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PLAN

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

COMMISSION

RE: 1400 WEST THOMAS STREET SUBDIVISION - PC# 18-025
PRELIMINARY PLAT OF SUBDIVISION, REZONING, COMPREHENSIVE PLAN
AMENDMENT

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 27th day of February, 2019 at the hour of 8:34 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

SAM HUBBARD, Development Planner
JACOB SCHMIDT, Assistant Planner

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CHAIRMAN ENNES: Okay, I want to move ahead. Our second petition is 1400 Thomas Street Subdivision, PC#18-025. If I can ask the Petitioner and anybody else that is going to speak with her to come forward? I want to also thank you very much for allowing that move. I realize that that required you to sit around here a lot longer than you would have otherwise.

MR. HEIDKAMP: No problem, we're happy to do it.

CHAIRMAN ENNES: Yes.

MR. HEIDKAMP: My name is Marc Heidkamp, M-a-r-c H-e-i-d-k-a-m-p. This is my wife Marcie Glueckert, M-a-r-c-i-e G-l-u-e-c-k-e-r-t. We're here to --

CHAIRMAN ENNES: Okay, I would like to swear you in.

MR. HEIDKAMP: Oh, okay, go ahead.

(Witnesses sworn.)

CHAIRMAN ENNES: Okay, thank you very much.

MR. HEIDKAMP: Thank you.

CHAIRMAN ENNES: So, if you would tell us about your project? And let me ask you a question right here at the outset.

MR. HEIDKAMP: Sure.

CHAIRMAN ENNES: There are a number of conditions with your petition, there's 10 conditions. Are you familiar with all of these? And are you agreeable to them?

MR. HEIDKAMP: I believe number eight was the only one that we had a question on.

CHAIRMAN ENNES: Okay.

MR. HEIDKAMP: I believe the rest of them we're okay with.

CHAIRMAN ENNES: Are acceptable, okay. Well, we'll review that with you.

MR. HEIDKAMP: We'll go through it, okay.

CHAIRMAN ENNES: And you can tell us. But please tell us about --

MR. HEIDKAMP: So, we're just, you know, local home people and we haven't done this before, so any help you can provide us with would be appreciated. But we're looking simply to subdivide, you know, the lot that we own. Currently, the lot is zoned R-E and we would like to have it rezoned to R-3. It's pretty simple as far as we're concerned, but I'm sure, you know, you'll have a lot of questions and we'll be happy to try and answer them.

CHAIRMAN ENNES: That's your whole --

MR. HEIDKAMP: I don't, I mean, you know, she can talk a little bit. Let her talk.

MRS. HEIDKAMP: What we're seeking is of course the rezoning from R-E to R-3.

CHAIRMAN ENNES: R-3.

MRS. HEIDKAMP: In December of 2017, we experienced a fire on the property. Since then, there have been issues with the insurance company in working to try and subdivide the property.

CHAIRMAN ENNES: The fire was about a year ago?

MRS. HEIDKAMP: Yes.

CHAIRMAN ENNES: It's been vacant since then?

MRS. HEIDKAMP: Yes.

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CHAIRMAN ENNES: Was it ever occupied?

MRS. HEIDKAMP: Yes, it was.

CHAIRMAN ENNES: Okay, go ahead.

MRS. HEIDKAMP: The property is 200 by 100. We'd like to divide it into two pieces of property, 100 by 100. That's what we're seeking to do.

MR. HEIDKAMP: Yes, I mean, we don't have any other issue or questions.

CHAIRMAN ENNES: You want to talk to us about number eight?

MRS. HEIDKAMP: The installation of the storm sewer improvements deemed acceptable by the Public Works Department and Engineering Division shall be required prior to the issuance of the building permit for Lot 1 or 2. I think after talking with Jacob, the Engineering Department, my engineer would be willing to work with them in regards to a swale or a culvert of some sort to that effect. The Lynwood neighborhood that we live in does not have any curbs or gutters or sidewalks. So, we want to stay --

CHAIRMAN ENNES: So, you don't have storm sewers?

MRS. HEIDKAMP: There are no storm sewers there as well. We would like to stay --

CHAIRMAN ENNES: And you're familiar with the stormwater problem we have in Arlington Heights?

MRS. HEIDKAMP: We are, but I've also lived there for 35 years and we do not experience any kind of water coming from those two lots.

CHAIRMAN ENNES: How long have you owned that other lot?

MRS. HEIDKAMP: I've lived right next door, to the house next door, I'm 1510 North Harvard, for 35 years. In 2015, I purchased the property at 1400 West Thomas.

MR. HEIDKAMP: We had the highest rainfalls we've ever had and there was never any water issues affecting that whole subdivision. There's really no water problems.

CHAIRMAN ENNES: But now it would have a lot more lot coverage with two houses as opposed to one. But anyways, thank you. If you would be seated, we will hear the Staff report and then we can ask any questions. Jake, I understand you're handling this?

MR. SCHMIDT: I am.

CHAIRMAN ENNES: Could you please give us the Staff report?

MR. SCHMIDT: Certainly.

CHAIRMAN ENNES: Thank you.

MR. SCHMIDT: So, as the Petitioner mentioned, she is here before the Commission tonight seeking to subdivide her existing property in two lots. The address of the subject property is 1400 West Thomas Street. The existing zoning for the property is R-E One-Family Dwelling District, and the Petitioner is proposing a rezoning of the property to R-3 One-Family Dwelling District. The existing Comprehensive Plan designation for the site is Single-Family Detached Estate. The proposed Comprehensive Plan designation to match up with the proposed rezoning would be Single-Family Detached. More formally put, the three actions requested this evening is a preliminary plat of subdivision to subdivide the subject property into two lots, a rezoning from R-E to R-3, and a Comprehensive Plan amendment reclassifying the property as Single-Family Detached from the current designation of Single-Family Detached Estate. There are no variations required as part of this petition.

The subject property is located at the northwest corner of West Thomas Street and North Harvard Avenue. It's surrounded entirely by single-family uses. To

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the west of the subject site is an existing R-E Zoning District of which the subject property is a part. To the south, the property borders an R-1 District. To the north and east, the subject property borders existing R-3 Districts.

The actions to date include a Conceptual Plan Review Committee appearance which occurred in August last year, August 29th. At this meeting, it was recommended the Petitioner move forward for full Plan Commission review. However, concerns were raised regarding the proposed subdivision and rezoning considering the R-E classification of the site. It was also brought up at the meeting that the R-E designation was formulated, developed, and implemented with the intent of preserving larger lots. At this meeting, the Petitioner was also advised of the public improvements required as well as the potential cost of plans and a plat moving forward.

The most recent action to date would be a neighborhood meeting held by the Petitioner last week on the 19th of February. Two neighbors attended this meeting with no major concerns raised. The primary questions raised at the meeting involved the use of the site, whether it would be multifamily or single-family, and the neighbors were informed it would be single-family uses.

The Petitioner has not appeared before the Design Commission yet. A Design Commission application would not be required until a home is proposed on Lot 1 or Lot 2 of the proposed subdivision.

The proposed subdivision as shown on the left would involve two lots. The proposed lots exceed the minimum R-3 lot size and the minimum R-3 lot width. Both lots are buildable, though Lot 2, the southern lot, is a bit restricted in area due to the required front yard setback and exterior side yard setback. However, they still do meet the minimum required size and width requirements of the R-3 District and they are both still buildable.

As part of this petition, previous subdivisions in the immediate vicinity were surveyed to determine if the most recent subdivision proposed tonight is compatible with previous actions taken in the neighborhood. There have been four previous subdivisions in the immediate area occurring in 1977, 1987, 1997, and 1999. These also were larger lots that were subdivided into two separate lots and they also were rezoned R-3 upon subdivision.

The existing lots within the immediate vicinity were also surveyed to determine if the proposed lot sizes were compatible with existing lot sizes. While the average lot size in the vicinity as shown in yellow on this slide, while the proposed subdivision lots are smaller than the average of all the lots in the vicinity, they are compatible with the existing size of R-3 properties which are shown immediately north of this site as well as to the east.

With respect to infrastructure obligations, per Chapter 29 of the Subdivision Code, Section 29.501, curb and gutter as well as possible storm sewer improvements would be required along Thomas Street. The Petitioner has requested relief from this requirement to install these improvements. The Public Works Department and Engineering Division, while they do not fully support delaying or waiving the installation of these public improvements, they are open to an estoppel agreement for future installation of these improvements should they be needed. The existing public improvements along Thomas Street include a sidewalk on the north side of Thomas as well as a sidewalk, curb and gutter, and storm sewer along the south side of Thomas.

Along Harvard Avenue, per Chapter 29, Section 29.501, curb and gutter, sidewalk, and storm sewer improvements would be required along Harvard Avenue. The

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east side of Harvard is currently improved with sidewalk, storm sewer, and curb and gutter; however, the west side immediately adjacent to the subject property does not have any of these improvements. The Petitioner has requested relief from the requirement to install these improvements as well. Installation of all the public improvements proposed on Harvard and along Thomas is estimated to be \$76,800.

The Public Works and Engineering Department, similarly to the required public improvements along Thomas Street, although they do not fully support waiving or delaying installation of these improvements, they are also open to an estoppel agreement for future installation of curb and gutter, sidewalk, and full storm sewer improvements. However, due to the grading at the site, Public Works and Engineering are requiring installation of a stormwater mitigation system along the west side of Harvard. While the final design of the system would have to be determined based on discussion between the Petitioner's engineer, Public Works Department and the Engineering Division, as a conceptual idea the Public Works and Engineering Department have floated that the stormwater mitigation system consist of a swale with an inlet that would connect to the existing Village storm sewer system.

So, to illustrate Public Works' and Engineering's concerns, here is a grading plan for the proposed subdivision. During rainfall, water would flow off the subject site into the Harvard Avenue and Thomas Street right-of-way. This poses a risk of flooding as well as creates a hazard for drivers navigating the street as the water would remain on the road until it is intercepted into existing stormwater inlets either north or south of the property. In order to reduce this risk or move that stormwater out of the roadway, the stormwater mitigation system would be installed on the west side of Harvard, in between the property and the road, and this will connect to existing storm sewer improvements in Thomas Street or farther north. Again, the final design of this stormwater mitigation system would be dependent upon evaluations by both the Petitioner's engineer, the Public Works Department and the Engineering Division.

Staff has made six primary considerations in formulating our stance on this subdivision, the first being that the Petitioner does not object to pay the fee in lieu of detention that is required as part of the subdivision. Second, this small subdivision similar to other small subdivisions in the past, or rather small subdivisions in the past have entered into estoppel agreements to provide infrastructure improvements rather than providing them on the onset. As such, the Village believes that an estoppel agreement for the majority of improvements at this site is acceptable as well. The Lynwood Subdivision, in which the current subject site is a part of, on the whole does not feature roadway improvements beyond asphalt paving. Therefore, delaying the infrastructure improvements would not be out of character for the neighborhood.

The fourth consideration is that the Petitioner would be required to install necessary storm sewer mitigation infrastructure along Harvard up front. This would reduce the chance of any flooding or any negative impacts with respect to stormwater. The fifth consideration is that the subdivision is similar to previous subdivisions in the immediate vicinity, ones that occurred in 1977, 1987, 1997 and 1999. These subdivisions also received similar allowances, two of which received estoppel agreements or entered into estoppel agreements. Lastly, the sixth consideration was that properties immediately north of the subject site are zoned R-3 as well and are of a similar size and character to the proposed subdivision.

Bearing this information in mind, the Staff Development Committee, in reviewing the proposed preliminary plat of subdivision, rezoning, and Comprehensive Plan

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amendment, recommend approval of the petition subject to the following conditions. I'm available to explain any of these if needed. This concludes my presentation and I'm happy to answer any questions.

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

COMMISSIONER WARSKOW: I'll make such motion.

CHAIRMAN ENNES: And is there a second?

COMMISSIONER CHERWIN: I'll second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anybody opposed?

(No response.)

CHAIRMAN ENNES: Okay, let's start questioning. Let's start down from the south end of the bench here with Lynn.

COMMISSIONER JENSEN: Sure. Just a couple of questions. You did come up with an estimated cost of doing some of the infrastructure improvements that was around \$76,000. Have you done one similarly for eight, for item eight?

MR. SCHMIDT: We have not. We requested an estimate from the Petitioner for public improvements prior to speaking with Public Works and Engineering and coming to the solution that the stormwater mitigation system along Harvard, whether that be a swale, an inlet or something else, before that was the only option. At that time, the Petitioner was requesting to waive all public improvements, and so we asked for, as far as the scope goes, asked to survey what the required improvements would be rather than that specific improvement.

COMMISSIONER JENSEN: Could you go back I guess to the slide that shows the improvement that you're calling for with eight?

MR. SCHMIDT: Yes.

COMMISSIONER JENSEN: And do any of the, I realize this happened a long time ago, but do any of the other R-3's that are, you know, directly north of them, have they done anything similar to this to mitigate water problems?

MR. SCHMIDT: The 1997 subdivision at the corner of Yale and Thomas does have curb and gutter. Farther north on the east side of Harvard Avenue from the subject site, there is actually stormwater improvements on the east side of the street. So, I believe the Public Works Department at the time was more amenable to those requirements being granted via estoppel as there was existing stormwater infrastructure close to those properties, whereas here the closest inlet is farther north of the subject site or down at the intersection of Thomas.

COMMISSIONER JENSEN: And we don't really have any sense of the scale of this versus the one you actually have an estimate for. We don't know if this is a quarter of say \$80,000 cost or half.

MR. SCHMIDT: The estimate was based on lineal feet for improvement. So, the major cost, if a swale with inlet is the accepted solution by Public Works and Engineering, it would definitely be a lower cost than what the total storm sewer improvements would be by code, simply because there'd be lower lineal feet to connect that southern portion or northern portion to the existing system, rather than running new lines up and down the side of the property. The swale itself would just need to be excavated.

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COMMISSIONER JENSEN: I see. I don't really have anything else.

CHAIRMAN ENNES: Jake, just to clarify along Lynn's comment there, the properties where the improvements have been put in, the curb and the swale, have those lots been built yet?

MR. SCHMIDT: I'm not as familiar with the specific improvements if any that were put in for all of the subdivisions. I know the --

CHAIRMAN ENNES: Could you go back to your aerial where you show those?

MR. SCHMIDT: I actually have one specifically showing the infrastructure.

CHAIRMAN ENNES: Was that an aerial?

MR. SCHMIDT: So, this is one that shows an aerial of the subject site with the red lines being existing stormwater infrastructure.

CHAIRMAN ENNES: Yes, but, and where is the subject property on here?

MR. SCHMIDT: The subject property is D.

CHAIRMAN ENNES: Okay, and the '87 and '97 rezoning, those were the two lots right above it? Or were they the one above and over to the left?

MR. SCHMIDT: These two are 1977, these two are 1987, these two are 1999.

CHAIRMAN ENNES: So, which ones have put in the curbs and the storm sewers?

MR. SCHMIDT: Curb and gutter would be at the intersection of Yale and Thomas over here. So, I'm sure you can still see a bit of a partial curb here where it ends prior to hitting the larger properties.

CHAIRMAN ENNES: So, it looks like the ones that have done the improvement have been built up?

MR. SCHMIDT: Correct.

CHAIRMAN ENNES: Okay, which is what would end up happening if we did this?

MR. SCHMIDT: Correct.

CHAIRMAN ENNES: They get an estoppel agreement, and when somebody decides they want to buy that, that buyer or builder would have to put those improvements in.

MR. SCHMIDT: The improvement that's finally agreed upon between Public Works and Engineering and the Petitioner would have to be installed prior to construction on either of the lots. So, whether or not the Petitioner installs that prior to she constructing the lot, or if she sells the lots to a separate agent who builds the lots, the infrastructure will have to be installed prior to construction.

CHAIRMAN ENNES: But that would be a condition of?

MR. SCHMIDT: It would be a condition of.

CHAIRMAN ENNES: Sam, you were shaking your head?

MR. HUBBARD: The swale would be installed, you know, now, if that condition number eight, or when a building permit is submitted.

CHAIRMAN ENNES: Right.

MR. HUBBARD: But the estoppel agreement for all the other improvements wouldn't ever happen, would never be installed unless the Village actually, you

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know, establishes a special assessment. So, the swale would be the only thing that would be required to be constructed.

CHAIRMAN ENNES: That would get into a situation like we've had recently where somebody doesn't want to do it because somebody else hasn't, and yet for the overall good of the neighborhood it should be done. Okay, I'm sorry. Commissioner Warskow?

COMMISSIONER WARSKOW: I don't really have any questions. I mean, I think I've pretty much stated in many prior petitions that I'm really not for subdividing these larger lots. They were established as they are for a particular reason and there are benefits to having more green space. But I understand a precedent has been set here on Harvard Avenue, so it's kind of hard to say you can't do what your neighbors have done.

CHAIRMAN ENNES: Got you. Commissioner Lorenzini?

COMMISSIONER LORENZINI: Thank you, Chairman. So, Jake, leave this photo up there. So, item number four, the fee in lieu of, so that just takes care of not having to put any outside detention, paying the fee?

MR. SCHMIDT: Correct.

COMMISSIONER LORENZINI: Now, item six, prior to final plat approval, Petitioner shall provide final engineering plans showing stormwater infrastructure such as a swale and inlet adjacent to Harvard connecting to the existing storm system. So, what is, explain that to me on this photo.

MR. SCHMIDT: So, the swale would be that stormwater mitigation system along the west side of Harvard adjacent to the property.

COMMISSIONER LORENZINI: And what's that swale going to do?

MR. SCHMIDT: It will divert water from the subject property into the stormwater system rather than it flowing into the Harvard Avenue and Thomas Street right-of-way.

COMMISSIONER LORENZINI: Okay, and is that all that's encompassed in number six? The engineering that's mentioned?

MR. SCHMIDT: So, number six ties in to number eight. The difference would be development of plans versus installation of the improvements. So, six would be prior to final plat approval, so not only preliminary plat approval is being considered, prior to final plat they would have to provide the Village with full engineering plans showing the final stormwater mitigation system as well as pay the necessary fees and bonds associated with public improvements. Number eight would be installation prior to construction of the home.

COMMISSIONER LORENZINI: So, those plans would basically connect that sewer to the north? Keep going up, go up, up, right there. You would connect that going south?

MR. SCHMIDT: Likely it would connect going to this section here. So, it would come from the north to the south.

COMMISSIONER LORENZINI: Right, so they'd have to install a new sewer system?

MR. HUBBARD: It's just for the swale, correct? The plans are just for the swale, yes. So, the plans are just going to be designed to show the swale that they would be required to construct. Instead of having to actually, you know, put in a full storm sewer system, that's what they're getting the estoppel agreement to waive that requirement essentially. But this condition number eight is saying if we're going to enter into that estoppel agreement, we want

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you to at least put in the swale so that it diverts stormwater into the system instead of putting in the full curb and gutter that would, you know, require a full storm sewer system.

COMMISSIONER LORENZINI: Right. Then what is nine? If the estoppel agreement is to some day in the future should a special assessment come along, then all that infrastructure would be put in?

MR. SCHMIDT: The estoppel would be for all code required infrastructure should immediately be put in.

COMMISSIONER LORENZINI: Which item was the Petitioner disagreeing with? Number eight?

MR. HUBBARD: Six is to prepare the plans that show the swale, and eight is to actually install the swale.

COMMISSIONER LORENZINI: Okay, all right. That's all I have, thank you.

CHAIRMAN ENNES: Commissioner Green.

COMMISSIONER GREEN: My problem with this project is the estate zoning. All of the subdivisions happened before the estate overlay was initiated, which was around 2000 --

MR. HUBBARD: '01, I believe?

COMMISSIONER GREEN: '01 or '04, whatever it was. Okay, and so it happened after the subdivisions. The reason that the estate zoning overlay was initiated was to stop the chopping off of these lots and to maintain contingent pieces of property of the same size lots. So, every other lot on this block, in this block of land is 20,000 square feet. So, the streets of Arlington Heights make up the boundaries between these zoning districts. So, if you have an estate zoning area, you have a piece of property surrounded by streets and this is the estate zoning. The stuff across the street is smaller lots, that's R-3. The stuff to the south is R-1, those are large lots again.

So, the estate overlay was put into effect to stop just what's happening here now. So, the precedent of what happened here in 1975, 1989, whatever these dates were, the estate overlay happened after that. So, I am not in favor of this subdivision just because it meets R-3 requirements. We know that it does. It does not meet the R-E requirements of 20,000 feet.

So, that's why I'm against this. To say what happens over here and what happens over here doesn't really relate, it's the block of property as a whole. That's where it came about and that's the reason it came about was to maintain full blocks without little nibbling away at the edges. So, that's, I am against this subdivision. That's it.

CHAIRMAN ENNES: Okay, Commissioner Dawson?

COMMISSIONER DAWSON: I didn't see, could you come back up to the microphone? You said how long have you owned this property?

MRS. HEIDKAMP: Just to the north, the house just to --

COMMISSIONER DAWSON: No, how long have you owned this property?

MRS. HEIDKAMP: That property we purchased in 2015.

COMMISSIONER DAWSON: Okay, and have you tried to sell it to develop one house on it?

MRS. HEIDKAMP: No, we haven't. We've been in negotiations with the Village and the insurance company since it started on fire.

COMMISSIONER DAWSON: Okay, so it seems the intention when you

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bought it was to divide it into two lots because you'll make more money selling two lots as opposed to one?

MRS. HEIDKAMP: Well, the intention was actually to keep it open between the two lots, to have the availability to either sell it with the corner house, or sell it with the house to the north which happens to be mine at 1510 North Harvard.

COMMISSIONER DAWSON: Okay, I was just curious before we go forward in changing zoning if you have decided or determined if there was a market for it as is.

MRS. HEIDKAMP: We have not entertained anything from anybody. I mean, we're just concentrating right now on trying to get them subdivided and to get the house on 1400 torn down and to get a new house put up back there on the corner, and basically getting the next lot open between the two until we either can build on it or sell it I suppose. But it does fall in line with all the other homes on Harvard. It does finish off that street.

The home right now that has been burnt down, the backyard is actually completely exposed to Harvard Avenue. So, you really don't have a privacy backyard behind your house, it's a side yard. So, that's what is exposed on Harvard. So, by putting, you know, the potential of another home there, the home would be to the front, the backyard would be to the back, and you wouldn't have to deal with that side yard issue. As the lot sits, it's kind of an awkward lot because you've got this big backyard with this big side street that people are driving down all day long, so you have no privacy.

COMMISSIONER DAWSON: Well, and there's people who don't mind that because of corner lots. But I agree with you, I mean, I was thinking both, I don't like to see these big lots chopped up but, and I agree with Commissioner Warskow on that, but I agree with Commissioner Green that I don't see the precedent of that because they're so long ago. I have more of a concern about the water. I mean, it's significant. Right now, I know you said there's been no water there, but Arlington Heights is really trying to combat this water problem right now.

So, I do think that there's grounds if we're going to go that way, there's grounds for us to say we need to keep as much green space as we can because we have this ongoing water problem. But I am torn because you're right, I mean, all of Harvard, if you're driving down Harvard, this lot stands out as unusual as opposed to everything else up and down that street. When you're driving down Thomas, it does not, but when you're driving down Harvard it seems like this kind of dead, empty lot there. So, I'm torn on this right now. I'm still thinking, I'd like to hear if there's anyone in the audience who have any comments. But we also have very experienced individuals up here that know about architecture and construction, so I'd be curious to hear, you know, it seems to me that someone out there would love to buy a nice corner lot and be able to put a big house on it.

I don't know if that helps us out or not. I just, anyway, so I don't have any further questions. I just wanted to know if you had tried to market it as a single-family or as one house. So, okay, anyway, I'm done.

CHAIRMAN ENNES: Go ahead, thank you.

MR. HEIDKAMP: Right. Can I just say one thing? The people that are directly next to the 1400 which would be the backyard of the second house, and the people behind that house, they're very much supportive of what we want to do.

MRS. HEIDKAMP: And the fellow across the street.

MR. HEIDKAMP: Yes.

COMMISSIONER DAWSON: I would just suggest then, no matter what

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happens today, whether we approve it or deny it, that doesn't mean you wouldn't be able to go forward to the Village Board, and I would have them come. They would just be helpful, to have more people here from the neighborhood to talk about supporting the project. Anyway.

CHAIRMAN ENNES: Commissioner Sigalos?

COMMISSIONER SIGALOS: I really got to side with what Commissioner Green stated as far as the history and wanting to keep these estate lots and the way that it's bounded in by the streets. I'm quite opposed to taking these lots and cutting them up into two 10,000 square-foot parcels here. It's really small. There would be virtually no backyard where now you do have a larger yard. But again you have an ability to sell it and put a larger home on that which would be nice in the neighborhood. So, I'm really not very much in favor of subdividing this.

MRS. HEIDKAMP: I think even if you put a larger home on that though, you would still have that side yard which is like the backyard.

COMMISSIONER SIGALOS: You could provide screening there with landscaping or a fence or what have you. I mean, there's ways to get around that.

MR. HEIDKAMP: We're next door to that so we have an adequate backyard. It would be the same for the other house that we would build on Lot 2. So, we enjoy it.

COMMISSIONER SIGALOS: With the setbacks that you require there on the corner, I'm not convinced of that. Again, at this point I'm torn but I'm more leaning towards not approving subdividing this into two separate lots.

CHAIRMAN ENNES: Commissioner Cherwin?

COMMISSIONER CHERWIN: Yes, I mean, I think there's a lot that's been said, I'm not going to go over that. But I think all my colleagues have expressed, you know, the issues that I'm feeling as well which is it's hard to make the call here. There are some similarities to Harvard but, you know, given the kind of zoning that way it is, it's also you don't want to continue to I guess go outside the zoning sort of randomly here.

The one thing I would say though is I do think that the six and eight issues that the Staff is bringing up, I think that's a pretty reasonable approach here. You know, from my, and I kind of, you know, sometimes I'll get after them for being maybe a little too demanding on these, but I think the estoppel situation, if you're going in, you know, that gives you the ability to put it off until it makes sense to make those improvements, whereas they're not totally letting you off the hook, right? So, if that happens down the road, now you've, you know, you're kind of bought in to helping fund those improvements. I think the swale is a nice temporary, not temporary but at least a reasonable way to address immediate issues that would result from --

MRS. HEIDKAMP: The swale would be consistent with what's in the neighborhood right now.

COMMISSIONER CHERWIN: Yes.

MRS. HEIDKAMP: Because it's what's there.

COMMISSIONER CHERWIN: Right. So, I think that's a, you know, I think the six and eight approach I think is a good approach and, you know, I know you made issues of potentially eight being a concern but I think those are pretty reasonable. That's all.

CHAIRMAN ENNES: Okay, I'm going to wait. You could have a seat now. I'm going to --

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COMMISSIONER JENSEN: Terry, can I ask one procedural question of Staff?

CHAIRMAN ENNES: Okay.

COMMISSIONER JENSEN: So, let's suppose they go forward, following Commissioner Dawson's line of thinking here about they really haven't made any effort to sell this as it is, if they go before us and then they go to the Village Board and they're turned down and then they do pursue trying to sell it, is there any limitation as to when they can come back with a similar issue to say, hey, we tried to sell it for X number of months of whatever, couldn't sell it, we'd like to bring the same proposal back to you? Are there any limitations on that if they get turned down by us and by the Board?

MR. HUBBARD: No, not that I'm aware of.

COMMISSIONER JENSEN: Okay, so it would be legitimate for them to make an effort to try to sell it at some point? That is one avenue?

MR. HUBBARD: Sure.

COMMISSIONER JENSEN: Thank you.

CHAIRMAN ENNES: Is there anybody in the audience that would like to make a comment on this? Nobody?

(No response.)

CHAIRMAN ENNES: Okay, I'm going to close that portion of the meeting.

I also don't like to see these lots with this type of zoning chopped up. I can totally understand the motive, having been involved in real estate development over the years, and I was definitely swayed by Commissioner Warskow's comments in regard to the precedent, but deferring to the history, I won't say you're an old Commissioner, but --

COMMISSIONER GREEN: I am, I am.

CHAIRMAN ENNES: -- you have a lot more history than some of us, and I don't see that precedent as being valid given the change in the zoning for the area, the overlay as you call it. So, I mean, I would lean towards, I hate to take this opportunity away from you, but I would lean towards not doing the subdivision at this time, possibly suggesting along Commissioner Dawson's line of questioning to possibly see if it can be sold.

Did I read in your comments that you were looking to improve that house for a home for your son to live in? Was that part of your comments?

MRS. HEIDKAMP: Our son was living in the house when it started on fire. We were letting him use it and it started on fire.

CHAIRMAN ENNES: Okay, I read that wrong but I knew I had seen something about it.

COMMISSIONER DAWSON: Can I ask -- I'm sorry, you're going, I'm just going to --

CHAIRMAN ENNES: No, go ahead.

COMMISSIONER DAWSON: No, go.

CHAIRMAN ENNES: I mean, if you were going to subdivide it, I definitely think the swale should go in there. I think that when it's built, I mean, I would want to see, for what it's worth, I would want to see the improvements put in.

COMMISSIONER DAWSON: So, that's where I was wondering. If this was denied and you ended up selling it to someone who developed a one-home on it, what kind of square footage could we be potentially looking at? I mean, you know, I'm kind of looking at the

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architect in the room, I see another architect in the room but he didn't stand up to the microphone, I'm just saying. I was hoping he was coming for public commentary.

MRS. HEIDKAMP: Can I just ask one question, too?

COMMISSIONER DAWSON: Yes.

MRS. HEIDKAMP: From what I understand, I can just tear down this home and just put another home back up and not have to do any of these improvements.

COMMISSIONER DAWSON: That's exactly what I'm getting at. So, that's my line of questioning, exactly where I'm going. So, what kind of home and square footage could potentially go on this property to be already losing a lot of that green space, right? And if that is what happens if we don't subdivide it and we have a large home taking up much of the square footage, are we going to get any of the improvements like the swale and other potential water detention that the area might need? That's where I'm curious. If it goes forward with one house, where do we go?

COMMISSIONER GREEN: If I could just jump in, the swale is the minimum that you have to do to control stormwater. That's a ditch. When you don't have curb and gutter, you have to, basically it says you have to direct that stormwater and not, as you say, flood it into the street. You can't do that.

So, you have to just take a spot, whether you're splitting it from north to in the middle, I don't know what the topography is. But it's basically just a small surface recession that would carry the water away. When you get to the corner, I guess he has to then connect the storm pipe just because you can't flow on the street so you have to make the connection in the intersection. Isn't that correct, Jake?

MR. SCHMIDT: It would have to connect to the existing stormwater system.

COMMISSIONER GREEN: So, when you get down to the end of the block, you've got to dig up and go to wherever the storm sewer is and make a connection with the pipe. but it goes into an inlet. It just comes across the grass and just runs to this inlet, goes in and connects to the existing system that's there. That's the cheapest way out for you guys to do it. It's the easiest way out of how you take care of your stormwater.

This storm sewer connection, this has to do with an improvement to the whole block. So, when you have the special assessment that would come along with that, people vote on that. So, what they're looking for in the Village is that if we let you do this, you give up your right to say no is really what they're saying towards that improvement for the whole block. So, your vote has to be yes for curb, gutter, sidewalk, streetlights and everything else that comes with it.

COMMISSIONER DAWSON: But do we lose that, like are we gaining that benefit because of the request for rezoning or if they were trying to build one home which would not require a request for rezoning?

COMMISSIONER GREEN: It would be the same thing. You have to have the swale, you have to get rid of your stormwater by yourself. You have to provide a way for your stormwater to --

COMMISSIONER DAWSON: So, the swale would be required.

COMMISSIONER GREEN: You're going to have the swale no matter what you have.

COMMISSIONER DAWSON: But not the estoppel, not the ability to say, to

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vote no on any improvements in the area.

COMMISSIONER GREEN: Because it's not a developer. It's not a development.

COMMISSIONER DAWSON: Right. So, that's, and that's my point.

COMMISSIONER GREEN: Right, so which one?

COMMISSIONER DAWSON: Exactly. I'm just trying to understand what happens if a home gets built here and if someone buys this, it's a corner lot and usually they take up almost all of the green space on the property when they're built.

COMMISSIONER WARSKOW: Well, it's 50 percent.

COMMISSIONER GREEN: It's 50, it's like 50.

COMMISSIONER WARSKOW: It's 50 percent.

COMMISSIONER DAWSON: Even on a corner lot?

COMMISSIONER GREEN: Sure.

COMMISSIONER DAWSON: Okay, because I've seen, I see plenty of corner lots with almost no green space whatsoever.

CHAIRMAN ENNES: Well, just the corner one of the two would be actually a smaller improvement because of the setbacks than the other house.

COMMISSIONER GREEN: Right, you have a much smaller house that you can build on it because of the --

CHAIRMAN ENNES: Because of the setback.

COMMISSIONER GREEN: So, the footprint --

COMMISSIONER DAWSON: Okay, that's what I'm trying to ask because --

COMMISSIONER GREEN: The total of footprint is very small on a corner house subdivided in this direction.

COMMISSIONER DAWSON: Okay.

COMMISSIONER CHERWIN: The subdivision is what's triggering this is what you're saying.

COMMISSIONER GREEN: Right, it comes from the subdivision where the comes --

COMMISSIONER CHERWIN: Without the subdivision there's no trigger.

CHAIRMAN ENNES: Right.

COMMISSIONER GREEN: And you lose your vote.

COMMISSIONER DAWSON: Okay.

COMMISSIONER LORENZINI: Jake, could you put up the plan that showed what year those lots were subdivided?

MR. SCHMIDT: Sure.

COMMISSIONER LORENZINI: I'm going to ask the historian next to me. Okay, so now the estate --

COMMISSIONER GREEN: Overlay.

COMMISSIONER LORENZINI: Overlay that went into effect, what year was that?

COMMISSIONER GREEN: I think it was 2001.

CHAIRMAN ENNES: Early 2000's.

MR. HUBBARD: It's in the Conceptual Plan Review.

COMMISSIONER LORENZINI: All right, so all these, yes, that's fine. So,

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all these subdivisions or lot divisions happened before the estate?

MR. HUBBARD: All the ones were before the Estate-Residential.

COMMISSIONER GREEN: Actually it was the subdivision of the corners that drove the overlay. In other words, the study happened, it took years before this came to an actual vote in 2001.

COMMISSIONER LORENZINI: Right. So, on one hand, I see what all the Commissioners are saying. I see their point of view. But on the other hand, you know, all the lots along Harvard Avenue have been subdivided and this would just be a continuation of that. I guess I'm torn between both opinions. That's all I have.

COMMISSIONER WARSKOW: I do have to say, having the benefit of Commissioner Green's history, that I am now against it because there was a very specific reason to do this. Even though they knew there were precedents in neighborhoods, that I'm sure was taken into consideration when they put that new zoning into effect.

COMMISSIONER GREEN: And just so everybody knows, it was a very large public hearing. Everybody got to come and talk about the properties because in the report it was said there's a few of these. I want to say there was, I'm going by memory, there were 18 of them. They're scattered all --

CHAIRMAN ENNES: Areas in town.

COMMISSIONER GREEN: In town. I mean, this is not a one off, they're many. There are different estate zoning classifications going for different sizes of lots.

COMMISSIONER JENSEN: Jake, can you put the next slide up that shows the R-E versus the R-3 in the area? The larger lots actually predate any classification, they certainly predated --

COMMISSIONER GREEN: They all started large.

COMMISSIONER JENSEN: They all were large lots.

COMMISSIONER GREEN: Most of them, yes.

COMMISSIONER JENSEN: You're saying you know there are 18 areas within Arlington Heights, a large number of areas that had a similar --

COMMISSIONER GREEN: Right, I live on one.

COMMISSIONER JENSEN: Yes, okay. So, they have a similar configuration.

COMMISSIONER GREEN: Right.

COMMISSIONER JENSEN: Okay, thank you.

COMMISSIONER DAWSON: I think to me, if you had come and said we've had this on the market for three years, we can't find anyone because of the restrictions on building, no one was willing to put one house on this lot, I really need it to be two to be able to sell it, that would be enough for me because I agree with the Harvard. But because we haven't even tried to preserve the green space --

MRS. HEIDKAMP: I am actually trying to preserve the green space by subdividing it off and not building a big jumbo house on the corner.

COMMISSIONER DAWSON: But that's --

MRS. HEIDKAMP: Because if I build the house, it's probably going to be, it's going to be one of the bigger houses most likely to be a sellable house. I'm not going to build --

COMMISSIONER WARSKOW: Still limitations on how much you can build.

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COMMISSIONER DAWSON: Right.

COMMISSIONER WARSKOW: And those limitations would result in less impervious surface with one house than with two.

COMMISSIONER DAWSON: I think the larger houses that we've seen that are really taking up all of the green space, those were, they came to Zoning, not this board but to Zoning.

COMMISSIONER WARSKOW: Or they were before the 50 percent was put into place.

COMMISSIONER DAWSON: Could have been.

COMMISSIONER WARSKOW: Which has been relatively recently.

COMMISSIONER GREEN: Which actually was part of the estate overlay. Part of that was the change of the zoning lot coverage and impervious surface and everything else that followed this. So, we went through the codes and changed them and revised them down because the problem was that developers/builders at the time were taking 104-foot lot and subdividing it into 50-foot lots. The Village for years was going along with this. So, they are all substandard subdivisions. It got to the point where a builder was looking for a smaller lot because you could build more house with the old zoning on a smaller lot. The lot coverage was a larger percentage on a smaller lot, believe it or not.

So, shortly after this, all the zoning changed which brought it into more of an even keel with all of the surrounding suburbs. We were out of whack on this stuff for 100 years or however long. But nobody in the past ever took a lot and put a house up that was 60 percent of the lot, they just didn't do it. So, there was no urgency to change the zoning because these houses were too big.

The McMansions came from the old zoning, and before, and as we started to work and tried to revise this into something that was real and usable and did not allow these McMansions to be built on all these tiny lots, it took years to go through that. But we did it. So, you can't put as much house on a smaller lot now that you could then. So, that's where it came from.

COMMISSIONER WARSKOW: Thank you.

CHAIRMAN ENNES: Anybody want to make a motion? Lynn? Want to make a motion?

COMMISSIONER WARSKOW: It's opposed to approval, it's denial? Okay, I make a motion.

A motion to recommend to the Village Board of Trustees denial of PC#18-025, a Preliminary Plat of Subdivision to subdivide one lot into two lots; a Rezoning from the R-E District to the R-3 District; and a Comprehensive Plan Amendment from 'Single-Family Detached Estate' to 'Single-Family Detached', with conditions 1 through 10.

CHAIRMAN ENNES: Is there a second?

COMMISSIONER DAWSON: Second.

CHAIRMAN ENNES: Could we have roll call vote?

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. SCHMIDT: Commissioner Dawson.

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COMMISSIONER DAWSON: Yes.

MR. SCHMIDT: Commissioner Drost.

(No response.)

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. SCHMIDT: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. SCHMIDT: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. SCHMIDT: Chairman Ennes.

CHAIRMAN ENNES: Yes. Unfortunately, this denies your proposal. But it doesn't stop you, you could proceed on to the Village Board.

COMMISSIONER GREEN: You should go to the Village Board because we're just a recommendation.

CHAIRMAN ENNES: You should. We're recommendation and we are planning, we're looking at certain things that they may not consider.

COMMISSIONER DAWSON: You can also bring your neighbors to speak in support which is very helpful.

CHAIRMAN ENNES: Okay? Okay, you're welcome. Good luck. I think that's a first. I don't think we've had ever a unanimous denial. But I have to agree, I think it's the right way to go.

(Whereupon, the public hearing on the above petition was adjourned at 9:22 p.m.)