



The minutes of the July 11, 2016 Committee of the Whole Meeting were approved with the following changes: Item 3.12, paragraph 7, should include “**Trustee Servi noted the fee reduction request included amenities that would be for private use.**” And Item 3.12, paragraph 14, should be changed from “Trustee Servi noted he is against any land credits and is not in complete approval of the recalculation of the population but may be willing to approve an adjustment down to \$2 million.” to “**Trustee Servi noted he is against any land credits and is not in complete approval of the recalculation of the population but may be willing to go down to \$3 million.**”

2.2

**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, July 11, 2016**

Present:

Mayor Brandt	Trustee Feldman
Trustee Grujanac	Trustee Hancock
Trustee McDonough	Trustee Servi
Trustee Leider	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Chief of Police Kinsey	Finance Director/Treasurer Peterson
Public Works Director Woodbury	Assistant Public Works Director/Village
Economic Development Coordinator	Engineer Dittrich
Zozulya	

ROLL CALL

Mayor Brandt called the meeting to order at 8:45 p.m. and Village Clerk Mastandrea called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Acceptance of the June 27, 2016 Committee of the Whole Meeting Minutes

The minutes of the June 27, 2016 Committee of the Whole Meeting were approved as submitted.

3.0 ITEMS OF GENERAL BUSINESS

Mayor Brandt moved up Public Works Item 3.31 up on the agenda.

3.3 Public Works

3.31 Consideration Professional Service Contract with WBK Engineering, LLC for Drainage Improvement Design, Permits, and Bidding Services (Lincolnshire Creek from Riverwoods Road to Coventry Lane) at a Cost not to Exceed \$49,817.11. (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a

summary of a professional service contract with WBK Engineering, LLC for Lincolnshire Creek drainage improvements.

Trustee McDonough asked if staff obtained indications of willingness from the residents in the project area to provide the Village easements to fix these problems that are affecting their property. Assistant Public Works Director/Village Engineer Dittrich stated the bulk of the work is to be done on the church property, and recently staff has met with residents who in the past have not wanted the Village to step in but indicated now they are willing. Trustee McDonough suggested notifying all neighbors prior to approving and signing the proposed contract. Assistant Public Works Director/Village Engineer Dittrich stated a letter would go out to the residents prior to the next meeting.

There was a consensus of the Board to place this item on the Regular Agenda for discussion and approval at the next Regular Village Board Meeting.

3.1 Planning, Zoning and Land Use

3.12 Consideration of a Request to Reduce Code-Required Cash Contribution in Lieu of Park Land Dedication from \$3,802,029 to \$1,235,648 and to Defer Payment of School, Library and Park Cash Contributions from Final Plat of Subdivision Approval until Building Permit Issuance (ECD-Lincolnshire Theater, LLC)

Economic Development Coordinator Zozulya provided background and overview of the request to reduce required cash contributions in lieu of park land dedication and defer payment of school, library, and park cash contributions from final plat of subdivision approval until building permit issuance. Economic Development Coordinator Zozulya noted, based upon staff research, most other municipalities have allowed for credit reductions, and it is also common practice for payment of contributions be deferred.

Village Attorney Simon provided information related to the proposed calculations regarding the request to reduce code-required cash contributions in lieu of park land dedication. Village Attorney Simon noted this is an examination worth having due to the development being different than what is uniform for Lincolnshire. Trustee McDonough asked if they should not be using average household size to determine the donation amount. Village Attorney Simon noted the average household size is a good determination, but it is up for review on a case-by-case basis. Trustee McDonough asked if the average would contemplate all the existing residents of Lincolnshire. Village Attorney Simon noted Lincolnshire's average is currently based on detached-single family dwellings. Mayor Brandt asked what population adjustment was made for Pulte. Economic Development Coordinator Zozulya stated there was not population adjustment made for Pulte, and noted it is a townhome community which is fairly consistent with single-family occupancy. Mayor Brandt asked about the development on Route 22

that requested a reduction to Park Fees which was not granted. Economic Development Coordinator Zozulya noted the developer on Route 22 appealed Village fair market value of 1 acre of land, arguing that the current market value of \$535,000 per acre was too high.

Mayor Brandt asked if there are any other examples of other multi-family developments. Economic Development Coordinator Zozulya stated in researching past approvals, staff did not find any prior approvals for reductions granted. Mayor Brandt asked how staff obtained the chart showing calculations from the other municipalities. Economic Development Coordinator Zozulya noted the referenced chart was obtained by the developer and provided further information and data related to the information staff obtained. Trustee Feldman noted some of the surrounding municipalities used for comparison purposes are bigger, have more parks and asked how this changed calculations. Economic Development Coordinator Zozulya stated in the other municipalities Park District reviews these petitions.

Economic Development Coordinator Zozulya noted the Village Engineer was asked to look into the capital plan to provide information on where the donations would be used and provided the findings; noting there is a need to expand the existing network of sidewalks, bike lanes, and pedestrian signals.

Trustee Hancock asked for clarification related to the Code and where the starting point is related to average household size. Village Attorney Simon stated the Village code applies the average occupancy of all the homes in the Village at a single variable for every housing unit and by contrast, impact fees in other communities will more specifically estimate the population by the type of housing unit being built. Trustee Hancock asked if we have a legal agreement to follow the Ordinance. Village Attorney Simon stated the Ordinance allows for negotiations, which would be ratified by written agreements that deviate from the code. A conversation regarding impact fee use, average population used to calculate these fees, and the proposed calculations followed.

Mr. Scott Greenberg provided background of Regal Theater improvements and a presentation regarding investments of the proposed 404 Social relative to the request to reduce required cash contributions in lieu of park land dedication and defer payment of school, library, and park cash contributions from final plat of subdivision approval until building permit issuance. Mr. Greenberg noted the proposed project will have some amenities which will be opened to the public.

Trustee Servi asked what amenities would be included and open to the public. **Trustee Servi noted the fee reduction request included amenities that would be for private use.** Mr. Greenberg provided a plan and information highlighting the proposed external/outdoor amenities. Mr. Greenberg noted the internal amenities would hold

residents on the site in which he is requesting offset of the cost of 70% and 100% of the cost of the external amenities. Trustee Feldman noted she did not think residents would know the external amenities would be open and accessible to the public.

Mr. Greenberg continued with his presentation regarding the request to reduce required cash contributions in lieu of park land dedication and defer payment of school, library, and park cash contributions from final plat of subdivision approval until building permit issuance.

Trustee Servi asked if Mr. Greenberg was aware of the fees prior to presenting the project. Mr. Greenberg noted not all costs were known when they started the project back in December 2015.

Mayor Brandt asked how the adjustment came to be and how staff came to favor the request. Economic Development Coordinator Zozulya noted the starting park donation amount was from the code (\$3.8 million), and then staff saw the developer's rationale for reducing the average unit occupancy ratio from 2.31 residents per unit to 1.58 residents per unit, resulting in a cash donation reduction of \$1.2 million. Staff also understood the developer's rationale for the open space credit and private amenity credit (a further reduction of \$1.4 million). Trustee Hancock noted ECD used International School Consulting Service (ISCS) study data to arrive at the average house size ratio figure of 1.58 residents per unit. Mr. Jonathan Perman with the Perman Group noted the 1.58 ratio is based on the code; expected population, number of acres and the fair market value. Mr. Perman noted the developer is fine with the fair market value and the acreage but is requesting the reduction in the expected average unit occupancy ratio. Most other municipalities base the number on what is actually being built. What is being suggested is actual occupancy levels of similar housing units or total number of bedrooms divided by the number of units.

Mayor Brandt asked if the Board would be willing to have staff further analyze the numbers.

Trustee Grujanac stated she read a Facebook post from Stevenson High School noting the 404 Social Project has a projection of 300 students coming in from this development and requested staff find out from Stevenson High School what they predict the impact would be on the high school and how this may impact the parks. Mr. Perman noted the numbers were presented to the high school and grade school last December, and both schools concurred with the estimates provided.

Mayor Brandt asked the Board if they would be willing to consider changing the fee calculation to be more in line with how other municipalities calculate their fees. Trustee Hancock stated his opinion was to not change the code and negotiate accordingly. Trustee Feldman was in agreement with this approach.

Trustee McDonough noted the proposed is not a calculation based on the number of residents at this development; this is an average for the number of households in Lincolnshire so he stated his opinion is that the calculation is not applicable. Trustee McDonough noted he is not in support of changing the fee and accepting the park land dedication proposed; noting it is his opinion this would not be fair to the Village and the residents.

~~Trustee Servi noted he is against any land credits and is not in complete approval of the recalculation of the population but may be willing to approve an adjustment down to \$2 million.~~ **Trustee Servi noted he is against any land credits and is not in complete approval of the recalculation of the population but may be willing to go down to \$3 million.**

Trustee Grujanac noted she did not think the public will utilize the public amenities proposed.

Trustee Feldman noted her experience and opinion was that she did not feel the project would have a big impact on the parks and did not think the public would utilize the public amenities. Trustee Feldman stated she was in favor of reducing the average house size ratio for this development to create a reduction in total park donation amount.

Village Attorney Simon found and read the Stevenson High School Facebook post from May 21, 2016. The post does not attribute a specific number of growth to this development. Mr. Perman noted they are not asking for a reduction to the school donations.

Mr. Hal Franke, attorney working for Mr. Greenberg addressed the ICSC table which is in the Village Ordinance in which he calculated the total number of projected high school students to be eight. Mr. Franke noted the park donation calculation is based on total population not student population. These are impact fees to meet the demands of the development, and if the Village does not spend the money as stated, the money should go back to the developer. Mr. Franke stated the purpose of this fee is imposed to meet the impact of the development.

Trustee Hancock asked how many miles of bike paths and acreage of parks the Village has and suggested applying it to the amount of residents coming in from this development. If the Village would need to go out and purchase existing acreage or other amenities for this development, Trustee Hancock stated he believes it would cost more than \$3 million.

Mayor Brandt asked staff if credit was given to the Arthur J. Greene proposal for environmental areas they are proposing. Economic Development Coordinator Zozulya noted the Arthur J. Greene project has not gotten to this point yet. Village Attorney Simon noted the Arthur J. Greene subdivision provide covenant restricted deed space such as

wetlands and not specifically park land.

Mayor Brandt asked if staff and the Board would be willing to negotiate population change. Trustee Hancock agreed to adjust the population calculation to 1.84 residents/unit which is a reduction from the code required ratio, and no credits be given related to the onsite improvements. Trustee Hancock noted this approach will result in a fee of around \$3 million. Trustees Servi, McDonough and Grujanac were in agreement with Trustee Hancock's numbers.

Mr. Franke stated for \$3 million this would bring the per unit amount to \$10,000 and cited other similar development fees in surrounding areas being much less per unit. Trustee Feldman stated all the mentioned municipalities have park districts and are taxed for this above and beyond the per unit fee.

Mr. Steve Bauer, attorney for Mr. Greenberg noted credit was given to Camberley Club for a park in a gated community which does not benefit the public and asked the Board to reconsider credit for the public amenities. Mr. Franke noted he did not think the land opened to the public should be an issue, and requested the Board give credit for the private amenities since it takes the burden off the public facilities. A conversation regarding the proposed land/amenity credits followed.

Mayor Brandt asked staff to research condominiums and townhomes to see if there have been any credits given and provide this information to the Board. Village Attorney Simon was asked to draft an agreement and include the ratio based upon the expected reduction in populations as noted by Trustee Hancock prior to the next Village Board Meeting. Village Attorney Simon asked the Board if they were comfortable deferring payment of school, library, and park cash contributions from final plat of subdivision approval until building permit issuance. The Board was in approval to defer payment of school, library, and park cash contributions from final plat of subdivision approval until building permit issuance.

There was a consensus of the Board to place this item on the Regular Village Board Agenda with suggested change in reduction in population calculation for discussion and approval of deferring payment of school, library, and park cash contributions from final plat of subdivision approval until building permit issuance at the next Regular Village Board Meeting.

3.2 Finance and Administration

3.3 Public Works

~~3.31 — Consideration Professional Service Contract with WBK Engineering, LLC for Drainage Improvement Design, Permits, and Bidding Services (Lincolnshire Creek from Riverwoods Road to Coventry Lane) at a Cost not to Exceed \$49,817.11. (Village of~~

Lincolnshire)

This item was moved and discussed first under Items of General Business

- 3.4 Public Safety
- 3.5 Parks and Recreation
- 3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

4.1 Food Truck Friday's

Trustee Servi asked if there is any feedback from Food Truck Friday's. Village Manager Burke noted feedback from the vendors is very positive. Economic Development Coordinator Zozulya noted Van Vlissigen has been very complimentary regarding the event and suggested extending the program until the end of September instead of the end of August. Economic Development Coordinator Zozulya noted attendance numbers are higher and a wider variety of trucks has been added this year.

5.0 NEW BUSINESS

6.0 EXECUTIVE SESSION

7.0 ADJOURNMENT

Trustee Grujanac moved and Trustee McDonough seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 10:13 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk