

**PLANNING AND ZONING COMMISSION OF THE VILLAGE OF
OLYMPIA FIELDS**

Minutes of the Planning and Zoning Commission Meeting held on Tuesday, January 17th, 2018.

CALL TO ORDER:

Chairman Blackwell called the meeting to order at 7:00 P.M. The assembly recited the Pledge of Allegiance.

ROLL CALL:

Members Present:

Chairman Blackwell, Commissioner Betts, and Trustee Pennington.

Members Absent:

Commissioner Green
Commissioner McKinnie
Commissioner Miller.

Guests:

Trustee Matz and Toia Tinsley-Keith, Chair of the Airbnb Committee.

Village Representatives:

John McDonnell - Building Commissioner
Mike Hoffman – Teska Associates

REVIEW AND APPROVE THE MINUTES OF THE DECEMBER 7th, 2017, PLANNING AND ZONING COMMISSION MEETING:

Chairman Blackwell stated that we don't have a quorum, but we can proceed. We have the review and approval of the Minutes of December 7th, 2017. The approval of the Minutes of December 7th was tabled until there is a quorum.

Chairman Blackwell stated that we will continue with our Presentation by Mike Hoffman. Mike is following up for discussion of certain proposed zoning revisions. We did an extensive review on December 7th and asked Mike to make some changes. We are still in the review process. He stated that Mike is going to bring us up to speed on where we are now, and go through any new proposed changes. Once we get this completed, we have plans to move it on to the Trustees for their consideration. We still have a little bit of work to do.

DISCUSSION ON AIRBNB'S:

Mr. McDonnell stated that we are going to start with the discussion on the Airbnb's. Trustee Matz is here to discuss with the Commissioners Airbnb in the Village.

Chairman Blackwell stated that he saw that in the Minutes the last time. He thinks that this is a good follow-up.

Trustee Matz stated that she is here at the request of the Village President to look into how we can develop language for Airbnb's. We have a couple of residents that have Airbnb's in their homes at present. We want to talk about how we can collectively come up with a shared idea that they can continue to do what they would like to do within the privacy of their home, but also have some type of regulations.

Trustee Matz stated that she is here with her Chair, Toia Tinsley-Keith. They have collectively looked into the surrounding areas to see who else has Airbnb's, and if there are any Ordinances. Trustee Matz stated that she spoke with 19 of our surrounding towns. No one has an Ordinance for an Airbnb. Mokena discovered that they had an Airbnb resident due to someone finding it on the site, and they asked them to cease and desist, and to not have it at all and they did.

Trustee Matz stated that we are going to talk about what is Airbnb, just in case you don't know how it came to be, and how it works. Airbnb is a community built on sharing. Airbnb began in 2008 when two designers who had space to share hosted three travelers looking for a place to stay. Millions of hosts and travelers choose to create a free Airbnb Account so they can list their space and book unique accommodations anywhere in the world.

Ms. Tinsley-Keith stated that she is here to talk about Airbnb. The reason that she was selected for this post is because she has done Airbnb in the past. She did Airbnb for two international people. One person was a doctor for St. James Hospital. He stayed with her for about 45-days. He was from Saudi Arabia. He was very interesting and very intelligent. She likes meeting new people, and doing things internationally. She has traveled globally for about 20-years. Last year she spent the summer in Europe with her daughter. They went to Switzerland and Spain. She believes they went to Scotland too. She has an international perspective. Her perspective on Airbnb is more global. It opens up your community to other people of different nationalities. As a homeowner, she believes that is her right to be able to do what she wants to with the home that she bought. She has a five-bedroom house. During the summer she does Airbnb. She is a substitute teacher and she owns her own company. In the summertime, it is a good way for her to be at home while she has Airbnb. She has nothing but good things to say about it.

Ms. Tinsley-Keith stated that she did some research. She knows that Chicago is looking at Airbnb, trying to discontinue it. They found out legally they can't do that. They wanted to go into people's homes and were requesting that the homeowners keep records. They found out through the Legal System they can't do that unless they have a warrant because it is almost an invasion of privacy. She stated that Airbnb is not going anywhere. They made \$1.5 Million last year. Airbnb is governed by a company called "Airbnb." People have to go through the company. There are digital fingerprints. They have to supply their ID. They have to supply a form of payment. There is a background search. Airbnb does all of that for you. Airbnb offers insurance to the homeowner of \$1,000,000.00. She stated that as with anything else, you have to use wisdom. If you feel uneasy or uncomfortable, then you should not go through with it. She doesn't think that Airbnb is anything that people need to be afraid of. It is just like having a college student stay with you from Governors State. You screen the people and you talk to the people, and you set up boundaries. She doesn't think that the Village should say that they are

going to ban that. Chicago has taken a step back. If you have a condominium or a townhouse, those situations would have to be evaluated based on the Bylaws of that particular housing facility.

Chairman Blackwell inquired of Ms. Tinsley-Keith how many tenants she has had. Ms. Tinsley-Keith stated that she had two, long-term tenants over the course of two-years. The doctor stayed 45-days. The girl from Spain stayed for three-months.

Commissioner Betts inquired of Ms. Tinsley-Keith whether or not she is the homeowner. Ms. Tinsley-Keith stated that she is the homeowner.

Trustee Pennington inquired of Ms. Tinsley-Keith whether or not she resides in the house at the same time that they are there. Ms. Tinsley-Keith stated yes. She did it during the summer. She has a five-bedroom house. Two of the bedrooms are below grade and three bedrooms above. Her tenants stayed downstairs. They would come upstairs so they could have dinner together and exchange conversation.

Chairman Blackwell inquired of Ms. Tinsley-Keith whether or not there is a flat rate that she is required or allowed to charge. Ms. Tinsley-Keith stated that you can charge whatever you want to.

Chairman Blackwell inquired of Trustee Matz whether or not any of the 19 towns that she researched, indicated if any tenants have stayed in their Villages at all. Trustee Matz stated that they are not aware about Airbnb or anybody staying there. There is no tracking mechanism. She had to talk to the Building Departments. They indicated that they didn't have any Ordinance. They don't have any problems with that, and they have no way of tracking that.

Trustee Matz stated that she is a fan of Airbnb when she travels, especially D.C. The hotels are outrageous. She likes the different communities. She would stay in someone's home. There is a screening process. It is just like Uber. You have to put your credit card down. You have to give them all of your information. You have the ability to e-mail back and forth with the owner of the home. They give you pictures and show you everything. It's a great way to come into the community without having to live there on a permanent basis. It gives her the opportunity to say that she might want to live there because it is a great community.

Trustee Pennington inquired of Ms. Tinsley-Keith if she would walk the Commission through the process for a prospective visitor. Ms. Tinsley-Keith stated that you have to make a profile. You have to put pictures and describe the area that you are renting. You tell them that this space on the calendar will be available and the rate that you are charging. If you are interested in breakfast and dinner, there is an additional charge for that. If someone is interested and they want to come to Chicago they will ask, "How far away is Chicago?" They will ask if they can get back and forth with a car. You start communicating with the person. They send pictures of themselves. They have pictures of you. You make a determination if you are going to allow this person in your home or not. She prefers students and people that are here for academic reasons. Those are the only people that she chooses to do Airbnb with. If she wants them she accepts. Airbnb takes a percentage right off the top. They get paid first. The person comes and stays the amount of time and they pay you the rest directly.

Trustee Pennington inquired of Ms. Tinsley-Keith what kind of paperwork is involved. Ms. Tinsley-Keith stated that all of the paperwork is electronic. The contract, the Agreement, everything is online.

Commissioner Betts inquired of Ms. Tinsley-Keith what the main reason was for Chicago to no longer allow that. Ms. Tinsley-Keith stated that Chicago tried to prevent people from doing Airbnb's in condos and townhouses specifically, not in private homes. They were not allowed to. That ruling has been postponed because they found out it is illegal to tell a person who owns a home or condo that they need to see documentation of the person that is living with you, or who has lived with you. At this point, they have postponed their final decision.

Commissioner Betts stated that the reason she asked Ms. Tinsley-Keith if she owned her home, is because she would have less of a concern for homeowners, than for people that are renting homes to others. She isn't sure if any of the Ordinances specify the homeowner has to reside on the premise, versus the homeowner doesn't reside on the premise. Ms. Tinsley-Keith stated that she could see something like that as an Ordinance saying that as a homeowner, if she rented out her home, that every lease that she had would have to have that clause in there. She could definitely agree to something like that. As a homeowner, if she rented her home, she definitely would not want them to have that flexibility. She wouldn't feel comfortable with that. Commissioner Betts stated that a homeowner has more of a vested interest to ensure that the people that are staying in their home meet their qualifications, whatever they may be. She stated versus somebody that is renting a house in the Village, and doesn't even reside in the house, and then continues to rent it to other people. There is no vested interest there for the safety of the community. Ms. Tinsley-Keith stated that she definitely agrees to that. There would have to be an Ordinance that if you rent your home, that has to be in your lease.

Commissioner Betts inquired of Trustee Matz that given that our Village President would like the image of the Village to be an upscale image, when you were looking at surrounding communities, were you looking at Oak Brook, or Hinsdale? Areas like that? Trustee Matz stated that she went as far as Joliet, Frankfort, Mokena, Tinley Park, Flossmoor, and Homewood. Those are our upscale areas. She looked at our surrounding areas and what the best practice is out here. That is what we mirror. We don't really mirror Oak Brook. Commissioner Betts inquired do we know what Oak Brook and Hinsdale allow or do not allow? Ms. Tinsley-Keith stated that we don't know. When she did her research, she found that most people that do Airbnb are looking for a certain location. You are not going to have an influx of people coming to Olympia Fields. Oak Brook and Hinsdale are closer to downtown Chicago, although they don't have public transportation. They have a totally different situation because Hinsdale is a much more affluent area. You are going to have a different type of person in those areas because they are trying to get back and forth downtown. The first thing that people look at is how close you are to downtown. The doctor that she had wanted to be closer to the hospital. The girl from Spain, her parents facilitated that because she was under 18. They wanted her in an environment with somebody that could see what she was doing and take care of her while she was here.

Commissioner Betts stated that the Village has easy access to downtown. The Art Institute often has programs for international visitors. She could see the Village being an attractive, and maybe a cost attractive alternative to hotels. The Village does not have any hotels or any other kind of

commercial opportunities for visitors. Her personal view is that she doesn't have any objections to Airbnb as long as the homeowner resides on the premise and vets prospective clients.

Mr. McDonnell stated that we generally have an influx of people listing their properties when there is an event at the Country Club. That's what brought this up. They had the Ladies Open at the Country Club. There were eight homes listed. Most of them were not owner/occupied. They were renting the entire residence.

Trustee Pennington stated that in 2005 when the first U.S. Open came, there was a request made by the Village to residents who wanted to take the opportunity to rent their homes out for that specific purpose. There were six or seven-homes in Graymoor that rented their homes out during that event. This is just a new concept with the Airbnb tagged behind it.

Chairman Blackwell inquired of Ms. Tinsley-Keith whether or not Airbnb has any requirement in the Application Process, that the individual that is leasing out that space be the owner. Ms. Tinsley-Keith stated that she does not recall them asking that. Chairman Blackwell stated that this is not a new scenario to the Village. He stated that with the U.S. Open there was open solicitation of residents in Graymoor, and in the area where our Village President lives because you can walk to the golf course. This is nothing new. Airbnb has incorporated this and turned this in to a commercial enterprise. The good thing about it is that it is regulated through them and there is some system in place. There is insurance which is an important factor. This corporation is behind this. They are in it for profit, but they have a screening process. It is probably safer than you going online or Facebook and saying, "Hey, do you want to stay at my place?" The upside of it is that now it is more structured. There are liability issues that are potentially covered. He inquired who you invite to stay, is it the government's business? We are the government. We are prohibited from invading or trespassing on any individual's property under the Fourth Amendment. You are free to invite whoever you want to your place, and to stay as long as you want, as long as you are not violating any other laws. He could see the issues with renting and the condominium issues. He lived in condominiums in Chicago. It is typically stated in the Condominium Acts that the Condominium Association has a right to inquire at minimum, as to who is living in your unit, and how long they are going to be there. There is no Landmark Case now that he is aware of, where a Condominium Association has sued an individual to gain access to information about tenants in this individual's unit. That would be like the Landmark Case for Airbnb. All things being said, it will be a close decision because you have the Fourth Amendment saying that, "You can't invade my house. You can't come across my threshold unless I invite you, and I own it." Those are his observations. The dynamics of the economy are changing such that you are going to see this. Olympia Fields is a bedroom community. There are very nice houses. There are many unoccupied bedrooms in the Village. How can the government tell you that you can't put anybody in there to make any of your money back? It is up to the Trustees on how they vote. He stated that from what he is seeing with the law, and taking that under consideration, and taking the turn in economics in consideration, and how people live in this country now, we are going to have to reckon with Airbnb one way or another. He inquired with Mokena, what was the basis for asking them to cease and desist and move that person out? And whether the owner is going to contest that in Court? Did Mokena issue a written statement as to the reason that they wanted that owner to cease and desist?

Trustee Matz stated that she is not sure if they had a written statement. According to them, when someone searched and saw that it was on the website that they had an Airbnb in the area, they just called the owner and told them to cease and desist. They are not having that. They have an Ordinance for hotels. They go according to how they have the Ordinance on hotels and this Airbnb did not fall within that. The owner had not even had a tenant. When the Village told them to cease and desist they didn't give them any pushback. It was a phone call.

Mr. Hoffman stated that some communities require somebody that is operating an Airbnb to get a Business License. He stated that you could do that. If the person didn't come in and get a license, and make sure they are meeting the Village Standards, then they couldn't operate and they could shut it down that way.

Trustee Matz stated that this is the new norm. We have the Lifts. We have Uber out of necessity and it created a lot of jobs. Ms. Tinsley-Keith has five bedrooms. It is just her and her daughter. In the summertime she likes to stay home with her daughter. So what better way to do that, is to allow someone to come into her home that she has screened, and she makes money. They both learn a new language. The other person that came was 16-years old from Spain. Her mom wanted her immersed in English. Chairman Blackwell stated and they wanted her in a secure environment. Trustee Matz stated that she would be remiss if we do not allow that in our community because that is culture. If we don't allow culture to come into our community, then we are stagnant.

Chairman Blackwell believes the issue on the table is to what extent, if any, should the Village regulate Airbnb transactions and residential stays, if any? That has to be considered and pondered. It has to be totally transparent. He appreciates Ms. Tinsley-Keith's presentation. He stated that most of us, out of ignorance comes fear. He stated to look at news clips maybe frightened some people. They always put the negative things on the news. Ms. Tinsley-Keith stated that there are 6500 Airbnb's in Chicago. Chairman Blackwell inquired where does government come in? Are we going to come in and screen these people? Are we going to charge you a fee, so now we are getting in on Airbnb's money? That might be a basis. There's a tax. Do we have a situation where we have to call the police so we can justify a tax on Airbnb? That has to be reckoned with. Does it make sense? To what extent? That's his weigh-in on it. It appears to be something that is forthcoming. We have to be reasonable in dealing with it. He stated that Ms. Tinsley-Keith's presentation really helps.

Mr. Hoffman stated that you have done your research. Are you going to come up with a specific recommendation to the Village Board? What is the game plan? The reason he is asking is we are updating the whole Zoning Code. There are some things that we could put in the Zoning Code. If you don't want to go there, we don't want to go there. He is trying to understand where you are at, and where it fits in.

Trustee Matz stated that this is all new to us. She wanted to eliminate the fear factor. That's why she sought out Ms. Tinsley-Keith. When you put a human face to a situation, the boogie man goes away. She doesn't think that it is something that the Village should regulate with a tax. She doesn't do this all of the time. It is a unique situation when someone comes to the Village. If they are coming for the hospital, we might get more of that. We don't have a hotel to house the doctors that come in and out of the hospital. If we start regulating it, and taking money away

from the owner, then people will feel it is not worth it to them. She stated that Ms. Tinsley-Keith has a list of things that she will do for the guest to make them comfortable. There is a security deposit. There is a service fee because she has to clean. They pay that. There are things that are already in place. She recommends to the Commissioners to let sleeping dogs lie. There are only three in the community.

Commissioner Betts believes that this is going to be a trend in the future. She has no objections for an Airbnb. She thinks it should be similar to home businesses. There should be a Business License Fee, because you are earning revenue from that. In a way it is a business. She stated that we, as a Village, would want to consider if we have any legal standings in restricting it to owner/occupied homes, versus somebody that owns a home in the Village and doesn't live there, and continues to rent it out night after night.

Ms. Tinsley-Keith stated that to piggyback on what she is saying about the Business License, that may be something that needs to be looked at. She would be open to do a class on Airbnb for a fee of course, and teaching people how to screen, and what to look for, to eliminate the fear. This is not going away. They earned \$1.5 Billion last year. That put them at a \$25 Billion Corporation. They are not going to stop doing what they are doing. There is a need for it. She stated with the economy, people are looking for ways to save money and still want to travel.

Commissioner Betts stated that she doesn't have any objections. The Village doesn't have any hotel space for any of the events, whether it is the growing hospital, or the Country Club events, or anything else going on in the Village. She stated that from that perspective again, she has no objections. She would like to see some very loose parameters around it. She stated no sales tax. That becomes an onerous thing to track. If you are running an Airbnb, apply for a Business License with the Village annually. You fill out the paperwork. If there is anything we can do to avoid a constant rental kind of thing, and having somebody different every night in homes that are not owner/occupied.

Trustee Matz stated that she knows that the Country Club rents out rooms. She inquired whether or not the Village gets any of that money. Mr. Hoffman stated no. They are technically not in the Village. They are unincorporated. Trustee Matz stated that when you are talking about a license, Airbnb gets their money off the top. Now you are taking revenue from the owner, and the Village is taking it with the license. We probably need to look at this case by case. This might not ever jump off in Olympia Fields other than the three. It might get bigger. As it grows and we see that it is getting bigger, it is a matter of tracking it. We could have someone Google on the site and see if we pop up and you can keep track of it. She stated that if it gets bigger we can revisit it and then talk about a Business License or something like that.

Commissioner Betts stated that a Business License is an opportunity for the Village to know how many Airbnb's are in the Village. It is just a nominal fee for anybody running a business. She doesn't know what the fee is for home businesses. Ms. Tinsley-Keith stated that it should be like \$25.00. Commissioner Betts stated that it gives the Village an opportunity to know how many Airbnb's are run in the Village. She doesn't think that any homeowner that wants to do that would object to spending whatever the fee is for a Business License. It provides assurance for that homeowner that you don't have somebody next door that doesn't live there, constantly renting out their home, and you have a revolving door going on of people that are probably not

as carefully screened as you would screen anybody coming into your home, because they don't live there. They don't, in a way, really care who comes. They are just in there for the fee. She is looking at it from that security perspective for the Village, for the neighborhood, and for anybody else. She doesn't want to restrict anyone from doing it. It is a way for the Village to know what is going on.

Ms. Tinsley-Keith stated that she has property that she doesn't live in. She is always careful about her property. She stated that for you to say that "they don't care," she doesn't think that they really don't care. You don't want somebody that busts holes in the walls, and tears the lights down, to say that they don't care. She thinks that the landlords care. As a property owner of a property that she is not living in, that is still her responsibility to maintain the property. They may not be visible as somebody that lives in the home, but she doesn't think that we should say that the absentee landlord doesn't care.

Commissioner Betts stated that perhaps she was wrong in stating it so generally. She stated that not everybody cares about their properties as much as you care about your properties. She stated that where we live we do have some people that are renting, they are subleasing, and you have all kinds of folks coming and going. The owners are living in Arizona, or somewhere else. As a neighbor, she would want to have the assurance for a Village resident, that whoever is doing Airbnb really is caring about their home.

Ms. Tinsley-Keith stated have an Ordinance to mandate that the owners of proper rental property put that in their lease. It is specifically stated in the lease. If your tenant is found doing Airbnb, there should be a fine associated with that. As a property owner, it is her responsibility to make sure that her tenant is not disrupting the neighborhood. As a landlord, she has relationships with her neighbors on both sides. She told them to let her know if they see anything out of the ordinary going on in this house because she is a concerned person. She stated that when they find out you don't live there, they are more lackadaisical. She believes a clause should be placed in the Rental Contract saying that if you rent in Olympia Fields, you are not allowed to sublease or do Airbnb, and there is a fine associated with that.

Chairman Blackwell stated that the Village isn't privy to a contract between the landlord and the tenant. The Village doesn't have a right to inquire on that contract. It goes back to the Fourth Amendment and your right to privacy. You are a very good landlord. You would hope that most landlords would follow your lead to inform the neighbors, and make sure that you have somebody taking care of the place, and to go and check the place, and be in a town where you can see what they are doing. You could get a runaway situation. A person could be in Arizona. They are a couple and they are retired. They raised their kids in the Village. They are renting a house to some people. They might have a property manager renting out the house. That's good because they are suppose to be checking things too. Some do and some don't. That person is responsible to keep the place up. What if a person was leasing and decided they could make more money being out of here, and doing Airbnb, and they could stay in the city with their friend? They could make money to pay their landlord. There are limitations to that too. How long is somebody from Airbnb going to want to stay in your place? The turnaround is probably two-weeks to six-months. One of the reasons that people go to an Airbnb is because they don't want to stay in a hotel. Some of the other scenarios we have seen in the Village are not Airbnb issues.

Mr. McDonnell stated that he did some delving into this. There is a State Act. It is called "The Bed and Breakfast Act." It does apply to the Village. It applies to anyone that is running a "Bed and Breakfast." He stated that what you described meets the definition of a Bed and Breakfast. When you say to leave the sleeping dog lie, he is with you. There are a lot of regulations that the State requires Municipalities as far as a Bed and Breakfast is concerned. There is not one Airbnb listed on the Airbnb Site right now. In case somebody brings it up at a Board Meeting, there is an Act. It states: "The corporate authorities of any County or a Municipality shall provide for regulation, safe operation, licensing and inspection of Bed and Breakfast establishments." The definition of a Bed and Breakfast would be an Airbnb where the owner/occupant is there also.

Ms. Tinsley-Keith inquired by definition, does it mean they are getting breakfast? Sometimes they don't get breakfast. Mr. McDonnell stated that it does not. Ms. Tinsley-Keith stated that she would like to see that. She inquired when that was written. Mr. McDonnell stated Public Act 85-399. Chairman Blackwell stated 1985. Ms. Tinsley-Keith stated that is probably outdated. She doesn't think it is relevant to what we are talking about. She stated that technology and things are changing so fast. The Internet has brought a whole span of information.

Trustee Pennington stated that it is currently in place now. Any activity would come under the purview of that Act, notwithstanding the fact that we have something new coming in. You have to check to see if there have been any Amendments to the Public Act. Mr. McDonnell stated that he checked and there are none. Trustee Pennington stated it is still State Law.

Chairman Blackwell stated that Chicago is certainly Home Rule. They will be exempt from that Bed and Breakfast. We are not Home Rule. It would come under our provisions for us to have some particular regulation. It could be for the license. We could have them pay for a license and have them renew it every two-years. That's a regulation. We can regulate it insofar as we would like. He stated to him, something like that would be the extent of it. It might be safer for us to stay within the law. We would be legal. There would be a presumption of a license and we would have fulfilled our requirement. We would know whether they have somebody in there or not. The fee would be nominal. It's not for us to rake in money. It's just to say that you are registered. We don't want to do anything to dissuade people, who would otherwise say that they will just stay in Flossmoor because they don't want to go through this. Then we have blocked the Village as a viable area for Airbnb and sent our business elsewhere. We have to keep everything in perspective here. He agrees with Commissioner Betts.

Trustee Pennington stated that we need language in our Planning and Zoning Documents in order to achieve this. He is not averse to Airbnb. He wants to make sure that our language is sufficient to cover that.

Chairman Blackwell suggested that Airbnb is permissible, and resident/owners who would like to have Airbnb tenants reside for any period of time must apply for a license. The cost of the license is \$25.00. That is a sufficient basis for licensure to have Airbnb. You need to cite it. He stated that to cite it is to say that we are aware it is out there. We need to license it because the licensing portion is for the Village to know how many residents we have doing it. He stated that they are going to come when we have the next golf open. Airbnb will have signs all over that area. This is going to be coming anyway. We may as well engage it. We can monitor it. We have enough laws on the books to regulate what folks do. They can do what they want with their

houses as long as they are not infringing on other peoples' sites. We should say that, "Airbnb is permissible upon owner/resident making an Application with the Village and approved by the Building Department." The normal process. The fee is \$15.00. Keep it simple. We need to recognize it. We need to monitor it. There is nothing to regulate. That is his recommendation. Commissioner Betts stated that she agrees.

Trustee Matz thanked the Commissioners for their consideration, and for their time, and for allowing them to present their case.

Commissioner Betts liked her idea of hosting an Airbnb Class for residents. Ms. Tinsley-Keith stated that with the hospital expansion, people will want to be close to their loved one. Commissioner Betts stated that there are no hotels that people can walk to. It is an opportunity for the Village to know about this, and how to create a profile online, and how to market it. Chairman Blackwell stated that hotels aren't going to like Airbnb. It is the nature of the business. It is their competition. We don't have the hotels out here.

PRESENTATION BY TESKA ASSOCIATES INC. (Mike Hoffman)
Discussion of Certain Proposed Zoning Revisions. (Draft of Zoning Text).

Mr. Hoffman stated that with the Zoning Ordinance we are in the home stretch. He gave the Commissioners the Planned Development Section. That is the last major section to go through. He stated that when we began this process, we talked about we need to have a correlation between your community's Comprehensive Plan, which is the long-term vision for the community and your Zoning Ordinance. Your Comprehensive Plan is pretty old. We want to update the future Land Use Map within the Comprehensive Plan. There is only one thing that has changed in it. This area that we have always called "The Coves" property on Vollmer Road, in working with the Committee that was setup for the RTA Grant, their preference has clearly been to think about that frontage converting ultimately to Commercial Use. He has shown it on the future Land Use Plan as Commercial. It doesn't change the zoning on the property right now. The long-term vision of the community is to think about Commercial up there. That's what this map is showing. Otherwise, the map is showing what you have got in the community right now. The only difference is the property owned by the hospital which we just rezoned "Medical District." We are showing "Medical District" on here. Otherwise, it is pretty much exactly what we've got now with a color here for Transit-Oriented Development adjacent to the train station. Otherwise, it is a pretty straight forward map.

Mr. Hoffman stated that when we go to Public Hearing for the Zoning Ordinance, we will also publish for an Amendment to the Comprehensive Plan to publish a new Comprehensive Plan Map. Chairman Blackwell stated yes. This will be the underlying zoning for the entire Village. Mr. Hoffman stated that it is the underlying direction for zoning. It doesn't rezone any property. That's a separate process. If somebody wants to come back and say, "Rezone that Coves Property to Commercial," it makes it very easy for them to do that. The Village has already said our direction is to make it Commercial. It is consistent with all of the things that we talked about.

Commissioner Betts stated that when we use our Zoning List, we refer to it as "R-1, R-2, and R-4." He stated that on here, the legend states: "Low density, medium density, and high density." Is there a key to translate that so there is consistency? Mr. Hoffman stated that we can do that.

Basically, this map is showing low density, Residential. The density categories are in the list. In the Packet, there is a page that has "Land Use Categories." He stated that, "Low density, Residential is not exceeding three dwelling units per acre." He didn't put the zoning categories in there but he will do that. He will add the categories that match this. Commissioner Betts stated that would be very helpful so we have it consistent all the way across.

Mr. Hoffman stated that there may be some Zoning Map changes that we also want to make. Let's get the zoning text approved and then go back and look at potential map revisions. He stated there are two that definitely need to happen. The other two we need to talk about. The two that need to happen are the first two that he has on the list. He stated the Transit-Oriented Development Zoning District, we have been spending a lot of time and Grant Money to create a District for that. We should pursue rezoning property around the train station for Transit-Oriented Development. We are proposing to create an "Open Space Zoning Category." This one is a problem in the Village right now. Here is your existing Zoning Map. You are showing a zoning category of Village/Park District Property. It is not really a zoning category. What is that? We are creating a new "Open Space" category to handle that in the new Code. We should work closely with the Park District. We should send them a copy of our Draft Ordinance and tell them that we want to create some real zoning for their property. Here is what we are proposing. If they have any suggestions we are more than welcome to listen to that. We are going to have to have a Zoning Map Amendment that zones their property something. He is thinking of the Open Space Category that we just created. That does need to happen.

Mr. Hoffman stated that we talked about the TOD District the last time. They had a meeting last month with the Committee. The meeting was pretty short because there was another meeting right after our Steering Committee Meeting. They passed out the draft. They are going to meet next week to go over the details of that. Everybody seems to be onboard with the idea of creating the TOD District here. He stated for the property along Vollmer, we created some design guidelines to look at the architecture, landscape, and those kinds of things. That will be an overlay over our existing B-3 District. Those two things would happen.

Mr. Hoffman stated that the Plan that was done for this area showed some smaller, single-family lots. He got some communication recently from the Homeowners Association. They are not that excited about that idea. They would like to let that concept lie and continue to have it platted the way it is for single-family homes. He stated that is fine. It is their subdivision. That's where that is.

Mr. Hoffman stated that the Open Space District, is everything you see in green on this map. The Park District properties we would want to zone "Open Space." The question becomes what about some of the private, open space area. You have some areas within some of your subdivisions which are private open space. He would say to just leave those alone. They are already a part of a Planned Development. They are privately owned. There are probably all kinds of covenants on them already. His suggestion is to just not mess with them, but you could consider rezoning them to Open Space. Trustee Pennington and Chairman Blackwell agreed to just leave them alone.

Chairman Blackwell stated that he thinks we need to hit the big areas that we can effectuate to cover as much as we can. He stated that what you are talking about is maybe a few loose ends. He stated that it makes a big difference for us to go in and clean up as much as we can and not

worry about issues that are minor overall and can be dealt with on an individual basis in the event that they come before the Trustees. He stated get the big stuff done. He believes that Mr. Hoffman has hit the big stuff. Mr. Hoffman stated that he completely agrees.

Mr. Hoffman stated that on your Zoning Map right now, we have some areas that are Special Use. He stated that going forward for Special Uses and Planned Developments, we would like to have some underlying zoning that is in place for those things. You have two pieces currently that are shown on the map that are Special Use. You have the Medical Office Building on the corner of 203rd and Crawford, and you have the bigger piece that is the hospital. We rezoned the Medical District down here, but this piece is still zoned Special Use. He doesn't think you need to worry about that one too much either. They are not going anywhere. They are investing a lot of money in that property right now. He suggested just letting that one lie. The Office Building is not a big deal either. He suggested just letting both of those lie. He is just pointing them out to the Commissioners.

Chairman Blackwell inquired wouldn't that be included in the Medical District? Mr. Hoffman stated that when we did the zoning, they were just applying for the zoning for the piece south of 203rd. Ultimately, it should be part of the Medical District. Chairman Blackwell stated that they aren't going anywhere. They are building right next to it. Mr. Hoffman stated that we will just let that lie. Chairman Blackwell thanked Mr. Hoffman for pointing it out.

Mr. Hoffman stated that Planned Developments are the other one. You have a lot of them. If it is in yellow, it is a Residential Planned Unit Development. If it is in red, it is a Commercial Planned Unit Development. These were all done as individual Planned Unit Developments. They don't have any underlying zoning to them. Ultimately, there are a couple that we would want to look at. He wouldn't do anything with the Residential ones, or we could say that they all of have an underlying zoning of R-1 which is your least intense Residential Category. The Commercial ones are a little bit different. Ultimately, we are going to look at some rezoning of the Governors Office Park Property. There is some underutilized property up there. We need to expand the uses that would make sense in that area and rezone that piece. It doesn't necessarily have to happen now. That ultimately needs to be changed. When Olympia Corners redevelops that might need to be changed from a Planned Unit Development. It makes sense to just have it zoned Commercial. The Commercial ones need to be changed. The Residential Planned Unit Developments, if you do anything, just establish the underlying R-1 and leave it at that. Chairman Blackwell agreed.

Chairman Blackwell stated that we won't hit any conflicts with R-1 because all of those areas would represent single-family dwellings anyway. Mr. Hoffman stated that you have some townhomes in the Lakes of Olympia. You have some in The Greens. You have some attached units in Wysteria. Chairman Blackwell stated that leaving it alone sounds a little better to him than it did before, because we don't want to create litigation or issues. They are all PUD's.

Mr. Hoffman stated that his thought is to work with the Economic Development Commission. They are looking at some of these areas anyway. When they have some strategies on redevelopment, if there are some different Uses, maybe we need to rezone some Commercial pieces particularly. The Residential ones, let them sleep. Chairman Blackwell stated let's leave them.

Mr. Hoffman stated that your Planned Unit Development Section is kind of old. It needed a fresh look. We rehabbed the whole thing. He is suggesting that we take out the word "Unit." In a lot of communities if you say, "Planned Unit Development," the mind sometimes goes to Section 8 Housing and all kinds of stuff that we don't want to be associated with. Taking that word out does help. Chairman Blackwell agreed.

Mr. Hoffman stated that in the future, if somebody wants to do a Planned Development in the Village, he is suggesting a couple of things: 1. It should be a Special Use within an existing Zoning District, so, there is some underlying base for that property. He stated going forward, that is what we want to do. 2. Right now, you have a requirement in the Code that says you can't have a Planned Development unless the parcel is at least 10-acres in size. We don't have too many 10-acre parcels left in this community. He has seen some very creative, and very well-done Planned Developments on parcels much smaller than that. He is suggesting to take out the 10-acre minimum.

Mr. Hoffman stated that he has revised the process to something that he thinks makes sense. If somebody wants to do a Planned Development first there is a "Pre-Application." There is no fee. They come in and talk to John. He explains the process and how it works. He will probably give them some initial feedback as to whether or not that is something that would even be considered in this community or not. If that is positive, he has a step that would probably be optional on the developer's part. It is a "Concept Plan Review." If they have an idea and they want to get some initial feedback from the Village, have them setup a meeting with the Village Board. He would encourage them to invite the Planning and Zoning Commission and the Economic Development Commission. And just present the concept to everyone in a room, and give them some feedback. If you say that you like the concept, you are not approving anything necessarily at that point. You are giving them some direction. It saves them a lot of time and money. It is fairly expensive to go through a Planned Development Process and prepare all of the drawings and all of those kinds of things.

Mr. Hoffman stated that if they do the Concept Plan, then they do their Preliminary Plan. The Preliminary Plan requires a lot of detail. They have to draw building elevations. They have to give you a Conceptual Landscape Plan. They have to do a detailed Site Plan so you understand what they are going to do. The real approval on a Planned Development is at that preliminary stage.

Mr. Hoffman stated that the Final Stage is that we are doing it today. As long as it follows the preliminary, you basically have to approve it. It is kind of a done deal as long as they are following their overall scheme. That's the process that he is proposing. The existing process was not radically different than this. He believes that this clears it up a little bit in his mind.

Chairman Blackwell inquired at what point do they come to the Planning Commission? Mr. Hoffman stated that the Planning Commission will be at the Preliminary Plan and the Final Plan. They will come to you for both of those things. The Concept Plan, if they decide to do it, would be before the Village Board. We can invite the other groups to come at that meeting. It would be one meeting, not a separate meeting. Chairman Blackwell stated that he likes how Mr. Hoffman has it. We need to all be onboard with what is coming down. Previously, it went different ways, at different times, on different projects. He likes the Concept Plan. We want to make sure that

everybody is in the same room when these folks are making their presentation. We could approve something that gets shutdown by the Trustees. It has happened. It has happened in reverse too where the Trustees have signed-off on some things, and told people that's a go. It floated like a lead balloon when it got to the Planning Commission. He wouldn't change this.

Commissioner Betts stated that under the Concept Plan where you have the Village Board, put a sub-bullet with the Economic Development Commission, as well as Planning and Zoning Commission. Mr. Hoffman stated that he wrote it in here. He just has to simplify it on the slide. Commissioner Betts believes that would be very helpful. She stated even for the Applicant, they are saving a lot of time and money having that done first. It gets everyone on the same page, rather than having the cart before the horse all the time.

Chairman Blackwell stated that we have had some developers that were not very happy after they put in some serious money to bring up some Plans. He stated with Tolentine we had like four different groups come in. They spent a lot of money doing all these Plans. They were rejected by the Planning Commission. You kind of feel bad for them, but the process is everything. He stated that Mike is on target doing it this way.

Mr. McDonnell inquired with the Concept Plan idea, can we incorporate this into any project, not just a Planned Development? He inquired does a Planned Development cover everything? Mr. Hoffman stated no. We don't require it for any kind of zoning change. We can offer it with any kind of major zoning change. If somebody wanted to do something that is particularly inconsistent with the Comprehensive Plan. Mr. McDonnell stated that would be good. He stated Number 3, "Application for the Planned Development." Can we make sure that doesn't affect our new Cell Tower Ordinance at all? He doesn't want a cell tower to come through saying that they can put in an Application for a Planned Development and squeeze that in there somehow. Mr. Hoffman stated you got it. Will do.

Mr. Hoffman stated that the other big picture thing that he added that wasn't in the previous Code was a section on Page 9 of the Planned Development Section. It is "Section 22-148 – Changes to Planned Development." This happens on a regular basis in other communities that he works on where a Planned Development is created. He stated like Olympia Club, the project got started, the economy tanked. It stalled. The markets changed. We need to make a change to that Plan. They haven't come in and asked for one yet. He suspects that when somebody wants to do something there, they will probably come back to you and ask for a change. He has defined what a major change is and what a minor change is, and what is a technical change. You shouldn't have to go through an involved Public Hearing to make a minor change. If they want to change the Use to something that wasn't originally permitted, that is kind of major and you should have a more involved process. They outlined how that could work here. Those are the major changes to the Planned Development Section.

Chairman Blackwell stated that he has a couple of corrections. You started in with this on Page 14, "Section 22-152 Common Open Space." You made a good note change under 2. You changed it from "Plan Commission" to "Planning (capital) and Zoning (capital) Commission." You did it again and followed through in Section B. At the top of Page 15 at the half paragraph, you need to make those continuous changes consistent throughout. That last sentence reads following the comma after "located, and the plan is developed to afford adequate protection to

neighboring properties as recommended by the (capital) Planning and Zoning Commission and approved by the Board of Trustees (capitalized). You can take his notes on it. That way it is consistent all the way through. Mr. Hoffman stated thank you.

Chairman Blackwell stated that at the beginning of Article IV, on Page 1, we are dropping “Unit.” We are calling this “Planned Development.” Mr. Hoffman stated that word needs to be scratched out there. You want to delete “Unit” in Article IV. It is just a spellcheck thing. We will go back through it again before we send it to the Trustees.

Chairman Blackwell stated that it looks like everything from Page 10 starting with “(a)” all of that is being rewritten. The new language incorporates this in a better fashion. Mr. Hoffman stated yes. Chairman Blackwell stated that he looked at it. He didn’t read all of it because he thought that more than likely Mike went through and saw a lot of stuff that we had that we didn’t need. Mr. Hoffman stated that it was easier to rewrite the whole section than to do it piecemeal. Chairman Blackwell stated that the rest of it looked good.

Mr. Hoffman stated that he gave the Commissioners an updated Table of Uses. We spent a lot of time the last time talking about churches. He had a conversation with Judy Kolman. She is still doing some research on that topic. She is concerned about how this would relate to the Religious Freedom Act and how that relates to things. She had stated that we should probably treat Religious Institutions and churches similar to how we handle schools. The idea of doing them only in R-4 and E-4 as Special Uses may not work. He is waiting for her to finish her research. He wanted to give them the update on that.

Chairman Blackwell stated that he thinks Judy’s instincts are on cue. He read through the Minutes. We were really just talking through ideas. He had not done any research on it. One of the things that John brought us back to, is that you might want to leave it alone, because where you have it now if a church wanted to build a church next to Victor’s house, they wouldn’t fit the requirements necessary for parking, for exits, and for all of the other things that they would need. We don’t want to do anything to make it look like we are against churches coming in. The other side is we don’t want runaway situations. He got that from the Minutes. He thought that John might have the best answer. Let’s leave that alone for now. Let Judy continue to research. And Mike had mentioned that we don’t really have B-4 things anyway. The good thing is we don’t have it, but that is where you would go if you needed to do it. You want to give a church an opportunity to come in, because it might be a church that you want to go to. He is kind of with John on this. He inquired for now, can we let that sit? We don’t have folks standing in line to build churches in the Village. If they did try to do it next to a resident, they have to meet so many different requirements it would be a tight box for them. We don’t want to prohibit them either. Mr. Hoffman stated good plan. That is what we will do.

Commissioner Betts stated that on your grid, the Zoning Use Listing, on Page 2, under “Institutional/Utility/Transportation Uses,” the sixth one down says, “Detention or Retention Facilities are permitted in Residential areas.” Mr. Hoffman stated yes. That is for storm water. You were thinking like prisons. Commissioner Betts stated yes. Mr. Hoffman stated that he will make sure that the definition is clear. Mr. McDonnell stated that is a good question. Commissioner Betts stated let’s say, “Water Detention.”

Chairman Blackwell stated that in the meeting that you guys had to leave right after we finished, to run to your next meeting with the President, in that meeting, there were a couple of bankers who owned certain properties that were interested in potentially doing some things with. This relates to Vollmer Road where we have intentions on turning that certain frontage part into Commercial with some of the ideas of restaurants, and Multi-Use places of a boutique area and different things. If we zone this as Commercial without clear-cut direction from them as to what they are willing or looking to put up, would they be restricted to proceed only on a Commercial basis with that, where it would not include, for instance, a three, four, five-story condominium unit instead of a Francesca's Restaurant there? How does that work?

Mr. Hoffman stated that Villages can proactively go out and rezone property. If you do that, they are also open to challenging you on that. You may end up in Court. It was his suggestion at that meeting, that we sit down with these property owners before we go through any process of rezoning their property, so that we make sure they are onboard and we are all on the same page. That's what should happen there. Chairman Blackwell stated that is what he thought.

Mr. Hoffman stated to give you a quick update on where we are, he has given the Commissioners all of the major Sections individually. You need to see the whole thing collectively in one piece. He is going to finish up the rest of the edits. He has some formatting things to do. He will put it in one solid document and give you that for your meeting next month. If you are okay with that, or if there are some edits with that, we would proceed to a Public Hearing for the text only in March. We will follow that up probably in April with the rezoning of the Open Space areas, and hopefully that TOD District if we are ready to proceed on that as Map Amendments in April.

Mr. McDonnell inquired of Mr. Hoffman whether or not changing the Zoning Map is part of his scope of work now, or would that be at a later date. Mr. Hoffman stated that it is a separate step. It is a part of this process. He has an Agreement with the Village to do the Zoning Ordinance, update the Map, and the Land Use Plan Map. It is all part of the existing contract.

Chairman Blackwell inquired when does this go to the Trustees? Mr. Hoffman stated that if you have your Public Hearing on the text in March, it would presumably go to them in April. Chairman Blackwell inquired that you would have presented prior to then, the map for our consideration as well? They would go through the same process.

Trustee Pennington stated that we have changed our meeting dates for the Trustees. We are meeting once a month now instead of twice a month. He stated that in all probability we will have a Special Meeting for this in order to get it out. Mr. McDonnell stated that we will probably call a Special Meeting for the Board of Trustees and invite the Planning and Zoning Commission members to that meeting to breeze through it really quick before it goes through any kind of vote. It would be an educational meeting like we have had in the past.

Chairman Blackwell inquired whether or not the Trustees approved the hospital's latest construction that came out of our meeting. Mr. McDonnell stated yes, that is all approved. The Medical District, the proposed Plan for the south side of 203rd Street, everything was all approved. He stated that a hospital update, the hospital was intending on having more things

before us to approve for the south side of 203rd Street. They bit off a lot more than they can chew at the moment. They are trying to play catch up.

OPEN FOR PUBLIC COMMENT:

Motion by Trustee Pennington, second by Commissioner Betts to go into the Public Comment aspect of our Meeting at 8:35 P.M.

Voice Vote: All Ayes. Motion Carried.

Chairman Blackwell stated that there are no members from the public to speak.

CLOSE PUBLIC COMMENT:

Motion by Trustee Pennington, second by Commissioner Betts to Close the Public Comment aspect of our Meeting at 8:36 P.M.

Voice Vote: All Ayes. Motion Carried.

ADJOURNMENT:

Motion by Commissioner Betts, second by Trustee Pennington to Adjourn the Meeting at 8:36 P.M.

Voice Vote: All Ayes. Motion Carried.

Respectfully submitted by Faith Stine.