



Plan Commission

Plan Commission

~ Minutes ~

1225 Cedar Lane
Northbrook, IL 60062
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Debbie Ford
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Tuesday, October 20, 2020

7:30 PM

Board Room

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Steven Elisco	Commissioner	Remote	
Jeff Sandler	Commissioner	Remote	
Jeremy Melnick	Commissioner	Remote	
Mark DeBartolo	Commissioner	Remote	
Ihab Riad	Commissioner	Remote	
Allen Morgen	Commissioner	Remote	
Amy Torf	Commissioner	Remote	
Laura Collins	Commissioner	Remote	
Marcia Franklin	Chairman	Remote	
Tom Poupard	Director	Remote	
Michaela Kohlstedt	Planner	Present	
Swati Pandey	Planner	Remote	
Stewart Weiss	Village Attorney	Remote	

2. MINUTES APPROVAL - October 6, 2020

A. Plan Commission - Plan Commission - Oct 6, 2020 7:30 PM

Chairman Franklin noted a correction to page 6, line 13, to change "makes decisions based on" to "gives consideration to".

Commissioner Sandler moved to approve the minutes as amended; seconded by Commissioner Riad; all were in favor.

RESULT:	ACCEPTED AS AMENDED
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3. COMMUNITY PLANNING REPORT

Tom Poupard, Director of Development & Planning Services reported the Board conducted a preliminary review on a request to rezone a lot on Rosemary Lane which the Plan Commission recently reviewed for a minor lot line adjustment to now rezone the lot from R-1 to R-2 which is the same zoning district as the other lots on the street.

Director Poupard also discussed the amendments for Accessory Dwelling Units, which were recently reviewed on a preliminary basis by the Board. This is becoming more popular across the nation. Chairman Franklin requested a more detailed explanation of what constitutes an Accessory Dwelling

Units. Director Poupard responded that they are smaller secondary units that can be a portion of an existing home, an addition or a free-standing structure on a residential lot. The code would classify this as a duplex, which is prohibited, unless we amend the standards.

Commissioner Elisco questioned if an accessory dwelling unit needed to have a bathroom to qualify as an accessory dwelling unit. Director Poupard replied that yes, to be a dwelling it must have its own full service kitchen area, sleeping area and full bathroom.

4. HEAR FROM THE AUDIENCE

There were no comments from the audience.

5. REVIEW OF DRAFT RESOLUTIONS

- A. **DOCKET NO. PCD-19-11: 1103 WAUKEGAN ROAD - 7-ELEVEN GAS STATION & CAR WASH (Public Hearing is Closed.)** Consideration of a draft Resolution recommending approval of an application filed by GW Northbrook 2, LLC as owner of 1103 Waukegan Road for the purpose of authorizing the following zoning relief: A) Repeal the existing special permit 68-43 for an auto laundry for the Subject Property; B) Special Permit to allow a Gasoline Service Station (SIC No. 5541.00) in the C-2 District; C) Special Permit to allow a Carwash (SIC No. 7542.00) in the C-2 District; D) Variation to reduce the required corner side yard (north) from 25' to 6' to accommodate proposed parking; E) Variation to reduce the required perimeter landscaped open space (north) from 25' to 6'; F) Variation to reduce the required number of loading spaces from 1 to 0; G) Site Plan Approval; and H) Approval of such other zoning relief as may be necessary.

Commissioner Sandler made a motion to waive staff presentation and seconded by Commissioner Elisco; all were in favor.

Commissioner Elisco made a motion to approve Resolution No. 20-PC-10, recommending approval of Docket No. PCD-19-11: 1103 Waukegan Road - 7-Eleven Gas Station & Car Wash, which includes restricted hours that were not accepted by the Applicant. The motion was seconded by Commissioner Torf. On roll call vote the motion passed 9-0.

6. REVIEW OF NEW APPLICATIONS

- A. **DOCKET NO. PCD-20-10: 310 ANTHONY TRAIL - KMM TRUCK SALES, LLC (First Public Hearing.)** An application by KMM Truck Sales, LLC as potential tenant of 310 Anthony Trail, which is owned by VIP Tech Electric, Inc. for the purpose of authorizing the following zoning relief: A) Motor Vehicle Dealers (New & Used) with Open Sales Lots as a special permit in the I-1 Restricted Industrial District (SIC No. 5510.02); and B) Approval of any other such variations, waivers, and zoning relief as may be necessary.

Commissioner Sandler made a motion to waive staff presentation and seconded by Commissioner Riad; all were in favor.

Commissioner Morgen asked staff if the special permit term would be for one year only and would expire in July 2021. Senior Planner Pandey stated that the Applicant's lease would expire on July 31, 2021 with a two-year lease extension option. The Resolution was drafted to allow

the term of the Special Permit to be extended for up to two additional years by the Director of Development and Planning Services, upon receiving proof of the execution of the extended lease.

Chairman Franklin opened the public hearing. Deputy Director Kohlstedt noted there were no members of the public present in the room. She asked if any of the viewers at home on the WebEx wished to speak and there were no comments.

Member Elisco made a motion to close the public hearing; seconded by Member Riad. On voice, the motion carried.

Commissioner Elisco made a motion to approve Resolution No. 20-PC-11, recommending approval of Docket No. PCD-20-10: 310 Anthony Trail - KMM Truck Sales, LLC and seconded by Commissioner Sandler. On roll call vote the motion passed 9-0.

- B. DOCKET NO. PCD-20-11: 1998 WILLOW ROAD - BP GAS STATION (First Public Hearing.) An application filed by Graham Enterprise, Inc. as owner of 1998 Willow Road, for the purpose of authorizing the following zoning relief: A) Special Permit to allow Ground Sign in Excess of Height Limit but not Exceeding 20' in height in the C-2 Neighborhood Commercial District (SIC No. 9966.00); and B) Approval of any other such variations, waivers, and zoning relief as may be necessary.**

Commissioner Torf made a motion to waive staff presentation and seconded by Commissioner Morgen; all were in favor.

Chairman Franklin opened the public hearing and noted that the Commission received public correspondence noting the concerns raised about the proposed sign. She stated that the sign is allowed by special permit. Chairman Franklin asked if there were any members of the public that wished to speak on the item.

Deputy Director Kohlstedt noted there were no members of the public present in the room, and no members online indicated an interest in speaking after being instructed how to do so.

Member DeBartolo made a motion to close the public hearing; seconded by Member Torf. On voice vote the motion carried.

Commissioner Elisco made a motion to approve Resolution No. 20-PC-12, recommending approval of Docket No. PCD-20-11: 1998 Willow Road - BP Gas Station and seconded by Commissioner Riad. On roll call vote the motion passed 9-0.

7. CONTINUED REVIEW OF APPLICATIONS

- A. **Second Public Hearing - PCD NO. 20-08 - AFFORDABLE HOUSING AMENDMENTS TO ZONING CODE & COMPREHENSIVE PLAN AMENDMENTS** This is an application by the President and Board of Trustees of the Village of Northbrook to consider: (A) Amending the existing goals and strategies of various Elements of the Northbrook Comprehensive Plan (2010), as amended, concerning affordable housing in the Village of Northbrook; and (B) To add a new Part III to Article IX entitled "Affordable Housing in New Developments", and amend related sections of the Northbrook Zoning Code (1988), as amended, as required for the purposes of defining terms and establishing standards and procedures for reviewing and authorizing development applications to comply with the inclusionary housing requirements established by this proposed amendment.

Chairman Franklin opened the public hearing.

Tom Poupard, Director of Development & Planning Services stated he was still under oath from the first hearing. He noted that while the median income in Northbrook has increased slightly over time, the median home value has increased at a much larger rate which has not been proportionate to the increase in income. Over time Northbrook's housing stock estimated as affordable by IHDA has fluctuated from 5.3% affordable in 2007, to 4.4% in 2013, to 5.7% affordable units in 2018. The Board said this was a major issue and directed the Plan Commission and staff to formulate an affordable housing ordinance.

Director Poupard also explained that three Municipal Code amendments were necessary: establishment of the Affordable Housing Trust Fund, establishment of the Demolition Tax, and establishment of a fee in lieu of providing affordable units. These are amendments which will be discussed by the Board of Trustees, but ultimately adopted the same time as the Zoning Code amendments are adopted, following review by the Plan Commission.

Commissioner Riad asked if a fee-in-lieu had been set. Director Poupard replied that it had not, and that the Board would make that decision when they discuss this at an upcoming scheduled meeting. The Plan Commission need not discuss that.

Director Poupard summarized the results of the first public hearing, specifically the questions and concerns which were raised requiring further discussion: clarify asset controls; walk through the life-cycle of an affordable development project; clarify the role of the Village, CPAH, and the developer in the creation of a project; and provide additional language for design flexibility ideas.

Director Poupard explained the three "tiers" that would be created for affordable rental units and the two tiers for owner-occupied units. The language for rental units was clarified to specify that at least 1/3 of the units would meet Tier A, Tier B, and ultimately no more than 1/3 complying with Tier C. The owner-occupied table was revised to specify that 1/2 the units would be attainable to households with income equal to or greater than 100% AMI. CPAH assisted refining these standards and it addresses concerns raised by the Plan Commission at the first hearing.

Commissioner Riad questioned how the Area Median Income is determined and how it would be determined who would qualify for a unit based upon number of occupants.

Director Poupard presented a table outlining the general income limits for the AMI based upon number of persons per household.

Commissioner Torf stated that she would share a link for the Commission in the chat box that assists with how to easily find the AMI data put forth by the State as it related to the topic being discussed.

Director Poupard explained how the rent would be structured in the three tiers for the affordable rental units based upon the unit sizes and expected household numbers.

Rob Anthony, CPAH Director, who had been sworn in at the first hearing, explained how they do extensive consultation with prospective tenants, review their income and assets and provide advice after they have occupied an affordable unit.

Director Poupard next explained the ownership rates for purchase price of units based upon unit size and which Tier the unit would fall within the two-tier model for affordability.

Chairman Franklin asked about how assets are handled in looking at eligibility.

Director Poupard said that staff and the Village Attorney are recommending that the standards be something that can be prepared and approved periodically by the Village Board rather than putting them in the code. Tax laws change, so this gives the Village the ability to make changes without having to go through a public hearing process. He said HUD has standards, but CPAH found they do not work well for the North Shore. He asked Rob Anthony to explain this in greater detail.

Rob Anthony spoke to the Income and Asset Controls performed by CPAH as a partner in the program with the Village to ensure that qualifying renters and owners remain qualifying. CPAH follows protocols similar to that administered by HUD, but structured to succeed on the North Shore. These are not standards that would be in the plan, but they would be procedural standards that can be modified over time as needed.

Director Poupard walked the Commission through a Life Cycle of a development project including an affordable component. This included explaining when an affordable unit would be required, when a fee-in-lieu could be paid, and how to calculate a density bonus. The applications would undergo the same zoning process that planned developments and subdivision applications currently undergo.

Rob Anthony noted the process of what happens when a newly constructed unit becomes available for occupancy. Prior to completion of construction of the unit marketing begins for the affordable unit(s) and CPAH assists the Village with creating a general wait list. CPAH reviews the income and assets of interested parties. Eligible candidates are sent to the developer. The developer cannot apply different standards to affordable unit renters than market rate unit renters. The affordable units cannot be sublet.

Chairman Franklin responded that having the standards address this is important.

Director Poupard informed the Commission that CPAH will conduct annual income verification

for all tenants in affordable units since leases run on one year terms, the annual review is tied to the lease renewal. If a tenant has a change in income status that involves an increase in income, then the rent is increased to an appropriate tier, but they can remain in the same unit. If the income rises to a point that they no longer qualify for the program then they must pay market rate rent for the unit and have one year to relocate.

Commissioner Riad raised a question about household income. He questioned if a tenant had adult children move in which caused the household income to increase, how the situation would be treated.

Rob Anthony responded that each year there is income and household member verification. Situations do change. He said that applicants are also asked to talk about upcoming lifestyle changes. Are you going to be married or have children?

Director Poupard outlined the process for affordable for sale units that CPAH would qualify a prospective buyer and make sure that they complied with the income and asset requirements to be affordable purchaser. It is important to note that prospective purchasers must disclose any life changes that are known to occur within a set period of time around the closing of the purchase (change of job/income, marriage, etc.). CPAH does mandatory training with purchasers to ensure they understand that they are not buying a conventional property. A deed restriction is implemented to prevent renting out a qualifying property; however there can be a reason for this to be discussed on a case by case basis if need be. CPAH conducts annual verification that the residences is the homeowner's primary residence. Should the unit go up for sale, CPAH reviews the eligibility of the new purchaser the same as the initial purchaser. A deed restriction is placed on the land to specify how much appreciation can take place over time and the appreciation is at a lower rate than the general market appreciation - most equity for the homes occur through mortgage payments and principal growth.

Director Poupard stated that other communities with existing higher percentage of affordable units will have a less robust approach to creating or implementing an affordable housing plan. Evanston, for instance already has 17.5% of their housing affordable, so they can take a different approach than Northbrook, which is at 5.7%. The communities with a lower percentage have to work more strategically at creating a program that can be successful.

Director Poupard summarized the Zoning Code language amendments and policy questions to consider.

Chairman Franklin thanked Director Poupard for a thorough presentation and plan, and asked if there was any members of the public that wished to speak.

Deputy Director Kohlstedt responded that Susan Gregory had noted several items in the chat function of the meeting: the poverty income for a household of 3 persons in Illinois is \$18,774; and she included three web links to data pertaining to poverty income data. Director Poupard stated he would email the links to the Commissioners.

There being no other public comments, Member Elisco moved to close the public hearing; seconded by Member Torf. On voice vote, the motion carried.

Commissioner Elisco stated that this was an amazing moment in Northbrook's history and looks forward to the plan moving forward.

Commissioner Melnick passed his time for speaking.

Commissioner Morgen found this to be a good plan and was in favor of moving forward.

Commissioner Torf stated the plan looks great and was in favor of moving forward.

Commissioner DeBartolo stated staff and the Village Attorney did a good job and the felt the plan and ordinance were fine.

Commissioner Riad stated this is a good plan and should move forward. He stated that the Village should be cautious to balance the interests of the developers as he was concerned about either discouraging developers from building in Northbrook or passing on the additional costs to the rest of the development thereby raising the cost of the non-affordable units.

Commissioner Collins stated she is very supportive of this plan.

Chairman Franklin reminded the Commission to keep in mind that we will be experimenting with this for a while and have the ability to make adjustments once they implement it. This is a good plan to move on to the next step.

Commissioner Elisco directed staff to prepare a resolution recommending approval of the amendments as presented with the changes to the subletting paragraph to be presented at the next meeting. All agreed.

8. OLD BUSINESS

None.

9. NEW BUSINESS

None.

10. ADJOURN

Commissioner Elisco made a motion, seconded by Commissioner Morgen to adjourn. On voice vote, a motion to adjourn passed unanimously. Adjourned at 8:48 p.m.