive plan, the downtown TOD master plan, and or other planning documents approved by the Village.
  3. The requested exception results in a development of equal or higher quality and durability of design.
  4. The resulting development would not impede adjacent development from complying with the overlay district regulations.
  5. The requested exception results from conditions that are unique to the subject development and would not establish a precedent that would prevent the Board from reasonably denying a similar exception for similarly situated properties.
- G. Decisions: The Village Board, upon receipt of the report and recommendation of the Planning and Zoning Commission, and without further public hearing, may grant by ordinance or deny any proposed major design exception in accordance with this title and the downtown overlay district regulations of this title, or may refer it back to the Planning and Zoning Commission for further consideration.

**10-13-8: TEXT AMENDMENTS AND REZONINGS/MAP AMENDMENT:**

- A. Purpose: The text of this title and the zoning map may be amended from time to time in accordance with the procedures and standards set forth in this title. The purpose of this section is to provide for a means of amending the text of this title or changing the zoning district classification of any land identified on the zoning map, also referred to in this chapter as rezoning, and to make adjustments to the text of this title and/or the zoning map necessary in light of changed conditions, changes in public policy, or that are necessary to advance the general welfare of the Village.
- B. Authority: The regulations imposed and the districts created under the authority of this title may be amended from time to time by ordinance, in accordance with applicable statutes of the State and the Village's home rule authority. Any proposed amendment shall be considered by the President and Board of Trustees only after a public hearing before the Planning and Zoning Commission, and it has adopted and submitted a written report which may be in the form of minutes of the public hearing of its findings and recommendations to the President and Board of Trustees. Amendments for purposes of this chapter shall mean a petition for a change in the text of this title and/or the rezoning of land shown on the zoning map together with a corresponding amendment to the zoning map.
- C. Initiation Of Amendment: Text amendments may be proposed by the Zoning Administrator, the Planning and Zoning Commission, other governmental bodies, or by any resident of or

by the owner of the property for which the amendment is requested. No rezoning/map amendment shall be proposed unless it is consistent with the comprehensive plan. A comprehensive plan amendment may be proposed concurrently with a zoning map amendment.

- D. Processing: Upon receipt of a complete application, including all required supporting documentation, the application shall be forwarded to the Planning and Zoning Commission with a request to hold a public hearing. All information and documents applicable to the amendment application shall be received by the Zoning Administrator at least three weeks prior to the regularly scheduled meeting of the Planning and Zoning Commission to be scheduled for a public hearing on that date, and shall be forwarded to the Planning and Zoning Commission at least seven days prior to the hearing date.
- E. The Planning and Zoning Commission shall make its recommendation on any text amendment after a public hearing, of which there shall be a notice indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village, and posting on the Village website, the following notice:

*Text Amendment Public Notice – Public hearing to for a text amendment of the Zoning Ordinance (brief summary) (insert date and time), Bartlett Municipal Building, 228 south main Street*

*The Bartlett Planning and Zoning Commission.*

In addition, in the case of any rezoning and map amendment, at least fifteen (15) days prior to the date of the public hearing, the applicant shall mail notice to the surrounding property owners as required by Section 10-13-12, and the Village shall cause to be posted on the Village's website and on the real estate which is the subject of the proposed rezoning/map amendment to the Bartlett Zoning Ordinance, the following notice:

*The Rezoning/Map Amendment Public Notice – Public Hearing to rezone this property from (insert) to (insert) (insert date and time), Bartlett Municipal Building, 228 South Main Street*

*The Bartlett Planning and Zoning Commission*

The procedure for publication, posting on the Village's website, mailing, and posting the notice on the subject property hereinbefore required for any map amendment/rezoning shall be governed by Section 10-13-12 of this Chapter.

- F. Decisions. The Planning and Zoning Commission shall fix a reasonable time for the hearing of the amendment. The hearing may be continued from time to time by action of the Planning and Zoning Commission. Within 30 days of the adjournment of the public hearing, the Planning and Zoning Commission shall adopt and forward its written recommendations and findings on the amendment to the President and Board of Trustees. The President and Board of Trustees shall make the final decision on the amendment.
- G. Findings of Fact and Recommendation of the Planning and Zoning Commission. The Planning and Zoning Commission shall make written findings of fact that shall be submitted with its recommendations to the President and Board of Trustees for consideration. Where the purpose and effect of the proposed amendment is to change the zoning classification of a

particular property, i.e., a map amendment/rezoning, the Planning and Zoning Commission shall make findings of fact based upon all the evidence presented to it and shall consider and provide specific findings on the following:

1. The proposed rezoning is compatible with existing uses of property within the general area of the property in question.
2. The proposed rezoning is compatible with the zoning classifications of property within the general area of the property in question.
3. The compatibility of the proposed use of the property in question to the uses permitted under the existing zoning classification.
4. The trend and character of development, if any, in the general area of the property in question, including changes, if any, that have taken place in the zoning classifications of property in the general area of the property in question.
5. The depreciatory or appreciatory impact, if any, of the proposed development upon surrounding properties in the general area of the property in question.
6. The environmental impact of the proposed development if a commercial or industrial use is proposed, or any floodway, flood plain, or wetlands is located on or in the general vicinity of the property in question.
7. Compliance with the Bartlett comprehensive plan or its amendment.
8. Fiscal impact.

When a proposed rezoning/map amendment is not in conformance with the comprehensive plan, the Planning and Zoning Commission shall not recommend its adoption unless it finds based upon the specific findings that the adoption of such amendment is in the public interest and is not solely for the financial interest of the applicant, and that either the proposed amendment will correct an existing error or conditions have changed that make the proposed amendment necessary.

- H. Action by the President and Board of Trustees. Except as provided herein, the President and Board of Trustees shall not act upon a proposed amendment until it has received the adopted and written report and recommendations from the Planning and Zoning Commission on the proposed amendment. The President and Board of Trustees, upon receipt of the report and recommendation of the Planning and Zoning Commission, without further public hearing, may grant by ordinance or deny any proposed amendment or refer it back to the Planning and Zoning Commission for further consideration.
- I. Typographical or Drafting Errors. Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors in the text of this title or on the zoning district map or any ordinances adopted pursuant to the provisions of this title may be adopted by the Board of Trustees at a regular meeting without the posting or personal delivery of prior notice and without a public hearing as otherwise required herein.

### **10-13-9: SPECIAL USE PERMITS:**

- A. Purpose: The development and execution of the Zoning Ordinance is based on the division of the Village into zoning districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which because of their unique character cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use or the particular location. Such special uses fall into two (2) categories:
1. Uses operated by a public agency or publicly regulated utilities, or uses traditionally affected with a public interest.
  2. Uses entirely private in character but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. Authority: Special use permits shall be authorized or denied by the Village Board by ordinance in accordance with the procedural provisions of this title and the regulations and conditions set forth herein for special uses and special use permits. No application for a special use or special use permit shall be acted on by the Village Board until after a public hearing is held before the Planning and Zoning Commission, and the findings and recommendations of such body holding such public hearing have been reported to the Village Board.
- C. Initiation: An application for a special use permit may be made by any person, firm or corporation, or by an office, department, board, bureau or commission requesting or intending to request a building permit or occupancy certificate. The application shall include proof of ownership of the property that is the subject of the application for a special use permit. Unless the applicant for a special use permit is the owner of the property that is the subject of the application, the application for a special use permit shall be accompanied by a written consent to the application for the special use permit signed by the owner(s) of the property in question and the title, authority, and capacity in which the petitioner is executing and submitting the application.
- D. Processing: An application for a special use permit shall be filed with the Zoning Administrator on forms provided by the Village and accompanied by such information as shall be established from time to time by the Village and kept on file with the Zoning Administrator. The Zoning Administrator shall upon instruction from the Village Board forward such application to the Planning and Zoning Commission with a request to hold a public hearing.
- E. The Planning and Zoning Commission shall make its recommendation after a public hearing, of which there shall be a notice of a public hearing given in accordance with the requirements set forth in Section 10-11-12 of this chapter, including without limitation, indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village. Notice of the public hearing shall also be mailed and posted on the Village's website. In addition, at least fifteen (15) days prior to the date of the public hearing, the Village shall cause to be posted on the real estate which is the subject of the proposed amendment to the Bartlett Zoning Ordinance, the following notice:

*Public Notice. Public Hearing for special use permit under Bartlett Zoning Ordinance for this site (insert date and time), Bartlett Municipal Building, 228 South Main Street.*

*The Bartlett Planning and Zoning Commission*

The procedure for publication, posting on the Village's website, mailing and posting the notice on the subject property hereinbefore required shall be governed by section 10-13-12 of this chapter.

- F. The Planning and Zoning Commission shall hold the public hearing and forward its recommendations and findings of fact in the form of a written report to the Village Board within a reasonable time, usually within thirty (30) days following the date of the conclusion of the public hearing on each application, unless it is withdrawn by the petitioner. Such findings of fact shall include all of the following:
1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
  2. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity;
  3. That the special use shall conform to the regulations and conditions specified in this title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.
  4. That special use permits for adult-use cannabis dispensing centers and/or adult-use cannabis cultivation centers shall include the following additional findings of fact:
    - a. The proposed facility will not negatively impact existing or future uses located within the vicinity of the subject property.
    - b. The proposed adult-use cannabis dispensing center property is located a minimum of one thousand feet (1,000') from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section. The proposed adult-use cannabis cultivation center property is located a minimum of two thousand five hundred feet (2,500') from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
    - c. The proposed structure in which the facility will be located complies with the Village of Bartlett zoning ordinance and building code.
    - d. The proposed hours of operation for the proposed facility coincide with the hours established by the State of Illinois.

- e. The proposed facility has satisfied all necessary security measures as required by the State of Illinois and the Village, including but not limited to a security plan and security installations.
  - f. The proposed parking for the facility satisfies the parking requirements in the zoning ordinance and is based on one (1) space per two hundred (200) square feet of retail floor area for an adult-use cannabis dispensing center and one (1) space per one thousand (1,000) square feet of growing/warehousing space for an adult-use cannabis cultivation center.
  - g. The proposed traffic generated by the facility will not negatively impact the adjacent roadway capacity nor will it negatively impact access to adjacent roadways.
  - h. The design and layout of the site, including internal site circulation is compatible with adjacent land uses and provides for safe, efficient movement of traffic.
  - i. The proposed signage for the facility complies with the Village of Bartlett sign code regulations as outlined in the zoning ordinance.
  - j. The proposed facility satisfies and complies with all requirements provided in section 10-2-2 of this title.
  - k. Building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the adult-use cannabis dispensing center or adult-use cannabis cultivation center, as well as its environs have been satisfied. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis dispensing center or an adult-use cannabis cultivation center and the site on which it is located, consistent with the requirement of the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
- G. Vote Required: The concurring vote of five (5) members of the Planning and Zoning Commission shall be necessary to recommend the approval of any special use permit to the Corporate Authorities. Any special use or special use permit which fails to receive a positive recommendation for approval by the Planning and Zoning Commission shall not be approved or granted by the Corporate Authorities except by a favorable majority vote of all trustees of the Village then holding office.
- H. Protests: In the case of written protest against any proposed special use or special use permit, signed and acknowledged by a minimum of 20% of all the property owners directly adjacent to, abutting and/or directly across from the subject property separated only by an alley or road right-of-way, is filed with the Zoning Administrator, the special use or special use permit shall not be approved or granted except by an ordinance passed by a favorable vote of two-thirds (2/3) of the Trustees then holding office.
- I. Decisions: The Village Board, upon receipt of the report and recommendation of the Planning and Zoning Commission which conducted the public hearing, and without further public hearing, may grant by ordinance, grant it with conditions, or deny any proposed special use in accordance with this section and the applicable statutes of the State, or may refer it back to the Planning and Zoning Commission for further consideration.

**10-13-10: SITE PLAN REVIEW:**

Prior to obtaining a building permit, a site plan review shall be required as part of a development application for a comprehensive plan, amendment, variation, major design exception, rezoning/map amendment and/or special use permit on any property located within an SR-5, SR-6, MH-1, P-1, Commercial, Downtown Overlay, Office/Research, Industrial, PUD, or PD Zoning District.

- A. Purpose And Intent: The purpose and intent of requiring a site plan review is to ensure that site plans associated with a variation, major design exception, map amendment/rezoning, and/or special use permit is/are otherwise in conformance with this title. The site plan should include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and stormwater control of the site and shall be designed in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.
  
- B. Procedure: The applicant shall file the required items as outlined in the development application packet provided by the Village, as well as all supporting documents and fees. Once the Zoning Administrator has determined that the development application packet is complete, the review process outlined in the packet shall be followed.
  
- C. Findings And Conditions Of Approval: The Planning and Zoning Commission shall review and make recommendations on a site plan, subject to the following findings of fact and any other conditions included in their recommendation:
  - 1. That the proposed use is a permitted or special use in the district in which the property is located;
  - 2. That the proposed arrangement of buildings, off-street parking, access lighting, landscaping and stormwater control is compatible with adjacent land uses;
  - 3. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site, but on adjacent roadways as well;
  - 4. That the site plan provides for the safe movement of pedestrians with the site;
  - 5. That there is sufficient landscaping within the interior parkway and perimeter (including the public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will satisfy the requirements outlined in this title. Any part of the site not used for buildings, structures, parking or access ways shall be landscaped with a mixture of grass, trees and shrubs;

All landscape improvements shall be in compliance with chapter 11A of this title, landscape requirements.

  - 6. That all trash enclosures and outdoor storage areas are, or will be, screened and are, or will be, in accordance with standards specified in chapter 11A of this title, and as otherwise specified in this title.
  
- D. Assurance Of Performance: As a condition of approval, the Village Engineer and/or Building Official may recommend that the applicant be required to file with the Village a performance

guarantee approved by the Village Attorney to ensure completion of approved landscaping, fencing, utilities, parking and loading, and if there are any public improvements to be constructed or installed, including without limitation, stormwater control and other items specified by the Village Engineer, a public improvement completion agreement in form as set forth as an Appendix to the Subdivision and PUD Ordinance (Title 11), except for such modification thereto as approved by the Village Attorney, even if the development does not include the subdivision of land. The amount of the performance guarantee and the required completion date for the various categories of the public improvements as set forth in the public improvements agreement shall be recommended by the Village Engineer based on the Village Engineer's approval of the estimate of costs submitted by the applicant's professional engineer.

If upon inspection of the completed project by the Village Engineer, if it is found that the conditions of the site plan have been met, the Village Engineer shall write a letter to the applicant and the performance guarantee shall be released.

If the applicant does not complete the development of the items specified on the site plan within the time specified in its guarantee, the Village Engineer shall give written notice of the incomplete items to the applicant and the surety or other issuer or guarantor. If the site is not in conformance with the conditions of the site plan the Village will not approve of the release of the performance guaranty, and in the case of public improvements, will not accept the public improvement(s) and will not release the performance guarantee.

- E. Building Permits: A building permit for earthmoving, construction, alteration, or any other purpose shall not be issued for a site until a site plan is approved by the Village Board. Any earthmoving, construction or alteration determined not to be in substantial compliance with the approved site plan, in the opinion of the Building Official shall be a violation of this title.
- F. Amendments To An Approved Site Plan: Amendments to an approved site plan may be submitted to the Building Department as part of a building permit application and reviewed in accordance with section 10-13-11, "Administrative Site Plan Review", of this chapter. If a variation, major design exception, rezoning, and/or special use is/are requested as part of the amendment request, the site plan will be reviewed in accordance with this section.

#### **10-13-11: ADMINISTRATIVE SITE PLAN REVIEW:**

An administrative site plan review may be submitted to the Building Division of the Bartlett Planning and Development Services Department as part of a building permit application if no comprehensive plan amendment, variation, major design exception, map amendment/rezoning, and/or special use permit is/are requested.

- A. Purpose And Intent: The purpose and intent of requiring an administrative site plan review is to ensure that site plans are otherwise in conformance with this title, include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress and stormwater control of the site, and shall be designed in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.
- B. Procedure: The applicant shall file a site plan as part of the required building permit application with all supporting documents and fees. Once the Building Official has determined that the building permit application is complete, the review process outlined in title 9, chapter 2 of the Bartlett Municipal Code shall be followed.

- C. Assurance Of Performance: As a condition of approval, the Village Engineer and/or Building Official may recommend that the applicant be required to file with the Village a public and/or private improvements completion agreement in form approved by the Village Attorney, and a performance guaranty, and if improvements will be on public property, a payment guaranty as well, in the form of a surety bond(s) or letter of credit or cash bond (the "performance and payment guaranty") in form as approved by the Village Attorney to ensure completion of, and payment for, the approved landscaping, fencing, utilities, parking and loading, stormwater control and other items specified by the Village Engineer. The amount of the performance and payment guaranty and the required completion date shall be recommended by the Village Engineer based on the Village Engineer's approval of the estimate of costs submitted by the applicant's professional engineer.

If upon inspection of the completed project by the Village Engineer it is found that the conditions of the site plan, and the public and/or private improvements completion agreement, if applicable, have been met, the Village Engineer shall write a letter to the applicant, and the performance, and if applicable, the payment guaranty shall be released.

If the applicant does not complete the development of the items specified on the site plan and/or engineering plans within the time specified in the public and/or private improvements completion agreement, if any, and/or within the time specified in its performance and payment guaranty, the Village Engineer shall give written notice of the incomplete items to the applicant, and if a performance and payment bond was furnished as the performance and payment guaranty, to the surety on said bonds, or if a letter of credit was furnished as the performance and payment guaranty, to the issuer thereof. If the site is not in conformance with the conditions of the site plan, the improvements completion agreement, if any, the approved engineering plans, the building permit, and/or the performance guarantee, the Village will not approve of the release of the performance security, or accept the public improvement(s), if applicable, and will not in the case of public improvements, release the performance and payment guaranty, but may take action against the applicant and the surety on any surety bond, or draw upon any letter of credit, or cash bond, and may withhold the issuance of any occupancy permit.

- D. Building Permits: A building permit for earthmoving, construction, alteration, or any other purpose shall not be issued for a site until a site plan is approved by the Zoning Administrator, engineering plans have been approved by the Village Engineer (if applicable), and building plans have been approved by the Building Official, and an improvements agreement if determined required by the Village Attorney, and a performance guaranty and, if applicable, a payment guaranty in form approved by the Village Attorney, has been posted or deposited with the Village. Any earthmoving, construction or alteration determined not to be in substantial compliance with the approved site plan, engineering plans, building plans, and/or the building permit(s), or any of them, in the opinion of the Building Official, shall be a violation of this chapter and cause for revocation of the building permit and entitle the Village to take action on the performance and/or payment guaranty.
- E. Amendments To An Approved Administrative Site Plan: Amendments to an approved administrative site plan may be submitted as part of a building permit application and reviewed in accordance with this section. If a comprehensive plan amendment, variation, major design exception, map amendment/rezoning, and/or special use permit is/are requested, then the plans will be reviewed in accordance with this section 10-13-1.

**10-13-12: NOTICES OF PUBLIC HEARING:**

The Planning and Zoning Commission conducting a public hearing or making a recommendation or decision shall not hear or review a zoning application unless the applicant complies with the notice requirements of this section. Table 10-13-12.1 , Types of Required Notice, indicates the type of notice required prior to public hearings, recommendations or decisions by the Planning and Zoning commission based on the zoning relief sought by the applicant on its or each of its zoning application(s).

Table 10-13-12.1. Types of Required Notice.

Zoning Application	Code §	Published	Village Website	Mailed/Delivered	Posted
Appeals	10-13-4				
Comprehensive Plan Amendments	10-13-5	•	•		
Variations	10-13-6	•	•	•	•
Major Design Exceptions	10-13-7	•	•	•	•
Text Amendments	10-13-8	•	•		
Map Amendments/Rezoning	10-13-8	•	•	•	•
Special Use Permits	10-13-9	•	•	•	•
Planned Development	10-13-8/9	•	•	•	•
Preliminary PUD Plan	10-13-8/9	•	•	•	•

Each applicant for one or more variations, major design exceptions, rezoning/map amendments, special use permits, PUD, PUD plan approval, and approval of amendments thereto, shall provide notice of the public hearing as follows and present proof of such notice at or before the public hearing:

- A. **Published Notice:** Published notice shall be given of the subject, time and place of the hearing not more than thirty (30) nor less than fifteen (15) days before the hearing as set forth in subsection 10-13-6E, 10-13-7E, 10-13-8E, and 10-13-9E of this chapter. Upon completion of the application form and submission of all required information and fees by the applicant the Village Clerk shall publish such notice.
- B. **Posting on the Village’s Website:** When the Zoning Administrator determines that an application is complete and a hearing date is set, the Village shall post on the Village’s website not less than 15 days before the hearing, the public hearing date, time, location and purpose of the public hearing before the Planning and Zoning Commission.
- C. **Personal Notice:** Not more than thirty (30) nor less than fifteen (15) days before the hearing, the applicant, his agent or attorney, shall notify the person who last paid the general real estate taxes on each property located within two hundred fifty feet (250') of the boundaries of the subject hearing site excluding right-of-way: 1) by personal service upon the taxpayer or

by leaving a copy with an adult member of such taxpayer's household, 2) by certified mail, or 3) by first class mail, addressed to such taxpayer at the address shown on the most recent records of the county treasurer. Such notification shall include the subject, time and place of the hearing. The applicant responsible for mailed or delivered notice shall provide an affidavit to the Zoning Administrator stating that notice was provided to every property owner per the applicable County Collector's records as well as the names, addresses and permanent index numbers ("PINs") for all recipients. The requirement of this subsection shall not prevent the applicant from giving additional notice to properties located more than 250 feet from the property line of the subject property as the applicant may deem appropriate. The notice shall include the date, location and purpose of the hearing, the name of the body holding the hearing, the name of the applicant and the address of the subject property.

- D. Posting Of Notice On The Subject Property: Notice shall be posted on the real estate which is the subject of the application by the Village, not less than fifteen (15) nor more than thirty (30) days prior to the public hearing date, setting forth the time, place and purpose of such public hearing on a sign, the size and location of which shall be determined by the frontage of such real estate on a public street or streets in accordance with the following requirements:
1. Non-Residential or unimproved (Vacant) Real Estate: A four foot by four foot (4' x 4') sign shall be set back 10 feet from the front property line.
  2. Residential Improved Real Estate: A two foot by three foot (2' x 3') sign shall be set back 5 feet from the front property line or as required for unimproved real estate, as the Zoning Administrator may direct.

The sign hereinbefore required to be posted shall be so placed as to be fully visible from the public street on which the subject real estate is located or, if the subject real estate has frontage on more than one public street on each such street.

The sign shall be white and black print as follows:

*"PUBLIC NOTICE" (PURPOSE AND HEARING) DATE AND TIME*

*Bartlett Municipal Building  
228 South Main Street*

*Bartlett Planning and Zoning Commission*

The size of the lettering shall be large enough to be read from each public street on which the subject real estate has frontage at the setback distances established above.

**10-13-13: FEES:**

- A. Schedule Of Fees: A schedule of fees, charges and expenses for appeals, applications for comprehensive plan amendments, variations, major design exception, text amendments, map amendments/rezonings, special use permits, site plan review, administrative site plan review and other matters pertaining to the Bartlett Zoning Ordinance shall be established by ordinance by the Corporate Authorities.
- B. Consultant Fees: The Village uses an outside attorney, an engineer, traffic engineer, environmental consultant, or other technical consultants during the review of any development activity, and/or to review reports and studies submitted by an applicant and its consultants.

These attorney's fees and consultant fees are based on the time spent by the individual attorney or consultant(s) in the review of the project, and include such Village consultant(s) attendance at staff, Planning and Zoning Commission, committee of the whole Village Board meetings at which time such application is reviewed, and/or to review reports and studies submitted by an applicant and its consultants. All consultant fees will be billed directly to the developer, builder, subdivider, owner and/or any person or entity which submits an application and shall be paid prior to the completion of the project's review.

- C. Petition: No petition shall be forwarded by the Zoning Administrator to the Planning and Zoning Commission or any hearing body heretofore or hereafter established by the Corporate Authorities, and no notice of such hearing shall be published unless and until such development fees have been paid, if then known and billed, and the zoning application is complete, as determined by the Zoning Administrator.
- D. Final Action: Until all applicable fees, charges and expenses known and billed have been paid in full, no final action shall be taken on any application by the Village Board for a comprehensive plan amendment, variation, and/or design exception, text amendment, zoning map amendment/rezoning, special use permit, site plan review, and/or administrative site plan review, planned development, PUD and/or PUD plan amendment, plat of subdivision, and the ordinance approving or granting of such zoning requested may be contingent upon the payment of all of such attorney's fees and consultant's fees in full.