

James McDonald, Mayor  
Mary Konrad, Clerk  
Austin Adams, Treasurer



Trustees:  
Allena Barbato  
Scott Bartlett  
Glenn McCollum  
Jeff Nielsen  
Tom O'Reilly  
Doug Savell

**The Village of Lake Villa**

**Plan Commission – Meeting Agenda  
Thursday, July 20, 2023  
Village Hall, 65 Cedar Avenue**

**7:00 pm**

1. Call to Order & Roll Call
2. Pledge of Allegiance
3. **Approval:**
  - a. Minutes of April 20, 2023 Joint Plan Commission-Village Board Meeting
4. **Plat Amendment:** Request for Approval of a Plat of Second Amendment to Columbia Bay Estates Subdivision
5. **Preliminary Review – Zoning & Development Application:** Preliminary Review of a Request by Dunkin' Donuts at 800 Tower Drive
6. Continued Plan Commission Training
  - a. *Roles in the Development Review Process*
  - b. *Essential Concepts for Running Effective Meetings*
  - c. *Topics in Planning and Development*
    - i. *Economic Development*
    - ii. *Design Review*
    - iii. *Historic Preservation*
    - iv. *Sustainability*
    - v. *Complete Streets*
    - vi. *Others*
7. Public Comment
8. Adjournment

The Village of Lake Villa  
Joint Village Board & Plan Commission Meeting  
***DRAFT Proceedings of the Thursday, April 20, 2023***  
Plan Commission Meeting – Village Hall  
65 Cedar Avenue, Lake Villa, IL 60046

**1. CALL TO ORDER AND ROLL CALL**

A Meeting of the Plan Commission of the Village of Lake Villa was held on April 20, 2023, at the Village Hall, 65 Cedar Ave., and was called to order by Plan Commission Chair Kressner at 7:02 pm.

<b>Present:</b>	Commissioners: Jerry Coia, Dan Lincoln, Mary Meyer, and Tracy Lucas; and Chair Craig Kressner
<b>Absent:</b>	Commissioner Steve Smart
<b>Also Present:</b>	Village Administrator Michael Strong; Village Planner Scott Goldstein, Teska; Michael Blue, Teska; and approximately 6 members of the public

**2. PLEDGE OF ALLEGIENCE**

**3. APPROVAL OF MINUTES**

Commissioner Coia made a motion to approve the minutes of the February 21, 2023 Plan Commission meeting, as amended. The motion was seconded by Commissioner Lincoln and approved unanimously by voice vote.

**4. PLAN COMMISSION TRAINING**

Village Administrator Michael Strong introduced the Plan Commission/Citizen Planner Training Session. He thanked Mr. Scott Goldstein and Mr. Michael Blue, of Teska Associates, Inc. for preparing a Citizen Planner training for the Plan Commission. Mr. Strong introduced Mr. Scott Goldstein who provided background on the purpose and intent of the citizen training program. Mr. Goldstein then introduced Mr. Michael Blue who provided a training per the attached presentation and fielded questions from the Plan Commission members as well as members of the public.

**5. PUBLIC COMMENT**

No public testimony was presented to the Plan Commission on non-agenda items.

**6. ADJOURNMENT**

There being no further business Chairman Kressner asked for a motion to adjourn. Commissioner Lincoln made a motion to adjourn, seconded by Commissioner Meyer. The motion carried unanimously by voice vote at 9:30 p.m.

Respectfully submitted,  
Michael Strong, Village Administrator



**DATE:** July 11, 2023

**TO:** Chairman Craig Kressner and Members of the Plan Commission

**FROM:** Michael Strong, Village Administrator

**RE:** Proposed Plat Amendment for Columbia Bay Estates

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<b><u>Property Owner</u></b>	<b><u>Property Location</u></b>	<b><u>Zoning District</u></b>
David Fales 25076 W Warren Avenue Lake Villa, IL 60046	Columbia Bay Estates Subdivision	N/A (Unincorporated)

**Petitioner and/or  
Contract Purchaser:** Columbia Bay Estates Home Owners Association  
c/o Larry Fales  
P.O. Box 315  
Lake Villa, IL 60046

**Representatives:** Larry Fales

**Site Location:** Columbia Bay Estates Subdivision

**Requested Action** Approval of Amendment to Plat of Subdivision

**Proposal:** Eliminate Parcel from subdivision and redistribute to common area space

#### **Background**

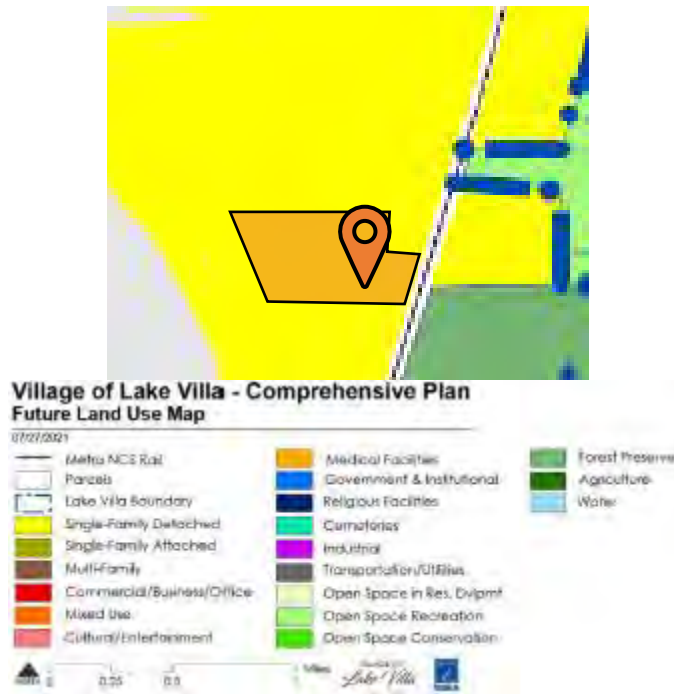
On July 20, 2023 the Plan Commission is scheduled to conduct a review a request for an amendment to the Columbia Bay Estates Subdivision located generally, northwest of the intersection of Grand Avenue (Route 132) and Route 59 in unincorporated Lake Villa. Pursuant to Village Code, the Village is required to conduct reviews of amendments to subdivision plats which are located within the Village's primary planning jurisdiction.

Larry Fales, representing the Columbia Bay Estates Subdivision has submitted a request to the Village to allow for an amendment to the existing subdivision plat that would eliminate an existing vacant parcel and redistribute the land to common area space. The proposed amendment would result in a net gain of roughly 200 square feet of deed restricted land (conservation area). of A copy of the proposed plat amendment is attached for Plan Commission review and consideration. The Representative is requesting Village of Lake Villa approval to file the amendment with Lake County.

#### **Comprehensive Plan**

Under Illinois State Statutes, municipalities may plan for future development or redevelopment within their corporate limits and plan for land use in unincorporated areas within 1.5 miles of their municipal boundary. The County hold ultimate jurisdiction in these areas.

## COMPREHENSIVE PLAN MAP OF SUBJECT PROPERTIES



The Comprehensive Plan has designated the area as single-family detached. As such, the proposed amendment would not be inconsistent with the Plan as the subdivision will remain a detached residential use.

In accordance with Village Code, the Plan Commission may consider the Plat Amendment and recommend approval to the Village Board as presented or deny the request.

### **Recommendation by Village Staff**

Village Staff have reviewed the documents submitted by the Representative and is recommending that the Plan Commission approve the Plat Amendment as presented. The amendment, as presented, will result in the protection of open space and preservation of residential use in an area that is consistent with the Comprehensive Plan.

Based on the deliberation and guidance provided by the Plan Commission on July 20, 2023, Village Staff will then prepare the Plat Amendment for consideration by the Village Board during its next Regular Village Board meeting.

### **Attachments**

- Proposed Plat Amendment to the Columbia Bay Subdivision



# PLAT OF SECOND AMENDMENT TO COLUMBIA BAY ESTATES SUBDIVISION

LOTS 5, 16, 17, 18, 36 AND 37 IN THE FINAL PLAT OF WARREN H. FALES COLUMBIA BAY ESTATES, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 46 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MARCH 15, 2000, AS DOCUMENT NO. 4502324, IN THE RECORDER OF DEEDS, AND CORRECTED BY CERTIFICATE OF CORRECTION RECORDED MAY 23, 2000, AS DOCUMENT NO. 4530691, AND AMENDED BY PLAT OF AMENDMENT, RECORDED JULY 7, 2006 AS DOCUMENT 6022642 IN LAKE COUNTY, ILLINOIS,

RESERVED FOR RECORDER

## OWNER'S CERTIFICATE - DEDICATION

State of Illinois) )S.S.  
County of Lake)

This is to Certify that

are the Sole Owner(s) of the property described hereon, and that No Other Person(s) have any rights, interest or title in or to said property, and that as said Owner(s), have caused the same to be Surveyed as Shown Hereon for the Use and Purpose(s) therein set forth.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, A.D., 20\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

## NOTARY CERTIFICATE

State of Illinois) )S.S.  
County of Lake)

I, \_\_\_\_\_, a Notary Public in and for said County and State aforesaid,  
Do Hereby Certify that,

who is personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing certificate, appeared before me this day in person and acknowledged the execution of the statements and signed the annexed plat ascribed to the foregoing instrument, and as such owner(s) have appeared before me this day, in person and acknowledged that they signed and delivered this plat, as their own free and voluntary act for the use and purposes therein set forth.

Given under my hand and Notarial Seal, this \_\_\_\_\_ Day of \_\_\_\_\_, A.D., 20\_\_\_\_

My commission expires \_\_\_\_\_ By \_\_\_\_\_ Notary Public

## CERTIFICATE OF MUNICIPALITY

STATE OF ILLINOIS) )SS  
COUNTY OF LAKE)

I, \_\_\_\_\_, Clerk of (City) (Village) of \_\_\_\_\_, Illinois,  
do hereby certify that the annexed plat was duly approved by the (City) (Village) of \_\_\_\_\_, Illinois on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_

Clerk \_\_\_\_\_

## LAKE COUNTY PLAT OFFICER

STATE OF ILLINOIS) )SS  
COUNTY OF LAKE)

Approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_

Lake County Plat Committee.

Plat Officer \_\_\_\_\_

Printed Name \_\_\_\_\_

## SURVEYORS CERTIFICATE

STATE OF ILLINOIS) )SS  
COUNTY OF LAKE)

I, NATHANIEL N. MESSER, do hereby certify that the lots described in the above caption, were surveyed and staked for the purpose of amending the limits of the deed restricted lots (5, 16, 17, 18, 36 and 37) and to dedicating a portion of lot (36) to the protection of natural resources, and that the plat hereon drawn is a true and correct representation of said survey.

Dated at Waukegan Illinois this 20th day of JUNE, A.D. 2023.

By \_\_\_\_\_

Nathaniel N. Messer, Illinois Professional Land Surveyor no. 3578



## PERMISSION TO RECORD CERTIFICATE

State of Illinois) )S.S.  
County of Lake)

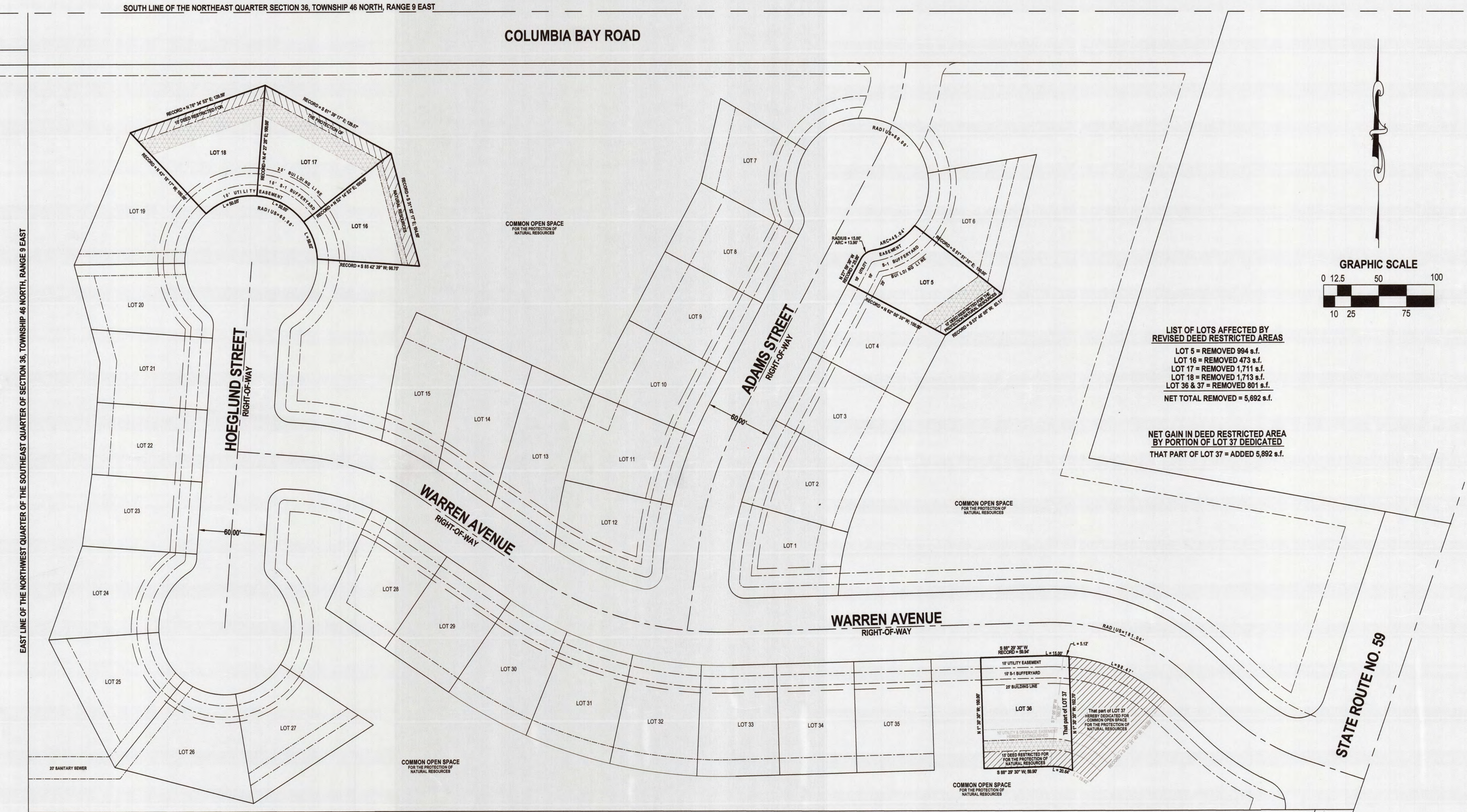
I, Nathaniel N. Messer, an Illinois Professional Land Surveyor no. 3578, do hereby grant permission to \_\_\_\_\_ to record this plat.

Dated at Antioch, Illinois, this 20th day of JUNE, A.D. 2023.

By \_\_\_\_\_

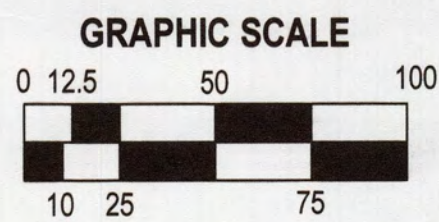
NATHANIEL N. MESSER, Illinois Professional Land Surveyor No. 3578

COLUMBIA BAY ROAD



LIST OF LOTS AFFECTED BY  
REVISED DEED RESTRICTED AREAS  
LOT 5 = REMOVED 994 s.f.  
LOT 16 = REMOVED 473 s.f.  
LOT 17 = REMOVED 1,711 s.f.  
LOT 18 = REMOVED 1,713 s.f.  
LOT 36 & 37 = REMOVED 801 s.f.  
NET TOTAL REMOVED = 5,892 s.f.

NET GAIN IN DEED RESTRICTED AREA  
BY PORTION OF LOT 37 DEDICATED  
THAT PART OF LOT 37 = ADDED 5,892 s.f.



INDICATES AREA OF LOT TO BE DEED RESTRICTED FOR THE PROTECTION OF NATURAL RESOURCES  
INDICATES AREA OF LOT TO BE REMOVED FROM DEED RESTRICTED AREA

## PLAT SUBMITTAL AND RETURN TO ADDRESSES:

This plat submitted for recording by, and return to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

and return to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

DATE	REVISIONS

## MID LAKES SURVEY COMPANY

Illinois Professional Design Firm 184.006153

MidLakesSurvey.Com  
382 Lake Street  
Antioch, IL 60002

Phone: 847-973-1873

847-973-9783

midlakes.survey@yahoo.com

Job no. 463849 P.L.N. 01-36-406-002 Scale 1" = 50'  
Address: COLUMBIA BAY ESTATES SUB. Township LAKE VILLA  
LAKE VILLA, IL 60046 Ordered By LARRY FALES Plotted By NNM Checked By NNM





**DATE:** July 11, 2023

**TO:** Chairman Craig Kressner and Members of the Plan Commission

**FROM:** Michael Strong, Village Administrator

**RE:** Preliminary Review of a Request by Dunkin' Donuts at 800 Tower Drive

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<b><u>Property Owner</u></b>	<b><u>Property Location</u></b>	<b><u>Zoning District</u></b>
C&T Fox Trot, LLC 36938 N Kimberwick Lane Wadsworth, IL 60083	Northwest Corner – Tower Drive & Grass Lake Road	Suburban Business SB
<b>Petitioner and/or Contract Purchaser:</b>	MRV Architects 5105 Tollview Drive; Suite 197 Rolling Meadows, IL 60008	
<b>Representatives:</b>	Mario Valentini, Principal Caitlyn DiDominicis	
<b>Site Location:</b>	800 Tower Drive	
<b>Requested Action</b>	Approval for Amendment to Existing PUD (Lake Tower Crossing PUD)	
<b>Proposal:</b>	Operation of a new quick-service restaurant	
<b>Surrounding Zoning &amp; Land Use:</b>	North: Single-family Residential (SR) West: Single-Family Residential (SR3)	

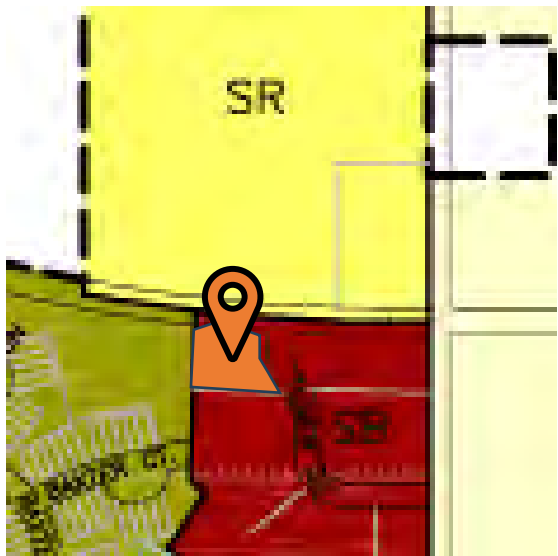
### **Background**

On July 20, 2023 the Plan Commission is scheduled to conduct a preliminary review of a pre-application development proposal submitted by Dunkin' Donuts to construct a multi-tenant quick-service restaurant space at 800 Tower Drive. MRV Architects are representing the developer and request preliminary Plan Commission comments on a request for final approval to proceed with Phase 2B (Parcel 1) under an existing Mixed Use Planned Development and Conditional Use Permit for Lake Tower Crossing (Ordinance 2020-07-07).

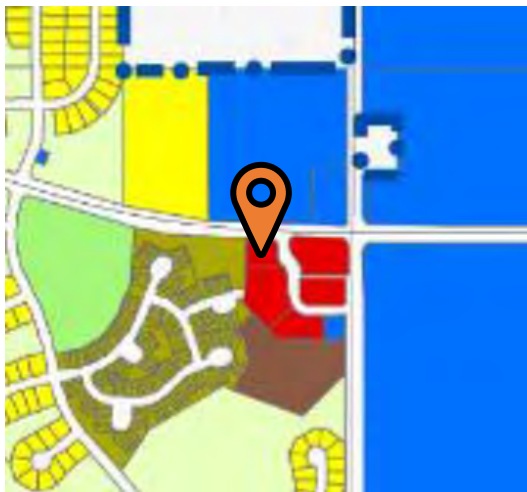
The subject property is:

- An existing 30,000 square foot vacant parcel;
- Zoned SB Suburban Business and located in the Lake Tower Crossing PUD;
- Surrounded by a multi-tenant commercial building and other outlot commercial and/or service structures in the Lake Tower Crossing Development; and
- Designated as appropriate for the Comprehensive Plan Future Land Use Map

CURRENT ZONING MAP OF SUBJECT PROPERTY



COMPREHENSIVE PLAN MAP OF SUBJECT PROPERTY



Village of Lake Villa - Comprehensive Plan  
Future Land Use Map



**Recommendation by Village Staff**

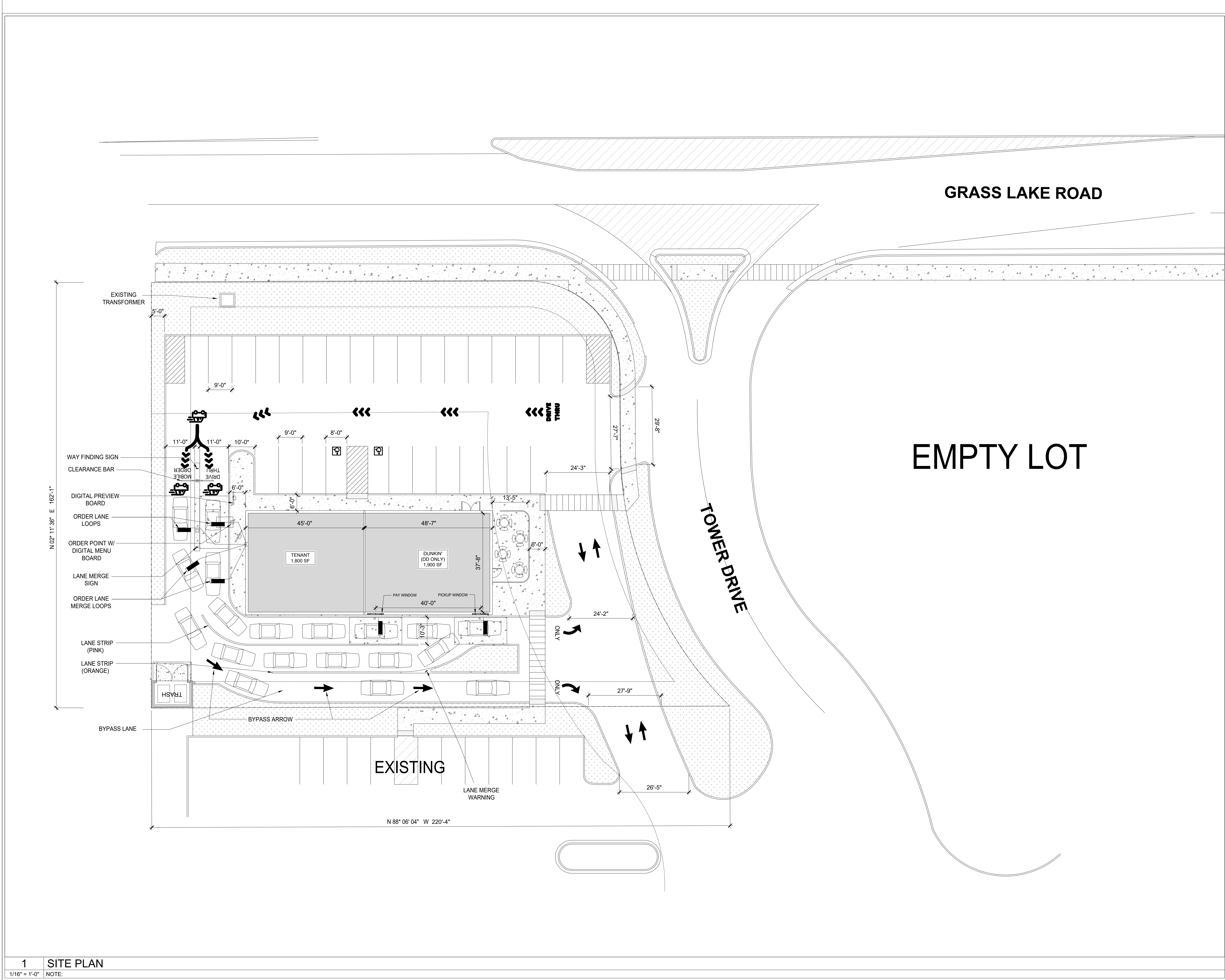
Village Staff have reviewed the preliminary documents submitted by the Representatives, attached to this memorandum, and is recommending that the Plan Commission hear a presentation outlining the proposal including a high-level review of the Site Plan, and building elevations for the proposed development.

Based on the deliberation and guidance provided by the Plan Commission on July 20, 2023, Village Staff will work with the Representatives to assist them in preparing a formal application for review, and Public Hearing at a future Commission meeting.

**Attachments**

- Site Plan for the Proposed Development
- Exterior Elevations of the Building
- Preliminary Review Comments provided by Teska & Associates





DUNKIN'

DUNKIN' : NEX GEN

MRV

ARCHITECTS, INC.

5105 TOLLVIEW DR., SUITE 201  
ROLLING MEADOWS, IL 60008

ALL DRAWINGS, SPECIFICATIONS AND PLANS ARE INSTRUMENTS OF SERVICE. THEREFORE ARE PROPERTY OF MRV ARCHITECTS, INC. THEY MAY NOT BE REUSED, COPIED OR REPRODUCED WITHOUT PERMISSION AND EXPRESS WRITTEN CONSENT OF MRV ARCHITECTS INC.

REVISION	DESCRIPTION	ISSUE DATES	SK			
			DRAWN	CHECKED	DATE	PROJECT NO.
					06/14/23	23112

SITE PLAN

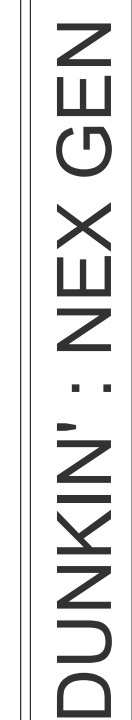
DUNKIN'  
TOWER DR AND GRASS LAKE RD  
LAKE VILLA, IL 60046

PC # 364919

SHEET

SP - 1.0





ARCHITECTS, INC.



5105 TOLLVIEW DR., SUITE 201  
ROLLING MEADOWS, IL 60008

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REVISION	DESCRIPTION	ISSUE DATES	DRAWN	SK
			CHECKED	MV
			DATE	06/14/23
			PROJECT No	23112

DUNKIN'  
TOWER DR AND GRASS LAKE RD  
LAKE VILLA, IL 60046





PC # 364919

SHEET

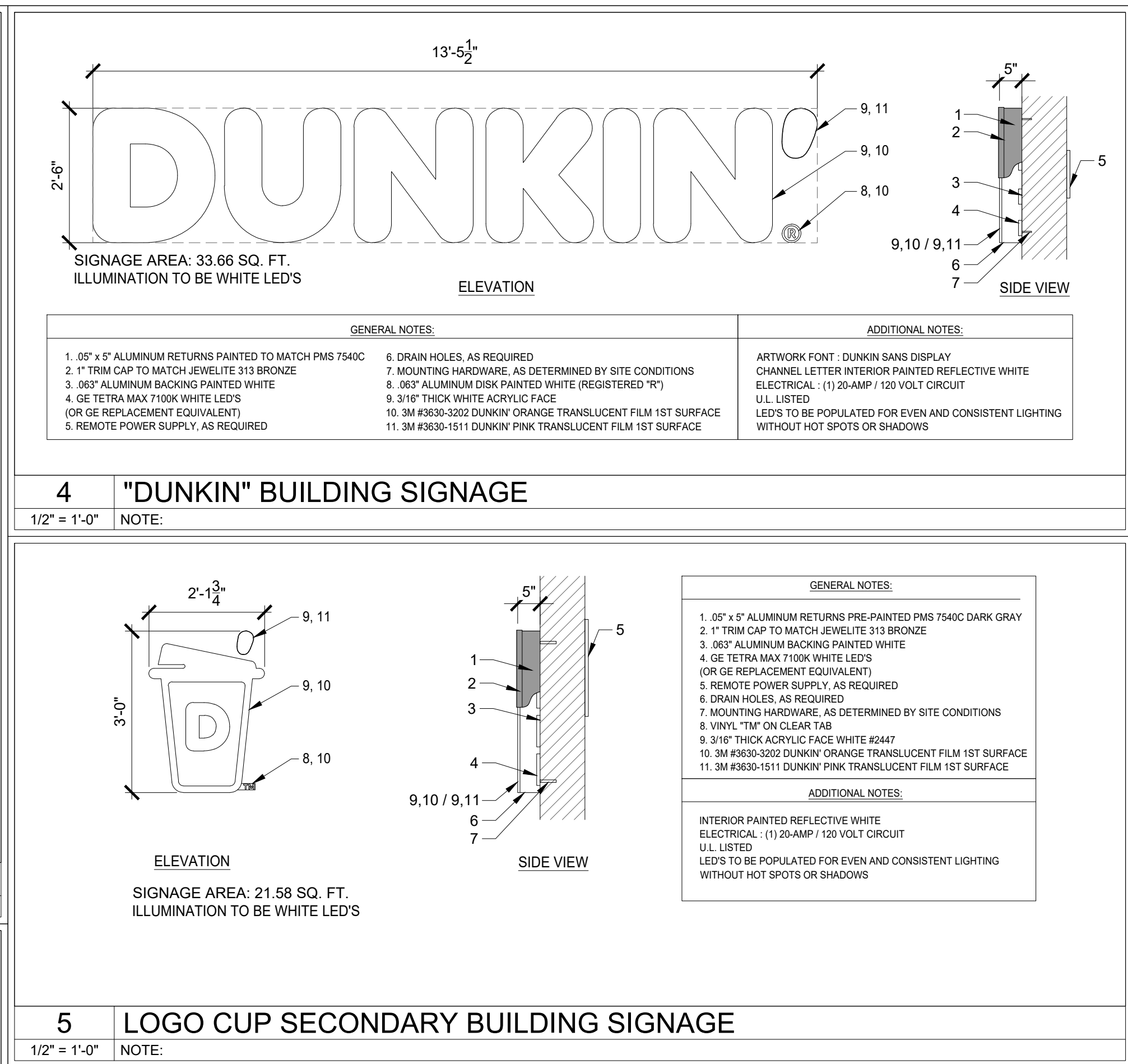
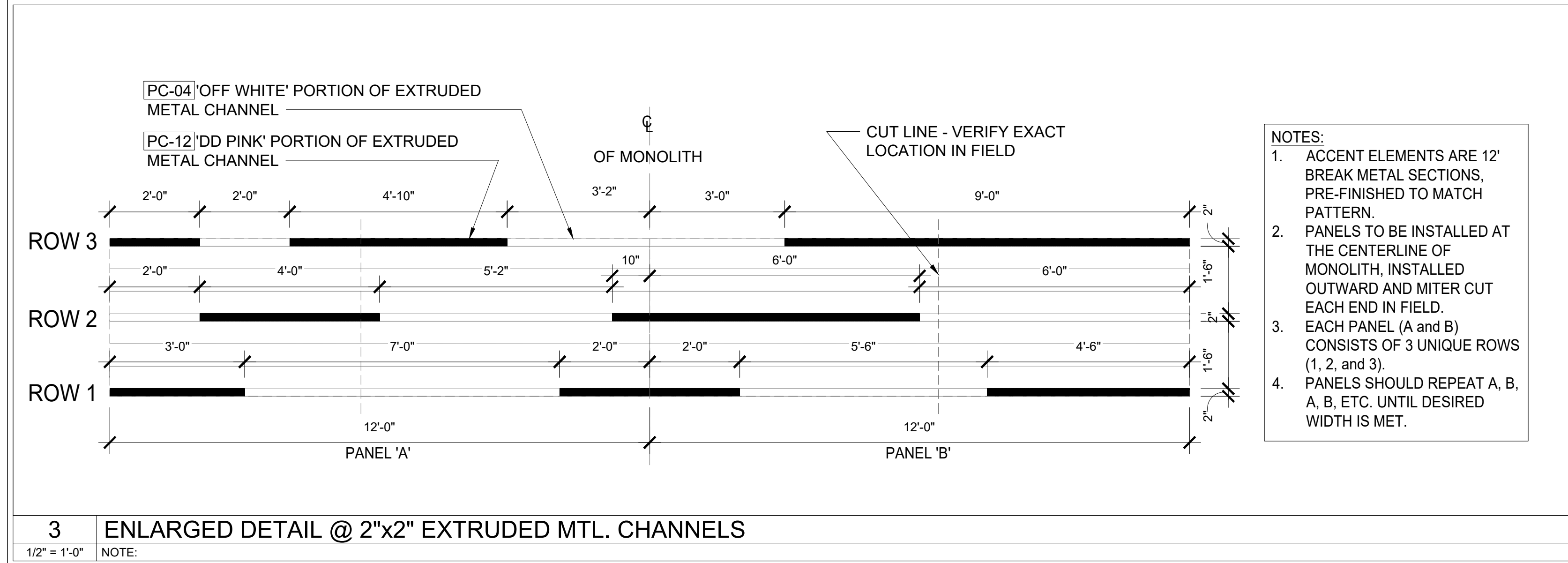
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## COLOR SCHEDULE

-  LANDSCAPE  
 ASPHALT  
 CONCRETE  
 BUILDING





- S** ***BRICK / SIDING:***

**BR-05** - QUIK-BRIK 4"x16" CONCRETE BRICK UNIT WITH INTEGRAL COLOR, COLOR: BUTTERNUT

**BR-06** - QUIK-BRIK 4"x16" CONCRETE BRICK UNIT WITH INTEGRAL COLOR, COLOR: MESABA

**PS-03** - 7" FIBER CEMENT LAP SIDING (6" REVEAL) WITH WOOD TEXTURE, TOP PANEL AT DRIVE-THRU BUILD OUT TO BE CUT DOWN IN THE FIELD

**T** ***TRIM / REVEAL:***

**TR-04** - TRIM AT OUTSIDE CORNER OF MONOLITH/DRIVE-THRU BUILD OUT/ACCENT PANEL (TYP.)

**TR-06** - TRIM AT INSIDE CORNER OF MONOLITH/DRIVE-THRU BUILD OUT/ACCENT PANEL (TYP.)

**TR-07** - TRIM AT TOP OF MONOLITH/DRIVE-THRU BUILD OUT

**TR-08** - VERTICAL TRIM AT FIBER CEMENT PANELS (TYP.)

**TR-09** - HORIZONTAL TRIM AT FIBER CEMENT PANELS (TYP.)

**TR-10** - CORNER TRIM AT FIBER CEMENT PANELS (TYP.)

**TR-11** - VERTICAL AND HORIZONTAL TRIM FOR GLOSS PANELS AT OPENING AND MATERIAL TRANSITIONS (TYP.)

**P** ***EXTERIOR PAINT:***

**PC-02** - PAINTED METAL BAND, COLOR: CHARCOAL

**PC-04** - PAINTED METAL BAND

**PC-04** - 1 3/4" D x 2" H EXTRUDER METAL CHANNEL TO BE PAINTED TO MATCH DD "OFF WHITE"; MITERED AT OUTSIDE CORNERS (TYP.)

**PC-12** - 1 3/4" D x 2" H EXTRUDER METAL CHANNEL TO BE PAINTED TO MATCH DD "PINK"; MITERED AT OUTSIDE CORNERS (TYP.)

**PC-13** - PREFAB ORANGE METAL BANDING / CANOPY

**PTE-01** - PAINT DOOR AND FRAME

[illegible]





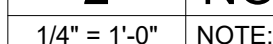
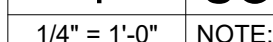
5105 TOLLVIEW DR., SUITE 20  
BOLLING MEADOWS II 60008

DRAWN	SK
CHECKED	MV
DATE	06/14/23
PROJECT No	23112

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PC # 364919

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## MEMORANDUM

**TO:** Mike Strong, Village Administrator  
**FROM:** Scott Goldstein, FAICP, Principal  
**DATE:** July 7, 2023  
**SUBJECT:** Lake Tower Crossing Phase 2B

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### GENERAL INFORMATION

**Applicant:** Chris Khayat  
**Project Name:** Lake Tower Crossing  
**Location:** Southwest Corner, Grass Lake Road and Deep Lake Road, Village of Lake Villa  
**Action:** Conceptual Review

### Project Summary

Phase 2B of a mixed-use (commercial and multi-family) Planned Unit Development is proposed for a site located at the southwest corner of Grass Lake Road and Deep Lake Road. The site is part of the mixed-use planned development in the SB Zoning District approved on July 20, 2020.

Phase 2B includes a retail site with two retail spaces including a proposed Dunkin'.

The project is adjacent to SR-2 Single-Family Homes to the south, SR-3 Townhomes to the west, SR zoning for an elementary school to the north, and R-1 zoning for high school athletic fields to the east.

The comments below are in response to consistency with Ordinance No. 2020-07-07 approving the Conditional Use Permit.

### Use

Phase 2b as proposed is consistent with the retail use submitted for the phase as part of the Conditional Use Permit which was approved by the Village.



**Vehicular Access to the Property; Parking**

- Vehicular Access: no comments, although it is noted that a third lane has been added south of the building.
- Parking: The proposed design shows one less parking space than approved - a total of 26 parking spaces and two handicapped spaces versus the approved design of 27 parking spaces and 2 handicapped spaces. The Ordinance allowed a reduction of spaces from a total of 51 spaces per zoning code for Phase 2a and 2b to a total of 34 spaces. It is Teska's opinion that this will not place undue demand on parking in other areas of the development.

**Refuse Enclosure:**

- The refuse enclosure should be relocated approximately five feet to the east to allow the landscape buffer to be extended along the western perimeter of the property as shown in the Conditional Use Permit Application.

**Street Lights:**

- The Developer shall, at the sole cost and expense of the Developer, provide street lights on Tower Drive in the Village right-of-way as described in the Conditional Use Permit.

**Signage and Site Lighting:**

- New monument signage is not shown on the site plan, but should conform to the CUP application if proposed as part of this phase.
- A roof sign for Dunkin' is proposed as part of the design concept. Roof signs are not allowed in the Zoning Code. Instead, the sign should be lowered to be no higher than the roof line, or the parapet wall holding the sign should be extended around the perimeter of the building so that the sign will be a wall sign, permitted in the Code. The total area of the sign of 33'8" is within the allowable limit (.7 times 48'7").
- Site Lighting should be shown on the site plan.

**Landscaping, Tree Preservation and Fencing:**

- All landscaping shall comply with the approved Landscape Plan as part of the CUP which complies with the landscape standards of the Lake Villa Village Code.
- The landscape buffer on the west side of the property should be extended to the southern boundary of the site.
- The island in the parking area at the northeast corner of the building should be restored as shown in the CUP.





# Lake Villa Plan Commission Citizen Planner Workshop

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APRIL 20, 2023 AND JUNE 13, 2023

SCOTT GOLDSTEIN, FAICP – PRINCIPAL, TESKA ASSOCIATES, INC.

MICHAEL BLUE, FAICP – PRINCIPAL, TESKA ASSOCIATES, INC.





# Agenda

1. Welcome + Introductions
2. Planning 101
3. Managing Change – Plans and Codes
4. Roles in the Development Review Process
5. Decision-Making Findings and Standards
6. Topics in Planning and Development
  - Economic Development
  - Design Review
  - Site Plan Review
  - Historic Preservation
  - Sustainability
  - Complete Streets (Transportation)
  - Resources





# Managing Change

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PLANS AND CODES



# General Concepts

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- Every community, zoning code and comprehensive plan are different.
- There is always more than one approach to prepare a proposed plan or code.
- There is no right answer to a land use policy or development approval question, there is a best answer.
- “No” is not the answer to a planning or zoning question, it’s “yes, but....”







# Comprehensive Plan

- Concepts that implement the community's vision for future
- Establishes policies to guide future development despite unanticipated events impacting use of land
- Designates future use of land and supportive transportation and utility systems
- Zoning and subdivision regulations must comply with comprehensive plan
- Planning and zoning designations are not the same, one sets general future policy and the other sets specific current regulation
- Plan Commission hears the plan and recommends to Village Board



# Lake Villa Comprehensive Plan Overview

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## Chapters

1. Community Profile
2. Economic Development – Growing Local Businesses
3. Land Use – Community Growth and Development
4. Transportation – Getting Around
5. Open Space, Parks and Community Facilities

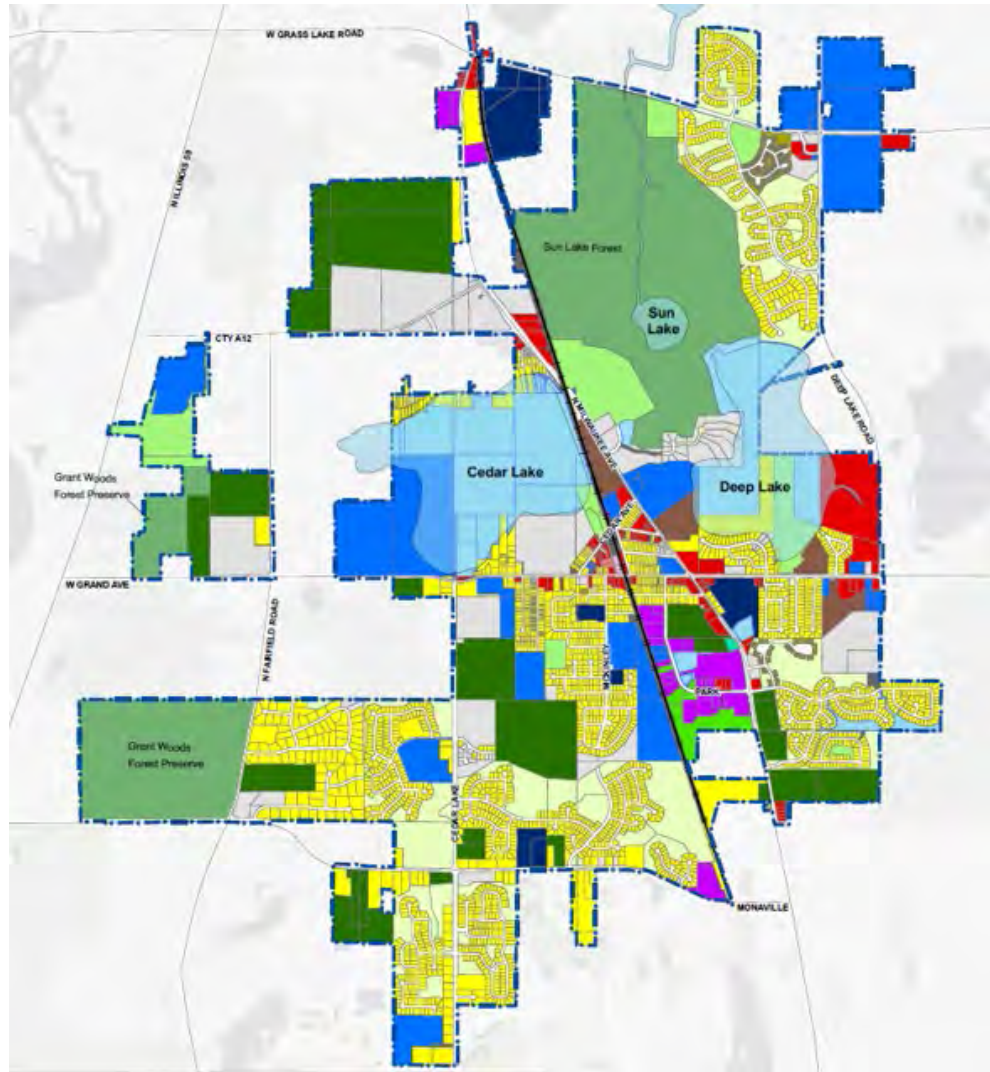


## Land Use Goals

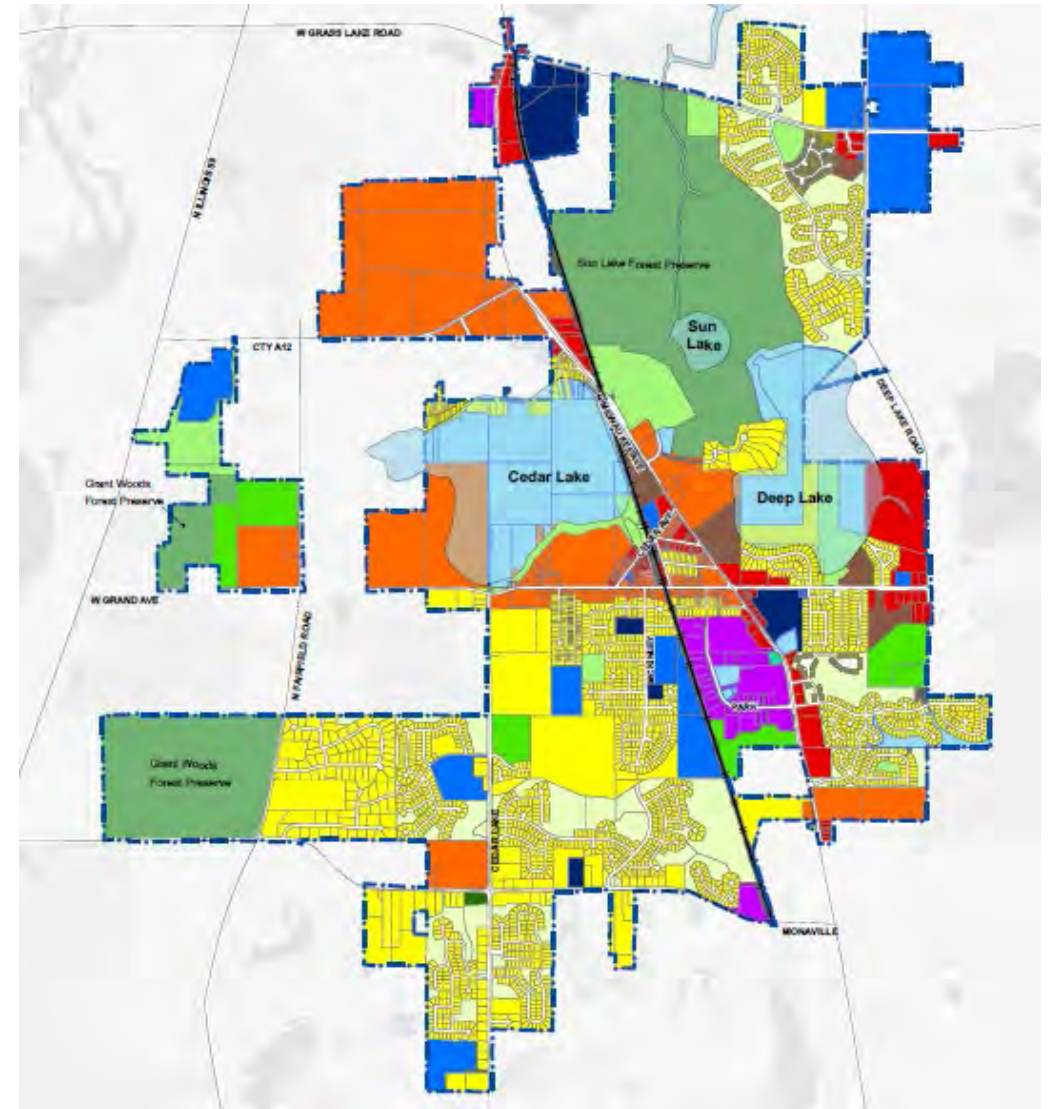
1. Preserve the Village's history and character while responding to current economic conditions.
2. Enhance the tax base and reduce the tax burden on residents with fiscally sound growth.
3. Add suitable housing stock with options to attract families, professionals, and allow seniors to remain.
4. Pursue development and redevelopment projects that will support vital services, including quality public schools.



# Existing Land Use



# Future Land Use

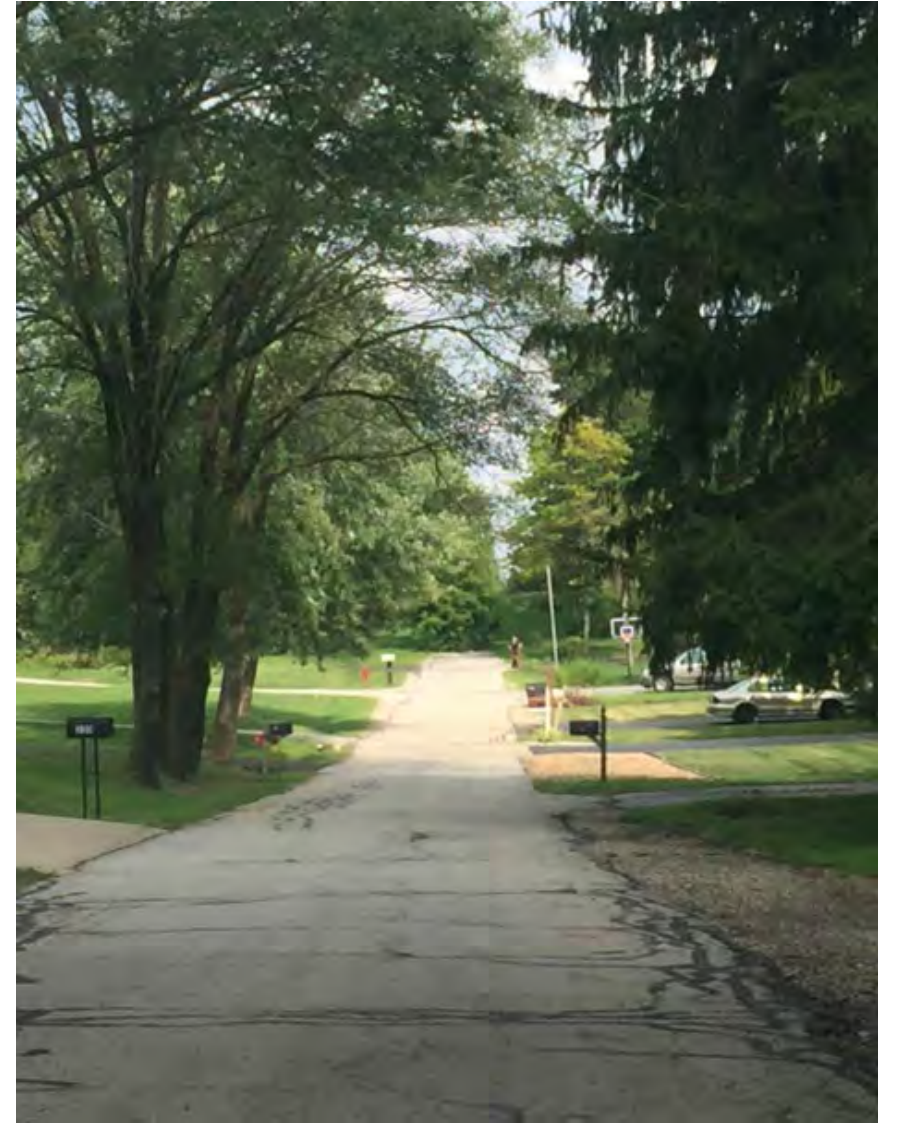




# Plan Implementation

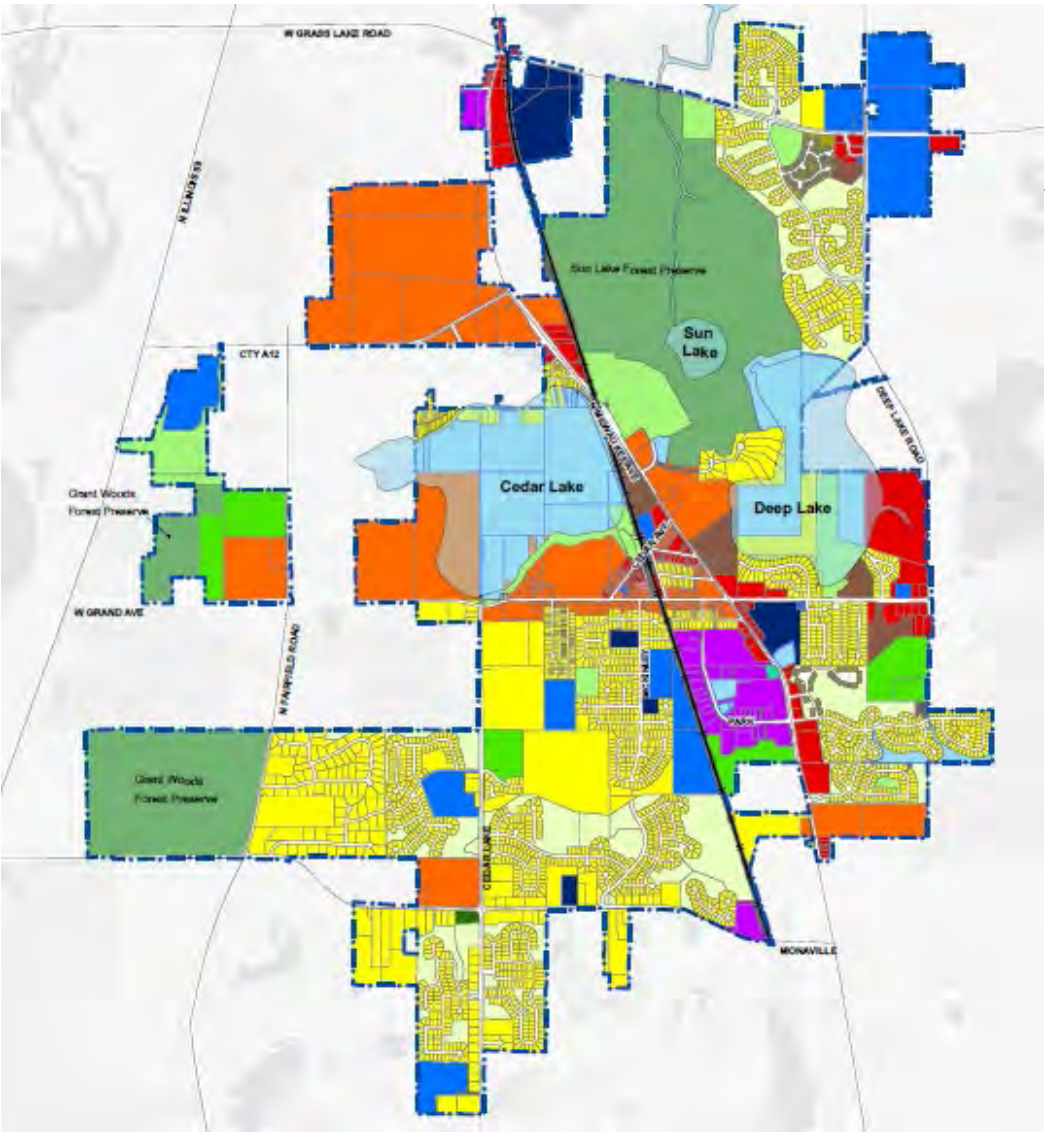
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- Regulations
- Infrastructure / Roads
- Economic development
- Downtown and business districts
- Neighborhood enhancements
- Recreation
- Intergovernmental involvement
- Development quality and character
- Review and refine plan

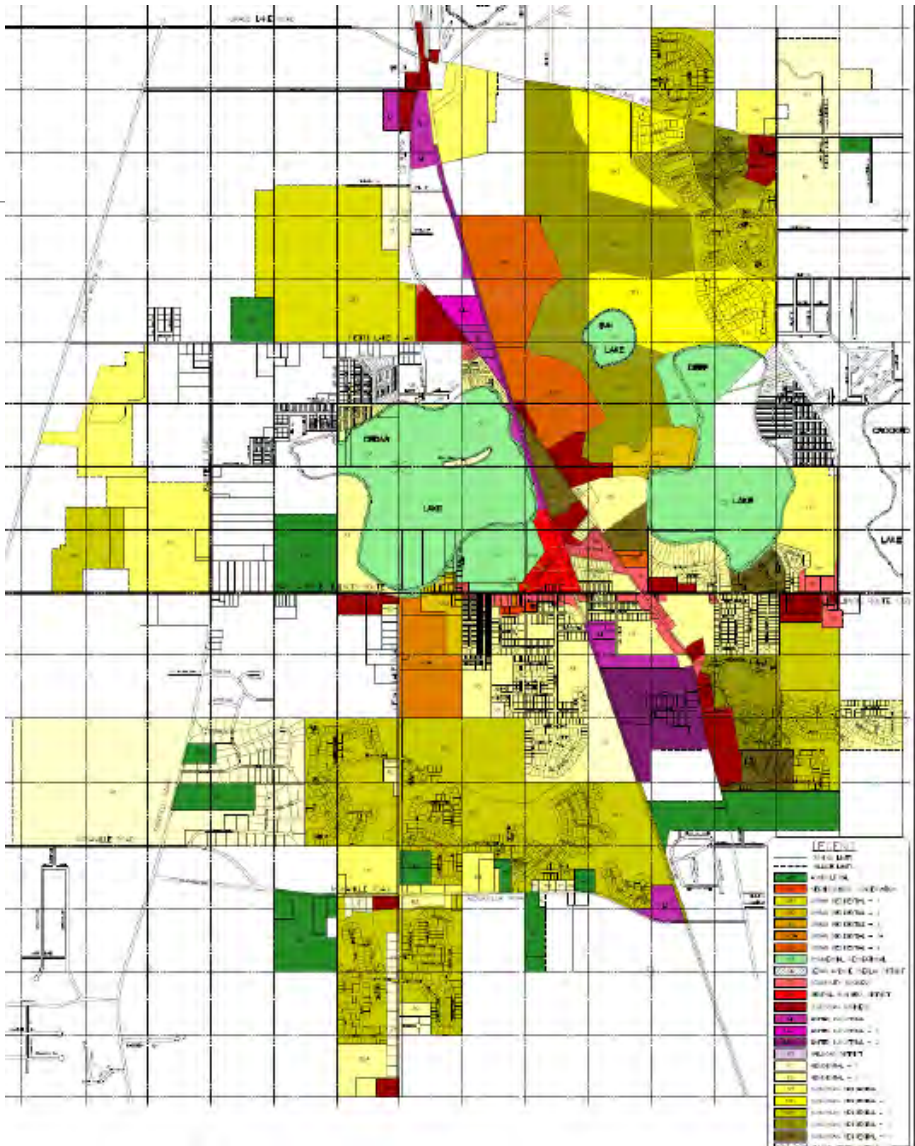




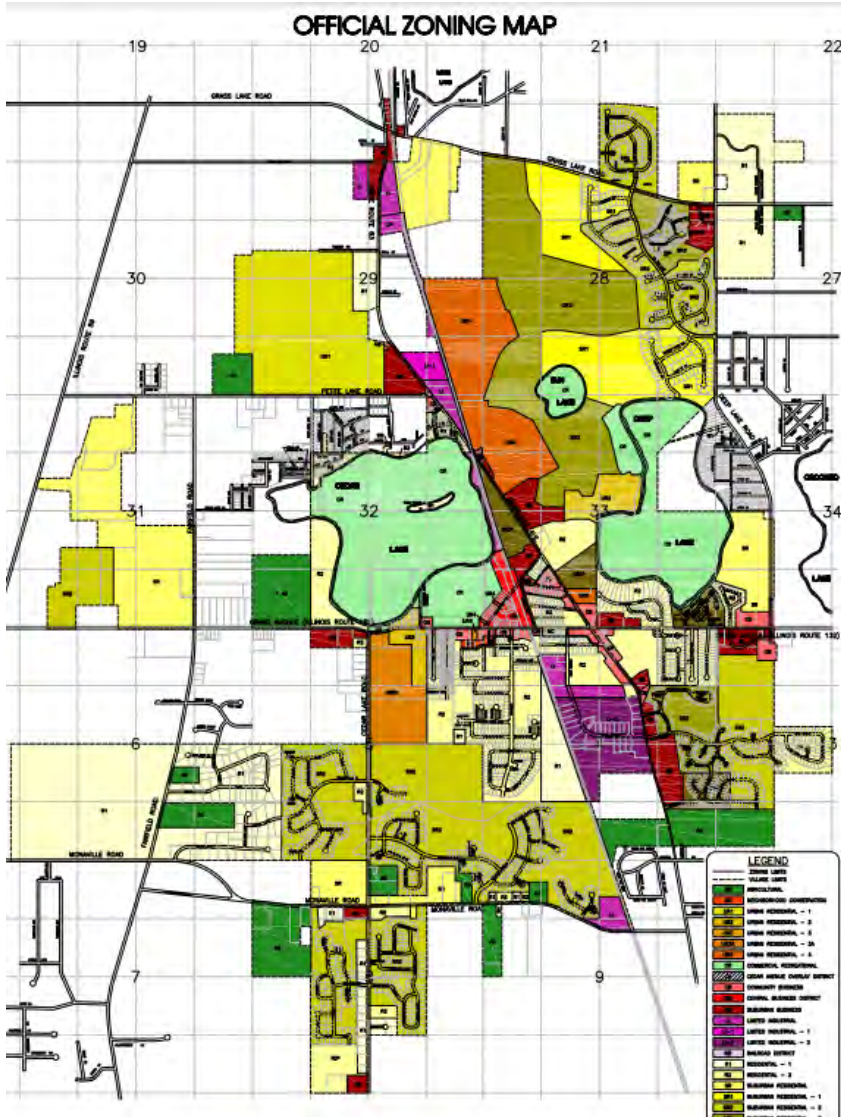
# Future Land Use Map



# Zoning Map







# Zoning Ordinance

## Lake Villa Village Code – Title 10: Zoning Regulations

- Zoning's primary function is to provide predictability for property owners and neighbors.
- Zoning buffers property owners, businesses, and residents from non-compatible activities
- It is not just to limit an owners use of land
- State statutes authorize local governments to zone
- Case law refines how zoning is used



# Types of Zoning Approvals

- **Permitted Use** - Requires a Building Permit
- **Administrative Special Uses** - based on standards
- **Conditional Use** – Permitted through Plan Commission / Village Board approval with appropriate conditions. Conditions to be related to development request.
- **Temporary Use** – A use not intended to be permanent (less than 12 months)
- **Map Amendment** – Rezoning: Applies to a specific property or properties
- **Text Amendment** – Applies to all property in that zoning district (may add a type of use or bulk standard)
- **Variations** – Relief from a specific zoning standards based on a unique circumstance or hardship.
- **Planned Developments** – Higher level of review and flexibility







# Decision-Making Process

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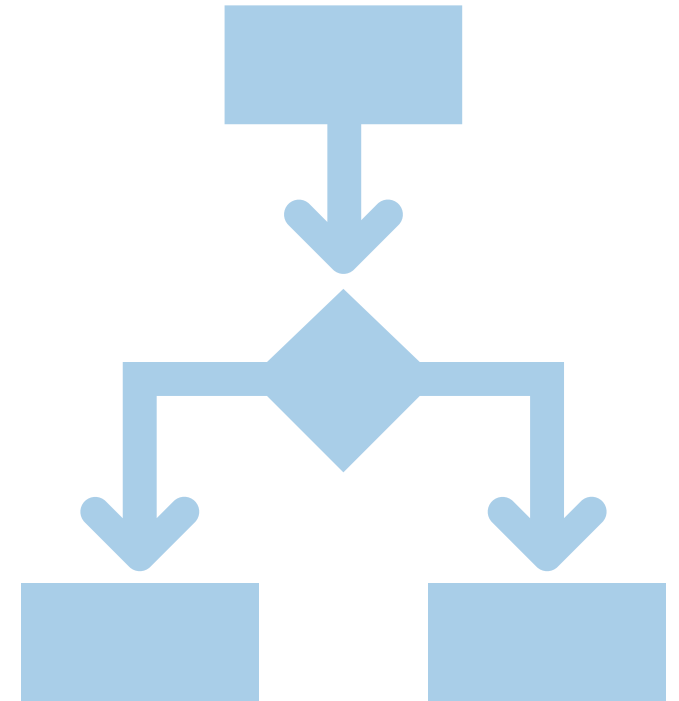
RUNNING AN EFFECTIVE MEETING



# Decision Making Process

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- Standards ensure fair decisions
- Compare testimony / evidence against those standards (essential if legal challenge)
- Be consistent with the Comprehensive Plan
- Summarize the evidence and relate it to the zoning standards when voting as needed
- Setting precedent is an important consideration, but can be worked through





# Findings of Fact

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- Standards ensure fair decisions
- Compare testimony / evidence against those standards (essential if legal challenge)
- Be consistent with the Comprehensive Plan
- Summarize the evidence and relate it to the zoning standards when voting as needed
- Setting precedent should be a consideration, but not a concern
  - Each proposal considered independently on its merits
  - Note reason and new circumstances if taking the opposite action for a subsequent case

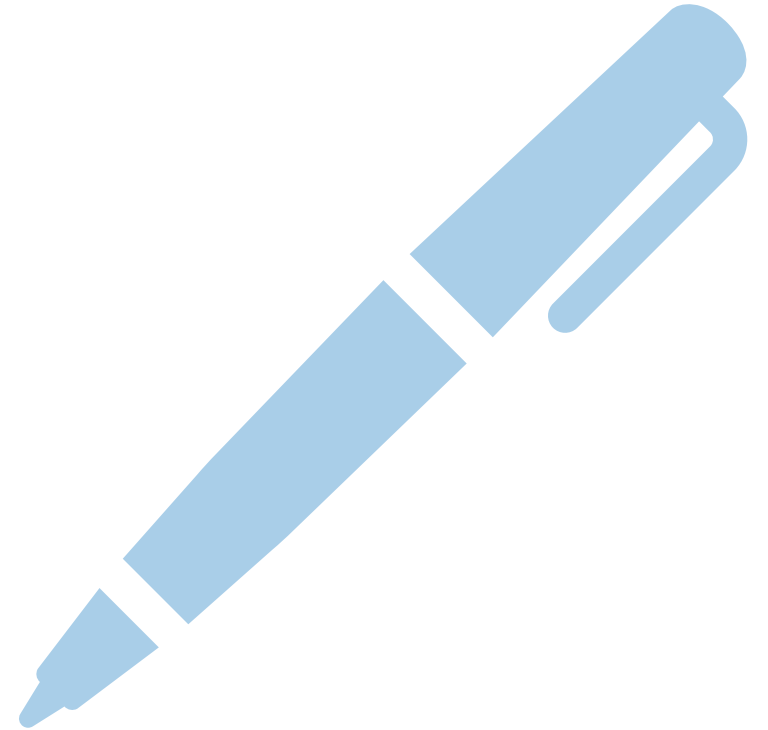


# Conditional Use Standards

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No conditional use shall be recommended by the plan commission unless such commission shall find that:

1. **Location:** The site shall be so situated that the proposed use is compatible with the existing or planned future development of the area.
2. **Zone Requirements:** All regulations of the zone in which a conditional use is located shall apply to such uses, except where specifically amended by the conditions under which the conditional use permit is granted.
3. **Lot Area:** A conditional use shall be located on a lot or a zoning lot, which conforms to the zone regulations, unless the lot area requirement is specified in this section.





# Conditional Use Standards: General Requirements

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- a) Suitable landscaping and/or buffer yard.
- b) Restrictions of the use of setback areas, including the prohibition or regulation of parking or storage within the setback areas.
- c) Restrictions on signage.
- d) Specific parking requirements at specific locations on the site.
- e) An approved lighting plan with illumination standards.
- f) Limitations of the hours of operation.
- g) Limitations on or standards for the external facade of any buildings or other structures.
- h) The minimum acreage necessary to reasonably accommodate the proposed conditional use.
- i) Such conditions as are necessary to ensure that the use does not generate noise or air pollution, or otherwise constitute a nuisance to other uses in proximity to the proposed conditional use.
- j) Such other terms and conditions as determined by the village board, which are useful and expedient in permitting the conditional use but at the same time preserving the zoning integrity of the proximate area, and ensuring compatibility of the proposed conditional use with existing and anticipated uses in proximity to the proposed conditional use.

# Variation Standards

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## Findings of Fact for Variations

1. Practical difficulty
2. Unique physical condition
3. Not Self-Created
4. Denied Substantial Rights
5. Not Merely Special Privilege
6. Ordinance and Plan Purposes
7. No Other Remedy
8. Minimum Required Relief

## Other Required Findings

1. Adequate light and air to adjacent property
2. Will not unreasonably increase congestion on public streets
3. Will not increase danger of fire or endanger public safety
4. Will not unreasonably diminish established property values in surrounding area or impair public health, safety, comfort, morals and welfare
5. Will not permit a use otherwise excluded from the particular zone
6. Certain conditions do not appear generally in the district



# Planned (Unit) Development



## **BENEFITS TO THE DEVELOPER**

Flexibility in design  
Phased construction  
Consolidates variations

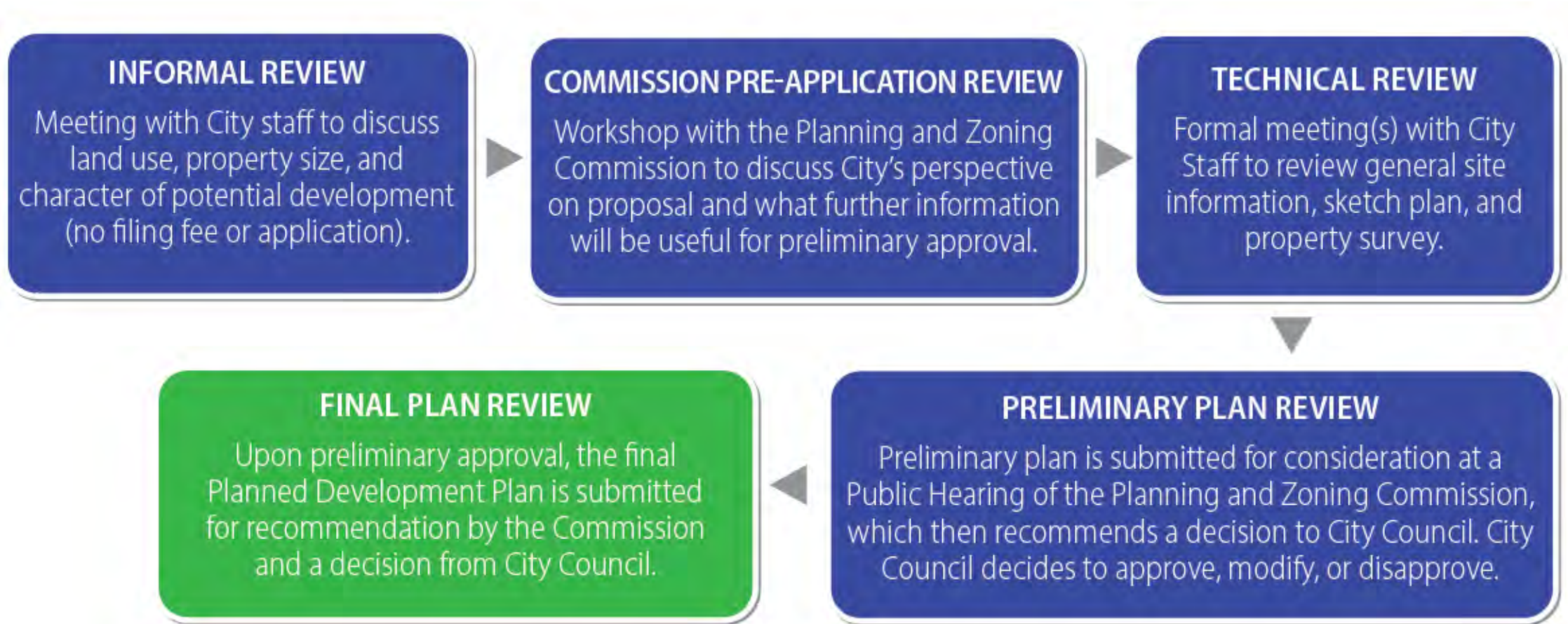


## **BENEFITS TO THE MUNICIPALITY**

Public Benefit  
Open space & recreational areas  
Preserve natural features & environmental resources  
Incentivize Community Goals (ie. historic preservation, affordable housing)

# Example of Planned Development Process

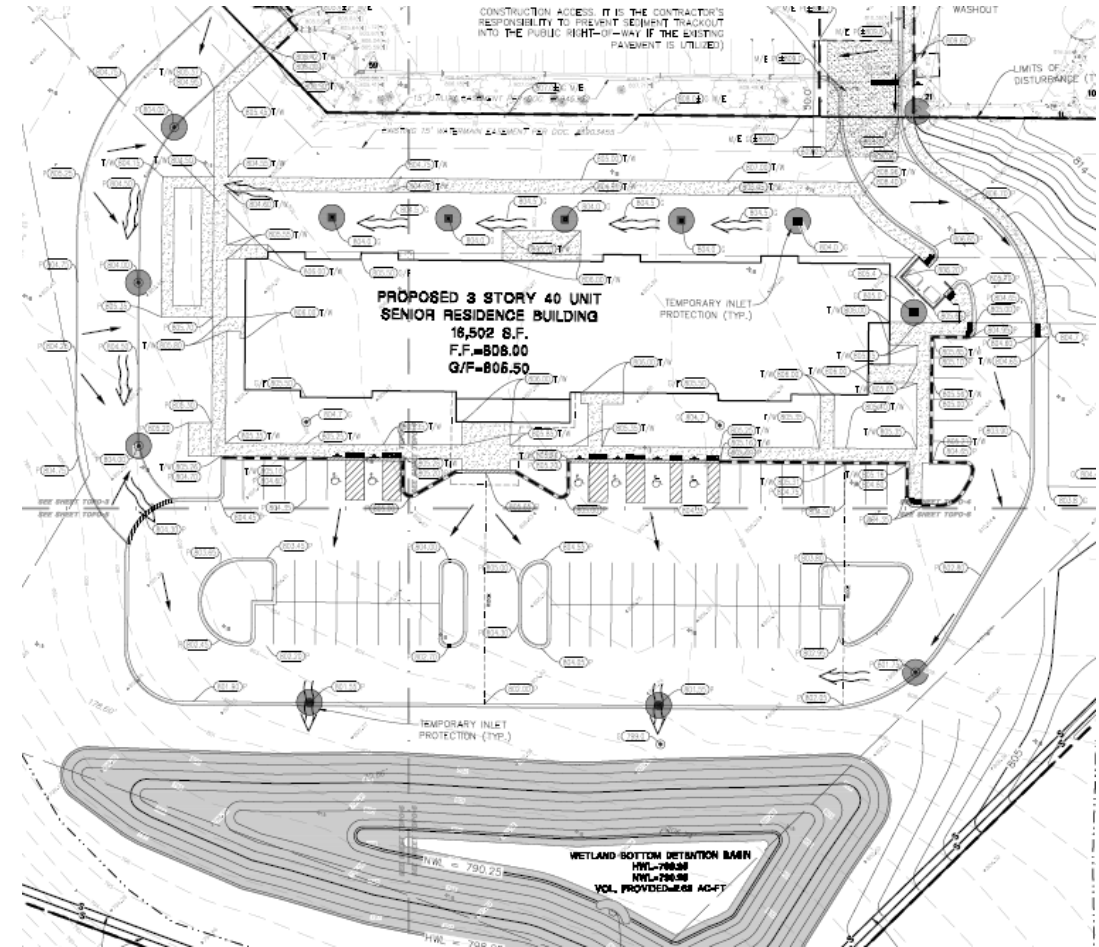
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# Planned Development Considerations

- Appropriate Density
- Use
  - Senior
  - Rental Housing
  - Mixed Use
- Landscape Provisions
- Parking
- Tree Preservation



# Planned Development Findings

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## a) Elements

1. Provides a trail system; or
2. Landscaping is substantially greater than minimum required; or
3. Development has substantially greater architectural elements; or
4. Other extraordinary site amenities

b) Degree to which development exhibits extra care to details in excess of Village requirements which enhance the character of the development and promote character of the Village

c) Degree to which requested increase in density reflects an investment in better design, landscaping or facilities

d) Degree to which the development preserves critical natural resources, restore or mitigate degraded or distressed environments, alleviates off-site problems or provides other improvements.

e) Increase in density based on developer's ability to substantially improve the quality of the project in light of goals and standards



# Ex Parte Communications

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**What is it?** Contact outside the public hearings between the commissioner and the applicant or interested parties.

**Why avoid it?** To ensure “Due Process” and maintain transparent process

**What to do?** If approached, suggest raising the issue at the hearing, contacting staff, or providing written comments. Disclose ex parte communications at the hearing



# Conflict of Interest

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## The law

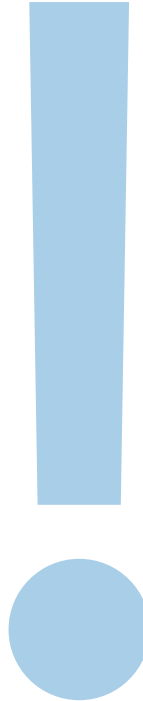
- Personal Financial Gain – the official, an immediate family member or an associated organization may not have or gain a substantial financial interest as a result of the action.
- Private Interests in Public Contracts – the official may not engage in work or other activities if they have an interest in a group related to public service contracts; cannot work for a company that secures work or zoning approvals from the commission.

## The perception:

- No formal conflict but independent judgment may be impaired
- Appearance of impropriety exists due to close relationship

## What to do?

- Talk with staff
- Disclose
- Recuse





# Open Meetings Regulations

Gathering of commissioners to act on authorized responsibilities when:

- Meeting for decision, discussing, or taking information on a matter within its jurisdiction, even if there is no vote (*the Purpose Test*); and
- Enough commissioners are present to determine or block an outcome (*the Numbers Test*).

A “meeting” can include:

- Phone calls
- Social gatherings
- Conferences
- Emails
- Texts
- Site Inspections

# Ethics

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## What are the rules?

### Accepting items

- A local public official may not accept items or services of substantial value for private benefit, or for the benefit of the official's immediate family or associated organizations, if offered because of public position.
- A local public official may not accept (and no one may offer or give) anything of value that could reasonably be expected to influence the official's vote, official actions or judgment.
- A local public official may not accept (and no one may offer or give) anything of value that could reasonably be considered a reward for any official action or inaction.







# Topics in Planning & Development

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# Economic Development

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- The primary goals of economic development is the creation of wealth, economic diversity and employment
- The secondary goal of Economic Development is the increase in tax base to support community quality of life
- Need to be market based in decisions
- Some factors community can't control:
  - Global economic trends
  - Corporate decision making
  - All actions by State
- Some factors communities can control:
  - Condition of local infrastructure
  - Level of community services
  - Development review process
- Balanced with overall quality of life expectations

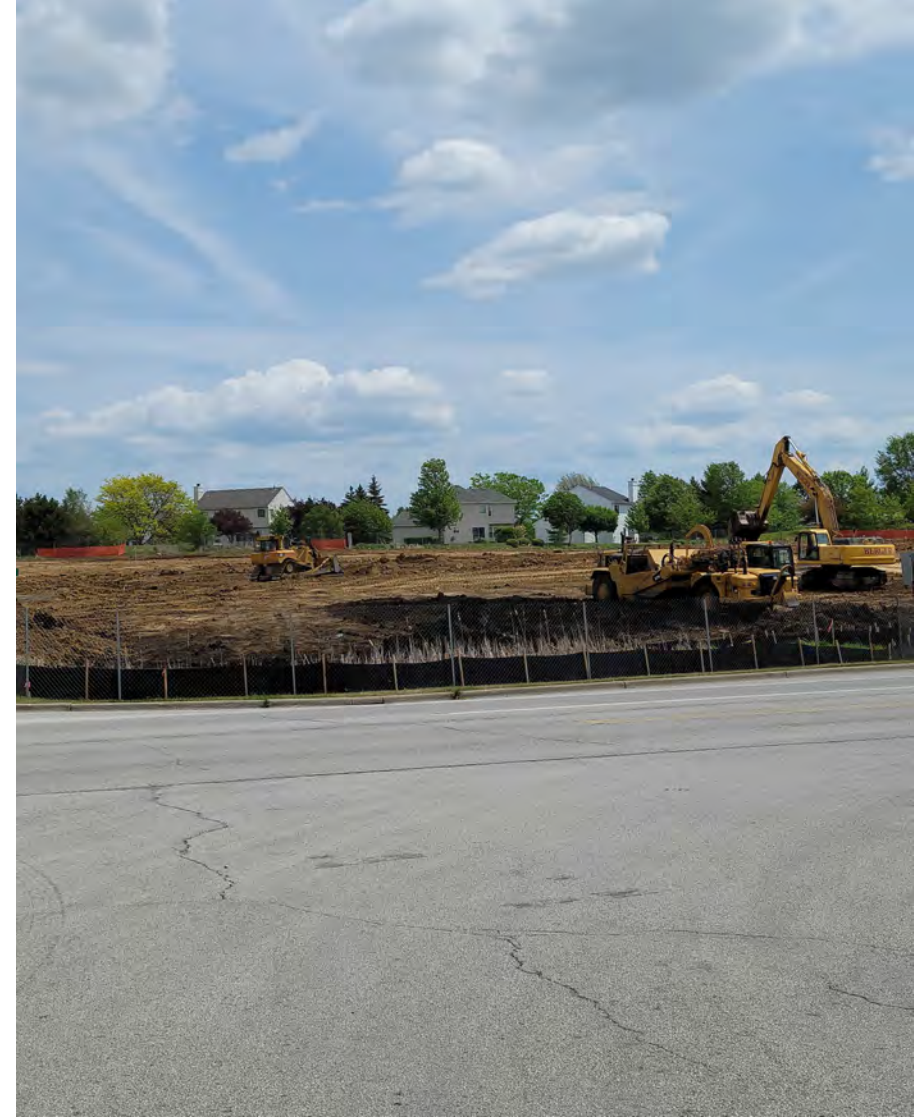




# Design Review: What is it and why do it?

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- Design Guidelines for appearance of buildings, landscapes and streetscapes
  - Implemented by staff and commissions
- Create a place where people choose to live and work
- Promote attractive development
- Authorized as part of the community's Police Power
- Standards vary to reflect community and individual business areas
- Review of single family homes is possible (but rarely done)



# Site Plan Review: Questions to Consider

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*Start with the big picture, consider goals and policies, assess details...*

- What does the Comprehensive Plan (and any neighborhood plans) note about use and character?
- How does the site plan reflect the neighborhood and its character?
- How does the site plan reflect goals related to sustainability, transportation, walkability, biking etc.
- How does the site plan impact / address adjacent properties?





# Site Plan Review: Questions to Consider

---

*Start with the big picture, consider goals and policies, assess details...*

- Does the site plan carry forward design objectives of the area (consider setbacks and buffer areas)?
- How does the pedestrian interact with the building?
- Is there too much, not enough parking?
- How do we handle trash and snow?
- What impact does the design have on neighboring properties?



# Mixed-Use

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- A significant new use in the Future Land Use Map
- Intended to offer flexibility to allow a variety of uses including residential and commercial based on the suitability of the site
- Responds to market conditions looking for mixed-use neighborhoods that are walkable and have amenities
- May be implemented through planned developments or through zoning
- Need to update standards for mixed-use





# Historic Preservation

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*Whereas, historical, architectural, archeological and cultural heritage are among our most important assets, .....promote the use and conservation of historic property for **education, welfare, inspiration, pleasure and enrichment** of the people and **foster civic pride** in the beauty and accomplishments of the past. (emphasis added -- Racine City Code: Chapter 58.)*

*Historic preservation is a conversation with our past about our future. It provides us with opportunities to ask, "**What is important in our history?**" and "**What parts of our past can we preserve for the future?**" ...Historic preservation is an important way for us to transmit our understanding of the past to future generations. (emphasis added - - National Park Service)*



# Natural Resources

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Energy (*efficiency, solar/wind/geothermal*)

Water Quality/Conservation

Stormwater Management

Materials/Resource Conservation

Indoor Air Quality/Healthy Buildings





# Landscape Standards

## Buffer to neighboring properties

## Placement and species

## Environmental functions – filter and reduce water flow rate

## Encourage use of Best Management Practices (BMPs)



# Transportation and Complete Streets

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- “A street that is planned, designed, and operated for all modes of transportation and all users, regardless of age or ability” (National Complete Streets Coalition).
- Implements transportation improvements that balance needs of all transportation system users.
- Adds pedestrian and bicycle enhancements to make an area safer and more attractive for all users.
- Helps City plan, design, and implement a variety of transportation improvements.





# Resources

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Village Staff

Local and National media and newspapers

American Planning Association website, publication,  
conferences, membership

[www.planning.org](http://www.planning.org)

[www.ilapa.org](http://www.ilapa.org)

Websites

[www.planetizen.com](http://www.planetizen.com)

[www.strongtowns.org](http://www.strongtowns.org)

[www.cnt.org](http://www.cnt.org)

A scenic view of a park with large trees, a grassy field, a picnic shelter, and a body of water in the background. The text "Thank you!" is overlaid in the center.

# Thank you!