

PLAN

REPORT OF THE PROCEEDINGS OF A PUBLIC HEARING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
PLAN COMMISSION

COMMISSION

RE: 608-614 NORTH HADDOW AVE. - PC# 18-016
PRELIMINARY PLAT OF SUBDIVISION, VARIATION

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Plan Commission Meeting taken at the Arlington Heights Village
Hall, 33 South Arlington Heights Road, 3rd Floor Board Room, Arlington Heights,
Illinois on the 26th day of September, 2018 at the hour of 7:48 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairman
LYNN JENSEN
MARY JO WARSKOW
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner
JAKE SCHMIDT, Development Planner

CHAIRMAN ENNES: We're going to move on to our next petition, which is 608-614 North Hadow Avenue, PC# 18-016. I see the Petitioner is here. Would you like to come forward and introduce yourselves? Please state your name and spell it for our reporter.

MR. FLUBACKER: By the mic?

CHAIRMAN ENNES: Why don't both of you come up? I suspect you're both going to talk to us.

MR. FLUBACKER: My name is Bob Flubacker of Robert Flubacker Architects, I'm the project architect.

MR. KURZYNSKI: I'm Terry Kurzynski, I'm also here with my wife Tanis, owner of 608 and 614.

CHAIRMAN ENNES: And as I recall, we've seen you before.

MR. KURZYNSKI: Yes.

CHAIRMAN ENNES: Yes. If you'd like to go ahead with your report?

MR. FLUBACKER: On the screen in front of you --

MR. HUBBARD: Excuse me, are we going to swear in the Petitioners?

CHAIRMAN ENNES: Yes, you're right. Would you both raise your hand?
(Witnesses sworn.)

CHAIRMAN ENNES: Okay, thank you.

MR. FLUBACKER: On the screen in front of you is a pair of site plans. On the left is the existing site plan which I'll note a couple of things. There is a significant landscape feature that's in the shape of an ellipse that for years we have been trying to design around to keep. After much angst and design iterations, we have abandoned and decided to add to the house to the south into that area, instead of putting, we had a proposal that came before the Plan Commission several years ago that had multiple detached structures in the backyard. So, we find this a much better solution to the problem.

So, it's consolidating two existing lots. Currently, the front lot line of the two lots is at the center line of the road. So, part of the proposal is dedicating that property to the Village. Part of the proposal includes adding a public sidewalk across the front of the property which I would like to discuss with you a little bit. If we could go to the next slide?

Similar in format, this is the existing first floor plan on the left which shows the existing home and the existing detached garage, and then the new floor plan on the right which has a significant addition again to the south or below the floor plan of the drawing. Second floor, again what's the addition to the south of the existing house. Third floor or 2.5 floor, the attic of the existing house is not changing. This is the existing house on the top showing the existing lot line in the center, and then the proposed house below that.

These are the site statistics for the property which shows that we're not requesting any kind of relief whatsoever from FAR, lot coverage, impervious surface coverage, any of those type of criterion.

There is one variation that's in your packet, and that's kind of an issue that I'd actually like to discuss with you. Again, that interpretation from you, the Plan Commission, on how do we actually figure established front yard setbacks. Currently, the established setback is measured from the front wall of the existing house on 614. I've always used the definition of front yard in the zoning ordinance which says the farthest forward point of

the principal structure as a measuring point to establish the setback across for the whole block.

In this particular case, we went to the front of the front porch. The variation that we're requesting is not necessary. But the way it's calculated currently, it's for the front wall of the house which creates what is a 10-inch or so variation for the garage. So, I just wanted to ask actually for clarification purposes for this point forward how exactly we should measure the front yard of existing houses.

CHAIRMAN ENNES: I think that's more of a question for Staff.

MR. HUBBARD: Chairman, yes, we've been over it with the Petitioner, the way that it's been calculated and required the variance as how it's done. This had been discussed with both of my colleagues and the Deputy Director of Planning. The way it's calculated which requires a variation is how the front yard setback is calculated.

CHAIRMAN ENNES: The minor 10-inch setback, right?

MR. FLUBACKER: Right, right. Even with the variation, we're still dramatically farther than the code required, the 25-foot setback of that area.

COMMISSIONER LORENZINI: Excuse me, just to follow-up on the whole discussion, could you put up the site plan again and kind of point out what you're talking about?

MR. FLUBACKER: If you look on the existing site plan, you'll see there's a small porch on the front of the house. It's a portico. The portico exceeds the eight by 10, or I'm sorry, five by 10 roof edge to roof edge exception that's in the zoning ordinance for porticos in the front of the front lot line. So, technically, you know, at least in my opinion, the front of the porch would be the front line of the principal structure. But the Village has calculated to the front wall of the house rather than the front of the portico.

COMMISSIONER LORENZINI: Thank you.

MR. FLUBACKER: So, the issue with the sidewalk, my client has no objection with putting in a sidewalk as long as it isn't just an extension of the sidewalk that goes to nowhere. There's currently a sidewalk to the house to the south. There is not anymore sidewalks on the rest of Hadow I believe all the way up to Hawthorne.

MR. KURZYNSKI: So, of the four lots left, one, two, three, four lots, there's one that has a sidewalk. The corner one, based on geography, will never have a sidewalk based on the geography. Then the two lots immediately to the north of me also did not have a sidewalk. So, I think the challenge is spending all that money on a sidewalk that just really doesn't go anywhere, it seems to me wasteful.

CHAIRMAN ENNES: Sam, can we go to an aerial to show us what they're talking about?

MR. HUBBARD: I do have an aerial. It's in my communications. We actually did talk to the neighbor on the corner who said she will never, ever, and they've already remodeled their house, there's no variations coming in front of the Plan Commission that will force them to put a sidewalk in. Bear with me here for a moment.

So, the proposed sidewalk would go right across the front of the lot here and would connect with the existing sidewalk to the south. There is no sidewalk currently here, but there is a sidewalk on the property to the north.

MR. KURZYNSKI: Then again it breaks up, there is none on the other side of that property.

MR. HUBBARD: Correct. The sidewalk here is just kind of a floating sidewalk. There is no sidewalk on this side and there is no sidewalk on the side of the property

to the north.

CHAIRMAN ENNES: But Sam, so if that owner in 624, if they sold their house, would it be subject to putting in a sidewalk? Or would they have to be coming in, would a new owner have to come in for some kind of a change or an addition and then they'd be required to put in a sidewalk?

MR. HUBBARD: Correct. The trigger for a sidewalk is a plat of subdivision or consolidation. If this property owner was to consolidate the two lots, let's say they wanted to bring one large home here, depending on whether or not this is considered a zoning lot, one zoning lot, I don't know. But if a plat of subdivision was required to consolidate the lots, then they would be also required to put in a sidewalk as well.

CHAIRMAN ENNES: Okay, and the idea is to get sidewalks through the whole neighborhood eventually?

MR. HUBBARD: Correct.

CHAIRMAN ENNES: And it takes changes to get these done.

MR. HUBBARD: Correct.

MR. KURZYNSKI: But we also note that corner will never, ever change.

CHAIRMAN ENNES: Well, somebody else may buy it but that's, okay.

MR. KURZYNSKI: Yes, well, based on geography, I think you saw the geography, you would see that a sidewalk is virtually impossible on that corner lot.

CHAIRMAN ENNES: Okay.

MR. FLUBACKER: The other, one of the conditions that's listed in the approval is also a fee in lieu of for a detention. I just would like to ask if that can be waived. It seems kind of contrary to typical thinking, that going from two lots to one lot would trip a mechanism that we have to now either put in a detention or pay the fee in lieu of for detention.

MR. KURZYNSKI: Versus subdividing, is that what you mean?

MR. FLUBACKER: Yes, if this was a, you know, large parcel you're subdividing into, you know, five or 10 lots, it makes more sense there. That's kind of what the requirement of the watershed management ordinance is. But when it's two existing lots that's being consolidated into one, it doesn't really seem like an event that would constitute adding more detention.

CHAIRMAN ENNES: Okay, well, let's proceed. We can address that with questions from the Commissioners and after we hear the Staff report.

MR. FLUBACKER: Correct, yes, thank you. So, I'm done.

CHAIRMAN ENNES: Okay, anything else? No, okay. Thank you. Sam, can we have the Staff report?

MR. HUBBARD: Certainly. So, the subject property is located at 608-614 North Haddow. It's composed of two existing lots of record. As you've heard, the Petitioner would like to consolidate both of those lots into one singular lot to allow for the construction of a large addition to the home. The property is within the R-1 Zoning District, that's the One Family Dwelling District. The proposed use and continuing use as a single-family home is compliant with the R-3 designation. Additionally, the Comprehensive Plan states that this property is appropriate for single-family detached uses, and again the single-family home on the site is compliant with the Comprehensive Plan.

The Petitioner is requesting this evening a preliminary plat of subdivision to consolidate the two lots into one. That means that once this, assuming that this is

approved by the Plan Commission and the Village Board, the Petitioner will ultimately have to come back before the Plan Commission for final plat of subdivision approval. Once engineering has been finalized, reviewed and approved by the Village, they would come back before the Plan Commission. Additionally, as you've heard, one variation is required; that is a variation to front yard setback from 34.6 feet to 33.9 feet.

Here's the aerial of the property. The subject property is bounded by a red line. As you can see, the thinner kind of beige colored lines represent the existing lots of record. You can see the original plat of subdivision in the area involved two lots here, and again the Petitioner is proposing to consolidate them into one lot.

This is a requirement that was placed in the code around 2003. What was happening around that time was that there were individuals purchasing two lots in established subdivisions. They were tearing down one or both of the homes on those lots, and then they were constructing one singular large home on the lot, also what's called a McMansion if you've heard of that term. The reason this requirement was placed in the code was because there were some existing single-family neighborhoods with all similar size lots around either 50, 60 or 70 feet wide, and when you have a block that has uniform homes like that and then you tear down two of the homes and you build one larger home, it kind of disrupts the fabric of a neighborhood or can be interpreted to disrupt the fabric of a neighborhood and the harmony of these established neighborhoods. So, for this reason, the Village established a regulation that gave the public, through the Plan Commission and Village Board process, sort of an oversight on when that could be done, so as to preserve kind of the established character of some of these neighborhoods.

The plat of subdivision is shown here. As the Petitioner mentioned, 33 feet of the property actually overlaps into the street and, as part of the subdivision process, must be formally dedicated as public right of way. The plat of subdivision is showing this. The resulting lot consolidation would yield one 17,265 square-foot lot. So, any time Staff evaluates a subdivision or a consolidation, first we make sure that the lot sizes conform to the zoning regulations. In this case, the proposed lot does with the exception of the front yard setback for the addition. But beyond that, we also look to make sure that the proposed lot sizes are consistent with the neighboring lot sizes in the vicinity.

Traditionally, the first place we start is on the frontage, so that would be all of the homes on the block that front the street between two perpendicular streets. In this case, there are four homes that front on the western side of Haddow Avenue. The proposed lot size at 17,000 square feet would not be the largest lot on this frontage, and it's generally consistent with what's already out there. The average lot size on this frontage is about 12,000 square feet, and a 17,000 square-foot lot size is within the range of what's acceptable. Basically, what we're trying to do here is make sure that there is not one extremely large lot surrounded by multiple smaller lots which, you know, could be perceived to disrupt the fabric of an established neighborhood. So, in this case, we don't believe that's what's happening, and we are supportive of the proposed subdivision to consolidate.

As mentioned, there is a required variation to reduce the front yard setback. Relative to the four standards of variation approval, the Petitioner has provided their justification. Staff believes that the necessary criteria for variation approval have been met. Specifically, the proposed use as a single-family home will not alter the essential character of the locality. There are only single-family homes around here. There is no change in the proposed

use on the site, and it is in harmony with the essential character of the locality.

Additionally, we feel like the plight of the owner is between two unique circumstances. In this case, all of the other homes on the frontage which determine what the required setback is are all set back well beyond the required 25-foot setback, the standard 25-foot setback in the R-3 District. So, when you have an established block with homes already developed, an average of all those setbacks are what determines the setback for the entire frontage. In this case, the average is beyond the minimum 25-foot code required standard setback in the R-3 District, so it creates a unique circumstance just in this area to where we feel like the variation is justified.

Additionally, the proposed variation is in harmony with the spirit and intent of the chapter. One of the purposes of the zoning code, and specifically setbacks in general, is to ensure that all properties have adequate light, air, privacy, and convenience of access. A 33, basically 34-foot front yard setback is suitable to provide air, light, privacy and access.

Then finally, visually, the proposed home and building addition will conform to the average setback of the homes on the west side of Hadow Avenue in the vicinity of the subject property. The homes here are set back 38.1 feet, 31.1 feet, and 34.4 feet. The subject property will have a 33.9-foot setback, it's actually right in the range of what's already out there. Visually, you're really not going to notice that this building addition encroaches eight feet beyond the front of the home, so, you know, I don't think --

MR. FLUBACKER: Eight inches.

MR. HUBBARD: Eight inches beyond the front of the home, I don't think anyone would really notice it unless they were looking at it on a plan.

So, that being said, we are recommending approval of the subdivision and the variation subject to four conditions. One, that the final plat of subdivision is required. Two, a fee in lieu of onsite detention of roughly \$3,800 will be required at the time of building permit issuance. This is a standard requirement for any subdivision. You know, even a consolidation, it's also required. The waiver of this fee or a variation to waive this fee would not be supported by the Planning Department, nor would it be supported by the Engineering Department. Additionally, we're recommending a condition that all AC units be located in the rear yard, or alternatively, in the side yard, and screened by landscaping as determined to be suitable by the Village. Finally, that the Petitioner comply with all federal, state, and Village codes, regulations, and policies. Thank you.

CHAIRMAN ENNES: Thank you, Sam. Can we have a motion to approve the Staff report?

COMMISSIONER JENSEN: So moved.

CHAIRMAN ENNES: And a second?

COMMISSIONER SIGALOS: I'll second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anybody opposed?

(No response.)

CHAIRMAN ENNES: Sam, a couple of quick questions before we move on. This setback question, is this what is triggering the requirement for the sidewalk?

MR. HUBBARD: The setback? No, the subdivision is what triggers the

requirement for the sidewalk.

CHAIRMAN ENNES: So, the consolidation.

MR. HUBBARD: Correct.

CHAIRMAN ENNES: Okay, the fee in lieu of is for floodplains, for detention. We have these other mansion properties that have been built in the area. Have they all paid that?

MR. HUBBARD: Any time a property has been subdivided, they would be required to provide either stormwater detention on the site or through a fee in lieu of that's, you know, a small subdivision, you can pay the fee in lieu of. So, only if those McMansions went through a consolidation process would they be required to provide that fee.

CHAIRMAN ENNES: Okay, thank you. Commissioner Cherwin, would you like to start with questions?

COMMISSIONER CHERWIN: I will, thank you. So, Sam, really quick. Remind me again, if they were to build the, I guess let me, the delta in the impervious surface from house existing to proposed house, remind me of that again. Is that, I think, did you put it in your slide or did the Petitioner put it in their slide?

MR. HUBBARD: That would be 50 percent for the overall lot. That's what the maximum allowable impervious surface --

COMMISSIONER CHERWIN: Regarding the change, I'm saying the change from current state of impervious surface to future state of impervious surface.

MR. HUBBARD: I believe that's in the Petitioner's --

COMMISSIONER CHERWIN: I saw it somewhere, I apologize, I don't have it right in front of me. Mr. Flubacker might have it in his. I saw a grid up there.

MR. HUBBARD: It may have just, let's just double check it.

COMMISSIONER WARSKOW: I think that was compared to code, not pre and post.

COMMISSIONER CHERWIN: Oh, is that what it was, compared to code?

COMMISSIONER WARSKOW: Yes.

MR. FLUBACKER: It's in the round one Staff comments.

COMMISSIONER CHERWIN: Oh, I got you, okay.

MR. FLUBACKER: There is a detention calculation.

COMMISSIONER CHERWIN: Yes, all right.

MR. FLUBACKER: I mean outside, I can't tell you what it's saying. It's 0.087 acre feet of detention is what --

COMMISSIONER CHERWIN: I guess the only reason I ask is, is there a significant increase which, you know, I look at these things and it's always tough to, you know, if the impervious surface is not, you know, increased or there's not a huge increase in the potential runoff and everything, you know, I know what's in the code but I think that's just, you know, always a concern as you don't want to put burden on just for the sake of, you know, the lines are being redrawn if the surface itself is not generating something that would justify increased burden on the system.

MR. HUBBARD: Can I, I think I can answer that question for you.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: In order to allow for the building addition, the lots need to be consolidated.

COMMISSIONER CHERWIN: Yes, right.

MR. HUBBARD: Because without the building addition, without consolidation, the second lot is not buildable.

COMMISSIONER CHERWIN: Right, I get that.

MR. HUBBARD: So, essentially, you cannot put any impervious surfaces on the second lot without consolidating the two lots together.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: So, the consolidation process allows more impervious surface coverage which in turn generates more stormwater runoff.

COMMISSIONER CHERWIN: Yes, okay, all right. So, that's fair. I guess that's just always something that's on my mind when people are administratively going through things. But now I get where you're coming from.

The other thing would be, you know, I had this issue when we were, I think there was the house up on Palatine Road where there was a sidewalk. I think the Petitioner has this sidewalk to nowhere. You know, it's always a concern of mine that we're forcing these expenses on folks when in reality what does it give us? I don't disagree that it's nice to then take on the cost of that infrastructure as we go on, as people are coming to us. I don't know that, you know, another hundred and so feet of sidewalk, you know, to another dead-end really gets us anywhere.

My preference would be to not put that on the Petitioner at this time, but potentially put some kind of restriction on the plat or whatever for maybe a special assessment for when that sidewalk gets completed to the north. Then there's an opportunity for recapture of costs but not to necessarily put that burden at this time because I don't think there's really anything that, any benefit that comes out of it for the Village or for the people around the neighborhood. So, that would be my concern. I am sympathetic to the Petitioner's request to waive the requirement for sidewalk.

I think that was, I think those were my questions. So, I guess I'll just defer to the rest of my colleagues.

CHAIRMAN ENNES: Commissioner Sigalos?

COMMISSIONER SIGALOS: Yes, I really don't have any further questions. I was at the Conceptual Plan Review meeting, heard everything, saw everything. I certainly like this addition much better than what we had, what, a year or two ago with all the accessory structures and so forth. So, I think this is a great improvement, so I really have no further questions at this point.

CHAIRMAN ENNES: Commissioner Drost?

COMMISSIONER DROST: Yes, just a comment on the sidewalk. Never say never, and I think Commissioner Cherwin's solution is a good one, to impose a restriction; in case that 'never' does occur, that there is some protection for the Village.

Looking at the neighborhood on the west side of the street up Haddow, there seem to be sidewalks that connect up all the way through that block. I always like symmetry and it would be nice to have sidewalks on the Petitioner's side of the property.

COMMISSIONER CHERWIN: You mean on the east side of the property?

COMMISSIONER DROST: Yes, right. So, you know, from the standpoint, and I've been in neighborhoods where, you know, there's sort of a patchwork of sidewalks and it's sort of annoying when you're walking and then you get kind of spooked because you're

walking on grass and uneven services. But again, I wouldn't impose that requirement at this time on the Petitioners to have the addition of the sidewalk, but would perhaps include a restriction in the ordinance that if the property to the north does get developed, that there would be a like improvement on the Petitioner's property. Done.

CHAIRMAN ENNES: Let's go to Mr. Green. I think you'll have a lot of light to shed on this. Being the architect.

COMMISSIONER GREEN: I have a question for you, Bob, if you'd just come up?

MR. FLUBACKER: Fire away.

COMMISSIONER GREEN: It's kind of a simple one. Why didn't you just move the wall back 8.5 inches?

MR. FLUBACKER: It has to do the vehicles that are in the garage and the need for storage. We are getting rid of a detached garage that was used as kind of a specialty building for a specialty car, and the bump-out of the front of the garage is used for that. Again, our calculations for the established setback did not require the variations. When we got into this process and started going through it, the requirement for the variation, you know, kind of reared its head.

COMMISSIONER GREEN: Been there before and experienced similar things. I was just wondering why, it would be simpler just to move it back, the whole garage piece. But that was a good enough explanation, Bob, really, it's good.

MR. FLUBACKER: By the way, as best I can determine from the calculations for the detention, it looks like they're using all impervious surface for their calculation fee in lieu of rather than a change in impervious surface from the current situation to the proposed situation. So, I would be penalized for existing, impervious that exists.

COMMISSIONER GREEN: Been there on that one as well, Bob. Thank you.

MR. FLUBACKER: Yes.

COMMISSIONER GREEN: That's it.

COMMISSIONER LORENZINI: Bob, would you mind going back up please? I know Bruce is going to kick me when I ask this question, but what is a working pantry?

MR. FLUBACKER: Again, in general terms, it's a kitchen that you don't want people to see. So, it's where the coffeemaker is, the toaster, the appliances that you keep out on the cabinets all the time. It's meant for all the kind of clutter that's normally on kitchen countertops.

COMMISSIONER LORENZINI: Okay, I was just curious.

MR. FLUBACKER: It's also a prep station for the grill.

COMMISSIONER LORENZINI: Yes, what was in that ellipse area before? Just plantings?

MR. FLUBACKER: There's a couple of trees that are inside the ellipse, and it's basically a small stone ribbon if you will, some stone blocks that are like a foot, foot-and-a-half long that kind of created that ellipse.

COMMISSIONER LORENZINI: All right, thank you. Sam, could you go back to that site statistics slide? So, I'm still confused about the fee in lieu of. I mean they meet the FAR requirements, right?

MR. HUBBARD: They do meet the floor area ratio.

COMMISSIONER LORENZINI: So, what's triggering the cost?

MR. HUBBARD: The fee in lieu of detention? Any time a property is subdivided, they're required to provide for detention to accommodate for that subdivision, small subdivisions, rather than impose a requirement for onsite detention on a property like this.

COMMISSIONER LORENZINI: But you won't need onsite detention if calculations showed you don't need outside detention. Just because you build something doesn't necessarily mean you need onsite detention, right, if you have enough pervious surface, if you're --

MR. HUBBARD: If you're putting impervious surface on the property, you're going to be creating some sort of stormwater runoff and that's going to be either contained in an onsite detention area, or if there's none installed, it would go into the Village's system and would be accommodated in the Village's storm sewer system.

COMMISSIONER LORENZINI: Or is there a third option, that it will just percolate into the ground if there's enough open area?

MR. HUBBARD: That can happen with any rain event, sure. I mean, you know, during a large rain event, that's either going to drain off the property or into an onsite storage facility on the property.

COMMISSIONER LORENZINI: I mean when I put my addition to my house, I don't remember having to justify, it's also -- pardon me?

COMMISSIONER GREEN: You didn't consolidate.

MR. HUBBARD: Right, you didn't consolidate. The consolidation process is allowing this property to accommodate more impervious surface than it would be if it wasn't consolidated.

COMMISSIONER LORENZINI: So, we're doing this because of the consolidation process, not because it's necessarily needed.

MR. HUBBARD: Well, both.

MR. FLUBACKER: If I could interject one other thing? The watershed management ordinance, the state of Illinois ordinance, this project does not apply. It's below the threshold for the state watershed management ordinance. But there's actually unique Arlington Heights requirement that any consolidation or any subdivision, they have detention applicable to them. So, kind of another reason that I think it's not really all that applicable in this particular case.

If the calculation were changed to the change in impervious surface from what's there now to what will be, I think my client would be more amenable to that. For instance, we were doing a commercial structure in town and we were doing an addition to it, a detention we would need to provide would be based on the change in impervious surface rather than all existing impervious surface as well.

MR. HUBBARD: If I may, Commissioner Lorenzini? Without this consolidation, the vacant lot to the south is unbuildable. They can't put impervious surfaces on it. When they consolidate both properties, it's all one property. Now you can put additional impervious surfaces on that southern vacant lot, so the consolidation is increasing their ability to add impervious surfaces to the property. That's why.

COMMISSIONER LORENZINI: Well, I understand that. But it still doesn't prove you're creating runoff off the property.

MR. HUBBARD: When you put impervious surfaces on a property, not as

much rain is going to penetrate into the ground.

COMMISSIONER LORENZINI: Right, but you still have pervious surface left that could be, it could be adequate to take any rainfall.

MR. HUBBARD: Well, those are still going to take any rainfall that they can accommodate, but not as much because you are adding additional impervious surfaces.

COMMISSIONER LORENZINI: Okay, so if he was to put a two by two square-foot building, he'd still have to put or pay for detention because he's putting some impervious surface on there that's not there now? So, it has nothing to do with the size, it's just the fact that he's doing it?

MR. HUBBARD: If he, well, he wouldn't be allowed to put a two by two building on the southern lot.

COMMISSIONER LORENZINI: Well, okay, or maybe four by four or 10 by 10.

MR. HUBBARD: Or 10 by 10. None of that would be allowed on the southern lot because that's not a buildable lot until the property is consolidated.

COMMISSIONER LORENZINI: Okay, but consolidate it and then you put a 10 by 10 building there, no, you can't convince me that that would require --

MR. HUBBARD: Well, if the lots are consolidated, you'd have the right to add more impervious surfaces; therefore, you have to pay a fee in lieu because you have the ability now to add more impervious surfaces. The Village can't tell them no, you can't add impervious surfaces to the site because it would comply with zoning. He can now add more impervious surfaces to the site. He may not be physically doing it if he didn't add anything and just consolidated the lot, but he has the ability to do that now because the lot is consolidated.

COMMISSIONER LORENZINI: Okay, all right. Well, I'm still not totally convinced but let's move on.

CHAIRMAN ENNES: Just a comment on that. Sam, Arlington, we have special ordinances here because we have floodplain issues that the state might not have. We have to deal with that on our own. Whether this neighborhood has flood issues or not, if the amount of ground that is covered is increased with impervious surface, that water in a storm runs off and it's going to slow down the amount of water that can be taken off of other lots in town, is that correct?

MR. HUBBARD: Sure.

CHAIRMAN ENNES: So, it's not just what affects your property but it's what the Village is trying to do within the community as a whole.

MR. HUBBARD: Sure, yes.

COMMISSIONER LORENZINI: Well, that explanation is reasonable, sure. Okay, Sam, go on to page two. I'm just kind of curious, under Project Background, the first paragraph, second to the last sentence. The previous owner applied for a variation in 2001, but was rejected by the Zoning Board of Appeals. Do you know why?

MR. HUBBARD: I do not know why.

COMMISSIONER LORENZINI: Okay, that's fine, just curious. Okay, now the other side of the coin, as far as the sidewalk goes, I've spent several years on the board approving improvements, too, and have dealt with a lot of sidewalks and water lines. If a sidewalk is required, even though it may not go anywhere, I think it needs to go in because the person to the south had to fill his sidewalk in, he could have asked for the same variance but he

had to put the sidewalk in. So, I think a sidewalk should go because that's the, you know, the intent of the Village to eventually get a complete sidewalk through there. That's all I have.

CHAIRMAN ENNES: Commissioner Warskow?

COMMISSIONER WARSKOW: Yes. I just want to ask about the viability of what Commissioner Cherwin is suggesting in terms of delaying the necessity of the sidewalk until the northern property is developed. Is that something that the Village can address legally and relatively easily?

MR. HUBBARD: Sure. The Plan Commission can add a variation to waive the requirement for installation of a sidewalk during the subdivision process, which sidewalk is a code requirement. Additionally, the Plan Commission can add a condition of approval that would require either that sidewalk to be put in at a future time when the sidewalk to the north was constructed; or what I would recommend as an alternative to that if the Plan Commission did not feel that the sidewalk was necessary at this time is, and this is consistent with what we've done in the past, to require the Petitioner to enter into an estoppel agreement that would restrict their ability to object to a future special assessment on the property for the Village to raise funds to complete the sidewalk through the entire neighborhood.

COMMISSIONER WARSKOW: Okay, so there are viable options that the Village can keep track of and implement as the time requires.

MR. HUBBARD: Yes. I think if the Plan Commission wanted to move forward to waive the requirement, the Planning Department would not be as favorable toward a condition that required the sidewalk to be constructed when the sidewalk to the north is added because there is a great chance that that condition is going to be lost in the annals of time.

COMMISSIONER WARSKOW: That's what I'm getting at, like is there a situation where that condition gets lost and it's not actually implemented. So, that's what I want to make sure of is there are triggers to some event and somebody can find this condition and actually require and have it implemented.

MR. HUBBARD: A condition can be added. If that happens 20 years in the future when the property to the north puts in a sidewalk and I'm no longer here, Jake isn't here, then it's very possible that the condition could be lost and nobody would know it exists.

COMMISSIONER WARSKOW: Okay, but your latter option, I'm sorry, I'm not familiar with the terminology that you used but the latter option about the special assessment, is that something that could be better tracked? Or is that equivalent in terms of conditions potentially being lost?

MR. HUBBARD: That could be lost, too, but I think it's more common that the Village has done that and probably easier to track, although certainly possible that it could be lost. I think the Planning Department would support the requirement to add the sidewalk at this time.

COMMISSIONER WARSKOW: Okay, thank you.

COMMISSIONER JENSEN: Well, it looks like the Commission could give you half a loaf of what you want. Basically, you're going to have to pay that fee in lieu of because of your, you know, you're doing the consolidation. But we can probably give you a little relief, and I do like what you have proposed and sort of building on what Commissioner Cherwin originally said. So, I would be in favor of that estoppel so that when the Village wants to develop that part of the infrastructure, that they would be assessed something as well as the other people there. So, I would be in favor of doing that, and we're not going to do anything about the

arcane thing related to the fee in lieu of so I don't think there's an issue there.

CHAIRMAN ENNES: Thank you, Lynn. The Petitioner, you had I think a question a few minutes ago? You stood up. Did you still want to ask that?

MR. KURZYNSKI: Yes, I think there were some questions going back and forth. So, for many of you, a couple of years ago when we came to additional plans, we were removing the two-car garage, putting in a three-car garage on the same lot and adding an addition. It was suggested from the Plan Commission to actually move that to the south.

CHAIRMAN ENNES: To the other lot.

MR. KURZYNSKI: And consolidate the lots.

CHAIRMAN ENNES: Right.

MR. KURZYNSKI: So, we simply did that. We just moved all that building over to the south.

CHAIRMAN ENNES: Right.

MR. KURZYNSKI: We were removing that two-car garage, we're not keeping it. We're putting in a three-car garage and we're adding space between the two, same as we would have added to the back of the house. So, from the owner's perspective, we're just abiding by the suggestions that you had when I was here last time.

CHAIRMAN ENNES: Right. We consider the facts, but --

MR. KURZYNSKI: But now we're here for the consolidation of lots. There's a fee that triggers, and it's not a big fee, you know, I'm not going to cry over it, I'm not going to not do the project over it.

CHAIRMAN ENNES: Right.

MR. KURZYNSKI: But that's the, I just wanted to have that put on the --

CHAIRMAN ENNES: As a homeowner, I understand where you're coming from.

MR. KURZYNSKI: Yes.

CHAIRMAN ENNES: But on the same token, we might make suggestions but they're subject to the Staff going back and seeing if it's possible.

MR. KURZYNSKI: This is not a blame game, I'm just saying instead of removing it from --

CHAIRMAN ENNES: No, I know.

MR. KURZYNSKI: To me, it seems like the same thing, you know.

CHAIRMAN ENNES: Right, right.

MR. KURZYNSKI: But I realize it's triggering special circumstances of sorts.

CHAIRMAN ENNES: I understand. But okay, I think we have kind of an agreement here. Do we have a motion?

COMMISSIONER DROST: Nobody from the audience?

COMMISSIONER WARSKOW: I don't know the terms. Somebody else make this motion.

COMMISSIONER CHERWIN: I'll make a motion.

CHAIRMAN ENNES: Wait, excuse me. George raised a point. Is there anybody from the audience that wanted to make a comment? I didn't think so. So, yes.

COMMISSIONER CHERWIN: It's an important part of this whole kind of hearing.

CHAIRMAN ENNES: Yes, it is. It is.

MRS. KURZYNSKI: I just thought I'd say I'm in agreement with my husband on the contiguous, I'm not good with the terminology either, but a couple of years ago we were here and we wanted this project to move forward.

CHAIRMAN ENNES: I remember.

MRS. KURZYNSKI: And just like now, we've got to move this all over here. Now we've abided by it and we're now moving it over here. You might approve but, oh, here's a fee. So, that's fine.

CHAIRMAN ENNES: It's good to know you're in agreement.

MRS. KURZYNSKI: I'm in agreement.

COMMISSIONER CHERWIN: So we just note for the record, the name of the speaker?

MRS. KURZYNSKI: I'm Tanis Kurzynski, I'm the wife of Terry.

COMMISSIONER CHERWIN: Thank you.

CHAIRMAN ENNES: Did you get that for the record?

MRS. KURZYNSKI: T-a-n-i-s.

COMMISSIONER CHERWIN: Real quick. So, Sam, if I were to propose a relief on that sidewalk, would you want me to put that in the form of an additional number two essentially there? Or will we put it in condition number five?

MR. HUBBARD: I think it should be a condition number five.

COMMISSIONER CHERWIN: Okay, all right. That's fine.

MR. HUBBARD: And I have some language if you want to copy that.

COMMISSIONER CHERWIN: Well, I'll make it general, how's that? Then you can fill in the blanks, does that sound okay?

MR. HUBBARD: Sure.

COMMISSIONER CHERWIN: Okay, a motion.

A motion to recommend to the Village Board of Trustees approval of PC# 18-016, Preliminary Plat of Resubdivision to consolidate two lots into one, and the following variations:

1. **Chapter 28, Section 5.2-3.2(a), *Required Yards*, to reduce the required front yard setback from 34.6 feet to 33.9 feet.**
2. **A variation to waive the requirements in the subdivision code for a sidewalk along the front of the property.**

This recommendation shall be subject to the following condition:

1. **Final Plat of Subdivision shall be required.**
2. **Prior to building permit issuance, a \$3,805 fee in lieu of onsite detention shall be required.**
3. **All AC units shall be located in the rear yard. Alternatively, AC units may be located within the side yard provided that they be screened with landscaping as determined suitable by the Village.**
4. **The Petitioner shall comply with all federal, state, and Village codes,**

- regulations, and policies.**
- 5. Prior to building permit, the Petitioner shall enter into an estoppel agreement with the Village that would restrict their ability to object to a future special assessment for a sidewalk along the western side of Haddow, south of Hawthorne, north of Euclid.**

COMMISSIONER CHERWIN: An added condition, that this motion would approve a conditional waiver of the requirement to build a sidewalk as part of this approval will be contingent upon the Petitioner entering into an adequate estoppel arrangement with the Village to provide for the future installation of a sidewalk and the Petitioner being estopped from objecting to a special assessment for the cost of the installation of a sidewalk, and for the Village to take whatever steps necessary to either record that estoppel or memorialize that estoppel for future reference.

COMMISSIONER DROST: Yes, and the triggering would be the establishment or the creation of the sidewalk to the north?

COMMISSIONER CHERWIN: Yes, the trigger --

COMMISSIONER WARSKOW: No.

COMMISSIONER DROST: No?

COMMISSIONER CHERWIN: I think I'll leave it at what I've said.

MR. HUBBARD: Just to clarify, your motion is to grant or recommend approval of the preliminary plat of subdivision to consolidate plus the variation to the front yard setback, and you're adding a second variation to waive the requirements in the subdivision code for a sidewalk along the front of the property. So, you're adding a variation.

COMMISSIONER CHERWIN: Okay, yes. So, that was kind of my original question. So, that sidewalk would go into number two as a second variation. Does that adequately --

MR. HUBBARD: Yes, and then you'd be adding the fifth condition to require, prior to building permit, that the Petitioner enter into an estoppel agreement with the Village that would restrict their ability to object to a future special assessment for a sidewalk along the western side of Haddow, south of Hawthorne, north of Euclid. Is that accurate?

COMMISSIONER CHERWIN: Yes.

CHAIRMAN ENNES: That sounds good.

COMMISSIONER JENSEN: Do you need a second?

CHAIRMAN ENNES: Yes.

COMMISSIONER JENSEN: Second.

CHAIRMAN ENNES: Okay, could we have a roll call vote?

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes, with comment.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes, with comment.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes, with comment.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes, with comment.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

CHAIRMAN ENNES: Could you read them back from whomever was the comment first?

COMMISSIONER DROST: I have no comment on this petition.

MR. HUBBARD: So, Commissioner Drost, Lorenzini, Commissioner Green.

COMMISSIONER GREEN: What kind of car do you put in the garage that you need extra space for? If you don't mind me asking.

MR. KURZYNSKI: Well, we discussed that before. I have a '69 Camaro.

COMMISSIONER GREEN: Beautiful.

MR. KURZYNSKI: That I've had since I was 16, same exact car.

COMMISSIONER GREEN: In that case, the 8.5-inch variation makes more sense to me now. Thank you.

MR. KURZYNSKI: If you see my seven and nine-year-olds with bikes, you would understand.

CHAIRMAN ENNES: Wait until he's 16.

COMMISSIONER GREEN: He can't drive that car, forget that.

CHAIRMAN ENNES: You wait. Joe?

COMMISSIONER LORENZINI: Yes, I think the sidewalk should go on.

The house to the south was made to put a sidewalk in. The intent of the Village is to have continuous sidewalks when possible. I don't think it's fair to the guy who had to put it in to the south and not have to put it in now. As far as the way it looks, I think it's going to look even sillier with the house to the south just having a sidewalk and nobody else. That's all.

CHAIRMAN ENNES: My comment is ditto that. I really think when we pass an ordinance like this, if they're not done piecemeal as they come up, they're never going to get done. But I'm not going to hold up the project for that. There was one more comment?

COMMISSIONER CHERWIN: Yes, I was just, mine was kind of the inverse of Joe where I just, the reason for that is I think it looks, I don't think it's, you know, to have one house without a sidewalk is kind of an inverse to me to kind of complete it knowing that it's not going to be completed to really get the feel or the need of the continuous sidewalk. I'm fine with requiring to complete but I really do think that it should be done somewhat in unison, and there's, you know, repair and maintenance and everything that goes along with that, too.

So, it's not, you know, I don't want to give the idea that we're letting people off the hook here. I just think that there's probably a more appropriate time to do it more comprehensively, and so that's the reason for that.

CHAIRMAN ENNES: You have the unanimous approval of the Plan Commission, and you get to go to the Village Board now and see if they agree with that change.

MR. KURZYNSKI: Thanks very much.

CHAIRMAN ENNES: Good luck with your project though.

MR. KURZYNSKI: Thanks.

CHAIRMAN ENNES: It should be a nice addition to Arlington Heights.
MR. KURZYNSKI: Hopefully we can get to it.
(Whereupon, at 8:43 p.m., the above-mentioned petition was
adjourned.)

