

**Questions for Village President and Director of Community Development
From the League of Women Voters of Wilmette
PUD Process & American Legion Property
March 9th, 2016**

1. What is the current zoning for the American Legion property and what are the implications of that zoning in terms of permitted or not permitted uses?

The zoning of the property at 1925 Wilmette Avenue is NR, Neighborhood Retail. A table showing the permitted and special uses in the NR district is attached. Please note if a use is not listed as either a permitted or special use, it is not permitted in the NR district.

VILLAGE OF WILMETTE, ILLINOIS TABLE 9-1: COMMERCIAL ZONING DISTRICTS PERMITTED & SPECIAL USES P = Permitted Use // S = Special Use						
USE	DISTRICT					USE STANDARDS
	NR	NR-1	GC-1	GC-2	OR	
RESIDENTIAL USES						
<i>Dwelling, Above the Ground Floor</i>	P	<i>P</i>	<i>P</i>			<i>Sec. 12.3.G</i>
<i>Residential Care Facility</i>	S					<i>Sec. 12.3.V</i>
INSTITUTIONAL USES						
<i>Cultural Facility</i>	S	<i>S</i>	<i>S</i>			<i>Sec. 12.3.C</i>
<i>Day Care Center, Adult or Child</i>	S	<i>S</i>	<i>S</i>		<i>S</i>	<i>Sec. 12.3.D</i>
<i>Educational Facility, Vocational</i>	S	<i>S</i>	<i>P</i>	<i>S</i>	<i>S</i>	<i>Sec. 12.3.I</i>
<i>Government Facility</i>	P	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	
<i>Park/Playground</i>	P	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	
<i>Place of Worship</i>	S	<i>S</i>	<i>S</i>			<i>Sec. 12.3.U</i>
<i>Public Safety Facility</i>	S	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	
<i>Public Works Facility</i>				<i>S</i>		
<i>Recreation Center</i>	S	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	
<i>Social Club or Lodge</i>	S	<i>S</i>	<i>S</i>			<i>Sec. 12.3.X</i>
COMMERCIAL USES						
<i>Animal Hospital</i>	S	<i>S</i>	<i>P</i>			
<i>Art Gallery</i>	P	<i>P</i>	<i>P</i>			
<i>Art Studio</i>	P	<i>P</i>	<i>P</i>			
<i>Broadcasting Studio</i>			<i>S</i>	<i>S</i>		
<i>Brew Pub</i>	S	<i>S</i>	<i>S</i>			

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USE	DISTRICT					USE STANDARDS
	NR	NR-1	GC-1	GC-2	OR	
Car Wash				S		Sec. 12.3.B
Convenience Mart	S	S	S			
Craft Brewery/Distillery	S	S	S			
Drive-Through Facility	S		S			Sec. 12.3.F
Financial Institution	P	P	P		P	
Garden Center				S		
Gas Station			S	S		Sec. 12.3.J
Health Club	S	S	S			
Heavy Retail, Rental and Service				S		
Hotel/Motel					S	
Indoor Amusement Facility	S	S	S			
Kennel				S		Sec. 12.3.M
Live Performance Venue	S	S	S			
Manufacturing, General				S		
Medical/Dental Clinic, Small	P	P	P		P	
Medical/Dental Clinic, Large	S	S	P		P	
Medical Cannabis Cultivation Center				S		
Medical Cannabis Dispensing Organization			S			
Motor Vehicle Dealership			S	S		Sec. 12.3.N
Motor Vehicle Operations Facility				S		
Motor Vehicle Rental Establishment			S	S		Sec. 12.3.N
Motor Vehicle Service and Repair, Minor	S	S	S	S		Sec. 12.3.P
Motor Vehicle Service and Repair, Major				S		Sec. 12.3.P
Office, Above the Ground Floor	P	P	P		P	
Office, Less than ten percent (10%) linear street frontage of the district (1)	P	P	P		P	

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TABLE 9-1: COMMERCIAL ZONING DISTRICTS PERMITTED & SPECIAL USES

P = Permitted Use // S = Special Use

USE	DISTRICT					USE STANDARDS
	NR	NR-1	GC-1	GC-2	OR	
Office, ten percent (10%) or greater of linear street frontage of the district (2)	S	S	P		P	
Outdoor Dining	P	P	P			Sec. 12.3.S
Outdoor Storage				S		Sec. 12.3.T
Pawn Shop	S	S	S	S		
Personal Services Establishment	P	P	P			
Pet Day Care Facility	S	S	S			Sec. 12.3.M
Printing and Photocopying Establishment	S	S	S			
Research and Development Facility				S	S	
Restaurant, Carry-Out/Delivery	S	S	S			Sec. 12.3.W
Restaurant, Full Service	P	P	P			
Restaurant, Limited Service	S	S	S			
Restaurant, Specialty	P	P	P			
Retail Goods Establishment	P	P	P			
Twenty-Four Hour Business Use	S	S	S	S	S	Sec. 12.3.Y
Warehouse/Distribution				S		
OTHER						
Car-Sharing Spaces (Accessory Use)	P	P	P	P	P	Sec. 12.3.B
Parking Lot (Principal Use)	S	S	S			Sec. 12.3.R
Parking Structure (Principal Use)	S	S	S			Sec. 12.3.R
Planned Unit Development	S	S	S	S	S	Article 6
Utility	S	S	S	S	S	Sec. 12.3.Z
Wind Turbines	S	S	S	S	S	Sec. 13.4.Y
Wireless Telecommunications Equipment	S	S	S	S	S	Sec. 12.3.AA

NOTES

(1) Offices located at grade or up to eight (8) feet above or below grade, which occupy less than ten percent (10%) of frontage in the district where it is located.

(2) Offices located at grade or up to eight (8) feet above or below grade, which occupy ten percent (10%) or more of frontage in the district where it is located.

2. What is a Planned Unit Development (PUD)?

A PUD is a regulatory process that allows an efficient process for projects that require more than one type of relief or complex projects. The PUD process is intended to allow flexibility in the development of land since it is difficult for any zoning code to account for every conceivable type of development. In Wilmette the PUD process combines the Zoning Board of Appeals (variation and special use), Plan Commission (subdivision, consolidation and rezoning) and Appearance Review Commission (appearance certificate, sign and landscape variations) into one process. A PUD is heard by the Plan Commission as a Special Use with approval resting with the Village Board. For relief to be granted in the PUD process, some form of public benefit is typically required.

While the complete PUD process can be found in Chapter 6 of the Village of Wilmette Zoning Ordinance, the purpose section is provided below

6.1 PURPOSE

The purpose of these planned unit development regulations is to:

- A. Encourage flexibility in the development of land and in the design of structures.*
- B. Encourage planned diversification in the location of structures.*
- C. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other Articles of this Ordinance.*
- D. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, buildings, circulation systems and utilities.*
- E. Provide for more usable and suitably located open space and recreation areas than might otherwise be provided under the application of other Articles of this Ordinance.*
- F. Encourage the construction of appropriate amenities which will enhance the character of the site.*

G. *Guarantee quality construction commensurate with other developments within the community, and compatible with the character of the surrounding area and adjoining properties.*

H. *Provide an efficient application procedure that is sensitive to the need for expeditious development review.*

3. When was the PUD process added to the Wilmette code and why?

The PUD regulations were first adopted in the mid-90s. At that time there was a development built by right that members of the community felt could have been done better. The PUD regulations were seen as a way to bring about better development. To encourage the use of the PUD process, the pre-2014 PUD regulations required any development containing greater than 20,000 square feet of gross floor area to be developed under the PUD process if the development required zoning or subdivision approval. In addition, the height limit in the Village Center district was lowered from 4 stories by right to 3 stories, thus requiring a variation or PUD special use to be granted for a 4 story building.

4. What are the advantages and disadvantages of using a PUD?

The flexibility offered by the PUD process and the potential for a better development than by right zoning are two potential advantages of the PUD process. Another advantage is that the PUD process allows the village to attach conditions to certain developments which are otherwise not available in other zoning relief. A disadvantage is that the process can at times take longer than normal zoning relief. Also, the process is often viewed as tedious and highly detailed by land owners.

5. What is the process/timeline the project has to follow under a PUD? What boards/commissions have to sign off in what order and who gets to decide what?

The process is divided into three phases: pre-application; preliminary approval phase; final approval phase. The entire process generally includes a pre-application meeting with staff, a preliminary PUD hearing with the Plan Commission, a preliminary PUD meeting with the Village Board, review and approval of the final PUD plan and a recommendation of approval or disapproval by staff, and a meeting with the Village Board to consider the final plan. It is at the preliminary meeting at which the Plan Commission will take public testimony, deliberate and formulate a recommendation to the Village Board. If the Village Board grants preliminary PUD approval, final approval is largely ministerial in nature.

6. At what junctures in the process can members of the public provide input?

It is at the preliminary Plan Commission meeting where the applicant and public will provide sworn testimony to be considered by the Plan Commission when formulating its recommendation to the Village Board. The Preliminary PUD Plan Commission meeting is where findings of fact are developed. Public comment is also accepted at the preliminary and final PUD Village Board meetings.

7. Does the developer have a choice about whether or not to use a PUD? What are the potential advantages and disadvantages for a developer?

Yes. If a development requires multiple variations, one advantage may be that the PUD standards do not require a hardship or practical difficulty to be proven for the relief to be granted. However, for relief to be granted the applicant would need to demonstrate that enough public benefit will be provided by the development and that all the other PUD standards have been met.

8. Does the Village have a say in whether or not a developer applies under a PUD? What are the potential advantages and disadvantages for the Village?

Village staff can explain the options available to any developer. But the decision on what to apply for is solely up to the developer. The Village cannot require a developer to apply for any particular relief, including a PUD.

9. What is the history of PUD use in Wilmette? What have we learned from our experiences with PUDs?

The PUD process has been used five (5) times in the village. Three (3) of the requests were for development at 611 Green Bay Road, with two (2) of those requests being granted. The other two requests were for the hotel at 3205 Old Glenview Road, which was approved, and a mixed use building at 171 Green Bay Road, which was not approved. We have learned that the PUD process is a valuable tool for both the village and land owners because it fills a regulatory gap for certain developments where other zoning tools are not as helpful. We have also learned that the public is not generally familiar with this tool so we do our best to educate residents who appear at zoning meetings where a PUD is being considered.

10. Does using a PUD have any implications for the zoning or permitted uses of the property?

The rezoning of a property can be requested under the PUD process and a use not permitted in the underlying zoning district can be approved as part of the PUD process.

11. How best can members of the public become informed about a PUD proposal and where it is in the process?

The local papers have been very good about reporting on PUDs in the Village. In addition, the Village has started to post all PUD applications online at www.wilmette.com. Also, although some may find the reading rather dry, Chapter 20 of the village code provides the best outline of the PUD process.

12. What are the developer's private property rights during this process?

Books could be written in response to this question. Generally, land owners are entitled to due process under the Illinois and U.S. Constitutions. If the village applies the zoning code in an arbitrary manner, land owners have remedies against the village in court. The developer does not secure any additional property rights until after preliminary approval has been granted and those rights are considered vested after final approval is granted by the Village Board.

13. Who sets income levels for affordable housing? What are the income guidelines for various family sizes to qualify to live in an affordable housing development?

Generally, under the Affordable Housing Planning and Appeals Act the state legislature has set various income thresholds and definitions. The Act defines units that qualify as being affordable as 60% of the HUD's Median Family Income (HAMFI) for rentals and 80% of HAMFI for owner occupied units. As a home rule unit, the Village could determine its own definition of affordable.

The latest HUD income limits for the Chicago area are attached.

PROGRAM		1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Chicago-Joliet-Naperville, IL HMFA									
FY 2015 Median Family Income: \$76,000	EXTR LOW INCOME	\$16,000	\$18,250	\$20,550	\$24,250	\$28,410	\$32,570	\$36,730	\$40,890
	VERY LOW INCOME - 50% of 4 Person	\$26,600	\$30,400	\$34,200	\$38,000	\$41,050	\$44,100	\$47,150	\$50,200
	LOW-INCOME - 80% of 4 Person	\$42,600	\$48,650	\$54,750	\$60,800	\$65,700	\$70,550	\$75,400	\$80,300