



**Community Development Committee Regular Hybrid Meeting**

**Thursday, February 10, 2022 at 4:30 PM**

**Minutes - Approved**

**I. Called to Order: At 4:30 P.M.**

**II. Present:** Mayor Ron Gunter, Manager Steve May, Trustee Linda Liddle, and Trustee Bruce Barker, Trustee Amylee Hogan Simonovich, Trustee Frank Brady, Clerk Ginny Szymiski, Community Development Director Bruce Sylvester, Deputy Director of Community Development Jason Vitell, Deputy Director of Community Development Joe Hennerfeind

Assistant Manager Spencer Parker, Director of Public Works Mike Ramsey, and Human Resources Director Renee Brainerd attended remotely

**III. Pledge of Allegiance**

**IV. Approval of Minutes:** Trustee Liddle made a motion to approve the minutes from the November 18, 2021 Regular Meeting and Trustee Nero seconded the motion. Motion passed on a voice vote.

**V. Public Comment** - No one spoke during the Open Forum.

**VI. NEW BUSINESS**

**A. Community Development Director**

- a. SolSmart** - Director of Community Development Bruce Sylvester updated the board regarding SolSmart certification efforts including permitting and zoning modifications. Sylvester noted that the Village is very close to obtaining the Bronze certification. Manager May mentioned that the initiative stemmed from the Environmental Improvement Committee. Trustee Barker provided some background information on the energy conservation efforts of the EIC committee. Sylvester mentioned that we would not be able to obtain the silver level certification due to the 2-3 day turnaround time which is not enough time to perform a thorough review involving multiple departments.
- b. Annexations** - Annexations have been pushed to the back burner for the time being with other projects underway. Staff will be working on two islands of unincorporated land in the coming months.
- c. Forestry Reviews** - Sylvester provided the Board with current processes when Forestry reviews are involved, typically when new construction permits applications are submitted. Sylvester explained the current review processes for forestry which currently

include both private and public trees, and how that may change moving forward given the challenges staff has faced administering the current process that's in place.

Mayor Gunter asked how long forestry reviews typically take and if every permit requires said review. Sylvester replied that although not every permit requires a forestry review, the current codes indicate that any exterior improvement on private property should trigger a forestry review. Manager May discussed the challenges of determining whether or not a permit needs a forestry review and how it could be at the expense of the applicant to provide a tree survey which the Village isn't certain they want to do. Sylvester suggested modifying the current codes related to the tree ordinance to simplify them so that Community Development can administer the reviews. Sylvester added that if the Village keeps the rules that are currently in place, Community Development does not have the staff with the expertise needed to administer them and Forestry would need to hire a consultant to do those reviews using the current rules. Gunter asked if there were tree protection rules in place prior to the adoption of the Heritage Tree ordinance. May replied that there were only rules for park way tree protection.

Trustee Simonovich asked if modifying the code would change the way we are currently preserving the trees. Sylvester replied that they would still keep the codes that protect the trees, but replacement or money in lieu may be revised, particularly for vacant lots. Simonovich was wondering if existing homeowners versus developers would be penalized with the revised code. Sylvester provided an example of a homeowner wanting to put an addition where a tree exists, and rather than them having to pay a hefty fee in lieu for that tree removal, they could instead plant a tree elsewhere. Liddle asked if staff had requested an opinion from the arborist. Sylvester replied that it was communicated that the Forester was no longer able to perform the private reviews given time constraints and other responsibilities, but discussions regarding the code revisions had not yet taken place.

Nero was okay with keeping the fee schedule as is, and did not think that the applicants should be charged more or have any more inconveniences. Nero did feel that the applicant suffers when it comes to timelines as it stands.

Barker mentioned that he thought the heritage trees should still be protected and that the Village should be compensated for heritage tree loss, but was open to revising some of the tree ordinance and processes. Barker also talked about landscaping and keeping up the landscaping, especially if there is an absence of trees.

Mayor Gunter agreed that the landscaping maintenance is important. Sylvester replied that code enforcement would be involved in landscape maintenance. Mayor Gunter did not think raising fees would be appropriate, and if they are raised, he requested a comparison to other surrounding communities.

Sylvester noted that staff will be sure to get the Village Foresters input.

Community Development Deputy Director Jason Vitell asked the board to consider that the code is complicated and aggressive compared to other communities. With regard to the process, there is only so far the Village Forester can stretch, and the code is not clear as to how it's triggered, and how mechanisms are in place to administer. Vitell said if we do revise the code, there will likely be happier applicants and the fee in lieu could be used to plant trees elsewhere in the Village. Vitell did not feel that the tree ordinance is fair, and makes the Village seem anti-development.

- d. **Home Business Permit for firearm sales** - Manager May stated there is nothing preventing gun sales out of homes. May said if it's not addressed anywhere in the code, then it's not regulated. Manager May updated the board that staff will be working on rectifying that issue. Simonovich asked if the state regulated it, Manger May replied that the state does have restrictions and rules. The Village would not be able to change what's already in place, but they can avoid future home businesses from this type of business with a text amendment.

## B. Planning Report

- a. Deputy Director of Community Development Joseph Hennerfeind summarized the last quarters entitlements and future requests, some of which included B-1 Permits for Mrs. T's and Whisky Hill Brewing Company. Hennerfeind also provided an overview of other cases and text amendments that had been recommended for approval by the Planning and Zoning Commission; some of which included Bell Tire, as well as upcoming cases. Hennerfeind also updated the board of two major entitlement requests for 3500 Midwest Road, one of which included a comprehensive plan amendment.
- b. Hennerfeind had discussed the current economic climate, and how retail uses have changed. Hennerfeind expressed constraints that the village is facing with requests for businesses that are not compliant. Hennerfeind asked the board for direction on examining use tables and if staff should make that a priority given the changes that are happening in the economy. Hennerfeind noted the codes are out of date. Hennerfeind was looking to prioritize this with the Boards permission. The board was supportive of Hennerfeinds request. Hennerfeind noted he would craft language and do more research to bring before the board.
- c. New planner scheduled to start on February 22nd, 2022.

Mayor Gunter asked for clarification on the Park District park property on Dallas. Hennerfeind replied that the formal address is 125 E. Richmond Street, and so that is what they have to use for public notice. Gunter also asked Community Development to address A frames in the community because they are popping up quite a bit. Gunter also added that the Village is currently looking for two new planning commissioners.

## C. Building Report

- a. **Construction Site Management Overview Processes** - Deputy Director of Community Development Jason Vitell provided the board with the processes and challenges of site

management and how some can begin with Code Enforcement.

Before construction begins, approval of the permit allows both construction, demolition, and development. Separate demolition permits are not typically issued for a variety of reasons.

After construction begins, weather and various other things can affect the momentum of the project, issues with material availability can also affect construction site management.

Good construction site management requires open and constant communication. Requirements, policies, processes must be in place, and these must be conveyed at various points throughout the course of the project . Vitell noted that one way of starting off on the right foot is to have a pre-construction meeting to go over the Village Rules and educate the developer.

Trustee Nero complimented the Holladay construction site, especially considering it's right downtown.

- b. Commercial Vehicle Parking Regulations** - Vitell provided the board with a refresher of code regulations for parking commercial vehicles in commercial districts per the direction of the Community Development Director.

Nero was appreciative of the explanation, and asked how many complaints typically come in. Vitell noted that since the previous code modification, there have not been as many complaints. Now that many more people are working from home, the code may need to adapt. Nero was supportive of making the code more friendly.

Barker did not agree, Barker discussed a personal situation with a parked tow truck and pepperidge farm truck in his neighborhood.

Vitell reiterated that this discussion is more so based on Commercial lots.

Mayor Gunter mentioned that sometimes people apply for the wrong plate and asked if there is anything the Village can do. Vitell replied that it would not be the village's purview if the vehicle is parked on private property. But Chief Gunther added that if the vehicle is moving and improperly plated, it could be ticketed.

## **VII. UNFINISHED BUSINESS - None**

## **IX. MISCELLANEOUS - None**

**X. ADJOURN** - Trustee Barker made a motion to adjourn at 5:52 PM, and Trustee Simonovich seconded the motion. The motion to adjourn was approved by unanimous consent.