

VILLAGE OF ALGONQUIN
PLANNING AND ZONING COMMISSION
Meeting Minutes
William J. Ganek Municipal Center-Board Room
December 11, 2017
7:30 p.m.

AGENDA ITEM 1: Roll Call to Establish a Quorum

Present: Chairperson Patrician, Commissioners Hoferle, Szpekowski, Postelnick, Laipert, Neuhalfen, and Sturznickel.

Absent: None.

Staff Members Present: Russ Farnum, Community Development Director, and Kelly Cahill, Village Attorney.

AGENDA ITEM 2: Approval of Minutes from the September 11, 2017 Meeting.

A motion by Commissioner Neuhalfen to approve the September 11, 2017 minutes as presented was seconded by Commissioner Hoferle and a voice vote noted all ayes. The motion carried.

AGENDA ITEM 3: Public Comment

There was no one wishing to make any public comment.

AGENDA ITEM 4: Request for an amended Final PUD

Case No. 2017-10 Riverside Plaza PUD Amendment

Petitioner: Joel Pecoy, UCF Riverside Fee Owner LLC

Jeffrey Friedman, Attorney for UCF Riverside Fee Owner LLC

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Mr. Farnum called roll to verify a quorum. Present: Commissioners Hoferle, Szpekowski, Postelnick, Laipert, Neuhalfen, Sturznickel and Chairperson Patrician. Farnum announced a quorum was present. Chairperson Patrician opened the public hearing and asked for petitioner comments.

PETITIONER COMMENTS

Ms. Cahill verified that proper notice of the meeting had been posted. Ms. Cahill swore in the petitioners. Representing the petitioner was Joel Pecoy of UCF Riverside Fee Owner LLC, and Jeffrey Friedman, Attorney for UCF Riverside.

Jeffrey Friedman noted the current owner was the banker for the construction and completion of the development of the property and had accepted title in lieu of foreclosure. The owner was a banker, not an investor, and wanted to sell the property instead of run it. The current condo conversion requirements restrict the ability for UCF Riverside to sell the property, which is why they were petitioning to change those requirements.

Chairperson Patrician then asked for Staff Comments.

STAFF COMMENTS

Farnum reviewed his staff report for the Commission. The petition is to remove the requirement that the building be converted to condominiums within 5 years of the PUD approval. The

petitioner desires to amend other related terms of that PUD as well, such as a restriction that no lease extend beyond July, 2018, and similar requirements related to the condominium conversion.

UCF Riverside has provided demographic profiles of their tenant base, which demonstrates that their tenants have very good income profiles, and their tenants are generally people that could afford to purchase a condo or home, but choose to rent for a variety of reasons; including maintenance, convenience, financial stability and safety.

UCF Riverside was working closely with the Village to bring the building into conformity with the terms of the 2012 PUD approval, that the prior owner had not fulfilled, including getting the retail spaces rented and providing the mandated off-street parking for the retail. However, since they were not fully compliant yet, Staff recommended including conditions that would still require compliance, such as the off-street parking requirements.

Staff recommends approval of the request, as eliminating the conversion requirement and allowing the market to take its course is the rational decision. However, certain precautions are warranted:

1. Rental restrictions and/or a lease addendum should be provided by UCF Riverside, assuring maintenance of the quality and appearance of the building. The initial rules shall be subject to review and approval by the Village Board, and shall not be amended without prior approval by the Village;
2. The other aspects of the building shall be brought into conformity with the intent of the other terms of Ordinance 2012-O-38, including but not limited to:
 - A. Re-establishment of the off-street parking for the retail portion of the;
 - B. Reimbursement of the unpaid right of way and streetscaping expenses at the time of sale of the building to another party;
 - C. Retention of the condominium requirements, including adoption of covenants and an owners' association, which shall apply at such time in the future as the owner decides to convert the building to condominiums, or sell any portion of the building;
 - D. Agreement to retain the other terms of Ordinance 2012-O-38, except as may be modified specifically pursuant to the petitioner's request.

COMMISSION QUESTIONS/COMMENTS

Chairperson Patrician inquired if there were any Commissioner questions or comments.

Commissioner Hoferle asked about the building occupancy. Pecoy answered it is 100% leased and 98.4% occupied, the renter of the last unit will be moving in next week. Hoferle noted his concern about the change to rentals being open-ended, and he didn't understand the attraction of renting. Hoferle felt it was best to encourage homeownership. Farnum reiterated that renting does not have the stigma it used to, as demonstrated by the demographics of this project. Farnum also noted a lot of people prefer to rent due to the convenience and financial stability factors.

Commissioner Szpekowski asked if there was on-site management. Pecoy noted his manager was there 6 days a week, a maintenance man was there over 40 hours a week and they had a 24-hour emergency number to call and someone would respond right away.

Commissioner Szpekowski also noted her concern about getting the retail filled. Pecoy noted it was in their own bests interest to get those spaces filled. Szpekowski asked about the previous parking agreement at Port Edward. Farnum noted that the prior owner had let that lease lapse, but it was not the only option for additional parking. Commissioner Sturznickel asked if they had

considered the vacant land on the south side of Algonquin Road for parking, and the solution was to build a parking ramp like Naperville did. Chairman Patrician inquired about the feasibility of actually finding a solution to the parking issue. Farnum noted the Village and UCF Riverside are working closely on a number of options to solve the parking issue, and he was confident there were both short term and long term solutions.

Commissioner Postelnick asked where the parking for the rest of the building was. Farnum noted it was all structured parking inside the building. Pecoy noted the concern is that the structured parking provides access to all floors of the building through the elevator lobbies, and could not be used to service only the retail portion without potentially threatening the security of the residential floors.

Postelnick asked about lease terms. Pecoy noted their shortest lease was 6 months, and they only leased long term. Laipert asked if they allowed subleasing or short term rental like Air BNB, Pecoy responded that only the persons on the lease could stay there.

Patrician asked the average rent, and Pecoy responded their rents varied by the unit but overall the average is \$2,000 per month per unit. Patrician noted he felt that the petitioners weren't interested in owning the building, so it was in the Village's best interest to get this property into the hands of someone experienced that wanted to own the building.

PUBLIC COMMENT

Chairperson Patrician called twice for public comments. There were none, and Chairperson Patrician closed the public hearing at 7:58 pm.

COMMISSION MOTION ON PETITION

Chairperson Patrician entertained a motion to approve the request for an amendment to the Final PUD for Riverside Plaza. Commissioner Hoferle moved and Commissioner Sturznickel seconded a motion to recommend approval of the request, consistent with the findings of fact listed in the December 7, 2017 Community Development memorandum, the conditions recommended by staff.

The Roll Call noted the following: Ayes: Commissioners Laipert, Neuhalfen, Szpekowski, Postelnick, Sturznickel, Hoferle and Chairperson Patrician. Nays: None. Absent: None. Motion carried 7-0.

AGENDA ITEM 5: New/Old Business

The Commission discussed utility work at Hansen and County Line Road, and the status of Longmeadow Parkway.

AGENDA ITEM 6: Adjournment

A motion to adjourn the meeting was made by Commissioner Neuhalfen and seconded by Commissioner Postelnick, a voice vote noted all ayes. The motion carried and the meeting was adjourned at 8:05p.m.

Respectfully Submitted,

Russell W. Farnum, AICP
Community Development Director