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MEMORANDUM

VIA EMAIL

TO: Mayor and Board of Trustees
Village of Willow Springs

FROM: John Houseal, FAICP, Partner | Co-founder
Houseal Lavigne Associates

DATE: Monday, November 6, 2023

RE: Planning and Zoning Assessment - Property located at the Northwest Corner of Willow Springs Road and German Church Road

This memorandum provides my assessment of the Village of Willow Springs' planning and zoning for the vacant property located south of 79th Street, north of German Church Road, and west of Willow Springs Road, hence referred to as the subject property. After careful review of the Village's comprehensive plan, zoning ordinance, reconnaissance of the subject property and surrounding areas, and examination of related materials, it is clear the Village's planning designation and zoning of the property is not arbitrary or capricious, but instead consistent with long-range planning of the area.

The subject property has an area of approximately 78 acres, with approximately 2,600 feet of frontage along Willow Springs Road, 1,300 feet of frontage along 79th Street, and 1,200 feet of frontage along German Church Road. The subject property is currently zoned North Willow Springs Road Corridor Planned Development District (NWSRC-PD), and the Village of Willow Springs Comprehensive Plan designates the subject property primarily for residential use, with a limited area for commercial/office use. The entire subject property is also designated as Planned Unit Development.

The focus of this report and my assessment of the current plan designation and zoning for the subject property is to establish and effectively demonstrate that the Village's decision to designate the property for primarily residential use and limited commercial use, and not for industrial use, is not arbitrary or capricious, but is instead rational, sound, and consistent with the Village's zoning practices and long range planning, with appropriate considerations given and actions taken to accommodate the existing conditions on the areas surrounding the subject property.

By addressing the LaSalle-Sinclair Pipeline factors in this report, the relevant and important zoning and planning considerations are presented. In doing so, the facts show that the LaSalle-Sinclair Pipeline factors support the Village of Willow Spring's designation of the subject property.

PLANNING

DESIGN

DEVELOPMENT

ANALYSIS IN CONTEXT OF THE LASALLE-SINCLAIR PIPELINE FACTORS

(1) The existing uses and zoning of nearby properties.

The existing uses and zoning of properties within the Village that are adjacent to or near the subject property are predominantly characterized as single-family residential.

West: To the west of the subject property are single-family detached homes zoned R-1, single-family detached homes zoned SR-1, single family detached homes zoned SR-4, single-family detached homes zoned NWSRC-PD, and Pleasantdale Elementary School zoned SR-4, and White Buffalo Park zoned R-1. All the zoning districts in the areas adjacent and near the subject property to the west are single-family detached residential zoning districts.

North: To the northwest of the subject property, across 79th Street, are single-family attached homes (townhomes) zoned R-3, and single-family detached homes zoned SR-4. Also located to the north across 79th Street to the north, but not located within the Village of Willow Springs, is the approximately 165 acre open space that is the Edgewood Valley Country Club and golf course.

South: To the south of the subject property, across German Church Road, are single-family detached residential homes zoned R-1.

East: Near the southeast corner of the subject property, south of the German Church Road alignment and east of the Willow Springs Road alignment as it runs along the eastern edge of the subject property, are public facilities including the Tri-State Fire Protection District, the Willow Springs Police Department, Willow Springs Public Works, Lyons Township Highway Department, a ComEd electrical substation, and open space, all zoned L-1, Light Industrial. . To the west of the subject property, located in the Village of Hodgkins, is the large UPS facility zoned HM, Heavy Manufacturing, and a supporting UPS parking area zoned LM, Light Manufacturing.

This area of the Village is very clearly characterized as residential, both in terms of existing land use and zoning. The large open space/golf course further reinforces the low-intensity character of this area of the Village. Industrial uses in the area only exist east of Willow Springs Road in the adjacent community of Hodgkins. The only small area of industrial zoning that does exist in this area of the Village is east of Willow Springs Road or south of German Church Road, and consists of open space and public facilities and uses.

(2) The extent to which property values are diminished by the particular zoning classification.

I am not an appraiser and I have not been provided an appraisal for review regarding the subject property. That said, I am confident that my 30 years of professional planning experience provides the expertise necessary to make the following assessment. The current zoning of the subject property as NWSRC-PD provides that the subject property can be developed, subject to approval as part of an approved planned development, for retail and all other uses allowed in the B-1 Shopping District, Single-family residential housing at a minimum of SR-1 or higher, and senior housing. The NWSRC-PD District is established to provide for the development of a compatible mixture of open-space, commercial, single-family residential, and senior- oriented residential uses. This zoning designation and approach to planning and development accommodates a wide variety of uses in a compatible and mutually supportive manner, easily mitigating concerns of diminishing property values due to adjacent or nearby uses.

The inclusion of industrial uses on the subject property would not be compatible with the current zoning or intended/planned use of the property and would not be compatible with the existing residential uses and school or park uses adjacent and near the subject property. Without having a specific development proposal for the subject property to review, my statements apply generally to the

development of industrial uses adjacent to existing residential neighborhoods, schools, and parks, and the professional opinion that such industrial uses could have a significantly detrimental impact resulting in diminished property values of surrounding properties.

The current property owner is not constitutionally entitled to develop property to its “highest and best use” as real estate professionals typically use that term. In this case, although if developed for industrial use the subject property may have a higher market value, the existing zoning of the property allows for the development of a variety of viable uses and the existing zoning classification is not diminishing the value of the subject property. I do not believe there is a destruction of property value resulting from the NWSRC-PD zoning of the subject property.

(3) The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, or general welfare of the public.

As stated above when addressing the “property values” LaSalle factor (2), I do not believe there is a destruction of property values as a result of the NWSRC-PD zoning of the subject property or as a result of the ability to use the property for single-family residential, commercial, and senior housing uses. Development of the subject property for its planned, zoned, and intended uses would ensure compatibility with the existing adjacent and nearby neighborhoods and uses. Additionally, denying development of the subject property for industrial uses, and maintaining the existing zoning and land use designation for the property as established by the Village’s zoning ordinance and comprehensive plan, significantly promotes the health, safety, morals, and general welfare of the public, by preventing incompatible use and activity from negatively impacting the existing residential neighborhood and school and park facilities that contribute so significantly to the Village’s established character, housing, and community facility needs.

(4) The relative gain to the public as compared to the hardship imposed upon the individual property owner.

Although I do not believe there is any hardship imposed upon the individual property owner, I do believe there are several “gains to the public” that are provided by the existing zoning of the subject property and the ability to development it for residential, senior housing, and commercial/office use. The current zoning and land use designation for the subject property is consistent with LaSalle Factor 4, and a rezoning or development of the property for industrial uses would not be consistent with LaSalle Factor 4.

Notable “gains to the public” if the subject property if developed consistent with the current zoning and land use designation include:

Compatibility. Land use and development compatible with the existing adjacent and nearby residential neighborhoods, include the single-family detached residential homes, single-family attached residential homes, Pleasantdale Elementary School, and White Buffalo Park. Protection and reinforcement of the existing residential areas and character of the Village is a priority of the comprehensive plan. Development of the subject property in a manner consistent with the current planning and zoning designations would prevent other more detrimental and harmful uses from negatively impacting existing areas of the Village.

Additional Housing. In a community with limited opportunity for new development, the subject property under its current planning and zoning designation can provide a significant number of new residential units to accommodate community growth.

Senior Housing. The aging of the American population is one of the most critical trends facing the U.S., and the Chicago region is no exception. As the population ages, the need for senior housing is increasing. The development of senior housing on the subject property would provide housing options that are currently lacking in the Village and would allow the Village to better meet the housing needs of current and future Village populations.

Limited Commercial/Office. The current planning and zoning for the subject property anticipates the possible development of limited commercial and office development, compatible with nearby and adjacent residential areas. A limited commercial or office component on the eastern/southeastern portion of the subject property could serve the convenience needs for nearby and adjacent residential neighborhoods in the Village and employees from neighboring communities, without requiring that they travel south of the Des Plaines River to the commercial areas along Archer Avenue. Both planning and zoning of the subject property specifically identify residential compatibility and landscape buffers between any commercial/office and the adjacent residential neighborhood.

Open Space and Tree Preservation. The comprehensive plan specifically identifies open space as one of the land uses designations for the subject property, to be incorporated appropriately with any development, along with tree preservation and landscape buffers along Willow Springs Road and along areas of the subject property adjacent to existing adjacent residential areas. Open space and tree preservation requirements contribute significantly to the overall character of the area, stormwater management, and the overall health and viability of natural areas and systems.

(5) The suitability of the property for the zoned purposes.

Simply put, this standard asks the question “Does this use ‘fit’ on this property?” The answer is yes, the current zoned uses for the property are suitable. The answer is no, industrial zoning, use, and development of the property would not be suitable. As currently planned and zoned, the subject property can accommodate a combination of single-family residential, senior housing, and commercial uses to be developed in an appropriate manner, given the context of the adjacent and nearby residential neighborhoods. There is no evidence to suggest or show that the current zoning of the subject property as NWSRC-PD District, prevents the site from being reasonably developed. In contrast, any rezoning or development of the property for industrial uses would not be suitable for the subject property, given the Village’s comprehensive plan and current zoning of the property.

As stated in the Willow Springs Zoning Ordinance, “The North Willow Springs Road Corridor – Planned Development District (NWSRC-PD) is established to provide for the development of a compatible mixture of open-space, commercial, single-family residential, and senior-oriented residential uses.” As currently zoned, permitted uses on the subject property include: Retail and all other uses allowed in the B-1 Community Shopping District, unless otherwise restricted; Single family residential housing at a minimum of SR-3 (30,000 ft²) or higher; and Senior Residential Housing. These uses shall be permitted, subject to compliance with the Site Plan Review standards and process contained in Section 9A-1-9.

Further, the comprehensive plan (both as adopted in 1991 and as amended in 2002) designates use of the subject property for single-family detached residential, limited commercial, senior-oriented residential (senior housing), and open space. The 2002 comprehensive plan amendment provides a framework for the subject property that includes a landscape buffer along existing adjacent residential uses, tree preservation, detention in low areas, landscape buffer along Willow Springs Road, and limited access points. The land use plan specifically identified open space, residential, office and commercial uses.

In contrast, industrial use or development is not suitable for the subject property. The current NWSRC-PD specifically identifies the following as prohibited uses for the subject property: industrial and warehouse uses; automotive fueling and/or service station, including service and minor repair; automobile and truck laundries; used automobile dealerships; auto wrecking/salvage yards; animal kennels; mini warehouses/self-service and personal storage facilities; industrial and warehouse uses; wholesale establishments; and any other use the Village Board believes would be detrimental to the health, welfare, and safety of Willow Springs residents. Both the 1990 Comprehensive Plan and the 2002 Amended Comprehensive Plan identify a mix of compatible uses for the subject property, stress the importance of safeguarding the adjacent and nearby residential areas and character of the Village, and both as adopted and amended, no version of the comprehensive ever recommended industrial use or development of the subject property.

(6) *The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.*

I believe this standard has limited applicability as applied to this situation. I do not believe the subject property has been vacant or unsalable or undevelopable because of its zoning. The NWSRC-PD District accommodates a variety of permitted uses, all of which are viable uses for the subject property. I am not aware of any evidence that indicates the owner of the subject property has tried unsuccessfully to sell or develop this property but was unable to simply because of its zoning.

(7) *The community need for the proposed use.*

There has been no proven “community need” for an industrial use to be developed on the subject property. The community of Willow Springs does not need industrial use to be located in an area of the Village immediately adjacent to established residential neighborhoods. In fact, the comprehensive plan specifically identifies the need to “*strengthen and reinforce existing residential uses*” and “*protect single-family areas from encroachment of adverse impacts*”. Development of the subject property for industrial uses would directly undermine these important comprehensive plan priorities.

Further, the comprehensive plan specifically identifies the area east of Willow Springs Road for any new industrial development. There is no “community need” for industrial zoning or industrial development of the subject property. There is an abundance of industrial zoning, uses, and development in adjacent communities, in areas not adjacent to residential neighborhoods, that are more appropriate for new industrial development.

With limited available land for development, and the community’s priority to “*strengthen and reinforce existing residential uses*” and “*protect single-family areas from encroachment of adverse impacts*”, there is a community need for compatible uses on the subject property, including residential uses. Also, to accommodate a growing population and an aging population, new residential development, including senior-oriented residential, is a “community need”. If the subject property were developed for industrial uses, the Village’s opportunity to provide significant new residential housing options would be severely limited.

The comprehensive plan and zoning also accommodate limited office, limited commercial, and open space on the subject property. All of these uses can be effectively provided in a coordinated development and all of these uses are considered compatible with adjacent and nearby residential areas, especially when development includes the landscape buffers identified in the zoning ordinance and comprehensive plan. There is a need for all of the uses identified in the comprehensive plan for the subject property, and there is a need for the uses permitted in the NWSRC-PD District, specifically for the subject property. There is no Community need” for industrial use of the subject property.

(8) *The care with which the community has undertaken to plan its land use development.*

This factor pertains to the use at a particular location. The Village of Willow Springs, through its previous and current comprehensive plan, have consistently designated the subject property for primarily residential use, but also accommodates the appropriate and compatible inclusion of senior-oriented residential and limited commercial uses. Over the years the Village’s process for developing and updating the comprehensive plan has been carefully undertaken.

1990 Comprehensive Plan

The 1990 Comprehensive Plan (adopted in 1991) was developed over a two-year community planning process (June 1989 – July 1990) and after a public hearing process, was adopted in July 1990. The Village retained Trkla, Pettigrew, Allen and Payne, Inc., a Chicago-based planning firm, to assist with the development of the plan. The planning process included extensive community outreach and engagement, including establishment of a Comprehensive Plan Working Committee, community workshops with officials, stakeholders, businesses, and residents, multiple meetings, and a events to gather public input on the plan as it was being developed. The process also included a series of background studies including an examination of existing land use, building conditions, community facilities, public utilities, traffic circulation, and economic and population characteristics. The thorough planning process, led by a professional planning firm, demonstrates the care with which the community has undertaken to plan for its land use development.

The 1990 Comprehensive Plan designates the subject property primarily for low density single-family residential use with a small neighborhood retail component on the northwest corner of German Church Road and Willow Springs Road. The following text from the 1990 Comprehensive Plan is highlighted below:

“Low Density Residential (3 to 4 DU's/acre). The existing residential development patterns within most of incorporated Willow Springs are established. The Village should seek ways to ensure that infill development within these neighborhoods is of a quality and scale commensurate with existing uses. This is particularly important for the School District 204 property at the northwest corner of Willow Springs Road and German Church Road. The School District property may accommodate 100 new homes in the future.”

“Neighborhood retail at the northwest corner of Willow Springs and German Church Road: Basic daily service needs of the northwest neighborhood are not currently met within the area. Residents must travel to Archer Avenue or leave the community to attend to basic goods and service needs. Although use of Archer Avenue is desirable from the standpoint of unification of northwest and southeast portions of the community, it places an unnecessary and impractical burden on residents in the far reaches of the western neighborhoods. Further, future business development within the area north of the River-Rail corridor will demand additional commercial services.”

“A 3 to 4 acre site is identified for future commercial development. This site is planned adjoining the future office research and residential land-uses at the intersection of German Church Road and Willow Springs Road. Care must be exercised to ensure quality development of the site, and screening and transition from future adjoining residential uses.”

To further underscore the importance of protecting and enhancing the existing residential areas of the Village, the 1990 Comprehensive Plan contains the following language:

Economic Development

“...compatible with residential character...”

“Objective 1: Minimize impact on residential areas.”

Housing

“Objective 1: Protect single-family areas from encroachment of adverse impacts”

Land Use

“...strengthen and reinforce existing residential uses...”

1998 Village Center Plan Amendment

In 1998 the Village of Willow Springs amended the Comprehensive Plan by adopting a Village Center Sub-Area Plan. The Village retained Teska Associates, a professional planning consulting firm, to assist with the process. The process included public input, the assessment of existing conditions, and the development of specific guidelines and recommendations related to public and private improvement and development in the Village Center – generally described as the area bounded by the Illinois Central Railroad, Cliff Street, Archer Avenue and Colonel Avenue, including the Old Willow Center and Metra leased properties north of the I & M Canal.

While the Village Center Plan Amendment did not include the subject property, the planning effort further underscores and reinforces the care with which the Village has undertaken to plan its land use development. The creation of a village center was identified as a priority in Willow Springs' Comprehensive Plan, and the Village Center Plan Amendment is a continuation of a planning process formalized in 1990 with the adoption of the Comprehensive Plan for the Village of Willow Springs.

2002 North Willow Springs Road Corridor Plan Amendment -Approximately 83 Acres at the Northwest Corner of German Church Road and Willow Springs Road.

In 2002 the Village of Willow Springs adopted the North Willow Springs Corridor Plan as an Amendment to the adopted 1990 Comprehensive Plan. The Village retained Teska Associates, a professional planning consulting firm, to assist with development of the plan. The plan was developed and reviewed over a two-year period, including multiple public hearings by the Plan Commission and Village Board. This plan and process further underscores the care with which the community has undertaken to plan its land use development, particularly for the subject property. The framework for the plan includes landscape buffers between the property and adjacent residential uses, tree preservation, detention in low areas of the property, landscape buffers along Willow Road, limited access points, entry signs and features, continued bike path system, and decorative streetlights and banners. The land use plan for the property includes open space, residential/senior housing, limited office/commercial uses.

Willow Springs Zoning Ordinance – North Willow Springs Road Corridor – Planned Development District (NWSRC-PD)

The Willow Springs Zoning Ordinance is also evidence of the care with which the community has undertaken to plan its land use development. The alignment of the zoning for the property and the planning for the property reflect the care and diligence taken by the community. As stated in the Willow Springs Zoning Ordinance, “The North Willow Springs Road Corridor – Planned Development District (NWSRC-PD) is established to provide for the development of a compatible mixture of open-space, commercial, single-family residential, and senior-oriented residential uses.” As currently zoned, permitted uses on the subject property include retail and all other uses allowed in the B-1 Community Shopping District, unless otherwise restricted; Single family residential housing at a minimum of SR-3 (30,000 ft²) or higher; and Senior Residential Housing. These uses shall be permitted, subject to compliance with the Site Plan Review standards and process contained in Section 9A-1-9. The zoning of the subject property reflects the comprehensive plan's policies, goals, objectives, and recommendations.

The comprehensive planning efforts over the years (1990, 1998, 2002), along with the NWSRC-PD zoning for the subject property, indicate the care the community has taken to plan for development of land use in the Village. For the 1990 Comprehensive Plan, as well as the two subsequent subarea amendments, the Village retained professional urban planning consultants and undertook a lengthy public process that included community outreach and engagement, and an assessment of existing conditions. Comprehensive plans are intended to be long-term plans and the Willow Springs Comprehensive Plan has been amended and updated over the years to better provide planning policy and direction for the community.