



#130182

MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

DATE: May 2, 2013

SUBJECT: **PC 12-19: 300 W. 22nd Street – Establishing a Special Service Area**

In light of the cancellation of the April 18, 2013 Village Board meeting, attached is a revised ordinance relative to establishing Special Service Area 7 associated with the proposed Spectrum Development at 300 W. 22nd Street. As a result of the April 18 Village Board meeting being cancelled, the ordinance previously submitted had to be revised so the dates associated with the public hearing notification process satisfied the requirements of State Statute. Attached for reference purposes, is a copy of the April 18, 2013 memo from staff which was previously included in your board packets.

RECOMMENDATION

Staff recommends that the Village Board approve the attached revised ordinance establishing Special Service Area 7 in the Village associated with the proposed Spectrum Development at 300 W. 22nd Street, and providing for a Public Hearing and Procedures.



COPY

MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

DATE: April 18, 2013

SUBJECT: **PC 12-19: 300 W. 22nd Street – Establishing a Special Service Area**

At the March 7, 2013 Village Board meeting, the Village Board approved a first reading of an Ordinance amending the Covington Cove landing planned development and granting conditional use approval to allow for the construction of an 80 unit assisted living facility at 300 W. 22nd Street (the “Subject Property”). Condition 4 of the Ordinance of approval states:

4. *That prior to or concurrent with the final Ordinances of approval for the proposed project, the petitioner shall enter into an agreement to offset the additional costs of the facility on Village services. Said agreement, which shall be mutually agreeable to the Village and the petitioner, shall satisfactorily address the long term and ongoing service impacts of the proposed use on Village EMS services.*

The Subject Property has been purchased by Spectrum Development (the “Petitioner”) who will construct and operate the facility, if the project is ultimately approved. The Petitioner and staff have been discussing concerns related to the proposed project’s impact on Emergency Medical Services (EMS). The Petitioner is agreeable to entering into an agreement to compensate the Village for costs associated with the project’s impact on EMS services through the creation of a Special Service Area (SSA). The Village Board previously approved a reimbursement for legal costs associated with the creation of the SSA.

Attached for Village Board consideration is a draft ordinance that proposes the establishment of a new SSA (Number 7) and provides for a public hearing and procedures associated with its establishment. This ordinance follows the provisions set forth in State Statute. The ordinance provides a series of formulas to determine the initial means of establishing the SSA, the proposed initial levy amounts, the annual levy calculation process after the first year, readjustments to equate for future EMS service impacts, provisions for addressing excessive levies (if applicable), and means of collection. The SSA does not have an automatic termination period, unless the facility is no longer used for senior housing purposes. The series of is intended formulas intend to ensure that the full costs of services and reimbursements above comparative multiple family housing projects is addressed by the project, upon initial occupancy as well as throughout the project’s life cycle.

Please note that this ordinance does not, in itself, create the SSA, as a public hearing must be held and a final ordinance approving the SSA must occur before it is formally adopted. This ordinance establishes the methodology and public hearing date.

RECOMMENDATION

Staff recommends that the Village Board approve the attached ordinance establishing Special Service Area 7 in the Village associated with the proposed Spectrum Development at 300 W. 22nd Street, and providing for a Public Hearing and Procedures.

ORDINANCE NO. _____

**AN ORDINANCE
PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER 7
IN THE VILLAGE OF LOMBARD AND PROVIDING FOR A
PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: AUTHORITY TO ESTABLISH SPECIAL SERVICE AREAS. That special service areas within non-home rule municipalities are established pursuant to Article VII, Section 7 of the Constitution of the State of Illinois, and pursuant to the provisions of the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.*

SECTION 2: FINDINGS. The President and Board of Trustees find as follows:

- A. That it is in the public interest that the creation of the area hereinafter described as a special service area, for the purposes set forth herein, be considered.
- B. That the area hereinafter described is compact and contiguous, and constitutes a multi-family residential planned development area under the R-5 General Residence District zoning classification in the Village of Lombard (hereinafter the "Village").
- C. That the area hereinafter described will benefit specifically from the municipal services to be provided, and that the proposed municipal services are unique and in addition to municipal services provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the expenditure of funds by the Village, and the levy of special taxes against said area, for the services to be provided, be considered.
- D. That the special services to be provided by the Village shall consist of the providing of emergency medical services to the residents of Special Service Area Number 7, at a call rate per residential unit above and beyond the call rate normally associated with high-density multi-family residential housing developments within the Village (hereinafter the "Special Services").

SECTION 3: PUBLIC HEARING – TAX RATES AND CALCULATIONS.

- A. That a public hearing shall be held on the 15th day of August, 2013, at 7:30 p.m., in the Lombard Village Hall, Board Room, 255 East Wilson Avenue, Lombard, Illinois, to consider the creation of Special Service Area Number 7 of the Village in the area described in the notice of public hearing set forth in Section 4 hereof (hereinafter the “Public Hearing”).
- B. That, at said Public Hearing, the levy of a direct annual tax at a rate not to exceed \$23.75 per \$100.00 of equalized assessed value of the property in Special Service Area Number 7 will be considered, to cover the cost of the Special Services, with said tax not to be imposed until the 2014 tax levy year (with taxes collected in 2015).
- C. That the tax levy calculation for the initial year in which taxes will be levied (2014 taxes collected in 2015) is as follows:

$$A \times [B - C] \times D = E$$

- A = The actual number of residential units within the building located within Special Service Area Number 7.
- B = The average annual number of emergency medical services (EMS) calls per residential unit at the Village’s senior housing developments.
- C = The average annual number of emergency medical services (EMS) calls per residential unit at the Village’s high-density multi-family housing developments, which consist of the following developments:
 - Cove Landing – (2001-2015 S. Finley Road)
 - Lombard Tower – (33 N. Main Street)
 - Jackson Terrace Condominiums – (1150 E. Jackson Street)
 - Yorktown Apartments (tower building) – (2233 S. Highland Avenue)
 - Park Avenue Condominiums – (150 W. St. Charles Road)
- D = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.
- E = The initial tax levy, for the initial year in which taxes will be levied for the Special Services, to create the base amount in the Special Service Area Number 7 Fund.

Said formula results in the following calculation:

$$80 \times [0.61 - 0.08] \times \$510.00 = \$21,624.00$$

As such, \$21,624.00 shall be the initial tax levy, for the initial year in which taxes will be levied for the Special Services.

- D. That the annual tax levy and payment to the Village calculation, after the first tax levy year, shall be as follows:

Formula #1 (Updated base amount for Special Service Area Number 7 Fund):

$$F \times [G - H] \times I = J$$

Formula #2 (Amount to be withdrawn from the Special Service Area Number 7 Fund to reimburse the Village for the Special Services):

$$\left[\frac{G - H}{G} \times (K - L) \right] = M$$

Formula #3 (Annual Tax Levy Amount):

$$(J - \$21,624.00) + M = N$$

F = The actual number of residential units within the building located within Special Service Area Number 7.

G = The number of emergency medical services (EMS) calls per residential unit, for the building located within Special Service Area Number 7, from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).

H = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, which currently consist of the following developments:

- Cove Landing – (2001-2015 S. Finley Road)
- Lombard Tower – (33 N. Main Street)
- Jackson Terrace Condominiums – (1150 E. Jackson Street)
- Yorktown Apartments (tower building) – (2233 S. Highland Avenue)
- Park Avenue Condominiums – (150 W. St. Charles Road)

The figure 0.08 (as used for the initial tax levy year in subsection C. above) shall also be used for tax levy years 2, 3, 4 and 5. The figure used shall be recalculated after tax levy year 5, based on the average number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, as set forth above, over the immediately preceding five (5) year period, and every five (5) years thereafter, with each

such recalculated figure being used for the tax levy for the recalculation year, and the next four (4) years thereafter.

In the event that one or more of the listed high-density multi-family housing developments ceases to operate as a high-density multi-family housing development, it shall thereafter no longer be included in the calculation of formula factor H. In the event that a new high-density multi-family housing development is constructed within the Village, it shall be included in the list of developments used for the calculation of formula factor H, beginning with the first recalculation of formula factor H after the end of the first full calendar year following the issuance of a certificate of occupancy for said development.

- I = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.
- J = Current base amount for the Special Service Area Number 7 Fund.
- K = The amount billed by the Village relative to emergency medical services (EMS) calls at the building located within Special Service Area Number 7 from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).
- L = The amount received by the Village in payment for Village emergency medical services (EMS) calls at the building located within Special Service Area Number 7 from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).
- M = The amount to be withdrawn by the Village from the Special Service Area Number 7 Fund to compensate the Village for the cost of the Special Services. If M is zero or a negative number, no amount shall be withdrawn by the Village from the Special Service Area Number 7 Fund for that calculation year.
- N = The Special Service Area Number 7 tax levy amount for the current tax levy year. If N is zero or a negative number, no amount shall be levied for the current tax levy year.

In the event that N is less than one-half ($\frac{1}{2}$) of J for five (5) consecutive years, then the amount being held in the Special Service Area Number 7 Fund shall be used each year, to reimburse the Village for the cost of the

Special Services, without a corresponding tax levy, until the amount in the Special Service Area Number 7 Fund is reduced to one-half (½) of J, and Formula #3 thereafter shall be revised to read as follows:

$$\left[\frac{J}{2} - \$10,812.00 \right] + M = N$$

- E. That, at such time as the building on the property located within Special Service Area Number 7 is no longer used for senior housing assisted living residences, Special Service Area Number 7 shall be terminated, and a rebate shall be declared relative to any amounts remaining in the Special Service Area Number 7 Fund, pursuant to 35 ILCS 200/27-93.
- F. That the aforementioned taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code (35 ILCS 200/1-1 *et seq.*), as amended.

SECTION 4: NOTICE OF PUBLIC HEARING. That the Notice of the Public Hearing shall be published at least once not less than fifteen (15) days prior to the Public Hearing in one (1) or more newspapers of general circulation in the Village, and notice by mailing shall be given by depositing said notice in the U.S. mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Special Service Area Number 7, with said notice by mailing being mailed not less than ten (10) days prior to the time set for the Public Hearing (hereinafter collectively the "Notice"). In the event taxes for the last preceding year were not paid, the Notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of said property. The Notice shall be in substantially the following form:

"NOTICE OF PUBLIC HEARING
VILLAGE OF LOMBARD
SPECIAL SERVICE AREA NUMBER 7

NOTICE IS HEREBY GIVEN that on August 15, 2013, at 7:30 p.m. in the Lombard Village Hall, Board Room, 255 East Wilson Avenue, Lombard, Illinois, a public hearing will be held by the President and Board of Trustees of the Village of Lombard (hereinafter the "Village") to consider forming a special service area consisting of the following described property:

Legal Description: The East 300 feet of the South 485.6 feet of the West ½ of the Southeast ¼ of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois.

PIN: 06-19-400-026.

Common Boundary Description: 300 West 22nd Street, Lombard, Illinois – (the Northwest corner of 22nd Street and Elizabeth Street).

All interested persons affected by the formation of Lombard Special Service Area Number 7 will be given an opportunity to be heard regarding the formation and the boundaries of Special Service Area Number 7 and may object to the formation of Special Service Area Number 7 and the levy of taxes affecting said Special Service Area Number 7.

The purpose of the formation of Lombard Special Service Area Number 7 is to fund the Village's providing of emergency medical services to the residents of Special Service Area Number 7, at a call rate per residential unit above and beyond the call rate normally associated with high-density multi-family residential housing developments within the Village (hereinafter the "Special Services"), within said Special Service Area Number 7.

A tax levy at a rate not to exceed \$23.75 per \$100.00 of equalized assessed valuation of property in Special Service Area Number 7 will be considered at the public hearing to cover the cost of the Special Services, with said tax not to be imposed until the 2014 tax levy year (with taxes collected in 2015).

The tax levy calculation for the initial year in which taxes will be levied (2014 taxes collected in 2015) is as follows:

$$A \times [B - C] \times D = E$$

- A = The actual number of residential units within the building located within Special Service Area Number 7.
- B = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's senior housing developments.
- C = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, which consist of the following developments:
 - Cove Landing – (2001-2015 S. Finley Road)
 - Lombard Tower – (33 N. Main Street)
 - Jackson Terrace Condominiums – (1150 E. Jackson Street)
 - Yorktown Apartments (tower building) – (2233 S. Highland Avenue)
 - Park Avenue Condominiums – (150 W. St. Charles Road)
- D = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.

E = The initial tax levy, for the initial year in which taxes will be levied for the Special Services, to create the base amount in the Special Service Area Number 7 Fund.

Said formula results in the following calculation:

$$80 \times [0.61 - 0.08] \times \$510.00 = \$21,624.00$$

As such, \$21,624.00 shall be the initial tax levy, for the initial year in which taxes will be levied for the Special Services.

The annual tax levy and payment to the Village calculation, after the first tax levy year, shall be as follows:

Formula #1 (Updated base amount for Special Service Area Number 7 Fund):

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Formula #2 (Amount to be withdrawn from the Special Service Area Number 7 Fund to reimburse the Village for the Special Services):

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Formula #3 (Annual Tax Levy Amount):

$$(J - \$21,624.00) + M = N$$

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H = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, which currently consist of the following developments:

- Cove Landing – (2001-2015 S. Finley Road)
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The figure 0.08 (as used for the initial tax levy year in subsection C. above) shall also be used for tax levy years 2, 3, 4 and 5. The figure used shall be recalculated after tax levy year 5, based on the average number of emergency medical services (EMS) calls per residential unit at the

Village's high-density multi-family housing developments, as set forth above, over the immediately preceding five (5) year period, and every five (5) years thereafter, with each such recalculated figure being used for the tax levy for the recalculation year, and the next four (4) years thereafter.

In the event that one or more of the listed high-density multi-family housing developments ceases to operate as a high-density multi-family housing development, it shall thereafter no longer be included in the calculation of formula factor H. In the event that a new high-density multi-family housing development is constructed within the Village, it shall be included in the list of developments used for the calculation of formula factor H, beginning with the first recalculation of formula factor H after the end of the first full calendar year following the issuance of a certificate of occupancy for said development.

- I = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.
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- L = The amount received by the Village in payment for Village emergency medical services (EMS) calls at the building located within Special Service Area Number 7 from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).
- M = The amount to be withdrawn by the Village from the Special Service Area Number 7 Fund to compensate the Village for the cost of the Special Services. If M is zero or a negative number, no amount shall be withdrawn by the Village from the Special Service Area Number 7 Fund for that calculation year.
- N = The Special Service Area Number 7 tax levy amount for the current tax levy year. If N is zero or a negative number, no amount shall be levied for the current tax levy year.

In the event that N is less than one-half ($\frac{1}{2}$) of J for five (5) consecutive years, then the amount being held in the Special Service Area Number 7 Fund shall be used each year, to reimburse the Village for the cost of the Special Services,

without a corresponding tax levy, until the amount in the Special Service Area Number 7 Fund is reduced to one-half (½) of J, and Formula #3 thereafter shall be revised to read as follows:

$$\left[\frac{J}{2} - \$10,812.00 \right] + M = N$$

At such time as the building on the property located within Special Service Area Number 7 is no longer used for senior housing assisted living residences, Special Service Area Number 7 shall be terminated, and a rebate shall be declared relative to any amounts remaining in the Special Service Area Number 7 Fund, pursuant to 35 ILCS 200/27-93.

Said tax is to be levied upon all taxable property within the proposed Special Service Area Number 7.

At the public hearing, all persons affected by the formation of said Special Service Area Number 7, including all persons owning taxable real estate therein, will be given an opportunity to be heard. The public hearing may be adjourned by the President and Board of Trustees to another date without further notice, other than a motion, to be entered upon the minutes of its meeting, fixing the time and place of its adjournment and/or as otherwise required by law.

If a petition signed by at least fifty-one (51%) of the electors residing within Special Service Area Number 7 and by at least fifty-one (51%) of the owners of record of the land included within the boundaries of Special Service Area Number 7 is filed with the Village Clerk, within sixty (60) days following the final adjournment of the public hearing, objecting to the creation of Special Service Area Number 7, the enlargement thereof, the levy or imposition of a tax for the provision of the Special Services to the area, or to a proposed increase in the tax rate, said Special Service Area Number 7 may not be created or enlarged, and no tax may be levied or imposed nor the rate increased.

DATED this 26th day of July, 2013.

Village Clerk
Village of Lombard"

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this _____ day of _____, 2013.

First reading waived by action of the Board of Trustees this ____ day of _____, 2013.

Passed on second reading this _____ day of _____, 2013.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this _____ day of _____, 2013.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk