



**VILLAGE OF FOX LAKE
PUBLIC HEARING MEETING MINUTES
AMENDED July 24, 2007**

STATE OF ILLINOIS,
Lake and McHenry Counties, }
Village of Fox Lake } ss.

A Public Hearing for the proposed amended Route 12 Tax Increment Financing Redevelopment Plan and Project, held in said Village and County in the State of Illinois at 6:00 p.m. on June 11, 2007 was called to order by Mayor Irwin. The following official business was transacted:

Roll Call

Present - Mayor Irwin; Village Clerk Weeks; Trustees Bender, Murrey, Ulasz, Working, Kiesgen and Trustee Koske

I. Board Comments

Attorney Orr stated that this was a public hearing and no action would be taken. Attorney Orr stated the purpose of the public hearing was to talk about the TIF amendment for the Route 12 Redevelopment Project Area that was granted in February 2004 and not for the site approval plan. She stated the law requires an amended TIF plan be submitted because the original TIF plan included 20 acres of Commercial Development and the new plan includes both commercial and residential.

Attorney Orr introduced Bob Ahlberg from TD&A who showed the audience a map of the parcels that were being discussed; Parcels 139,155, and 236.

Bob stated that zoning and land uses were surveyed and mapped in the 2004 TIF. Bob stated that there were 3 different zoning districts that don't necessarily follow the parcel divisions. Bob stated that Parcel 155 which is largest parcel which has split zoning with the front being B3 Commercial and wholesale district and the rear is B5 Commercial District

He stated that parcel 139 was the smaller parcel encompassing the Fox Lake Lincoln Mercury dealership and parcel 236 was zoned B3 commercial service and wholesale district and R2 single-family district.

Bob stated that in 2004 the eligibility study was key in determining whether or not the requirements set forth in the state statutes were met and was it eligible for a TIF district. Bob stated before the TIF was adopted the criteria required was researched and we found the site was eligible for a designation as a Conservation Area TIF as well as a Blighted Area TIF.

Bob explained that to qualify for a Conservation Area, 50% of the buildings needed to be more than 35 years old or older and a minimum of 3 of the 13 factors were required by State Statutes to be present to a meaningful extent. Bob stated that 8 factors were found in the 2004 study and it clearly qualified as a Conservation Area TIF.

Bob stated to qualify as a Blighted TIF 5 of 13 factors are required to be present to a meaningful extent and 8 factors were present to a meaningful extent. Bob stated the eligibility study from 2004 found the project area qualifies as both a Conservation and Blighted Area. Bob stated that there were no changes to findings.

Bob stated the second part of creating a TIF is the preparation and adoption of a Plan and Project and that would follow the preparation and acceptance of the eligibility study that he summarized earlier. Bob stated that the plan went further into establishing a general use land plan for the area and the land use plan called for commercial and needed commercial designation development for future land use and TIF use.

Bob stated that the proposed change for the development was from commercial to mixed use and such change would necessitate an amendment to the 2004 plan and project. Bob stated that was the purpose of the Public Hearing.

Bob stated the land use designation for the project and our amended plan and project is the subject of tonight's hearing changed the land use proposed under the TIF from commercial to mixed use.

Bob showed the audience an exhibit for the amended plan and project stating the entire site is designated as mixed use. Bob stated as a separate action the Village shall adopt an amendment to its comprehensive plan to change its present designation from commercial to mixed use, which is also a subject for another hearing and action.

Bob stated the second item for the amended plan and project not only changes the land use plan from commercial to mixed use it also makes corresponding minor revisions to the 2004 adopted plan and project redevelopment goals and design objectives that are now required reflect the new mixed use project.

Bob stated that the anticipated project costs were reduced from the 2004 estimate of 9 million dollars for the commercial project proposed to 7.9 million estimated cost for the amended mixed-use project plan.

Bob stated the fourth item the amended plan and project changes is the anticipated completion date of 2010 to an anticipated completion date of 2008.

Bob stated the second to last thing the amended plan and project addressed changed the equalized assessed valuation. Bob stated in 2004 the commercial development was estimated to create assessed valuation, equalized assessed valuation in a range from 2.5 to

5 million dollars and the revised mixed used development is anticipating the equalized assessed valuation of 11,000,500.00 for the mixed use project.

Bob stated the last item that differs from the 2004 is the list of parcel numbers, which has been updated to reflect the numbers provided by the County Clerk. Bob stated that they had some changed parcel numbers that the County Clerk has assigned and the equalized assessed values have risen since that time.

Bob stated that there were no other revisions made to the findings of the eligibility study. He stated the project boundaries would remain the same and the start and or maximum life of the TIF.

Attorney Orr stated that they were prepared to try and answer any questions the audience had.

Jeff Fraas 5 Scenic Lane – thanked the village for the refreshments that were provided. Mr. Fraas stated he understood the order of discovery for this project. He stated as a neighbor his concern was that his property would back up to the waterfront and they were asking for multi use without telling us the capabilities of the multi use is. He stated they believe in our neighbor hood was a much better plan commercially then the other plan presented to them before because the channel would be conserved and there would not be any additional docks. Mr. Fraas stated his concern was with the lower half of the area and what this amendment would lead you down to.

Mr. Fraas stated he had 2 questions and one is we don't have a choice of you developing multi –use and asked if that was correct. Attorney Orr stated that this was a general hearing. Mr. Fraas stated the problem is once you go multi use we as residents of areas affected do not have any leverage to say this is what we bought into or agreed to. He stated his concern was that we had been through this before with plans and maps and drawings on a cocktail napkin. He stated as an educated voter and supporter of his government why they couldn't see a site map. Attorney Orr stated that would be presented however, before that took place this amendment had to take place. Ms. Orr stated that there could be no other action unless this step took place. Ms. Orr stated she understood Mr. Fraas question and need and right to know. Ms. Orr stated that she has not yet seen a site plan because the technicalities needed to be in place. Ms. Orr stated the property zoning, as it stood presently is both commercial and marina and single family. Ms. Orr stated that the school districts did not support any additional single-family development because of the school systems being over burdened. Mr. Orr stated the suggestion was multi family development. Ms. Orr stated by making this technical amendment is just step one in the process. Step 2 is zoning and the future public hearing would answer Mr. Fraas's concerns. Mr. Fraas agreed.

Mr. Fraas stated the caveat of going to multi use site unseen; he felt that he was loosing some leverage as taxpayers living next to the effected area. He stated that they would like to partner and be able to say we can take emotion out of this conversation if they could partner with them and say what they felt they were good with and what they felt they would like to negotiate on. Mr. Fraas stated it was a matter of negotiation. Mr. Fraas said when Mr. Peeples came to his neighborhood there was conversation about the blight on some of the area. Mr. Fraas stated he would like to meet the people who were going to make the money out of developing the land in our back yard. Mr. Fraas stated his

encouragement was in three simple things, the sooner you show it the sooner we are going to get done with the planning piece. Mr. Fraas stated the second piece is not to take the objections at the last minute as a sign of frustration, and three is that they would like to see this plan work. Mr. Fraas stated they viewed the property as a paradise and they did not want to pay to put in a parking lot and then have then reproach you and we hear there are going to be 6 – 10 story buildings that will be looking down on us. Mr. Fraas stated from the channel standpoint, there is a beaver family and there were several animals and asked what would be done for them. Mr. Fraas stated that he did not want this to put the developer in a situation to where you have granted the amendment and then they hold you and de-facto us over a barrel.

Ms. Orr stated this process should not affect what Mr. Fraas was discussing. Ms. Orr stated she had not yet seen a site plan and the date for the public hearing on the petition to re-zone was not available to us at this time. Ms. Orr stated that there was not a petition to set a date. Ms. Orr stated that she hoped there would be many opportunities to discuss the plans and have his questions answered.

Mayor Irwin concurred with Attorney Orr about the opportunities to be involved with the project plan and development and have questions asked and answered.

Mr. Fraas stated that they would like to be part of the discussions so that they could make suggestions.

Mr. Fraas stated that it was summer and they wanted to play. He stated that as the sooner they had more information the sooner we could stop the rumors and work with the board to an amicable solution.

Mayor Irwin stated that this was the first step to be completed so the residents of the Village of Fox Lake could have more information.

Ms. Orr stated if the proper steps were not taken then the TIF would be unavailable making the developer disinterested.

Mayor Irwin asked for additional audience comments.

Mrs. Fraas stated her question to the Board was about the conservation area as well as the blighted area. She stated that Bob stated there were 8 criteria met on both the conservation area and the blighted area. Mrs. Fraas asked how it was considered blighted as opposed to the conservation area and what the conservation aspect means. She asked why if there were no plans as of yet then why were some of the trees marked with pink and what does that mean. Ms. Orr stated that there were no permits given and no action could be taken. Mrs. Fraas stated there were several trees marked pink.

Paul Christensen stated the developer does own the land at this date and the developer was working with the building commissioner Mr. Hart. Mr. Christensen stated he believed the trees were tagged for identification to take down for the development. Mr. Christensen stated that there was an arborist hired by the developer so they could determine what trees could be removed.

Mrs. Fraas stated because the trees were tagged and had an arborist come in has anyone done and environmental study done to determine if there were any endangered species that would be affected by this development. Mayor Irwin stated the arborist was only there to identify the trees and the development plan was not at that stage of development yet.

Mrs. Fraas asked if there were any other studies done for endangered plant life or other species. Mrs. Fraas stated that there was an abundance of wildlife that they would like to preserve and suggested that a conservationist be considered.

Bob stated that the conservation area is part of the eligibility study that was adopted in 2004 and the area was designated as conservation TIF as well as a blighted TIF however this did not refer to conservation in an ecological sense but referred to conservation from erosion. Bob stated that the Village can make available copies of the eligibility study that is not proposed to be changed at all and it was in place and would continue as the base of the 2004 adoption of the TIF. He stated the only things changing were in his presentation this evening.

Mayor Irwin asked the audience for additional questions.

Attorney Kathy Orr stated that due to no additional questions at this time it would be appropriate for this hearing to be officially closed.

Mayor Irwin closed the Public Hearing.

Samantha A. Weeks
Village Clerk