

Date: January 23, 2015

To: Board of Education, Dr. Kent Mutchler

From: Todd Latham

Subject: Land Cash Fees and City Credits

I would like to bring to the attention of the Board of Education the city's practice of applying a "credit", a deduction from the land cash fees due to the school district, as a result of "redevelopment". When applied by the City of Geneva this credit is greatly reducing the school district's portion of land cash/developer contributions it would normally receive. Below you will find the city's position and the administration's position. The park district is in agreement with the school district on this issue.

#### Developer Credit History

● Dodson place (2000-2001) ?

● ShoDeen 7th and James (2014)

Credit Amount ~~\$-6,842.80~~

● Park Place, Stevens and 1st, (2015)

Pending Credit Amount ~~\$-12,283.65~~

#### City of Geneva's Position on Credits

The City cites its right under Title 12-Subdivisions, Chapter 3, 12-3-1, Design Standards-General Principals of Acceptability.

F. Variations and Exceptions from these regulations may be made by the city council in case where the sub-divider might be subject to undue hardships in carrying out the strict letter of this title. No variation or exception shall be made that will be detrimental to the public welfare or that will adversely affect the official plan.

The Planning Department supports granting develop credits:

1. City Council can deviate from the subdivision ordinance.
2. The city has granted credit before for existing residential units.
3. The contributions are intended to address net student and total household gain.
4. The existing dwelling units proposed for demolition impacted the land and capital site improvement needs of the district years ago and should be subtracted from the gross contribution calculation.
5. Applying credits for existing units is appropriate as the contribution is intended to address impact increase in students generated by the development.

#### Geneva CUSD 304 Positions on Credits

1. There is not mention of credit or a method by which it should be calculated and applied.

2. Older units, predating land cash or impact fees, are being used to calculate credits as if new without consideration given to the spirit of the ordinance at that time. Credits are calculated on existing property by using the land cash contribution calculation which is intending for new property. We believe this is a wrong calculation method.
3. Each development creates a unique “footprint”. This footprint is a combination of density types, size, location, and bedrooms. It was made at the time the home, an improvement upon the land, was occupied; the district received children to educate, making an accommodation. The district met this obligation. In the case of redevelopment, again not explicitly addressed, the current owner (footprint) sells the property; it is vacated, demolished, and in time replaced creating a new and unique footprint. The footprints are of different types, times, legal requirements, and educational needs/obligations.
4. It has been pointed out to the city that 12-4 is not in compliance with 65 ILCS 5/11-12-5 (7). This includes the use of these types of fees to acquire land, land or site improvements (which include school buildings or other infrastructure upon the land) and as of Jan. 1, 2015, technological infrastructures. The statute is more comprehensive in this regard.

Redevelopment- Planned Unit Developments

<b>ShoDeen- 7<sup>th</sup> and James</b>	<b>Park Place-First and Stevens</b>
<u>Redevelopment Action</u>	<u>Redevelopment Action (Pending)</u>
<ul style="list-style-type: none"> <li>●Amended Downtown Station-Area Master Plan</li> <li>●Zoning Map Amendment from the B2-to R7 Multiple-Family Residential District</li> <li>●Final Planned Unit Development Approval</li> </ul>	<ul style="list-style-type: none"> <li>●Amended Downtown Station-Area Master Plan</li> <li>●Zoning Map Amendment: R-6 two and three family to R7 Multiple-Family Residential District</li> <li>●Special Use/Final Planned Unit Development</li> </ul>
<u>Redevelopment Proposal Included</u>	<u>Redevelopment Proposal Included</u>
Demolition of the commercial building located at 15 S. 7th Street, two garages in the rear 15 S. 7th Street, and a home at 627 James Street.	Vacate a portion of 2 <sup>nd</sup> Street. City to receive \$42,000 in compensation. Demolition of 9 existing units.
<u>Improvements</u>	<u>Improvements</u>
Six new attached townhomes with garages facing 7th Street, six guest parking spaces for the townhomes, and a new garage for the remaining single-family home at 621 James Street.	Thirty new attached townhomes with garages.
<u>Detached Single Family Fee Calculation</u>	<u>Detached Single Family Fee Calculation</u>
Required Impact Fees \$8,119.54	Required Impact Fees \$32,333.19
Less Credit for existing structures -\$6,842.80	Less Credit for Existing Homes
<b>Land Cash Fee to School District \$1,276.74</b>	Less Credit for 1-One bedroom, 2-Two bedroom, 2-Two Bedroom
	Single Family Detached Home -\$9,608.70
	Less Credit for 4-Two Bedroom
	Apartments -\$2,674.95
	<b>Land Cash Fee to School District \$20,049.27</b>