

AGENDA
COMMITTEE OF THE WHOLE
November 28, 2017
2200 Harnish Drive
Village Board Room
- AGENDA -
7:30 P.M.

Trustee Jasper – Chairperson
Trustee Brehmer
Trustee Glogowski
Trustee Steigert
Trustee Sosine
Trustee Spella
President Schmitt

1. **Roll Call – Establish Quorum**
2. **Public Comment – Audience Participation** (*Persons wishing to address the Committee on an item on this agenda must register with the Chair prior to roll call.*)
3. **Community Development**
 - A. Discussion of Proposed PUD Amendment for Riverside Plaza
4. **General Administration**
5. **Public Works & Safety**
 - A. Consider the ITEP Resolution for the Main Street/Harrison Street Bikeway
6. **Executive Session**
7. **Other Business**
8. **Adjournment**



VILLAGE OF ALGONQUIN
COMMUNITY DEVELOPMENT DEPARTMENT

– M E M O R A N D U M –

DATE: November 21, 2017

TO: Committee of the Whole

FROM: Russell Farnum, AICP, Community Development Director

SUBJECT: *Riverside Plaza proposed PUD Amendment*

As members of the Committee may or may not know, the lender that financed the completion of the Riverside Plaza project has accepted ownership in lieu of foreclosure on the building. The new owners, UCF Riverside Fee Owner LLC, has hired new management, evicted numerous problematic tenants, re-tenanted the dwelling units, and is actively marketing the street-level retail spaces.

The new ownership would like to amend and revisit some of the terms of the amended PUD (Ordinance 2012-O-38) that applies to this property, including:

- Eliminate the requirement to convert the rental units to condominiums within a specific timeframe;
- Eliminate the requirement that no lease terms extend beyond August, 2018;
- Eliminate/Amend the requirement that an owners' association be formed and restrictive covenants be adopted for the building.

The terms that were set forth in Ordinance 2012-O-38 are problematic for potential buyers of the building, who cannot get underwriting approval on a commercial mortgage with the requirement that the structure be converted to condos at a date certain.

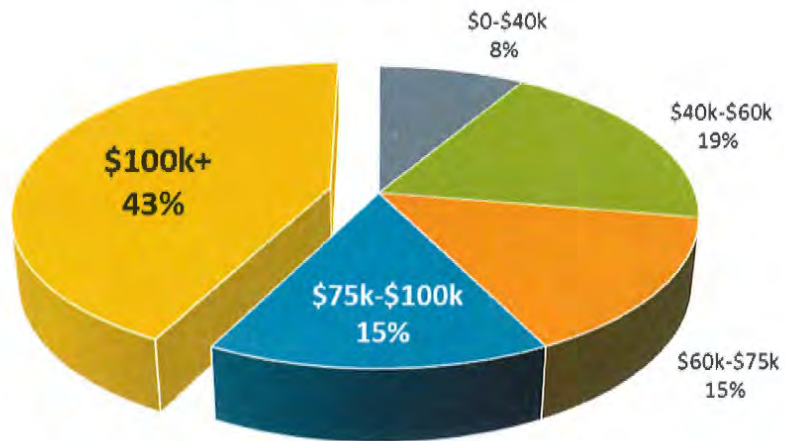
Representatives from Riverside, including Kellie DeVilbiss, the current building manager, and Joel Pecoy, representing UCF Riverside, will be present at the Committee meeting to discuss these issues. Staff thinks that this request is reasonable, as the housing market will dictate when the property values justify condominium conversion, provided the original assurances as to the quality of the units and provisions for parking and other requirements continue to be met.

The new ownership has made substantial improvements to both the building and the overall tenant base, and continues to strive to make this building a centerpiece for the downtown. A summary of the demographics of the current tenant base is attached, as well as the subject ordinance.

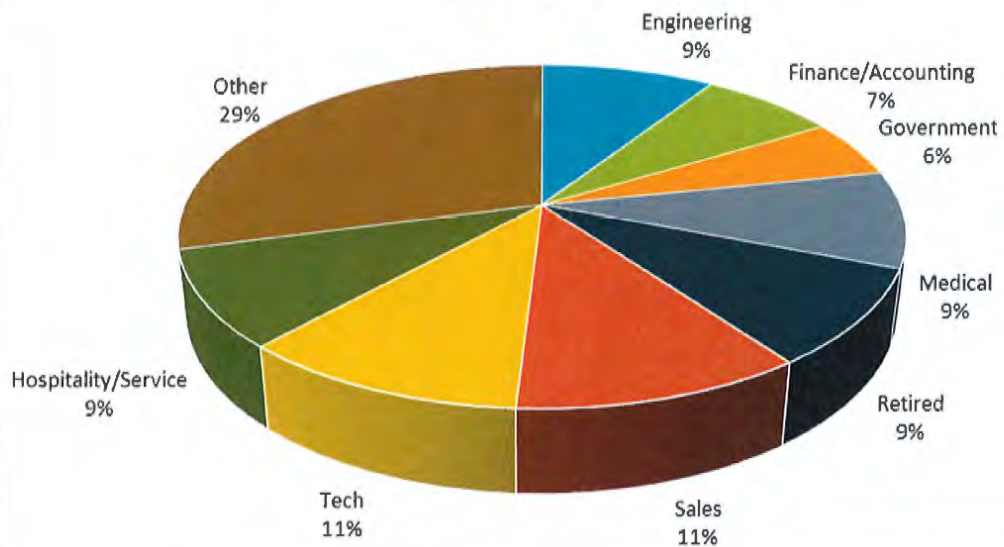
This item is scheduled for public hearing by the Planning and Zoning Commission at their December 11 meeting, but these restrictions were critical to prior approvals by the Village Board. Therefore, Committee input and direction is being requested at this time, especially direction on any issues that need to be addressed, or recommendations on what conditions should be considered as part of this review.

This item will return for further Committee discussion and final Board action in the future.

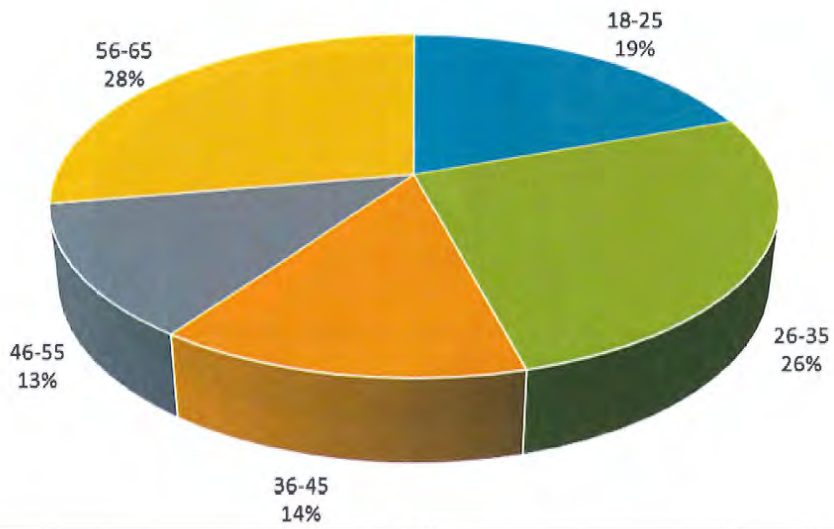
Household Income



Profession



Average Age



ORDINANCE NO. 2012 - O - 38

An Ordinance Approving an Amendment to Ordinance 2006-O-56 for the Riverside Square (Now Riverside Plaza) Planned Development

WHEREAS, the Village of Algonquin, McHenry and Kane Counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the Village has been requested by a petition, signed by John Breugelmans, on behalf of Riverside Plaza Developers LLC, the owner(s) of the subject property, to approve an amendment to its planned development, Ordinance 2006-O-56, to convert the originally approved fifty-four (54) condominiums to sixty-three (63) rental units on the subject property described as follows:

Lot 1 of the Riverview Subdivision of Lots 1, 2, 3, 4, 5, 6, 7 and 8 in Algonquin (Original Town) Subdivision (except that part taken for roadway purposes) in Section 34, Township 43 North, Range 4, East of the Third Principal Meridian, as recorded in the office of the McHenry County Recorder on the 29th day of April, 2011 as document number 2011R0018667, all in McHenry County, Illinois

Commonly known as 1 North Main Street; and

WHEREAS, the Planning and Zoning Commission held a public hearing on this request after due notice in the manner provided by law at its regular meeting of July 9, 2012, which was continued to the regular meeting of August 13, 2012; and

WHEREAS, the Planning and Zoning Commission, after deliberation, has made a report with findings of fact and recommended the approval of said amendment to the planned development; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence presented at the public hearing, and as presented to the Algonquin Planning and Zoning Commission by the petitioner.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane Counties, Illinois as follows:

SECTION 1: That the amendment to the planned development for Riverside Plaza to allow 63 rental units in lieu of 54 condominium units is hereby approved subject to the following documents and conditions:

1. This approval is valid for a period of twelve (12) months. If the Owner has not obtained financing, submitted revised building plans, obtained building permits, and is not actively constructing the interior buildout of the project in accordance with this approval within twelve

(12) months from the date of the ordinance, the ordinance shall expire automatically without further action by the Village Board and the original terms of Ordinances 2006-O-56 shall apply;

2. This amendment shall allow no more than sixty-three (63) rental units, with a configuration and sizes as shown on the 63-unit floor plan provided by the Owner and attached hereto as **Exhibit A**. At such time as the conversion to condominiums is required pursuant to Paragraph 15 (below), the units shall be converted into not more than sixty-three (63) condominiums;

3. The minimum size of any unit shall not be less than 920 square feet, and no more than six units may be less than 1,000 square feet. No unit shall have less than one separate bedroom (no efficiency units), and no unit shall have more than two bedrooms. A den shall not count as a bedroom, provided it has no closet.

4. All interior finishes and appointments shall be submitted by the Owner to the Village and subject to the approval of the Village Board including, but not limited to, fixtures, appliances, cabinets and countertops, according to the specifications and drawings provided by the Owner and attached hereto as **Exhibit B**. All units shall include a dishwasher and a washer and dryer, in addition to other standard appliances. The refrigerator and dishwasher shall have front covers that match the cabinets. All common areas shall meet or exceed the minimum standard of finishes proposed for the individual units. Matching window blinds or other window covering shall be provided in all units in order to maintain an attractive street view from outside the building. Owner and the Village agree that these are minimum standards, and equivalent or better fixtures, appliances, and finishes will be approved.

5. The building shall be a secure building with a minimum of the following features:

- All entrances to the residential lobbies, parking and common areas kept locked at all times;
- Provide all residents with security key codes for access to the building and parking;
- Keep all residential garage doors closed at all times;
- Install video surveillance systems in all common areas including the port cochere, parking garages, elevator lobbies, business/office rooms and similar areas;
- All other security features provided by the Owner and attached hereto and also outlined within **Exhibit B**;
- The security features shall be kept in good working order by the Owner at all times.

6. The fountain and sailboat sculpture shall be completed in accordance with the sketch/ rendering provided by the Owner and attached hereto as **Exhibit C** and installed no later than the time the residential units are in pre-trim condition, which shall be defined as units with completed rough-in of utilities, and drywalled, but not yet with final fixtures, cabinetry, flooring, doors and/or other trim installed. The Village shall maintain the right to withhold occupancy on any residential units until the sculpture and fountain are complete, the fountain is operational, and the installation is approved by the Village inspectors.

7. The Owner shall provide trash disposal and recycling for the residents of the building in accordance with the Algonquin Municipal Code and shall provide for continuation of said services to subsequent Owners at the time of conversion to condominiums.

8. The completion of the retail spaces to vanilla-box condition shall be completed prior to the first occupancy permit issued for the residential units.

9. Operating and leasing rules shall be submitted by the Owner to the Village and are subject to the review and approval by the Village including, but not limited to, regulation of furniture and other items placed upon balconies (which shall also include a prohibition of satellite dishes and grills); rules for use and maintenance of common areas; maintenance of the window coverings; and other issues. The Owner shall include the Crime-Free Lease Addendum as a requirement of any lease for occupancy in the residential portion of the building. No lease for any residential units shall exceed the condominium conversion deadline of July 1, 2018, nor shall the Owner provide any lease terms which are an attempt to circumvent the conversion to condominiums deadline as required in Paragraph 15.

10. The project shall be constructed and operated as proposed and in accordance with these conditions, including the off-site commercial parking lot which shall be completed prior to the first occupancy permit issued for any residential unit. An engineered site plan and landscape plan shall be prepared and submitted to the Village for review and approval in accordance with Village codes and ordinances prior to any improvements to the parking lot. All construction shall comply with the Village codes and ordinances. The Owner shall, at all times, maintain a minimum of 40 off-site parking spaces at a location approved by the Village or shall pay the Village a fee in lieu of the required parking in an amount of \$250,000 or the actual cost to acquire and clear land and construct sufficient parking. If the Owner fails to pay the Village, the Village may levy against the Special Service Area (SSA) to collect any outstanding fees and/or to pay for acquisition and construction of replacement parking as may be determined by the Village.

11. An owners' association shall be created and restrictive covenants recorded prior to any occupancy of any units in the building. There shall be one Master Association for the entire building, which may have one or more sub-associations for different levels, uses and areas. Such restrictive covenants shall be submitted to the Village for review and approval prior to occupancy of any unit. Should the owners' association fail to properly enforce said covenants, after notice and opportunity to correct, the Village may, but shall not be obligated to, perform this work, and costs incurred in connection therewith shall be assessed against the owner(s) of the property in the association. The approved restrictive covenants shall not be revised so that they adversely affect the Village's rights, nor shall the owners' association be dissolved without the consent of the Village. The building as a whole, or any portion thereof, shall not be sold until the Operating and Leasing rules (per Paragraph 9, above) and the Owners' Association and Covenants (as required herein) are submitted and approved by the Village and the Covenants recorded.

12. The Village shall have the right to compel enforcement through the Owner or by itself of any lease provision or leasing rule necessary to address any issues of the appearance of the building, the safety, health or welfare of any resident of the building or neighbor thereof, or the maintenance of any common area or individual unit.

13. The Owner shall agree to creation of a Special Service Area. The Village agrees to only levy against the SSA if the Owner or subsequent owners' association fails to properly maintain the building or the common areas in accordance with this Ordinance or the Village codes, or

maintain a sufficient amount of parking (on-site or off-site) pursuant to paragraph 10, above, or make payment for the public improvements required in Paragraph 14, below. The Owner and Village agree upon an initial levy in an amount that shall not exceed \$10,000. The SSA shall be created and adopted prior to any building permits being issued for interior buildout of the residential units.

14. All permit fees for added units and building changes or alterations required by this amendment shall be paid by the Owner. The Owner shall also pay any fire district fees that may still be outstanding prior to obtaining any building permits for the completion of the interior buildout of the residential units. The Owner shall reimburse the Village for all public right of way and streetscaping improvements adjacent to the property, not to exceed \$350,000, which shall be immediately due and payable if the building is not converted to condominiums prior to July 1, 2018 (regardless of whether the Village grants any future extensions of that condominium conversion deadline).

15. By no later than July 1, 2018, the Owner shall convert all of the sixty-three (63) rental units to no more than sixty-three (63) condominiums, unless by no later than April 1, 2018, the Owner shall pay for a market study, to be performed by a private third party, who shall be chosen with consent of the Village, to evaluate the price, size, sales velocity and marketability projections for the proposed condominiums in relation to reasonable return on the investment made. Based upon the results of such study, the Village Board may choose, at that time, to extend the requirement for conversion to condominiums to a future date certain.

SECTION 2: That all requirements set forth in the Zoning Ordinance of the Village of Algonquin, as would be required by any owner of property zoned in the same manner as the property described above, shall be complied with, except as otherwise provided in this Ordinance.

SECTION 3: The findings of fact on the petition to approve the amendment to the planned development for the Subject Property are hereby accepted.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.


Aye: GLOGOWSKI, STEIGER, SHIM, SCHMITZ, DIANIS

Nay: SPELLA, SOSNE

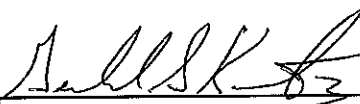
Absent: NONE

Abstain: NONE

APPROVED:


Village President John C. Schmitt

(SEAL)

ATTEST: 
Village Clerk Gerald S. Kautz

Passed: 10-16-2012

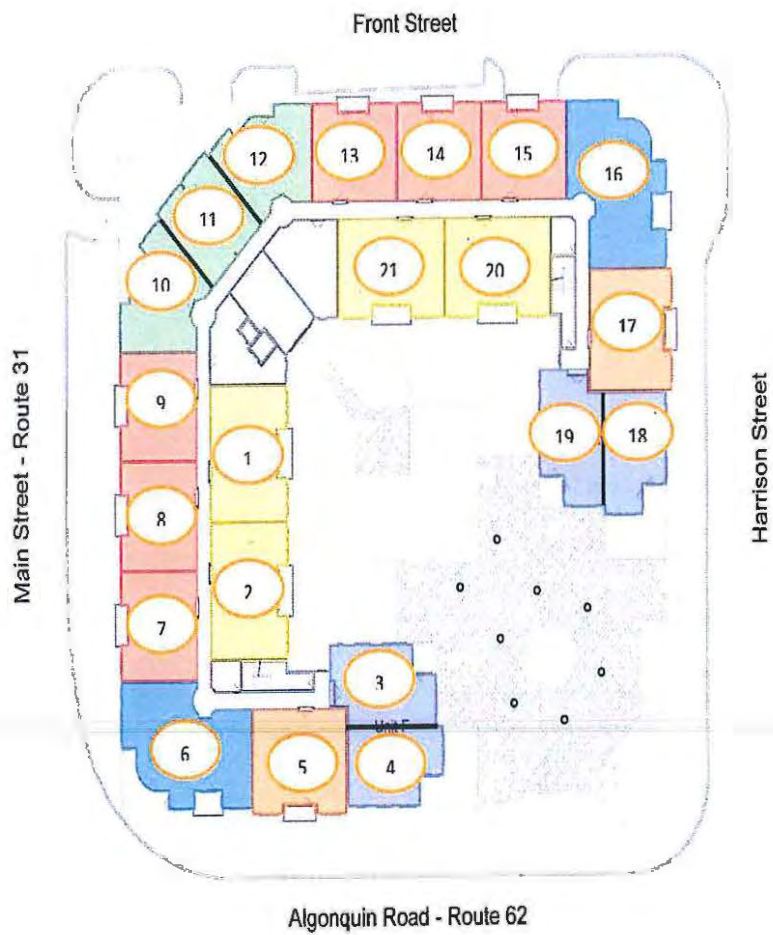
Approved: 10-16-2012

Published: 10-17-2012

Prepared by:
Village Staff

Reviewed by:
Kelly A. Cahill, Village Attorney
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, Illinois 60014

Exhibit A



63 UNITS	1BR	2BR	DEN
1- 1403 SF		X	
2- 1403 SF		X	
3- 920 SF	X		
4- 1087 SF	X		X
5- 1345 SF		X	
6- 1820 SF		X	
7- 1135 SF		X	
8- 1135 SF		X	
9- 1135 SF		X	
10- 1134 SF	X		X
11- 1010 SF	X		
12- 1134 SF	X		X
13- 1135 SF		X	
14- 1135 SF		X	
15- 1135 SF		X	
16- 1820 SF		X	
17- 1345 SF		X	
18- 1087 SF	X		X
19- 920 SF	X		
20- 1403 SF		X	
21- 1403 SF		X	
	7	14	

EXHIBIT B
RIVERSIDE PLAZA, ALGONQUIN A
LUXURY RENTAL COMMUNITY
MINIMUM STANDARDS

IN-UNIT FINISHES

Each unit will be provided with:

- GE or equivalent range / cook top
- GE or equivalent microwave
- GE or equivalent oven
- GE or equivalent refrigerator
- GE or equivalent dishwasher
- GE or equivalent washer/dryer

- individually controlled central heating and cooling
- individual hot water heater
- cable and high speed internet service
- hardwood flooring in living areas
- ceramic tiling in bathroom and kitchen areas
- carpeting in bedroom areas
- designer kitchen cabinetry with integrated countertops

AMENITIES FOR ALL RESIDENTS

- club room with large screen TV, pool table, fire place, bar and kitchenette
- fully equipped fitness room
- bicycle storage
- private garden with patio
- heated enclosed parking

BUILDING/RESIDENTS SECURITY

- building wired for security
- video camera security entry system for each unit
- pre-wired for smart home technology
- cat5e and coaxial for high speed data and video
- wireless internet access in public areas (secured)
- ability to pay rent online via building web portal

**Exhibit B Continued:
Sample Unit Views and Finishes**





**Exhibit B Continued:
Sample Unit Views and Finishes**



Exhibit C: Fountain and Sailboat Sculpture Rendering





VILLAGE OF ALGONQUIN
PUBLIC WORKS DEPARTMENT

– M E M O R A N D U M –

DATE: November 21, 2017

TO: Tim Schloneger, Village Manager

FROM: Michele Zimmerman, Assistant Public Works Director

SUBJECT: ITEP Resolution Main Street/Harrison Street Bikeway

Attached please find a resolution for an application to receive ITEP (Illinois Transportation Enhancement Program) funding. These federal funds are administered through IDOT and are to be utilized to fund projects which enhance the transportation system by serving a transportation need or by providing a transportation use or benefit.

This resolution signifies our commitment for the cost share to construct a bikeway between the south end of the existing IL Route 31 bike path and the McHenry County Conservation District Prairie Path with a total project cost of approximately \$1,768,000.

The Village of Algonquin will provide approximately 33 percent local matching funds in the amount of \$571,200 for the proposed project and is requesting \$1,196,800 in grant funds through ITEP.

We are currently in the phase 2 design of this project with construction anticipated to start in the summer of 2019.

It is the Public Work's Department's recommendation that the Board of Trustees take action to approve this resolution for grant funding through ITEP.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR ILLINOIS TRANSPORTATION
ENHANCEMENT PROGRAM FUNDS FOR MAIN STREET/HARRISON STREET BIKEWAY.**

WHEREAS, federal grant funding is available through the Illinois Transportation Enhancement Program (ITEP) administered by the Illinois Department of Transportation; and

WHEREAS, these ITEP funds are to be utilized to fund projects which enhance the transportation system by serving a transportation need or by providing a transportation use or benefit; and

WHEREAS, the Village of Algonquin has plans to construct a bikeway between the south end of the existing IL Rt. 31 Bike Path and the Prairie Path with a total project cost of \$1,768,000; and

WHEREAS, the proposed project is eligible for funding under ITEP.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE Village of Algonquin, ILLINOIS:

THAT an application be made to the Illinois Department of Transportation for a financial assistance grant in the amount of \$1,196,800, which is 67 percent of the total estimated cost, under the Illinois Transportation Enhancement Program for the purpose of funding the Main Street/Harrison Street Bikeway; and

THAT the Village of Algonquin will provide the 33 percent local matching funds in the amount of \$571,200 for the proposed project; and

THAT the President of the Village of Algonquin is hereby authorized and directed to execute and submit on behalf of the Village of Algonquin such application.

PASSED: _____

APPROVED: _____

John Schmitt, Village President

ATTEST:

Name, Title, Village Clerk