

**PLAN COMMISSION
VILLAGE OF DEERFIELD
Minutes**

The Plan Commission of the Village of Deerfield called to order a Remote Public Hearing and Workshop Meeting via Zoom at 7:30 P.M. on March 11, 2021.

Present were: Larry Berg, Chairman
 Al Bromberg
 Jennifer Goldstone
 Bill Keefe
 Kenneth Stolman

Absent were: Blake Schulman
 Elaine Jacoby

Also present: Andrew Lichterman, Assistant Village Manager/Director of Community
 Development
 Jeff Ryckaert, Principal Planner
 Dan Nakahara, Planner
 Stewart Weiss, Associate Village Attorney

Chairman Berg reported that pursuant to amendments to the Illinois Open Meetings Act included in Public Act 101-0640, public bodies may hold virtual public meetings without a quorum physically present.

Chairman Berg stated that anyone wishing to share public comment on any matter concerning the Village may do so by submitting an email to plancommissioncomment@deerfield.il.us prior to the meeting. Emails received will be read aloud during Public Comment. Any emails received during the meeting will be read during the second public comment before the end of the meeting. Chairman Berg asked that emailed response is limited to under 200 words to allow time for others to be heard and for the Plan Commission to progress through the public meeting agenda. In addition to written Public Comment, oral comments will also be permitted. Members of the public desiring to make an oral comment should click the "raise hand" button on Zoom or dial "*9" if participating by phone to indicate you wish to speak." Chairman Berg stated that the Plan Commission typically does not immediately respond to public comments or engage in open dialogue, but they actively listen to comments.

In accordance with the Open Meetings Act, at least one representative from the Village will be present at Village Hall and the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to the Executive Order issued by the Governor; the number of people allowed to gather at Village Hall for the meeting is limited. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a first come, first-served basis. The Plan Commission will comply with all other requirements including public comment and posting the meeting agenda, which can be found on the Village website at www.deerfield.il/us/agendacenter.

Public Comment on a Non-Agenda Item

Mr. Ryckaert reported that there were no emails received from the public on a non-agenda item. Mr. Nakahara reported that there was no one requesting public comment on Zoom. Mr. Lichterman reported that there was no one present at Village Hall for public comment.

PUBLIC HEARING

1) Continued Public Hearing for a Resubdivision of the Property at 755 Kipling Place (This item was continued from February 25, 2021 Plan Commission meeting.)

Chairman Berg reported that this Public Hearing is continued from the February 25, 2021 Plan Commission meeting. Chairman Berg asked for proof of publication. Mr. Ryckaert reported that the legal notice was published in the Deerfield Review on February 4, 2021 and that proof of certified mailing was received at Village Hall, as well.

Commissioner Keefe recused himself for this agenda item.

Chairman Berg swore in all who plan to testify before the Commission. The petitioners included property developer Kenneth Andre, property owner John Klytta, and engineer Jason Doland.

Project Engineer Mr. Doland provided a brief overview, stating that they are requesting a two lot subdivision on the east side of Kipling Place. They wish to divide what is currently one residential lot down the middle to create two 80 foot wide lots. They wish to develop these two lots and improve the neighborhood by doing so. Mr. Doland reported that storm water drainage in the back north area of the current lot is a problem. They plan to improve this by collecting the water that is currently running off into neighboring parcels. The two new homes to be developed will have storm water management and detention that will connect to the Village's storm water sewer and benefit the new homes as well as the surrounding properties. He added that they will have direct access to the storm sewer system, the sanitary sewer system, and the water main for the two potential new residences. Mr. Andre added that there are no changes to the resubdivision presented at the Prefiling Conference meeting.

Chairman Berg asked the petitioners to address the conformance and if there is any special relief requested. Mr. Andre replied that the two new homes will be in full conformance and they are not seeking any relief.

Mr. Doland reported that since the Prefiling Conference they have engaged a tree expert to begin detailed documentation for tree mitigation. They have also had more interaction with the Village Engineer regarding their plans to collect low drainage as a part of this development.

Chairman Berg opened public comment on this matter.

Ryan Hooker of 425 Deerfield Road addressed the Commission on Zoom and stated that his property backs up to the northeast portion of the property to be subdivided. He commented that he is very appreciative that someone is doing something with this property and also that it has been noted that there are drainage issues impacting his property and other adjacent properties. He commented that the existing home on the lot has gone into disrepair and is becoming an eye sore. He appreciates that the petitioners are seeking to improve this. He stated that he wishes to voice concern about storm water drainage even though he is aware it plans to be addressed.

His concerns are whether through the grading of the property that the storm water issues and water draining onto his property will be able to be addressed. He questions if one catch basin or inlet is going to be enough to suffice and keep the drainage system up to par.

Commissioner Stolman asked the petitioners how many catch basins or inlets they plan to install and if this will suffice and correct the issue. Mr. Doland replied that there will be five storm sewer receptacles on the two new lots. There will be one at all four corners and one on the mid-line between the two new lots. These will provide for ample collection for the runoff and will suffice. This has also been reviewed by the Village Engineer.

Mr. Klytta stated that one important consideration when developing property is ensuring that surrounding properties are not affected adversely and in fact, they seek to enhance them. He commented that he wants the neighbors to know that if there are ever any questions or issues that he is available for them to contact. He plans for this project to leave a positive mark on the neighborhood and on the Village and as a result to be known in the Village as someone who did this responsibly and completely and in consideration of enhancing the community. Mr. Klytta concluded their presentation and thanked the Commission.

Chairman Berg stated that the Plan Commission has concluded public testimony and will deliberate their recommendation on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission. He stated that the Plan Commission is a recommending body, a written recommendation will be forwarded to the Village Board of Trustees who will take final action on this matter. The commissioners did not have any issues with the resubdivision and were in favor of the project.

Commissioner Bromberg moved, seconded by Commissioner Goldstone, to approve the request for a resubdivision of the property at 755 Kipling Place. The motion passed with the following vote.

Ayes: Bromberg, Goldstone, Stolman, Berg (4)
Nays: None (0)

Mr. Ryckaert reported that this matter will go before the Board of Trustees on April 5, 2021.

WORKSHOP MEETING

1) Continued Workshop Meeting to Discuss an Affordable Housing Inclusionary Zoning Ordinance

Commissioner Keefe returned to the meeting.

Mr. Lichterman reported that this discussion is continued from the February 11, 2021 Workshop Meeting. As a result of the last meeting, there are three key elements that staff wanted to bring back to the Commission and review potential ordinance language. The three items are: design standards; incentives; and excluded developments.

Mr. Lichterman reported that staff reviewed ordinances from neighboring communities and created language that they thought best captured the Plan Commission's intent based on the past three workshops on the topic of affordable housing and creating an inclusionary zoning

ordinance. They also reviewed language that they did not include and is not recommended by staff.

Mr. Lichterman stated that regarding design standards and exterior appearance, the Commission agreed that there should be no substantial differences between the affordable units and market rate units. He reviewed the proposed language, which in summary states that the exterior of affordable units shall be visually compatible with market rate units and that building finishes materials must be substantially the same. The interior appearance and finishes of affordable units may differ from market rate units, but the number of bedrooms shall be equal and proportionate. For example, if there is a 60 unit multifamily development and half or 30 of the units are one bedroom units and half are two bedroom units, this would trigger 10 percent or six affordable units. Of these, three would be one bedroom units and three would be two bedrooms units. The draft language also states that the differences between the affordable units and the market rate units shall not include improvements related to energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems. Regarding size, affordable units must be generally representative of and correspond to the size of the market rate units within the development. Mr. Lichterman added that what is not proposed is a specific number, for example, stating that affordable units cannot be less than 75 percent of the square feet of market rate units. Staff believes that stating that the affordable units must be generally representative of the market rate units requires that they be similar, and this was the intent.

Commissioner Bromberg commented that staff did a great job on the draft language. He commented that in his neighborhood the homes are about 60 years old and when they were built they were all generally the same. But over time a lot have had additions put on and so they all look different now. He is wondering if in the ordinance it would be necessary to state that the affordable units must be substantially the same at the time that they are constructed. Mr. Weiss replied that one of the things they are trying to capture is what is required of the developer when the development is first constructed. Requiring that a property be kept to a certain standard is more difficult than requiring that affordable units shall be maintained in the same condition as the market rate homes. If it is a free standing individually owned property, there cannot be a requirement that it be kept up with additions and renovations as other homes might be. But for managed properties, the requirement can state that they must be maintained at the same level and quality as the market rate units. Commissioner Bromberg clarified that he would not want to see a situation where an owner of an affordable unit would not be able put an addition on his home and it would therefore not look as nice. Mr. Weiss confirmed that an owner would not be prohibited from enhancing their home. Mr. Lichterman added that this may be inherent in the draft ordinance language but that they can make it explicit to clarify.

Mr. Lichterman next reviewed the draft language for incentives. Incentives included are a density bonus, increased parking ratio restrictions, expedited permit processing, and fee reductions. The draft language states that a density bonus is provided by right and shall be provided in a one to one ratio. The developer will be required to submit a narrative stating how the proposed development would be compatible with the surrounding area with the increased density. Developers would be allowed to add one additional market rate unit for each affordable unit on site. Their narrative must address building size, massing, characteristics, and landscaping. Mr. Lichterman noted that some other communities have different ratios, but staff is recommending a one to one ratio. Staff believes that a one to one ratio made the most sense and is the most straightforward. In the draft, language there is no cap as staff did not believe this was necessary. They believe there are enough other controls in place including economic

constraints,(for example the development would still need to be constructed and financed), and ultimately the development would need to be deemed compatible so while a developer may be entitled to a density bonuses there is still an approval process that would look at the project as a whole to make sure it fits in with the surrounding properties and is compatible.

The next incentive reviewed was reduced off street parking minimums. The draft language states that a petitioner can request, the Plan Commission can recommend, and the Board of Trustees can approve a reduction of off street parking minimums for affordable units. Mr. Lichterman noted that this is not very different from today's process where a developer can request and make the case for parking relief. For example, the case may be made for a transit-oriented development near the train station or senior housing that has its own transportation service. The developer would need to make the case that it is warranted for the affordable units. Mr. Lichterman stated that staff recommends keeping the parking incentive as a discretionary item that requires justification and approval.

The draft ordinance language for fee waivers states that developers shall be eligible for a partial waiver of all application fees, building permit fees, plan review fees, inspection fees, demolition permit fees, impact fees and other development fees and costs which may be imposed by the Village. The reduction would be applicable to the fees for the affordable units in the development up to a maximum of 15%. Mr. Lichterman stated that the developer needs to ask for the fee waivers, and most would likely receive a 10% reduction as in most cases they will be providing 10% affordable units. But if a developer wants to provide more than the minimum affordable units they would be incentivized with a higher reduction in fees that is capped at 15%. Staff recommends capping it at 15% so that a potential development of all affordable housing could not receive 100% reduction. The waivers and discounts shall be calculated as percent of the units that are affordable and be directly proportionate up to 15%. For example if there are 10% affordable units there will be a 10% reduction in fees.

Regarding expedited permit processing, there is no draft ordinance language yet, but Mr. Lichterman stated that staff understands conceptually how this would work. The Village would likely pay for outsourcing the plan review, which could cut down the timing of the first round of plan review comments saving two to four weeks. The Village would pay and outsource this to a firm that they already work with. The cost of this could be up to \$10,000 for each case. Mr. Lichterman explained that in today's process, any developer can do this on their own and pay for it. Regarding developer incentives for affordable housing units, the question is whether it is worth the cost for the Village to pay for this on their behalf. He explained that staff questions the value of this service and they did not find this incentive in any other ordinance that they reviewed.

Chairman Berg asked for more information on the current plan review process. Mr. Lichterman explained that the first round of comments back to the permittee can take up to four weeks. If they pay up to \$10,000 to the outside consultant, it can be complete in three days to a week. Right now developers have the option to do this at their own cost. And in rare cases, the Village will pay for this if the Building Department gets too busy and is not able to meet their established service level. Chairman Berg asked staff what kind of value they think this will have to developers and how often it is used now. Mr. Lichterman replied that timing can kill deals and it can be dependent on a confluence of issues including weather and financing. On the other hand, the Zion Woods development took years and many issues outside of plan reviews caused this. However, some deals have a window to strike, and timing can be very important and in these cases they sometimes see developers pay for the expedited plan review with the Village's

consultant. Timing can be important, and it is hard to quantify this with a dollar amount. It is hard to say how valuable this potential incentive is and how much the Village wants to partake in the cost.

Commissioner Bromberg suggested that the Village should not pay for 100% of this service but could offer to split it with the developer as the incentive. Commissioner Goldstone commented that reduced fees and the added expense for expedited review could impact the budget and be like a double whammy. Commissioner Bromberg asked staff if this incentive were not included in the affordable housing ordinance if it could still be requested by a developer and negotiated for. Mr. Lichterman replied that yes it could be. He also stated that this is currently the process and there have been cases where the Village has helped pay for the cost of expedited plan review. Chairman Berg commented that he thinks this is how it should be handled, and it should not be included in the ordinance. Commissioners Bromberg and Goldstone agreed. Mr. Lichterman confirmed that it will not be included in the ordinance.

Mr. Nakahara added that staff added language the provided standards for approving eligible incentives. The language provides the Village Board with guidelines when considering eligible incentives such as whether the incentives will result in conditions detrimental to the public's health, safety, or welfare; and, whether the granting of the incentives will be consistent with the intent and purpose the Village's Comprehensive Plan. The Commission agreed that this language is appropriate.

Lastly, Mr. Lichterman reviewed the excluded developments to be listed in the ordinance. The developments that would not require affordability would be nonresidential developments, assisted living facilities, and nursing facilities. He noted that they are not excluding independent living facilities, and these would trigger the affordable housing requirement. The Commission agreed with these exclusions.

Mr. Ryckaert reported that the draft language staff developed is from reviewing the existing ordinances in Northbrook, Highland Park and other surrounding communities. They used pieces and parts of what they believed was best for Deerfield while keeping it simple and also working to accomplish the Village's goals. The way it is written gives the Village flexibility and the ability to negotiate and review developments on a case-by-case basis. Chairman Berg asked Mr. Weiss if he had any further comments or guidance. Mr. Weiss replied that he feels very comfortable with the options presented to the Commission and that they can write a solid ordinance based on this. Commissioner Stolman asked what the next steps would be and if the Board of Trustees had a timeline in place. Mr. Lichterman replied that there is no definitive deadline. The next step would be to have a Public Hearing and at this meeting to methodically go through all provisions and to hear any public comment. At the end of the Public Hearing the Commission will vote and staff will draft the recommendation to the Board of Trustees based on this. Commissioner Bromberg commented that the Commission is ready for this and that staff has done a great job. Commissioner Keefe agreed. Regarding eligibility, Commissioner Keefe clarified that tenants could stay as long as their income qualifies. He asked how this would be verified. Mr. Lichterman replied that yes, there will be some type of audit ability to verify income and make sure that the people occupying the affordable units qualify.

Chairman Berg commended staff for their work on this and commented that he is very happy with the outcome thus far. Mr. Lichterman stated that the Plan Commission has also done a great job and put a lot of thought and effort into this, and staff has been able to develop a strong product from it.

Mr. Ryckaert reported that the Public Hearing on this matter will be either April 22, 2021 or May 13, 2021.

Document Approval

1. February 25, 2021 Plan Commission Minutes

Commissioner Goldstone moved, seconded by Commissioner Keefe to approve the minutes. The motion passed with the following vote.

Ayes: Goldstone, Keefe, Stolman, Berg (4)
Nays: None (0)
Abstain: Bromberg (1)

Items from the Staff

Mr. Ryckaert reported on upcoming Plan Commission agenda items. The next meeting will be March 25, 2021.

Public Comment

Mr. Ryckaert reported that there was no public comment received via email during the meeting. Mr. Nakahara reported that there was no one requesting public comment on Zoom. Mr. Lichterman reported that there was no one present at Village Hall for public comment.

Adjournment

There being no further discussion, Commissioner Bromberg moved, seconded by Commissioner Goldstone to adjourn the meeting at 8:29 P.M. The motion passed the following vote.

Ayes: Bromberg, Goldstone, Keefe, Stolman, Berg (5)
Nays: None (0)

Respectfully Submitted,
Laura Boll