



Plan Commission

Plan Commission

~ Minutes ~

1225 Cedar Lane
Northbrook, IL 60062
www.northbrook.il.us

Debbie Ford
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Tuesday, November 17, 2020

7:30 PM

Terrace Room

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Steven Elisco	Commissioner	Present	
Jeff Sandler	Commissioner	Excused	
Jeremy Melnick	Commissioner	Present	
Mark DeBartolo	Commissioner	Present	
Ihab Riad	Commissioner	Present	
Allen Morgen	Commissioner	Present	
Amy Torf	Commissioner	Present	
Laura Collins	Commissioner	Present	
Marcia Franklin	Chairman	Present	

2. MINUTES APPROVAL - October 20, 2020

Commissioner Melnick moved to approve the minutes and seconded by Commissioner Elisco; all were in favor.

3. COMMUNITY PLANNING REPORT

Tom Poupard, Director of Development & Planning Services reported the Board reviewed a preliminary application for Housing Trust Group, LLC located at 175 Pointe Drive (vacant parcel). A condominium building was previously approved, which was never built. The applicant submitted a proposal for an affordable housing development (60 units and three stories). The Board of Trustees were in favor of the affordable housing plan; however, they questioned the merits of having a 100% affordable housing building

4. HEAR FROM THE AUDIENCE

Regina Steel with Far Point Development stated she is one of the developers with Green Acres and thanked the Plan Commission for their hard work regarding Affordable Housing. She said she had some comments she wished to share.

Chairman Franklin stated the public hearing for Affordable Housing is closed so, therefore, it would be inappropriate to take more public testimony at this time.

Tom Poupard, Director of Development & Planning Services noted the public can provide public comments for Affordable Housing via email prior to the Board of Trustees meeting on December 8, 2020. The Board may choose to allow more comments when they meet.

5. REVIEW OF DRAFT RESOLUTIONS

- A. **PCD NO. 20-08 - AFFORDABLE HOUSING AMENDMENTS TO ZONING CODE & COMPREHENSIVE PLAN AMENDMENTS (Public Hearing Closed)** - 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.

Tom Poupard, Director of Development & Planning Services stated that the Commission has closed the public hearing on Affordable Housing amendments to the Comprehensive Plan & Zoning Code.

Chairman Franklin asked for responses to some of the questions Mr. Brint raised in his email.

Mr. Poupard stated that many of the questions raised were discussed by the Plan Commission during the second public hearing. He said that this why it is so important that the Village is using the Policy & Procedures Manual to address common issues. In terms of tenants' incomes rising over time, he noted the rental rate will remain at the 30% of their income level, which is considered an affordable amount. For individuals with increased incomes that do not meet the affordable housing limits, they will have until the end of their annual lease to move out of the unit - thus freeing it up for a family in need. He noted the situation is different for individuals who purchase their unit.

Chairman Franklin asked if the Board of Trustees will address penalties. Mr. Poupard responded he was not sure what meant by the writer's question on a penalty. He said that if the builder violates the terms of the agreement, the Village has one type of response as specified in the agreement, but if, for instance, a tenant lies about their income, it would be an action against the tenant.

Village Attorney Stewart Weiss commented if the developer does not comply with the agreement the Village will take action under the covenant. The covenant specifies how developments are maintained and managed. The Village will seek contractual remedies and local adjudication remedies.

Mr. Poupard stated that the writer raised issues about a 100% affordable building. He said this issue came up with the Green Acres development proposal and with the Pointe Drive application discussed earlier. At the moment, the Board is not in favor of the concept of a new 100% affordable development.

Commissioner Riad asked if an individual refuses to vacate the property, will the courts successfully evict the tenant. Village Attorney Weiss responded it depends upon the facts in the case.

Commissioner Riad requested clarification on item 11 and 9. Mr. Poupard responded that these questions relate to how much a purchased unit can appreciate over time. He said that CPAH established the sales and price limits for the for-sale units. The goal is to maintain affordability of the unit for the public. If the owner of an affordable unit was allowed the unit to appreciate in value at the market rate, it would no longer be affordable when it is sold.

Commissioner Riad requested clarification on the 15% revenue earned from the units. Mr. Poupard responded he will work with Rob Anthony of CPAH to clarify the 15% revenue earned. He noted the units are not listed at market value and the asset does not appreciate in value. The purchaser has to understand they are not buying a market rate unit and most of their asset appreciation comes from the principal on their mortgage.

Commissioner Riad stated he disagrees with the asset not appreciating in value.

Commissioner Elisco asked if the market value limitation was placed to keep the units affordable. Village Attorney Weiss responded that is correct and the unit will not appreciate in value outside of the affordable housing category.

Mr. Poupard commented the goal is to keep the units affordable, otherwise, the Village will need to step in and keep subsidizing the unit over time.

Commissioner Riad requested clarification on appraisals of the affordable units. Mr. Poupard responded he will research the information and report back to the Board. He noted the Assessor's Office has a separate classification for affordable units.

Commissioner Elisco made a motion to approve the draft Resolution for PCD 20-08, seconded by Commissioner Morgen.

Commissioner Elisco asked if modifying the Affordable Housing Plan falls under item C. Mr. Poupard responded modifications can be called out separately. Commissioner Elisco made a motion to amend the draft resolution to include item F, to specify that the Affordable Housing Plan will also be amended. The motion was seconded by Commissioner Riad; the motion passes.

On roll call vote, the motion to approve Resolution Number PC-20-12, as amended passed with seven (7) in favor: Collins, DeBartolo, Elisco, Morgen, Riad, Torf and Franklin; one (1) opposed: Melnick.

6. REVIEW OF NEW APPLICATIONS

- A. **PCD 20-13: VILLAGE OF NORTHBROOK DEFINITION OF THE TERM "FAMILY", STANDARDS FOR COMMUNITY RESIDENCES AND TRANSITIONAL SERVICE FACILITIES (First Public Hearing)** This is an application by the President and Board of Trustees of the Village of Northbrook to consider amending the following sections of the Northbrook Zoning Code (1988), as amended: (A) Amend the existing definition of the term "Family" in Article XII of the Zoning Code; (B) Amend the existing definition of the term "Community Residence" in Article XII of the Zoning Code, as may be required; (C) Amend the existing definition of the term "Transitional Service Facility" and "Transitional Service Resident" in Article XII of the Zoning Code, as may be required; (D) Amend the standards for authorizing Community Residences in Single Family, Multi-Family, Commercial, Office and Mixed Use zoning districts established in Sections 3-106, 4-106, 5-102, 5-105, 6-102, 6-105, 8-702 and 8-706 and related provisions of the Zoning Code; (E) Amend the standards for authorizing Transitional Service Facilities in Single Family, Multi-Family, Commercial, Office and Mixed Use zoning districts established in Sections 3-106, 4-106, 5-102, 5-105, 6-102, 6-105, 8-702 and 8-706 and related provisions of the Zoning Code; and (F) Such other amendments to the Northbrook Zoning Code, as may be required by modifying the term "Family".

Tom Poupard, Director of Development & Planning Services was sworn in as a witness on behalf of the Village. He discussed the Village Zoning Code Amendment for the term "Family". The current Zoning Code definition of "family": one or more persons related by blood, marriage, legal adoption or guardianship, or not more than three (3) persons not so related, together with gratuitous guests and domestic servants, living together as the functional equivalent of a traditional family and a single housekeeping unit. Northbrook's limit of no more than three (3) unrelated individuals is the lowest among other communities. The neighboring communities (Deerfield, Highland Park and Wilmette) allow up to five (5) unrelated individuals to live together. The Board of Trustees would like to increase the number of unrelated individuals to five (5) unrelated individuals to live together and add a definition of a single housekeeping unit.

He went on to say that while the change to the number of unrelated individuals in a family is a fairly straightforward code amendment, it has implications on how we handle our group homes in the Village. We cannot have a lower standard for the number of residents living in a group home than we can in another type of residence. That would be discriminatory.

Village Attorney Stewart Weiss commented the Board would like to allow a larger number of individuals to live together by right (without need for approval or registration). The Village is interested in modifying the standards for regulating "Community Residences" and "Transitional Service Facilities".

Mr. Poupard commented the Northbrook Zoning Code states small group homes (Community Residences) may have no more than four (4) residents and Transitional Service Facilities may have up to six (6) residents. The Board would like to increase the number of individuals who may reside in small group homes from four (4) to eight (8) and increase the number of individuals who may reside in a Transitional Service Facility (a larger group home, which requires a special permit) from the current limit of six (6) to nine (9) or more.

Furthermore, the Board did not discuss how to handle group homes in the multi-family and mixed-use districts. The focus was on single family homes. He asked the Plan Commission if they would like to include standards on occupants per bedroom into the Zoning Code.

Commissioner Riad asked why the Board recommended increasing the number of unrelated individuals living together. Mr. Poupard responded there are two primary reasons. One is legal and pertains to the Fair Housing Laws, the limit of three (3) unrelated individuals living together does not reflect today's social norms. The second is the simple understanding of how people live today. It is viewed as the right thing to do.

Village Attorney Weiss commented the way society operates today has changed and the limit of three (3) unrelated individuals does not suffice. Today, there are many large groups of blended families and groups of people living together under one household. Currently, the Village is evaluating the definition of "Family" from 1988.

Commissioner Riad asked if Cook County or the State of Illinois have a definition of "Family". Village Attorney Weiss responded the definition of "Family" can be found in various parts of the Cook County and State of Illinois code. The legal definition of "Family" is defined in criminal law, divorce proceedings and real estate law.

Commissioner Morgen asked why the levels for Community Residences and Transitional Service Facilities need to be increased. Mr. Poupard responded the Board was evaluating levels of proportionality, but they could theoretically be as low as five (5) residents for a permitted group home - a community residence, and slightly higher for a Transitional Service Facility. He noted there are many different types of treatment facilities that will need to be larger than others, which requires a special permit.

Commissioner Morgen asked if an individual wants to open a 20-bed facility, would they go through the special permit process or is there a zoning cap. Mr. Poupard responded the current zoning cap is 11 and to go to 20 would require a text amendment to increase the number.

Village Attorney Weiss recommended allowing Community Residences to start at a minimum of six (6) and up to eight (8).

Chairman Franklin commented she is in favor of the Board's recommendations and likes that the Village is not using the current limits for "Family". She noted a group of five (5) unrelated individuals living together is a manageable size for a household. For larger groups of unrelated individuals living together, should require a special permit or examination.

Mr. Poupard asked if the Commission would like more information regarding the "per bedroom" standard and multi-family. Chairman Franklin responded that would be great.

Commissioner Torf asked how many Community Residences and Transitional Service Facilities are present in Northbrook. In addition, she asked who manages the facilities. Mr. Poupard responded there are only a handful of several Community Residences and Transitional Service Facilities in Northbrook. They are each managed by different groups. Some have live in caretakers. Others have rotating staff. They vary depending on the services needed.

Commissioner Elisco noted the Covenant Village proposed a community living arrangement on their property, which was cancelled. He asked what type of facility the home on Maple Avenue

is. Mr. Poupard responded the home is defined as a Transitional Service Facility based on the number of residents.

Commissioner Torf asked if the facilities are only for individuals with a disability or certain need. In addition, she asked if a group of college students can live together. Mr. Poupard responded yes, a group of five (5) college students can live together. However, a group of six (6) college students that do not have a disability or medical condition will not be allowed to live together. To qualify for larger group quarters, they would need to have some condition or disability requiring special treatment.

Village Attorney Weiss commented the Village is creating living definitions that meet healthcare and treatment models for individuals with certain needs. The uses presented to the Village helped them define how they will regulate congregated uses. Furthermore, for a group of six (6) individuals (not part of a protected class), they would not be allowed to live together. He noted that is why the definition of single housekeeping unit was crafted to exclude a boarding house, fraternity, sorority or co-living space.

Commissioner DeBartolo asked if Community Residences can have three (3) unrelated individuals living together. Mr. Poupard responded the current definition of "Family" allows three (3) unrelated individuals to live together and Community Residences allow four (4) unrelated individuals with disabilities to live together. As result, if three people with a disability wanted to live together, they would not even need to register or seek any zoning approval.

Chairman Franklin commented the Commission is not ready to vote on the Village Zoning Code amendment and requested clarification on the next step in the process. Mr. Poupard responded the Village will continue the public hearing and they will present more information (State and Federal definitions of "Family") on December 1, 2020.

Commissioner DeBartolo asked if the Village would like to receive feedback from each Commission Member. Mr. Poupard responded they would like to receive feedback from the Commission.

Commissioner DeBartolo commented he is in favor of the single housekeeping unit definition and disagrees with increasing the number of unrelated individuals to five (5).

Commissioner Elisco commented he is in favor of the single housekeeping unit definition and agrees with increasing the number of unrelated individuals to five (5).

Commissioner Riad made a motion to continue discussion of the Village Zoning Code amendment to the next Plan Commission meeting on December 1, 2020, seconded by Commissioner Elisco; the motion passed.

- B. **PCD 20-14: Village of Northbrook; Regulation of Short-Term Rentals (First Public Hearing)** This is an application by the President and Board of Trustees of the Village of Northbrook to consider amending the following sections of the Northbrook Zoning Code (1988), as amended: (A) Amend Article XII of the Zoning Code to define the term “Short-Term Rental Units” or a similar term; (B) Amend Article III of the Zoning Code to establish standards for authorizing Short-Term Rental units in Single Family Zoning Districts; (C) Amend Article III of the Zoning Code to establish standards for authorizing Short-Term Rental units in Multi-Family Zoning Districts; (D) Amend Article V of the Zoning Code to establish standards for authorizing Short-Term Rental units in Dwelling Units in Commercial Zoning Districts; (E) Amend Article VI of the Zoning Code to establish standards for authorizing Short-Term Rental units in Dwelling Units in Office Zoning Districts; (F) Amend Article VIII of the Zoning Code to establish standards for authorizing Short-Term Rental units in Dwelling Units in Mixed-Use and Other Special Zoning Districts; and (G) Such other amendments to the Northbrook Zoning Code, as may be required.

Tom Poupard, Director of Development & Planning Services was sworn in as a witness on behalf of the Village. He discussed the Village Zoning Code Amendment for the term "Family". The current Zoning Code definition of “family”: one or more persons related by blood, marriage, legal adoption or guardianship, or not more than three (3) persons not so related, together with gratuitous guests and domestic servants, living together as the functional equivalent of a traditional family and a single housekeeping unit. Northbrook’s limit of no more than three (3) unrelated individuals is the lowest among other communities. The neighboring communities (Deerfield, Highland Park and Wilmette) allow up to five (5) unrelated individuals to live together. The Board of Trustees would like to increase the number of unrelated individuals to five (5) unrelated individuals to live together and add a definition of a single housekeeping unit.

He went on to say that while the change to the number of unrelated individuals in a family is a fairly straightforward code amendment, it has implications on how we handle our group homes in the Village. We cannot have a lower standard for the number of residents living in a group home than we can in another type of residence. That would be discriminatory.

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Commissioner Elisco commented he is in favor of the single housekeeping unit definition and agrees with increasing the number of unrelated individuals to five (5).

Commissioner Riad made a motion to continue discussion of the Village Zoning Code amendment to the next Plan Commission meeting on December 1, 2020, seconded by Commissioner Elisco; the motion passed.

7. OLD BUSINESS

8. NEW BUSINESS

9. ADJOURN

Commissioner Elisco made a motion, seconded by Commissioner Melnick to adjourn. On voice vote, a motion to adjourn passed unanimously. Adjourned at 9:29 p.m.