



# VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET  
PALATINE, IL 60067-5339 – (847) 359-9050  
<http://www.palatine.il.us>

## PLAN COMMISSION MINUTES • JUNE 7, 2022

Village Hall - Council Chambers

Regular Meeting

7:00 PM

### I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dennis Dwyer	Chairman	Present	
Patrick Noonan	Plan Commissioner	Absent	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Absent	
Stephen Fedota	Plan Commissioner	Present	

### II. APPROVAL OF MINUTES

#### 1. Plan Commission - Regular Meeting - Apr 19, 2022 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Rodney Bettenhausen, Plan Commissioner
<b>SECONDER:</b>	Stephen Fedota, Plan Commissioner
<b>AYES:</b>	Dwyer, Williams, Friedman, Bettenhausen, Fedota
<b>ABSENT:</b>	Noonan, Kolososki

### III. PUBLIC HEARING

1. Text Amendments to Article 14 - 14.03 Variations, 14.05 Special Uses, and 14.11 Notification of the Village of Palatine Zoning and Subdivision Ordinance

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on May 23<sup>rd</sup>, 2022.

The following petitioner's exhibits were introduced:

1. Text Amendment
2. Public Notice

#### **Sworn in Staff: Mr. Vyverberg**

Mr. Vyverberg presents a power point presentation and explains this meeting is to review Text Amendments to Article 14 - 14.03 Variations, 14.05 Special Uses, and 14.11 Notifications to ensure consistency in application and evaluate the process to determine if amendments are recommended.

He provides background information and explains the process pre 2004. Mr. Vyverberg provides examples of signs that were previously provided for posting at property locations and explains that standard zoning requirements for most zoning processes is written notification. Written notification requires mailing to the taxpayers of record, within 250 feet of the Subject Property (not inclusive of right-of-way). Notice to taxpayers of record is a State statute requirement.

In 2004, the Village amended the Zoning Ordinance to also include written notification to occupants, which remains the current Code Requirement. Current Village Administration has taken steps to improve the various types of notification through enhanced signage and website content/availability related to zoning proposals.

Post 2004, Staff introduced framework and structure to allow for an expanded scope of administrative review process. Those processes have been in place for 5 years and staff is proposing to further refine the process.

Mr. Vyverberg further explains the notification process and states that there are several types of required notification which includes public hearing signs, posting public notice to the legal section of the Daily Herald and written notification.

He states that the Village has also enhanced their website to include Public Notice information with a Link on the Home Page. Residents are provided various ways to access information via the Village website or can watch the proceedings live on Channel 6. These elements have been available since 2015 to any resident wishing to review the materials regardless of their proximity to the zoning address.

He explains that the current process to include notice to all occupants both exceeds the State requirement and has become a significant resource drain and results in redundancy. He states that including occupants as part of the mailing is not furthering the notice requirements and staff is recommending the elimination of notices to occupants.

Staff is also proposing that the Subdivision Ordinance notification requirements align with the sign posting and taxpayer of record notification requirements for consistency.

Mr. Freidman questions the 250' boundary overlapping into multifamily properties with a higher density of occupants. He asks if there would be 1 mailing notification to the property owner for rental properties but Condo Owners in the same type of multi dwelling location would each receive notification.

Mr. Vyverberg states that is correct and does not believe this would be favoring condo owner's vs apartment renters. The Public Notice Sign posted at property locations and the other various ways to access the information are an effective way to provide notification.

Mr. Dwyer questions the taxpayer of record vs. owner and states that the taxpayer of record may not be the same as the owner in some instance and could be the mortgage servicer.

Mr. Freidman states that the tax records don't record the mortgage companies as the tax payer. He believes it is recorded as the owner.

Mr. Fedota further discusses the public notice signs vs. the post card notifications and notes that fees and staff time are a drain to resources.

Mr. Dwyer conveys that the website is good but notes that it requires residents to check the website. He also states that another solution for notifications could be to reduce the 250' surrounding area to 150' and states that post cards should still be a viable way to notify.

Mr. Freidman & Mr. Dwyer discuss the notification guidelines.

Mr. Vyverberg clarifies that the Tax Payer of record is the Person receiving the tax bill.

Mr. Dwyer would like to clarify if the taxpayer is for income tax or property tax and should the ordinance be changed to specifically state Tax Payer of Record?

Mr. Vyverberg states that it was discussed with the Village Attorney and it was his opinion that it is the person that receives the tax bill but will check with the Village attorney as to how it should be defined in the village ordinance.

Mr. Vyverberg reviews the zoning process and states that in 2017 Staff processed a series of amendments to evaluate the potential for more administrative reviews for certain defined zoning processes, which would be initially reviewed by Staff and, under certain circumstances, could be approved administratively. The amendments attempted to address numerous potential situations and scenarios and provide appropriate latitude, with the potential for Village Council review. These amendments created circumstances where surrounding property owner approvals were provided, but still required Village Council review. In other cases, Staff would review and either approve or forward to the Village Council for review. After review, over the last 5-6 years, Staff is proposing to amend the processes, where requests could/must go to the Village Council and provide additional consistency in how items are reviewed.

Mr. Vyverberg states that staff is proposing to eliminate minor special uses and Special use amendment be reviewed administratively along with the administrative use special use process.

Mr. Vyverberg also notes that Mr. Bettenhausen provided clarifications that would be noted.

Discussion between the commissioners regarding the 250' notification process and who is notified.

Mr. Vyverberg provides clarity and states language reflects how it is read in the State Statute.

Further discussion by commissioners regarding information available on website. Discussion also ensued regarding postage costs and fees that are paid through the application fees. Mr. Vyverberg states that there are more effective avenues out there and the change is more of a staff management vs. costs.

**STAFF RECOMMENDATION:**

Staff is recommending the proposed text amendments to the notification process and review process, as outlined.

**Mr. Fedota made a motion to close the public hearing - 2<sup>nd</sup> by Mr. Freidman**

**DELIBERATIONS:**

Council members further discuss the Tax Payer of Record Clarification and Notification process - specifically whether the 250' surrounding property notification and be reduced to 150'.

Mr. Vyverberg states that the State Statute does not have a requirement. Procedures for variations also discussed. Mr. Freidman asks if the packet materials are available on the website and questions if they would still be available at the Village Hall.

Mr. Vyverberg states that the website does not accommodate the packet

information as changes would have to be updated and this would require further discussion.

**Mr. Fedota made a motion to approve the text amendments with the following changes: maintaining the surrounding property notification for occupants with the reduction of 250 feet to 125 feet required seconded by Mr. Bettenhausen. This was unanimously approved.**

**COMMUNICATIONS:**

This matter will go to Village Council on 6/20/22

<b>RESULT:</b>	<b>RECOMMENDED TO APPROVE [UNANIMOUS]</b>
<b>MOVER:</b>	Stephen Fedota, Plan Commissioner
<b>SECONDER:</b>	Rodney Bettenhausen, Plan Commissioner
<b>AYES:</b>	Dwyer, Williams, Friedman, Bettenhausen, Fedota
<b>ABSENT:</b>	Noonan, Kolososki

**IV. COMMUNICATIONS**

There is a full Agenda for the 6/21/22 meeting which includes a 145,000 sq. ft. warehouse on Rand Rd and a proposed 4-Lot subdivision.

**V. ADJOURNMENT**