

**MINUTES OF THE PLAN COMMISSION**  
**October 23, 2023**

The regular meeting of the Plan Commission was called to order by Chairman Eric Steffe at 7:01 p.m. at the Libertyville Civic Center, 135 W. Church Street.

Members present: Chairman Eric Steffe, Gregory Wheeler, Amy Flores, Walter Oakley, Thomas Rankin, and Aaron Zych.

Members absent: Richard Pyter.

A quorum was established.

Village Staff present: Ashley Engelmann, Deputy Village Administrator; John Spoden, Director of Community Development; and David Smith, Senior Planner.

Others present: Hart Passman, Village Attorney.

Commissioner Rankin moved, seconded by Commissioner Wheeler, to approve the October 9, 2023, Plan Commission meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:**

**PC 23-12     Village of Libertyville, Applicant**

**Request is for a Text Amendment to the Libertyville Zoning Code in order to include regulations for Attainable Housing.**

Mr. John Spoden, Director of Community Development, provided an introduction. Mr. Spoden stated that tonight is the second meeting of the Plan Commission regarding the proposed text amendment to the Zoning Code to incorporate regulations for Attainable Housing. He stated that at the conclusion of the last hearing on this matter there were several questions by the Plan Commission for follow-up by staff. He stated that in response staff prepared a power point video presentation to address those questions.

Mr. Spoden stated that as part of the process there can be a tendency to focus on implementation items, for example what a fee amount would be for pay in lieu, or will more staff be necessary to administer the ordinance, or what will the policies and procedures be after adoption of the ordinance. He stated that those post ordinance adoption items are not before the Plan Commission. Mr. Spoden stated that there are two (2) items before the Plan Commission which are; number (1) one, does the Plan Commission believe that there should be an Attainable Housing ordinance and number (2) two, is the Plan Commission in agreement with the draft Attainable Housing Ordinance that is before them or do they recommend any changes to the draft.

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Ms. Ashley Engelmann, Deputy Village Administrator, presented a video power point presentation voiced by Ms. Engelmann to the Plan Commission.

Video Power Point Presentation by Ms. Engelmann as follows:

Purpose of discussion:

- To present follow-up material from the September 18, 2023 public hearing
- At the conclusion of the public hearing the Plan Commission had the following options for action:
  1. Continue the hearing to a date certain to request additional information
  2. Make a motion to recommend that the Village Board approve the Attainable Housing Ordinance as proposed by the Human Relations Commission
  3. Make a motion to recommend that the Village Board approve the Attainable Housing Ordinance as proposed by the Human Relations Commission with specific revisions
  4. In the event a motion to approve failed then the Commission could entertain a motion to recommend that the Village Board of Trustees deny the draft Ordinance

Summary of ordinance:

**Covered Developments**

- All new residential developments that contain **ten** or more units which meet the following:
- New residential construction or new mixed-use construction with a residential component
- Renovation or reconstruction of over 50% of the total square footage of an existing multiple family residential structure which results in an increase of the number of residential units from the number of units in the original structure
- A development that will change the use of an existing building in whole or in part from non-residential to residential
- Senior citizen homes without nursing care

**Number of Units**

At least 15% of the total number of units must be Attainable Housing Units

Summary of ordinance:

**Attainable Housing Plan**

- The Village Board must approve an attainable housing plan that outlines and specifies compliance with each of the requirements

**Developer Incentives**

- A developer may request a waiver of all applicable application fees, building permit fees, plan review fees, inspection fees, sewer and water tap-on fees, demolition permit fees, impact fees, and other development fees and costs for the specific Attainable Housing Units
- For all Covered Development Projects, a density bonus will be provided equal to one Market Rate Unit for each Attainable Housing Unit that is constructed on the site of the Covered Development

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- In all Covered Development Projects that are located in the C-1, C-2, or C-3 zoning districts, and in addition to the Bonus Units, the maximum floor area ratio may be increased an additional 0.25 in floor area ratio

Summary of ordinance:

#### **Alternative Means of Compliance**

- An applicant may elect to implement one or more of the following alternatives to constructing some or all the Attainable Housing Units: Fee in Lieu, Offsite Units, Land Donation

#### **Eligibility**

- Includes a tiered system for determining eligibility for owners/renters of the units.

Follow Up Questions:

- Staff utilized the experience of other local communities to assist with answering the follow-up questions from the September Public Hearing. In addition, Community Partners for Affordable Housing (CPAH) which is a nonprofit organization that develops and provides services for affordable housing was also used as a resource due to their experience with supporting many of the local communities in the area with their ordinances as well as their access to data related to attainable housing programs.

Question #1

***Is there any data available regarding the number of units an attainable housing ordinance would be expected to yield if the units are required to be onsite vs. providing developers an option to choose their compliance method?***

- Developers will typically choose the option that is the least expensive, convenient, and timely
- Their decision to provide actual units vs. paying a fee in lieu will often depend on (i) the amount of the fee in lieu, (ii) how “high end” the development is (i.e. higher end projects are more likely to pay a fee in lieu), and (iii) how easily/quickly they can obtain their development approvals
- Fees in lieu can sometimes result in more attainable housing units in a community if the community has the ability to turn the funds into attainable units

Question #2

***If an ordinance provides alternative means of compliance is it more likely that a developer will choose fee in lieu over providing the units?***

- Research suggests that having multiple methods of compliance is typical and desirable
- Highland Park Example
  - Ordinance requires City Council approval for a fee in lieu
  - The original ordinance did not provide any density bonus if a development paid a fee in lieu
  - The ordinance was changed in 2019 so that developers can still get a density bonus for the units provided on site (even if they provided some units via a fee in lieu)
  - Under the original ordinance, all units were provided on-site. After the ordinance was changed, 3 of the 7 covered developments that have occurred were approved for a partial alternative means of compliance

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- City of Evanston Example
  - Evanston’s original ordinance had a low fee in lieu amount of \$40,000 per unit
  - Most developers paid the fee in lieu
  - The current fee in lieu is \$204,000 or \$175,000 (depending on location)
    - More developers have chosen to provide the units

Question #3

*Do you have data from the local area on how attainable ordinances have impacted obtaining actual units?*

- Data from the City of Highland Park and the City of Evanston regarding the number of on-site units that have been built since their Ordinances were enacted (this does not include any scattered sites that were developed separate from a development)

**Inclusionary Rental Units**

<b>Community</b>	<b>Studio</b>	<b>1-Br</b>	<b>2-Br</b>	<b>3-Br</b>	<b>4-Br</b>	<b>Total</b>
Evanston	22	28	26	1		77
Highland Park	3	22	22	5		52
<b>Totals</b>	<b>25</b>	<b>50</b>	<b>48</b>	<b>6</b>	<b>0</b>	<b>129</b>

**Inclusionary Ownership Units**

<b>Community</b>	<b>Studio</b>	<b>1-Br</b>	<b>2-Br</b>	<b>3-Br</b>	<b>4-Br</b>	<b>Total</b>
Evanston						0
Highland Park			11	5		16
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>5</b>	<b>0</b>	<b>16</b>

**Total Inclusionary Rental Evanston & Highland Park 129**

**Total Inclusionary Ownership Evanston & Highland Park 16**

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**Total Attainable Units 145**

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Question #4

***Is there information available regarding positive impacts on communities after implementing attainable housing ordinances?***

- Numerous articles and research exists on the impacts on communities related to attainable housing. Some positive impacts that are typically cited include:
  - Attainable housing units typically stay rented and often have waiting lists
  - The rents in attainable units are often reliably paid because of the monitoring systems that are in place
  - Higher- priced rental units often fluctuate with vacancies with the economy
  - Individuals that live in attainable housing units spend less on their housing needs therefore they are able to spend more money on food and healthcare

Question #5

***Has the Village entered into an agreement with CPAH?***

- In 2022, in anticipation of an attainable housing ordinance coming forward staff requested that CPAH provide a proposal for initial services to assist with initiating the attainable housing Ordinance as well as administering the program, if an ordinance was approved
- Recently CPAH was asked to provide an updated proposal for 2023
- If an ordinance was approved, one option to administer the ordinance would be to utilize a third-party organization such as CPAH
- CPAH has been used as a resource for information only, they have no authority at this time regarding the Village's draft ordinance
- Specifics for implementation are not part of the recommendation that will be made by the Plan Commission

Question #6

***Are there units available for persons with disabilities or mental health needs?***

- Attainable Housing Units are available for persons with disabilities
- Developers are required to comply with the Fair Housing Act and Americans with Disabilities Act and make at least a portion of the units accessible
- Attainable housing won't provide supportive services. Those types of programs are typically funded through different avenues such as Permanent Supportive Housing, CDBG, HOME, and other grants

Question #7

***When will the new IHDA affordability percentages be released for communities? How are units determined affordable?***

- IHDA typically recalculates the percentages every 5 years. The last calculation was done in 2018. Therefore, the next set of numbers should be released in 2023
  - At this time there is no information on when it will be released
- Units are qualified by IHDA as affordable for rental properties if they are affordable to households at 60% AMI and for ownership at 80% AMI

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Question #8

***What mechanisms do communities typically use to measure the success of their programs? Is it common for a community to set a goal of how many units they want to achieve in a given timeframe?***

- Most communities measure success of an Ordinance by counting the number of attainable units that have been added since the Ordinance was enacted
  - The ability of an Attainable Housing Ordinance to increase the number of attainable units in a community is dependent upon development within the community. If a development is built and falls within the requirements of the Ordinance to include units, then units will either be built or a fee in lieu will be paid
- If a community sets a goal for the number of units, that goal may be dependent upon the amount of development in the community. If a community chooses to utilize fee in lieu funds to develop attainable units a goal could be set based on the amount of funds available to develop attainable properties

Question #9

***How would CPAH turn fee in lieu funds into actual attainable units?***

- One way that fees that are collected can generate attainable properties is by utilizing the funds to build scattered site attainable units
- If an ordinance is approved, the Village Board will need to have a policy discussion regarding the use of funds
- Should policy direction be given to utilize those funds to build units one mechanism for doing this would be to contract with a third-party organization

Question #10

***It was noted that when you offer a fee in lieu model it seems that the cost of that model will most likely be passed onto the market rate unit costs. Is this something that has been seen in practice?***

- Developers will typically charge whatever the market will bear to maximize profit
- It is unlikely to have a significant impact on the sales price of market rate units because they are going to sell them for the maximum that they can
  - The Ordinance has density bonuses and cost offsets to encourage developers to provide the units and minimize financial impact
- If a developer does pay a fee in lieu and it necessitates a change in the project financial structure, it would more likely impact how much the developer is willing to pay for the land/property as opposed to the sales prices

Question #11

***Is there data available yet from the implementation of Northbrook's ordinance?***

- There have not been any units built
- There is one 35-unit rental townhome development that was approved and will be providing 5 affordable units
- There is a second development approved that will be providing 48 affordable rental units

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Question #12

*The draft Ordinance that was presented offers the developer the ability to select how they will comply with the Ordinance- i.e. Fee in Lieu, Offsite Units, Land Donation or a combination. The Plan Commission heard testimony from some audience members requesting to return to the original ordinance. Please clarify.*

- The Human Relations Commission (“HRC”) voted in May of 2021 to recommend a draft attainable housing ordinance. Subsequent meetings were held between the HRC and Plan Commission. In January and March of 2023 certain sections of the Ordinance were reviewed. The following sections were modified and are included in the current draft before the Plan Commission:
  - Adjustment to the number of units which triggers a covered development to ten units from five
  - Addition of a Density Bonus for covered developments located within the C-1, C-2 or C-3 zoning districts to allow for both increased floor area ratio and density bonus units (original draft did not allow for both the density bonus and the increased floor area ratio)
  - A development that includes the conversion of rental property to condominium property is no longer required to comply with the ordinance
  - Updated the alternative means of compliance language to offer the applicant (developer) the option of several ways to comply with the Ordinance, to include: fee in lieu, land donation or combination of fee in lieu and on-site units. The original draft required the applicant to build on-site units **or** request an alternative means such as fee in lieu or donation of land from the Village Board.
- On March 23, 2023 the HRC voted 6-1 to move the updated draft forward to the Plan Commission.

Question #13

*What are other communities’ costs for fee in lieu?*

- A recommendation for implementation of a fee in lieu amount would be proposed by staff if an Attainable Housing Ordinance is approved by the Village Board. Staff anticipates a need for a 3-6-month waiting period prior to the Ordinance effective date to facilitate the process of developing policies, administrative guidelines, etc.

Ms. Engelmann presented a chart which included communities with or without Attainable Housing Ordinances or Plans.

Ms. Engelmann stated that Mundelein, Grayslake, Vernon Hills and Buffalo Grove are not required to have an ordinance or plan and do not have either. She stated that Arlington Heights, Evanston, and St. Charles are not required to have an ordinance or a plan but do have one. She further noted that Highland Park, Geneva, Deerfield, Northbrook and Lake Forest are required by IHDA to have an ordinance or plan and do have an ordinance or plan.

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Ms. Engelmann concluded the presentation stating that The Plan Commission had the following options for action:

1. Continue the hearing to a date certain to request additional information.
2. Make a motion to recommend that the Village Board approve the Attainable Housing Ordinance as proposed by the Human Relations Commission.
3. Make a motion to recommend that the Village Board approve the Attainable Housing as proposed by the Human Relations Commission with specific revisions.
4. In the event a motion to approve fails then the Commission could entertain a motion to recommend that the Village Board of Trustees deny the draft Ordinance.

Chairman Steffe opened the hearing for public comment.

Ms. Jennifer Rich of 1320 Oxford Court, stated that she appreciates all of the detailed questions that the Plan Commission asked at the last meeting. She stated that she served over two years on the Human Relations Commission working out all of the details in the draft Attainable Housing Ordinance so she is aware of how much work it took to finalize the draft ordinance. She stated that she understands the sense of urgency that the Plan Commission must feel to get the ordinance right because it will have implications for the family, friends, neighbors, and the next generation of Libertyville residents.

Ms. Rich stated that there were several residents who stood up to speak at the last meeting to show their support for the ordinance that is different than the one before the Plan Commission. She stated that as a Human Relations Commissioner she voted no for the version of the ordinance that is currently in front of the Plan Commission. She stated that she resigned her seat from the HRC because of her disagreement with the draft before them. She stated that she volunteered a great deal of her time and expertise to get the ordinance right. She stated that the HRC was very careful to strike a balance between what the Village of Libertyville residents wanted, which was as much actual affordable housing as possible, and the needs of the developers to have clear rules and a clear appeals process. She stated that the ordinance includes developer incentives that are in line with neighboring communities.

Ms. Rich stated that after the HRC was satisfied that they found a balance between the needs of the residents and developers the HRC voted to recommend the draft attainable housing ordinance to the Plan Commission and then proceeded to wait for it to come before the Plan Commission. She stated that after the HRC concluded their business on the draft ordinance a year passed. Then the HRC were informed that some changes were made to the draft and that they would reconvene to review the changes. She stated that the draft that they received after the changes were made had two critical components removed. She stated that one component that was removed was the preference for actual attainable dwelling units on-site and the second component removed was the one requiring condo conversions to comply.

Ms. Rich stated that she was confused by the updated draft especially since the Mayor is on the HRC and was a trustee at the time, and voted yes on the original draft. She stated that many of the Plan Commission members attended the joint meetings between the HRC and the Plan Commission where the HRC asked the Mayor for her rationale for the changes to the draft ordinance. She stated that the Mayor indicated that when she became Mayor, she was privy to



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new information which helped inform her decision. However, she never learned what that new information was or where it came from. She noted that getting that information may require a FOIA request. She stated that at the final joint HRC and Plan Commission meeting the HRC was asked to vote for the changes to the draft ordinance. She stated that by voting on the changes it made it impossible to maintain the integrity of the original draft ordinance. She stated that at that meeting the HRC was asked to carve up the original draft ordinance with no new information and that her colleagues voted yes on the changes most likely to avoid risking three (3) years of work on the draft ordinance.

Ms. Rich further stated that she worked on housing policy for the federal government for fifteen years under three different presidents and she has seen policies get written in many ways but not in the way that this draft ordinance has been subjected to. She stated that she voted no for the draft ordinance with its changes and resigned her seat on the HRC because she could not in good conscious endorse the process for the draft as it currently stands.

Ms. Rich stated that the decision is now in front of the Plan Commission. She asked the Plan Commission if they can get behind the original ordinance or if they support the ordinance that is currently before them. She stated that just like the last Plan Commission meeting she is with some of her colleagues and Libertyville residents to ask the Plan Commission to recommend that the key components from the original draft be restored so that we can get back to what was originally intended, which is a clear but flexible policy that is a win-win for residents of Libertyville and our developer partners.

Mr. Michael Dobrow of Round Lake Park, stated that he is a former township trustee in Avon Illinois and is currently the Local Government Affairs Director for Illinois Realtors. Mr. Dobrow stated that Illinois Realtors have been described as the voice for Illinois property owners. He stated that for several years they have asked state and local elected officials to address the affordable housing needs for communities in the State of Illinois. He stated that the organization is planning to step up their effort as they deem it important to help all Illinois residents to achieve the American Dream of home ownership, regardless of income level, gender or race.

Mr. Dobrow stated that on behalf of Illinois Realtors they would like to applaud all the efforts of the Village to thoughtfully, pragmatically, and collaboratively try to create opportunities for everyone in Lake County to achieve the dream of home ownership. He thanked Mayor Johnson for her leadership on this issue. He stated that many Mayors and their communities that are not too far from Libertyville are taking actions that will harm the housing market, but Mayor Johnson is striving to increase housing opportunities. He stated that it is a fact that by investing in housing it will help to strengthen communities. He stated that better housing opportunities helps to bring stability to families, it helps local employers to keep quality staff, and it widens the tax base.

Mr. Dobrow further noted that the Illinois Realtors are grateful to the Plan Commission for recognizing the complexity of creating housing that is attainable. He stated that this level of flexibility will bring results that will benefit the Village of Libertyville. He stated that the Illinois Realtors support the Village. He stated that work is necessary in every aspect in the real estate industry including compiling data on housing inventory. He stated that they understand the needs of their consumers who are interested in both buying and selling both residential and commercial

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properties. He stated that they look forward to future conversations with the Village regarding its endeavor to enhance future housing opportunities.

Ms. Brenda O'Connell, 408 Drake Street, submitted in paper form to the Plan Commission a Lake County Housing Analysis dated October 2023. Ms. O'Connell stated that she served on the Human Relations Commission and contributed to the original draft of the Attainable Housing Ordinance. She stated that the Housing Analysis was commissioned by Lake County Partners which is the economic development entity for Lake County. She stated that the Housing Analysis looked at housing in Lake County in a broad sense and more specifically it looked at housing affordability and how the lack of affordable housing is impacting Lake County communities. She stated that the Housing Analysis divides the county into six (6) subregions. She stated that Libertyville is in the south-central subregion. She stated that on page eight (8) of the analysis there are population and aging trends illustrated on graphs for all six subregions. She stated that the chart indicates that the south-central subregion is projected to lose 2,600 workers by the year 2027. She stated that the population is aging and retirees do not have places to downsize to that are affordable, which then prohibits younger families from moving into the community. She stated that the Village currently does not have housing that can support local employers so that employees can take advantage of affordable housing. She stated that on page 15 of the Housing Analysis it indicates that the south-central subregion has the highest rental rates in all of Lake County. She stated that housing has become unaffordable in Lake County and it is projected to get worse. She stated that considering all the housing that is currently underway, there is projected to be a gap of 11,400 market rate units by 2027. She stated that an additional 1,200 dwelling units are needed for seniors on a fixed income and 6,700 housing units for families who are making less than the area median income.

Ms. O'Connell stated that the Housing Analysis is clear. She stated that there is a need for affordable housing for our communities including for our youth and young families, for our seniors so that they can downsize when the time is right, and for our businesses so that they can have the work force that they need. She stated that she is concerned about the Libertyville businesses that are closing due to lack of affordable housing for their employees.

Ms. O'Connell stated that the goals in the original draft ordinance are correct. She stated that the incentives incorporated into the ordinance do not make it cost prohibitive to developers. She stated that the ordinance is designed to be as cost neutral as possible. She stated that these incentives include density bonuses and fee waivers which help to make the ordinance as cost neutral as possible. She stated that both versions of the ordinance provide the same alternatives to providing actual attainable dwelling units but the difference is that the original draft stipulates that there should be a preference for providing the actual on-site attainable dwelling units.

Ms. Alejandra Dominguez, 932 South Fourth Avenue, stated that in order to achieve our shared vision for the Libertyville community we must be able to preserve affordable living wherever possible while also thoughtfully and methodically increasing the number of affordable housing dwelling units for those who work and contribute to our Libertyville community. She stated that she is requesting that the Plan Commission recommend to the Village Board of Trustees to adopt the proposed Attainable Housing ordinance with the following two amendments; (1) to Section 18-3(A) to include developments that include the conversion of rental property to condominium

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property as a Covered Development and (2) to Section 18-8 Alternative to On-Site Attainable Housing Units the first paragraph under the section heading should be replaced with the original draft language that states the following:

“As an alternative to constructing Attainable Housing on the site of the Covered Development Project, the Village Board may approve, concurrent with the approval of the overall development, one or more of the following alternatives to constructing Attainable Housing Units set forth in this Section. This Section shall not be utilized unless the applicant demonstrates to the satisfaction of the Village Board that the alternate means of compliance will further Attainable Housing opportunities in the Village to an equal or greater extent than compliance with the on-site requirements of this Chapter. The terms and requirements for utilizing the provisions of this Section shall be specifically set forth in the Development Agreement required pursuant to Section 18-12(B) of this Chapter.”

Ms. Dominquez stated that she believes that these two amendments get the Village closer to achieving the goals of preserving and increasing the amount of attainable housing in the community of Libertyville. She stated that these amendments provide much needed clarity to prospective developers, and they provide a straightforward appeals process to developers. She stated that the language of the original draft ordinance was crafted by Village Staff and the Human Relations Commission during a three-year process.

Ms. Elise Danckers, 15397 West Rockland Lane, read a statement from Janelle Miller Moravek, 811 Arthur Avenue. Ms. Moravek stated in the letter that she works in Libertyville and is the director at Youth and Family Counseling which is a nonprofit dedicated to the provision affordable mental health care. Ms. Moravek stated that her message is to encourage the Plan Commission to endorse the affordable housing ordinance with two amendments. Ms. Moravek stated that the preference to provide actual attainable dwelling units should be added back into the draft ordinance and to cover condominium conversions. Ms. Moravek stated that at YFC they provide lifesaving care to families that live and work in Libertyville which helps to make our community a healthier and safer place for everyone. Ms. Moravek stated that the behavioral health workforce was hit hard during the pandemic. Ms. Moravek stated that it is very difficult to find qualified and experienced staff for her facility. Ms. Moravek stated that unfortunately when she does find qualified staff they cannot afford to live in this area and end up renting or buying homes in other communities. Ms. Moravek stated that this produces high turnover of employees and hurts their ability to provide the necessary care for their clients. Ms. Moravek stated that she is requesting that the existing affordable housing be protected and that more affordable housing be developed as quickly as possible. Ms. Moravek stated that an ordinance for actual attainable dwelling units and protections for the existing renters is a step in the right direction.

Ms. Sue Kellman, 15385 Cherrywood Lane, read a statement from Judith Beinlich, 1207 Abby Court. Ms. Beinlich stated that she urges the Plan Commission to return the draft ordinance to its original wording as it was originally written. Ms. Beinlich stated that the original draft ordinance is what the residents of the Village of Libertyville wanted the most. Ms. Beinlich stated that Libertyville has an opportunity to make more affordable homes for essential workers in the community. Ms. Beinlich stated that it is an opportunity for Libertyville to become an important role model for other communities who do not yet regulate affordable housing.

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Mr. Dale Cederburg, 427 Garfield Ave., stated that he missed the last Plan Commission meeting. He asked for clarification regarding who CPAH is.

Ms. Engelmann stated that CPAH is not currently under contract with the Village.. She stated that CPAH is a third-party not-for-profit organization that could be an agency that the Village could potentially contract with to help with the implementation of the attainable housing regulations. She stated that CPAH works with many area communities with their attainable housing ordinances.

Mr. Cederburg asked if the Village were to enter a contract with CPAH would the Village pay CPAH a fee. Ms. Engelmann stated that the Village would pay CPAH a fee.

Mr. Cederburg asked what the difference is between attainable housing and affordable housing. Ms. Engelmann stated that those two terms are used interchangeably.

Mr. Cederburg asked that once the attainable housing units become available how are the future owners or renters chosen for these units. Ms. Engelmann stated that this is part of the implementation process. She stated that there will be eligibility requirements. She stated that CPAH is an agency that vets households for eligibility to become renters or owners of the attainable dwelling units.

Mr. Cederburg asked if CPAH is not the agency chosen to vet the households for eligibility then who would. Ms. Engelmann stated that those parties have not been identified. She stated that CPAH is the prominent agency that serves many communities in Lake County and they also provide services to some communities in Cook County as well.

Mr. Cederburg stated that over the years he has taken his granddaughters to the playground where he has the chance to talk to young couples. He stated that he hears from these young couples how difficult it is to move into this community. He stated that we all know that it is expensive. He stated that he has neighbors that work for Abbott. He stated that he knows doctors, lawyers and dentists that live in the area. He stated that we all have worked very hard to move into the area and raise our children and grandchildren in this area and be in a safe environment. He stated that he has lived in Libertyville for fifteen (15) years and that the Police and Fire departments are exceptional. He stated that the Village services are good. He stated that he is proud to be living here in Libertyville.

Mr. Cederburg asked that with the information provided by the proposed Attainable Housing ordinance and supplemental materials is there any indication as to how the existing home prices will be affected if we were to allow 30, 40, or 50 attainable housing units in the Village. He stated that he feels sorry for a young couple just starting out but if he was able to do it then they should be able to do it. He stated that he would like to know how this ordinance might affect existing home prices. He stated that the realtors know that Libertyville is an expensive place to live. He stated that the Village has allowed developers to tear down little ranch homes and replace them with larger two-story mansions which makes the community look better. He stated that Libertyville has become known as the new Lake Forest. He stated that everyone wants Libertyville to have a vibrant downtown. He stated that he does not agree with the statement that households who live in attainable housing will have more money to pay for groceries and healthcare because

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of the current inflation rates. He stated that he would like for the board to consider this ordinance carefully because there are many residents in the Village who have put their lifelong dreams into this town and to live here and raise their children here. He stated that some of these decisions should be left up to the voters of the community and not the Village Board.

Mr. Cederburg stated that it was not that long ago when the Village was confronted with the issue of video gaming and marijuana dispensaries and he remembered that these issues were put to a vote by the residents of the Village and he feels that the attainable housing ordinance should be treated the same way.

Mr. Mark Alexander, Lake County United, Vernon Hills resident, stated that there are about 15 LCU members present in the audience. He stated that they are present because of the importance of housing. He stated that one of the issues he has observed during the Plan Commission meeting is that there has been very little dissent regarding the need for affordable housing. He stated that many of the comments made during the meeting and the last meeting is that they want the draft ordinance as it was originally proposed. He stated that Lake County United also agrees with that position. He stated that on behalf of Lake County United that he is requesting that the Plan Commission consider approving the draft ordinance as it was originally proposed.

Chairman Steffe closed the public comment portion of the hearing with no further comments being made. He then asked for Plan Commission comment.

Commissioner Oakley stated he is not sure why there is a desire to include the conversion from rental to condo. He stated that the Village currently has 15% of its housing stock as affordable and wonders why the Village needs more affordable housing. He stated that his grandchildren cannot afford to live in Libertyville. He stated that there are other communities with the same issues. He stated that the Village has a transit-oriented development near the Metra station. He stated that the question becomes if the Village really needs the workers living in Libertyville. He stated that the ordinance needs to have more control.

Commissioner Flores stated that the ordinance is something that will benefit the Village of Libertyville. She stated that she supports the original draft ordinance as she cannot claim to know more than the HRC who spent over two years on the development of the draft ordinance. She stated that the ordinance allows for an annual review to see if changes will become necessary in the future.

Commissioner Wheeler thanked Staff for incorporating the question-and-answer format into the memorandum provided to the Plan Commission as it helped to bring clarity to many of the questions that he had from the last meeting. He stated that he is in support of an attainable housing ordinance, and he is in support of the original draft language produced by the HRC. He stated that it is essential that any fee in lieu or negotiated alternative to providing the actual attainable units be reviewed by the Village Board prior to it being implemented.

Commissioner Zych stated that he agrees that the Village does need an attainable housing ordinance. He stated that he agrees with the current draft ordinance. He stated that the Village Board should have the final approval for any changes to the ordinance.

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Commissioner Rankin stated that he does not understand how the ordinance would benefit the Village. He stated that the Village is already compliant with the attainable housing requirements and a fund for attainable housing has already been created. He stated that the establishment of the fund has been accomplished by developers voluntarily, without an ordinance. He stated that he does not believe that this ordinance will have a positive impact on the Village and he is not in favor of it for several reasons. He stated that there will be an increase of an administrative burden on the Village. He stated that it will discourage developers and do a disservice to those it is intended to help. He stated that the for sale attainable units will be marked attainable in perpetuity not giving such units an opportunity to appreciate in value. He stated that he cannot imagine ever purchasing a property that does not have any upside potential. He stated that an owner-occupied attainable dwelling unit will have very little incentive to maintain their house. He stated that the owner of an attainable unit may not want to replace their carpet or paint their walls because they know that they will never get their money back. He stated that he believes that this ordinance will make the cost of rental rates increase. He stated that an apartment building owner will have to increase the rental rates for the market rate apartment units to support the attainable apartments in their building. He stated that if developers are confronted with any kind of red tape they will simply walk away. He stated that if developers have to deal with additional bureaucracy, then they simply won't do the project.

Commissioner Rankin stated that the main obstacle is the increase in the administrative burden on the Village to implement such an ordinance. He stated that it creates a new Housing Commission that adds layers of government. He stated that it will create new review policies, procedures and guidelines that will take longer to approve developments. He stated that it will impose new duties for the Village Administrator developing regulations and creating new forms. He stated that the pay-in-lieu fee will constantly need adjustment in response to market conditions. He stated that it will be a constant topic at Village Board meetings. He stated that a new fund will be created administered by a third party who is not elected or accountable to the residents of the Village and they will have control of hundreds of thousands of dollars. He stated that he does not see the benefit of this ordinance especially when the Village is already compliant with the State requirement for the minimum number of affordable housing units.

Chairman Steffe stated that there are two different sides to this issue. He stated that one side seems to say that the market should dictate what the value of real estate should be. He stated that the other side seems to say that they would like for their children to live in a community that has some diversity to it. He stated that the HRC has spent a lot of time on drafting an ordinance that is thoughtful and not overly onerous and it does allow for some flexibility while achieving the goal to encourage more diversity in the Libertyville community. He stated that he is in favor of the attainable housing ordinance.

Chairman Steffe stated that the Plan Commission should decide if they have been given enough information for them to make a recommendation to the Village Board.. He took a straw poll vote of the members of the Plan Commission asking each if they believe that they have enough information to make a recommendation to the Village Board of Trustees.

Commissioner Oakley stated that he has enough information to make a recommendation.

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Commissioner Flores stated that she has enough information to make a recommendation.

Commissioner Wheeler stated that he has enough information to make a recommendation.

Commissioner Zych stated that he has enough information to make a recommendation.

Commissioner Rankin stated that he has enough information to make a recommendation.

Chairman Steffe posed the question to the Plan Commission if they would like to make a recommendation on the draft ordinance or if they would like to discuss making any amendments to the draft ordinance before making a recommendation.

Mr. John Spoden, Director of Community Development, clarified that there is one draft ordinance before the Plan Commission. The other draft ordinance that has been referenced by members of the public was the original draft that the HRC voted on before changes were made resulting in the version that the Plan Commission will vote on.

Chairman Steffe clarified that it is his intention to discuss the draft ordinance that was approved by the HRC with a vote of 6 to 1 that is currently before the Plan Commission.

Mr. Hart Passman, Village Attorney, confirmed that the ordinance referenced by the Plan Commission chairman is the version currently before the Plan Commission.

Commissioner Flores stated that both versions of the draft ordinance were approved by the HRC. She stated that the first approval was the original draft approved in May 2021 and the second one was approved in March 2023.

Chairman Steffe stated that the most recent version is the current version in front of the Plan Commission.

Commissioner Flores stated that they can make a motion on the current (March 2023) version and if it doesn't pass, they can then make a second motion on a revised version.

Chairman Steffe agreed with Commissioner Flores' proposal on how to proceed with the motions.

Mr. Spoden stated that the ordinance currently before the Plan Commission is the version approved by the HRC with a 6 to 1 vote in March 2023. He stated that the Plan Commission can recommend revisions to that March 2023 version as part of their motion.

Mr. Passman clarified that the Plan Commission can make a recommendation on either of the ordinances or on neither ordinance. He stated that it is the Chairman's preference as to how to proceed. Mr. Passman concurred with the proposal for the Plan Commission to make a motion on the March 2023 version of the draft ordinance that is before the Plan Commission and if it passes then the Plan Commission's work is done. He stated that if it does not pass then they can take a second motion on the draft ordinance with revisions.

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Chairman Steffe stated that regarding PC 23-12, he will entertain a motion to recommend approval of a text amendment to the Libertyville Zoning Code to include regulations for Attainable Housing in accordance with the language that was approved by the Human Relations Commission in March of 2023.

*In the matter of PC 23-12, Commissioner Wheeler moved, seconded by Commissioner Flores, to recommend the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code to include regulations for Attainable Housing in accordance with the language that was approved by the Human Relations Commission in March of 2023.*

*Motion failed 1 - 5.*

*Ayes: Steffe*  
*Nays: Flores, Oakley, Rankin, Wheeler, Zych*  
*Absent: Pyter*

Chairman Steffe requested that the Plan Commission consider a subsequent motion. He stated that they can look at parts of the May 2021 draft language and incorporate those parts that they agree upon into the March 2023 draft language.

He stated that the May 2021 draft language states that there must be five or more dwelling units to qualify as a Covered Development whereas the March 2023 draft language states that there must be ten (10) or more dwelling units to qualify as a Covered Development.

He stated that the March 2023 draft version would not include a development that includes the conversion of rental property to condominium property as a Covered Development.

He stated that the March 2023 draft version under the Density Bonus section of the ordinance it would not include the verbiage, "located in all other zoning districts" following the clause, "For all Covered Development Projects".

He stated that the May 2021 ordinance version has language that states the Village Board may approve an alternative to providing on-site attainable units such as a fee-in-lieu, for example.

Chairman Steffe stated that regarding PC 23-12, he would entertain a motion to recommend approval of a text amendment to the Libertyville Zoning Code in order to include regulations for Attainable Housing in accordance with the recommendation by the Human Relations Commission in March of 2023, with the changes from the May 2021 draft language regarding the Number of Units, Covered Developments, Density Bonus and Alternative Means of Compliance.

*In the matter of PC 23-12, Commissioner Wheeler moved, seconded by Commissioner Flores, to recommend the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code in order to include regulations for Attainable Housing in accordance with the recommendation by the Human Relations Commission in March of 2023, with the changes from the May 2021 draft language regarding the Number of Units, Covered Developments, Density Bonus and Alternative Means of Compliance.*



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*Motion failed 2 - 4.*

*Ayes: Flores, Wheeler*  
*Nays: Steffe, Oakley, Rankin, Zych*  
*Absent: Pyter*

Chairman Steffe took a straw poll vote on the following:

**(1) Number of Units**

Regarding the preferred minimum number of dwelling units to qualify as a Covered Development (5 or 10).

Commissioner Oakley – 10 units  
Commissioner Flores – 10 units  
Commissioner Wheeler – 10 units  
Commissioner Rankin – neither  
Commissioner Zych – 10 units  
Chairman Steffe – 10 units

**(2) Covered Developments**

Regarding whether to include the language that a Covered Development includes the conversion of rental property to condominium property.

Commissioner Oakley – no  
Commissioner Flores – yes  
Commissioner Wheeler – yes  
Commissioner Rankin – neither  
Commissioner Zych – yes  
Chairman Steffe – yes

**(3) Density Bonus**

Include a density bonus in the C-1, C-2 and C-3 districts.

Commissioner Oakley – yes  
Commissioner Flores – yes  
Commissioner Wheeler – yes  
Commissioner Rankin – neither  
Commissioner Zych – yes  
Chairman Steffe – yes

**(4) Alternative Means of Compliance**

Include the May 2021 draft ordinance language that provides that the Village Board may approve one or more alternatives to providing actual attainable units in a Covered Development, or include the language from the March 2023 draft ordinance that states that an applicant may elect to implement one or more of the listed alternatives to construction some or all of the Attainable Housing Units.

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Commissioner Oakley – 2023 draft ordinance version  
Commissioner Flores – 2021 draft ordinance version  
Commissioner Wheeler – 2021 draft ordinance version  
Commissioner Rankin – neither  
Commissioner Zych – 2021 draft ordinance version  
Chairman Steffe – 2021 draft ordinance version

Chairman Steffe stated that he will ask for a motion to include the 2023 draft ordinance language for the number of dwelling units (10 or more); the 2023 draft ordinance version for the density bonus language (include a density bonus in the C-1, C-2 and C-3 districts); the 2021 draft ordinance language for Covered Developments, to include conversion of rental property into condo's; and the 2021 draft ordinance version for Alternative Means of Compliance to include the Village Board may approve alternatives to providing some or all of the actual attainable dwelling units in a Covered Development.

Chairman Steffe stated that regarding PC 23-12, he will entertain a motion to approve a text amendment to the Libertyville Zoning Code in order to include regulations for Attainable Housing in accordance with what was recommended by the Human Relations Commission in March of 2023 with the following changes:

1. That Covered Developments shall also include a development that includes the conversion of rental property to condominium property; and
2. That the language in the Alternative Means of Compliance section shall be modified as followed: As an alternative to constructing Attainable Housing on the site of the Covered Development, the Village Board may approve, concurrent with the approval of the overall development, one or more of the following alternatives to constructing Attainable Housing Units set forth in this Section.

*In the matter of PC 23-12, Commissioner Wheeler moved, seconded by Commissioner Flores, to recommend the Village Board of Trustees approve a Text Amendment to the Libertyville Zoning Code in order to include regulations for Attainable Housing in accordance with what was recommended by the Human Relations Commission in March of 2023, with the following changes:*

- 1. That Covered Developments shall also include a development that includes the conversion of rental property to condominium property; and*
- 2. That the language in the Alternative Means of Compliance section shall be modified as followed: As an alternative to constructing Attainable Housing on the site of the Covered Development, the Village Board may approve, concurrent with the approval of the overall development, one or more of the following alternatives to constructing Attainable Housing Units set forth in this Section.*

*Motion carried 5 - 1.*

*Ayes: Steffe, Flores, Oakley, Wheeler, Zych*

*Nays: Rankin*

*Absent: Pyter*

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**NEW BUSINESS:** None.

**STAFF COMMUNICATIONS AND DISCUSSION:** None.

Commissioner Steffe entertained a motion to adjourn the meeting.

Commissioner Zych moved, seconded by Commissioner Flores, to adjourn the Plan Commission meeting.

Motion carried 6 - 0.

Meeting adjourned at 8:26 p.m.