

**Long Grove Plan Commission & Zoning Board of Appeals (PCZBA)
Regular Meeting Minutes ---August 4, 2015**

Present: Chairman Fred Phillips, Commissioners Jeff Kazmer, Michael Dvorak, Wendy Parr, Bill Peltin, and Charles Cohn.

Also Present: James Hogue, Village Planner, Betsy Gates, Village Attorney, Jodi Smith, PCZBA Secretary, and members of the public.

1. Call to Order: Chairman Phillips called the meeting to order at 7:03 p.m.

2. Visitor's Business: None

3. New Business:

a) PUBLIC HEARING: Consideration of a request for a temporary moratorium on development activities in the Village of Long Grove submitted by the Village of Long Grove.

Chairman Phillips read the request into the record and swore in witnesses who are present to speak on this matter. Chairman Phillips asked Planner Hogue and Attorney Gates to summarize the staff report prepared for this petition.

Attorney Gates discussed the temporary moratorium proposal submitted by the Village Board and reviewed the reasons for the proposal. This was discussed at length at the July Zoning Board meeting and is outlined in the July meeting minutes. Essentially, the proposed moratorium would reduce the possibility of new development proposals being submitted while a new Comprehensive Plan for the Village is being considered. At the July Zoning Board meeting a motion was made to recommend to the Village Board that no moratorium be considered. That motion failed. Planner Hogue, speaking as a petitioner, summarized that in his opinion, the concern of the Zoning Board is the ability of development proposals to be submitted or considered during the moratorium as well as the application of the moratorium to all "critical development areas". The board does not want to push developers away. Chairman Phillips added that the board could consider a moratorium for any one or more of the critical development areas identified in the report. Planner Hogue also noted that there is a relief valve in place allowing an appeal to the Village Board if a development proposal is to be considered during the moratorium period.

Mike Firsel of the law firm Firsel and Ross, is legal counsel for landowners including the owners of Bally Bunion and two adjacent parcels along Route 83 at Aptakistic road. That property is currently under contract to sell to Fidelity Wes Builders. The moratorium and revised comprehensive plan is confusing to his clients. If the Village imposes the moratorium and has an ongoing RFQ/RFP process to have a consultant identify possible uses of that property (including multiple meetings, hearings, votes and reviews), then shouldn't the moratorium equal the duration of time for the consultants to recommend the revised plan? The timing is an issue for Mr. Firsel's clients. The clients are willing to wait a reasonable amount of time for the process of revising the comprehensive plan. However, a long, drawn-out process could be detrimental to their ability to sell the property to this buyer.

Angie Underwood, Village President, addressed Mr. Firsel's concerns. The moratorium is actually proposed to help development in Long Grove and to create transparency regarding the Comprehensive Plan. According to Attorney Gates, the 90-day moratorium would start after the Village Board makes its final decision to impose it. The moratorium can be extended an additional 90 days if needed. The Village is not trying to halt development entirely, which is why there is a safety valve in place. The Village feels it would be beneficial for developers to wait until the revision of the Comprehensive Plan before submitting any proposals, since the revisions could make development more attractive and could influence the developer's use of the property. If Mr. Firsel's client does not want to wait for the revisions, they could petition the Village Board to allow the sale in compliance with the existing Comprehensive Plan.

Mike Sarlitto, Village Trustee, reminded the board of the survey which was mailed to residents and which may affect the timing of the process. The village residents' input may impact or even speed up this process. The moratorium and revision of the Comprehensive Plan is a message to developers that Long Grove is no longer being non-responsive, but is instead revising the plan so that quicker development decisions can be made. Attorney Gates at this point summarized "vested right" issues raised at the July meeting and noted that once the moratorium motion is acted upon, anyone can still seek relief but it would be a different process. The relief must be sought before the Village Board prior to proceeding to the Plan Commission.

Chairman Phillips swore in witnesses who arrived during the hearing. Marcia Marshall, 4512 RFD, inquired whether the moratorium is actually in effect now as there was some confusion over this at the July meeting. Attorney Gates clarified that the moratorium is not currently in place. Rather, the matter is being referred to the Plan Commission for consideration. However, because the village has initiated the process for reviewing the Comprehensive Plan, there is no obligation on the part of the Village to consider permit requests right now. There should be no expectation by developers that any permits will be issued. Lisa Schultz Phillips inquired as to the reasons behind the moratorium and reconsideration of the Comprehensive Plan. George Yeager, Village Trustee, replied that the Village wants to protect the value of homes in the area. The Village is looking for possible zoning changes that would increase property values in areas adjacent to the critical development areas. Attorney Gates also added that state law directs all municipalities to have a comprehensive plan review every 10 years and that Long Grove is overdue.

Resident Joyce Chang inquired whether the zoning changes being considered would allow additional retail development. Chairman Phillips replied that anything is a possibility and the Zoning Board and Village Board would invite resident and merchant input regarding development at the public hearings. Mike Firsel asked whether this process of revising the Comprehensive Plan could be done in a reasonable amount of time, or as quickly as possible, and also asked whether the timeline could be published. This is important because Mr. Firsel is getting inquiries from developers already. Mr. Firsel also asked if he or his clients could be present during meetings with the consultants and make comments. Chairman Phillips welcomes those comments.

Lisa Schultz Phillips reiterated that Long Grove is different from nearby communities in that it does not have main road traffic and many residents do not want to lose the sense of Long Grove. No Panera, no Gap, etc. Long Grove needs to stay different.

Chairman Phillips opened the discussion to comments from the Commissioners.

Commissioner Cohn stated that at the July meeting he was in favor of the moratorium to allow the Village time to reconsider the Comprehensive Plan. While still leaning that way, Commissioner Cohn asked Mr. Firsel if there would be any effect on his transaction if the moratorium were in place. Mr. Firsel replied that no, his clients want to see a more favorable comprehensive plan, however, timing is a significant issue. If the plan is not revised for the better part of a year, the deal is likely to fall through. Angie Underwood added that there is no definite answer on timing. There is a meeting tomorrow to review proposals and hopefully there will be a recommendation soon. In addition, the survey should be available by the beginning of September and the Village Board is hoping to see results by the first of the year.

Commissioner Dvorak is in favor of the moratorium as a time to review the Comprehensive Plan as long as there is the safety valve in place.

Commissioner Peltin is opposed to the moratorium but in favor of a revised Comprehensive Plan. Commissioner Peltin believes that the moratorium is now in place for all practical purposes and he is not sure why the Village Board keeps coming to the Plan Commission to ask for the moratorium. Commissioner Peltin believes a moratorium shuts things down and it is not a positive message to developers. He is opposed to any type of moratorium and firmly believes that 90 days is unrealistic. Commissioner Peltin believes that this process could take upwards of a year and that when word of a moratorium gets out, it is atmospherically negative.

Commissioner Parr agrees with Commissioner Peltin and is in favor of reviewing the Comprehensive Plan but does not believe that the moratorium is the way to go.

Commissioner Kazmer is in favor of a change in the Comprehensive Plan, but agrees that a moratorium is not a good thing because the timing is unrealistic. The last time the Village reviewed the Comprehensive plan it took a year. The reason for reviewing the plan is primarily to enhance commercial development and make zoning more favorable for development. However, the moratorium and the length of time it could take to revise the Comprehensive Plan could stifle developers.

Commissioner Cohn inquired as to whether some of the critical development areas could be removed from the moratorium. In particular he would like to just see the moratorium cover the historical downtown area. Chairman Phillips responded that the Zoning Board vote is only a recommendation and the Village Board will make the final decision on the moratorium. Mr. Firsel, as a former developer and now attorney for developers, stated that the moratorium really doesn't matter to his clients. They want to see what the consultants recommend and how the new comprehensive plan shapes out, but again wants it done in a timely manner.

Pam Newton, resident of Hampton Drive, suggested that the Village let the consultant drive this process. Let the consultant decide if a moratorium is in the best interests of the community. Chairman Phillips stated the word moratorium is a bad connotation. It should

be called something different. Joyce Chang inquired as to the locations of the critical development areas. Chairman Phillips identified the critical areas as the historic downtown, the corner of Route 22 and Old McHenry road, the intersections of Routes 45/60/83, the corner of Lake Cook and Route 53, and long grove station, along the railroad tracks.

Chairman Phillips reminded the board that it has the ability to meet twice a month if necessary to speed up the review of the Comprehensive Plan.

Commissioner Cohn made a motion to recommend approval of the request for a temporary moratorium on development activities in the Village of Long Grove for an initial period of 90 days for the downtown historic district only. The motion had no second. Commissioner Kazmer noted that the existing Comprehensive Plan and Zoning Code adequately protect downtown Long Grove and the Village Board and Plan Commission have the ability to deny applications that are not consistent with our existing plan or because the Village is in the process of reviewing the plan. Developers are therefore likely to wait and see what changes are made to the Comprehensive plan.

Commissioner Peltin made a motion to recommend denial of the request for a temporary moratorium on development activities in the Village of Long Grove. Commissioner Parr seconded the motion. On a roll call vote, the nays are Commissioners Cohn, Dvorak and Chairman Phillips, and the ayes are Commissioners Peltin, Parr and Kazmer. The Board is deadlocked and therefore, the motion fails. Attorney Gates reminded the Board that once the public hearing is closed without making a recommendation, the recommendation of approval of the moratorium would default to an approval of that motion in 45 days. Commissioner Cohn made a motion to close the public hearing on the issue of a moratorium on development. Commissioner Dvorak seconded the motion. On a voice vote, all ayes. Motion passes.

b) PUBLIC HEARING: Consideration of an update and proposed amendments to the Village of Long Grove Comprehensive Plan submitted by the Village of Long Grove.

Chairman Phillips read the request into the record and swore in witnesses who are to give testimony on this matter. Chairman Phillips asked Planner Hogue to summarize the staff report prepared for this petition.

Planner Hogue updated the board and advised that the RFQ was published and three proposals have been submitted. There is a meeting tomorrow to review the proposals. In addition, as of the last Village Board Meeting, over 800 surveys have been submitted.

Commissioner Parr made a motion to continue the public hearing regarding updates and proposed amendments to the Village of Long Grove Comprehensive Plan until September 1, 2015 at 7:00 p.m. Commissioner Kazmer seconded the motion. On a voice vote, all ayes. Motion passes.

4. Old Business: None

5. Approval of Minutes: July 7, 2015 meeting.

A motion was made by Commissioner Cohn, seconded by Commissioner Peltin, to accept the July 7, 2015 minutes. On a voice vote, all ayes. Motion passes.

6. Other Business: None

7. Adjournment

Commissioner Parr made a motion to adjourn, seconded by Commissioner Peltin. On a voice vote, all ayes. Meeting was adjourned at 8:28 p.m.

8. Next Regular Meeting: September 1, 2015

Respectfully Submitted,
Jodi Smith, PCZBA Secretary