

**Village of Fox Lake**  
**Building and Zoning Committee Meeting**  
**May 4, 2006**  
**4:30 p.m.**

**I. Call to Order**

The Meeting was called to order at 4:30 p.m.

**II. Roll Call**

Present were Chairman Beskow, Trustee Murrey, Trustee Bender and Trustee Working. Also in attendance was Attorney Teegen.

**III. Discussion of Proposed Reclamation Overlay District Ordinance**

Chairman Beskow stated at the end of the last meeting we all going to look over the list submitted by Peter Pointner. Chairman Beskow stated to save time I would like Howard to run through this item by item, and then we can discuss it following your comments. Attorney Teegen stated that we have had a couple of meetings regarding this already and we want to have some minimal information before we can make a intelligent decision on a project this size. They would like to give us minimal information, have the public hearing and get the approval. After that we kind of lose control, what I though would maybe be helpful would be to get a list of things that I don't think would be unreasonable for the Village to have at it's disposal in order to look at a project of this size at it's inception, before you would give the approval on the project. We have to recognize once you give the go ahead you don't have any more control on the project.

What I have done using a variety of sources and compiled a list of 16 things that could be requested from them at one stage of another (attached Exhibit A). I thought it would help us get a handle on the whole process if we went through and looked at the list, and we decided what things are necessary for the original go ahead. This is just a list; I am open to comments and critique, if you feel it is unnecessary let's talk about it.

1. Analysis of relationship to Village Comprehensive Plan. That does not cost them anything, it is a 10-minute item and I do not think it is unreasonable to request that. The comprehensive plan is a public document and I think this should be required.
2. General Site Information, what I did is took a number of things that are in that category and read the specific paragraph as stated in the list. Howard stated this would probably require a bit more that they have now. Is there anything in that paragraph that you think is unreasonable to request from them at the preliminary stage? You have to also understand; if they have 9 out of 10 items we would be willing to work with them and can go ahead a make a decision without the full requirements. Trustee Bender asked if we are talking about the 500 acres or are we talking about the 1800 acres plat? We are talking about the 1800 acres. Howard stated it is not reasonable to expect them to plat it all at once; it may take a 20-year plan. Bill Hart stated some of this has already been covered in discussion,

specifically when we were discussing green space and we would allocate three houses per acre. The Plan Commission would be looking for a minimum of 30% for a PUD. Everyone was in agreement that it wasn't burdensome. Trustee Bender stated he liked because it is a checklist.

3. Sketch Plan, Howard stated this is kind of part of item 2, and part of the concept plan and I think everything is already in the plan. Bill Hart stated some of the street issues aren't covered. Trustee Bender stated he was talking to Chief Behan about this project and he would like to see a sub Police Station up there with a holding cell and maybe two or three offices up there. I think that would come up later when we are talking about the treatment plant, or water plant expansion. Howard stated it would be addressed later, possibly setting up one parcel for municipal services etc.
4. Character, Howard stated this is something that they have probably already described that for us, but we need it articulated in writing for the record so that sometime down the road there appears a large go track for an example we can go back to the objectives and character as was presented to the Village.
5. Schedule and Phasing, all we are talking about is anticipated schedule and phasing, we have talked about this as well but it needs to be put in writing.
6. Market Analysis, I have mixed emotions on this issue, I know they have done some market studies, I don't know that we really want them to spend the \$30,000 for a market analysis at the same time they have in house people that can at least give us a thumbnail of what they think the marketplace is up in that area. Bill Hart stated they have worked on it so I don't think this would be out of line to request. Trustee Murrey stated the big concern is 12 & 173, Richmond area, if they start putting in the large box stores it could shoot us in the foot. They say there is 8 miles on an average between big box stores. Bill Hart stated it has moved to a 6-mile average now. Trustee Beskow stated we will hit Spring Grove before Richmond and they have been discouraging this every step of the way. They have about a 5-mile area before we hit Richmond. Attorney Teegen stated there are enormous sewer problems all along that area. Spring Grove and Richmond have all kinds of sewer problems and have no way to provide sewer service. Bill Hart stated for Spring Grove to do anything they would need a treatment plant. We have three other major parcels that come into play on this plan. Trustee Murrey stated he has been working with Spring Grove, Thelen and our Engineers regarding sewer issues. It is on going and I will keep everyone updated. Attorney Teegen asked if Spring Grove was going towards allowing higher density in their plan, they have always been against that scenario. Trustee Murrey stated that they were considering it but again there are sewer issues that may come into play, and they may be looking for Fox Lake sewers or intergovernmental agreements, it is still in the discussion stage. Bill Hart stated that it is his understanding that Spring Grove is also looking at the overlay plan for Thelen's property in Spring Grove. Thelen wants to whole project to come together. Discussion pursued regarding additional properties such as the Richardson and Kattner Farms to be considered as well in the future.
7. Covenants, that can be in cursory form and shouldn't be a problem to provide. The Developer or Thelen could provide or it could be both, it is common for the Builder's to want to have that control.
8. Residential Density, etc. Attorney Teegen stated what we are talking about the overall totals for the project, types of housing, preliminary number is each section similar to what they have provided but maybe a since we need these numbers for

planning etc. Attorney Teegen stated I don't think what they have provided is specific enough for instance they haven't told me the total number of dwelling units. Bill Hart stated maybe we need to look at this in two parts. They are proposing certain zoning and that will go through zoning when you talk about overlay and items relating to the overlay. The planning portion includes looking at parks and items similar, perhaps we should look at it as two different things. More of the detail could be covered in the overlay ordinance instead of the proposed changes to the zoning ordinance. Attorney Teegen stated this is a list of things that any person who is going to develop something of this size before they would get preliminary approval, it has to go before Planning, then Zoning and the Board earmarking what sections we want each to concentrate on. Bill Hart stated when we get through all the discussion instead of sending Pete Pointner's review to them I would like to send this to them so they know what is expected for the next meeting with them regarding these issues. Attorney Teegen stated that was the intention of doing this and having you review it for consideration. Bill Hart stated I don't know if we need the covenants at this stage, Attorney Teegen stated he didn't want to get hung up on the covenants but you want to have something preliminary, because you want to be absolutely certain that anything that there are leaving out there as far as open space, detentions, parks etc. you need to know how it going to be controlled and who is responsible. Let's get this set up in the beginning.

9. Nonresidential Intensity, I think we just need minimal information provided regarding the industrial area they are proposing. It is very minimal so I don't see any problem with that requirement.
10. Service Facilities, Attorney Teegen this is one of the items that we talked about earlier regarding municipal buildings or substations etc.
11. Landscape Plan, Attorney Teegen stated we should have a general landscape plan information; this may be a little more specific. Bill Hart stated if we are going to be talking about buffers, streets and industrial area I think it definitely required but as far as sub areas the intent is to have the Developer come back when they do the PUD with the Landscaping Plan. Attorney Teegen asked where is the control then on the landscaping plans; Bill stated the subdivision ordinance. Attorney Teegen asked is that going to be specific enough. Bill Hart stated that is the intention I think that basically we are setting up different zoning classifications. Trustee Working stated Architectural Review would review the landscaping plans. Trustee Beskow reiterated as Bill stated I think it is really important to set up the buffers between residential and industrial. The main buffer that Bill talked about is very important. Attorney Teegen stated he agreed the buffering concept is critical and this would go through the full process, Architectural Review, Planning and Zoning would all be reviewing the buffer plans. Trustee Murrey stated their has been major disagreements between that property and the State Park and it is going to have to be very specific, and the landowner is going have work that out with the State of Illinois.
12. Cost-Revenue Analysis, Attorney Teegen stated I don't think they have hit upon this item yet. This is a fiscal impact study that show the effect for the Village, Schools etc. and it might be deemed as little cumbersome, but I feel we need some more specifics.
13. Monotony, Attorney Teegen stated while we don't want to get real specific we want to know if there is going to be monotony codes. Trustee Working stated this has been looked at in Planning, and a subcommittee is looking at making the changes and

we have another work meeting on the 16<sup>th</sup>. They are basically looking at a cluster home maintenance recommendation that they are looking at right now.

14. Traffic Analysis, Attorney Teegen stated I don't think they have submitted that as of yet. Trustee Bender said even at this point I would think they would have something to provide.
15. Environmental Analysis, Attorney Teegen stated this is an in depth, that is not just a phase 1 on the property it pretty comprehensive. They are going to probably balk at some of this stuff because we are asking for some pretty significant things for them to address.
16. Variations, Thelen knows what they want to request. It is a preliminary possible text amendment or possibly changing the Zoning Ordinance.
17. RDO, We need to add this to the list, they want the RDO completed in this administration so they don't have to return every time the administration changes. Trustee Murrey stated they don't want to have to come back through 10-12 Mayor's but I would want a huge circuit breaker in there that if 30% of the plan would change at any time, they would have to come back to the Village Board. We have the opportunity to get this done in the time frame, but it is in their court at this time.

Attorney Teegen stated this is a list to provide to them that they need to provide to the Village for us to make an informed decision regarding a preliminary approval for them. What they provided was insufficient; they only had 6 items and this list will let them know what the Village expects to proceed.

Attorney Teegen stated they wanted in the ordinance everything that is fixed and what they are bound by now. That is fine for them but it is not very realistic for this type of a project or any other project. For example the building codes change, subdivision regulations are amended from time to time. I don't know that it is unfair to make them comply with any subdivision ordinances in place in 5 years. If you do what you say you are going to do, it is all covered in the ordinance, you have the density, lot size, lot coverage etc. it is only if you lapse back into the zoning that is considered a problem. We can't bind ourselves on what our Zoning Ordinance may be 20 years from now.

Trustee Murrey stated their frustration level was the advisory Boards. It doesn't just say they can build everything; ARC and the Building Officer or Building Dept. Staff would address the concerns. This is okay as long as you have a good ARC, Good Building Dept. personnel and good Trustees. What happens 4 years from now or 10 years ago, what if they have no experience in planning, it could be a major problem. It needs more teeth than they have written, I agree it goes to Zoning and not supersede our ordinances.

Chairman Beskow stated the biggest problem I think is because it is running over so many years, 20-25 years. If the state statutes change we have no control. Bill Hart stated he looked at it differently; we are doing text amendment to the zoning ordinance and changing the districts. The basic guidelines are there and so they don't have to argue number of houses per acre, open space etc. I don't know how we can say the roads have to be in this location, they are talking about cluster housing. The issue comes up of how specific are we going to get. They are going to have to deal with someone else in 20 years, I won't be here but someone is going to have to look at this for the Village. We are basically setting up the guidelines; if someone now comes in that fits our PUD it doesn't have to go to Zoning. We can't pigeonhole everything in it would be impossible.

Attorney Teegen stated I think what they are vigorously resisting is coming back for another public hearing. I don't think I disagree with them on that, that is where they run into their problems and it is where everything starts to go sour. What I envision on this is you are going to have your public hearing on the overall master plan; you go the sections, lot sizes etc. Then they would have to go through the planning process, submit their preliminary plat, the Plan Commission will look at it, when they have their elevations its will go to Architectural Review. The preliminary plat the Plan Commission has no control over it if it is in compliance of what is underlined, all they can do is say yea or nay.

Bill Hart stated that is what I am saying if someone brings in a project as a PUD or straight zoning they can vote what is put in front of them it doesn't have to go to zoning. If we put in three more zoning categories as an overlay plan, whether he comes in 5 years or 10 years if he meets that requirements it doesn't go to zoning, but it has to go through the subdivision process which is the Planning process. I don't see letting them do any other way.

Attorney Teegen asked the question what if someone comes in and they say no. Trustee Working stated no they have recommendations with a sidewalks or two car garages. If we let the developer know what we would accept as guidelines and then they can bring in a valid plan.

Chairman Beskow stated Thelen is trying to get away from all the meetings with the Commissions, Planning could approve and the Village Board could turn it down. Thelen want to set this up so he doesn't have worry about it in 20 years. Bill Hart stated the only way we could do that is if he came in and applied for a PUD stating the way it is going to be built, but he doesn't want that he wants to sell off the areas and let the developers design it the way they want to. If they came in with a PUD with all the engineering and design work done they would be set. To go anywhere beyond the basic guidelines, they still have to go through the process.

Attorney Teegen stated so basically if it in compliance that the Plat Approval would approve it. Plan Commission should be taking the subdivision ordinance as it applies to the Plat. I think we can work that out with Thelen. The problem is what if ARC says they want brick and they say no it going to be sided, what will happen is it goes to the Board and if the Board happens to be against construction at that time, Thelen or anyone else doesn't want that potential problem. You can't expect them to build a 7 million dollar treatment plant or you can't expect them to spend the 2 million to get this all laid out and engineered to bring it to you specifically right now, you just can't expect that. Bill Hart asked how much detail do we want to put into it? With the architectural characteristics that is the only to avoid anything like that, I don't know how without getting into vast detail that we can guarantee them they won't have to go to the Boards in the future. Attorney Teegen stated we are not guaranteeing them that they don't have to go to the Boards, but some of this is our views so when they come back and go to this section here on the plat is for this and this is how it relates to the comprehensive plan. When the future Board reviews it and the developer can state at the inception plan it was agreed and it fits the characteristic that was approved to go forward.

Trustee Bender asked haven't we said this before; we are going through this again and again. Chairman Beskow it is 20 years for this project, I won't be here, just look in the last 20 years, they may be solar heat, or no furnaces, and with the technology. I don't know how we can plan for a house in 20 years except the number of homes maybe.

Trustee Murrey stated that Peter Pointner reviewed and recommended is a cookie cutter of today, there is no wiggle room, and it only reflects our codes to date. In 20 years the land is going to be so precious most people won't be able to have a 5-acre location for their home. We don't know what the rules and regulations will be in 20 years. This is such a golden opportunity for us to do the right thing for the Village, and that is what I was hoping that Pete would lean us into some area, but in reality Pete only referenced the numbers from the zoning book, Howard did more for this than Pete.

Bill Hart stated the ordinances are not cut in stone; we have changed the zoning ordinance/comprehensive plan more than once. Any development is still going to have to through the process. Attorney Teegen thinks we can get there, this Committee needs to get comfortable that you have enough information that it is agreeable to both parties and each party is protected by the ordinance.

Attorney Teegen stated the next step is to compose the guidelines and submit it to Thelen and set up a meeting with them where they can address the issues we resolved and following that meeting another committee meeting. I will work with Bill Hart on these items and once the meeting is scheduled will keep everyone up to date on the progress.

**VI. Audience Comment - none**

**VII. Adjournment**

There being no other business to discuss the Committee Meeting was adjourned at 5.52 p.m.

**Carol Ward  
Deputy Clerk**