

**Meeting Members:**  
Gary Stanton, Chairperson  
Karen Arnet, Vice-Chairperson  
Patrick Kinnane, Trustee  
Karen Mills, Trustee  
Anna Newell, Trustee  
Gary Pilafas, Trustee  
William McLeod, Mayor

## Village of Hoffman Estates

### Planning, Building and Zoning Committee Meeting Agenda

August 7, 2023

Immediately Following Transportation & Road Improvement  
Village Hall, 1900 Hassell Road, Hoffman Estates, IL 60169

*if online, insert URL.*

- I. Roll Call
- II. Approval of Minutes - July 3, 2023
- III. Public Comment

#### NEW BUSINESS

1. Request by Gompers-Lewis II, LLC, for approval of a Pre-Development Agreement for the 22-acre parcel on the southeast corner of Prairie Stone Parkway and Beverly Road.
2. Request approval of an Ordinance rescinding Ordinance No. 5012-2023 (Granting a Preliminary and Final Plat of Resubdivision of Lot 5C3B in Sears Business Park - Culver's Subdivision located at 4635 Hoffman Boulevard).
3. Request approval of an Intergovernmental Agreement with the Illinois State Toll Highway Authority and Village of Schaumburg for the Tollway Maintenance Facility located at 557 W. Central Road.
4. Request approval of the Community Development Block Grant (CDBG) Annual Action Plan Program Year 18 (2023-2024).
5. Request approval of Lakewood Center TIF Reimbursement Request #3 in the amount of \$18,118,730.07.
6. Request direction to proceed with development of text for an updated Zoning and Development Code based on recommendations presented by Teska Associates, Inc. and Ancel Glink, P.C.

#### REPORTS (INFORMATION ONLY)

1. Planning Division Monthly Report
2. Code Enforcement Division Monthly Report
3. Economic Development and Tourism Monthly Report

- IV. President's Report
- V. Other
- VI. Items in Review
- VII. Adjournment

*Further details and information can be found in the agenda packet attached hereto and incorporated herein and can also be viewed online at [www.hoffmanestates.org](http://www.hoffmanestates.org) and/or in person in the Village Clerk's office. The Village of Hoffman Estates complies with the Americans with Disabilities Act (ADA). For accessibility assistance, call the ADA Coordinator at 847/882-9100.*

**PLANNING, BUILDING & ZONING  
COMMITTEE MEETING MINUTES**

July 3, 2023

**I. Roll Call**

**Members in Attendance:**

**Gary Stanton, Chair  
Karen Arnet, Vice-Chair  
Patrick Kinnane, Trustee  
Karen Mills, Trustee  
Anna Newell, Trustee  
Mayor William D. McLeod**

**Members Absent:**

**Gary Pilafas, Trustee**

**Management Team Members  
in Attendance:**

**Eric Palm, Village Manager  
Dan O'Malley, Deputy Village Manager  
Jana Dickson, Asst. Corporation Counsel  
Bev Romanoff, Village Clerk  
Alan Wenderski, Dir. of Engineering  
Kasia Cawley, Police Chief  
Ric Signorella, Multi Media Production Mgr.**

The Planning, Building & Zoning Committee meeting was called to order at 7:08 p.m.

**II. Approval of Minutes**

Motion by Trustee Arnet, seconded by Mayor McLeod, to approve the Planning, Building & Zoning Committee meeting minutes of June 12, 2023. Voice vote taken. All ayes (Abstain: Kinnane). Motion carried.

**III. Public Comment**

**REPORTS (INFORMATION ONLY)**

**1. Department of Development Services monthly report for Planning Division.**

The Department of Development Services monthly report for Planning Division was received and filed.

**2. Department of Development Services monthly report for Code Enforcement Division.**

The Department of Development Services monthly report for Code Enforcement Division was received and filed.

**3. Department of Development Services monthly report for Economic Development and Tourism.**

The Department of Development Services monthly report for Economic Development and Tourism was received and filed.

- IV. President's Report**
- V. Other**
- VI. Items in Review**
- VII. Adjournment**

Motion by Trustee Mills, seconded by Trustee Arnet, to adjourn the meeting at 7:10 pm. Voice vote taken. All ayes. Motion carried.

Minutes submitted by:

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Debbie Schoop, Executive Assistant

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Date

**COMMITTEE AGENDA ITEM  
VILLAGE OF HOFFMAN ESTATES**

**SUBJECT:** Request by Gompers-Lewis II, LLC, for approval of a Pre-Development Agreement for the 22-acre parcel on the southeast corner of Prairie Stone Parkway and Beverly Road

**MEETING DATE:** August 7, 2023

**COMMITTEE:** Planning, Building and Zoning

**FROM:** Jennifer Horn, Director of Planning & Transportation  
Peter Gugliotta, Development Services Director

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**REQUEST:** Request by Gompers-Lewis II, LLC, for approval of a Pre-Development Agreement for the 22-acre parcel on the southeast corner of Prairie Stone Parkway and Beverly Road.

**BACKGROUND:** The vacant 22-acre property at the southeast corner of Prairie Stone Parkway and Beverly Road is currently owned by a bank that obtained the land via foreclosure after a large hotel/waterpark project failed during the 2008 economic downturn. The bank owner does not develop land and has unsuccessfully marketed the property for several years.

In 2019, the Village worked with The Lakota Group on the Western Area Plan (west of Bartlett Rd, north of I-90). The plan (adopted July 2021) provides a concept framework for a variety of uses, with an emphasis on a mix of multi-family, retail, entertainment, recreation uses centered on the Arena and Village Green along Prairie Stone Parkway. Key to achieving a vibrant and sustainable activity area will be the addition of dense Class A multi-family apartments with walkable connectivity to nearby uses. The subject property is at a key location across the street from the Village Green and west of the Arena. The Village's Western Area Plan can be reviewed online at [www.hoffmanestates.org/areaplan](http://www.hoffmanestates.org/areaplan).

The property is currently zoned B-3, which allows a wide variety of entertainment, retail, restaurant and similar uses, but does not permit residential uses. However, in order to facilitate development consistent with the Western Area Plan (and elsewhere in the Village) the Zoning Code was recently amended to add a Planned Development (PD) process that will allow consideration of multi-family development in the B-3 District. The comprehensive Zoning Code update (to be complete in spring 2024) is expected to retain language very similar to the recently adopted Planned Development.

**DISCUSSION:**

Recently an investor, Gompers-Lewis II, LLC (aka GLLC), entered into a contract to purchase the property. The purchaser will function as an investor who will actively seek a highly qualified builder(s) to develop a Class A apartment project that aligns with the Village's vision for high density multi-family units consistent with the Western Area Plan. In order to effectively market this property, the purchaser is requesting approval of a pre-development agreement stating clear expectations for development. This agreement will be an important tool for the investor to secure a motivated builder and advance a project in a timely manner. Ultimately, GLLC may sell the property to the apartment builder, or they may choose to retain a longer-term ownership interest for investment purposes.

GLLC recognizes the attractiveness of this particular site for a new apartment project, as well as the strength of the current multi-family rental market. Their view of the market is consistent with the results of the Housing Market Study commissioned by the Village in early 2023. In addition to familiarity with general development and construction, their team includes representatives with expansive experience building and managing large multi-family projects. They have also become familiar with the concepts outlined in the Village's Western Area Plan and believe their investment/development goals align with the Village's land use vision. For reference, the Housing Market Study is available online at [www.hoffmanestates.org/areaplan](http://www.hoffmanestates.org/areaplan).

Below is a summary of the proposed pre-development agreement:

**Sections 1-3:** These sections provide background, outline the purpose of the agreement, and establish intentions of both parties. Subsection 3.c. states the agreement does not approve zoning and reinforces the requirement that the full Village zoning process must be adhered to for any proposed development. Note: while not technically planning to 'develop' the land, Gompers-Lewis II, LLC is referred to as 'Developer' in the agreement, which is the customary terminology.

**Section 4:** The term of this agreement is four years, or concurrent with approval of a Planned Development for a multi-family project, whichever comes first. Also required is the submittal of a formal application for Planned Development within three years. This proposed agreement is essentially intended to 'bridge the gap' between the developer's purchase of the property and approval of plans for an actual project with an apartment builder that is prepared to construct.

**Sections 5-6:** These sections establish the core characteristics desired in any new project and will be key to communicate the Village's vision to potential builders. The language sets a minimum number of units (580), minimum density, requirement for a master plan for the entire parcel, and defines what must be included in a Class A multi-family project. Highlights are the requirement for elevators in all residential buildings, a large portion of enclosed/structured parking, architectural standards, interior amenities, and common area amenities such as pool, fitness center, outdoor gathering spaces, etc. Site layout is addressed, as well as the importance of vehicular and pedestrian connectivity to adjacent streets and nearby properties. To achieve the required density, buildings will likely include

a mix ranging from 3 or 4 stories, up to 7 stories or higher and the project may likely be built in two phases.

**Section 7:** References standard required impact fees/donations.

**Section 8:** Establishes a requirement for the developer to coordinate with the Village on an additional 59/90 District sign to be located on the corner of Prairie Stone Parkway and Beverly Road to complement signage planned at IL Route 59.

**Section 9:** Addresses important legal representations and warranties. Corporation Counsel was extensively involved in the drafting of language in this section to ensure there are no misrepresentations or risks involved for the Village in this agreement. Since this document is not actually approving zoning or a specific development plan, it was particularly important to make sure the developer understands that all standard Village zoning, site plan and development processes and requirements will still apply.

Note that the agreement intentionally does not include a concept plan attachment. Since the developer has not yet selected a particular builder with a specific project, the exact plan design is not yet known. During the drafting process staff and Corporation Counsel recommended against including any sample plan to avoid any misrepresentations about what was being approved by this agreement. Once an actual builder is chosen, they will have to proceed through the Village's full Planned Development / Zoning / Site Plan process with formal reviews by the Planning and Zoning Commission and Village Board.

#### **SUMMARY:**

Village staff and Corporation Counsel worked in concert to ensure this agreement accomplished the dual goals of facilitating a near-term development scenario desired by the Village, while also protecting the Village's interests.

Since the current bank ownership is not active in the development industry and simply wants to sell the land, they are open to proposals from any buyer, regardless of their plans for development. The current purchaser, GLLC, has a specific focus on finding a Class A multi-family apartment developer/builder, which matches one of the key goals the Village has for this area. If successful, a project of this nature at this location will create synergy with likely restaurant, entertainment, and recreational uses planned for and existing on nearby parcels. The addition of modern Class A apartments in this area will also be an asset for continued business growth since this use provides a desirable housing option for likely employees in the area.

#### **RECOMMENDATION:**

Approval of a request by Gompers-Lewis II, LLC, for approval of a Pre-Development Agreement for the 22-acre parcel on the southeast corner of Prairie Stone Parkway and Beverly Road.

Attachments

**Subject Property**  
PIN: 01-31-401-002-0000



**Legend**

-  Subject Property
-  Parcels
-  Village Boundary



Planning and Transportation Division  
Department of Development Services

August 1, 2023

Mr. Peter Gugliotta AICP  
Director of Development Services  
Village of Hoffman Estates  
1900 Hassell Road  
Hoffman Estates, IL 60169

Ms. Jennifer Horn  
Director of Planning and Transportation  
Village of Hoffman Estates  
1900 Hassell Road  
Hoffman Estates, IL 60169

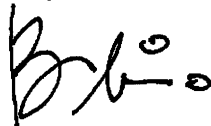
RE: Request for Consideration for Approval for Development Agreement between Gompers Lewis II LLC (GLLC) and the Village of Hoffman Estates for the Development of Approximately 22 Acres at the Northeast Quadrant of Beverly Road and US Route 90.

On behalf of Gompers Lewis II LLC, we present this Development Agreement for the consideration of the Village of Hoffman Estates and respectfully ask that they approve the document as presented. We have worked closely with Village staff and feel that this agreement reflects the cooperative spirit of the negotiations.

The International Union of Operators Local 150 is the sole Member of GLCC. GLCC represents the real estate interests of Local 150 and invests on behalf of the 23,000 members the Local serves. It is GLCC's intention to purchase the subject property in an all-cash transaction. At that time GLCC will market the property along with the obligations contained in this agreement, to a select group of qualified apartment developers who will then complete the entitlement process under a Purchase and Sale Agreement. After the approvals have been obtained, the developer and GLCC will close on the property and the developer can begin construction. In working with the Village Staff, we have developed a plan and process that is market responsive while providing the quality and quantity of the product the Village desires. GLCC is a patient investor yet is driven by Internal Rate of Returns, so it is in GLCC's best interest to divest the property in a timely fashion. GLCC would consider one transaction with one developer or a few developers who specialize in a product type. GLCC will also entertain retaining a continuing ownership participation in a future project.

GLCC is an accomplished and credible investor in real estate.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Segobiano', with a stylized flourish at the end.

Joe Segobiano  
Authorized Representative



## **PRE-DEVELOPMENT AGREEMENT**

**THIS PRE-DEVELOPMENT AGREEMENT** (“Agreement”), dated this 7<sup>th</sup> day of August, 2023 (“Effective Date”), is made by and between the VILLAGE OF HOFFMAN ESTATES, Cook County, Illinois, an Illinois municipal corporation and home rule unit of local government (the “Village”), and GOMPERS - LEWIS II LLC, an Illinois limited liability company (the “Developer”). The Village and Developer are each hereinafter referred to as a “Party” and collectively as the “Parties”.

### **SECTION 1. RECITALS.**

**WHEREAS**, the Village is a duly constituted and existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois and is a “home rule unit” under Section 6(a) of Article VII of the 1970 Constitution; and

**WHEREAS**, the Village has the authority to promote the health, safety and welfare of the Village and its inhabitants, to encourage private development in order to enhance the local tax base, create employment and ameliorate blight, and to enter into contractual agreements with third persons to achieve these purposes; and

**WHEREAS**, the Developer has a contract to purchase the a Prairie Stone Parkway and Beverly Road property as legally described on **Exhibit A** to this Agreement (“Property”); and

**WHEREAS**, the Property is a currently undeveloped and zoned B-3 Business District; and

**WHEREAS**, the Property is included in the boundaries of the Western Area Plan adopted by the Village on July 6, 2021; and

**WHEREAS**, consistent with the Western Area Plan, the Village desires the Property to be developed with multi-family residential building types, density, and a layout that supports and is complimentary to mixed entertainment, restaurant, retail, and similar uses on adjacent and nearby properties, including the Village-owned Village Green property; and

**WHEREAS**, Developer desires to purchase, market and coordinate development of the Property with one or more a Class A multi-family developments in line with the terms herein (“Project”); and

**WHEREAS**, the Parties desire that multi-family development of the Property occur as soon as practicable; and,

**WHEREAS**, the President and Board of Trustees of the Village have determined that the Project suits the needs of the Village and that it is in the best interest of the Village to enter into this Agreement.

## **SECTION 2. STATEMENT OF COOPERATION.**

The Village and Developer each declare their interest in redeveloping the Property with improvements in accordance with this Agreement. The Parties pledge to cooperate in good faith with each other and take all reasonable steps toward the development of the Project as set forth in this Agreement.

## **SECTION 3. PURPOSE AND IMPACT OF AGREEMENT.**

1. **Statement of Purpose.** This Agreement represents a statement of mutual cooperation of the Parties for the development of the Property for the Project. This Agreement sets forth the Parties' mutual understanding, and current plans for the pursuit and completion, of all tasks and actions that will be necessary for the Project to come to fruition. Accordingly, the purpose of this Agreement is to serve as a "roadmap" for the further preparation of plans necessary for the Project and the establishment of all necessary governmental approvals for the Project.

2. **Failure to Act.** This Agreement is not to be deemed or interpreted as an obligation on either Party to take any actions, or to refrain from any actions, with respect to the Project. Neither Party is or will be under any obligation to act in any way contemplated by, or to exercise any of the rights granted to it in, this Agreement. Further, neither Party will be liable to the other Party for the failure to take any action contemplated by this Agreement.

3. **Zoning Approval.** The Parties acknowledge and agree that, pursuant to the Village Code and applicable law, the Project may not be constructed, and the Property may not be operated or used as contemplated by the Project or this Agreement, except upon approval by the Village of the zoning, land use, and subdivision approvals necessary for the Project, in accordance with the requirements and procedures of the Village Code (collectively, the "Zoning Approvals"). The Zoning Approvals must be: (a) consistent with the form and substance required by the Village Code; (b) generally consistent with the Western Area Plan as adopted by the Village; and (c) submitted in a form approved by the Village Development Services Department. The Village agrees to consider all applications for Zoning Approvals in a timely manner and in accordance

with the procedure required by law, but shall make no guarantee or have any legal or contractual obligation under this Agreement as to the outcome of the zoning application process.

#### **SECTION 4. TERM AND TERMINATION.**

1. **Term.** This Agreement shall terminate on the earlier of: (a) four (4) years from the Effective Date; or (b) upon Village approval of a Planned Development (or similar level of zoning entitlement) for multi-family residential housing on the Property.

2. **Zoning Approval Submittal.** A formal application for approval of a Planned Development (or similar level of zoning entitlement) shall be submitted to the Village no later than three (3) years from the Effective Date.

#### **SECTION 5. DEVELOPMENT REGULATIONS.**

1. The Property shall be improved with a Class A multi-family residential development (as defined below) or developments that are complimentary to adjacent existing and planned mixed entertainment, restaurant, and retail uses in compliance with the current B-3 Zoning District regulations.

2. Total number of units shall not be less than 580 units.

3. Total number of units above 580 can vary based on standard and appropriate planning and engineering practices expected to provide a net density of +/-18 acres but shall not be less than 32 units per Net Developable Acre. Net Developable Acres for this purpose shall be defined as gross acres minus detention, easements, roadways and public right of ways.

4. The development may be constructed in multiple phases provided that a master concept plan for the entire property has been approved by the Village prior to construction of the first phase.

5. For purposes of this agreement, Class A multi-family residential development is defined as a project that shall include the following amenities:

- a. Each residential building shall have an elevator.
- b. A combination of surface and structure parking shall be provided, including each building shall have enclosed parking at a ratio of at least one enclosed space per each unit.
- c. Each development phase shall include:

- i. A clubhouse with interior gathering space/management office (3500 sq. ft. minimum size)
  - ii. Swimming pool(s) (350 sq. ft. minimum size)
  - iii. A fitness center (1000 sq. ft. minimum size)
  - iv. One or more outdoor activity/gathering spaces, such as grill area, outdoor seating, fire pits, activity areas (bags/horseshoes/etc.), dog park area, or similar.
  - v. Any amenity(s) as outlined above may be provided in common to serve the entire development provided, however, that such amenity(s) shall be constructed with the first phase of building(s).
- d. All interior units shall contain: wireless internet connectivity, air conditioning, luxury plank style flooring in kitchen/family room, granite or quartz countertops (or equivalent), programmable thermostat, all appliances, in unit washers and dryers, integrated smart technology, and secured enclosed parking and building entrance accessibility.

6. Exterior architecture shall consist of brick, stone, or other decorative masonry material on entire first floor of each building, at least one complementary materials on all walls above the first floor, no EIFS (except on limited trim areas above the first floor as approved by the Village), and building articulation on each façade.

#### **SECTION 6. SITE LAYOUT AND ACCESS.**

1. If buildings with different densities are planned, those with the greater height and density shall be located so as to facilitate pedestrian connectivity to the north and east for as many residents as possible.

2. Building entrances shall be included along north and east portions of the building(s) or otherwise oriented in a manner to provide the shortest walking distance to a path network linking to commercial property to the east and Village Green property along Prairie Stone Parkway.

3. Vehicular access shall be provided on Beverly Road and Prairie Stone Parkway (to line up with curb cuts on opposite side of streets), as approved by the Village.

4. Cross-access for vehicles shall be provided connecting to development to the east in a location as agreed to by the Village and Developer.

5. Pedestrian connections shall be provided throughout development, between developments, to and across Prairie Stone Parkway, to and across Beverly Road, and to the development parcel to the east.

#### **SECTION 7. IMPACT FEES/LAND DONATION.**

1. **School and Park.** Developer shall pay School and Park Donations in accordance with the Village Municipal Code

2. **Traffic.** Developer shall pay Traffic Impact Fee based the Village's Fair Share Road Improvement Impact Fee ordinance currently in place, or an amount equal to what would be required per the current Fair Share Road Impact Ordinance to the Village's Prairie Stone Capital Fund, with such fee to be paid at the time of the first permit for each phase, as approved by the Village.

#### **SECTION 8. 50/90 SIGN.**

The Village desires to have a major 59/90 Entertainment District monument sign, potentially with an electronic message component, installed at the corner of Beverly Road and Prairie Stone Parkway. The Developer agrees to grant an easement or ownership of an outlot, in a location agreed to by developer, to the Village for said sign, if determined to be desirable by the Village. The Developer agrees to fund design and construction of said sign, however, if other entities, other than the Village and owners of subject property utilize sign, construction cost will be based on pro rata share with other said entities. Size of sign to be mutually agreed to by developer and Village. Developer and Village agree to work cooperatively to determine long term ownership of the sign, as well come to terms on maintenance responsibilities and joint messaging.

#### **SECTION 9. GENERAL TERMS AND PROVISIONS**

1. **Assignability.** This Agreement is not assignable.
2. **Developer's Representations and Warranties.** The Developer represents and warrants that:
  - a. It is a duly organized and validly existing Limited Liability Company under the laws of the State of Illinois, and duly authorized to conduct business in the State of Illinois. The Developer has all requisite corporate power and authority to

enter into this Agreement and to consummate the transactions contemplated by this Agreement and this Agreement has been duly executed and delivered by authorized members of the Developer and is legally binding upon and enforceable against the Developer in accordance with its terms.

- b. The Developer is not a party to any contract or agreement or subject to any charter, operating agreement, article of organization or other limited liability company restriction which materially and adversely affects its business, property or assets, or financial condition. Neither the execution and delivery of this Agreement nor compliance with the terms of this Agreement will conflict with, or result in, any breach of the terms, conditions or restrictions of, or constitute a default under, or result in any violation of, or result in, the creation of any liens upon the properties or assets of the Developer pursuant to, the operating agreement or articles of incorporation of the Developer, any award of any arbitrator or any agreement (including any agreement with members), instrument, order, judgment, decree, statute, law, rule or regulation to which the Developer is subject.
- c. There is no action, suit, investigation or proceeding pending, or to the knowledge of the Developer, threatened against or affecting the Developer, at law or in equity, or before any court, arbitrator, or administrative or governmental body, nor has the Developer received notice in respect of, nor does it have any knowledge of, any default with respect to any judgment, order, writ, injunction, or decree of any court, governmental authority or arbitration board or tribunal, which in either case might reasonably be expected to result in any material adverse change in the business, condition (financial or otherwise) or operations of the Developer or the ability of the Developer to perform its obligations under this Agreement.
- d. The execution, delivery, and performance of this Agreement have been duly authorized by all requisite corporate action.
- e. The Developer has filed all federal, state and other income tax returns which, to the knowledge of the officers of the Developer, are required to be filed, and each has paid all taxes as shown on such returns and on all assessments received

by it to the extent that such taxes have become due, except such taxes as are being contested in good faith by appropriate proceedings for which adequate reserves have been established in accordance with generally accepted accounting principles. The Developer knows of no proposed additional tax or assessment against it by any governmental authority that would be reasonably likely to have a material adverse effect on the business, condition (financial or otherwise) or operations of the Developer.

3. **Village Representations and Warranties.** The Village represents and warrants that:

- a. The Village is a municipal corporation under the laws of the State of Illinois with power and authority under its home rule powers and the Act to enter into this Agreement and to consummate the transactions contemplated by this Agreement.
- b. To the best of its knowledge and belief, the execution of this Agreement and the consummation of the transactions contemplated by this Agreement will not result in any breach of, or constitute a default under, any agreement, contract, lease, mortgage, indenture, deed of trust or other instrument to which the Village is a party, nor violate any federal, state or local ordinance or statute.
- c. There is no action, suit or proceeding pending, or to the knowledge of the Village threatened, against or affecting the Village, at law or in equity, or before any governmental authority which, if adversely determined, would impair the Village's ability to perform its obligations under this Agreement.
- d. All actions of the President and Board of Trustees of the Village required to be taken to authorize execution of this Agreement have been validly and duly taken in accordance with law and the officers of the Village signing this Agreement have been duly authorized to execute this Agreement on behalf of the Village.

4. **Entire Agreement; Successors and Assigns; Amendments.** This Agreement, contains the entire agreement between the Parties in connection with these transactions, and there are no oral or parole agreements, representations or inducements existing between the parties relating to these transactions which are not expressly set forth in this Agreement and covered by this Agreement. This Agreement may not be modified except by a written agreement signed by

all of the parties and in the case of the Village, shall require the adoption of an ordinance or resolution by the President and Board of Trustees of the Village approving such amendment.

5. **Governing Law; Interpretation; Partial Invalidity.** This Agreement shall be governed by the laws of the State of Illinois. The captions, section numbers and article numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe or describe the scope or intent of such paragraphs or articles of this Agreement nor in any way affect this Agreement. The invalidity of any provision of this Agreement or portion of a provision shall not affect the validity of any other provision of this Agreement or the remaining portions of the applicable provision.

6. **Notices.** All notices, demands, requests, consents, approvals or other instruments required or permitted to be given under this Agreement shall be in writing and shall be executed by the Party or an officer, agent or attorney of the Party, and shall be deemed to have been effective as of the date of actual delivery, if by messenger delivery, on the date of transmission if transmitted via facsimile during normal business hours (9:00 a.m. to 5:00 p.m.), or as of the third (3<sup>rd</sup>) day from and including the date of posting, if deposited in the United States mail, postage prepaid, registered or certified mail, addressed as follows (or to such other address as may be designated from time to time by either Party by written notice to the other:

If to the Developer:                      Gompers-Lewis II LLC  
6140 Joliet Road  
Countryside, IL 60525  
Attn: Brad Russell  
Email: [brussell@local150.org](mailto:brussell@local150.org)

With a copy to:                              Raines Feldman Littrell LLP  
30N. LaSalle Street, Suite 3100  
Chicago, IL 60602  
Attn: Ron Grais  
Email: [rgrais@raineslaw.com](mailto:rgrais@raineslaw.com)

If to the Village:                              Village of Hoffman Estates  
1900 Hassell Road  
Hoffman Estates, IL 60169  
Attn: Village Clerk  
Email: [bev.romanoff@vohe.org](mailto:bev.romanoff@vohe.org)



With a copy to:

Village of Hoffman Estates  
1900 Hassell Road  
Hoffman Estates, IL 60169  
Attn: Corporation Counsel  
Email: [Arthur.janura@vohe.org](mailto:Arthur.janura@vohe.org)

Village of Hoffman Estates  
1900 Hassell Road  
Hoffman Estates, IL 60169  
Attn: Village Manager  
Email: [eric.palm@vohe.org](mailto:eric.palm@vohe.org)

7. **Recourse.** Except as provided in this Agreement, no recourse under or upon any obligation, covenant or agreement contained in this Agreement or for any claim based thereon or otherwise in respect thereof shall be had against the direct or indirect officers, members, shareholders, managers, partners, beneficial owners, agents and employees of either Party for any reason.

8. **Village's Representative Not Individually Liable.** No member, official, or employee of the Village shall be personally liable to the Developer or any successor in interest in the event of any default or breach by the Village or for any amount which may become due to the Developer or successor or on any obligation under the terms of this Agreement.

9. **Municipal Limitation.** All commitments or obligations of the Village undertaken pursuant to this Agreement shall be limited to the extent that such obligations are within its powers as a municipal corporation.

10. **Costs.** Any cost and expense incurred by either Party with regard to the preparation of this Agreement shall be borne exclusively to such Party with no right to reimbursement from the other except as provided in this Agreement.

11. **No Joint Venture.** Nothing contained in this Agreement is intended by the Parties to create a joint venture between the Parties. It is understood and agreed that this Agreement does not provide for the joint exercise by the Parties of any activity, function or service, nor does it create a joint enterprise, nor does it constitute either Party as an agent of the other for any purpose whatsoever.

12. **Counterparts.** This Agreement may be executed in several counterparts and by each Party on a separate counterpart, each of which, when so executed and delivered, shall be an original, but all of which together shall constitute but one and the same instrument. In proving this

Agreement, it shall not be necessary to produce or account for more than one such counterpart signed by the Party against whom enforcement is sought.

13. **Authority to Execute.** Each Party to this Agreement warrants and represents that its signatory to this Agreement is a duly authorized representative of that Party, with full power and authority to agree to this Agreement, and all terms herein, on behalf of that Party.

14. **Jury Trial Waiver.** Each party irrevocably waives its right to a jury trial in any action or proceeding arising out of or related to this Agreement or the transactions relating to its subject matter.

15. **NOTWITHSTANDING** any other provision of this Agreement, if Developer does not become fee title holder of record of the Property within three (3) months of the Effective Date, this Agreement will become null and void.

**[SIGNATURE PAGES TO FOLLOW]**

IN WITNESS WHEREOF, the Parties to this Agreement have set their hands and seals to this Agreement on the date and year first above written:

VILLAGE:

DEVELOPER:

VILLAGE OF HOFFMAN ESTATES  
an Illinois home rule municipality

GOMPERS-LEWIS II LLC  
an Illinois limited liability company

By: \_\_\_\_\_  
William D. McLeod  
Village President

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
William D. McLeod  
Village President

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit A**

**Legal Description  
Property**

LOT 4A5G1A IN THE FINAL PLAT OF RESUBDIVISOIN OF LOT 4A5G1, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 31 AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5, 2007 AS DOCUMENT NO. 0706515096, IN COOK COUNTY, ILLINOIS.

**COMMITTEE AGENDA ITEM  
VILLAGE OF HOFFMAN ESTATES**

**SUBJECT:** Request approval of an Ordinance rescinding Ordinance No. 5012-2023 (Granting a Preliminary and Final Plat of Resubdivision of Lot 5C3B in Sears Business Park – Culver’s Subdivision located at 4635 Hoffman Boulevard)

**MEETING DATE:** August 7, 2023

**COMMITTEE:** Planning, Building and Zoning

**FROM:** Jennifer Horn, Director of Planning & Transportation  
Jim Donahue, Senior Planner

**REQUEST:** Request approval of an Ordinance rescinding Ordinance No. 5012-2023 (Granting a Preliminary and Final Plat of Resubdivision of Lot 5C3B in Sears Business Park – Culver’s Subdivision located at 4635 Hoffman Boulevard).

**BACKGROUND:** A Plat of Subdivision creating the lot east of Culver’s (Lot 3) was approved and recorded in 2014. The property owner subsequently hired a surveyor to survey Lot 3 and an arc and chord length measurements discrepancy was identified. A plat correcting the discrepancy was approved by the Village in March 2023.

Prior to recording of the March plat, the Village entered into an agreement with the property owner to purchase the eastern .327-acres of Lot 3. The Village intends to replace the current disc sign on this property with a permanent electronic message sign to highlight NOW Arena events and advertise businesses within the 59/90 entertainment district.

**DISCUSSION:** The owner has prepared a revised Plat of Resubdivision which subdivides Lot 3 into two new lots (of which the Village will purchase the easternmost .327 acres). This revised plat also incorporates the arc and chord length measurement discrepancy. As such, there is no need for the March plat, and Ordinance No. 5012-2023 is being rescinded.

**RECOMMENDATION:** Approval of Ordinance rescinding Ordinance No. 5012-2023 (Granting a Preliminary and Final Plat of Resubdivision of Lot 5C3B in Sears Business Park – Culver’s Subdivision located at 4635 Hoffman Boulevard).

Attachment

ORDINANCE NO. \_\_\_\_\_ - 2023

VILLAGE OF HOFFMAN ESTATES  
AN ORDINANCE RESCINDING ORDINANCE NO. 5012-2023  
GRANTING A PRELIMINARY AND FINAL PLAT OF RESUBDIVISION  
OF LOT 5C3B IN SEARS BUSINESS PARK – CULVER’S SUBDIVISION  
LOCATED AT 4635 HOFFMAN BOULEVARD

WHEREAS, the Village of Hoffman Estates adopted Ordinance No. 5012-2023 on March 20, 2023, granting Preliminary and Final Plat of Resubdivision of Lot 5C3B in Sears Business Park – Culver’s Subdivision located at 4635 Hoffman Boulevard; and

WHEREAS, the Preliminary and Final Plat of Resubdivision was never recorded and circumstances have changed necessitating revisions to said Plat; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook County, Illinois, as follows:

Section 1: That Ordinance No. 5012-2023 is hereby rescinded.

Section 2: The Village Clerk is hereby authorized to publish this Ordinance in pamphlet form.

Section 3: This Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	_____	_____	_____	_____
Trustee Anna Newell	_____	_____	_____	_____
Trustee Gary J. Pilafas	_____	_____	_____	_____
Trustee Gary G. Stanton	_____	_____	_____	_____
Trustee Karen Arnet	_____	_____	_____	_____
Trustee Patrick Kinnane	_____	_____	_____	_____
Mayor William D. McLeod	_____	_____	_____	_____

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

Published in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**COMMITTEE AGENDA ITEM  
VILLAGE OF HOFFMAN ESTATES**

**SUBJECT:** Request approval of an Intergovernmental Agreement with the Illinois State Toll Highway Authority and Village of Schaumburg for the Tollway Maintenance Facility located at 557 W. Central Road

**MEETING DATE:** August 7, 2023

**COMMITTEE:** Planning, Building and Zoning

**FROM:** Jennifer Horn, Director of Planning & Transportation  
Jim Donahue, Senior Planner

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**REQUEST:** Request approval of an Intergovernmental Agreement with the Illinois State Toll Highway Authority and Village of Schaumburg for the Tollway Maintenance Facility located at 557 W. Central Road.

**BACKGROUND:** The subject property is the former home to Thomas Engineering. The Illinois State Toll Highway Authority (ISTHA) purchased the property in 2020 and has been working on the site constructing a maintenance facility building, salt barn, and fueling facility. The maintenance facility will utilize water from the Village of Hoffman Estates, but due to site issues and topography, ISTHA has designed the sanitary service to discharge via a private lift station and force main into the Village of Schaumburg's sanitary system. The sanitary force main connection and the sanitary lift station will be in the Village of Hoffman Estates.

As a state agency, development of the site was not subject to the Village's Site Plan review process. A tri-party Intergovernmental Agreement (IGA) between the ISTHA and the Villages of Schaumburg and Hoffman Estates has been negotiated to address water and sewer utility design, easements, permitting, inspection rights, and associated fees between the parties.

**DISCUSSION:**

The IGA includes the following provisions:

- ISTHA shall obtain site development approval from the parties for water and sewer improvements.
- ISTHA shall grant Hoffman Estates utility easements over all water main located on the property and Hoffman Estates shall maintain water main within such easements.
- ISTHA shall grant the parties the right to conduct inspections on all utilities on the property.

**DISCUSSION** (continued):

- ISTHA shall pay Hoffman Estates \$50,575.00 for engineering, review and inspection fees and \$8,252.00 for a water production charge.

A site development permit for the water main construction will be issued by Hoffman Estates upon approval of the IGA. The Village is already in receipt of fees identified in the IGA. Village Corporation Counsel has reviewed the IGA and found it to be acceptable.

**RECOMMENDATION:**

Request approval of an Intergovernmental Agreement with the Illinois State Toll Highway Authority and Village of Schaumburg for the Tollway Maintenance Facility located at 557 W. Central Road.

Attachment

cc: Jim McDonough (ISTHA)



**INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY,  
THE VILLAGE OF HOFFMAN ESTATES  
AND  
THE VILLAGE SCHAUMBURG**

This INTERGOVERNMENTAL AGREEMENT (“AGREEMENT”) is entered into by and between THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY, an instrumentality and administrative agency of the State of Illinois (“ILLINOIS TOLLWAY”), the VILLAGE OF HOFFMAN ESTATES, a municipal corporation of the State of Illinois (“HOFFMAN ESTATES”), and the VILLAGE OF SCHAUMBURG, a municipal corporation of the State of Illinois (“SCHAUMBURG”), individually referred to as “PARTY,” and collectively referred to as “PARTIES.” HOFFMAN ESTATES and SCHAUMBURG are collectively referred to as “MUNICIPAL PARTIES.”

**RECITALS:**

WHEREAS, the ILLINOIS TOLLWAY, in order to facilitate the free flow of vehicular traffic and promote the safety of the motoring public, intends to construct and operate a maintenance facility (“PROJECT”) on real property it owns adjacent to Mile Post 64.8 and Mile Post 64.9 on the Jane Addams Memorial Tollway (“I-90”), the commonly known address of which is 557 Central Road, Hoffman Estates, Illinois 60192 (“PROPERTY”), as depicted on attached “EXHIBIT A,” which is incorporated into this AGREEMENT;

WHEREAS, PROJECT improvements to be constructed under this AGREEMENT include but are not limited to existing structure demolition, constructing a LEED certified maintenance facility building, constructing a salt barn, constructing a fueling facility, grading, paving, erosion control, drainage improvements, permanent pavement markings, exterior lighting, and landscaping improvements;

WHEREAS, by this AGREEMENT, the ILLINOIS TOLLWAY and HOFFMAN ESTATES intend to outline PROJECT construction, including but not limited to the ILLINOIS TOLLWAY complying with HOFFMAN ESTATES municipal codes (except as provided in Article III.C of this AGREEMENT), the ILLINOIS TOLLWAY installing a sanitary force main connection and granting HOFFMAN ESTATES rights to review and approve the sanitary lift station and force main connection and future rights to access ILLINOIS TOLLWAY property to inspect the sanitary force main connection, the ILLINOIS TOLLWAY granting easements over the PROPERTY to HOFFMAN ESTATES for municipal utilities, the ILLINOIS TOLLWAY granting HOFFMAN ESTATES’ Fire Department access to the PROPERTY for inspection, HOFFMAN ESTATES granting development approval, including approval for water improvements and inspections of utilities and connections, in exchange for fees to be paid to HOFFMAN ESTATES, and the establishment of emergency services coverage of the PROPERTY by the HOFFMAN ESTATES Fire Department during PROJECT construction and upon and after occupancy by the ILLINOIS TOLLWAY;

WHEREAS, by this AGREEMENT, the ILLINOIS TOLLWAY and SCHAUMBURG intend to outline PROJECT construction including but not limited to the ILLINOIS TOLLWAY installing a sanitary force main connection and granting SCHAUMBURG rights to review and approve the sanitary lift station and force main connection and future rights to access ILLINOIS TOLLWAY property to inspect the sanitary force main connection;

WHEREAS, by this AGREEMENT, for the benefit of the MUNICIPAL PARTIES, HOFFMAN ESTATES agrees to grant SCHAUMBURG future rights to inspect the sanitary force main connection installed as part of the PROJECT within HOFFMAN ESTATES municipal limits;

WHEREAS, subsequent to this AGREEMENT, the ILLINOIS TOLLWAY agrees to obtain from the MUNICIPAL PARTIES necessary permits to construct and occupy the maintenance facility it will construct on the PROPERTY and abide by all conditions set forth therein;

WHEREAS, subsequent to this AGREEMENT, the MUNICIPAL PARTIES agree to obtain from the ILLINOIS TOLLWAY easements across the PROPERTY necessary for the MUNICIPAL PARTIES to use and maintain a future water main interconnect located on ILLINOIS TOLLWAY property and abide by all conditions set forth therein;

WHEREAS, by this AGREEMENT, the PARTIES desire to determine and establish their respective responsibilities toward engineering, right of way acquisition, utility relocation, construction, funding, and maintenance of the PROJECT;

WHEREAS, the ILLINOIS TOLLWAY, by virtue of its powers as set forth in the Toll Highway Act, 605 ILCS 10/1, *et seq.*, is authorized to enter into this AGREEMENT;

WHEREAS, HOFFMAN ESTATES, by virtue of its powers as set forth in the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, is authorized to enter into this AGREEMENT;

WHEREAS, SCHAUMBURG, by virtue of its powers as set forth in the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, is authorized to enter into this AGREEMENT; and

WHEREAS, a cooperative intergovernmental agreement is appropriate, and such an agreement is authorized by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*,

NOW, THEREFORE, in consideration of the aforementioned recitals and the mutual covenants contained herein, the PARTIES agree as follows:

## **ARTICLE I. ENGINEERING**

- A. The ILLINOIS TOLLWAY shall perform preliminary and final design engineering, obtain necessary surveys, and prepare the final plans and specifications to construct the PROJECT and the water main connection.
- B. The ILLINOIS TOLLWAY shall provide an electronic copy of the final plans and specifications to each MUNICIPAL PARTY.
- C. The MUNICIPAL PARTIES shall review for approval the ILLINOIS TOLLWAY's plans and specifications for the water main connection and sanitary force main connection which impact the PROPERTY. In the event of disapproval, the MUNICIPAL PARTIES shall submit detailed objections in writing to the ILLINOIS TOLLWAY for review and consideration.
- D. Any dispute concerning the plans and specifications shall be resolved in accordance with Article IX.D. of this AGREEMENT.
- E. The ILLINOIS TOLLWAY agrees to assume the overall PROJECT responsibility, including ensuring that all permits and approvals (U.S. Army Corps of Engineers, Illinois Department of Natural Resources, Metropolitan Water Reclamation District of Greater Chicago, Department of Environmental Concerns and Division of Highways, Illinois Environmental Protection Agency, etc.) and joint participation and/or force account agreements (County, Township, Municipal, Railroad, Utility, etc.), as may be required by the PROJECT, are secured in timeframes needed to maintain the PROJECT schedules and deadlines. All PARTIES agree to cooperate, insofar as their individual jurisdictional authorities allow, with the timely acquisition and clearance of said permits and approvals and comply with all applicable federal, state, and local regulations and requirements pertaining to work proposed for the PROJECT.
- F. The ILLINOIS TOLLWAY shall obtain PROPERTY development approval for water and sewer improvements and pay all associated engineering review, inspection, and permit fees (as determined by the MUNICIPAL PARTIES) to HOFFMAN ESTATES and SCHAUMBURG, including:
  - 1. PROPERTY development permit fee;
  - 2. Engineering plan review and construction inspection fees for water and sewer improvements as identified in HOFFMAN ESTATES Resolution 1254-2005;
  - 3. Water production and availability charges as identified in Section 12-4-9 of the HOFFMAN ESTATES Municipal Code;
  - 4. Water meter fee; and
  - 5. SCHAUMBURG sewer connection and volume charges for the PROPERTY, which shall be in accordance with SCHAUMBURG Municipal Code Section 41.01 Village Fee Schedule.

## **ARTICLE II. RIGHT OF WAY**

- A. The ILLINOIS TOLLWAY shall grant HOFFMAN ESTATES utility easements over the PROPERTY as depicted on EXHIBIT A.
- B. Excluding the interests described in Article II.A., the PARTIES agree that there will be no additional transfer or exchange of property interests pursuant to this AGREEMENT.

## **ARTICLE III. UTILITIES**

- A. Authorized personnel representing the PARTIES shall meet prior to the commencement of utility work on the PROPERTY.
- B. The ILLINOIS TOLLWAY agrees to provide HOFFMAN ESTATES the locations (existing and proposed) of public and/or private utility facilities within existing HOFFMAN ESTATES right-of-way, which require adjustment as part of the PROJECT, as soon as they are identified.
- C. HOFFMAN ESTATES shall not enforce Section 12-2-1 of the Municipal Code requiring sanitary sewer connection to the HOFFMAN ESTATES sewer main.
- D. The ILLINOIS TOLLWAY shall grant HOFFMAN ESTATES the right to conduct inspections on all utilities and connections on the PROPERTY, and if necessary, the ILLINOIS TOLLWAY shall resolve any issues with utility installation and/or connections prior to occupying the maintenance facility it will construct on the PROPERTY.
- E. The ILLINOIS TOLLWAY agrees to make all reasonable efforts to minimize the number of utility adjustments in the design of improvements.

## **ARTICLE IV. CONSTRUCTION**

- A. The ILLINOIS TOLLWAY shall advertise and receive bids, provide construction engineering inspections for, and cause the PROJECT to be constructed in accordance with, the PROJECT plans and specifications.
- B. After award of the construction contract(s), any proposed deviations from the plans and specifications that affect the MUNICIPAL PARTIES shall be submitted by the ILLINOIS TOLLWAY to the MUNICIPAL PARTIES for approval prior to commencing work in accordance with such deviations. Each of the MUNICIPAL PARTIES shall review the proposed deviations and indicate its respective approval or disapproval in writing. If the proposed deviations are not acceptable, HOFFMAN ESTATES and/or SCHAUMBURG shall detail specific objections in writing, and the same shall be resolved in the manner set forth in Article IX.D. If the ILLINOIS TOLLWAY receives no written response from the MUNICIPAL PARTIES within

fifteen (15) calendar days after delivery to the MUNICIPAL PARTIES of the proposed deviations, the proposed deviations shall be deemed approved by the MUNICIPAL PARTIES.

- C. The ILLINOIS TOLLWAY shall give notice to the MUNICIPAL PARTIES upon completion of 70% and 100% of the sanitary force main service line construction, and each of the MUNICIPAL PARTIES shall make an inspection not later than fifteen (15) calendar days after notice. If the MUNICIPAL PARTIES do not perform a final inspection within fifteen (15) calendar days after receiving notice of completion of 100% of the sanitary force main service line construction, the construction shall be deemed approved by the MUNICIPAL PARTIES. The ILLINOIS TOLLWAY's representative may, in the representative's sole discretion, participate in such inspections. In the event said inspections disclose work that does not conform to the approved final plans and specifications, the MUNICIPAL PARTIES' representative(s) shall give immediate verbal notice to the ILLINOIS TOLLWAY's representative of any deficiency and shall thereafter deliver, within five (5) calendar days, a written list identifying such deficiencies to the Chief Engineering Officer of the ILLINOIS TOLLWAY. Deficiencies thus identified shall be subject to joint re-inspection upon completion of corrective work. The MUNICIPAL PARTIES shall perform such joint re-inspections within seven (7) calendar days after receiving notice from the ILLINOIS TOLLWAY that the deficiencies have been remedied. The ILLINOIS TOLLWAY shall consider a reasonable request from one or both of the MUNICIPAL PARTIES to extend the inspection deadlines set forth above due to unanticipated or emergency events affecting one or both of the MUNICIPAL PARTIES.

## **ARTICLE V. FINANCIAL**

- A. The ILLINOIS TOLLWAY agrees to pay all PROJECT related engineering, right of way, construction engineering, and construction costs.
- B. The ILLINOIS TOLLWAY agrees to pay the following PROJECT related fees to HOFFMAN ESTATES in a lump sum upon receipt of an invoice from HOFFMAN ESTATES in said amount:
1. Engineering Plan Review and Construction Inspection Fee - \$50,575.00
  2. Water Production Charge - \$8,252.00
- C. The ILLINOIS TOLLWAY agrees to pay the following PROJECT related fees to SCHAUMBURG in a lump sum upon receipt of an invoice from SCHAUMBURG in said amount:
1. Land Development - \$20,630.00
  2. Sewer Connection- \$880.00
- D. The MUNICIPAL PARTIES may request, after the construction contract(s) are let by the ILLINOIS TOLLWAY, that supplemental work that increases the total costs of the PROJECT or more costly substitute work be added to the construction contract(s). The ILLINOIS TOLLWAY will cause said supplemental work or such

substitute work to be added to the construction contract(s), provided that said work will not delay construction of the PROJECT. The PARTY requesting said supplemental work or more costly substitute work shall pay for the cost increases of said work in full.

## **ARTICLE VI. MAINTENANCE - DEFINITIONS**

- A. As used herein, the terms “maintenance” or “maintain” mean keeping the facility being maintained in good and sufficient repair and appearance. Such maintenance includes full responsibility for the construction, removal, replacement of the maintained facility when needed and, unless specifically excluded in Article VII, other activities as more specifically set forth in the following subparts of this Article VI.
1. “Emergency maintenance” refers to any maintenance activity which must be performed immediately in order to avoid or to repair a condition which causes or threatens imminent danger or destruction to property or rights of way of the PARTIES, to the public and/or to public health, safety or welfare, including but not limited to accident restoration, chemical or biological removal or remediation, or response to acts of God or terrorism.
  2. The terms “notify,” “give notice,” and “notification” refer to written, verbal, or digital communication from one PARTY to another concerning a matter covered by this AGREEMENT. the PARTY transmitting the communication shall create and retain a record which substantiates the content, date, time, manner of communication, identification of sender and recipient, and manner in which the recipient may respond to the sender.
  3. The terms “be responsible for” or “responsibility” refer to the obligation to ensure performance of a duty or provision of a service under this AGREEMENT, provided that a PARTY may arrange for actual performance of the duty or provision of the service by another competent entity if the other PARTY to this AGREEMENT is notified of such arrangement. Under no circumstances shall the PARTY with the duty or responsible for the service be relieved of ultimate responsibility for performance of the duty or provision of the service.
  4. The terms “consultation” or “consult with” refer to the duty of a PARTY to give notice to the other PARTY of a proposed action, with reasonable time for that PARTY to respond. The PARTY with the duty to consult may proceed with the proposed action if the other PARTY does not respond within the time frame set forth in the notice or, in the case of the ILLINOIS TOLLWAY, it may proceed with the proposed action if deemed necessary by the Chief Engineering Officer.

5. The term “approve” refers to the duty of a PARTY not only to consult with the other PARTY but also to provide consent for the proposed action and to retain a record which documents such consent.

## **ARTICLE VII. MAINTENANCE - RESPONSIBILITIES**

- A. The ILLINOIS TOLLWAY agrees to (i) maintain the PROPERTY, including maintenance of the water main/service located outside the easements granted to HOFFMAN ESTATES by the ILLINOIS TOLLWAY, (ii) repair and reconstruct the water and sewer utility extensions on the PROPERTY, the sanitary lift station and the sanitary force main connection on the PROPERTY and within the Central Road right of way up to the tie into the SCHAUMBURG stub, and (iii) maintain the landscaping installed as part of the PROJECT and the pedestrian access constructed as part of the PROJECT.
- B. HOFFMAN ESTATES shall continually maintain the water main within the easements the ILLINOIS TOLLWAY will grant HOFFMAN ESTATES.
- C. SCHAUMBURG shall continually have the right to inspect the sanitary force main connection within HOFFMAN ESTATES’ municipal boundaries.
- D. SCHAUMBURG reserves the right to discontinue use of the sanitary force main connection should the ILLINOIS TOLLWAY discontinue occupancy or use of the maintenance facility to be constructed on the PROPERTY.
- E. HOFFMAN ESTATES agrees to provide a copy of each water bill issued for the PROPERTY to SCHAUMBURG in order to assist SCHAUMBURG in determining appropriate sanitary service charges for the PROPERTY.

## **ARTICLE VIII. INDEMNIFICATION**

- A. Except to the extent caused by the negligence, intentional or willful and wanton conduct of either MUNICIPAL PARTY, the ILLINOIS TOLLWAY agrees, to the extent permitted by law, to indemnify and hold the MUNICIPAL PARTY and its appointed and elected officials, contractors, consultants, employees, volunteers, agents and representatives harmless from all claims demands, losses, causes of action or liabilities for injury, death or damages of any nature whatsoever, arising out of, in whole or in part, the ILLINOIS TOLLWAY’s performance under this AGREEMENT.
- B. Except to the extent caused by the negligence, intentional or willful and wanton conduct of the ILLINOIS TOLLWAY, each MUNICIPAL PARTY agrees, to the extent permitted by law, to indemnify and hold the ILLINOIS TOLLWAY and its employees, officers, directors and agents harmless from all claims demands, losses, causes of action or liabilities for injury, death or damages of any nature

whatsoever, arising out of, in whole or in part, the MUNICIPAL PARTY's use, acts or omission on the PROPERTY.

## **ARTICLE IX. GENERAL PROVISIONS**

- A. The PARTIES understand and agree that this AGREEMENT constitutes the complete and exclusive statement of the PARTIES relative to the subject matter hereof and supersedes all previous oral and written proposals, negotiations, representations, or understandings concerning such subject matter.
- B. Wherever in this AGREEMENT approval or review by any of the PARTIES is provided for, said approval or review shall not be unreasonably delayed or withheld.
- C. In a timely manner following execution of this AGREEMENT, each PARTY shall designate in writing a representative who shall serve as the PARTIES' full time representative during the performance of this AGREEMENT. Such representatives shall have authority, on behalf of the respective PARTY, to make decisions relating to the work covered by this AGREEMENT. Representatives may be changed, from time to time, by subsequent written notice, and representatives shall be readily available to the other PARTIES.
- D. In the event of a dispute between the PARTIES regarding the performance of this AGREEMENT, the Chief Engineering Officer of the ILLINOIS TOLLWAY and the Engineer of the affected MUNICIPAL PARTY shall meet and resolve the issue. In the event of a dispute between the PARTIES concerning the plans and specifications for the PROJECT, the Chief Engineering Officer of the ILLINOIS TOLLWAY and the MUNICIPAL PARTIES' Engineers shall meet and make every good faith effort to resolve the issue. In the event they cannot mutually agree on the resolution of the dispute, the decision of the MUNICIPAL PARTIES' Engineers shall be final if the dispute concerns work regarding the MUNICIPAL PARTIES' service lines and so long as that decision does not delay delivery or increase the unreimbursed cost of the PROJECT or detrimentally impact maintenance or operation of the ILLINOIS TOLLWAY's toll highways as determined by the ILLINOIS TOLLWAY. In the event of a dispute concerning any other matter, the decision of the ILLINOIS TOLLWAY's Chief Engineering Officer shall be final.
- E. In the event there is a conflict between the terms contained in this AGREEMENT and the attached Exhibits, the terms included in this AGREEMENT shall control.
- F. This AGREEMENT may be executed in three (3) or more counterparts, each of which shall be deemed an original and all of which shall be deemed one and the same instrument. Signatures transmitted via facsimile or electronic signatures contained in a Portable Document Format (PDF) document shall be deemed original for the purposes of this AGREEMENT.



- G. This AGREEMENT may only be modified by written instrument executed by duly authorized representatives of the PARTIES and the Illinois Attorney General.
- H. Unless otherwise agreed to in writing by all PARTIES, this AGREEMENT shall become null and void in the event the contract(s) covering the construction work contemplated herein is not awarded within three (3) years of the date this AGREEMENT is executed.
- I. This AGREEMENT shall be binding upon and inure to the benefit of the PARTIES and their respective successors and approved assigns.
- J. The failure by any of the PARTIES to seek redress for violation of or to insist upon the strict performance of any condition or covenant of this AGREEMENT shall not constitute a waiver of any breach or subsequent breach of such covenant, term, condition, right, or remedy. No provision of this AGREEMENT shall be deemed waived by any PARTY unless such provision is waived in writing.
- K. This AGREEMENT shall be governed by the laws of the State of Illinois, except for conflict of law principles, and in the event of litigation, venue and jurisdiction shall lie exclusively in the Circuit Court of DuPage County, Illinois and/or the United States District Court for the Northern District of Illinois, Eastern Division.
- L. The PARTIES agree to maintain books and records related to the performance of this AGREEMENT for a minimum of five (5) years from the last action on this AGREEMENT. The PARTIES further agree to cooperate fully with any audit and make their books and records required to be maintained under this provision of Article IX. available to the Illinois Attorney General, the Illinois Auditor General, the Executive Inspector General, the Illinois Tollway Inspector General (“IG”), State of Illinois internal auditors, the MUNICIPAL PARTIES’ auditors, the ILLINOIS TOLLWAY’s Audit Department, the ILLINOIS TOLLWAY or any other governmental entity with monitoring authority, upon reasonable notice and during normal business hours. *See* 30 ILCS 500/20-65.
- M. The MUNICIPAL PARTIES recognize that pursuant to Section 8.5 of the Toll Highway Act, 605 ILCS 10/8.5, the IG is authorized to conduct investigations into certain matters, including but not limited to allegations of fraud, waste and abuse, and to conduct reviews. The MUNICIPAL PARTIES will fully cooperate in any IG investigation or review and shall not bill the ILLINOIS TOLLWAY for time relating to their cooperation. Cooperation includes (i) providing access to all information and documentation related to the performance of this AGREEMENT, and (ii) disclosing and making available all personnel involved or connected with, or having knowledge of, the performance of this AGREEMENT.
- N. All written reports, notices and other communications related to this AGREEMENT shall be in writing and shall be personally delivered, mailed via

certified mail, overnight mail delivery, or electronic mail delivery to the following persons at the following addresses:

To the ILLINOIS TOLLWAY:      The Illinois Toll Highway Authority  
2700 Ogden Avenue  
Downers Grove, Illinois 60515  
Attn: Chief Engineering Officer  
[mnashif@getipass.com](mailto:mnashif@getipass.com)

To HOFFMAN ESTATES:            The Village of Hoffman Estates  
1900 Hassell Road  
Hoffman Estates, Illinois 60169  
Attn: Eric Palm  
[eric.palm@hoffmanestates.org](mailto:eric.palm@hoffmanestates.org)

To SCHAUMBURG:                 The Village of Schaumburg  
101 Schaumburg Court  
Schaumburg, Illinois 60193  
Attn: Brian Townsend  
[btownsend@schaumburg.com](mailto:btownsend@schaumburg.com)

- O. This AGREEMENT terminates upon the earlier of (i) the ILLINOIS TOLLWAY's payment of the fees identified in Articles V.B. and V.C. to the MUNICIPAL PARTIES, or (ii) three (3) years after its effective date. Notwithstanding the foregoing, all maintenance terms, terms requiring cooperation and terms intended to continue after termination, expressly excluding financial terms, will survive termination of the AGREEMENT and will remain in full force and effect at all times during which the ILLINOIS TOLLWAY occupies the maintenance facility it is constructing on the PROPERTY.
- P. The introductory recitals included at the beginning of this AGREEMENT are agreed to and incorporated into this AGREEMENT.

**SIGNATURE PAGES TO FOLLOW**

IN WITNESS THEREOF, the PARTIES have executed this AGREEMENT on the dates indicated.

**THE VILLAGE OF HOFFMAN ESTATES**

By: \_\_\_\_\_  
William D. McLeod  
Mayor

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Please Print Name)

**THE VILLAGE OF SCHAUMBURG**

By: \_\_\_\_\_  
Tom Dailly  
Mayor

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Please Print Name)

**THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY**

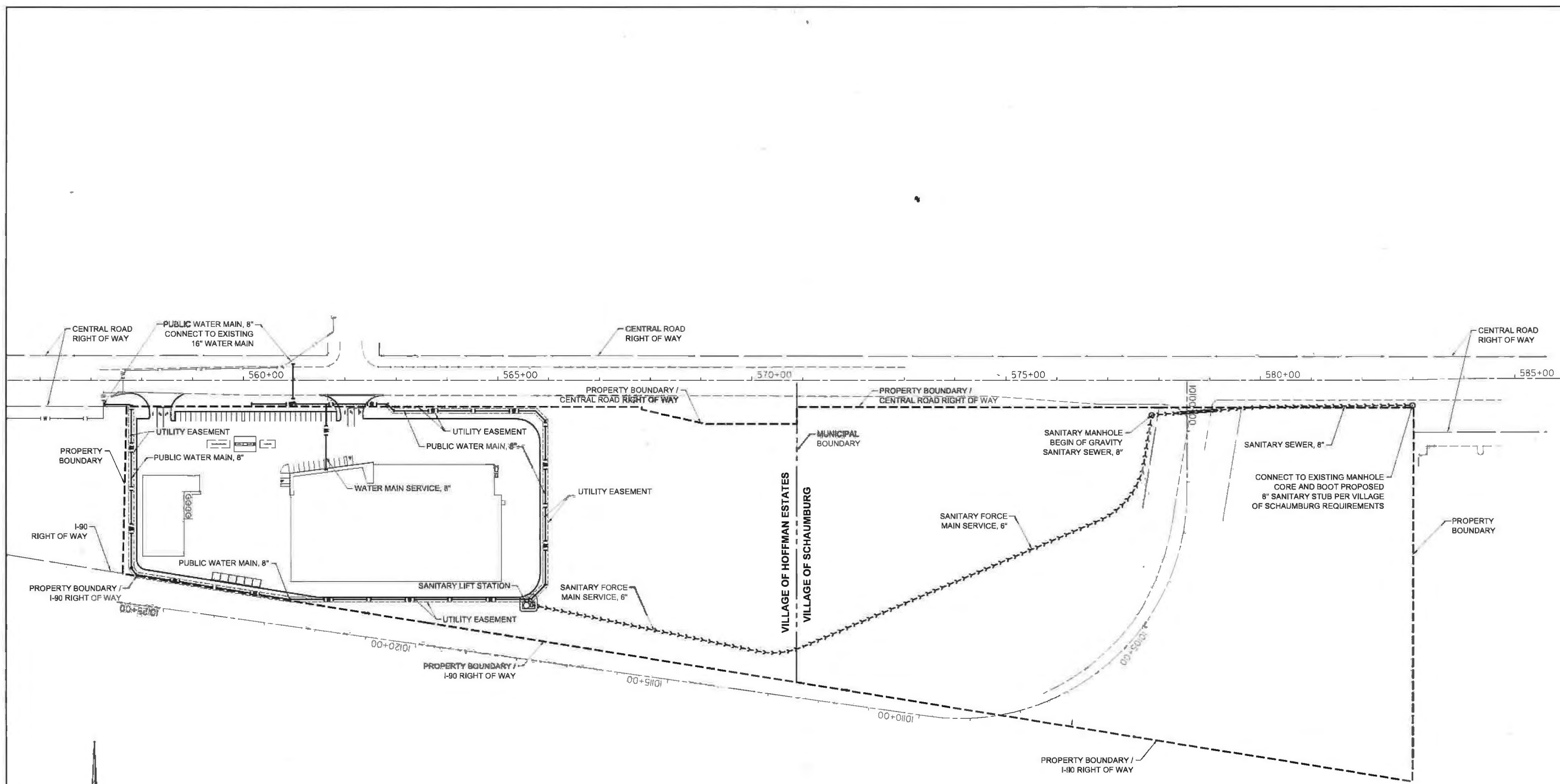
By: *Arnaldo Rivera*  
Arnaldo Rivera  
Chairman/CEO

Date: 07/31/2023

Approved as to Form and Constitutionality

*Kathleen R. Pasulka-Brown*  
Kathleen R. Pasulka-Brown (Jul 28, 2023 14:20 CDT)

Assistant Attorney General



FILE NAME = \$FILEL\$



PLOT TIME = \$TIME\$  
PLOT DATE = \$DATE\$



THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY

2700 OGDEN AVENUE  
DOWNERS GROVE, ILLINOIS 60515

REVISIONS		
NO.	DATE	DESCRIPTION

IGA EXHIBIT A

**COMMITTEE AGENDA ITEM  
VILLAGE OF HOFFMAN ESTATES**

**SUBJECT:** Request approval of the Community Development Block Grant (CDBG) Annual Action Plan for Program Year 18 (2023 - 2024)

**MEETING DATE:** August 7, 2023

**COMMITTEE:** Planning, Building and Zoning

**FROM:** Michael Walker, Community Planner  
Peter Gugliotta, Development Services Director

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**REQUEST:** Request approval of the Community Development Block Grant (CDBG) Annual Action Plan for Program Year 18 (2023-2024).

**BACKGROUND:** The Annual Action Plan (AAP) identifies the Village’s specific strategy each year to address affordable housing, infrastructure improvements, supportive services, and community development needs of low and moderate income residents. Each Annual Action Plan must be drafted and approved individually to reflect the community’s specific goals and the annual CDBG funding allocation. The Village of Hoffman Estates’ program year runs from October 1 to September 30, and HUD’s deadline for submission of the Village’s Annual Plan is mid-August every year. This will be the fourth year within the 5-year 2020-24 Consolidated Plan which establishes program goals and priorities.

**DISCUSSION:** For Program Year 18 (2023-2024), the Village of Hoffman Estates will receive a HUD allocation of approximately \$230,567. This is a minor increase (less than 2%) from the current program year, which is the lowest year of funding yet.

The program year will mark the ninth year of the Village’s membership in the Cook County HOME Consortium. As part of this membership, Cook County will receive the Village’s HOME allocation from HUD, along with allocations from other suburban Cook County communities, for housing-related programs that Hoffman Estates residents may be eligible to receive.

Consistent with previous years, the proposed annual plan includes funding for a Single-Family (Housing) Rehabilitation Program, Neighborhood Infrastructure Projects, and Program Administration costs. The Plan also includes CDBG funding for remaining Public

**DISCUSSION (Continued):**

Facility Improvements at the regional Children’s Advocacy Center (CAC).

**Consolidated Plan 2020-2024**

Village Board approval of the 5-year Consolidated Plan took place in 2020, and included opportunities for public input, consultative interviews with stakeholders, and data analysis on the Village’s socio-economic status. Based upon the needs assessment, the following objectives were identified:

**Objective 1:** Provide improvements to public infrastructure and facilities in order to sustain a suitable living environment, which will promote or provide for improved accessibility, safety, and sustainability in existing neighborhoods.

**Objective 2:** Provide access to affordable housing services and programs, including housing maintenance and rehabilitation services to limited-income individuals and households, in order to maintain affordability and accessibility in home ownership.

These 5-year objectives dictate funding priorities for each year’s Annual Action Plan.

**Annual Action Plan 2023-2024**

For Program Year 18, the Village of Hoffman Estates expects to be allocated \$230,567. The Village estimates that an additional \$120,000 of unused funds from prior program years and income will be available, totaling \$350,567 in available funds. The individual projects identified in the Annual Action Plan are based upon the two Consolidated Plan Objectives listed above and include the following:

Goal Name	Annual Funding	Activity
Neighborhood Infrastructure Projects	\$199,500	Street rehabilitation project or other public infrastructure project in an eligible neighborhood.
Public Facility Improvements	\$25,000	Building improvements at the CAC.
Housing Rehabilitation Program	\$79,967	Single family rehabilitation (SFR) zero-interest loan program.
Planning & Administration	\$46,100	CDBG program administration, planning, and activity monitoring and more.

- ◆ Neighborhood Infrastructure Projects (\$199,500) - CDBG funding for a public street improvement in an eligible neighborhood. The specific street(s) will be selected based upon annual pavement ratings and presented to the Capital Improvements Board later in the year. During the current program year, improvements are complete and the paperwork is being finalized for Brookside Lane, Brookside Drive, and Huttner Court.

- ◆ Public Facility Improvements (\$25,000) - Utilization of \$25,000 to continue building renovations at the Children's Advocacy Center (CAC) facility. This building is owned by the Village and rented to the CAC for \$1 per year. The CDBG funds will allow for the removal of lead paint at the exterior of the facility, and replacement of the concrete front stoop, and additional work in conjunction with other outside grants. Projects were halted during 2020 as a result of the pandemic, and remain on hold due to a neighboring Leaking Underground Storage Tank preventing the passage of an Environmental Review Record (ERR) which is required to fund with CDBG.
- ◆ Housing Rehabilitation Program (\$79,967) - As in previous years, it is proposed that the Village contract with North West Housing Partnership (NWHP) for administration of this zero-interest loan program for low to moderate income residents to obtain home repairs and renovations. The single-family rehabilitation (SFR) program remains popular and impactful in the community.
- ◆ Program Administration (\$46,100) - Funds are allocated to offset administrative costs of the program up to the allowable 20% limit. The proposed allocation for administration is 20% of the grant total, and reflects funding for staff time, materials, travel, training, and project planning efforts.

The Village sent notices of the Annual Action Plan process to 120 agencies, groups, and individuals, as well as posting information on the Village website for the required 30 days and hosting a public hearing. No requests for funding requests were received.

**FINANCIAL IMPACT:**

The CDBG allocation of Federal funds for Program Year 18 is \$230,567. The CDBG budget contained within the proposed plan will be incorporated into the Village's Annual Budget and Capital Improvements Plan.

**RECOMMENDATION:**

Request approval of the Community Development Block Grant (CDBG) Annual Action Plan for Program Year 18 (October 1, 2023 to September 30, 2024).

Attachment



## Executive Summary

### AP-05 Executive Summary - 91.200(c), 91.220(b)

#### 1. Introduction

In 2006, the United States Department of Housing and Urban Development (HUD) identified the Village of Hoffman Estates as a Community Development Block Grant (CDBG) entitlement community. The Annual Action Plan (AAP) is a one-year plan that provides a detailed description of resources to be used and projects to be undertaken by the Village in effort to address the priority needs and specific objectives that were identified within the Village's 2020-2024 CDBG Consolidated Plan.

In 2014, the Village joined the Cook County's HOME Consortium. As a result of this coordination between the Village, Cook County, and other HOME Consortium communities, the Village's Consolidated Plan for Program Years 2020-2024 is part of the larger Cook County Consolidated Plan for those years. This current Annual Action Plan (AAP) is based on the goals set forth in that Consolidated Plan. Although the Village participates in the HOME Consortium, it still receives a direct allocation of CDBG funding from HUD each year in order to address projects within the Village of Hoffman Estates.

This Annual Action Plan lists the activities to be carried out using CDBG funds during Program Year (PY) 2023, which runs from October 1, 2023, through September 30, 2024. PY 2023 marks the 18th year that the Village has participated in the CDBG program, and the fourth year of the Village's current 5-year Consolidated Plan. The Village anticipates an allocation of \$230,567 in grant money for the upcoming year. The Village proposes to use the CDBG funds for public facility infrastructure projects, a single family rehabilitation program, administration of the CDBG program, and a public infrastructure project coordinated as part of the Village's 2024 Street Revitalization program. The proposed \$230,567 allocation is similar to the prior year's allocation.

In April 2023, the members of the Cook County Consortium, and several other entitlement communities, reconvened to continue work on a Cook County Regional Affirmatively Furthering Fair Housing (AFFH) Plan. This work was started before the COVID pandemic and was paused due to other urgent priorities and HUD's initial suspension AFFH implementation and pending new rule. Since HUD's February 9, 2023, publication in the Federal Register of the Notice of Proposed Rulemaking (NPRM) entitled "Affirmatively Furthering Fair Housing," the Consortium is now anticipating planning the development of an AFFH Equity Plan when guidelines are published and final rule-making is complete. The Consortium is looking forward to publication of the AFFH Final Rule and will continue to consult with local partners in the planning and development of a required AFFH Equity Plan within the timeframe required by the Final Rule. In the interim, all Consortium members are utilizing previous Analysis of Impediments and draft AFFH concepts to inform their advancement of fair housing in communities.

## 2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Based on the needs assessment and market analysis, as well as consideration of the limited anticipated resources, the Village developed a strategic plan to use CDBG funds to meet its priority housing, homeless, and community development needs. The Village of Hoffman Estates identified two primary objectives for the 2020-2024 Consolidated Plan, which carry through to the PY 2023 Annual Action Plan. Within these objectives are individual goals, projects, and performance measures to ensure progress towards addressing priority needs. These objectives are described in greater detail in the Strategic Plan.

**Objective 1:** Provide improvements to public infrastructure and public facilities in order to create a suitable living environment, which will promote or provide for improved accessibility, safety, and sustainability in existing neighborhoods. The Village proposes to assist public facility and public infrastructure projects within eligible CDBG neighborhoods or utilized primarily by low-moderate income individuals and families.

**Objective 2:** Provide decent housing through access to affordable housing services and programs, including housing maintenance and rehabilitation services to limited-income individuals and households, in order to maintain affordability and accessibility in home ownership.

## 3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The Village is nearing completion of the 17th year of its CDBG program. During this time, the Village has diligently invested over \$4 million in CDBG funds, all in accordance with HUD policies and procedures towards the two key objectives.

During the current year, PY 2022, \$180,353 of CDBG funding is expected to be utilized for street rehabilitation of Brookside Lane, Brookside Drive, and Huttner Court. Through years of economic distress, the Village has relied on CDBG funds to address such infrastructure projects in a timely fashion.

The Village continues to partner with the North West Housing Partnership (NWHP) for the administration of the Single Family Rehabilitation (SFR) program. The program provides a zero-interest deferrable loan in an amount up to \$25,000 to low-income residents who hold equity in their home. The goal of this rehabilitation activity has been to allow recipients to maintain their own homes, improve their individual environments, and contribute to the overall sustainability of affordable

neighborhoods. While the COVID- 19 pandemic slowed activity in the program during 2020-2022, more recently interest has grown. It is anticipated two projects will be completed in PY 2022.

The Village has not yet so far processed program income from repaid SFR loans during the course of PY 2022, but this could occur at any time, and if it does, said repayment will fund the SFR program in PY 2023.

The Village has previously utilized CDBG funding for needed infrastructure repairs at the Children’s Advocacy Center (CAC), which is located in a Village-owned building. Substantial work has been completed at the facility over the past five years utilizing pooled CDBG funding from neighboring communities as well. During Program Years 2019 - 2021, projects at the CAC did not take place due to the ongoing pandemic. During 2020, the CAC did apply for and was granted funding for PPE through the Village’s CDBG-CV program, for pandemic relief. During 2022-2023 physical work was not performed at the CAC site due to a neighboring LUST issue remaining, preventing an environmental review from being able to clear the site contamination section – Hoffman Estates’ Public Works is currently working towards a NFR letter to clear said issue, with hopes that physical work at CAC can restart in 2023-2024.

#### **4. Summary of Citizen Participation Process and consultation process**

Summary from citizen participation section of plan.

The Village’s public hearing regarding the development of the PY 2023 Annual Action Plan took place on July 11, 2023, at Village Hall. The hearing is held annually to obtain comments on the Draft Annual Action Plan as well as to obtain feedback on community needs and how they might be addressed through the CDBG funding.

The PY 2023 Draft Annual Action Plan was available for a 30-day public review and comment from June 13, 2023, to July 14, 2023, and open for discussion at the Planning, Building and Zoning (PBZ) Committee public meeting on August 7, 2023. The public comment period, public hearing, and public meeting were noticed on the Village Website ([www.hoffmanestates.org/cdbg](http://www.hoffmanestates.org/cdbg)) and in the Daily Herald, the local newspaper. The Draft Plan document was available for public viewing at Village Hall and on the Village website during the entire public comment period. The Village also made the Draft Plan known to local organizations and stakeholders through the means of a traditional mailing to approximately 120 interested recipients, mailed out on June 13, 2023.

#### **5. Summary of public comments**

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Wings Inc. asked if this Annual Action Plan (AAP) involved an opening for applications, and we informed that it is not.

**6. Summary of comments or views not accepted and the reasons for not accepting them**

No comments were disallowed.

**7. Summary**

## PR-05 Lead & Responsible Agencies - 91.200(b)

### 1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	HOFFMAN ESTATES	Development Services

Table 1 – Responsible Agencies

### Narrative

Since becoming an entitlement community in 2006, individuals in the Hoffman Estates Development Services Department have administered the CDBG program. The department consists of four divisions that coordinate all aspects of residential and commercial development as well as manage significant infrastructure improvements in Hoffman Estates. The department works with residents and existing businesses on property improvements, and with the development community to bring new businesses to Hoffman Estates. The department provides information and professional services to residents, developers, realtors, contractors, governmental agencies, and other interested parties on a variety of topics.

The divisions within the Development Services department which perform services related to HUD priorities include the Planning & Transportation Division, the Engineering Division, the Code Enforcement Division, and the Economic Development Division. The Village's Health and Human Services (HHS) Department located at Village Hall as well as the Village's Police Department perform many of the responsibilities related to social services. The Finance Department provides administrative support.

### Consolidated Plan Public Contact Information

Village of Hoffman Estates  
Michael Walker – Community Planner I  
(michael.walker@vohe.org)

1900 Hassell Road  
Hoffman Estates, IL 60169  
Phone: 847-781-2669  
[www.hoffmanestates.org/cdbg](http://www.hoffmanestates.org/cdbg)

## **AP-10 Consultation - 91.100, 91.200(b), 91.215(l)**

### **1. Introduction**

The Village consulted with a number of local social service agencies that serve Hoffman Estates in order to identify and prioritize needs to include in the current Consolidated Plan. These included health services agencies, social services related to children, agencies that serve the homeless, neighboring municipalities, the park district, and the Cook County Community Development Department. The Village is a member of the Cook County HOME Consortium. The Village also has a Health & Human Services (HHS) department that, in addition to providing low-cost vaccination clinics and mental health services, also works with area non-profit and governmental agencies to coordinate services for citizens in need.

The Village maintains a list of over 120 public, private, and nonprofit stakeholder organizations and individuals that fit into these and other categories. A copy of this list is included as an attachment to the Plan. These organizations are critical to informing policy decisions regarding decent housing, suitable living environments, and expanded economic opportunity. These individuals were invited to consult individually with the Village and to provide input through the general citizen participation process. They receive mailings on all annual CDBG planning functions.

Several agencies from this list were individually consulted in order to ensure their challenges and needs were considered in the development of this Plan.

### **Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).**

Membership in the Cook County HOME Consortium positions the Village to be part of the regional discussion with public and assisted housing providers as well as other municipalities to help coordinate services.

The Village's Health and Human Services Department (HHS) provides professional and affordable physical and mental health services to residents in the Village of Hoffman Estates. It serves as the primary point of contact for coordination with other private health, mental health, and social service agencies. Among the services they provide are immunizations, health screenings, TB testing, and individual/family counseling. The Department's capacity is limited, and therefore coordination with other providers is crucial. In situations where HHS is not able to directly provide services for foreclosure counseling, medical needs, financial assistance, food pantry, and youth services, the Department will refer clients to appropriate care providers.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

The Village will coordinate with the local Continuum of Care to assess the urgency of addressing homelessness in the Village of Hoffman Estates. While the Village is not required to compile and submit a full homeless needs assessment due to its membership in the HOME Consortium, staff will continue to reach out social service agencies to understand the extent of homelessness in the Village and coordinate assistance.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Although the Village does not receive ESG funds, as discussed in the previous answer, the Village will consult individually with the Continuum of Care to assess homelessness in the Village and determine how to address it in the Consolidated Plan.

**2. Agencies, groups, organizations and others who participated in the process and consultations**



**Table 2 – Agencies, groups, organizations who participated**

1	<b>Agency/Group/Organization</b>	HOFFMAN ESTATES
	<b>Agency/Group/Organization Type</b>	Health Agency Agency - Emergency Management Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Anti-poverty Strategy Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The Village operates a subsidized taxi program for income-eligible residents. The Health & Human Services (HHS) Department also has a number of needs related to social work, immunizations, counseling, homelessness prevention and homelessness needs. The Village's Emergency Management Agency maintains a disaster response plan, a weather alert system, warming/cooling centers, and provides a variety of other support efforts, as well as being a member of the Joint Emergency Management System with a group of 10 area municipalities.

2	<b>Agency/Group/Organization</b>	CHILDREN'S ADVOCACY CENTER OF NORTH AND NORTHWEST COOK COUNTY
	<b>Agency/Group/Organization Type</b>	Services-Children Services-Victims of Domestic Violence Services-Education Services - Victims Child Welfare Agency
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Families with children Non-Homeless Special Needs Market Analysis
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The CAC coordinates services for children that are victims of sexual or physical abuse in partnership with local law enforcement agencies and the Illinois Department of Children and Family Services (DCFS). All cases of such type in the northern and northwestern Cook County suburbs pass through the CAC in Hoffman Estates or its satellite location in Northbrook. The Village of Hoffman Estates leases and maintains an old Village Hall building to the Children's Advocacy Center at an annual rate of \$1 per year. This arrangement allows the CAC to direct funding to direct provision of services and not on capital infrastructure needs. The age of the building necessitates ongoing repairs to keep the building in compliance with Village Code.
3	<b>Agency/Group/Organization</b>	NORTH WEST HOUSING PARTNERSHIP
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Market Analysis Lead-based Paint Strategy

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	NWHP has been a sub-recipient of CDBG funds from the Village for the past 15 years. The agency provides a number of programs for low to moderate income residents in the northwest suburbs. The Village continued to seek their input on this Consolidated Plan and will continue to fund the single family rehabilitation program using CDBG funds. The agency expressed a desire to continue administering the single family rehab (SFR) program for the Village.
4	<b>Agency/Group/Organization</b>	Cook County Department of Planning and Development
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Other government - County
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The Village coordinates to share information as it relates to our respective Consolidated Plans. Cook County is the Lead Organization of the Cook County HOME Consortium and HOME funding information is also reviewed. The Village will consider portions of the AFH that may be applicable to the Village.

5	<b>Agency/Group/Organization</b>	SCHAUMBURG
	<b>Agency/Group/Organization Type</b>	Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The Village of Schaumburg shares a significant boundary with the Village of Hoffman Estates. They are also a CDBG entitlement community and member of the Cook County HOME Consortium. The Village consulted in order to identify areas for potential collaboration around CDBG programs and services. Since Hoffman Estates residents often work, shop, and socialize in Schaumburg and vice versa, opportunities for coordination, joint marketing, and promotion were discussed.
6	<b>Agency/Group/Organization</b>	PALATINE
	<b>Agency/Group/Organization Type</b>	Other government - Local

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The Village of Palatine is a neighboring municipality to the Village of Hoffman Estates, a CDBG entitlement community, and member of the Cook County HOME Consortium. The Village consulted in order to identify areas for potential collaboration around CDBG programs and services.
7	<b>Agency/Group/Organization</b>	MOUNT PROSPECT
	<b>Agency/Group/Organization Type</b>	Other government - Local

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Mt. Prospect was consulted as a fellow HOME Consortium member and nearby municipality. Continued coordination between Mount Prospect and Hoffman Estates is anticipated as a result of joint membership in the consortium.
8	<b>Agency/Group/Organization</b>	DES PLAINES
	<b>Agency/Group/Organization Type</b>	Other government - Local

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Des Plaines was consulted as a fellow HOME Consortium member and nearby municipality. Continued coordination is anticipated as a result of joint membership in the consortium.
9	<b>Agency/Group/Organization</b>	ARLINGTON HEIGHTS
	<b>Agency/Group/Organization Type</b>	Other government - Local

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Arlington Heights was consulted as a fellow HOME Consortium member and nearby municipality. Continued coordination between Arlington Heights and Hoffman Estates is anticipated as a result of joint membership in the consortium.
10	<b>Agency/Group/Organization</b>	WINGS Program Inc.
	<b>Agency/Group/Organization Type</b>	Services-Children Services-Victims of Domestic Violence Services-Education Services - Victims
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Families with children Non-Homeless Special Needs



	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	WINGS coordinates services, including counseling and emergency housing, for women and children that are victims of domestic abuse. WINGS expressed a continued need for social work funding, funding for housing, and funding for Covid-related expenses and an anticipated increase in case load due to the pandemic. WINGS received Village CDBG-CV funding for Public Services.
11	<b>Agency/Group/Organization</b>	Hoffman Estates Park District
	<b>Agency/Group/Organization Type</b>	Services-Children Services-Education Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The Park District coordinates activities throughout the municipality. The Park District and the Village frequently coordinate on projects and shared-services. The Park District has expressed a continued need for before and after school programs.
12	<b>Agency/Group/Organization</b>	CLEARBROOK
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-Persons with Disabilities Services-Education
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Hoffman Estates has met with Clearbrook to discuss the upcoming needed work on their various properties.

**Identify any Agency Types not consulted and provide rationale for not consulting**

N/A

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Cook County	As the lead agency for the Cook County HOME Consortium, Cook County coordinates the Continuum of Care for the region including Hoffman Estates. CoC also provides coordination on fair housing compliance.
Comprehensive, Transportation, Development Code	Village of Hoffman Estates	The Village has completed two Area Plans and is updating its Comprehensive Plan, Development Codes and a new Multi-Modal Transportation Plan. Affordable, decent housing and access to various forms of affordable transportation are a priority of the plans. Data from the Consolidated Plan is used to inform decisions and policies in these efforts.
Planning for Progress	Cook County	As the lead agency for the Cook County HOME Consortium, Cook County's Department of Planning and Development created Planning for Progress which outlined four key priority objectives, all of which are also important to the Village of Hoffman Estates. Among these goals were infrastructure and housing, both of which the Village intends to address through CDBG funds.
ON TO 2050	CMAP	Being spread across several government jurisdictions and sharing borders with 8 other municipalities means Hoffman Estates must be viewed in a regional context. CMAP's ON TO 2050 regional vision contains recommendation areas. All of these themes relate to Hoffman Estates to varying degrees, but all have at least some importance.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Analysis of Impediments (AI)	Village of Hoffman Estates	The Village's AI assesses the level of fair housing choice within the Village's jurisdiction, identifies potential impediments to fair housing choice, and recommends actions that the Village and partners can take to eliminate or remedy improvements. The Village continues to make progress towards action items identified in the AI. The Assessment of Fair Housing (AFH) process, which would have replaced AI, was terminated by HUD in late 2020.
Flexible Transit Service	Village of Hoffman Estates	The Village published a flexible transit service operations plan through the Regional Transit Authority which included consultation with various transit service providers. The plan identifies other transit needs and areas for coordination.

Table 3 - Other local / regional / federal planning efforts

**Narrative**

No additional narrative.

**AP-12 Participation - 91.401, 91.105, 91.200(c)**

**1. Summary of citizen participation process/Efforts made to broaden citizen participation  
Summarize citizen participation process and how it impacted goal-setting**

The citizen participation process included a traditional mailing to interested parties (individuals, non-profit and other local organizations), a newspaper notice, a 30-day public comment period, draft plan posted on the Village website, a public hearing, and two public meetings.

**Citizen Participation Outreach**

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	No comments were received	No comments were received	N/A	N/A

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Meeting	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Planning, Building and Zoning (PBZ) Meeting August 7, 2023	N/A	N/A	N/A
3	Mailing	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Mailing Sent out to over 120 interested individuals and organizations on June 13, 2023.	No comments were received	No comments were received	N/A

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Newspaper Ad	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Newspaper comment period in the Daily Herald Public Notice began on the June 13, 2023. No comments were received.	No comments were received	No comments were received	N/A
5	Internet Outreach	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Notice of Draft Plan on Village's CDBG Webpage and Plan available for view on June 13, 2023.	No comments were received	No comments were received	<a href="http://www.hoffmanestates.org/cdbg">www.hoffmanestates.org/cdbg</a>

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

#### Introduction

The Community Development Block Grant (CDBG) funds received by the Village can be used for a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and improved community facilities and services, provided that the activities primarily benefit low- and moderate-income residents. Some examples of how the Village has used CDBG funds in the past include:

- housing rehabilitation for income-eligible homeowners,
- social service programs for youth and seniors,
- street light improvements in income-eligible areas,
- street intersection ADA ramp installations in income-eligible areas, and
- street improvements in income-eligible areas.

One challenge with projecting available funds is the irregularity with which program income is received. The Village has almost 30 outstanding

loans through its single family rehabilitation program, and these could be paid off at any time.

**Anticipated Resources**

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	230,567	0	120,000	350,567	230,000	

**Table 5 - Expected Resources – Priority Table**

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

The Village will continue to support various programs as they are able to satisfy needs. However, CDBG funds will not be used to directly leverage additional funds as no matching funds are required.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The Village intends on allocating CDBG funds towards improvements to public infrastructure and facilities that will directly lead to accomplishment of said goals. The Village also owns the property that is leased to CAC, which may have a project this upcoming PY if a leaking



underground storage tank issue can be resolved.

**Discussion**

The Village will continue to dedicate staff resources to ensure program funds are expended effectively and properly as CDBG funds are received. Development Services will attempt to reallocate program income as efficiently as possible.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Public Infrastructure Improvements	2020	2025	Non-Housing Community Development		Improving Public Facilities and Infrastructure	CDBG: \$199,500	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 200 Persons Assisted
2	Owner Occupied Rehabilitation	2020	2025	Affordable Housing		Reducing the Housing Cost Burden	CDBG: \$79,967	Homeowner Housing Rehabilitated: 3 Household Housing Unit
3	Public Facilities Improvements	2020	2025	Non-Housing Community Development		Improving Public Facilities and Infrastructure	CDBG: \$25,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Planning and Administration	2020	2024	Planning and Administration		Improving Public Facilities and Infrastructure Reducing the Housing Cost Burden Social Service Needs- Homelessness Non-Housing Economic Development Needs Social Service Needs- Other	CDBG: \$46,100	Other: 1 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Public Infrastructure Improvements
	Goal Description	

2	<b>Goal Name</b>	Owner Occupied Rehabilitation
	<b>Goal Description</b>	Single family home rehabilitation continues to be of high priority in order to reduce the cost burden. Participation in the program has been slow, owing to the pandemic and eligibility requirements. The Village will continue to offer this program and will explore improved marketing efforts throughout this Consolidated Plan to satisfy the home ownership cost burden need seen in the community.
3	<b>Goal Name</b>	Public Facilities Improvements
	<b>Goal Description</b>	The Village plans to provide funds for rehabilitation projects at a public facility, the Children’s Advocacy Center (CAC), once the known neighboring LUST issue is resolved with the needed NFR letter.
4	<b>Goal Name</b>	Planning and Administration
	<b>Goal Description</b>	Throughout the course of the year, the Village intends to fund planning and administration related to the administration of the CDBG program. This includes ongoing administration of the CDBG program as well as funds used to update various plans related to HUD priorities including the Village’s next Annual Action Plan and year-end CAPER submission. Village staff is involved in the administration of all Activities, including street rehabilitation and single family rehabilitation programs. The single family program involves contract writing and subrecipient management.

## AP-35 Projects - 91.420, 91.220(d)

### Introduction

During the 2023-2024 program year, the Village proposes using funds for public infrastructure, public facilities, single family rehabilitation, and planning and administration.

#	Project Name
1	Public Facilities Improvement - Children's Advocacy Center (CAC) Rehabilitation
2	Planning and Administration
3	Street Improvements
4	North West Housing Partnership - Single Family Rehab

Table 7 – Project Information

**Describe the reasons for allocation priorities and any obstacles to addressing underserved needs**

**AP-38 Project Summary**  
**Project Summary Information**

1	<b>Project Name</b>	Public Facilities Improvement - Children's Advocacy Center (CAC) Rehabilitation
	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	
	<b>Funding</b>	CDBG: \$25,000
	<b>Description</b>	Building infrastructure repair at Childrens Advocacy Center (CAC) facility in the Village of Hoffman Estates.
	<b>Target Date</b>	
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	
	<b>Location Description</b>	
	<b>Planned Activities</b>	
2	<b>Project Name</b>	Planning and Administration
	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	Improving Public Facilities and Infrastructure Reducing the Housing Cost Burden Social Service Needs- Homelessness Non-Housing Economic Development Needs Social Service Needs- Other
	<b>Funding</b>	CDBG: \$46,100
	<b>Description</b>	Planning and Administration for the CDBG program.
	<b>Target Date</b>	9/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	N/A
	<b>Location Description</b>	N/A
	<b>Planned Activities</b>	21A - Planning & Admin
3	<b>Project Name</b>	Street Improvements
	<b>Target Area</b>	

	<b>Goals Supported</b>	Public Infrastructure Improvements
	<b>Needs Addressed</b>	Improving Public Facilities and Infrastructure
	<b>Funding</b>	CDBG: \$199,500
	<b>Description</b>	
	<b>Target Date</b>	9/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	450
	<b>Location Description</b>	TBD - Low-mod area to be determined
	<b>Planned Activities</b>	Low-Mod Area - 03K Street Improvements
4	<b>Project Name</b>	North West Housing Partnership - Single Family Rehab
	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	Reducing the Housing Cost Burden
	<b>Funding</b>	CDBG: \$79,967
	<b>Description</b>	Single family rehab of eligible properties
	<b>Target Date</b>	9/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Around 3 eligible homes
	<b>Location Description</b>	Scattered site throughout village
	<b>Planned Activities</b>	Low-Mod Housing - 14A Single Family Residential Rehab



**AP-50 Geographic Distribution - 91.420, 91.220(f)**

**Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

Although the Village does not have any specific areas given limited funds, the Village will identify a street for reconstruction purposes as appropriate data is collected.

**Geographic Distribution**

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

**Rationale for the priorities for allocating investments geographically**

The street rehabilitation project benefits residents in a CDBG-eligible low to moderate income neighborhood. The streets are chosen based off of condition, and then of the streets chosen by need, streets within eligible block groups are considered for CDBG funds.

**Discussion**

The timing of the Village of Hoffman Estates’ street ratings and capital budget process, which is the system in which a street will be selected based upon need and eligibility, will not be formally determined until after the final annual action plan is submitted to HUD.

Additional information on HUD Low-Moderate Income Summary Data (LMSID) is located on this webpage: <https://www.hudexchange.info/news/updates-to-low-moderate-income-summary-data-now-available/>



## **AP-75 Barriers to affordable housing -91.420, 91.220(j)**

### **Introduction**

The Village is fortunate to have a range of housing, including affordable housing options. The Village will continue to investigate policies that would address barriers to affordable housing.

The Village continues to take action to remove or modify public policies that serve as barriers to affordable housing such as land use controls, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment.

The Village intends on accommodating multi-family and mixed use development that is currently planned in two areas of town as well as continuing to make funds available for the Village's owner-occupied, single family home rehabilitation program. The Village will also continue to ensure rental housing is maintained and renters' rights protected through its residential rental license and inspection program. The Village has adopted the 2021 I-Codes through the International Code Council (ICC) and the 2020 National Electric Code (NEC), which are in place and enforced in order to protect the lives and safety of residents and visitors to the Village. This is a very standardized set of building codes across the nation.

The Village's fees - including building fees - are frequently reassessed and are currently lower than many comparable communities.

High sales and property taxes remain an issue in the State of Illinois, but this is beyond the jurisdiction or control of the Village. These taxes are regressive and have an outsized impact on low to moderate income level individuals and families who live in the Village.

The Village is heavily involved in regional public transportation and has worked extensively with the Regional Transportation Authority (RTA) to maintain a network of public buses, and even worked with the RTA to support and enhance their new Bus Mass Transit system that can take workers from their homes to jobs around the Chicagoland region. The Village also operates a subsidized taxi program for income-eligible residents.

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and**

## **policies affecting the return on residential investment**

The Village will be implementing policies that will address barriers to affordable housing. The Village is contracted with Teska Associates and Ancel Glink to undertake a comprehensive review and update of the Zoning and Subdivision Codes, expected to be completed by Spring 2024. The Village has received and reviewed policy direction from the consultant team, and drafting of specific code language is underway. Pertinent to the affordability of housing, the consultant team has identified areas where the Village can update and streamline its zoning for multifamily housing, including the creation of more predictable zoning entitlement processes, modernized multifamily zoning districts, and a Planned Development process that did not exist within the Village previously.

The new Code is intended to be a Unified Development Ordinance, drafted specifically to be user friendly, and readable to allow for easy access to potential developers.

## **Discussion**

Our community is intertwined with adjacent suburbs and therefore our housing market can be challenging to define within our boundaries. This impacts efforts to manage affordability in housing. Hoffman Estates also offers a Single Family Home Repair Program to assist qualified homeowners offset some of the required costs that can be a major barrier to affordable housing.

In April 2023, the members of the Cook County Consortium, and several other entitlement communities, reconvened to continue work on a Cook County Regional Affirmatively Furthering Fair Housing (AFFH) Plan. This work was started before the COVID pandemic and was paused due to other urgent priorities and HUD's initial suspension AFFH implementation and pending new rule. Since HUD's February 9, 2023, publication in the Federal Register of the Notice of Proposed Rulemaking (NPRM) entitled "Affirmatively Furthering Fair Housing," the Consortium is now anticipating planning the development of an AFFH Equity Plan when guidelines are published and final rule-making is complete. The Consortium is looking forward to publication of the AFFH Final Rule and will continue to consult with local partners in the planning and development of a required AFFH Equity Plan within the timeframe required by the Final Rule. In the interim, all Consortium members are utilizing previous Analysis of Impediments and draft AFFH concepts to inform their advancement of fair housing in communities.

## **AP-85 Other Actions - 91.420, 91.220(k)**

### **Introduction**

This section discusses actions that the Village will take to address needs outside of those directly addressed through CDBG funds.

### **Actions planned to address obstacles to meeting underserved needs**

While a lack of funding continues to be a challenge to address all of the needs identified in the Consolidated Plan, the Village will continue to partner and coordinate services wherever possible. To facilitate access to broadband/internet service for underserved residents, residents are referred to the appropriate one of the five library districts that cover the Village – all provide free internet access. Additionally, residents can be referred to low cost home internet access and/or computer hardware rebate programs represented in the following links:

<https://www.fcc.gov/acp>

<https://www.citizensutilityboard.org/wp-content/uploads/2020/01/LowIncomeInternet.pdf>

During the 2023 Program Year, continued consultation with stakeholders will remain important to ensuring the most important needs are identified and strategies for addressing them are developed and pursued.

### **Actions planned to foster and maintain affordable housing**

The Village has identified an imbalance in the supply and demand for housing, and has actively taken steps to correct this. The Village commissioned a housing market study from Tracy Cross and Associates, which found that the Village could comfortably absorb 1,150 units per year over at least the next five years. Since receiving the results of that study, the Village has introduced a temporary Planned Development zoning entitlement process to allow for the consideration of new multifamily product as an interim step during the drafting of the new Unified Development Ordinance.

Based upon projects recently approved and under construction, development agreements in place, and projects that have received at least a courtesy review from the Village Board, the Village has approximately 2,700 new housing units in the pipeline. It is anticipated that these efforts to meet market demand will ease housing pressures in the Village, and therefore, pricing. The Village is also continuing to make funds available for the owner-occupied, single family home rehabilitation program. The Village will continue to ensure rental housing is maintained and renters' rights protected through its

residential rental license and inspection program.

### **Actions planned to reduce lead-based paint hazards**

The Village plans on continuing coordination with the Cook County Department of Public Health to address lead-based paint hazards in the Village. As the State moves closer to decreasing the lead concentration threshold for children, the Village will continue to educate residents of potential hazards and provide lead hazard mitigation services wherever possible.

The Village of Hoffman Estates also offers a Single Family Home Repair Program which can help offset the costs associated with lead abatement's need to follow numerous regulations for safety for projects within homes of homeowners who income qualify.

### **Actions planned to reduce the number of poverty-level families**

The Village will continue to work with its business community and the State of Illinois to improve job training to close the gap between the jobs that are available in the community and the skillsets of residents. The Village has an active Economic Development Division with efforts that include attracting businesses that will offer employment for a variety of skill levels. Among actions during the 2023 Program Year are continued collaboration with the Golden Corridor Advanced Manufacturing Partnership, provision and coordination of transit services, and the provision of health services through the Health and Human Services Department.

### **Actions planned to develop institutional structure**

The Village will be continuing its effort to identify priority needs through an update to its Zoning and Development Codes and Comprehensive Plan. Consideration of HUD priorities will be included in these updates, particularly as they relate to housing. A strong and updated Comprehensive Plan will improve the Village's ability to be responsive to needs through an improved institutional structure. Continued participation in the regional housing discussion through Cook County and the Continuum of Care will be important as well.

In April 2023, the members of the Cook County Consortium, and several other entitlement communities, reconvened to continue work on a Cook County Regional Affirmatively Furthering Fair Housing (AFFH) Plan. This work was started before the COVID pandemic and was paused due to other urgent priorities and HUD's initial suspension AFFH implementation and pending new rule. Since HUD's February 9, 2023, publication in the Federal Register of the Notice of Proposed Rulemaking (NPRM) entitled "Affirmatively Furthering Fair Housing," the Consortium is now anticipating planning the development of an AFFH Equity Plan when guidelines are published and final rule-making is complete. The Consortium is looking forward to publication of the AFFH Final Rule and will continue to consult with local partners in the planning and development of a required AFFH Equity Plan within the timeframe required by the Final Rule. In the interim, all Consortium members are utilizing previous Analysis of Impediments and

draft AFFH concepts to inform their advancement of fair housing in communities.

**Actions planned to enhance coordination between public and private housing and social service agencies**

During the 2023 Program Year, the Village will continue to address priority needs identified through consultation with housing associations. The owner-occupied single family home rehabilitation program will help reduce the cost burden for these individuals. Additionally, coordination of youth services, senior citizen services, and transit services will be a priority of Village Departments that provide them.

**Discussion**

Hoffman Estates will continue to work with area organizations to enable residents to use organizational services outside of those receiving CDBG funding to address ever-changing local needs.

## Program Specific Requirements

### AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

#### Introduction

#### Community Development Block Grant Program (CDBG)

##### Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>0</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%



## **Discussion**

The Village plans to devote all activity funding to benefit low to moderate income persons. No urgent need activities are planned. Activities such as the Children's Advocacy Center facility improvement project may be presumed benefit as low to moderate income.



**COMMITTEE AGENDA ITEM  
VILLAGE OF HOFFMAN ESTATES**

**SUBJECT:** Request approval of Lakewood Center TIF Reimbursement Request #3 in the amount of \$18,118,730.07

**MEETING DATE:** August 7, 2023

**COMMITTEE:** Planning, Building and Zoning

**FROM:** Kevin Kramer, Director of Economic Development

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**REQUEST:** Request approval of Lakewood Center TIF Reimbursement Request #3 in the amount of \$18,118,730.07.

**BACKGROUND:** The Village Board previously approved:

- ◆ A Development Agreement between the Village and the purchaser of the former AT&T campus site on April 25, 2018.
- ◆ The commission of a Tax Increment Financing District Eligibility Study and Redevelopment Plan and Project for the Lakewood Center Redevelopment Project Area. That report was completed and filed with the Village Clerk on October 25, 2018.
- ◆ A Resolution for the purposes of inducing development of property within the Lakewood Center Redevelopment Project Area and the creation of a Tax Increment Financing (TIF) District (Resolution 1671-2018).
- ◆ On January 21, 2019, Ordinances officially adopting a TIF District for the Lakewood Center Redevelopment Project Area (Ordinances 4702-2019, 4703-2019, 4704-2019).
- ◆ On January 28, 2019, a Redevelopment Agreement and TIF Notes for the Lakewood Center TIF allocating a portion of TIF revenues to a specific redevelopment project (Ordinance 4707-2019).
- ◆ The issuance of TIF Notes A & B with Reimbursement Request #1 on December 21, 2020 in the amount of \$7,612,445.50 to be reimbursed.

**DISCUSSION:**

The developer previously submitted Reimbursement Request #1 in the amount of \$25,374,818.04, and Reimbursement Request #2 in the amount of \$45,872,929.44. The developer has completed the east side renovations, built out nearly 250,000 sf of office, retail, restaurant and fitness space including more Heritage Crystal Clean and Headline Solar offices, World's Fair by Fairgrounds Coffee and Tea, and more Ready-to-Wear office space. These, and other TIF eligible costs, have been submitted to the Village for costs incurred over the past year, though not submitted in the previous request, according to the agreements entered into by both parties, for reimbursement from the TIF, as funds become available. The developer has submitted Reimbursement Request #3 in the amount of \$18,118,730.07. Staff has verified all TIF Eligible costs which total \$18,118,730.07, according to the TIF Act and the Redevelopment Agreement.

The Ordinance approving the Development Agreement and the TIF Notes stipulate that the Corporate Authorities approve Reimbursement Requests, and directs the Finance Director to update the TIF Notes to the new amount (which cannot exceed the \$53,767,000 or 30% of the total project costs, whichever is lesser).

Two TIF Notes were authorized as part of this TIF creation on January 21, 2019 and issued on January 1, 2021. TIF Note A is interest bearing and has a Maximum Aggregate Principal of \$43,013,600, which could not be prepaid by the TIF. TIF Note B is interest bearing and has a Maximum Aggregate Principal of \$10,753,400, which could be prepaid by the TIF.

The payments to each Note, according to the Note Ordinance, shall be 80% to Note A and 20% to Note B. Therefore, Reimbursement Request #3 would allocate an additional \$4,348,495.22 to Note A and \$1,087,123.80 to Note B, totaling the \$5,435,619.02 which is 30% of the Total Project Costs. See the attached spreadsheet breaking down the total costs from the TIF eligible costs and the amount to be approved for reimbursement.

The Finance Director is authorized to issue and increase the TIF Note upon Village Board approval of the Reimbursement Request.

The developer continues to market the site, remodel upper floors for tenants, design new event spaces, plan for residential, plan for a hotel, and lease spaces. Additional TIF eligible costs will be submitted in the future.

**FINANCIAL IMPACT:**

TIF financing is based on the principal that new development or redevelopment will increase the tax base. That increase in tax base, over time, generates additional property taxes. Those property taxes are directed to the TIF increment fund over the 23 year life of the TIF. Thus, the development itself generates a pool of money which can be used to pay for TIF eligible costs and provide an incentive for the developer or others to redevelop the site.

**RECOMMENDATION:**

Approval of Lakewood Center TIF Reimbursement Request #3 in the amount of \$18,118,730.07.

Attachment

cc: Mordechai Sidell (Somerset Development)



CHICAGOLAND

Hoffman Estates Acquisitions LLC

2000 AT&T Center Drive | Hoffman Estates, Illinois | 60192

Village of Hoffman Estates  
1900 Hassell Road  
Hoffman Estates, Illinois 60169  
Attention: Village Manager

Re: Redevelopment Agreement, dated January 29, 2019 (“**Agreement**”)  
By and Between the Village of Hoffman Estates, Illinois and  
Hoffman Estates Acquisitions LLC (“**Developer**”)

You are requested to disburse funds from the Special Tax Allocation Fund pursuant to the Note Ordinance and Article V of the Redevelopment Agreement described above in the amount(s), to the person(s) and for the purpose(s) set forth in this Request for Reimbursement. The terms used in this Request for Reimbursement shall have the meanings given to those terms in the Redevelopment Agreement.

1. REQUEST FOR REIMBURSEMENT NO.: 3
2. PAYMENT DUE TO: **HOFFMAN ESTATES ACQUISITIONS LLC**  
**a Delaware limited liability company**
3. FOR THIS REQUEST FOR REIMBURSEMENT, THE DEVELOPER REQUESTS THE VILLAGE TO APPROVE THE FOLLOWING EXPENDITURES AS HAVING BEEN INCURRED BY THE DEVELOPER AND AS CONSTITUTING ELIGIBLE REDEVELOPMENT PROJECT COSTS AND TOTAL PROJECT COSTS, PURSUANT TO SECTION 403 OF THE REDEVELOPMENT AGREEMENT:
  - a. TOTAL PROJECT COSTS TO DATE: \$ 102,701,900.10
  - b. AMOUNT TO BE APPROVED FOR REIMBURSEMENT AS TOTAL ELIGIBLE REDEVELOPMENT PROJECT COSTS: \$ 71,306,134.24
  - c. TOTAL PROJECT COSTS INCURRED SINCE DATE OF LAST REQUEST FOR REIMBURSEMENT: \$31,454,153.10
4. The Developer certifies that:
  - (i) the amounts to be reimbursed pursuant to this Request for Reimbursement were made or incurred or financed and were necessary for the Project and were made or

incurred in accordance with the Construction Plans and Final Project Documents heretofore in effect;

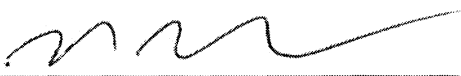
(ii) the expenditures representing Eligible Redevelopment Project Costs and Total Project Costs have been properly recorded on the Developer's books, and a correct summary of such costs are set forth in Schedule 1 attached hereto, and the information required in Section 403 is herewith provided to the Village for all sums for which reimbursement is requested;

(iii) the Eligible Redevelopment Project Costs set forth in Schedule 1 have been paid by the Developer and are reimbursable under the Act, the Note Ordinance and the Redevelopment Agreement, and each item listed on Schedule 1 has not previously been paid or reimbursed from money derived from the Fund or any money derived from any project fund established pursuant to the Note Ordinance, and no part thereof has been included in any other certificate previously filed with the Village;

(iv) the expenditures for which reimbursement is sought are not greater than those necessary to reimburse the Developer for its funds actually paid for Eligible Redevelopment Project Costs; and

(v) the Developer is not in default under the Redevelopment Agreement and nothing has occurred to the knowledge of the Developer that would prevent the performance of its obligations under Redevelopment Agreement.

**HOFFMAN ESTATES ACQUISITIONS LLC**  
**a Delaware limited liability company**

By: 

Title: Managing Member

Date: 7/26/23

*[Village Approval to Immediately Follow]*

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**VILLAGE APPROVAL**

The aggregate Eligible Redevelopment Project Costs now approved by the Village under Requests for Reimbursement Nos. 1, 2 and 3 are a total of: \$ 102,701,900.10.

The Total Project Costs incurred and documented by the Developer under Requests for Reimbursement Nos. 1, 2 and 3 are a total of: \$ 71,306,134.24; and

The Maximum Reimbursement Amount now equals: \$ 30,810,570.03, plus interest per the Agreement.

**APPROVED BY THE  
VILLAGE OF HOFFMAN ESTATES, ILLINOIS**

By: \_\_\_\_\_  
Village Manager

Date of Approval by the Village: \_\_\_\_\_

**SCHEDULE 1 TO**  
**REQUEST FOR REIMBURSEMENT #3**  
**Through December 31, 2022**

**Eligible Project Redevelopment Costs:**  
(through December 31, 2022)

**A. 65 ILCS 5 11-74.4-3(q)(1) Costs**

1	Wight & Company	429,827.25
2	Cumming Management Group Inc	22,500.00
3	O'Keefe, Lyons & Hynes, LLC	5,000.00
4	Giordano Halleran & Ciesla	8,476.85
5	Rock Fusco & Connelly, LLC	7,554.00
6	Kimley-Horn and Associates, Inc	4,200.00
7	Barker Nestor, Inc.	81,775.00
8	CGMT, Inc.	1,406.50
9	Honigman LLP	49,806.38
10	Hugh Lighting Design	16,588.95
11	Integrity Structural Illinois, LLC	1,675.20
12	Horn Design Associates	2,156.00
13	Farhadian Law PC	33,781.25
14	Diligent Design Group Inc	35,000.00
15	EWP Architects, Inc	1,070.40
16	King & Spaulding	17,138.00
17	Nelson Worldwide, LLC	4,723.80
	Total	722,679.58

**B. 65 ILCS 5/11-74.4-3(q)(1.6) Costs:**

1	Angie McMonigal Photography LLC	6,200.00
2	Bisnow	22,500.00
3	Antenna Group, Inc.	27,000.00
4	NPZ Style+Décor	215,921.70
5	Oz Promotions	619.76
6	RealtyAds, LLC	51,427.06
7	Real Estate Publishing Corporation	15,500.00
8	Town Square Publications	3,145.00
9	Yelloh Media LLC	3,650.00
10	Colliers International	55,986.00
11	SWAG	9,396.86
	Total	411,346.38



**C** 65 ILCS 5/11-74.4-3(g)(2) Costs:

Property Acquisition Cost: \$ -

**D** 65 ILCS 5/11-74.4-3(g)(3) Costs:

1	ML Group Design & Development LLC	5,855,380.32
2	Somerset Development	194,538.46
3	American Builders	748,997.91
4	Macrolease Corp	34,325.00
5	RAM Mechanical Services, LLC	11,579.00
6	See Hear Tech	10,097.39
7	Siemens Industry Inc	679,954.80
8	Union Design LLC	225,171.66
9	Keyth Security	46,052.44
10	Westside Mechanical Group, Inc	69,201.64
11	Valley Fire Protection Systems, LLC	7,500.00
12	American National Skyline Inc.	1,908.12
13	Anderson Lock Company LTD	8,136.86
14	Ark Glass of Chicago, Inc	3,965.00
15	Conforti Construction Services Inc.	17,800.00
16	Eastern Funding, LLC	41,190.00
17	EWP Architects, Inc.	1,070.40
18	Garden Electric, Inc.	4,540.00
19	Hard Surface Solutions, Inc.	108,425.00
20	Harvard Maintenance, Inc.	3,417.19
21	Horn Design Associates, Inc	2,156.00
22	Ibrand Visual LLC	55,710.90
23	LionHeart Critical Power Specialist	19,412.65
24	Preservation Services, Inc.	6,630.00
25	Pryor Marking Products, Inc	1,271,219.92
26	REX Electric & Technologies	3,570.00
27	JK Computer Consulting, Inc	52,894.97
28	Sterling Services, Inc	27,798.00
29	Taylor Plumbing, Inc	28,415.89
30	Tee Jay Service Company	3,169.00
31	Thermosystems, LLC	247,669.00
32	Victor Construction	35,158.57
33	Vox Electric Company, Inc	38,830.00
34	Western Waterproofing Company DBA Western Specialty Contractors	27,521.00
35	Wilshore Electric, LLC	8,130.00
36	Wolf Electric	3,000.00
37	Colliers International	8,148.80
38	Nouveau Illinois LLC	20,311.11

39	Parkway Elevators, Inc.	22,907.72
40	Door Service, Inc	6,341.85
41	CDI International	3,087,545.38
	Total	<u>13,049,791.95</u>

E	65 ILCS 5/11-74.4-3(q)(6) Costs:	
1	Greystone	\$ 3,934,912.16
	Total	<u>3,934,912.16</u>

**Request for Reimbursement #3**

**ELIGIBLE PROJECT REDEVELOPMENT COSTS TOTAL:**  
\$ 18,118,730.07

LAKEWOOD TIF TOTALS AND TIF NOTE CALCULATIONS  
7/25/2023

	Reimb. Request #1	Reimb. Request #2	Reimb. Request #3	Total to date	
Total Project Costs Submitted	\$25,374,818.04	\$45,872,929.44	\$20,389,466.14	\$91,637,213.62	
TIF Eligible Project Costs Submitted	\$25,374,818.04	\$27,812,586.13	\$18,118,730.07	\$53,187,404.17	
<b>Amount Approved for Reimbursement</b> (30% of Total Project Costs above)	<b>\$7,612,445.41</b>	<b>\$13,761,878.83</b>	<b>\$6,116,839.84</b>	<b>\$27,491,164.09</b>	(Maximum amount of \$53,767,000.00)
Outstanding Principal Amount to Note A (80% of Total Aggregate)	\$6,089,956.33	\$11,009,503.07	\$4,893,471.87	\$17,099,459.40	(Maximum amount of \$43,013,600.00)
Outstanding Principal Amount to Note B (20% of Total Aggregate)	\$1,522,489.08	\$2,752,375.77	\$1,223,367.97	\$4,274,864.85	(Maximum amount of \$10,753,400.00)

**COMMITTEE AGENDA ITEM  
VILLAGE OF HOFFMAN ESTATES**

**SUBJECT:** Request direction to proceed with development of text for an updated Zoning and Development Code based on recommendations presented by Teska Associates, Inc. and Ancel Glink, P.C.

**MEETING DATE:** August 7, 2023

**COMMITTEE:** Planning, Building & Zoning

**FROM:** Jennifer Horn, Director of Planning and Transportation  
Phillip Green, Transportation & Long-Range Planner

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**REQUEST:** Request direction to proceed with the development of text for an updated Zoning and Development Code based on recommendations presented by Teska Associates, Inc. and Ancel Glink, P.C.

**BACKGROUND:** Last fall the Village Board selected the team of Teska Associates and Ancel Glink (“consultants”) to complete the Zoning and Development Code update. The consultants are wrapping up *Phase 2: Existing Conditions Analysis* consisting of the following activities and deliverables:

1. A technical and legal review of the Zoning and Subdivision Codes, including numerous meetings with Village staff to understand daily use and challenges with the current code.
2. Public engagement efforts including:
  - a. A series of stakeholder interviews with private sector representatives and Village officials. *See attached Stakeholder Interview Summary Memo.*
  - b. A public Open House on June 21, 2023 seeking public input on various zoning related topics. *See attached Open House Summary Memo.*
  - c. A Planning and Zoning Commission Workshop on June 21 to present the consultant’s Findings and Recommendations Report and obtain Commission feedback and concurrence. *See attached Minutes from the June 21 Special PZC meeting.*
  - d. A project website ([VOHEZoning.org](http://VOHEZoning.org)) providing background, meeting information, documents, and an ongoing forum for public input that will be available for the duration of the project.
3. Findings and Recommendations Report (“Report”) and technical addendum. *See attached Report and Addendum.*

**DISCUSSION:**

The Report outlines the following principal findings based on the consultant's line by line review of Chapters 9 (zoning) and Chapter 10 (subdivision) of the Village Code and the distillation of insights obtained through stakeholder interviews and meetings with Village staff:

1. Zoning administration and enforcement is not efficient and may create due process issues.
2. The balance between standards and guidelines is without structure.
3. The code and development review processes do not provide predictability to users.
4. Organization of the code is not reflective of user-friendly development regulations.
5. Too many zoning districts are specified in the code.
6. Readability, clarity and ease of use are not reflective of modern codes.
7. Zoning standards are out of step with modern practices or unevenly applied in districts.

Based on these findings, the Report outlines the following recommendations:

1. **Reorient Development Review Processes and Bolster Administration and Enforcement.**
  - a. Move from staff driven ad hoc process to a predictable code-based process.
    - i. Adopt a predictable and flexible planned development (PD) process.
    - ii. Make site plan review an administrative process.
    - iii. Allow administrative relief for certain variations.
2. **Reduce the Number of Zoning Districts.**
3. **Replace Long Use Lists with Well Defined Use Categories.**
4. **Evolve to a Unified Development Ordinance (UDO) that Accommodates Effective Development and Redevelopment Processes.**
  - a. Consolidate the Zoning and Subdivision Codes into a single chapter, acknowledging the connectivity of their requirements and facilitating ease of use for applicants, Village officials, residents, merchants, and Village staff.
5. **Modernize or Convert the R-9 and RPD.**
6. **Incorporate Directions set in Subarea Plans.**
  - a. Western Area Plan:
    - i. Zone or facilitate requested rezoning in the area to reflect the residential framework described in the plan (in keeping with current markets and findings of the recent housing study).
    - ii. Consider options for some or all of the area west of Beverly as Manufacturing or similar use as noted in the plan.
    - iii. Incorporate mixed use zoning into the O-5 and B-3 Districts (former EDA District).
  - b. Barrington Road I/90 Plan:
    - i. Ensure that underlying zoning and planned development process provide a robust mixed-use approach for development and redevelopment of the area.
    - ii. Incorporate plan's concepts of connectivity into code as appropriate.
    - iii. Apply creative zoning approaches to reflect unique character and opportunities in the area.

Additionally, through the code review and public input process the consultant identified two minor topics where direction is needed:

1. **Backyard Chickens:** In recent years the Village Board has chosen to not allow backyard chickens. It is becoming more common for nearby suburban communities to permit chickens with some restrictions and there have been continued requests from residents to allow chickens. *Should the consultant develop code language to allow backyard chickens based on certain conditions?*
2. **Backyard Beekeeping:** In recent years the Village Board has chosen to not allow backyard beekeeping. Beekeeping is allowed in some area communities and recently there was a direct resident request for the code to be changed to allow beekeeping. *Should the consultant develop code language to allow backyard beekeeping based on certain conditions?*

**SUMMARY:**

The consultants will provide a brief summary of the findings and recommendations and answer any questions the Committee may have. ***The consultants will rely on Committee feedback and/or concurrence of these recommendations as they proceed with drafting of the new code language.***

Based on staff's review of the Report and technical addendum, feedback received through the public engagement efforts, and overall experience and concerns with the current Code and development review process, staff recommends concurrence with the consultant's recommendations as outlined in the Report.

**RECOMMENDATION:**

Request direction to proceed with development of text for an updated Zoning and Development Code based on recommendations presented by Teska Associates, Inc. and Ancel Glink, P.C.

Attachments

cc: Michael Blue, Teska Associates  
David Silverman, Ancel Glink



## HOFFMAN ESTATES ZONING CODE UPDATE – FINDINGS AND RECOMMENDATIONS REPORT

Prepared by Teska Associates, Inc. and Ancel Glink, P.C.

June 12, 2023

### Introduction

This Findings and Recommendations Report presents results of *Phase 2: Existing Conditions Analysis* for the Hoffman Estates Zoning Code Update. It evaluates Chapters 9 and 10 of the current Village Code (Zoning and Subdivision) and is based on our technical and legal reviews of the code, consideration of zoning best practices applicable to Hoffman Estates, and distillation of insights from meetings with the Planning and Zoning Commission, stakeholders, and Village staff.

This code assessment was framed by Village goals for the update, based on the discussions noted above and as described in the original consultant Request for Proposals for this project. It noted that goals for the update were to ensure a code that:

- provides better definitions,
- updates land use terminology,
- simplifies the sign code regulation,
- includes more graphics and tables,
- reflects consistency between code sections,
- incorporates flexibility and predictability,
- applies "guidelines" over "minimums" where possible,
- has text and a format that is easy to read,
- supports economic growth, local businesses and workforce retention, and
- reflects subarea plans.

It is important to remember that there is not one correct answer in how a zoning ordinance is compiled or standards set. However, there are legal requirements, best practices, and approaches that are most appropriate to Hoffman Estates, all of which are the basis of recommendations in this report. Those recommendations on key zoning issues, as described below, need to be confirmed prior to undertaking the full update.

### Findings

The line by line review of the current Village Zoning and Subdivision Ordinances provided many observations, questions, and thoughts regarding options for enhancement. The principal findings of that review are presented here.

- 1. Zoning administration and enforcement is not efficient and may create due process issues.** A number of review elements in the Hoffman Estates code require redundant consideration or approval that can be streamlined without loss of plan quality or due process for applicants and public hearing participants. Some of those include minor considerations or review of modest changes going to the Village Board. Once policies, zoning standards and development guidelines are set by the Village Board, a clear distinction between approvals best conducted by the Village Board, Village commissions, or zoning staff can be made. The most noteworthy example in Hoffman Estates is the site plan review process, which requires Village Board approval for otherwise permitted uses. Effective site plan design can be successfully applied administratively, with the Planning and Zoning Commission or Village Board used as an appeal body.

In general, site related items can be approved administratively by the Zoning Administrator, who would be working from standards and guidelines in the code established by the Village Board. This also can apply to review and approval of specific minor variations (as defined by the code). That process would continue to include neighbor notice and a public hearing if concerns are raised, but allows minor relief to be conveniently provided for residents. This process can be particularly useful for those living in the R-9 and RPD areas, which have nonconforming structures that may not specifically meet current zoning standards. Similarly, this type of administrative approval can apply to minor changes of landscape or other approved plans, rather than requiring the Village Board to take time for such items.

More broadly, and as further discussed below, we see a need to establish clearer processes that are codified to ensure that adequate due process is provided to both applicants and public hearing participants. It is not enough—legally—to say that “Our process works”. This may be true on a results level, but it is not an adequate basis to proceed on from a purely legal basis.

- 2. The balance between standards and guidelines is without structure.** The zoning and subdivision ordinances include specific qualitative standards for base zoning and bulk regulations, as commonly found in codes. The code also includes many versions of generalized guidelines for desired development outcomes. As noted below, the code has too many zoning districts; several of the districts were derived for anticipated developments or development types. For the most part, these districts include thoughtful guidelines for development outcomes, but can only be applied within those districts, not broadly advanced in the Village.

For permitted use applications of developments requiring a site plan, guidelines such as these can be applied to the administrative site plan review process noted in the finding above. For special uses, these types of guidelines logically find their way into Village deliberation of standards for such uses. Guidelines like these can be applicable to unique developments and those that may impact adjacent properties. They also have merit in consideration of complex reuse or redevelopment proposals. While not currently applied in the Village code, other communities apply these clearly defined guidelines in the form of Planned Developments. While the Village does not have a history of using Planned Developments, the guidelines in the current code set out the type of characteristics commonly found in that entitlement tool. A planned development approach would provide maximum flexibility to the Village’s development review



process, especially for the type of unique and complicated developments and redevelopment the Village sees.

3. **The code and development review processes do not provide predictability to users.** As noted in the first two findings, the current code provides limited direction regarding zoning administrative and entitlement processes. As a result, users rely heavily on staff to guide them through interpretation of standards, defining required submittals, and understanding steps in the approval process because the process and deliberations are not clearly defined in the code. This makes the process unpredictable, as neither applicant nor interested citizens can be clear on what will happen next. Effective codes adequately explain these elements, so they are clear and consistently applied for all zoning matters. Applying the Hoffman Estates development ordinances relies on staff explanation for residents, Village officials, and other stakeholders to be aware of what will be considered by the Village and potentially impact them. Steps in the process should be thoroughly detailed in the administration and enforcement section of the code to make the steps in the process predictable for all.
4. **Organization of the code is not reflective of user-friendly development regulations.** The structure of the code is unconventional. A developer, architect or engineer familiar with other codes would be frustrated finding their way around Hoffman Estates' code. Maneuvering the code is even more difficult for residents, contractors, merchants, and property owners having seemingly straightforward questions about their properties. This contributes to applicants' heavy reliance on staff to explain the zoning process, submittal materials, and Village expectations. For example, key sections must be differentiated and easier to find. This includes parking, landscaping, accessory uses, and signs. Additionally, relevant development standards, guidelines and procedures are spread between the zoning and subdivision sections, to the point where these function practically as one section. This is not a problem if the structure is clearly described, which some communities accomplish by merging the two ordinances it a single Unified Development Ordinance (UDO).

In this regard, we are of the opinion that the Village—being at a mature stage in its development cycle—would benefit from a UDO that also accounts for redevelopment activities.

5. **Too many zoning districts are specified in the code.** The number of single-family residential districts is extraordinary for a community like Hoffman Estates, particularly given that there is often limited distinction between the districts, (primarily relatively small changes to lot size and related bulk standards). Similarly, the code includes districts that are either not mapped or do not provide clear indication as to their application or usefulness – the Office Districts are the main example of this.

In addition, several districts were crafted around individual developments, court cases, or best efforts to address unique situations. The R-9 and RPD are the most notable examples. However, the TN – Traditional Neighborhood District, RAA – One Family Active Adult District, CMU – Commercial Mixed Use District and the B-4 – Business District are examples of districts with specific requirements for specific development format.

This practice of creating excessive districts, specific purpose districts, and even districts that are unmapped creates rigid, rather than flexible application of zoning standards and guidelines. Districts should be related to a general type of development, not a specific development. How those districts are applicable should be spelled out in their legislative intent statements. In the current code, those statements range from rather general to highly specific (generally for those districts related to a particular development).

Districts in the code should be revisited to ensure they relate to and clearly describe the desired type of development form, but not include such specific standards that they preclude use for other developments. It should be noted that the approach applied here is similar to how other communities build on a base zoning district, and then address the unique characteristics of a proposed development through a Planned Development process, or even codify specific standards and conditions for specific uses that present common issues.

- 6. Readability, clarity and ease of use are not reflective of modern codes.** Common to older zoning and subdivision ordinances, the Hoffman Estates code lacks elements that make codes easier to use. A number of changes are required to make the update an effective, modern code:
- a. Graphics will make standards and definitions clearer to all users.
  - b. Use categories, rather than the long and redundant use lists, will help to keep the code current with ever changing uses and technologies. For example, highly specific uses like bakeries, hardware store, and meat market can be grouped as “Retail Sales”. In general, permitted and special uses should be revised to ensure they meet current markets, property owner needs, and Village expectations.
  - c. Tables for permitted and special land use table, as well bulk standards, will provide ease of use and facilitate comparison of these standards between districts.
  - d. The accessory structures section has gaps in standards and definitions that should be clarified to ensure consistent application and clarity for residents, merchants, and business owners.
  - e. The sign code is confusing as to its intent and specific standards. This section will also benefit from explanatory graphics.
  - f. Language in code is complex and unclear, especially for casual users. Standards often are too long and written in unnecessarily legalistic or textbook language. This leads to regulations being open to interpretation outside of the Village’s intent.
  - g. Conversely, a number of regulations seem open to interpretation and require calling staff: Each district has language that seems to make all existing uses permitted, but the code has limited non-conforming regs.
- 7. Zoning standards are out of step with modern practices or are unevenly applied in districts.** It is not unusual for older codes to need updated standards for parking, signage, EV stations, landscaping, land use regulation, etc. Such is the case with the Hoffman Estates code, and this will be addressed as part of the update. Likewise, the legal status of standards and process needs to be reviewed and updated (such as community residences, personal wireless facilities, adult uses, and enforcement standards). In addition, non-conforming regulations are limited and

may not serve the Village needs. Assisting residents and commercial properties in the R-9 and RPD may require new and creative application of non-conforming standards.

## Recommendations

Based on the findings above, several key policy recommendations stand out for Village consideration. It is noted that some present major changes to current practices. Recommendations for such changes are made with specific intent to enhance the Village's development review, approach, and enforcement work. In some cases, the recommended changes will codify what have been ad hoc applications of the code, where Village officials currently use best judgement and effort to provide intent and direction where it is not spelled out in the code. Finally, these recommendations acknowledge the importance of maintaining flexible processes, standards, and guidelines in cases where the Village is faced with or sees an opportunity in a unique development and redevelopment proposal.

1. **Reorient Development Review Processes and Bolster Administration and Enforcement**
  - Move from staff driven ad hoc process to a predictable code-based process.
    - Adopt a predictable and flexible planned development (PUD) process.
    - Make site plan review an administrative process.
    - Allow administrative relief for certain variations.
2. **Flatten the Number of Zoning Districts.**
  - Eliminate unmapped districts.
  - Review need for highly specialized districts and define approaches for future regulation of uses in those areas (including but not limited to the R-9, RPD, RAA, and TN).
  - Eliminate the Historic Preservation District designation for two distinct land uses and the Agricultural District, which has little application in the Village.
  - Eliminate the Forest Preserve District and replace it with an Open Space District that also incorporates parks and other recreational uses.
3. **Replace Long Use Lists with Use Categories.**
  - Replace detailed use lists with use categories that are well defined for clear interpretation and ease of application.
  - Create a table of permitted and special uses for ease of understanding appropriate locations for uses of land.
4. **Evolve to a Unified Development Ordinance (UDO) that Accommodates Effective Development and Redevelopment Processes.**
  - Consolidate the Zoning and Subdivision Ordinances into a single chapter of the Village Code, acknowledging the connectivity of their requirements and facilitating ease of use for applicants, Village officials, residents, merchants, and Village staff.
5. **Modernize or Eliminate the R-9 and RPD.**
  - Develop an approach that combines zoning tools (primarily use and bulk standards and nonconforming rules) to facilitate straightforward regulation for property owners, residents, and merchants in these areas.

**6. Incorporate Directions set in Subarea Plans.**

- **Western Area Plan:**
  - Zone or facilitate requested rezoning in the area to reflect the residential framework described in the plan (in keeping with current markets and findings of the recent housing study).
  - Consider options for some or all of the area west of Beverly as Manufacturing or similar use as noted in the plan.
  - Incorporate mixed use zoning into the O-5 (former EDA) and B-3 Districts.
- **Barrington Road Plan:**
  - Ensure that underlying zoning and planned development process provide a robust mixed-use approach for development and redevelopment of the area.
  - Incorporate plan's concepts of connectivity into code standards as appropriate.
  - Apply creative zoning approaches to reflect unique character and opportunities in the area.



## **ADDENDUM: ZONING CODE UPDATE – FINDINGS AND RECOMMENDATIONS REPORT**

**Prepared for The Village of Hoffman Estates by: Teska Associates, Inc. and Ancel Glink, P.C.**

**June 15, 2023**

The Village of Hoffman Estates Zoning Code Update Findings and Recommendations Report was developed through a complete review of the Village’s Zoning Ordinance (Chapter 9 of the Village Code) and Subdivision Ordinance (Chapter 10 of the Village Code). The details of that review are presented in this addendum. Village staff notes from a review of the current code have been considered, and periodically referenced in this addendum. This assessment includes observations about code sections that do or do not reflect best practices in zoning administration, as well as legal considerations on practices in the code.

### **CHAPTER 9 – ZONING CODE**

#### **Chapter 9: Article 1 – General Provisions**

More than general provisions about zoning regulations, which are found in Article 3. General Requirements and Procedures Applicable Within Various Districts and throughout the code, this Article outlines procedure of Village zoning entitlement procedures. In addition, the Village has a Planning and Zoning Commission Handbook that includes a number of procedures and standards. A comparison of the specifics in that document and the code was not conducted. However, once final decisions are made regarding refinement to entitlement procedures are made, it will be necessary to coordinate these two documents.

##### **Sec. 9-1-1. Intent and purpose.**

Direction and intent for the code includes basic zoning concepts, but does not seem to include statements specific to the character or needs of the Village.

##### **Sec. 9-1-2. Establishment of districts.**

The number of districts is a matter for further discussion. On its face, there seem to be more districts than needed for adequate regulation of development and land use. Further considerations are presented discussion of Articles containing district details.

##### **Sec. 9-1-4. Location of district boundaries.**

This Article has highly specific descriptions of where district lines are located. It is somewhat confusing and can be simplified. The matter of vacated streets has ample discussion.

**Sec. 9-1-5. to Sec. 9-1-7. Duties and Functions.**

1. These Articles reference duties and function for Assistant Village Manager-Development Services, Village Clerk, and the Planning and Zoning Commission. However, with limited exception, they do not specify those actions, noting they can be found elsewhere in the code. Functions and duties should be specified here for clarity or the relevant code sections noted. For example, the Planning and Zoning Commission established in section 4-8 of the Village Code.
2. Duties of the Assistant Village Manager – Development Services (which is now a new title) are partially listed and this position noted as responsible for enforcing the code. The section should more specifically describe this position as the “Zoning Official”, the detailed responsibilities of that position, and that they or their designee are responsible for enforcing the code.
3. These sections should be relocated to a new, comprehensive, administration and enforcement article. That will make navigation of the code easier and enhance readability.

**Sec. 9-1-9. Zoning certification.**

A useful tool for managing zoning enforcement. In addition, this too should be relocated to a new administration and enforcement article.

**Sec. 9-1-10. Plats.**

This section indicates that a plat is required with “every” permit application. This section also seems out of place and should be located in either a new administration and enforcement chapter with a reference to the plat standards to be incorporated into the subdivision article.

**Sec. 9-1-11. Certificates of occupancy Sec. 9-1-12. Interpretation and Sec 9-1-13. Scope of regulations.**

These sections list how to apply CO, interpretations, and regulations. Some of these roles should be listed as responsibilities of the Zoning Official and relocated to a new zoning and enforcement article.

**Sec. 9-1-14. Nonconforming buildings, structures and uses.**

This Article provides basic standards for nonconformities and will need to be expanded to accommodate unique conditions in the Village.

**Sec. 9-1-15. Variations.**

This section and the following sections through Section 9-1-18 need to be rewritten in a consistent fashion with clear responsibilities, notice requirements, and public hearing procedures, among other due process items. Our additional comments are as follows:

1. Notice provisions are listed, but vague and confusing. Note that it specifies: “Notice of the hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published, or of general circulation....”.
2. This section, and the other entitlements offer a limited description of the process.
3. Section C has bifurcated standards (3 and then 6 more). They are common versions of the LaSalle factors, although there was indication that only the first three need to be met. Further discussion is warranted regarding how these standards are applied. Findings of fact should be prepared for each standard in every variation case. These become the formal expressions by

which the Village accepts or rejects an application. Comments on how the standards are, or are not met need not be lengthy, but should be specific to the case at hand and convey the PZC's deliberations and findings. As part of voting on a case, the commission is also voting to approve the findings of fact.

4. Section D is unclear as to what standards can be varied. It lists three items that can be varied but the text says that these "and others" can be varied? There is need to solidify what has been varied, and what there is desire to allow to be varied in the future.
5. Section G allows for a variation to be "revoked" if the standards are no longer met, which is done after hearing by PZC and action by Village Board.
6. This section includes a note about the vote of the PZC: as a "concurring vote of a majority of those in attendance" and staff review notes ask about what might trigger a super majority vote of the Village Board for approval.
7. Village Board has the final determination on variations, which our team considers a sound approach.

#### **Sec. 9-1-16. Appeals.**

This process is vaguely spelled out. Again, it raises the question of staff titles and responsibilities. It highlights the need to designate all staff actions to be focused around the "Zoning Official", which would include other staff members as the Zoning Official assigns to tasks.

#### **Sec. 9-1-17. Amendments.**

1. There is a minimum parcel size with very specific dimensions. This might be a way to limit spot zoning, but raises the question of whether this was in response to a situation the code seeks to prevent in the future.
2. Allows for super majority vote by Village Board if Plan Commission votes to deny or there is a challenge by nearby owners.

#### **Sec. 9-1-18. Special uses.**

1. Process and submittal information in this section is vague and doesn't give enough direction to applicants.
2. Notes two categories of SUP (Public and Private).
3. Includes written protest option that triggers super majority vote by Village Board.
4. Standards for Special Use are consistent with what is common in IL zoning codes.

#### **Sec. 9-1-19. Fees and Sec. 9-1-20. Penalties.**

Fees and penalties need to be updated and clarified. Should also be cross referenced to a Village fee schedule or ordinance, regularly reviewed and updated by the Village Board. Having fees in the code is not the best approach as it requires a formal text amendment just to update fees. A simple reference to statutory maximums will suffice and keep the code penalty provision "evergreen".

## Chapter 9: Article 2. Definitions

As is common in older codes, many of the definitions are either out of date or have regulations in them. These need to be revised and definitions added for specific land uses and accessory structures included in the update. In addition:

1. Graphics are needed for some definitions.
2. Definition of height needs to be changed – staff review notes describe it as difficult to use (consistent with our review).
3. Good distinctions between automotive related uses.
4. Density definition notes that either dwellings or bedrooms are applied for calculating density. Using both bedroom and unit for density can be confusing. Further discussion is merited on determining the appropriate practice for the Village.
5. Many of the definitions for signs are constitutionally suspect because they are classified based on the sign's content or speaker (e.g., fuel pump sign, shopping center sign). The update will provide new content-neutral sign definitions based on the construction, location, or content-neutral features of the sign.
6. As further discussed in comments on Sec. 9-3-9 below, the definitions for wireless and small wireless facilities should be reconciled with those used in the small wireless regulations adopted elsewhere in the Village Code.
7. Definitions for assisted community and independent residential facilities distinguish between them.
8. Definitions use "family". Further discussions are needed regarding option of moving away from use of the term and using "unit". However, as explained in comments on Sec. 9-3-12 below, the Village must limit the number of unrelated people living together as a "family" or "unit" if the Village would like to regulate community residences.
9. In addition to "cannabis dispensary," other cannabis businesses that are regulated or should be regulated by this Code need to be defined, including "medical cannabis dispensary," "medical cannabis cultivation center," and adult use "cannabis cultivation centers," "craft growers," "infusers," "processors," and "transporters."
10. Townhome definition only allows six units.
11. All home occupation regulations are in the definitions and need to be moved to a separate code section.
12. The definition of "Motel" is out of date and unnecessary from a zoning perspective (defined as where one gets to the sleeping room from the outside without going through a lobby). But for a specific need by the Village, the distinction between hotel and motel should be eliminated.
13. Some definitions listed in this section are not found elsewhere in the code and can be deleted. Additionally, the update will add definitions not already provided for land uses and accessory structures in the code; such definitions are important tools for zoning administration and code enforcement.



## Chapter 9: Article 3. General Requirements and Procedures Applicable Within Various Districts

### Sec. 9-3-1. Zoning of annexed land.

Code places newly annexed land as R-3. Ordinarily, and by statute, annexed land is placed in the most restrictive district, unless the annexation petitioners request a different district. We believe the Village can choose whatever district it wants pursuant to its home rule powers. In any event, it should be made clear that the zoning of annexed land other than R-3 triggers a map amendment process.

### Sec. 9-3-2. Off-street parking and off-street loading facilities.

1. This defines the cases in which off-street parking is required and indicates the Village Board will determine the amount of parking required. This creates unpredictability for the applicant in preparing a site plan. There are requirements for the number of parking spaces in Section 10-5-2, but this would seem to supersede those. More definitive parking standards should be provided or a process for determining parking.
2. Includes rules for garages and driveways, indicating that driveways must lead to an approved parking space. Staff notes indicate there is some question as to whether this is enforceable; also notes that additional parking standards are in the Building Code. Requirements should be in one place or cross referenced so users can find them.
3. Graphics are needed to help explain some of the standards in this section.

### Sec. 9-3-3. Fences, shrubs, hedges, and decorative structures.

1. This section provides regulations for fences, shrubs and hedges are not considered and it is not clear that they should be.
2. "Park Districts and School Districts shall be exempt from the height limitations of this Code." This approach recognizes that these uses have unique fence needs, but is too open ended. Defined limits on this fencing are needed to prevent excessive installations.
3. Fences regulations are often found too limiting or out of step with individual requests for installation. This possibility is noted in reviewing the section and comments provided by staff.
4. Further discussion is needed to understand how fence standards have worked with the R9 District as part of updating accessory structure standards in that district.

### Sec. 9-3-4. Recreational equipment parking and storage.

1. These regulations are straightforward, focusing on a 10 foot setback from adjacent dwellings and one foot from property lines to preserve drainage. These types of regulations are typically unique to a community based on past practice.
2. There is a prior compliance allowance that goes back to 1985 and requires authorizing affidavits.
3. These standards do not apply in all districts. Reasons for the distinction should be reviewed to determine if they are still appropriate. Staff note is that the requirement doesn't apply in RPD, CMU, and TN.

**Sec. 9-3-6. Accessory buildings, decks, concrete patios, gazebos, pools, spas and storage sheds.**

1. This section lacks the necessary clarity and will be completely rewritten (consistent with the staff note indicates such).
2. Section very specifically refers to “accessory building, deck, gazebo, concrete patio, storage shed, public or private swimming pool or spa”. It is common to see a wider range of structures regulated, particularly as to how they may encroach in yards.
3. Size standards are consistent with those found in other codes: Sheds can be 150 sf. Garage can be up to 750 sf. The “minimum” garage size of 440 sf. is unusual and effectively requires a two-car garage.

**Sec. 9-3-8. Signs.**

1. Relocate this section to its own article and bring it into compliance with First Amendment requirements. Recent Supreme Court decisions have imposed tighter constitutional restrictions on local governments’ ability to regulate signs. Most sign ordinances across the United States regulated sign content in a way the Supreme Court concluded is no longer allowed under the First Amendment. For example, “real estate signs,” “occupational signs,” “garage/yard sale signs,” “vending machine signs,” “political campaign signs,” and other content-based signs are constitutionally suspect. Like many local sign ordinances, the Village’s sign regulations will need to be substantially rewritten to bring it into compliance with current First Amendment law.
2. Master Sign Plan. In practice, staff advises that applicants often use Master Sign Plans to avoid the general application of the existing sign regulations. The Village should review the approved plans and adopt updated standards that would be generally applicable to future applicants and avoid repetitive special approval processes.
3. Graphics. New graphics will be provided to illustrate the code requirements for improved compliance and ease of use.
4. Management of sign regulations will be further evaluated to consider locating sign regulation outside of zoning ordinance and or providing a more administrative process for signage approvals.

*Permits Required. Section 9-3-8(A).*

1. To reflect the intent of the existing ordinance, this section should more clearly state that a “face change” requires a permit.
2. Annual Inspection Fees. While the Village currently does not do so at present, the Village should preserve the ability to charge for sign inspections in the future.

*Exempt Signs. Section 9-3-8(B).*

1. Eliminating exemptions based on the identity of the speaker is not recommended. For example, the Village presently exempts bulletin board signs from permit requirements only if the speaker is a charitable or religious institution.
2. The Village’s detailed standards for LED window signs may be better implemented through permit requirements, rather than through an exemption from permit requirements.
3. Staff advises the size restrictions for LED window signs have been difficult to enforce, so the size restriction could be eliminated to reflect how the signs are really used.

4. The sign exemptions will be refined to refer to more recognized sign types. For example, “F-P Forest Preserve District Signs” may be included in a more general “government signs” exemption, and an exemption for “vending machine signs” may be eliminated.

*Prohibited Signs. Section 9-3-8(C).*

1. Where staff advises that roof signs are common, the prohibition could be eliminated and subject to the general sign permitting requirements.
2. The prohibition on moving and flashing signs and signs that imitate traffic control devices will be preserved, especially in reference to electronic message boards. These are common and legally supported prohibitions.
3. Village staff identified some prohibited sign types (e.g., banner signs, pennant signs, balloons, inflatable signs) that might be allowed as temporary signs, this is sometimes applied in limited circumstances in other communities.

*Calculation of the Surface Area of a Sign; Calculation of Sign Height. Section 9-3-8(D, E).*

1. Measurements of sign dimensions will be emphasized as communities move away from constitutionally-suspect content-based sign regulations.
2. Rather than regulating “surface area” through the definitions, illustrating the sign measurements and calculations through graphics is recommended.

*Illumination. Section 9-3-8(F).*

Illumination standards should be updated to address the increased use of LED lighting in favor of neon tubing.

*Non-Conforming Signs. 9-3-8(G).*

Outdated references to valid sign permits issued prior to Sep. 1, 1982 should be eliminated and the non-conforming sign regulations modernized.

*Removal of Non-Conforming, Obsolete and Unsafe Signs. Section 9-3-8(H)*

1. The stray non-conforming sign regulations in this section suggest there may be no legal non-conforming sign without a sign variance after Jan. 1, 2000. Applying non-conforming sign regulations more generally to allow property owners to bring signs in to compliance with new sign regulations is recommended.
2. The Village requires removal of obsolete signs after the cessation of business on the property, which is a good rule with more legal support after the Supreme Court recently upheld the regulation of on-premises and off-premises signs.
3. The summary removal procedure in this section is usually limited to unsafe signs in other communities. The removal of non-conforming and obsolete signs can be more fact-intensive and may benefit from the usual code enforcement process.

*Construction Standards and Sign Maintenance. Section 9-3-8(I, J).*

An updated sign code will emphasize construction standards and maintenance to regulate signs independent of content, including clearance from power lines, communication lines, and surface and underground facilities required by relevant utility company standards.

*Temporary Special Provision Signs. Section 9-3-8(K).*

1. The Village should adopt a new approach to temporary sign regulations, where many of the existing temporary sign types are content-based, including construction signs, real estate signs, residential model area signs, automobile sale event signs, conference or banquet facility signs, and temporary construction business signs.
2. A content-neutral approach will simplify the lengthy temporary sign regulations, which presently contain detailed requirements for sign types based on the sign's content or speaker.

*Other Special Provision Signs. Section 9-3-8(L).*

1. The Village's flag regulations are more detailed than typical in other communities, and users and administrators may benefit from a simpler approach.
2. Parking Lot Entrance/Exit Signs, Instructional Signs, and Subdivision Identification Signs might be better addressed in the regulations for other permanent signs, rather than in a special section.
3. The Village's light pole banner regulations should move away from content-based regulations favoring shopping centers and auto dealerships. Light pole banners could also be moved to a section on temporary signs.
4. Rather than having provisions for a specific scoreboard sign or governmental community information signs, the Village could adopt a provision allowing such signs by intergovernmental agreement.

*Permitted Signs. Section 9-3-8(M)*

1. The lengthy regulations for sign types allowed in each district could be more simply expressed in a table.
2. The Master Sign Plan provisions stated throughout the code could be consolidated in one place and do not need to be repeated at length in the district regulations elsewhere in the code.
3. In practice, the Master Sign Plan process has been used as an end run around the existing sign regulations. With updated and modern rules related to signs, the Master Sign Plan process may become less necessary.
4. Many of the content-based rules for shopping center signs, automobile dealership signs, and automobile service station signs should be eliminated in favor of generally applicable content-neutral sign regulations.

**Sec. 9-3-9. Antennas and wireless telecommunications.**

1. **Wireless Telecommunication Facilities. Sec. 9-3-9(A)(1).**  
The location of wireless facilities is primarily governed by this section only and wireless facilities are not listed as a permitted or accessory use in any district. It would be a better practice to add wireless facilities to the use table as appropriate and have the relevant standards listed in this section.
2. **Accessory Use Antennas and Communication Towers. Sec. 9-3-9-(A)(2)**  
The Village's regulations for accessory use antennas and communication towers were last amended in 2013 and should be made consistent with the Village's more-recently adopted small wireless facility regulations elsewhere in the Village Code. Code Sec. 14-5-1, et seq.

**Sec. 9-3-10. Temporary use regulations.**

In so far as the Village is only concerned about contractor and sales and leasing offices, this is fine, but it is a very restricted use of temporary use powers. Any type of transitional or temporary use should be accounted for in this section. Temporary uses are a very flexible way to enable the Village to accommodate and regulate transitional and temporary uses beyond its licensing powers.

Temporary uses can also support economic development policies, by enabling entrepreneurs to test their ideas in both brick and mortar space or mobile space, that can be placed on public streets or even private parking lots. This section should also be relocated to the general provisions article.

**Sec. 9-3-11. General requirements and performance standards.**

1. This section provides a list of “use exclusions”. This approach is discouraged as it leaves open the possibility that one proposing a use not on the list but otherwise undesirable can make the case that it should be permitted (since it is not specifically excluded like others). By leaving undesirable land uses off a permitted and special table, the use is effectively prohibited, making use a exclusion list unnecessary.
2. The section on outdoor storage is straightforward and seemingly effective.
3. Performance standards are a mix of specific regulations for most potential impacts and a reference to other state requirements for noise. This approach of referencing state requirements is recommended for the other potential impacts as well. This allows for consistent regulations and clarity for businesses.

**Sec. 9-3-12. Community residences.**

1. If the Village is interested in regulating community residences, the Village should limit the number of unrelated people living together in a dwelling unit as a “family.” The Village’s definition of “family” presently does not have a limit on unrelated persons living together as a household unit. Without such a limit, the Village must allow community residences for people with disabilities in the same way they would allow any other family. Requiring a permit or spacing distance for community residences, and not other “families,” would facially discriminate against persons with disabilities.
2. The Village should update the 1,000-foot spacing requirement for community residences. Using the least drastic means, the Village may prevent clustering of several community residences on a block (typically 660 linear feet), which undermines residential character benefits for persons with disabilities. This can be accomplished by permitting community residences that house more unrelated people than allowed in a “family” in residential districts if:
  - a. the residence is located more than 660 linear feet to the property line of the closest existing community residence; and
  - b. is eligible for the appropriate state or federal license.
3. The Village may require a special use permit for community residences that would be located within the 660-foot spacing distance or if a state or federal license is not required. At present, if a state license is not required, the Village may have to permit community residences by right anywhere a “family” residence is allowed by right.
4. Community residences will still be subject to local building and property maintenance codes that limit the number of persons that may safely reside in a dwelling unit.

**Sec. 9-3-13. Cannabis uses.**

1. The cannabis businesses allowed by this section could simply be added to the use table, rather than being listed in a standalone code section.
2. Ordinances are typically construed to prohibit unlisted uses. Where the Village has explicitly prohibited adult use cultivation centers, infusers, craft growers, processors, and transporters, the interpretation provisions of the Code should confirm that unlisted uses are not permitted by inference.
3. The Village may not unreasonably prohibit medical cannabis cultivation and dispensing authorized by Compassionate Use of Medical Cannabis Program Act. As a result, we usually recommend listing medical cannabis dispensaries and cultivation centers as a special use and ensuring there are possible locations in the corporate limits.
4. The limit on the number of special use permits for adult use cannabis dispensaries is already stated below in Article 11, Cannabis Dispensary Overlay District. Duplicative statements of regulations like this could be eliminated.

**Chapter 9: Article 4. Agricultural Districts****General section notes:**

1. Each district lists “uses lawfully established on the effective date of this Code” as permitted uses. This language can be eliminated in favor of the non-conforming regulations explain how a lawfully established use will be allowed to continue after the effective date of the Code or subsequent amendment.
2. Each district lists “special uses” in a “permitted uses” subsection, with a cross reference to a later “special uses” subsection. While special uses are technically considered a type of permitted use allowed with a special permit, the way these use lists are nested could be confusing or misconstrued by users. This is another reason to move away from use lists in favor of a user-friendly use table.
3. Permitted uses specifies accessory uses. This approach should be removed and replaced with an effective accessory definition that will apply in all cases, not just those specified – and will keep the code from inadvertently missing an accessory use that should be regulated.
4. For clarity and ease of use, provide a table of permitted and special uses and a table of bulk standards for all districts (these are partially provided in the current code in the R-9, TN and C-MU districts). This is a useful tool for helping code users understand the requirements and for comparison of standards between districts.

**Sec. 9-4-1. Agricultural District.**

One small area in the Village appears to be zoned agricultural, and it is not an agricultural use – seems to be a construction facility based on Google aerial photography. Such uses should be zoned to reflect the character of the use or desired future use. If there is no agricultural use in the Village or desire for such use, this district can be deleted.

**Sec. 9-4-2. F-P Forest Preserve District.**

This section is very specific and seems to be written just for Cook County Forest Preserves. It includes use standard and does not include bulk standards. Unless there is interest in creating an open space district that would include these properties and parks and open spaces in the Village, this district can remain.

**Sec. 9-5-1 Through Sec. 9-5-13 Residential Districts (p. 76 thru 119)***Use Lists:*

1. Need to review places of assembly. Churches are mostly designated as Special Uses. Some other assembly uses (meeting halls, auditoriums, private clubs) are found as either permitted or special uses in the current code.
2. Use lists include accessory uses, but mostly structures, and almost always permitted in all districts. Exception: R-9 has some unique items not included in other districts (coin operated laundry in residential buildings is Permitted and storage yards for tenant's recreation equipment is Special). The distinctions can stay as drafted if they function well for users and neighbors. Moving these to General Provisions section is recommended as they are mostly structures, not uses.
3. Single family detached is the only dwelling type allowed in the R-1 through R-8. Others dwelling types are permitted in R-9, designations vary in other R districts.
4. Community residences are shown as a special use when located within 1,000 feet of another, 660 feet is a more current standard.
5. These districts include recreation uses and public buildings as permitted uses in all districts (except athletic fields, driving ranges, WES, and utilities, which are special uses).
6. Types of residential use are very specific and seem logical.
  - Dwellings, One-family detached
  - Dwellings, One-family detached-Zero Lot Line
  - Dwellings, One-family attached"
  - Dwellings, Two-family
  - Dwellings, Plexus Units, up to 6 units per building (in R-9)
  - Dwellings, Multiple
    - Garden Apartment, up to 3 stories
    - Mid-Rise Apartments, 3 stories and over (elevators required)

*Single Family Residential Districts:*

1. Purpose statements (Legislative Intent) for the residential districts are not sufficiently descriptive and essentially indistinguishable. New statements are needed for each district to be clear about how they are to be applied or amended. Purpose statements get more specific for R-9 through A1.
2. R-1 through R-8 seem logical and consistent with lot sizes and accounting for duplexes. However, there is limited distinction between lot sizes of R-3 through R-6. Further evaluation is needed regarding the utility of so many single unit residential districts. R-3 through R-6 districts have very similar use and bulk regulations and lots sizes range only from 10,000 sf to 7,500 sf (with 9,250 and 8,500 in between), which is not much variation. These districts are spread

throughout the Village. Do not recommend changing these districts if there is not a specific need (not yet identified) unless potential for creating nonconformities can be mitigated. However, future use of certain districts may be appropriate to limit.

3. R-7 is written specifically for zero lot line SF – as stated in the legislative intent. In other codes, this would be accomplished with a PUD in a R-1 through R- 6 base zoning. It is unusual to have a district specifically for zero lot line as a permitted use, given that this development form is not common. To add such a development would require a rezoning, where a PUD would be a more comprehensive zoning consideration that would be based on defined guidelines and provide flexibility for the development. There appear to be six of these districts in the Village. The bulk standards seem sound and can be established as guidelines for this use.
4. Similar to R-7, R-8 is written specifically for a type of dwellings, duplexes – as stated in the legislative intent. The district also allows single unit detached homes, which facilitates a desirable mix of housing types in the district. As R-8 lots get bigger, the FAR gets smaller, which is reasonable, but they don't seem to bear a relationship to the other districts. As FAR is already on a sliding scale (greater lot size facilitates great square footage), is changing FAR necessary. There are few R-8 Districts mapped, and they are small.
5. The R-9 Planned Development District regulates a large, essentially built out area in the northern portion of Hoffman Estates. As indicated in the legislative intent, it is based on a plan approved by the Village consistent with a court settlement for the area. This created an area of unique zoning standards in the Village. These standards are very specific and regulate the area through subzones of differentiated land use types and bulk standards (Sec. 9-5-9.B thru 9-5-9.E).

The R-9 contains its own standards for several design elements: fences, general design standards, open spaces, temporary uses, and outdoor storage. As with use and bulk, this approach has created unique standards for the area. If permissible per the litigation, these district specific standards should be deleted to allow consistent village-wide standards for the items.

Based on review of the code and workshopping R-9 zoning enforcement with staff, the district is expected to remain as part of the zoning code. Two questions will be addressed in the update:

- a. How to manage accessory structures in the area. cursory review indicates that a number of them are in required yard setbacks or in established open space easements (in some cases as Village authorized exceptions). These factors create issues for current property owners seeking to take actions as simple as replacing a fence in its existing location. It is not the purpose or intent of a zoning code to make these actions burdensome for property owners. Assessment of this situation continues, and will be addressed by a combination defined minimum standards (perhaps consistent with the remainder of the Village) and allowances for nonconforming conditions.
  - b. How can the regulations in the R-9 be simplified and be more in keeping standards in other parts of the village? Addressing this question will facilitate efficient and consistent regulation by the Village and ease for residents and businesses as they continue to enjoy and enhance their properties.
6. R-10 is a townhome district, per the legislative intent statement. It allows one unit attached to another and “stacked” units, which is defined but not clearly. Staff notes regarding this district



cross reference “townhome guidelines” in section 10-5-4 for design and review of development in this district. There are a limited number of small R-10 districts mapped in the Village. Bulk standards are similar in R-8 and R-10. Applying a PUD to a townhome district would provide flexible guidelines to townhome developments.

7. The RPD – Residential Planned Development District – is a somewhat disjointed zoning district bounded roughly by Golf Road on the south and I-90 on the north. It runs from Barrington Road to the east for roughly one and a half miles. It does not include all of this area, particularly the southeast quadrant of the I-90 and Barrington Road interchange. The Village Hall is included in the RPD. The area contains an eclectic group of land uses, with commercial uses generally located along Higgins and Barrington Roads, two golf courses, Ascension St. Alexius Hospital, and residential subdivisions.

Zoning regulations for the RPD allow for a range of residential, commercial and recreational permitted and special uses. Development standards regarding density, ground coverage, setbacks, open space, and outdoor storage are also specified.

Each development in the RPD has its own development ordinance and general plan, that plan broadly became the zoning for that subarea once the development ordinance was approved. Changes to existing developments or new developments effectively become an amendment to the general plan for that area and amends the zoning. This area was designed and developed as one large PUD, but development standards are not codified. Based on workshoping with staff, there is limited interest in creating new all-encompassing standards. This would greatly reduce flexibility for ongoing operations and future renovation or new development. It may also create numerous nonconformities.

The question to be addressed with the RPD is how to manage the historic ordinances to preserve flexibility for continued use and future development in the area – that process is not clear in the code. The recommendation for this area is to memorialize existing residential areas (to preserve them) and create flexible zoning guidelines and processes for commercial uses (existing and future) that provides predictability for property owners and an appropriate level of regulation for the Village.

8. RAA presents (per the legislative intent) as a district focused on a single housing type and market segment (active adults). There is one of these districts in the Village (on the west side of town). Again, a district this focused on one market segment is unlikely to be applied again as drafted. This leads to reduced flexibility as future developers will have their own design concepts. More effectively, the developer would propose the use under a base zoning district and address their unique design elements as guidelines for a PUD.
9. The TN District is only mapped once in the Village (on Sutton Road north of Higgins for the Plum Farms development). This is another district established for a single district and having very specific standards. Therefore, it is highly unlikely to have a future application in the Village. This is another example of where development could be effectively and efficiently considered though the flexibility of a PUD process, and guidelines established for the development without creating another zoning district. The approach of creating a specific district also becomes problematic if

the developer that has created the district is unable to begin or complete the development. In that case, another developer is expected to complete the approved plans to district specifications – even though those standards may no longer be appropriate for the real estate market.

10. Open space requirements are found in the residential districts in R-5 thru R-7 and for the RPD. Mostly requiring:

*In residential subdivisions, no general plan shall be approved unless such plan provides for **permanent public and permanent private open space equal to 40 percent** of the total land area. A **minimum of ten percent** of the total land area shall be **devoted to public open space**.*

Both terms (public and private open space) are defined in the code, but the definition for private open space is vague.

#### **Sec. 9-6-1. A-1 Apartment District.**

1. The Apartment district allows single unit attached and multiple unit structures (as well as public uses, accessory uses and accessory structures, consistent with the other residential districts). This creates a mix of dwelling types possible in the district that can create a diverse and attractive residential area. The A-1 district is mapped in several areas in the Village. As noted in the market assessment recently secured by the Village, apartments are a strong part of the residential market in the region and the Village.
2. Further use of this district will be evaluated to confirm or refine the legislative intent, which notes that, “The intent of the Village Board is not to expand this district or to permit the district's application to other areas of the Village”.
3. The district and regulations are not drafted in such a way as to be consistent with modern apartment development. Most inconsistent with modern zoning and development practices is how density is defined and established. The use of different densities based on bedrooms is unpredictable and can create situations with regulations conflicting with current market potentials, leading to no development or development that is difficult to lease and quickly becomes obsolete. In addition, the currently allowed density of roughly 22 dwellings per acre is somewhat low for modern apartment development and should be revisited based on the market assessment.

## Chapter 9: Article 7. Office Districts

There are more office districts that are needed and effectively applied in the Village’s zoning ordinance. They have similar use lists (in part because of the cumulative zoning approach in which O-1 uses are allowed in other districts). The main distinction seems to be in the size of buildings in each district. The districts are similar in that there are limited other uses permitted in the Office Districts, except for the O-5 District that replaced the EDA District at Prairie Stone. For this reason, reducing the number of office districts is recommended. In the update they will be assessed for how to effectively consolidate them – possibly with other types of districts (such as the B-2).

**Sec. 9-7-1. O-1 Office District.**

1. There are two small areas zoned O-1 in the Village (a surgical center and the D211: Higgins Ed Center). The district is underused, and the two sites could be regulated in another zoning district.
2. The legislative intent is to provide limited office use and institutional uses that can be near or adjacent to residential. To that end, the district includes transitional standards if adjacent to residential uses.

**Sec. 9-7-2. O-2 Office and Research District.**

1. There is no land mapped as O-2 in the Village (the district is not in the zoning map legend).
2. Legislative intent is for “medium” sized Research and Development uses in a business park setting. Bulk and use standards reflect this intent.
3. The district transitional standards if adjacent to residential use; outside storage is prohibited.

**Sec. 9-7-3. O-3 Office and Research Tollway.**

1. There are four areas zoned O-3 in the Village, all along the Tollway. One at the Sutton Road Interchange (NE quad), two just west of Beverly Interchange, and two at the Bell Works site.
2. The legislative intent and use list are geared toward office, research and development, hotels, and restaurants, which is consistent with the type of support uses that would be near an interchange. Intent also emphasizes architecturally coordinated buildings, office park, “high quality environment” and no manufacturing, except for areas near other manufacturing. The district allows more types of uses near M-1 or M-2 (including flex tech space with specific uses, hotels/motels - if already permitted and more than 5 acres and restaurants).
3. Language in Area Regulations (Section D) includes special requirements for setback, but indicates that these can be varied by the Village Board. The approach creates ambiguity for developers and inconsistency of application, and adds to the Board’s workload. Ultimately the process described in this section is akin to a planned development, and could better be applied with that tool.

**Sec. 9-7-4. O-4 Office and Research Campus District.**

The legislative intent for this is to provide for large office buildings in a park like atmosphere. No area is mapped for this district in the Village. This was applied to the AT&T site, which is now Bell Works (zoned for a mix of uses with C-MU and O-3 Zoning).

**Sec. 9-7-6. O-5 Office District.**

1. The intent of the district is to provide for an office campus environment that includes a range of other uses such as light industrial, retail, and service functions. This is reflected in the long list of permitted and special uses.
2. This district replaces the EDA District applied to the initial Prairie Stone development. Given the range of uses in that area, the O-5 and its range of uses seems appropriate.

## Chapter 9: Article 8. Business Districts

The Business Districts include base districts for general commercial development in the Village and more complex districts for unique opportunity areas.

### Sec. 9-8-1. B-1 Neighborhood Business District.

1. The legislative intent for this district is for “a limited range of businesses” for convenience goods and nearby residents. There are three small B-1 areas in the Village.
2. Use lists in this and other B Districts are recommended to be consolidated around use categories to better keep up with changes in business practices and support economic development by not limiting potential new and desirable businesses that cannot fit into an inflexible use list.
3. The current list of uses also has some specific additional definitions: “massage at a beauty parlor – no more than 20%” and “meat market or poultry store if no slaughter”, or “retail stores – except those in the B-2 and M Districts”. Such added details reduce flexibility in the code and make bringing new business to the Village difficult.
4. Automobile Service Stations as an SUP has a lot of conditions. If these are the entirety of the additional standards required, the approach suggests the potential to apply “Conditional Uses” – a permitted use allowed as long as specific added regulations are met. This would remove the need for a special use process in this case.
5. Includes outdoor storage regulations, which also are noted in eight different districts. This sometimes includes prohibiting the activity and sometimes adds specific regulation for the district. If outdoor storage regulations can be made consistent, application by businesses and enforcement by the Village can be more effective. The need for the current differences will be confirmed as part of the update.

### Sec. 9-8-2. B-2 Community Business District.

1. B-2 is the most prevalent zoning district applied to commercial uses in the Village. The legislative intent reflects this, noting the district relates to a broad range of businesses, goods, and services for the entire community.
2. Permitted uses include those in B-1.
3. In the B-2, automobile service stations are a Special Use without the additional conditions.

### Sec. 9-8-3. C-MU Commercial Mixed-Use District.

1. The Commercial Mixed-Use District is mapped at Bell Works, Poplar Creek at Prairie Stone and Plum Farms. Regulations focus on:
  - a. The Commercial Mixed-Use District can be applied either under the “Commercial development option” or “Mixed-use development option”, with the latter allowing for residential uses.
  - b. Includes: location criteria (near a tollway interchange or major intersection), a minimum area (60 acres), and an approval procedure (essentially site plan review and subdivision).
  - c. Includes standards more commonly seen in codes as being applied community – wide (outdoor display, height, parking for some uses, and signs.)
  - d. Residential options includes General Standards, effectively design guidelines for residential uses.

2. This is an unusual approach for locating and regulating a mixed use district. This would more appropriately be presented in the code as two districts or one that does not have two sections.
3. The mixed use development option “description” and “design guidelines” are presented much the way planned development standards are set out in other codes. Likewise, the alternative standards for certain bulk and parking regulations are also more effectively addressed by a planned developed process; the way the C-MU sets out district specific standards for factors like these reduces flexibility for applicants, who must now meet a separate set of standards that may not be appropriate for the proposed development.
4. Sign and Master Sign provisions are spelled out in this section. These need not be repeated unless there are requirements specific to this district. It also repeats sign and master sign regulations.
5. Much of the regulation in this district can be more clearly conveyed and applied by referring to other sections of the code and facilitating logical site specific differences from those standards via a planned development process. Guidelines and standards spelled out in the C-MU are currently applied by a combination of plat approval and site plan review, which would ultimately be the same process as a planned development process, but be more flexible as it would not need to apply a second layer of bulk and parking standards.

**Sec. 9-8-4. B-3 Business District.**

1. The B-3 District, per the legislative intent statement, is to accommodate a broad range of uses, including regional entertainment, restaurants and retail. In keeping with that statement, the B-3 is mapped in the area around the NOW Arena, essentially lands south of Prairie Stone Parkway.
2. The breadth of uses permitted reflects the intent statement and the Western Area Plan concept of mixed use with higher density residential uses. The update will consider if the uses and approval processes related to this area are effective in generating desired outcomes.

**Sec. 9-8-5. B-4 Business District.**

The B-4 Business District legislative intent describes a very specific purpose of permitting uses that are a mix of those allowed in B-3 and O-5. The history and effectiveness of this district will be further reviewed as part of the update to determine if a more specific purpose can be defined or if rezoning to another district is a more appropriate approach.

## Chapter 9: Article 9. Manufacturing Districts

There are two base manufacturing districts with straightforward regulations and cross references to other sections. There are a limited number of instances where district specific standards are included, and the relevance of those will be reviewed. Update of the districts will include reviewing use types and categories to ensure they reflect modern manufacturing practices and development goals of the Village.

**Sec. 9-9-1. M-1 Manufacturing District.**

1. The M-1 District, per the intent statement, is intended for lower intensity manufacturing uses. The district is mainly found at the Interstate 90 and Barrington Road interchange. The use list and definitions will be reviewed to match this intent.
2. The Special Use list for M-1 and M-2 include “All other uses not heretofore cited” (as do other district regulations). This would allow any other use to be considered as a special use in the M

Districts. This is much too broad an allowance and should be removed. To the extent that other uses might be considered, they can be listed by broad categories.

#### **Sec. 9-9-2. M-2 Manufacturing District.**

The M-2 District legislative intent notes that the district is intended for a broader range of manufacturing uses that require access to the transportation network. The district is located near the Bell Works site, along Beverly Road north of Interstate 90, and a small area along the Tollway at east end of the Village. As with M-1, the use list and definitions will be reviewed to match the district intent.

### [Chapter 9: Article 10. Historic District](#)

#### **Sec. 9-10-1. H Historic District.**

This district is applied to the Greve Cemetery and Sunderlage House. The standards outlined in the district are more commonly found in municipalities through a preservation “designation” rather than a district. The history of these designations, potential for future designations, and the Village’s intent for this action will be considered in determining whether to recommend maintaining this district.

### [Chapter 9: Article 11. Cannabis Dispensary Overlay District](#)

1. As the number of state-licensed dispensaries increases, the Village should review and confirm the overlay districts still meet the Village’s current goals for available land area and appropriate number of total dispensaries.
2. The Village Code recites the hours of operation allowed by state law, but applicants may agree to limit their hours of operation as a condition of their special use permit approval.
3. Where the Village insists on strict compliance with State law, the Village may require the applicant to submit plans for their state approvals for compliance with Village special use standards, and condition local approvals on compliance with the submitted plans.

## CHAPTER 10 – SUBDIVISION CODE

### Chapter 10: Article 1. General Provisions

The Village's Subdivision Ordinance is significant in the entitlement process, almost the default code, eclipsing the zoning ordinance, and incorporating the Village's unique procedures. The recommended update tasks fall into a few groupings:

1. Rewrite and modernize;
2. Relocate items to either the zoning code or create new articles; or
3. Defer to technical engineering standards.

The comments below provide direction on how the update can be accomplished, working with staff and Village officials to understand the intent of these provisions to develop a more modern and effective code.

#### **Sec. 10-1-1. Purpose.**

The purpose statement needs to be updated to reference the correct legal authority to have a subdivision ordinance.

#### **Sec. 10-1-2. Jurisdiction.**

This section will be re-written and refer to current law. The extensive carve outs for governmental entities should be reconsidered, including the classification of parks, which seems like a jurisdictional issue. Removing the unusual evidentiary references, (e.g. "preponderance of evidence") concerning the Village's authority over governmental land uses should be removed.

#### **Sec. 10-1-3. Definitions.**

Moving to a UDO model is recommended. If that happens, the definitions should be relocated to the definitions article of the UDO. There seems to be duplication in definitions between the subdivision and zoning ordinances, and duplicative or similar definitions should be removed or consolidated. Finally, many definitions need to be rewritten and supported with graphics that can better convey meaning of the sometimes dense text.

### Chapter 10: Article 2. Development Review Administration and Procedures

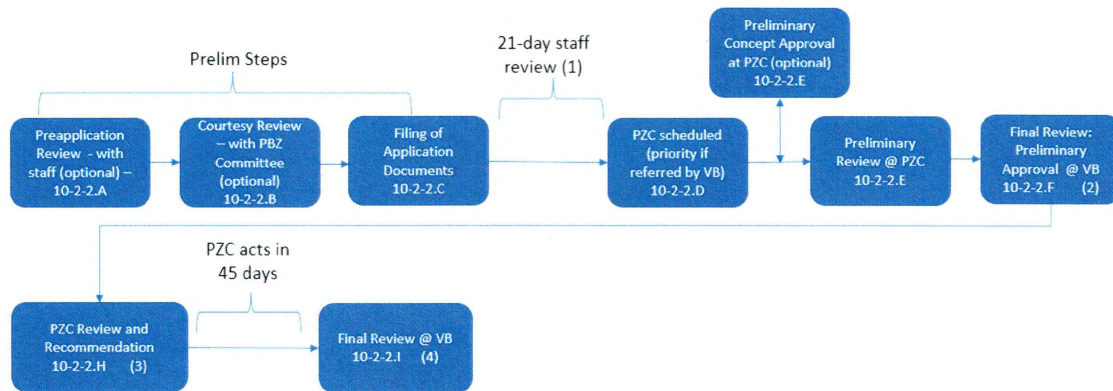
#### **Sec. 10-2-1. Development Review Administration.**

This Section's title is not consistent with much of its content. This Section should be relocated later in the subdivision code. The first section should establish the authority for the code, including the Village's home rule powers, and just the subdivision and development items subject to the provisions. Certain other items should be removed and relocated: for example, Subsection 10-2-1.D, which is too specific for this Section.

### Sec. 10-2-2. Development review procedures (preliminary and final).

The specificity of this Section seems to be derived from the types of practices described during the code assessment process. This is a key section of the code and warrants further discussion.

Whatever processes are established, adding flow charts like the example below (based on current workflows set out in the code), is recommended to give a snap-shot understanding to a more universal audience. This will improve readability and customer friendliness.



## Chapter 10: Article 3. Land improvements

The provisions of this Article are technical engineering in nature and should be reviewed by the Village's engineering staff and consultants for currency with modern engineering standards and practices, as well as environmentally friendly engineering standards.

## Chapter 10: Article 4. Landscaping

Based on conversations with staff, it is understood that these standards work well for the Village. Still, based on our review, there are several items that warrant clarification and updating, including removing specific tree and plant species in favor of continually updated lists prepared by Chicago Botanical Gardens and Morton Arboretum. In addition, it has been noted that fees in lieu of tree replacement are often waived. This practice is discouraged, particularly given current understanding of the importance of trees and other landscaping in climate change mitigation, including storm water flow, absorption, and flood control.

The Village's tree preservation requirements are comprehensive. However, there are where regulations can be bolstered, clarified, and reorganized.

Removing individual article enforcement and penalty provisions, like in Sec. 10-4-9, is recommended in favor of a single enforcement and penalty article. This will ensure consistent enforcement and penalty administration.



## Chapter 10: Article 5. Site Design and Operation Requirements

This Article is a catch all of regulations, broadly titled “Site Design and Operations Requirements”. Regulations in this Article are more commonly found in zoning ordinances, like parking and loading standards, as well as technical specifications that are better placed in a “standards and specifications” manual.

Given the density of the information in this Article, it would be well served to be reorganized, rewritten and certain provisions relocated to their own Articles in the UDO, such as architectural standards. In doing so, it will be important to consider if relief from such regulations may be required and how it may be granted. The intent is to avoid creating an excessive number of projects needing formal variations.

Townhome development standards such as these are not common. It seems these standards can be used for any type of higher density multi-family development, and there are requirements that may also have broader applicability, like the requirement for HOAs. In regard to HOAs, these provisions should be bolstered to enable Village enforcement of the CCRs.

## Chapter 10: Article 6. Development Documents

This entire Article needs to be reorganized and rewritten, and in many respects consolidated with broader zoning administration provisions for applications for zoning relief.

In addition, many of the provisions seem duplicative of other provisions elsewhere in Chapter 9 and Chapter 10. These duplicate provisions, or at least where they are substantially similar, should be removed or combined with companion requirements found elsewhere.

The plat requirements, including the certification standards are sound, but would benefit from refreshing and updating.

## Chapter 10: Article 7. Performance Standards

Completely updating, rewriting, and reorganizing this Article is recommended, as well as removing superfluous items that are dealt with elsewhere, (e.g. non conformities).

In addition, relocating and consolidating the building permit and certificate of occupancy requirements with similar provisions elsewhere is recommended. This is a significant issue with much of Chapter 9 and Chapter 10. There is a lot of information randomly spread out in Chapter 9 and Chapter 10, and this information is presented in multiple places with multiple requirements as they pertain to specific administrative processes and formal procedures.

The requirements for acceptance of public improvements seem sound, but warrant reorganization and in some instances rewriting.

## Chapter 10: Article 8. Flood Hazard Areas

These are important requirements, but they should also reference applicable MWRD requirements together with state and federal law.

## Chapter 10: Article 9. Donations

Preliminary review of this Articles shows that it is generally sound, but some areas warrant clarification and improvement. For instance, the Code uses the Naperville table to determine impact fees, but also has a set amount of \$1,023.00 per child for school impact fees. Further, the standards for land donations need to be revisited to ensure they meet current standards for schools and parks sites.

## Chapter 10: Article 10. Penalty

This entire Article needs to be rewritten, expanded, and updated.



## Memorandum

**To:** Phil Green, AICP, Transportation & Long Range Planner, Village of Hoffman Estates  
**From:** Michael Blue, FAICP, Principal, Teska Associates  
**Cc:** David Silverman, AICP, Partner, Ancel Glink  
**Date:** June 28, 2023  
**RE:** **Zoning and Subdivision Ordinance Update – Stakeholder Interview Summary**

As part of the zoning and subdivision ordinances update, the consultant team conducted stakeholder interviews earlier this year. Input from those discussions helped the team understand the Village code and entitlement processes, and how the Village's zoning customers interact with both. Some feedback from those discussions was incorporated into the Findings and Recommendations Report and addendum. Two group interviews included participation by zoning attorneys, consulting engineers and architects identified by Village staff as having knowledge of the code and procedures, and having recently gone through the zoning entitlement process. Participants were assured of anonymity; comments are not attributed, and individuals are not identified. A summary of the discussions is provided here.

### General Intro Comments

1. Code feels like it has many hoops to jump through, codes are more stringent than other agencies. Ordinances are more stringent than IDOT or MWRD.
2. Hoffman Estates has a lot of staff, they give answers and stick with those answers, that's a plus.
3. Lack of a PUD process is a drawback, requires that you get several variations.
4. Hoffman Estates does not want to rezone from commercial to residential.
5. Hoffman Estates doesn't have a lot of flexibility to allow industrial uses.
6. The staff is great, very helpful. You must work closely with staff to figure out the process.
7. No clear path forward, the approval process is not clearly laid out. Process doesn't inspire confidence for developers in the Village. Code doesn't provide structure for a process. The "process" for many is simply emails with staff.

### Experience

1. "Courtesy review" is the first step (optional – not in the ordinance), Village Board gives direction, and this is a useful step, but then there is no clear second step. It's very vague what the next step is, developer doesn't know what review step happens next.
2. Courtesy review is invaluable, the ability to appear early helps get ideas across and save costs later. Applicants want to hear from the final decisions makers.
3. Need a defined second step where the developer can spend a limited amount of money to get a sense of whether application will be accepted or denied.
4. Developers and large tenants want predictability, and a clear timeline of what milestones will be hit and when.

5. Had the experience of going through courtesy review, got glowing reviews from Village Board, but got through plan review and Board rejected plan. Sees no point of courtesy review if it has no teeth.
6. Developers go through a big expense with soft cost and don't have any guarantee or expectation of approval. Leaves a bad taste in developers' mouths. Need to provide a lot of detail in the process. If PC review moves a building, have to start all over. End up fighting changes to avoid re-engineering the plan.
7. Not much difference between preliminary and final review – which would help manage work needed by applicant. Code could use a planned development process.
8. Developers are concerned about moving forward if a positive early review can change over the course of the approval process because of politics/neighbor objections.

**When do you feel that you're finally on track to having a project being approved?**

1. The last Village Board vote. Less clarity until the final vote.
2. A lot of the review process is ad-hoc, developers don't know what to conform to.

**Role of the Planning and Zoning Commission?**

1. "It's another checkbox" – applicants focus on the Village Board
2. In some towns trustees rely heavily on their Plan Commission, so their approval is an important step. This is not the case in Hoffman Estates.
3. Too much detailed information is needed just to get to the PZC, but that is costly and isn't really needed for a first review. The Village Board is very hands on

**How do you chart a path through the process?**

1. Community Development Director works to move the process along.
2. Engineering may allow application submittals ahead of Council approval. That facilitates development to getting final approval processes started.
3. Get technical info from code, get process info from the staff.
4. Applicants should be able to give presentations at Village Board.

**How is the Code most useful?**

1. It is the start of a discussion with staff, but the Code puts pressure on Staff to interpret the standards.
2. Staff having to provide interpretations of the code slows the process because staff need to give answers on how to proceed. Sometimes have to consult "up the chain of command" with other staff to get interpretations.
3. Too much ambiguity in the code, particularly with defining land uses.
4. Staff gives guidance to what likely will be acceptable to the Village Board.
5. There is an over-reliance on staff knowledge. What happens if they leave?

**Other Concerns about the Code?**

1. Things in the code seem to change. For example, what was acceptable as a driveway for a previous development was not acceptable for the next project and required a variation.
2. Developers spend more time working with staff to finding something acceptable to the Board than they do interpreting the Code.
3. Ambiguity is found throughout the Code.
4. Uncertainty scares away developers.

**What would you change about the process or the Code?**

1. Make the code current. Its outdated or missing uses that are prevalent. It doesn't keep up with the type and scale of modern developments (needs PUD process).
2. Engineering Standards Manual is out of date (from 2010).
3. Give staff more authority for minor approvals.
4. Role of Planning and Zoning Committee is not clear.

**What would you like to keep?**

1. Working with staff, they are fast and helpful. The process is weak, but staff are helpful.
2. Mayor support is necessary for a project. Luckily the mayor is helpful.
3. Village is pro development, flexible, and realistic.



## Memorandum

**To:** Phil Green, AICP, Transportation & Long Range Planner, Village of Hoffman Estates  
**From:** Michael Blue, FAICP, Principal, Teska Associates  
**Cc:** David Silverman, AICP, Partner, Ancel Glink  
**Date:** July 21, 2023  
**RE:** Zoning Code Update - Public Open House Summary

A Public Open House was held on June 21, 2023 at Village Hall, 1900 Hassell Road from 5pm-6pm. The Open House was promoted by:

- Flyers at the library, park district buildings, grocery stores and other high traffic areas.
- Social Media
- Village E-News
- Website (both hoffmanestates.org and VOHEZoning.org)
- Press release (picked up and published by Daily Herald)
- Direct contact to people who submitted a comment via VOHEZoning.org
- Direct contact to residents who applied for a variation within the past three years.

The Open House featured boards with key policy questions, and attendees were encouraged to use colored dot stickers to indicate their preferences. Attendance at the open house was low, which is typical for engagement events specifically related to zoning codes. Several Planning and Zoning Commission members attended.

Attendees were asked for their preferences on the following topics:

### EV Charging

- EV Charging should be required in multifamily buildings
  - 0 agree. 1 disagree.
- EV charging is important for meeting Hoffman Estates' climate goals
  - 2 agree. 0 disagree.
- EV Charging Stations should be required at all shopping centers and offices
  - 1 agree. 1 disagree.

### Rain Gardens

- Rain gardens should be encouraged to manage ponding on individual properties
  - 1 agree. 0 disagree.
- Rain gardens are visually appealing neighborhood features.
  - 1 agree. 0 disagree.
- I would be OK seeing rain gardens in my neighborhood.
  - 1 agree. 0 disagree.

## Residential Variations

- What is important about granting residential variations?
  - Notifying neighbors
    - 2 agree. 0 disagree.
  - Hearing neighbor concerns
    - 1 agree. 0 disagree.
  - Having a formal hearing
    - 1 agree. 0 disagree.
- Minor variations could be granted via a simplified process.
  - 1 agree. 1 disagree.

## Signs

Attendees were presented with images of types of signs and asked the question *which signs are appropriate for Hoffman Estates?*

- Pin-mounted signs
  - 2 agree. 0 disagree
- Box/cabinet signs
  - 0 agree. 1 disagree.
- Pole signs
  - 0 agree. 2 disagree
- Low-base signs
  - 3 agree. 0 disagree
- Monument signs
  - 3 agree. 0 disagree
- Electronic message signs
  - 1 agree. 1 disagree.

## Sustainability

Attendees were presented with images of different sustainability features and asked *which sustainability features are appropriate for Hoffman Estates?*

- Wind Turbines
  - 0 agree. 4 disagree.
- Bioswales
  - 2 agree. 0 disagree.
- Green roofs.
  - 1 agree. 0 disagree.
- Permeable Pavers
  - 1 agree. 0 disagree.
- Solar Panels
  - 2 agree. 0 disagree
- Bird friendly design
  - 2 agree. 1 disagree.

Additionally, a comment board was provided for attendees to write down any other thoughts they had. Three comments were provided:

1. "Allow limited amount of chickens and honey bees."
2. "Residential variations few and far between. Neighbors must approve."
3. "No driveway widening & no long term storage of vehicles."



# SUSTAINABILITY

Sustainability measures such as solar panels, on-site energy production, and landscaping are subject to zoning regulations.

## Which sustainability features are appropriate for Hoffman Estates?

React below the image with **green** stickers to **agree** and **red** to **disagree**:



### Wind Turbines

Wind turbines at a bank in Wheeling (Source: Cordogan Clark & Assoc.)

React here:



### Bioswales

A bioswale in an Aurora parking lot (Source: Lake County)

React here:



### Permeable Pavers

Permeable pavers as parking spaces (Source: City of Warrenville)

React here:



### Green Roofs

A green roof on an apartment building (Source: North Carolina State University)

React here:



### Solar Panels

Residential solar panels (Source: City of Oak Forest)

React here:



### Bird-friendly design

Bird-friendly window design in Vancouver (Source: University of British Columbia)

React here:



**What's allowed now?**

In the Subdivision Code, sustainability features are encouraged in building design and landscaping. These features are sometimes subject to additional permitting requirements.





# SIGNAGE

Permanent and temporary signs are regulated in Article 3 of Hoffman Estates' Zoning Code.

## Which signs are appropriate for Hoffman Estates?

React below the image with **green** stickers to **agree** and **red** to **disagree**:

### Wall Signs

Pin-mounted signs



Box/cabinet signs



### Pole Signs



### Low-Base Signs



### Monument Signs



### Electronic Message Signs



Source: ActionNewsJax





# RESIDENTIAL VARIATIONS

Residential variations are a relief from certain regulations, such as setback or heights, granted on a case-by-case basis dependent on hardship.

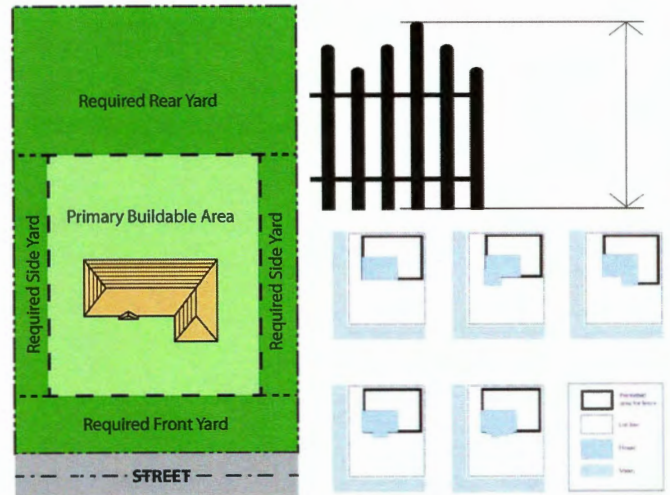
A residential variation is requested by a property owner and evaluated by the Planning & Zoning Commission based on standards for variations. A recommendation is then sent to the Village Board (Hoffman Estates Code of Ordinances, Sec. 9-1-15).

## What are the standards now?

Variations are recommended if evidence is presented that supports the following:

- 1 The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
- 2 The plight of the owner is due to unique circumstances;
- 3 The variation, if granted, will not alter the essential character of the locality.

Use **green** stickers to **agree** with the statement and **red** to **disagree**:



Common forms of variations include yard and setback requirements (left), fence height (top right), and fence location variations (bottom right).

## Policy Statements:

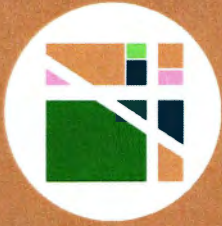
What is important about granting residential variations?

Notifying neighbors.

Hearing neighbor concerns.

Having a formal hearing.

Minor variations could be granted via a simplified process.



# ELECTRIC VEHICLE (EV) CHARGING STATIONS

EV charging infrastructure is required by the Village in certain developments to promote electrification and sustainability.

An electric vehicle charging station is equipment that connects an electric vehicle (EV) to a source of electricity to recharge electric cars, neighborhood electric vehicles and plug-in hybrids (Tech Target).

## What's required now?

All new commercial buildings must provide at least one parking space with all necessary equipment for charging an EV, open to any visitor to the property when the business is open.



An EV-Installed space in an apartment complex (Photo: Chargepoint)

## EVSE CODE OPTIONS



A diagram of electric vehicle supply equipment (EVSE) shows three distinct types of EV infrastructure: EV-Capable parking spaces include conduits and panel capacity, but do not have a charger; EV-Ready parking spaces include outlets and can immediately receive an EV charger if necessary; EV-Installed parking spaces contain all the necessary infrastructure for charging (Source: Blink Charging).



An EV-Installed parking space in Virginia (Source: Giant Foods)

Use **green** stickers to **agree** with the statement and **red** to **disagree**:



## Policy Statements:

EV charging should be required in multifamily buildings.

EV charging is important for meeting Hoffman Estates' climate goals.

EV charging stations should be required at all shopping centers and offices.



# RAIN GARDENS

Rain gardens are a type of Best Management Practice (BMP) encouraged by the zoning code.

A rain garden is a depressed area in the landscape that collects rain water from a roof, driveway or street and allows it to soak into the ground (EPA).

## What's allowed now?

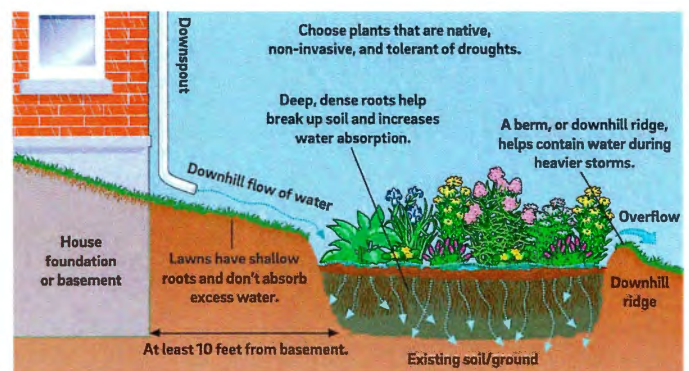
In the current code, rain gardens are recommended for properties that do not have adequate space for stormwater detention and as a method to treat stormwater runoff.



A rain garden at an elementary school in Evanston. (Photo: Clare Tallon Ruen)



A rain garden addition to a large lawn (Photo: Connecticut Sea Grant, University of Connecticut)



A diagram of a rain garden (Source: Philadelphia Water Department)

Use green stickers to agree with the statement and red to disagree:

## Policy Statements:

- Rain gardens should be encouraged to manage ponding on individual properties.
- Rain gardens are visually appealing neighborhood features.
- I would be OK seeing rain gardens in my neighborhood.

**SPECIAL PLANNING AND ZONING COMMISSION MEETING**

**VILLAGE OF HOFFMAN ESTATES**  
**COUNCIL CHAMBERS**  
**1900 HASSELL ROAD**  
**HOFFMAN ESTATES, IL 60169**  
**JUNE 21, 2023**

**1. CALL TO ORDER: 6:00 P.M.**

**Members Present**

Chairperson Eva Combs	Daniel Lee
Vice Chairperson Adam Bauske (arrived at 6:06PM)	Minerva Milford
Tom Burnitz	Nancy Trieb
Lon Harner	Denise Wilson
Lenard Henderson	John Wise
Patrick Kinnane	

**Members Absent**

None.

A quorum was present.

**Administrative Personnel Present:**

Jenny Horn, Director of Planning & Transportation; James Donahue, Senior Planner; Phil Green, Transportation & Long Range Planner; Kevin Anderson, Associate Planner; Daisy Dose, Assistant Planner.

**2. NEW BUSINESS - PUBLIC MEETING – ZONING AND DEVELOPMENT CODE UPDATE: EXISTING CONDITIONS, FINDINGS, AND RECOMMENDATIONS WORKSHOP.**

Phil Green introduced the zoning and development code update open house.

Michael Blue (Teska Associates)  
Andrew Dunham (Teska Associates)  
David Silverman (Ancel Glink)  
Dan Bolin (Ancel Glink)

Michael Blue presented an overview of the findings.

Commissioner Burnitz is in agreement with a new code which can easily be read.

Commissioner Trieb likes the fact that the code is laid out in a common sense way.

Commissioner Harner stated the code is old and needs revisions. Commissioner Harner stated that graphics would be great, but there are no graphics in the report that they have presented to the commission tonight.

Commissioner Harner stated that the Planning and Zoning Commission (PZC) and Planning, Building and Zoning Committee (PB&Z) are not the same and it is confusing to have "Plan and Zone Commission" referenced in the findings.

Commissioner Harner stated in Finding #5, what was given to the Commission is not the same as what was presented tonight in the bullet points on the presentation. Commissioner Harner asked how would you change a zoning district that is based on a court case. Mr. Blue stated the bigger issue is the flexibility, because you are so locked in to what

the district allows. One of the things looked into is the long term redevelopment of the Village and how that is going to take shape, which cannot occur with the specialized specific districts.

Mr. Green stated that there is an opinion from Corporation Counsel that the agreement that those zoning districts were born from are now null and void. So those zoning districts have been a holdover in the code, that the Village is now in a position to move past those in this update. Mr. Blue stated their practical concern in that situation is that there have been a lot of things built to those requirements (houses, businesses, etc.). Mr. Blue further stated that they are not bound by those old zoning districts, but they do not want to undo it to the point where there is hardship to residents.

Commissioner Harner stated a "zoning official" is referenced, which is not a current title in the Village. Chairperson Combs stated there is also a "zoning administrator" referenced. Mr. Blue stated they are essentially the same person. This "zoning official" would be assigned by the code. In some villages, it is the Director of Community Development or Village Manager, but typically it is the Director of Community Development. Mr. Blue stated they have not written a word of the code yet, even the recommendations before the Commission are draft recommendations. Mr. Green stated the existing Hoffman Estates code calls out an Assistant Village Manager-Development Services. That job title does not exist anymore, so there is no official named zoning administrator.

Commissioner Harner asked if there is any provision in the zoning regulations that can prohibit profanity in flags. Mr. Silverman stated this is not permitted and would violate first amendment rights.

Commissioner Henderson stated his expectation is to see less of where the same type of request occurs. Commissioner Henderson is concerned that what comes before the Commission makes the Commission vulnerable to uses that they do not want in the Village. Commissioner Henderson is hoping to make what the Commission has to do easier, and sees that they are proposing that in their findings. Mr. Blue stated that the intent is that the applications that are by-right and up to code do not need to come before this Commission.

Mr. Green stated once it is time to open the public hearing for the variation, the recommendation is for a motion for this meeting to be tabled until after the meeting that begins at 7:00PM, then the Commission can continue the item, and continue after the variation is heard. Ms. Dickson stated that she would recommend a recess for this meeting, open the public hearing at 7 pm and reopen after that meeting has been closed. Mr. Green stated this meeting will be recessed, open the next meeting, then reopen this meeting.

Commissioner Wilson agreed that the current code is confusing to residents and developers. Commissioner Wilson requested that the commission has more clarity on their process and she would like to see more graphics in the code to help guide residents and developers.

Commissioner Wise stated that he sees that the weaknesses in the code have been identified, and anticipate seeing changes in the future.

Commissioner Lee stated that he believes for developers and residents, predictability and readability will be phenomenal, and these two items will give the power back to the residents.

Commissioner Milford asked what is excluded in the new code versus what is excluded in the current code, and can they provide examples of what data was collected that indicates a change has to be made in the code. Mr. Blue stated it is based on their experience working with codes, drafting codes, and things that they see in other communities. Commissioner Milford asked are the proposed changes to the code based on the needs of the Village. Commissioner Milford is concerned about using graphics in the code because pictures lead to different interpretations. Mr. Blue stated they are not replacing the depth of the text with a picture, they will be using a graphic that helps convey the depth of the text. If there is a question, the text prevails.

**MOTION:** Chairperson Combs moved (seconded by Commissioner Henderson) to recess the current hearing and then reconvene after the next meeting. Voice Vote: 11 Ayes. Motion Carried.

**MOTION:** Chairperson Combs moved (seconded by Commissioner Henderson) to reopen the hearing on the Special Planning & Zoning Commission. Voice Vote: 11 Ayes. Motion Carried.

Commissioner Kinnane asked how can the Village continue to make sure that what the revisions we are making are representative of what is existing. Mr. Blue stated that as part of the process, there is public engagement (open house, website) and then there are Comprehensive Plans and sub-area plans of the Village to look at, and then to talk to the Commissioners.

Commissioner Milford asked if there are any other costs to the Village besides the contract with Teska. An example for costs to the Village would be installing bicycle racks in new developments. Mr. Blue stated added bicycle racks in a new development would be a cost to the developer, not the village.

Commissioner Milford asked after the new code is adopted, how long will Teska be working with the Village to make any changes. Mr. Blue stated they have not started writing the code and have a year to spend doing that. Mr. Blue stated that codes are always being made with text amendments. In terms of the Teska contract now, it ends at the adoption of the new code.

Mr. Green asked Commissioner Milford to clarify if she wanted to know the cost of the contract with Teska or long term cost. Commissioner Milford stated she wanted to know about the long term cost.

Vice Chairperson Bauske had no questions and agrees that a new code would be helpful. He expressed gratitude for the time and work put in to the project thus far. He is aware that a lot of staff time goes into helping applicants understand the code.

Chairperson Combs stated she was under the impression that 99% of what the Commission does will be shifted to staff level and that the Commission will be used as an appeal body. Mr. Silverman stated that is not going to happen. Chairperson Combs asked when a new development comes into the Village, will the Commission be involved. Mr. Silverman stated yes. Mr. Silverman stated that Teska will make certain recommendations that certain items are delegated to an administrative review. The Commission will still be responsible for all the public hearings related to zoning (variations, special uses, plan developments). The Commission will also be an appeal body from adverse decisions of the zoning officer. Mr. Silverman stated the code imposes a lot of costs on applicants because they have to go through a lot of processes and have to come before the Commission for things which maybe could be better and economically handled by staff. Mr. Blue stated the Commission's time is better spent dealing with the public hearings surrounding the recommendation of granting of zoning relief for applicants before they go to the Village Board.

Chairperson Combs is concerned that staff will be given more authority to handle reviews. As commissioners, they have a requirement to live in the Village, however, staff does not have that same requirement. The Commission has better knowledge of specific problems that may not be apparent to staff. Chairman Combs would like enough safeguards in place that the Commission has input and that the Commission may know things behind the scenes that staff will never know about.

Chairperson Combs stated the code allows for a super majority vote of Village Board when the Plan Commission votes to deny or there is a challenge by nearby owners. Chairperson Combs stated the Commission had challenges in the past but does not remember going to the Village Board and having anyone say there has to be a super majority vote. Mr. Blue stated if a map amendment or text amendment is affecting properties in a certain way, if 20% of the property owners that are across the street/alley sign a petition that is filed with the Village Clerk a certain number of days before the public hearing, that triggers a super majority requirement of the Commission to approve that amendment. This does not happen often.

Chairperson Combs asked about the signs content. The Commission does not allow general advertisement on private signs. Mr. Bolin stated per the Supreme Court, if you have to read the sign to understand how to regulate it, that is a content restriction, and that is unconstitutional. Mr. Bolin stated that provision of the code may go there, and the

Commission could conceivably face a First Amendment challenge. Mr. Bolin stated that Teska will move the Village's code as far away from those types of things as possible to get to content neutrality.

Chairperson Combs asked will the new code have a limit to the number of people residing in a single-family home. Mr. Silverman stated the Village's current definition for family does not have a limit on the number of unrelated people living together. Mr. Blue stated they will be looking at direction from the Village. Mr. Blue stated the only way regulate the community residence in a non-discriminatory way would be to have a limit on the number of unrelated people that are living together as a family.

Chairperson Combs stated the townhome definition allows 6 units currently and asked why that would be a problem. Mr. Blue stated 6 units is not a problem - it is a choice.

Chairperson Combs stated the Commission was told that they have no jurisdiction on school or park district projects, and they can appear before the Commission as a courtesy. Mr. Silverman stated the Commission has jurisdictional zoning authority over the school and park districts. Mr. Silverman further stated that the Commission can exempt other governmental units from the Village's regulations.

Chairperson Combs stated that buildings that are 3 stories and over require elevators and they have heard proposals of 3 story apartment buildings not requiring elevators. Mr. Blue stated that is more of a building code issue than a zoning code issue.

Chairperson Combs suggested that when Teska gives material to the Commission that is in bulk, the Commission would appreciate as much advance time as possible for review.

Mr. Green stated that staff is working on upcoming training opportunities for the Commission with a slightly different format and will be bringing in some guest speakers. They currently have sessions scheduled with the Assistant Corporation Counsel, Director of Building & Code Enforcement and Building Official, and Director of Economic Development.

Commissioner Harner stated his reason for not going further into the recommendations in the memo is he has comments on so many items that need explanation. Commissioner Harner hopes that Teska does not intend to come out with a complete set of these are the changes that we have in mass and would like to see changes come in small pieces. Commissioner Harner stated that it would be easier if the Commission dealt with the changes to the code in pieces. Commissioner Harner also relayed to staff that the website does not get updated and would like to get more information on the website.

### **3. PUBLIC COMMENT**

Chairperson Combs swore in Robert Steinberg, 4158 Portage Lane. Mr. Steinberg stated that in a previous case that went to court, the park district does have autonomy and should not be controlled by the Commission.

Mr. Steinberg stated the Village Board makes a final determination and he commends the Teska consultants.

Mr. Steinberg stated the code is hard to understand and would like to see changes to a lot of the code and remove a lot of the wording that is redundant.

Mr. Steinberg stated that variations are one of the worst things that are allowed in the zoning code and destroys property values of the neighbors,

Mr. Steinberg stated he would like to see the Commission prepared in coming to a meeting like this one and stated to Commissioner Harner that if he thinks it is overwhelming, maybe Commissioner Harner should not be on the Commission.



Chairperson Combs stated the purpose of this hearing was for Teska to get input of the Commission's feelings. The actual code is forthcoming and that is when the Commission will get into the nitty-gritty.

Mr. Steinberg stated that he would like to see a requirement for elevators in buildings that are greater than two stories.

Mr. Green stated that the building code is not part of the scope of this project so anything related to elevators inside of buildings is a building code issue and not part of the zoning code.

**4. MOTION TO ADJOURN**

Commissioner Harner moved, seconded by Commissioner Henderson, to adjourn the meeting at 8:01 p.m. Voice Vote: 11Ayes. Motion Carried.

*Minutes prepared by Kathy Redelmann, Development Services Administrative Assistant.*

  
Chairperson's Approval

  
Date Approved




# VILLAGE OF HOFFMAN ESTATES

## DEPARTMENT OF DEVELOPMENT SERVICES

### PLANNING DIVISION MONTHLY REPORT

SUBMITTED TO: PLANNING, BUILDING & ZONING COMMITTEE

BY: Jennifer Horn, Director of Planning and Transportation 

August 2023

#### GENERAL UPDATES

- ◆ Planning staff continues to participate in the transition of the Village's GIS platform to a new enterprise system and server. Data cleanup and map migration efforts are ongoing.
- ◆ Planning staff attended a webinar series hosted by Houseal Lavigne on the topic of transforming Planning workflows through GIS tools and implementation.

#### ZONING & DEVELOPMENT CODE UPDATE PROJECT STATUS



- ◆ A Public Open House was held on Wednesday, June 21, 2023. The Village promoted the project through a press release, news items on the website, e-news, the project website, social media, and physical flyers. A summary of the Open House is now posted on [www.vohezoning.org](http://www.vohezoning.org).
- ◆ Immediately following the Open House, the Planning and Zoning Commission received a presentation from the consultant on the Findings and Recommendations Report, the first deliverable of the project. The Commission asked questions of the consultant team, and provided their feedback on the recommendations made in the report.
- ◆ The consultant team will be providing a presentation to the Planning, Building & Zoning Committee on August 7, 2023.
- ◆ The project website is live at [www.VOHEzoning.org](http://www.VOHEzoning.org). Interested parties can learn more about the project, an overview of what zoning is, and provide feedback to staff and the consultant team through an online form. The project website has been communicated via the Village website, Citizen articles, and will be via other means over the course of the project.

### Zoning Code Update Timeline



**ACTIVE PLANNING PROJECTS**

<b>Project</b>	<b>Address</b>	<b>Status</b>	<b>PZC or PBZ Meeting</b>	<b>VB Meeting</b>
Deck Replacement Variation	1680 JEFFERSON RD	APPROVED	6/21/23	7/3/23
Hyatt Place Ownership Transfer Special Use	2750 GREENSPOINT PKWY	APPROVED	7/5/23	7/17/23
22-Acres SEC Prairie Stone Pkwy & Beverly Rd	5555 PRAIRIE STONE PKWY	PUBLIC MEETING	8/7/23	8/7/23
Plum Farms Development Agreement Amendment	4800 W HIGGINS RD	PUBLIC MEETING	6/12/23	8/7/23
Advocate Medical Facility	4847 & 4815 HOFFMAN BLVD	PUBLIC MEETING	7/19/23	8/7/23
Conor- Sears Business Park Subdivision	4619 HOFFMAN BLVD	PUBLIC MEETING	7/19/23	8/7/23
LOVA Cannabis Dispensary	1795 N BARRINGTON RD	PUBLIC MEETING	8/2/23	8/7/23
Fence Variation	630 YARDLEY LN	PUBLIC MEETING	8/2/23	8/7/23
Illinois State Toll Highway Authority M-5 Facility Plat of Resubdivision	557 W CENTRAL RD	PUBLIC MEETING	8/2/23	8/7/23
Tollway Maintenance Facility IGA	557 W CENTRAL RD	PUBLIC MEETING	8/7/23	8/7/23
Jade Residences	2360 HASSELL RD	UNDER REVIEW		
Governor's Square Apartment	2170-2190 W HIGGINS RD	UNDER REVIEW		
Beverly Property Mass Grading	2601 BEVERLY RD	UNDER REVIEW		
Site Development including Site Plan for Starbucks	80 W HIGGINS RD	UNDER REVIEW		
Belle Tire	1165 W HIGGINS RD	UNDER REVIEW		
Frank Whiteley School Addition	4335 HAMAN AVE	UNDER REVIEW		
Hoffman Village Master Sign Plan Amendment	2575 W GOLF RD	UNDER REVIEW		
Scooters Coffee	2 E HIGGINS RD	UNDER REVIEW		
Restaurant Mall Master Sign Plan	2475 W HIGGINS RD	UNDER REVIEW		

**PENDING PLANNING PROJECTS**

<b>Project</b>	<b>Address</b>	<b>Status</b>
Autumn Woods SF Subdivision	GOLF RD & BERNER RD	PENDING
Beacon Pointe Phase 2	NWC BEVERLY / SHOE FACTORY	PENDING
Macaroni Grill Redevelopment	2575 W HIGGINS RD	PENDING
Plum Farms Mixed Use	4800 W HIGGINS RD	PENDING
Umiya Dham (Hindu Temple and SF Homes)	SEC ROHRSSSEN / GOLF RD	PENDING
Barrington Square Lot 9 Apartments (The Prime Co.)	2300 W HIGGINS RD	PENDING
Barrington Square Sanitary Sewer Easement	BARRINGTON SQUARE AND BLACKBERRY FALLS	PENDING
Barrington Square Lot 5 (old BK)	2360 W HIGGINS RD	PENDING
Retail/Restaurant Building Concept	4619 HOFFMAN BLVD	PENDING
The Preserve Apartments	1001 N BARRINGTON RD	PENDING

**MONTHLY PLANNING PROJECT ACTIVITY**

<b>Projects Submitted by Type</b>	<b>July</b>	<b>2023 YTD</b>
Pre-Development		3
Agreement	1	2
Annexation		
Courtesy Review		1
Easement		
Master Sign Plan	1	3
Plat of Subdivision	2	5
Other Plat		
RPD Amendment		
Site Plan Review	2	15
Special Use		6
Text Amendment		1
Rezoning		
Variation	1	4
<b>Total</b>	<b>6</b>	<b>40</b>
FOIA Processed	4	18
Zoning Verification Letters	1	7
Building Permits Reviewed by Planning	70	350

**PLANNING PERFORMANCE MEASURES**

<b>Site Plan Review Process</b>	<b>July</b>		<b>Year to Date</b>	
Number of administrative/staff review site plan cases completed	0	0%	4	33%
Number of PZC site plan cases processed	1		8	
Annual goal is to complete at least 65% of site plan cases through administrative review process				

<b>Site Plan Review Timing</b>	<b>July</b>		<b>Year to Date</b>	
Number of cases processed within 105 days	1	100%	9	100%
Annual goal is to complete 100% of cases within 105 days				



## VILLAGE OF HOFFMAN ESTATES DEPARTMENT OF DEVELOPMENT SERVICES

### CODE ENFORCEMENT DIVISION MONTHLY REPORT

SUBMITTED TO: PLANNING, BUILDING & ZONING COMMITTEE

BY: Bryan Ackerlund, Director of Building & Code Enforcement

August 2023

#### GENERAL ACTIVITIES

- On July 1 & 2, 2023, David Banaszynski inspected the Northwest Fourthfest. Building inspectors also conducted numerous inspections prior to the opening of Fourthfest to ensure safety of the public on the rides and around the grounds.
- On July 19, 2023, David Banaszynski, Kala Kuttentberg, Kathleen Kuffer, Liz Dianovsky & Joe Soucek attended an IACE event on The Artistry of Code Enforcement in Elgin.
- On July 20, 2023, Bryan Ackerlund attended an opening ceremony for the new Bellstreet Brewing pop-up inside Bell Works.
- The Building Code update to the 2021 International Codes and the 2020 National Electrical Code became effective on July 1, 2023. These updates are a vital process for the division to continue administering the most current, effective, and safest building codes to our residents and businesses. Sanyokta Kapur has been creating handouts for staff and residents on the major changes of the newest codes.
- The **Seasons of Hoffman Estates** apartment complex is nearing completion on its clubhouse and first residential building. They are anticipating occupancy of the clubhouse in late August as they begin leasing efforts. The first residential units are expected to be completed in fall 2023 with construction on the remaining buildings continuing throughout 2023 and into 2024.
- Pending contractor registration, **Microsoft** will begin construction of the remaining build-outs in building 1 by November. The permit for the Microsoft substation has also been approved and is awaiting issuance. The permit for building 2 is expected to be submitted in early 2024, subsequent to Village Board site plan approval.
- The **Popeye's** on Golf Rd is continuing exterior site work. They are expecting occupancy by fall 2023.
- **Dunkin'** on Algonquin Rd. is making substantial progress on exterior and site work. They are targeting occupancy by September 2023.
- The reconstructed **BP gas station** at Barrington Rd and Higgins Rd is completed and open for business.
- **ComEd** is continuing construction on the Pembroke Ave. substation expansion.
- **Belle Tire** on Hoffman Blvd. received temporary occupancy and has a few outstanding items to complete.
- **Indiaco** grocery in Golf Center finalized its build-out and has received its certificate of occupancy.
- Code Enforcement took delivery of the Village's first EV. This will be used by our Code Enforcement Officers to pilot the use of EV within the fleet and also keep the Village on pace to meet its sustainability goals.



#### **Bell Works Construction Update:**

- **Club Colors** is finalizing their 50,000 sf build-out over two floors within Bell Works. They were recently given occupancy for a portion of their light manufacturing and office spaces. Several other tenant spaces are also under construction throughout the east side.
- Initial discussions are beginning for the building's west side activation. Village staff met with Somerset Development to discuss a comprehensive plan of interior and exterior requirements for Bell Works. This includes property maintenance, building code requirements, occupancy, site plan review, and full campus connectivity.

**2023 Code Enforcement Freedom of Information Act Requests Processed**

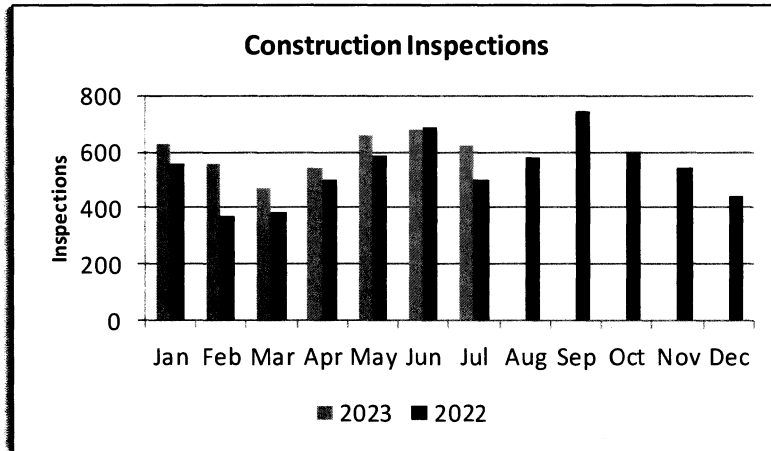
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
28	30	36	31	54	50	50						279

**2023 Code Enforcement GovQA Questions & Complaints Processed**

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
15	7	19	10	38	17	25						131

**Construction Inspections**

Year	2023	2022
Jan	628	555
Feb	555	371
Mar	468	385
Apr	544	503
May	657	586
Jun	676	687
Jul	625	502
Aug		582
Sep		741
Oct		592
Nov		541
Dec		441
<b>Total</b>	<b>4153</b>	<b>6486</b>



Construction inspections include review and closure of older permits that had not yet had a final inspection.

**RENTAL HOUSING LICENSE AND INSPECTION PROGRAM**

- At the start of 2022, Code Enforcement staff resumed normal operation to the Rental Housing Program, which had been modified due to COVID safety measures.
- There are currently 1,903 rental properties registered. This includes 1,238 single family and townhome units (65%) and 665 condominium units (35%). This number fluctuates based on new registrants and owners who choose to no longer rent their properties.
- Renewal notifications were mailed on November 17, 2022 to all rental properties. The deadline to submit payment and update registration information was January 16, 2023.
- As of August 1<sup>st</sup>, 1,861 properties have renewed.

**2023 Rental Inspections**

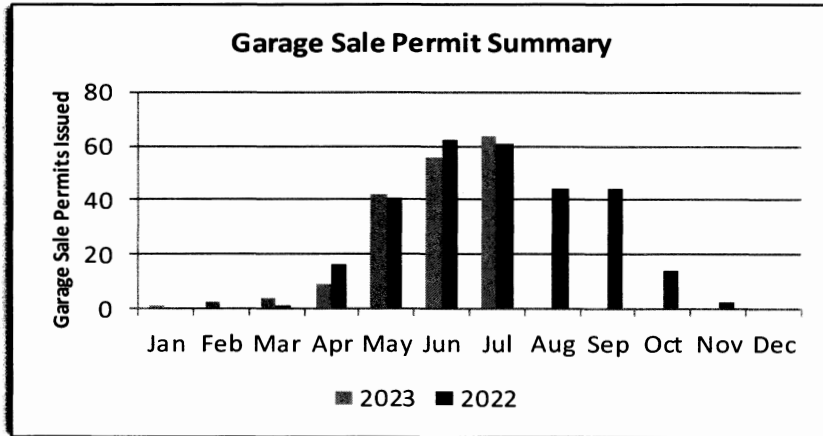
Inspection	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Annual	219	129	185	140	187	132	143	0	0	0	0	0	1135
Reinspections	164	184	138	155	129	142	109	0	0	0	0	0	1021
<b>Total</b>	<b>383</b>	<b>313</b>	<b>323</b>	<b>295</b>	<b>316</b>	<b>274</b>	<b>252</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2156</b>

Inspection Services Performance	July	3 <sup>rd</sup> Quarter	Year to Date**	Year Target
Percentage of building inspections within 24 hr. notice	98%	98%	98%	95% within 24 hr. notice
Percentage of annual rental inspections completed	8%	8%	60%	100% of total*

\* Note: The total number of properties registered fluctuates and therefore this percentage does not equal 100% at year-end.

**Garage Sales**

Year	2023	2022
Jan	1	0
Feb	3	0
Mar	4	1
Apr	9	16
May	42	41
Jun	56	62
Jul	64	61
Aug		44
Sep		44
Oct		14
Nov		3
Dec		0
<b>Total</b>	<b>179</b>	<b>286</b>

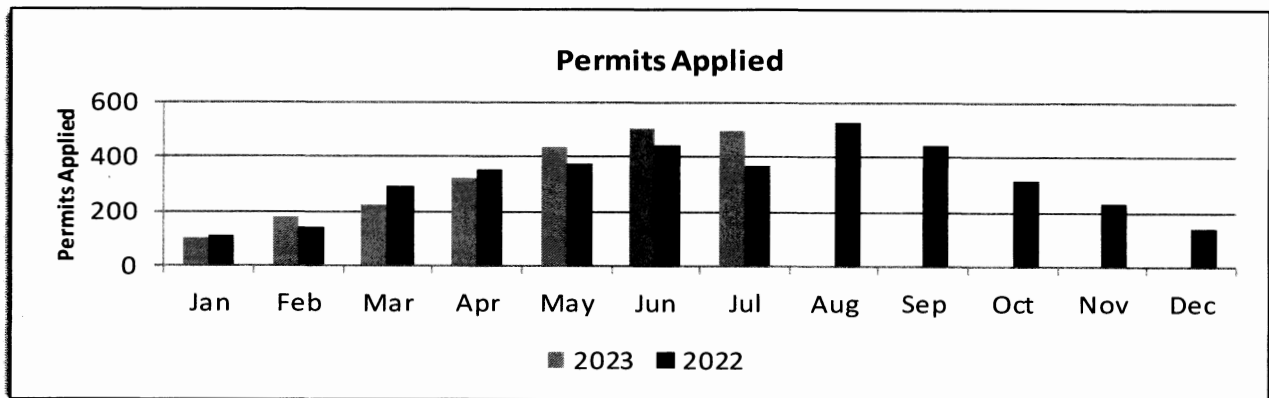


**2023 Permits Issued**

Permit	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2023 YTD	2022 Total
Commercial New	5	1	0	1	0	0	0						7	10
Single Family New	0	0	1	0	0	0	0						1	0
Land Development	0	0	0	0	0	0	0						0	1
Fire	25	11	10	10	18	9	13						96	139
All Other Permits	80	126	141	224	299	374	359						1603	3016
<b>2023 Total</b>	<b>110</b>	<b>138</b>	<b>152</b>	<b>235</b>	<b>317</b>	<b>383</b>	<b>372</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1707</b>	

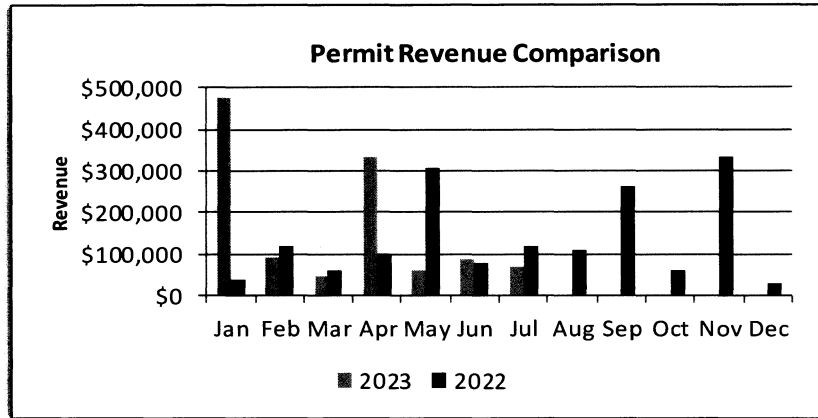
**2023 Permits Applied**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	105	179	227	322	433	505	496						2267
2022	113	142	289	351	375	442	366	529	444	313	228	141	3733



**Permit Revenue**

Year	2023	2022
Jan	\$475,262	\$39,197
Feb	\$92,415	\$117,640
Mar	\$48,876	\$60,345
Apr	\$331,820	\$98,154
May	\$62,483	\$306,651
Jun	\$85,224	\$80,330
Jul	\$67,487	\$119,035
Aug		\$111,244
Sep		\$263,637
Oct		\$61,297
Nov		\$335,246
Dec		\$29,230
<b>Total</b>	<b>\$1,163,567</b>	<b>\$1,622,006</b>



2023 Budget: \$1,572,000.

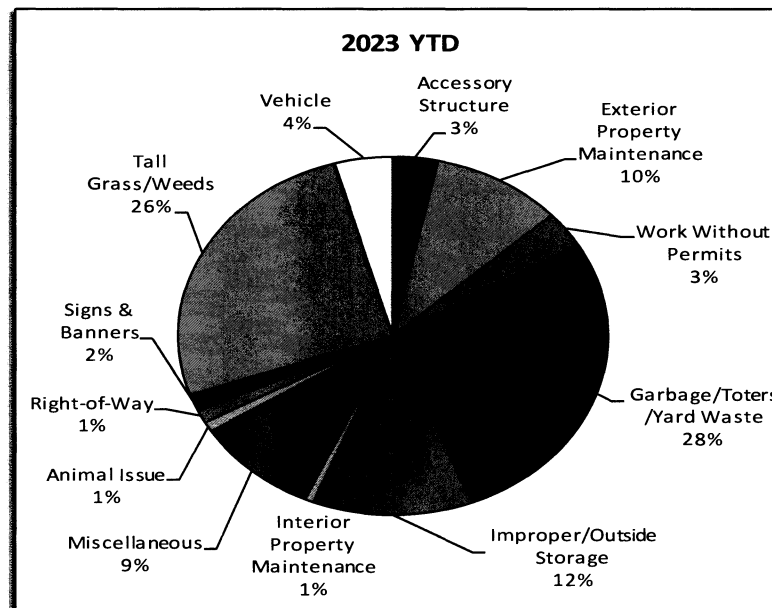
Total Revenue includes building permits, fire permits and Temporary & Full Certificates of Occupancy.

<b>Building Permit Processing Performance</b>	<b>July</b>	<b>3<sup>rd</sup> Quarter</b>	<b>Year to Date</b>	<b>Year Target</b>
Percentage of permit intake completed within 24 hours of submittal	97%	97%	97%	95% within 24 hours
Percentage of permit plan reviews completed within 10 business days	99%	99%	99%	95% within 10 days
Percentage of permits processed for issue within 48 hours of plan approval	98%	98%	97%	90% within 48 hours



**2023 Property Maintenance Summary Report**

Violation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2023 YTD	2022 Total
Accessory Structure	3	2	6	7	2	4	6						30	56
Exterior Property Maintenance	0	2	4	32	15	23	11						87	100
Work Without Permits	2	1	2	3	11	7	3						29	57
Garbage/Toters/Yard Waste	31	35	13	19	62	49	35						244	271
Improper/Outside Storage	11	17	5	15	29	17	13						107	85
Interior Property Maintenance	2	3	0	0	1	0	0						6	17
Miscellaneous	5	3	9	13	14	22	17						83	199
Animal Issue	1	0	1	2	1	0	3						8	24
Right-of-Way	1	0	1	0	1	7	0						10	18
Signs & Banners	0	2	5	0	2	4	1						14	12
Tall Grass/Weeds	0	0	0	1	116	68	45						230	506
Vehicle	4	4	3	10	3	7	8						39	33
<b>2023 Total</b>	<b>60</b>	<b>69</b>	<b>49</b>	<b>102</b>	<b>257</b>	<b>208</b>	<b>142</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>887</b>	
<b>2022 Total</b>	<b>31</b>	<b>6</b>	<b>21</b>	<b>56</b>	<b>285</b>	<b>394</b>	<b>146</b>	<b>122</b>	<b>93</b>	<b>91</b>	<b>51</b>	<b>82</b>		<b>1378</b>



**2023 Citations Issued**

Violation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Business License	7	22	27	19	14	95	27						211
Code	31	26	146	32	54	61	50						400
Rental	49	0	127	85	103	87	95						546
<b>Total</b>	<b>87</b>	<b>48</b>	<b>300</b>	<b>136</b>	<b>171</b>	<b>243</b>	<b>172</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1157</b>

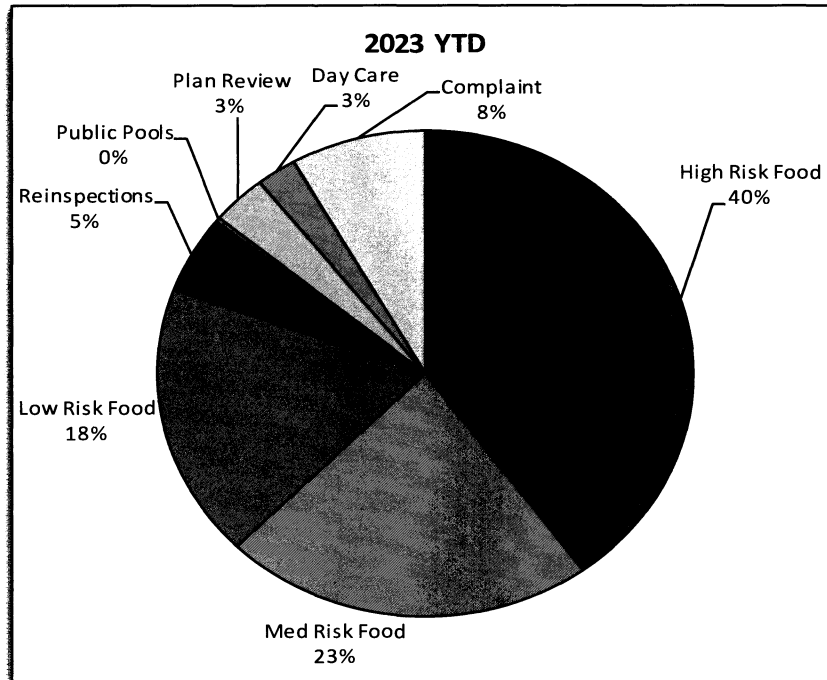
**2023 Adjudication Court Dockets - Citations Presented**

Court	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Code/Bus. Lic.	43	51	57	57	52	72	69						401
Rental	86	35	109	104	85	109	101						629
<b>Total</b>	<b>129</b>	<b>86</b>	<b>166</b>	<b>161</b>	<b>137</b>	<b>181</b>	<b>170</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1030</b>

Inspection Services Performance	July	3 <sup>rd</sup> Quarter	Year to Date	Year Target
Percentage of property maintenance inspections completed within 24 hours of notice	97%	97%	97%	95% within 24 hr. notice

2023 Environmental Health Inspection Report

Activity	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
High Risk Food	30	32	4	1	41	24	0						132
Med Risk Food	1	0	33	33	4	1	2						74
Low Risk Food	0	2	1	2	1	2	52						60
Reinspections	2	1	1	2	6	2	3						17
Public Pools	0	0	0	0	1	0	0						1
Plan Review	0	1	0	0	2	4	4						11
Day Care	0	0	2	6	0	0	0						8
Complaint	4	6	5	1	4	2	5						27
<b>Total</b>	<b>37</b>	<b>42</b>	<b>46</b>	<b>45</b>	<b>59</b>	<b>35</b>	<b>66</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>330</b>



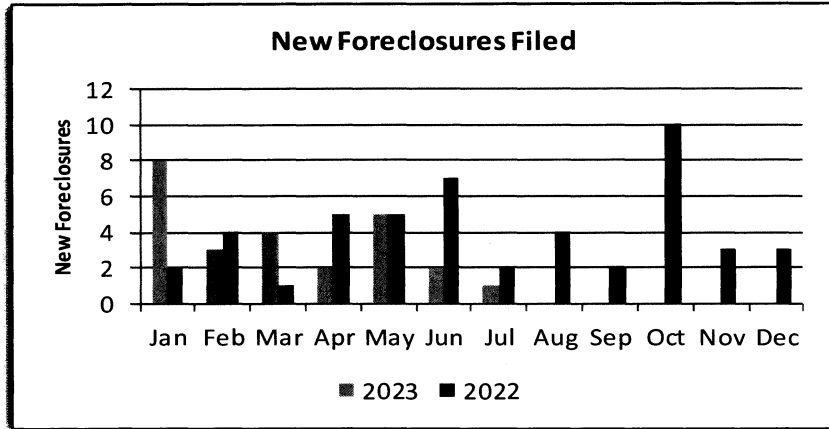
Food establishments are divided into the risk categories of high, moderate or low, and planned inspections are performed three, two, or one time each year respectively. A high risk establishment presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. There are approximately 285 facilities that require a total of approximately 525 planned inspections throughout the year (this number fluctuates based on businesses opening/closing).

Health Inspections Performance	July	3 <sup>rd</sup> Quarter	Year to Date	Year Target
Percentage of annual food health inspections completed	13%	13%	63%*	100% of total

\*Note: The total number of inspection properties fluctuates and therefore the year to date number may not equal 100%.

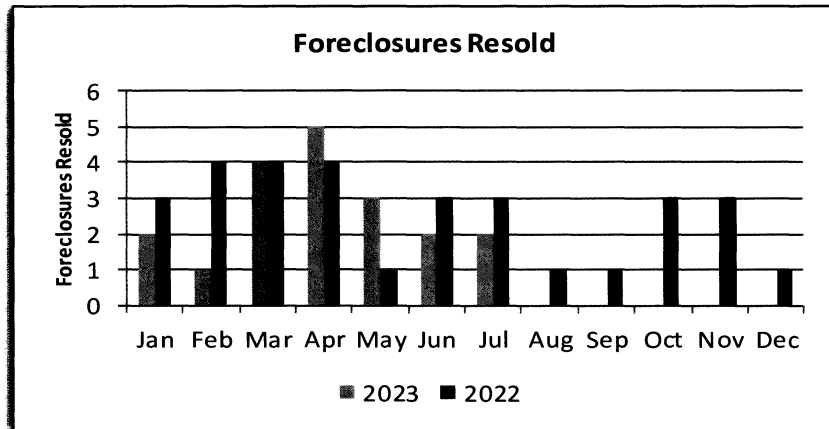
**New Foreclosures Filed**

Year	2023	2022
Jan	8	2
Feb	3	4
Mar	4	1
Apr	2	5
May	5	5
Jun	2	7
Jul	1	2
Aug		4
Sep		2
Oct		10
Nov		3
Dec		3
<b>Total</b>	<b>25</b>	<b>48</b>



**Foreclosures Resold**

Year	2023	2022
Jan	2	3
Feb	1	4
Mar	4	4
Apr	5	4
May	3	1
Jun	2	3
Jul	2	3
Aug		1
Sep		1
Oct		3
Nov		3
Dec		1
<b>Total</b>	<b>19</b>	<b>31</b>



**Historical Foreclosure Information**

Foreclosures Filed	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
	312	620	208	139	81	68	90	79	66	26	7	48

# ECONOMIC DEVELOPMENT & TOURISM MONTHLY REPORT

August 2023



## Economic Development

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- Monthly Reoccurring Tasks:
  - Staff facilitated and participated in calls, emails, social media messages, texts and meetings with land owners, brokers, developers and property owners about potential development in Hoffman Estates.
  - Promoted the Village on social media and built a network to share about projects within the Village.

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- Staff continued the revival of the Business Retention and Expansion program by meeting with three hotels in the past month. The goal of these is to have an intentional touchpoint with major businesses in the community in order to facilitate growth or become aware of issues before they rise to problems. The revived program has been well received by the businesses.
- Staff began the review of the Lakewood TIF 3<sup>rd</sup> reimbursement request. Due to the large size of the project and the many TIF eligible expenses this review typically takes several weeks.
- Staff began the review of the Higgins-Hassell TIF (Barrington Square Town Centre) 8<sup>th</sup> reimbursement request. Due to the large size of the project and the many TIF eligible expenses this review typically takes several weeks.
- Mr. Kramer continued to give of his time by volunteering for various commissions and organizations while serving to judge the IEDC Excellence in Economic Development Awards which will be presented at the annual conference in September.
- Staff began exploring the possibility of a small business grant for the Stonington & Pembroke TIF district to attract specific businesses to the district while lowering the vacancy rate and meeting certain goals of the TIF.
- Economic Development staff coordinated with the Hoffman Estates Community Bank to complete business visits of the small businesses within the low income/high minority sector of the Village. The visits were well received.
- Completed all liaison duties for the Arts Commission including processing contracts, distributing flyers for the summer concerts, attending concerts, helping to set up for Nemo Jr., and attending the meeting. The next concerts are July 6 – Big Dog Mercer; July 13 – Jose Valdes and the Mambo All Stars; July 20 – Classical Blast; July 27 – The Stingrays; and August 3 – Stevie Swing and the Sinatra Experience.
- Economic Development staff attended the:
  - Monthly Hoffman Estates Chamber Board and membership meetings.
  - Quarterly AFCOM (data center) networking event.
  - Quarterly ICSC Illinois Marketplace committee meeting.
  - Annual presentation to Coldwell Banker office on what's happening in Hoffman Estates.
  - Annual ICSC NextGen Cubs game networking event.

- Bell Street Brewing Happy Hour grand opening.
- Monthly Enclave masterclass to speak to their students.

## Tourism

- **Hotel Tax Revenue Comparative - June 2022 to June 2023**

In June 2022, total hotel tax revenues directly reported were \$129,507, in June 2023 the Village realized \$133,378, an increase of \$3,870. Online hotel tax revenues in June 2022 were \$2,724, in 2023 June online hotel tax was \$8,997 a dramatic increase of \$6,269. Comparing individual hotel reported revenues year over year, we saw the greatest losses to Chicago Marriott NW, MainStay Suites, Comfort Inn, Hyatt Place and Hampton Inn. Increased revenues were seen at Holiday Inn Express, Red Roof Inn+, Hilton Garden Inn and Country Inn. Chicago Marriott NW still struggles with chronic staff turnover but is amping up their efforts to replace key management positions. Comfort Inn released their contracted Sales person citing poor performance, Marriott, Hampton, MainStay and Comfort relied more on their deep discount online booking portals in June. The huge increase in revenues at the Holiday Inn Express confirms that the overall strategy of driving rate is still working. The hotels showing decreases is explained by a lack of staff at property level available to take reservations caused them to turn over room inventory to the online portals – they captured occupancy but left money on the table.

- **Festivals in 2023 & 2024**

- *Fit for America (now STARS & STRIPES) Saturday, June 29, 2024 – BellWorks*  
The date has been determined for 2024 events. Staff is working with All Community Events to discover additional weekend activities that can grow tourism by expanding the event to a full weekend again.
- *NW 4th Fest – July 1 and 2, 2023 – outside at Village Green and Hideaway, NOW Arena*  
Sporadic rain showers caused a sharp decline in attendance on Saturday, July 1st but sunny skies appeared in the afternoon of Sunday, July 2nd bringing out about 25,000 attendees. The commission will meet again in August to discuss improvements to our site plan for 2024.
- *Celtic Fest 2023 – August 12, 2023 – Village Green/Hideaway Brew Garden*  
Staff is collecting applications, waivers and new tax forms for all vendors and activity providers for 2023. One large tent will hold marketplace vendors, live animal providers, balloon artist and face painter, whiskey tasting and dancer's stage. Musical performers will be on the Hideaway Stage. Inflatable activities will be adjacent to the Hideaway as they were for NW 4th Fest. An axe throwing station will be away from the tent closer to the Hideaway. Police Explorers are providing volunteers to assist vendor set-up (10:00am-1:00pm) and coordinate lines for activities during the event (1:00pm to 6:00pm).

### Webinars

- SEO for small businesses – Harper College
- Transient Lodging in 2024 – Insider Tips for Savvy Buyers – Cvent
- Marketing Strategies for Growing and Maintaining Your Brand – Illinois Restaurant Association

### Meetings/Activities

- Tourism/ ED Meeting
- 4<sup>th</sup> of July Commission meeting
- Celtic Fest Commission
- Circulate Police Incident Reports to HE Hotels
- Distribute alert to hotels regarding 'gypsy' traffic attempting to check in with digital app access – disruptive and criminal activity

- Hilton Garden Inn GM resigned, met with acting GM
- Connected Hampton Inn with Journeys, The Road Home to donate 100 comforters and individual soaps/shampoos
- Calls to all HE apartment communities to determine if they offer short term rentals for corporate relocations etc.



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Kevin Kramer, Director of Economic  
Development



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Linda Scheck, Director of Tourism & Business  
Retention