



Village of Bartlett  
Planning and Zoning Commission  
April 7, 2022

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

Roll Call

Present: B. Bucaro, C. Deveaux, M. Hopkins, J. Kapadoukakis, G. Koziol, J. Miaso, M. Sarwas, M. Werden

Absent: S. Callahan

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

Also Present via Zoom: Trustee Ray Deyne, Trustee Renee Suwanski

Approval of Zoning Board of Appeals Minutes

A motion was made to approve the March 3, 2022 Zoning Board of Appeals meeting minutes as amended.

**M. Werden** I would like a correction to the Zoning Board of Appeals minutes. Toward the end, Bryan Mraz made a clarification because there were charges of prejudice or racism, which was not the case. The terms were directly from the State definitions and when he said that, I said thank you Bryan, that needed to be said.

Motioned by: C. Deveaux

Seconded by: M. Sarwas

Roll Call

Ayes: B. Bucaro, C. Deveaux, G. Koziol, M. Sarwas, M. Werden (former ZBA members)

Nays: None

Abstain: M. Hopkins, J. Kapadoukakis, J. Miaso (former PC members)

Approval of Plan Commission Minutes

A motion was made to approve the March 10, 2022 Plan Commission meeting minutes.

Motioned by: J. Miaso

Seconded by: M. Hopkins

Roll Call

Ayes: M. Hopkins, J. Kapadoukakis, J. Miaso (former PC members)

Nays: None

Abstain: B. Bucaro, C. Deveaux, G. Koziol, M. Sarwas, M. Werden (former ZBA members)



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**American Planning Association, Illinois Chapter  
Planning and Zoning Officials Training Presentation**

**Philip Green, Transportation and Long-Ranger Planner, Village of Hoffman Estates** thank you for having us on behalf of the American Planning Association and the Chaddick Institute. It is really great when communities open their doors to us and when commissioners and other elected officials take the time with us to learn about the duties that they have accepted and the role that you are playing in your community. It is an important role that you have and we are very happy to help you facilitate that role in any way that we can in the time that we have this evening. **Tom Farace, AICP, Planning & Economic Development Manager, Village of Carol Stream** I am here tonight to talk about the ins and outs of the Planning & Zoning Commission. I am interested in hearing your thoughts, questions, and comments. **P. Green** there are 5 main subjects that we will touch on this evening. We are going to start with talking about you. It cannot be understated how important folks like you are to what we do as planners. My favorite analogy is that we are expertly trained surgeons, but the only way we can do our jobs is via a Bluetooth earpiece to someone in another room holding a scalpel. That is you. You have the scalpel, but have none of the training that we have and we are in another room completely helpless so we are counting on you to do what needs to be done. There are multiple different things that you might do. Obviously, some of you have pretty good tenure behind you already so chances are, you have already done some of this. Generally speaking, you will usually be the go-to for when it is time for your community to prepare a plan and that is the planning part of a Planning & Zoning Commission. Your duty will be to be the steering group that is the first point of contact and the funnel of the voice for the community during that process. You may or may not do visits to developments after occupancy. I think that is always very interesting. You do not want to be wandering onto building sites. That is typically inadvisable, but at the very end of the process, you may want to see what has happened based upon a case that you have heard. That might be a new business that you recommended for approval. **C. Deveaux** should we not visit a site beforehand? If something has been presented to us, I would like to physically see what is there. **P. Green** to clarify, you may want to drive past a vacant site or empty building, but you may not want to go where there is active construction work to the point where you need a hardhat. That might be the time to stay away, but yes, I do encourage you to get out to a site prior to any work being done to get a feel for the physicality. In your position as appointed officials, you work quite closely with your elected officials. The elected officials have different duties. They are involved in the development process and make the final decisions on most of the development-process related cases, but they also have other concerns. They have budget, policy and personnel concerns. There will be times when you disagree on decisions. You have had the guided point of view as a Planning & Zoning Commission to consider a particular case in a certain way and the elected officials may disagree with that. I have personally had cases where a Planning & Zoning Commission has made a recommendation based completely on findings of fact because they are an appointed body and do not necessarily answer directly to an electorate and I have seen a group of elected officials take a completely opposite tact because the politics of the case were very different. That can happen and that can be frustrating. I have heard that from Plan Commissioners before so it is worth understanding that there are other concerns that



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an elected body might have compared to an appointed body. When it comes to working with your elected officials every community is different. You can ask for clarification. You can have that conversation with your staff. If you recommend a case for approval and your Village Board rejected it, you can have a conversation as to why they disagreed with your decisions at that point. I have heard of some communities who have done annual dinners for their elected and appointed officials as an opportunity to come together in line with the Open Meetings Act to have conversations and discuss common values. As a newer commission, there is great value in getting to know each other as people.

Considering if a comprehensive plan needs updating is something that I really like to hammer home with Plan Commissions. We hear a lot from Plan Commissions and staff about what is working and what is not working. It is always worth assessing if there is change needed. A lot of communities are going through zoning code updates because throughout the region a lot of zoning codes are outdated. This is going on in my community now because it is getting to be that time. Part of your position is to keep an eye on that and look at the decisions you are making, the decisions that your Board is making, and have those dialogs about whether or not something needs to change, whether a new plan is warranted or whether that might be an amendment to your zoning code. As for the planner and your staff, you are very lucky to have a whole team of staff. Not every community gets that. Some communities rely on outside consultants. Some communities rely on people with no experience whatsoever who are not planners by trade, but end up in that position. It happens. I have seen police and fire chiefs suddenly become directors of Community Development and they are not familiar with the language and they are learning on the job. You are very fortunate to have a complete staff. We wear a lot of different hats and it is our job to be the first point of contact for yourselves, the elected officials, the developer who has a proposal, the resident who does not like that proposal and for the resident who does not know what the proposal is, but has heard on Facebook that it is going to be Amazon because everybody has heard on Facebook that every development now is going to be an Amazon warehouse and they are concerned and want to talk to someone, and that is us. I have been in a room for 3 hours with somebody just listening to their concerns. That is what we do and then we take all of that and have to listen to it and push it aside all at the same time and present to you and present to the Village Board a technical and rational analysis of the situation. That is our job. It is soft skills and hard skills. We are objective while being human and approachable. We are your resource. We work for the community. You are the voices of that community and we are here for you to answer those questions, preferably ahead of the meeting. You do not want to be frantically scrolling through an iPad on the dais during a public hearing. We like to know what your concerns are and we like to be able to give you the information that you need to make an accurate decision so that you feel comfortable and are able to do your roles. That is what we are here to do. Call us, ask us questions and send emails, preferably one at a time. Try not to reply all to everybody so that you are not violating the Open Meetings Act. You have taken the first step tonight by having us here to talk you through the training, but consider this step one. You will come across issues where you might need more training. Speak to your staff and let them know if something feels like a blind spot and you would like more information. That could be a workshop like we are



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having tonight or it could be as simple as a memo. I see that you all have Chromebooks, which is fantastic. You should be reading your staff report. The staff report should be written in a way that gives you the information that you need to make your decisions. You should know what property is being discussed. Some staff will center a staff report around a comprehensive plan. You might not always see a comprehensive plan referenced. It depends on the case and the community. You should always have standards of review for the findings of fact. You should be very familiar with those standards. That is really the basis for your decisions. If you are reading your findings of fact and have questions or need clarifications, I hope that you will pick up the phone ahead of the meeting and have that conversation with staff. Coming to a commission like this is usually the second to last in the proceedings. You will receive a staff report that may have the recommendations of the other bodies. As issues arise in a community, things change and priorities shift and these can start and end with you. Other communities may have a Human's Rights Commission and that is in response to some of the issues we saw on a national scale a couple of years ago. You may see issues of diversity, equity and inclusion formalized through a commission whose job it is to consider a project and other policy issues through that lens. You also should get to know your municipal attorney. Usually the attorney will work through staff. You should not be calling them, but they should be your guiding star. You should be having conversations with them as to whether you are acting in a legal, ethical and professional way. Any advice that we give you is not legal advice, but just tips and tools of the trade that we have picked up and that the APA has picked up. You should be taking the advice of your village attorney because they will be the one in the trial room if it ever comes to that.

As to the public, it is always an interesting relationship with the public. We want to listen to them because it is their community too. The public process is very important. There is a reason it is so enshrined within the law, but we also have to be careful that we do not treat this as a direct democracy. You should not be tallying up comments in favor and comments against. That is not how the process works. We want to listen to the public and take the opportunity to think it through. The rules and expectations to the planning process apply to everyone. They apply to the developer, the homeowner who is seeking a variance as well as anyone who is coming into the meeting to watch, to pass comment and be involved in the process. We can expect a basic level of dignity. A key rule that I try to enforce is no clapping because that can be very intimidating. If you have 15 people against an issue (statistics have shown that if you are against an issue you are more likely to come to a meeting) and you have 3 people who think that this brand new coffee shop is a great idea and 15 people are against it because they have heard it is going to be an Amazon distribution center and not actually a coffee shop, and every time one of those 15 people come up and the other 14 people are applauding, that can be very intimidating for the other 3 people and they will not feel as heard. It is very important that we set those expectations for courteousness. There is also another party in this and that is the developer. Your role in the planning process is usually as a steering committee and one of the first people to be asked about a development.

Having a plan and implementing a plan are 2 different things. A plan is a shopping list. It is a list of things that the community wants, and to get those things, you have to go shopping. The developers



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all have products. They are going to bring their products to you and ask if you want their products. If we take the affirmative approach and assuming in good faith from everyone with the understanding that they all want to make money, they are trying to help you to implement your vision and help you build the community that you want. Part of your role is to decide whether the product they are selling matches what is on the list that the community has on their needs and wants. It can be expensive to be a developer and understanding that the bottom line does drive everything that they do and that there is a cost benefit analysis conducted. I have seen developers pay \$350,000 to \$500,000 just to architects and engineers to get plans drawn and redrawn because they have come in front of commissions and boards who are indecisive and continued meetings over and over again to make changes and they would have a different meeting for each of those changes. You do not want to get into that situation because you want to have faith in your staff that they have done a thorough review of the project before it even comes to you. If we are fighting with a developer you will know because we are very good about writing that into our staff reports. We will not say it outright, but you will know when we do not think it should be there, but our hand has been forced. Usually, we feel it is a situation that you can deliberate and discuss. A good process is good economic development. Certainty of a decision is huge to a developer. That does not mean that they know it is going to be a yes every time, but it does mean that they can be reasonably assured that if they follow the rules, they will know what the outcome is going to be and there should not be any surprises on the night of the meeting or that the request is outside of the realm of your codes. If you see something continually coming up, especially today where things are constantly evolving and changing with new types of businesses and new ways of doing business, as an example truck docks. There might be a 2,000 square foot warehouse with 50 parking spaces for trucks, but not every zoning code addresses that and if you see that as a continual issue, that is when you should have a conversation with your staff to look at a text amendment to fix that. You do not want to do that on the fly with the developer in front of you because you may not have any basis to do so.

Illinois has the most units of government in the United States. We are subdivided into various different taxing bodies all competing for time and attention, and good faith from the public. It might not necessarily begin and end with you or the Village Board. The developer may need to go to different agencies for permits. There are a lot of different competing folks involved. I have been involved in a case where a fire district wanted a developer of a retirement community to pay for new signalization on a very busy intersection that had 2 different state routes and that would cost about \$800,000 for the work that the fire district was expecting and the developer did not think that they should have to pay for it. Hear out the argument as to whether or not you feel it is rational for that request and whether the developer has done a good job in stating their case.

The Regional Planning Commission falls under CMAP. Regional Planning Commissions are a federal requirement. Their main job is to administer funding for roads and bridges. We are very fortunate to be within the Chicago Metropolitan area because CMAP really goes above and beyond. They have various grant programs. In communities that do not have a fantastic staff like you do, they will loan planners out to communities that cannot afford a planner. They will send one of their own staff to



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help them out. I recommended that you all look at the CMAP Community Snap Shot. That is a pdf of all of the demographics of your community. It is very helpful information.

**T. Farace** continuing on with the responsibilities that you all have, we are here to work with the public. I can tell that everyone here is courteous and that you are going to be kind to people who come to the meetings whether it is a developer, a business owner, or resident. One of the bullet points is avoiding jargon in meetings. As staff, we try to do that as well and not just for members of the public, but also for you. In staff reports we might use the term the west elevation of a building, west façade or just the west side of a building. Likewise, you should be using that terminology when you are speaking to the public who might not understand terms that we use in our staff reports. Be patient, courteous and respectful as well as remain calm if you have a contentious case or contentious meeting. There is no point in having a debate or argument. It is sometimes difficult to not take things personally, but there is really no need to do that because you are all doing your jobs as a recommending body and you are going to do the best job possible to make sure that a project is either recommended for approval or recommended for denial depending on the situation. Those are your main responsibilities. Generally, you are going to be following Robert's Rules of Order. It is important that you are following that. You do not necessarily want to have debates with either a member of the public or with a developer. That is never appropriate. Again, you do not want to take things to a personal level. Just try to remain calm and make sure that you are listening to testimony that everyone is providing and then either answer the question or provide your statement and then move along. That is pretty crucial and important. You do not want to continue a hearing for nonessential reasons, but if the applicant has not necessarily done their job, usually staff will let you know that in a subtle way. Maybe there is something missing or their special use request is not as special as they would like it to be or their variation does not necessarily have a hardship justification that it should have. The developer or property owner might ask for that case not be continued, but if they have not done their job and you need additional information to provide your professional recommendation on a project then by all means, continue the meeting, but again, not for superficial reasons. Make sure it is for a valid reason and that you get the information to do your job and get that solid recommendation on the project. **M. Hopkins** what do you think about straw polls being taken prior to a continuance? **T. Farace** I think straw polls are a good idea in some instances. There might be certain aspects of a project that the commission feels comfortable with and other aspects that commission does not feel comfortable with. It may be a traffic or landscaping issue or an issue that is brought up during the meeting and the applicant or developer does not have the solid information that they can provide. Then the chairperson can ask to take a straw poll vote. **M. Hopkins** the commission and the developer may think that a no vote is coming without certain modifications and that could give them an opportunity to withdraw or modify their request. **T. Farace** yes and that is where the continuation might come in. The petitioner could take an extra month to modify the plan and come back for the plan to be rereviewed. I think that is valid. Sometimes the developer may want to take a chance with a negative recommendation, but they can go to the Board with a negative recommendation because they have a timeline and that is their choice. Again, make sure that when you are voting on a project that your vote is based on the standards that you have in the



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codes and the findings of fact provided in the staff report and not based on a personal view or a personal belief in something. That is never appropriate. The recommendation needs to be a professional recommendation based on your codes and ordinances, which you have reviewed on the plans and in the staff report. You want to keep an open mind and make sure that you understand that just because you have audience members who are opposed to a project that does not mean that everyone in the community is opposed to the project, because as mentioned previously, folks who like something do not usually come to the meetings. That does not necessarily mean it is a bad project. They might have valid concerns and issues, and we should not disregard those, but that does not mean it is a bad project or that the community as a whole thinks it is a bad project. Discussions with commission members should only be during the meeting itself as a public process. All communication should be done during the meeting although contact with staff before the meeting is perfectly fine. You have codes, zoning, signage, subdivisions and ordinances that you have to review, but there are other things that you do not review. There are other entities that review those items. If a project is being developed in a TIF district there is going to be a financial aspect to the project. That is not under the purview of the Planning & Zoning Commission. That would be reviewed by the elected officials. Likewise, building code issues generally would not be discussed by the Planning & Zoning Commission either. The building code is not in the zoning code. Yes, we want the building to be built safely, but our Building Official is going to make sure of that. Make sure that you are reviewing things that are under the purview of the commission. Rental prices might be discussed for project that you are reviewing. A developer may say that they are going to 1, 2 and 3 bedroom apartments and might give the rental amounts that they are proposing to have. A commissioner might say that those rent amounts are out of line for the market. That is not under the purview of the commission. You might have those questions in the back of your mind, but keep things in line with the codes and ordinances that are under the purview of the commission. Those would be zoning, signage, fencing, and subdivisions standards.

The commission members set the tone for the meetings, but it is really the chairperson's responsibility to clearly set the tone and control the meeting. It is very important to have a well-run meeting and that can be tough sometimes. You have to follow the agenda and make sure that things are voted on properly. If there is a project with a special use being requested and there are 2 variations and the commission is in favor of the special use and one of the variations, but not in favor of the second variation, how do you vote on that? Rely on staff to make sure that you are doing things correctly. Having control of the meeting is very important. Having control of the audience is important as well. It is critical that the meeting is well run. Besides staff, all of you might be the first or second group that the developer or applicant is seeing as the face of the community. You want to make sure that you are presenting yourselves in a positive manner even if you may not be giving a positive recommendation of the project, you still want to be professional and conduct the meeting in as positive of a way as possible. The flowchart shows a typical public hearing process that every community follows. You will have a presentation of the staff report, a presentation by the developer or the applicant, time for the public to provide their questions or comments, the commission to ask questions and make comments and then vote on the project. The order of that sometimes is different



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from community to community, but make sure all of these steps are within the hearing process. Taking testimony is also important because you want to make sure that you are having a fair hearing and all views are heard. The number of people for or against the application is not criteria for the decision. I had a case with a vacant banquet hall that was zoned commercial. It was adjacent to single-family residential properties. The residents had gotten used to this vacant property even though you would think they would want something developed. A developer was going to purchase the property, knock down the vacant banquet hall and redevelop it with a shopping center anchored by a grocery store. The word on the street was that the grocery store was going to be a Trader Joe's and then it was changed to an Aldi. The residents were not pleased with that change. At the time of the public hearing, the room was filled with residents. You would think knocking down the dilapidating old building and putting up a nice new shopping center with landscaping you would be something that the residents would want. The commission members listened to everything for about 3 hours and recommended approval unanimously for the project. Just because the room was full of people for whatever reason that was not going to be the reason why the commission would vote for or against the project. The architecture was nice. The landscaping was great. They were going to have a nice solid fence, not a brick wall and it went a few weeks later to our Village Board and they approved the project and it was built. I never heard from residents after that and I am sure they shop there and go to restaurants that are there. Just because you have a room full of people who are against an application that is not a reason to vote against a project. There might be other reasons to vote for or against a project and that is going to be based on the standards. **P. Green** on the topic of testimony, a thing that is becoming popular is [change.org/petition](https://change.org/petition) where people will do online petitions and say that they have people that have opposed a development. We cannot do much with those petitions because we do not know where they are based, what information they have, and their comments are not based on what is happening at the public hearing, but based on information that might be biased one way or another.

Your findings of fact are very important. I was at a planning law seminar and a case was brought up about a municipality that rejected a sober house for folks recovering from addiction. The municipality rejected the application and said the business could not operate in that area. The business filed an application for special accommodations under the Fair Housing Act, which they have the right to do. That municipality did something very shortsighted and sued proactively and lost in court, but not because they violated the Fair Housing Act or because they violated the American's with Disabilities Act, but because they did not have a finding of fact. That is how important findings of fact are. A court will look at findings of fact before they look at anything else. Your findings of fact should be consistent with your plans. Planning and zoning are 2 different things. Zoning is a tool that is used to implement a plan and as such, the findings of fact within your zoning code should be based on your plan to guide the development. The Illinois Supreme Court case: La Salle vs Cook County established that communities do have the right to zone and to prescribe what land uses go where and your findings of fact within your community is what you should be basing on, those factors include how compatible is this plan with the existing uses and nearby properties or will it cause a decrease in nearby property values? You will hear that a lot from residents who are concerned about a development.





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That is difficult to prove, but we do have to take that into consideration in the findings of fact. We might say something like “this will not negatively impact nearby property values.” Another way to think of that is that it will probably negatively impact property values. Not many things impact property values and it is very difficult to prove that one specific zoning decision has done that.

A special use is a permitted use. You should think of it as a presumptive yes. Folks think of a special use as something that is allowed as long as x, y and z. Special use is considered to be appropriate for that zoning district. It just may need extra consideration because there are things that can go wrong with it. Every case is unique. Listen to your staff and read your staff report. From a point of view approach, go into it thinking that this use is correct and proper for the district it is in and try to find a reason that it should not go there rather than trying to find a reason why it should because it should go there, but there just might be something that comes up during the course of the staff review or the public hearing that unearths a reason why it might not be appropriate. Specifically within the Village of Bartlett code, your findings of fact that you should be finding in the affirmative are produced by your staff. Read those ahead of the meeting and if you disagree with something written in the findings of fact, let staff know by phone or email ahead of time and they can either give you their rationale as to how staff came to that point of view. We should be on the same page at the start of the meeting. The staff and the commission should all be on the same page as it pertains to the special uses and findings of fact at the start of the meeting. It is not your job to do a full technical review during the meeting or in the 2 to 3 days before the meeting. The staff has put the time and effort into doing that and they are professionals and you should feel confident with their answers to the findings of fact.

Variations: “I want this” is not a hardship and we get that a lot. A variation for a bigger garage because Ford makes their trucks bigger now is not a hardship. A hardship for example is when a lot is subdivided onto a huge slope and the property cannot be used and needs to be moved closer to the lot line or ComEd took a 20’ easement across the property and the shed needs to be put somewhere else. A hardship is something that is not the applicant’s fault. An applicant that wants a bigger garage because they bought a monster truck goes beyond that and comes outside the realm of the findings of fact because they would actually be getting something that is better than what their neighbors have. It is not to allow something outside the realms of what your community allows in the code. It is to allow something that the community would allow anyone to have, but their land prevents them from being able to have it. **R. Grill** we as a staff try to guide the applicant to describe their hardship and we will tell them if it is not a hardship. We will help guide them to discover what their hardship might be. Typically, you do not see that because the staff has already done a preemptive review. **P. Green** staff really does see so much more than you do because they are filtering as much as possible before it gets to you. If you are getting a lot of variations that is a sign that you need a code amendment. That is a sign that something is not working. The staff will probably recognize that. You have a lot of experience working in this community. You do not want to govern by exception or zone by variance. You want to have a code that works for people and if everyone is coming forward with the same variances and you are granting them, your code needs to change. **M. Werden** we



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had that with 3' fences. So many people needed a 4' fence and we were granting that because it was very practical and so we changed that code. **P. Green** most communities require a super majority in the case of a variation. Abstentions go with the majority. If you do not want to make a decision because it is a friend, but you do not need to recuse yourself, an abstention will go with the majority in that case so have that conversation ahead of time. **R. Grill** over the years, many of you have heard from the staff that if you have a reason to deny a project, use the findings of fact in your report and read that out loud as part of your denial and reasoning for your denial. That helps us legally. **P. Green** that is important. A developer can sue if they feel that there is a miscarriage of justice. You have findings of fact and should you use that.

**T. Farace** Ex parte communications or talking to folks when we are not supposed to be talking to them, which could be communicating with someone when conducting a site visit or at the grocery store or church and they say, *"you're on the Planning & Zoning Commission. I saw a public notice for that project. Can I take 2 minutes of your time because I have concerns about the project. Can I tell you why I think you should recommend denial of the project?"* You should tell that person if you have concerns, either please come to the meeting or send an email to staff and they can look into it. Do not have any type of communication like that other than at the meeting during the public hearing because you do not want to have any legal issues. A developer could misconstrue that as something being done outside of the meeting that swayed someone one way or the other to vote on a case in a way that they might not have voted. It is important that you do not have ex parte communications. It is not only in person communication, but social media. You should be careful on Facebook or twitter. It is best just not to say anything. You can read about it, but do not have interactions or communications other than during the public hearing. **M. Sarwas** we had something come before the Zoning Board for a text amendment for massage establishments. We had a commission member that called people and had specific concerns. He did come to the meeting, but was also contacting us outside of the meeting. **R. Grill** that commission member was not the applicant. It was a fine line, I agree, but it was a text amendment brought to the Zoning Board by staff. That is a little different. That is a decision that each of you can make in that situation. **M. Sarwas** if it was a petitioner, that would have been out of line. **R. Grill** yes. You should all say that it should be discussed with staff and maybe that can be done in the form of a memo and we would have that as an exhibit. **T. Farace** that goes hand-in-hand with ethics. We all have to be ethical because we are serving the public's interest without personal or financial gain. We are all here to be public servants for the community. You can ask staff questions and if it is a legal matter they can ask the Village attorney. The Village attorney is there to answer legal questions. When you have a business or financial relationship with an applicant as either a client or a customer, or you have a financial interest in the project that is considered a conflict of interest, and you should recuse yourself from voting on that case. If you are a co-owner of a business and that business needs special use approval you should not vote on that case and you need to recuse yourself. If it is a family member or neighbor who is requesting a fence variation you might not feel comfortable with that case, but since you do not have a financial interest, technically, you can vote on that case. **M. Werden** I had a situation where my next-door neighbor was applying for a room addition and needed a variance. I recused myself. I was for it, but before I



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stepped out of the room, I made it clear that I was supportive of the variance. **P. Green** the attorneys that I know would always advise that you do not take part in any discussion on the case. Generally speaking, if you are in a situation where you need to recuse yourself, you should just go on the record and state that you have a conflict of interest or something that could be perceived as a conflict of interest and recuse yourself. **R. Grill** you need to leave the room so that there is no appearance of impropriety even it means we do not have a quorum for that vote and we have to continue the case. We will help guide you through that and also check with the village attorney. **P. Green** if you are voting on general law or a text amendment, that is for the entire community and that is not a conflict of interest. If it is a request from an organization that you are a member of you can still vote. You might not feel comfortable voting, but you can talk to staff about that. If you are related to the applicant, but you have no financial connection to the project, you can still vote on that if you feel comfortable. It can be tricky because you are all residents and you do know people in town. This will come up at some point probably for all of you. It is better to be safe than to have an issue for the Village. **M. Werden** sometimes people assume that you might be for or against something. We had the CVS at Devon Avenue and a had a close neighbor who asked if I was opposed to it. I said no because that was zoned business. I let him know ahead of time that was not against it. That would be a conflict of interest if I came out against it because my neighbors were opposed to it. I did not get on the commission to be a conduit for my neighbors. **P. Green** you should say if you want to see how I vote, come to the meeting. I am sure you do Open Meetings Act training. Every meeting is a public meeting. You want to make sure that all of the information is discussed during the public meeting and not behind closed doors or discussing the case in an in email. In Carol Stream, when we send email correspondence to our commission members we blind copy everyone. If someone uses the reply all, that could be an issue. Be careful and be safe with all of your correspondence. **B. Bucaro** can we have a discussion one-on-one with another commissioner about the case? **P. Green** you could but it is generally safer to have the discussion or ask questions either with staff or during the meeting. **R. Grill** typically our rule of thumb is 2 is ok, but 3 is a problem. **P. Green** you do not want to have the appearance that you ganging up on an applicant. We usually suggest that you direct questions to staff versus talking to each other about the case. Then you do not have to worry about anyone thinking there was something being talked about behind closed doors. It can be tough to do because you want to talk about things with your fellow commission members. **M. Werden** I have had people ask me how the commission will vote on a case and I tell them they have to come to the public hearing. We do not know ahead of time because we are going to base things on what comes out at the public hearing. **T. Farace** it is a good thing that you all have Chromebooks, but try not to message each other on them during meetings. Anything that you do during a meeting that is a form of communications is part of the public record and is subject to a Freedom of Information Act request. If there is a lawsuit that becomes part of discovery. If you have anything to say that is what your microphone is for. **R. Grill** also, your emails to staff are subject to Freedom of Information. I always suggest a phone call. **T. Farace** as a rule of thumb, when you write an email, before you hit send, imagine if that email was printed and put on a banner on the side of Village Hall? How would you feel because that is basically what is happening to every email that you send? I am a long-range planner. Plans are important and guide your community's vision. Many of them will have a vision



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statement. There might be prose written in the future tense and are very aspirational talking about what we want to be. There are many different plans that can form that. A comprehensive plan looks at everything in your village. A neighborhood plan might be focused on a specific area. The fundamentals of planning are universal. Good planning has good public engagement and a good vision statement. They apply in any town and any country. The comprehensive plan is the baseline and will be the base for most of your decisions. If you do rewrite a zoning code that should start with your comprehensive plan because your zoning is supposed to be one of the key tools that implements that particular plan. Units of local government only exist because states allow them to. It is in the Constitution. The Federal Government gives power to the states who then pass that power through to each individual unit of local government. We have that power because of the Illinois State Statute that enables us to create our own plans and shape our own communities. We have the power to zone to realize that future. A typical topic included in a comprehensive plan is land use. You may look at public facilities. Everybody wants economic development. You might see a lot of retail because that brings in sales tax, but that might not always be the best way to approach things. Public participation is huge. It is a 2-way street. We want to educate the public. There are a lot of different ways to do that. During the public hearing you are setting the standard. You want to create a welcoming environment. Be confident in your staff and have conversations ahead of time. Run the meeting in an orderly fashion. Signal to the public that they are in an environment where they can participate and that this is a professional and well-run organization. The question that should be asked with every plan is, who is missing? Look at the community snap shot and be aware of your neighbors. There will be changes in demographics. There will be more diversity in your community. There will be people who do not have access to the internet even though we all take that for granted these days. When you are going through a plan process a great question to keep in mind is, who have we not heard from and who does this plan not take into consideration? Plans are great as long as they do not just sit on a shelf. Implementation is so important. Plans have a shelf life and they will expire. Markets will change and things will happen. We will need to change and adapt. We will not be able to do that unless we are monitoring and implementing our plans. There are tools that we have to do that. You might be less involved in things such as TIF and other financing incentives to try to drive development. There will be things that you are involved in like the procedures, development reviews, and zoning codes. Those are all ways to implement plans. If things are not working or the market has changed drastically that is when you need to revisit your plan. It might not need to be a completely new comprehensive plan, but you might just need a new subarea plan. For example, Sam's Club pulled out of a lot of different Illinois municipalities are few years ago and lot of those municipalities looked at where those stores were and created subarea plans that focused in on a very specific part of their municipality in their community and saw an opportunity for redeveloped and focused on their efforts to create a vision for that area. It does not always need to be village wide. **T. Farace** you have the plan in place and you have regulations that go after the plan. There was a famous case from the 1920's Euclid vs Ambler Realty where the case actually spelled out that a community or municipality can zone land for residential, commercial, or industrial use. You are looking at general health, safety and welfare when you are looking at zoning districts. You want to make sure that your codes and ordinances have clear structure and that you are applying things consistently. You never want to do



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anything like spot zoning. Maybe you have an area that is zoned for commercial development and right in the middle, you have an area zoned for industrial. You also want to make sure when you have your regulations, codes, and ordinances that you have a predictable, fair, and timely process. Developers want to go through the process as quickly as possible and from staff's perspective, they want to give information to folks that says if you follow the standards and the process when you come before the Planning & Zoning Commission you should get a positive recommendation from them. That is how it should work most of the time. Zoning goes hand-in-hand with planning. Planning and zoning are not the same thing. Zoning looks at what can be done on a specific property. You are looking at setbacks, building heights, lot coverage, and how things can be built on that specific piece of property or what cannot be built, which is equally important. Those are the tools to implement a plan by regulating all those various components on the property. There needs to be a connection for that request and all of that information needs to be listed in the approving ordinance. You can add conditions of approval to a project if there are stipulations that you feel are important for a variation or special use. Staff or the commission can add those conditions. A planned development is beneficial for the developer, but can also be beneficial for the community. Especially in our suburban area, we are built out and have little vacant land left. We have to be flexible with our design pattern. We have codes and ordinances for a subdivision for how the street pattern and open space needs to be laid out and how the lots have to be laid out. Based on what vacant land we have left in our community or if a property is going to be annexed in, it might not fit into those regulations or codes, but with a planned development, you have flexibility. You should not totally disregard those codes and ordinances, but have flexibility and creativity with how that plan is laid out. You might cluster the open space into a more central area so that it is more beneficial for a subdivision that is going to be approved as a planned development. A lot of times our subdivision codes were written in the 70s or 80s and at that time there were certain standards and maybe now you want to have a different type of development, which might be acceptable given the lack of space or land that might be available.

**M. Werden** Naperville is doing something like that now where there were only 1-car garages and the cars would hang over the sidewalk. They will now allow on-street parking where it had been forbidden, but that was not practical for some areas. **T. Farace** yes, things change over time and you might have to get creative with some of the codes and ordinances that are in place. It does not mean that a developer can build a 10-story building because they want to. There has to be some reason or justification for that flexibility in the design. Do you get a lot of planned developments in Bartlett? **R. Grill** in our code a planned development is a PD Zoning District and a planned unit development is a special use permit. It is a little hard to understand, but almost every planned development is also a PUD. It contains a mixture of uses. Staff is not as willing to rezone a property to a PD district if it does not have a mix of uses; residential and commercial. Grasslands that just recently came in with townhomes, single-family homes, active adult, and commercial; staff was okay with that coming in with the request to rezone it to the PD district. The Hanover Township Campus Expansion is P-1, public land, a PUD, special use and rezoning. That is a PUD because there are 2 principal structures on 1 zoning lot. **K. Stone** a lot of times for a subdivision where you see the PUD, we are using most of the zoning regulations for the underlying district. For example, if it is SR-3 if the developer is giving us extra open space, we take the SR-3 district and reduce some of the setbacks. It is pretty



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close to the original zoning but has a little bit of give and take whereas with a planned development, there is no underlying zoning like setbacks and we can pick and choose what we like for that specific development. There is a method to our reasoning. **T. Farace** that is a good set up. I think keeping zoning current was touched on already. If there is a provision that you are recommending approval for a variation for pretty consistently then work with staff to maybe amend that code and look at sections within your community to see if rezoning is necessary although that is a policy decision so the elected official will look at that. A lot of times the subdivision process is more technical. I work with our engineering department extensively on subdivisions because there is a large engineering component to subdivisions looking at where utilities are going to be located, detention basins, etc. You will typically have the preliminary plat process where you are laying things out for how that subdivision is going to be defined and the final plat which is reviewed by this commission. In some instances, if it is a relatively simple subdivision you can combine the preliminary and final plat if that is allowed. It might be a 2 lot or a 3 lot subdivision, which might not be worth having someone do a preliminary and final plat, but if it is something more elaborate you probably will want to do a preliminary plat to lay the ground work out first and then do the final plat. **B. Bucaro** that is all done well before it gets to us. The developer has their concept and they go to staff and staff will have comments. **R. Grill** yes, we have a lot of comments and by the time it gets to our commission we have already worked out a lot, but the commission reviews the preliminary subdivision plan. The majority of the commission's work is done at that level and then 6 months later we will probably bring back the final plat of subdivision and the commission relies on the staff to tell them that this plat is ready for recording or if there are any changes. Staff will say that it is in substantial compliance with the preliminary plans that you have already reviewed and approved. You will hear us say that on a final plat of subdivision. **T. Farace** the final plat is the plat that is going to be recorded with the county. That is the key plan that will be reviewed for the subdivision. This Planning & Zoning Commission is not necessarily going to be reviewing annexations. That is probably a Village Board matter. You might review a rezoning of a piece of property that is unincorporated and is going to be annexed into the village or something that might need a special use once it is annexed into the village, but just so you are familiar with what an annexation request is, it is unincorporated land that is adjacent to the Village that is going to be annexed or incorporated into the Village. **P. Green** we recommend that you stay current. There are resources to help you. Libraries have a lot of resources as well as the APA website. Diversity, equity and inclusiveness are important and something that we are trying to get better at all the time. We have information on that. It is a great way to understand your community better and get different voices at the table because that does make for better plans. Thank you for being here tonight. **R. Deyne** I would like to thank the presenters for the very fine presentation. I do encourage our commissioners to visit the project sites. It is very important that they look at these projects. I believe that it is very important to ask the staff questions prior to a meeting. You have to be respectful to the petitioners that are coming before you. I believe that is what staff is doing right now. You are doing everything possible for the Village of Bartlett. We do not just represent one neighborhood. We represent the entire community of Bartlett and that is important. I am very in favor of the new commission appointments that have been made. I know that your job is not going to be easy, but we will all work together and Bartlett will grow and develop into a community that we are all proud



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to live in. **R. Suwanski** that was a great presentation. Thank you very much. I try to make a point to listen to the audio of the Planning & Zoning Commission, and Economic Development meetings so that I have an idea of where you all are coming from before it even gets to the Board level. It is very clear that the staff and commissioners do all of the heavy lifting before it gets to the Board and all of us on the Board appreciate the work that you do.



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**Old Business/ New Business**

**K. Stone** in your packet, there are samples of rules and procedures. We are supposed to formally adopt rules and procedures according to the new Chapter 13 that was recently adopted which created this commission. Feel free to research other Planning and Zoning Commission rules and regulations. For our next meeting, I will give you a draft that will have options to choose from. We will have a discussion about what you would like to use for this commission. The other document in the packet has links to various Village plans that have been adopted. These are things that you should be familiar with and what you will base your recommendations and decisions on. We would like you to pin that to Chromebook so that you can quickly refer to those documents.

**R. Grill** I did check with the village attorney and if you have previously completed your Open Meetings Act training, you do not have to retake your Open Meetings Act training as part of this new commission.

**M. Werden** I would like us to have what to do if there is in an emergency, like if there is a gunman. It has been a while since we have had police training. **R. Grill** sure, we can do that.

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

**Motioned by:** J. Miaso

**Seconded by:** M. Sarwas

**Motion passed by unanimous voice vote.**

**The meeting was adjourned at 9:16 pm.**