

**MINUTES**  
**FLOSSMOOR PLAN COMMISSION**  
**REGULAR JULY MEETING**  
**JULY 18, 2019**

Commissioner Mitchell called the July 18, 2019 regular Meeting of the Plan Commission to order at 7:35 PM

**1. ROLL CALL**

**PRESENT:**

Chair Curran, Commissioners Matthys, Mitchell, White and Yast

**ABSENT:**

Commissioners Martin and McCarthy

**ALSO PRESENT:**

Scott Bugner, Zoning Administrator; Kathleen Orr, Village Attorney

**2. APPROVAL OF THE MINUTES OF THE MEETINGS OF MAY 16, 2019**

**Commissioner Mitchell motioned to accept the minutes of the May 16, 2019 meeting as amended. Commissioner Matthys seconded the motion which passed by voice vote.**

**AYES:** Chair Curran, Commissioners Matthys, Mitchell and Yast

**NAYS:** None

**3. PUBLIC HEARINGS/NEW BUSINESS**

**A. CONTINUED PUBLIC HEARING TO CONSIDER A REQUEST FOR TEXT AMENDMENTS TO THE FLOSSMOOR ZONING ORDINANCE (Article 20 – Planned Unit Development)**

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Chair Curran opened the Public Hearing and requested Attorney Orr to provide some background on the requested amendments. Attorney Orr advised that the proposed amendments were suggested as a means to streamline the process for planned unit developments where concept plans in her opinion should be scrutinized by staff and not generally be subject to a public hearing. She stated that because a concept plan is so informal, holding a public hearing with publication and notice is not the normal practice in most municipalities and suggested that a conceptual plan be subject to staff review and subsequent approval by the Village Board before the preliminary plan is submitted for public hearing before the Plan Commission.

Chair Curran asked why the Village Board felt the need to review the concept plans which includes meeting with developers and talking through the details of a project. Attorney Orr advised that the intent is to be developer friendly and that she is unaware of any other municipalities that hold a public hearing for a conceptual plan. She stated that as the Village actively seeks developers for the southwest Flossmoor and Flossmoor Road properties the purpose of the amendments is to make the process less cumbersome.

Chair Curran felt that the Plan Commission is involved with determining the applicable use of the property within the Village and that this amendment would usurp the responsibility of the Plan Commission and that the Board would be taking on the responsibility of urban planning.

Commissioner Matthys stated that the amendment would allow the developer to submit a concept plan without a public hearing. Attorney Orr advised that was correct. She stated that if a developer were to submit a conceptual plan, it would be reviewed by staff for adherence to applicable zoning codes and then be presented to the Village Board.

Chair Curran was concerned that if the Village Board approves a concept plan and then returns to the Plan Commission for a preliminary plan, the Plan Commission would be bound by that approval. Attorney Orr advised that a conceptual plan would not be approved by the Village but would be reviewed for the appropriate use. Commissioner Mitchell added that if there is no approval of the conceptual plan by the Board, why not just have staff review the conceptual plan. Attorney Orr stated that most developers want to obtain feedback from the Board before proceeding with a preliminary plan to ensure that the Board is supportive of a proposed use or development.

Chair Curran stated that when a developer submits a concept plan and it obtains approval, they most often believe that it is a done deal and that they don't want to make any changes following the conceptual approval.

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Commissioner Matthys stated that the risk of taking the concept plan review from the Plan Commission is that if the Commission doesn't recommend approval of a preliminary plan, the developers would just go ahead and return to the Village Board to seek approval because they had already given their approval of the conceptual plan.

Mr. Bugner advised that he had reviewed several ordinances in other neighboring communities and noted that concept plans are not subject to public hearing but in most cases are reviewed by planning and zoning boards in an open meeting. In other municipalities, staff reviews concept plans and they are not subject to approval until a public hearing of a preliminary plan. He advised that several communities either require a pre-application meeting with staff or have an option for a pre-application meeting.

Chair Curran and Commissioner Matthys agreed that a pre-application meeting is a good idea so that staff can provide feedback to a developer before submitting a plan.

Commissioner Mitchell was also concerned with the concept plan being presented to the Village Board before review by the Plan Commission.

Chair Curran stated that some of the issues that the plan commission has run into with regards to conceptual plans is that there are several items that need to be reviewed as a part of that concept plan such as the appropriateness of the use, parking, site, etc. and that he didn't believe that the Village would want pre-approval of a plan without addressing those issues. Attorney Orr stated that the concept plan is not an approved plan and that a plan is not approved until the approval of a preliminary plan. Chair Curran advised that the developers don't see it that way and believe that a concept plan is an approval.

Chair Curran asked why the Village Board was interested in reviewing the concept plans. Attorney Orr advised that the Village Board doesn't want to review the concept plans, but that she is attempting to amend the ordinance so that the process conforms to the standard practices of most other municipalities throughout the state.

The Commissioners discussed the situation with the Dunkin Donuts where the Plan Commission had concerns with the concept plan and did not recommend approval, but which was subsequently approved by the Village Board.

Commissioner Mitchell advised that if the concept plan is approved by the Village Board first, any subsequent recommendations by the Plan Commission wouldn't matter. He understands attempting to be more developer friendly and that maybe a staff review of a concept be submitted to the Village Board without the developer being directly involved could work. Attorney Orr advised that in most cases the developer is looking for an indication from the

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Board as to whether a proposed project may be favorable. Commissioner Mitchell agreed and that is part of the problem with presenting a conceptual plan to the Board before going to the Plan Commission.

Commissioner Matthys stated that as a developer he understands the desire for a developer to gain some insight as to whether a proposed use would be favorable by a village board, citing instances where his firm had gained unanimous approval of projects by planning commissions but were subsequently denied by their village boards after investing significant capital in developing and presenting a plan.

Chair Curran was concerned that the Plan Commission would be caught in the middle if an approval or recommendation for a concept plan were granted by the Board and then brought before the Plan Commission for public hearing where residents were able to voice their concerns, adding that the Plan Commission would then be tasked with selling the development to the public.

Commissioner Matthys asked if the concept plan could come to the Plan Commission instead of the Board without a public hearing. He stated that if the concept plan goes to the Board first, they do not get the benefit of the Plan Commissions insight which is something that he hoped would be of value.

Commissioner Mitchell stated that the Plan Commission has also been an insulator of sorts for the Board over sensitive developments. Attorney Orr agreed but also advised that the Board is also the ultimate authority and does have to approve or not approve.

Attorney Orr proposed that as Commissioner Matthys suggested, a concept plan could be reviewed by Plan Commission as a regular agenda item outside of a public hearing where the Plan Commission could provide feedback and comments which could then be presented to the Board. Mr. Bugner indicated that this is approach is common in other municipalities with respect to concept plans.

Chair Curran stated that an important aspect of the concept plan is not only identifying zoning issues but also whether the applicable use of the land is appropriate for the development area.

Commissioner Mitchell stated that especially in the south suburbs, we need to have the appropriate checks and balances in place to ensure that the types of development that are approved fit the needs of the Village. He stated that the Village has managed to do that well over the years and that the existing process works. He added that the Plan Commission hearing is the first time that residents learn about a proposed project and that putting the Board in

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front of that process before the Plan Commission can offer comments may not be the best approach.

Commissioner Matthys advised that going through two public hearings is not something that he would expect to have to do as a developer.

Chair Curran felt that a public hearing for a conceptual plan was important in giving the public perception of a development.

Commissioner Matthys stated that the first public hearing is more like a work session to identify the issues and offer suggestions.

Mr. Bugner stated that maybe the concept plan should be mandatory instead of optional but not as a public hearing and more of an informal feedback session which could be at a regular meeting of the Plan Commission. Chair Curran stated that staff provides the developer with input as to whether a plan meets or does not meet ordinance requirements. He added that he doesn't recall any developments where all of the zoning requirements were met in a conceptual plan.

Commissioner Yast likes the idea of a concept plan coming to the Plan Commission not as a public hearing but as a regular agenda item for discussion and review. He had some questions regarding the pre-application conference regarding Village commitment to a development. Mr. Bugner advised that there would be no commitment to a developer either following a pre-application meeting or a conceptual plan. Commissioner Yast asked if it was typical for a mandatory pre-application meeting. Attorney Orr advised that it was, and Mr. Bugner added that was the case in many municipalities.

The Commissioners and staff discussed amending the proposed ordinance by changing 285-20-2 A. and 285-20-4 A., B. and C. from Village Board to Plan Commission where applicable; by changing the submittal requirements from 10 copies to electronic format where applicable; by striking 285-20-4 B. (5) (a) thru (e) and 285-20-4 B. (7); by striking 285-20-5 A. (n); and by amending 285-20-5 E. striking "conduct a public hearing and shall".

Following the discussion, Chair Curran proposed that the Commission consider a motion to continue the public hearing to the next regular meeting on August 15, 2019.

**Commissioner Mitchell motioned to continue the public hearing to the next regular meeting. Commissioner Yast seconded the motion which passed by roll call vote.**

**AYES:** Chair Curran, Commissioners Matthys, Mitchell, White and Yast

**NAYS:** None

**4. OTHER BUSINESS**

None

**5. OLD BUSINESS**

None

**6. STAFF REPORTS**

None

**7. MEMBERS CONCERNS AND IDEAS**

None

**8. ADJOURNMENT**

**Commissioner Mitchell motioned to adjourn the meeting at 8:40 PM. Commissioner Matthys seconded the motion which passed by unanimous voice vote.**

**AYES:** Chair Curran, Commissioners Matthys, Mitchell, White and Yast

**NAYS:** None