I. Introduction

The Glencoe Plan Commission transmits this report to the Board of Trustees pursuant to Section 31-1.21(d) of the Glencoe Subdivision Code, on whether to recommend approval of a preliminary plat of subdivision for the proposed 1801 Green Bay Road Subdivision, prepared by IG Consulting, Inc., consisting of one sheet, with a latest revision date of July 29, 2019 ("Preliminary Plat"), recommend approval of the Preliminary Plat subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community, or whether to recommend disapproval of the Preliminary Plat.

Public meetings to consider the application were held before the Plan Commission on June 26, 2019, August 28, 2019 and September 25, 2019.

The Plan Commission reviewed the Preliminary Plat in accordance with the standards listed in Code Section 31-1.6(b), as standards (1) through (12) and the requirements for subdivision variations in accordance with Code Section 31-1.8.

Documents as last revised and submitted for the Preliminary Plat application by Glencoe Developers, LLC ("Petitioner") are listed in Appendix A to this Report and Recommendation.

Public letters submitted concerning the application are attached as Appendix B to this Report and Recommendation.

The Plan Commission relied heavily on memos and analysis provided by the village planner, Lee M. Brown, FAICP (President of Teska Associates), the public works director, David C. Mau, P.E., and the village’s engineering consultant for storm water management, Marty Michalisko, P.E., CFM (principal of Engineering Resource Associates). The review memos from staff and consultants are listed in Appendix C to this Report and Recommendation.
II. Recommendation

The Plan Commission recommends approval of the Preliminary Plat for the proposed 29 lot residential 1801 Green Bay Road Subdivision ("Proposed Subdivision"), contingent upon the incorporation of and compliance with the conditions and modifications set forth in Section III of this Report and Recommendation. The Plan Commission’s recommendation includes a recommendation to approve the following variations from the provisions of the Village’s Subdivision Code:

A. A variation from the minimum dedicated right-of-way for a public street from 66 feet to 40 feet provided that (i) the proposed roadway width will not be less than 27 feet back of curb to back of curb and (ii) 10 foot wide public utility and access easements be provided on each side of the dedicated right-of-way; and

B. A variation from the requirement that the Proposed Subdivision be connected via a public road to the existing Northwood Drive public right-of-way located to the northwest of the Proposed Subdivision.

The above subdivision variations along with the approval of the Preliminary Plat are collectively, referred to herein as the “Requested Relief.”

III. Conditions

The Plan Commission recommends that the approval of the Requested Relief by the Board of Trustees be explicitly contingent upon incorporation of and compliance with the following conditions.

a. Storm Water Management and Detention.

i. The Final Plat and Final Engineering Plan for the Proposed Subdivision must address how the proposed storm water detention system will address extraordinary rainfall events. The system design must incorporate (a) a gravity fed equalizer pipe that will ensure than any rainfall exceeding the capacity of the southern detention basin be transferred to the northern detention basin and released gradually via overland flow; and/or (b) storm water detention basins of sufficient capacity to accommodate rainfall projections set forth in the updated Bulletin 70 “Frequency Distributions of Heavy Precipitation in Illinois” published by the Illinois State Water Survey dated March 2019 and with the volume required by the most recent version of the Metropolitan Water Reclamation District’s Watershed Maintenance Ordinance (WMO) in effect at the time all necessary permits for the storm water detention system are issued by the appropriate permitting authority, whichever is deemed to provide the Village, its storm water infrastructure, and the residents of the surrounding parcels with the greatest protection from unreasonable storm water overlap drainage. The determination of the solution providing the greatest amount of protection shall be made on the advice of the Village Engineer.
ii. The Petitioner must, prior to the approval of the Final Plat for the Proposed Subdivision, obtain an easement to permit connection of the southern detention basin to the Terrace Court Basin storm sewer, in a location and manner acceptable to the Village Engineer and in a form acceptable to the Village Attorney.

iii. The Petitioner shall make all commercial reasonable efforts to include best management practices for creating better water infiltration at areas (other than the detention basins) throughout the site. Such practices should be considered and incorporated when beneficial.

b. Maintenance of Subdivision Improvements; Declaration.

i. The obligation of the homeowners’ association (“HOA”) to repair, maintain in good working condition, or replace the Storm Water Detention Improvements (as defined below), pedestrian access paths, landscaping, fencing and other commonly owned subdivision improvements (collectively, the “Common Improvements”) shall be memorialized in the Declaration of Covenants for the Proposed Subdivision (“Declaration”), which Declaration shall be executed and recorded against the entirety of the Subject Property by the Petitioner simultaneously with the Final Plat.

ii. The Declaration shall be in a form and substance acceptable to the Village Attorney and shall clearly establish the right of the Village to either (a) take legal action to compel the HOA to repair, maintain, or replace the Common Improvements, or (b) to enter upon the Subject Property, or any lot thereupon whether privately or commonly owned by the HOA, to undertake such work as may be necessary to repair, maintain, or replace the Common Improvements.

iii. The approvals of the Final Plat and Declaration for the Proposed Subdivision shall explicitly provide for the creation of a special service area to be created if deemed necessary by the Village to ensure that sufficient funds are available to pay for the repair, maintenance, or replacement of the Common Improvements as may be needed from time to time in the absence of the HOA assessing sufficient funds for this purpose.

iv. The Declaration shall include a detailed Operation and Maintenance Plan for the storm water detention basins and all appurtenant mains, pipes, pumps and other facilities (collectively, the “Storm Water Detention Improvements”) that shall include a schedule for regular cleaning and landscaping as well as mosquito control measures that will be followed.

v. Outlot A shall be reserved and dedicated in the Declaration as open space for passive enjoyment of the residents of the Proposed Subdivision and the general public. This reservation and dedication shall not preclude the improvement of Outlot A with such accommodations and improvements as
picnic seating, benches, shelters, or gazebos, so long as such improvements are open and available to the general public. Outlot A shall remain owned and maintained by the HOA.

vi. Outlot B shall also be subject to an easement for public access and enjoyment.

c. **Public Rights of Way, Roads, and Sidewalks.**

i. The Final Plat shall include a permanent irrevocable emergency access easement from the Northwood Drive cul-de-sac to Estates Road through the side yards of either or both Lots 28 and 29 sufficient accommodate the passage of a ten foot wide emergency vehicle between the two public rights-of-way.

ii. The Final Plat shall also include a permanent irrevocable pedestrian easement allowing members of the general public to access the Proposed Subdivision from the Northwood Drive cul-de-sac. The final configuration and route of such easement shall be approved by the Village Engineer. The pedestrian easement shall be paved, ADA accessible, and considered a Common Improvement to be maintained, repaired, and replaced by the HOA.

iii. No sidewalks shall be required to be installed on Outlot A, C, D or E, but a sidewalk shall be installed along the frontage of all Lots with street frontage on Estates Road within the dedicated public utility easements.

iv. The existing masonry entry piers and walls located on the proposed Lot 1 ("**Historic Gateway Features**"), shall be preserved and incorporated into the design and landscaping of the Proposed Subdivision. The maintenance of the Historic Gateway Features will be the responsibility of the HOA; provided, however, that the Petitioner shall grant to the Village a preservation easement, or such other legal right deemed sufficient, in the opinion of the Village Attorney, to allow the Village to prevent the destruction, removal, or damage to the Historic Gateway Features and to enforce the HOA’s responsibility to maintain the Historic Gateway Features.

v. That any entrance signage at the Estates Road entry to the Proposed Subdivision must conform to the Village’s sign ordinance.

vi. That all improvements, realignments, re-striping, and other traffic control improvements necessary to align Westley Road and Estates Road, and to reconfigure the lanes, turn lanes, traffic advisory signs, and other traffic control devices recommended in the revised traffic impact study from KLOA, last revised August 16, 2019, be the sole responsibility of the Petitioner to fund and, unless required otherwise by the Village, construct in accordance with all applicable road construction standards.
d. **Tree Protection and Landscaping.**

i. The Petitioner will be required to enter into a subdivision and development agreement ("Development Agreement") requiring the implementation of the tree protection plans (as presented in the application and as otherwise required by the Village Code) for both the Common Improvements and private lot development, subject to review and approval by the Village Attorney.

ii. The Development Agreement will memorialize and quantify, the Petitioner’s commitment planting substitute trees on the property “where feasible”, with specific exceptions or limits to the determination of “where feasible” to be adopted prior to approval of the Final Plat.

iii. The Development Agreement will incorporate a tree replacement plan to be approved by the Village arborist to assure that competitive canopies or root disturbances are not likely to result in future tree losses.

iv. The Development Agreement will require that the removal of existing trees or plants, including invasive species like Buckthorn or other “Removable Trees,” as defined in the Village Code, not create nuisance conditions on surrounding parcels, including, without limitation, unreasonable runoff of herbicides or soil erosion.

v. The Development Agreement will require that the perimeter fence proposed to be installed around the Proposed Subdivision be a uniform board-on-board wood fence at the perimeter of the subdivision on lots 1, 2, 3, 10-22, 28, 29 and Outlots B, E and the western side of Outlot C; and a wrought iron look fence at the perimeter of the subdivision on lots 23-27, Outlot D and the northern side of Outlot C.

**IV. Discussion**

Many residents might prefer that the Hoover Estate remain largely intact, saving almost all of the magnificent trees and preserving the village’s historical heritage. The balancing of individual property rights against the loss of irreplaceable natural habitat is not a problem that is unique to this application. Both staff and the Plan Commission wished that there had been a greater range of policy tools that could have been employed to enhance the balance in this instance. One example of policy tools would be amending the Village’s Zoning and Subdivision Codes to provide for “planned developments” which allow the alteration of lot sizes and the clustering of homes in return for achieving other policy goals. However, such options are not available at this time and the Proposed Subdivision must be considered through the existing provisions and processes of the Subdivision Code as it exists.
Given these constraints, the Plan Commission had before it an approximately 12-acre site that the underlying zoning allows to be subdivided into 29 lots by right, from the standpoint of minimum lot size and minimum average lot width.

The recommended variations from the Proposed Subdivision standards contribute to the feasibility of the site plan. But withholding the variations would not reduce the number of lots but only the quality of the development.

The evolution of the site plan and Preliminary Plat for the Proposed Subdivision, as presented in Petitioner’s testimony and Village staff reports, reflects a process of careful siting of the main ingress and egress road, with a single point of access from Green Bay Road and a large loop, in the middle of which is a protected tree park of some of the most important trees in the Proposed Subdivision deemed worth saving.

Other lot layouts would allow for 29 lots but result in an inferior site layout while resulting in a greater loss of trees. Village staff engaged in a near constant process of review and iteration with Petitioner to arrive at the proposed site plan and Preliminary Plat, and they recommend the current plan as the best overall outcome under the circumstances.

The Subdivision Code includes numerous standards to consider when reviewing a subdivision: that the plat be consistent with comprehensive plan and the character of the village; that lots meet the requirements of the zoning code; that trees and other vegetation be protected in accordance with the village’s tree preservation regulations; that landscaping be provided to ensure appropriate screening; that natural resources be preserved and topography be retained in its natural state by minimizing grade changes; that storm water retention, detention and drainage comply with all applicable regulations; that all necessary utilities to serve the subdivision be provided; and that lot access and street circulation be adequate.

With these standards in mind, the Plan Commission paid particular attention to the issues raised by neighbors regarding storm water, tree loss, and traffic, and has come to its conclusion relying, in part, on the recommendation of staff and its consultants in response to these questions.

During our public meetings, concerns over the possible worsening of flooding conditions in the immediate neighborhood were paramount as evidenced by extensive public comment. The release rate from the Proposed Subdivision with the proposed storm water management system, according to Petitioner’s engineer, is intended to be 80% less than the current natural condition. This result would benefit the neighboring properties. The key question is whether the plan as proposed in fact will achieve that result.

The consensus of Village staff and the Village storm water engineering consultant (ERA) and the finding of the Plan Commission is that it is feasible to design and implement the storm water management plan as proposed by Petitioner, provided the suggested Conditions are satisfied and technical considerations solved.

A recommendation for preliminary approval should be understood not as signaling that the technical considerations have been solved — they have not yet been — but whether, in the context of sound engineering practice, the proposed solutions are feasible and likely to be achieved by the time the Final Plat is returned to the Plan Commission for consideration.
To some extent, the safety valve for this project may be achieved by obtaining the consent of the Cook County Forest Preserve for a storm water management design that incorporates a “spillover” for exceptional rain events, so that overtopping the elevation at the east boundary of the Proposed Subdivision into nearby homes is averted or minimized by channeling such extreme volumes into the Forest Preserve (though in all other cases, the released storm water would follow the current direction of flow when storm water leaves the site).

The Petitioner has contested whether the application of the March 2019 Amendments to the MWRD’s WMO, incorporating the updated Bulletin 70 is appropriate given the delayed effective date of those standards. The Plan Commission leaves that issue to the Board and Village Attorney to address, but from a planning perspective, the Plan Commission strongly urges that the final storm water management plan be designed to accommodate the rainfall projections in Bulletin 70.

The Commission considered questions relevant to the sufficiency of the adjacent roadways to handle the increased traffic demand generated by the Proposed Subdivision, particularly the modifications to Green Bay Road and Westley Road including: What are the traffic consequences of the intersection improvements proposed for the new entry point into the Proposed Subdivision? Does the plan adequately address the traffic safety concerns and is it sufficient to meet projected traffic demand that will be created by the Proposed Subdivision? Does the plan coordinate with pedestrian and bike traffic?

The alignment of the entrance perpendicular to Green Bay and opposite a reconfigured intersection of Green Bay and Westley was recommended by KOLA and staff in accordance with sound traffic engineering standards, as were the corresponding lane changes and striping, speed limit changes and signage.

In addition to these technical standards, the subdivision code requires collection of applicable development impact fees; specifies required studies and technical studies for public improvements, requires posting of performance security to guarantee completion of the public improvements, sets standards for dedication and acceptance of public improvements and requires the applicant to enter into a development agreement with the Village to memorialize the various agreements and undertakings to which the applicant is committed.

The Plan Commission makes its recommendation in light of the various protections that are built into the Subdivision Code. In particular, we stress that the initial implementation of a plan means little if the required follow-up in terms of maintenance is not performed. The requirement to have a maintenance and operation plan, to require compliance by the HOA to be performed by Petitioner and to provide the rights given to the village to enforce compliance as stated in the Conditions are integral to the Plan Commission’s recommendation.

Finally, the Plan Commissioner encourages the Petitioner to continue to explore options to either integrate the existing structures, or portions thereof, on the property into the Proposed Subdivision, or seek options to otherwise preserve and/or relocate these structures through cooperative partnerships with governmental bodies or non-profit groups.
V. Findings

Based on the evidence reviewed in the application materials and testimony received at the public meetings, the Plan Commission finds that:

1. The subdivision is consistent with the zoning code.
   
   *No variations to the Glencoe Zoning Code are necessary or requested.*

2. The subdivision will not create a nonconforming building, nonconforming use or nonconforming lot, nor will the subdivision create, increase or extend any existing nonconformity.

   *The Proposed Subdivision will not alter the conformity of buildings or lots outside its own boundary, and all lots within the Proposed Subdivision, other than the five non-buildable outlots, are conforming. Petitioner’s plans for the Proposed Subdivision call for the demolition or removal of the three existing structures on the Subject Property. The Subdivision will not create any non-conforming conditions on the Subject Property if the Requested Relief is granted.*

3. The subdivision will accommodate development on a lot that will comply with required setbacks and will not result in the substantial loss of existing trees or the significant alteration of the existing topography on the lot.

   *The proposed lots are of a size and layout that homes which meet the zoning ordinance setback standards can be constructed on each lot in the subdivision, other than Outlots A-E.*

   *With respect to loss of trees, the Plan Commission would interpret this standard to mean that there is no unwarranted, unnecessary loss of trees – such as a loss caused by indifference or poor planning. Creative site planning works to avoid loss of trees. Petitioner has shown reasonable care in selection of the road alignment to minimize the impact on mature trees and will be required to comply with the village’s tree preservation regulations (including provision of replacement trees). In addition, Petitioner has agreed to implement a comprehensive program for tree protection during construction of subdivision improvements and for when individual homes are constructed.*

   *With the exception of grading for storm water detention, no significant alternation of the existing topography of the site is anticipated to occur, which is another key to avoiding unnecessary loss of trees.*

4. The subdivision will not substantially modify or threaten the integrity of natural resources, including without limitation existing steep slopes, floodplains, wetlands, mature trees or the use of public open spaces.

   *There is no evidence of the presence of steep slopes or floodplains on the Subject Property and the Proposed Subdivision will have no impact on the capacity or utility of any public park of forest preserve. Although the development of the Proposed Subdivision will impact mature trees on the Subject Property, it is unlikely to threaten the integrity or character of the trees or natural resources within the neighboring properties or the adjacent Turnbull Woods Forest Preserve.*
5. The proposed development of the subdivision will not result in an increase in the storm water release rate from the subdivision.

In addition to Standard 5, the technical standards in the subdivision code require that natural resources be preserved and topography be retained in its natural state by minimizing grade changes and that storm water retention, detention and drainage comply with all applicable regulations.

The consensus of staff and our storm water engineering consultant and the finding of the Plan Commission is that it should be feasible to design and implement the storm water management plan as proposed by Petitioner, provided the suggested Conditions are satisfied and technical considerations solved.

One technical decision concerns the design criteria for the volume of retention/detention. Prudent planning indicates that the most stringent requirements should be followed, the updated Bulletin 70. The recommendation of our storm water management consultant and staff (and the MWRD) is to design a storm water system that can accommodate the increased rainfall projections included in Bulletin 70 without the threat of overtopping the storm water detention facilities and causing unwarranted overland flow onto adjacent properties.

The Final Subdivision review will require compliance with the Village’s storm water release rate regulations and all other applicable storm water and grading regulations including the Metropolitan Water Reclamation District’s Watershed Management Ordinance (WMO). The preliminary engineering plans submitted by the Petitioner indicate that the Proposed Subdivision will comply with these standards and will address excess rainfall volumes through a volume equalizer system that will ensure that any overflow from the propose southern detention basin will be transferred to the northern basin and eventually drain overland through the Turnbull Woods. The Final Plat for the Proposed Subdivision should not be approved unless and until the Petitioner has provided sufficient documentation to support that its proposed solution is in full compliance with all required standards for release rate.

6. The subdivision will be served by adequate sewer or water service, electric service, natural gas and other public or private utilities available within the village.

The Subdivision will include easements adequate to serve each residential lot with all necessary public and private utilities.

7. The subdivision will dedicate easements or rights-of-way necessary to provide for current and future extension of public utilities and services.

The subdivision will provide easements for the connection and maintenance of water and sewer utilities through Northwood Drive, and to convey storm water to existing storm water sewers on Carol Lane.
8. The existing public street system, and any proposed extension of that system, is sufficient to meet the projected traffic demand that will be created by the subdivision.

The alignment of the entrance perpendicular to Green Bay and opposite a reconfigured intersection of Green Bay and Westley was recommended by KOLA and staff in accordance with sound traffic engineering standards, as were the corresponding lane changes and striping, speed limit changes and signage.

The existing public street system, as modified by the proposed configuration of Estates Road and re-alignment of Westley Road, will be sufficient to meet the projected traffic demand created by the Proposed Subdivision. The modifications proposed in the traffic study are intended to assure adequate sight distances at the intersection with the subdivision road ingress/egress point. The Plan Commission notes that staff has reviewed and supports the traffic study recommendations. The foregoing finding is also based upon completing the additional proposed modifications to the alignment, striping and traffic signage at the Westley Road intersection and Green Bay Road lane configuration, as shown in the report. These improvements should improve pedestrian crossing of Westley Road by shortening the distance to be traveled.

9. The design of the proposed street improvements meets minimum village standards and does not exceed village standards in a manner that threatens the health, safety or welfare, such as by inducing excessive speed of travel or modifying traffic patterns in a manner inconsistent with street design capabilities or by unnecessarily displacing pervious open spaces.

Subdivision street improvements will meet village standards, and any alterations to the intersection, signage or other existing conditions related to the subdivision will not threaten the health, safety or welfare of the community. Staff has reviewed the proposed length, shape and width of the subdivision street (as opposed to right-of-way) and related easements and found that all requirements for safe access are satisfied. The waiver of the minimum width of right-of-way doesn’t affect the actual street width but does allow for the new homes to be positioned closer to the street and farther away from existing homes on Carol Lane which are positioned quite near their rear lot lines.

10. The subdivision will extend, or does not inhibit the extension of, the existing village street system and recognizes the interconnection of adjacent neighborhoods.

Although the development of the Proposed Subdivision does not include the extension and integration of Northwood Drive into the subdivision, this deviation from the Proposed Subdivision Code standard is justified to minimize the loss of mature trees and the potential introduction of through-traffic on Northwood Drive with the proposed street configuration.

11. The subdivision will provide appropriate access and turning movements for vehicles, and the proposed access is not so large so as to be inconsistent with the character of the neighborhood surrounding the subdivision.
The subdivision will provide one lane inbound and one lane outbound, potentially split by a landscaped median, consistent with the character of the surrounding neighborhoods and therefore provides appropriate access and turning movements for vehicles.

12. The development of the subdivision can be accomplished in a manner that does not unduly disrupt or damage public services or facilities.

The self-contained aspect of this relatively large subdivision will allow construction activity and service connections to be made without unduly disrupting, overloading or damaging existing public services or facilities. The development of the Proposed Subdivision is expected to take between three to four years before it is fully constructed. The development of the Proposed Subdivision can be accomplished in a manner that does not unduly burden or disrupt or damage public services or facilities.