

# APPROVED

PLAN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

COMMISSION

RE: LASALLE ESTATES SUBDIVISION - 2000 NORTH CHESTNUT AVENUE - PC# 19-009  
PRELIMINARY AND FINAL PLAT OF SUBDIVISION, SETBACK 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 23rd day of October, 2019 at the hour of 7:30 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairman  
LYNN JENSEN  
JOE LORENZINI  
BRUCE GREEN  
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner

## APPROVED

CHAIRMAN ENNES: Welcome to the Arlington Heights Plan Commission meeting. Please rise and join us in the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRMAN ENNES: Please have a seat. So, Sam, would you take roll?

MR. HUBBARD: Yes. Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

(No response.)

MR. HUBBARD: Commissioner Drost.

(No response.)

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

(No response.)

MR. HUBBARD: Commissioner Warskow.

(No response.)

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Here. We have five members; we have a quorum so we're good. The first item on our agenda is the minutes from our last meeting on September 25th. I want to thank Commissioner Dawson for filling in for me while I was on vacation. But, so we have the LaSalle Estates Subdivision and Arlington Signs minutes. Can we have a roll call on approval of the minutes?

COMMISSIONER GREEN: I make a motion to approve the minutes.

CHAIRMAN ENNES: Okay, is there a second?

MR. HUBBARD: Yes, so, I'm sorry, Chairman Ennes. You have a blue, I'm sorry, a green sheet. If you could just follow the language on a motion to approve the minutes there?

CHAIRMAN ENNES: Okay, is this new?

MR. HUBBARD: Yes, this is just due to the fact that the last meeting here, there was an error in the public notification. So, we need to acknowledge that in approval of the minutes. So, if whoever is making the motion could just go with that language, second it, and then you can do a --

COMMISSIONER JENSEN: And the recommendation is actually not, it's dropped from the minutes, is that what I understand?

MR. HUBBARD: Well, the minutes are the minutes. They happened, and that's what happened. But the motion to approve the minutes just acknowledges that the motion made in the meeting on September 25th was done in error. So, essentially, you know, it won't --

CHAIRMAN ENNES: So, we're correcting that now.

MR. HUBBARD: Right.

CHAIRMAN ENNES: Okay, so, Bruce, you're going to make the motion? Would you mind reading this?

## APPROVED

COMMISSIONER GREEN: Yes. I'd like to make a motion to approve the Plan Commission minutes from the September 25th Plan Commission meeting, noting that the motion for approval made by the Plan Commission was done in error due to the incomplete public notification for this application.

COMMISSIONER CHERWIN: I'll second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: I will abstain because I was not here. Then, should we immediately, Sam, should we immediately do the next motion?

MR. HUBBARD: Once the public hearing has officially opened, then you can.

CHAIRMAN ENNES: On our first item of business?

MR. HUBBARD: Right.

CHAIRMAN ENNES: Or second item of business.

MR. HUBBARD: Yes.

CHAIRMAN ENNES: Okay, so our second item of business happens to be the LaSalle Estates Subdivision, 2000 North Chestnut Avenue, PC# 19-009. That will be followed by the preliminary and final plat of subdivision and setback variation.

Is our Petitioner here? Would you please come forward and state your name and spell it for the court reporter?

MR. KELLY: Sure. It's Sean Kelly, S-e-a-n K-e-l-l-y. I reside at 110 Delaware, Chicago, and I'm a real estate broker with CRER.

CHAIRMAN ENNES: Okay, would you tell us about, I would say with, since all the details of your project are already in our minutes and the record, you stated these last time, we don't want to have to go through all that again.

MR. KELLY: Sure. Okay.

CHAIRMAN ENNES: Would you please tell us what you're here about tonight?

MR. KELLY: So, as was noted before, I'm reappearing because there was an error in the public notice. It is currently a single-family home situated at 2000 North Chestnut, and the proposed project is a three-lot subdivision that will face LaSalle Street. Since the last meeting, I've just taken some of the comments from the neighbors that appeared and tried to integrate some of their feedback in terms of driveway placements into a revised streetscape elevation which doesn't really have impact on the plat of subdivision but already had some input so I figured I'd start to incorporate that into what we're going to prepare for the Design Committee approval.

CHAIRMAN ENNES: Okay, so are you going to go over that with us, the changes that you made?

MR. KELLY: Correct. I apologize, for some reason this updated PowerPoint is skewed a little bit, but what I was speaking towards is Lot 3 which would be the home situated all the way to the left, which would be the easternmost building site. Some of the neighbors' comments and concerns in the last meeting were having three driveways all enter onto LaSalle. So, working with my architect over the past couple of weeks, we took our initial

## APPROVED

plan and flipped it so that it would be garage left, and amended it to have a side-load garage that will exit onto Chestnut, reducing the driveways from three to two onto LaSalle.

Aside from that, we had made some aesthetic adjustments to Lot 1, the farthest design to the west. Unfortunately, some of that is not visible here, but you know, we've been in contact with Steve Hautzinger over the course of the past few weeks just trying to get some updated input from the work that we had developed for a previous meeting and we're trying to bake in some of his input to what, you know, the next step of the Design Committee submittal would be.

CHAIRMAN ENNES: Do you have a physical -- oh, there it is.

MR. KELLY: Sorry. I'm sorry, what was the question?

CHAIRMAN ENNES: Well, I was going to ask you if you had a piece of paper with that picture that we could pass down the row to see.

MR. KELLY: I don't have a hard copy, just what I'd e-mailed in to Planning Department.

CHAIRMAN ENNES: Sam, will you move that over? Can you move it over any more? Is that all of it now?

MR. HUBBARD: I think that's all I can do.

COMMISSIONER CHERWIN: You can take it out of presentation view, Sam, and you can --

MR. HUBBARD: Yes, I don't know.

CHAIRMAN ENNES: But you've seen the full drawings, right, Sam?

MR. HUBBARD: Right, yes. This is more just as a courtesy for, you know, the Plan Commission and any interested neighbors. Obviously, the elevations and design of the homes will be determined as part of the Design Commission approval process.

CHAIRMAN ENNES: Okay, please go ahead.

MR. KELLY: You know, that's the only real adjustments that have been made since I initially appeared.

CHAIRMAN ENNES: Okay, well, are there any Commission questions?

COMMISSIONER JENSEN: Sam's, need Sam's report?

CHAIRMAN ENNES: We'll go to that.

COMMISSIONER LORENZINI: We'll hear Sam first.

CHAIRMAN ENNES: Okay, Sam, would you present the Staff report?

MR. HUBBARD: Sure. So, the property is at 2000 North Chestnut. The existing zoning is R-2, and on the Comprehensive Plan it's designated as a Single-Family Detached Estate 2, which is compliant with the R-2 zoning. The proposed lot sizes also comply with the zoning, and the request this evening is for a preliminary and final plat of subdivision to subdivide the property into three lots.

When the Petitioner appeared at the September 25th Plan Commission hearing, they had not finalized the final plat. However, in the interim time between then and now, they did obtain the necessary signatures on the final plat. So, this evening would be for preliminary and final plat of subdivision approval. Additionally, they are requesting a variation on Lot 3 to reduce the exterior side yard setback from 40 feet to 30 feet.

They did appear at the May 22nd Conceptual Plan Review Committee. Feedback at that meeting was generally positive and they encouraged the Petitioner to move forward.

## APPROVED

I'll keep this relatively brief because the items that were discussed at the last meeting will become part of the public record and application for this hearing, but I'll briefly go over the site aerial. The site, you can see the subject property bounded in red and where it sits relative to the homes around it. On the north side, you'll see LaSalle Street which is only halfway complete, and the Petitioner is required to dedicate land along LaSalle and improve that street so that it's the full width of the street.

There is a unique configuration on the western side of the site. There's approximately a five-foot strip owned by a party that is not the Petitioner. So, when they come in for the street, they'll have to work with the Engineering Department exactly on the specifics of how this intersection will be constructed relative to that spite strip. I don't know if there will be a legal basis for the Village to require the full turning onto Walnut there or if, you know, there will have to be some sort of specialty intersection here to accommodate for that piece of property that is not owned by the Petitioner.

I want to touch on some of the variation approval criteria for variations, and this is relative to the exterior side yard variation on Lot 3 which is proposed to be a 30-foot setback as opposed to the 40-foot required by code. There are four criteria necessary for variation approval as you can see highlighted here. Staff analyzed the proposed subdivision and the variation relative to these criteria. We felt that the single-family use on the property was not going to alter the essential character of the locality and it would be compatible with the existing uses and zoning of the properties nearby.

Specifically, we took a look at the four abutting corner lots that have exterior side yards, two directly to the north, and then one kitty corner to the northeast, and then one directly across Chestnut to the east. Out of all those four lots, I'll go through the side yard setbacks, exterior side yard setbacks, one had an approximately 26-foot side yard setback. The other had another approximately 26-foot side yard setback. The third had an approximately 24-foot exterior side yard setback, and the fourth had a 20-foot exterior side yard setback. So, we felt the variation to reduce the setback from the 40-foot required to 30-foot was compatible with the existing uses in the vicinity and the character in the vicinity.

Additionally, there are some unique circumstances that apply to this property. Specifically, again on the west side, there is that piece of land that's a spite strip and doesn't allow access in the normal configuration to the west and for a kind of a normally designed and laid-out subdivision. Additionally, the homes on the frontage of Chestnut which are set back extremely far relative to code requirements from the right-of-way along Chestnut are what dictate the requirement for the 40-foot exterior side yard setback along Chestnut. So, that was kind of a unique circumstance that we felt complied with the approval criteria for the variation.

Again, we felt the proposed variation was in harmony with the spirit and intent of the chapter. One of the purposes of the zoning code chapter is to affix reasonable standards to which buildings and structures shall conform. For the aforementioned reasons, we felt like the setbacks for the exterior side yard along Chestnut would be reasonable.

We do feel like the variance requested is the minimum variance necessary. If you look at, if you take into consideration all of the homes along Chestnut to the north and to the south on the east side of the street in addition to the homes on the other frontages, they all have, you know, relatively reduced setbacks on the Chestnut frontage. A 30-foot setback here would be compatible with those existing setbacks with the exception to the

## APPROVED

three to four lots directly south of this that have relatively unique setbacks along Chestnut.

So, we are supportive of the variation. We are supportive of the subdivision. We did analyze the lot sizes relative to the lot sizes in the vicinity, and they were definitely compatible with the existing lot sizes in the vicinity. Again, they conform to the minimum required lot sizes of the R-2 District. The Village is recommending approval of the application subject to the conditions as outlined in the Staff report.

That will conclude my presentation this evening. I'm happy to go into more detail if the Plan Commission would like. But I would say if you are going to approve and make the Staff report part of the public record, please follow the language in number two on the green sheet which will also include the minutes from the September 25th meeting to become part of the public record of this application as well. Thank you.

CHAIRMAN ENNES: And we would do that just after approving your report?

MR. HUBBARD: Yes.

CHAIRMAN ENNES: Could I have a motion to approve the Staff report?

COMMISSIONER GREEN: So moved.

COMMISSIONER CHERWIN: Second.

CHAIRMAN ENNES: Should we do roll call on this?

MR. HUBBARD: No, you can do voice vote, that's fine.

CHAIRMAN ENNES: Okay, so moved and a second. All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: Okay, so we're all in support of that. Can I have a motion for item two?

COMMISSIONER JENSEN: I'll make a motion. A motion to include the September 25th Plan Commission meeting minutes as part of the record for the application as well as the Staff report dated September 18, 2019.

COMMISSIONER CHERWIN: Second.

CHAIRMAN ENNES: There's a second. All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: Okay, so that is added. Commissioners, do any of you have questions that you want to proceed with to the Petitioner at this point in time?

COMMISSIONER JENSEN: Just a brief one of Staff. There's nothing, is there anything that the Village can do about that strip of land west of where the Petitioner is proposing, you know, his project?

MR. HUBBARD: No. Unfortunately, it's not owned by the Village, it's not owned by the Petitioner. You know, the Village is not going to entertain a taking of that property, so no.

COMMISSIONER JENSEN: Anyone talk to the guy who owns it, whoever owns it?

MR. HUBBARD: My understanding is that the property owner immediately to the south recently purchased that strip of land which also abuts their property as well. So, I

## APPROVED

don't know if you can see it, but this would be the property owner I believe who purchased the strip which runs across their property and then all the way up to LaSalle Street here.

COMMISSIONER JENSEN: Okay.

MR. HUBBARD: So, I would imagine that when they redevelop, I imagine they'll be redeveloping at some point soon, but I believe it's to their advantage that they picked up that strip because it allows them access on Walnut so they could essentially do a four-lot subdivision, one lot, two-lot, three-lot, four-lot, although they would have to, you know, incorporate detention somewhere in there.

COMMISSIONER JENSEN: Okay, the last question I have is are these recommendations or conditions that you've listed there, one through seven, are there any modifications from when we looked at the conditions before?

MR. HUBBARD: The only one was, at the September 25th meeting, there was an additional condition for a final plat of subdivision approval, but at this point, they have that so that condition is no longer needed.

COMMISSIONER JENSEN: I don't have any other questions.

CHAIRMAN ENNES: Okay, anyone else?

COMMISSIONER CHERWIN: I mean, you know, we reviewed it last time. I think, you know, I guess I'd commend the developer because, in my opinion last time, one of the underlying themes for a lot of the residents was the three driveways as opposed to two accessing LaSalle Street, and the Petitioner seems to have addressed that.

CHAIRMAN ENNES: Anyone else? Since I wasn't here, if the Petitioner could come back up? I have a couple of quick questions.

MR. KELLY: Sure.

CHAIRMAN ENNES: This gentleman that bought that strip, it might be worthwhile approaching him. Is there any intention for the Village to widen that? It looks like it's just one lane there.

MR. HUBBARD: When a development is proposed along Walnut that includes that strip, it will be required to be improved to the full width. The Village doesn't have any plan to develop it or to widen it. If everybody could speak up, I'm hearing from the audience that they're having trouble hearing us.

CHAIRMAN ENNES: I apologize, I have a hoarse voice. I don't know where it came from, but is this better? Okay, sorry.

So, for the Petitioner, I heard mention of the spite strip. What is that?

MR. KELLY: So, there is roughly a five-foot wide parcel that runs the length of the property to the south and abuts 2000 North Chestnut. I don't really know the history behind it, you know, what the purpose of somebody selling that configuration of, you know, a parcel is. That's the extent of my knowledge to it.

CHAIRMAN ENNES: Okay, and that's what's being called the spite strip, that piece of land?

MR. KELLY: Correct, correct.

CHAIRMAN ENNES: Okay, I'm sorry.

MR. KELLY: One thing that may be, that I don't think I touched on but maybe it's worth noting in addition to my original appearance comments and tonight's is Lot 1 which would be the most west side if you will, in the kind of finalizing of the proposed plat of

## APPROVED

subdivision, we worked with Staff's suggestion to increase the required side yard setback on that side of the, on the west side if you will of Lot 1 to make it more consistent aesthetically with a more conventional corner lot. So, we felt that was, you know, a reasonable ask and we addressed that in our engineering work.

CHAIRMAN ENNES: So, then on Lot 3, that's the house where you changed the drive to the side?

MR. KELLY: Correct, correct. Several people had just brought up, I mean, to my recollection, you know, a couple of things that stood out, you know, in my notes was, you know, this arrangement of three front-load garages exiting on to LaSalle may be deemed, you know, crowded for the surrounding homes. So, that was an easy remedy.

Then another point that was brought up was the possibility of adding a stop sign because of its proximity to a school bus stop. I discussed that with my engineer in my follow-up conversation, and all he had said to me was, you know, in the final approval process, if the Engineering Department makes that request, we'll certainly incorporate it.

CHAIRMAN ENNES: Okay, so you didn't rotate that house, you just changed the side of the garage that the driveway is coming out of?

MR. KELLY: Correct. So, originally it was a front-load garage that was garage right from the curb looking at the home. So, I just instructed my architect to flip the design, and then instead of having a front-load garage exit onto LaSalle, to amend the drawing so it exited to the east on Chestnut.

CHAIRMAN ENNES: Okay, that sounds good to me. I don't have any other questions. Can we have a motion? Or we should go to the audience. Can I see a show of hands? Is there any people in the audience that would like to ask? Okay, so there's a couple here.

Please have a seat and we will move on. Let's start on the right side, farthest back, whoever wants to come up.

### **QUESTIONS FROM AUDIENCE**

MR. OBERMAN: Richard Oberman. I don't know if you need my address, 1970 North Walnut.

CHAIRMAN ENNES: Yes, okay.

MR. OBERMAN: So, I live just a few houses away from where the construction will be. A couple of questions here I jotted down on my notes. You mentioned, and it's Mr. Kelly, right?

MR. KELLY: That's right.

MR. OBERMAN: You mentioned that the --

CHAIRMAN ENNES: Please direct your questions to the panel.

MR. OBERMAN: Right on. So, my question is the setbacks are going to be how many feet from the street or from the sidewalk? What is that, where are you measuring from on the setbacks?

CHAIRMAN ENNES: Sam, that's from the street, right?

MR. HUBBARD: Setbacks are measured from the property line.

MR. OBERMAN: Well, which would end of the sidewalk?

MR. HUBBARD: A property line is generally one foot in from the edge of



## APPROVED

the sidewalk.

MR. OBERMAN: From the sidewalk, okay. So, on the west side, where is the setback from? Because there is no sidewalk. Would the sidewalk, are you --

COMMISSIONER GREEN: Maybe I can help you. I'm an architect, maybe I can help you.

MR. OBERMAN: Okay.

COMMISSIONER GREEN: Chestnut has a 66-foot right-of-way. From the center of the street going in east and west in both directions is 33 feet. That 33 feet from the center of the road is the property line. So, from that point, you have another 30 feet.

MR. OBERMAN: Okay, so the center of which portion of Chestnut? No, I'm sorry, not Chestnut, I'm talking about on Walnut because Walnut has that silly configuration. So, are you saying from the middle of that road 30 feet?

COMMISSIONER GREEN: From the five-foot goofy little strip right there.

CHAIRMAN ENNES: Spite strip.

COMMISSIONER GREEN: The spite strip.

MR. OBERMAN: Right.

COMMISSIONER GREEN: Okay, that is the property line, that five-foot line. So, and then from there, on this gentleman's, Mr. Kelly's property, they're moving in 30 or 40, I forget --

MR. KELLY: 30 feet.

COMMISSIONER GREEN: 30 feet, 30 feet.

MR. OBERMAN: So, I guess what I'm trying to get at is let's suppose down the road you want to make this look like a normal looking neighborhood and you want to put a sidewalk down there. Is that sidewalk going to be in line with the sidewalk that is on the north side of LaSalle?

MR. HUBBARD: Yes, it would. I mean, generally speaking, it would. It's difficult to see, I mean, you can kind of see it here and you can see the sidewalk to the north.

MR. OBERMAN: Right.

MR. HUBBARD: And then the full right-of-way width is already maintained on Walnut, so Walnut already has the code-required 66-foot width which should match what's to the north. So, yes, the sidewalk would be continued, you know, down in almost the same configuration as it is to the north.

MR. OBERMAN: Okay, yes, I would just encourage you to do whatever you can as a board to proceed with the sidewalk. That land around there in that neighborhood is terrible. Today I was going for a job and I was going down the street on Chestnut, and the sidewalk, you're running on the sidewalk then the sidewalk stops, and I want to go over to the park to run which is a block-and-a-half from our house. But it takes like six blocks to get there, so I'm going down the sidewalk. So, the sidewalk ends and then you've got to go out in the street, then cars are looking at you, why is this guy in the street. Let's not let that happen here. Let's get this addressed and make it look uniform.

COMMISSIONER JENSEN: Sam, a question following up on that. Is that the responsibility of the Petitioner? The Village? I mean, what responsibility would the Petitioner have to do that?

CHAIRMAN ENNES: There's procedure for that, right?

MR. HUBBARD: Right. The Petitioner doesn't have frontage on Walnut

## APPROVED

because of this five-foot strip of land. So, the Village requirements only, for improvements to Walnut only kick in when there's actual frontage on the street. Because there is that five-foot strip, there is no frontage. So, the developer's responsibility ends, you know, at LaSalle and doesn't translate to the Walnut side. You know, it's great because, you know, for his bottom line, he doesn't have to pay to improve the street. But it's terrible for him because he can't design a subdivision that has access onto Walnut. So, it's kind of, you know, a blessing and a curse so to speak.

COMMISSIONER JENSEN: So, Mr. Oberman has made a wonderful point, but it has nothing to do with this petition or this Petitioner and it's not in our purview, is that what I understand?

MR. HUBBARD: Right, I mean, it's something that he'd have to raise with the Village Board. Ultimately, it's a capital improvement project by the Village.

COMMISSIONER JENSEN: So, at the next level, he certainly can raise that again and they might be able to do something about it. But it's not within the Commission's purview.

MR. HUBBARD: Right, it's not something we can require the developer to do.

COMMISSIONER CHERWIN: Can I just make a note to Staff? If we do have the property to the south come in for a petition, then as part of that, you know, we should try to address comprehensively his property which would include dealing with this five-foot strip. We're going to, if there's any relief requested on that southern adjacent parcel now that he's taken in that five-foot wide strip, that's going to be a part of that approval process.

CHAIRMAN ENNES: And that would be the time to do it.

MR. HUBBARD: Right.

CHAIRMAN ENNES: Okay, the next audience member?

MR. EHRLICH: I didn't put my name on that paper, but my name is Steven Ehrlich, E-h-r-l-i-c-h. I'm at 1960 North Walnut, so really kind of behind there, right actually next door to Rich towards the end of that cul-de-sac.

A couple of things of concern. One is, so on the road on LaSalle, how far are you knocking into those trees or whatnot to build a complete road there? Is it 10 feet? I mean, how far are you coming in to build a complete road there?

CHAIRMAN ENNES: Sam, can you answer?

MR. HUBBARD: Yes, I mean, you know, it's hard to see measurements on the plans here. I mean, the entire, I mean essentially, there's a slight jog from, you can see LaSalle here, and then you know, the right-of-way doesn't line up exactly. But you know, it's going to come, I mean, all of the vegetation there is going to get taken down. I think we've been working with the Petitioner to save one or two of the relatively mature and healthy trees there, but most of the trees there are volunteer growth, you know, buckthorn and box elder, that type of thing. So, in order to, you know, create the subdivision, most of the trees will have to be removed.

MR. EHRLICH: So, it won't be parallel to, across the way heading east on LaSalle? There'll be a little bit of a --

MR. HUBBARD: There's a slight jog, yes, instead of directly lining up.

MR. EHRLICH: Okay, and then you answered the one question about the strip which is absolutely ridiculous. So, the property owner that's in between the really long front

## APPROVED

home that's on Chestnut in the new development is the owner of that strip, is that correct? Are they waiting to try to, all right, so that's a whole different animal.

The thing that kind of concerns me on this is it almost looks like you're trying to fit 10 pounds of rocks in a two-pound bag. It looks like it's an awful lot. I think you did a nice job at least of addressing one of the driveways going off into Chestnut, I think that probably helps a little bit. But it just, it really does seem like you're trying to cram an awful lot in that little area.

The hard part is I don't know, like I've got a little bit of a better idea of the split of land that's in the middle right there. I mean, these things aesthetically are going to kind of fit in with the rest of the neighborhood without feeling like you're cramming in a bunch of stuff in one small little area? Do we all feel pretty comfortable about that?

CHAIRMAN ENNES: Sam, in regard to that, do you know what the land to building ratio is for these three lots? Or the lot coverage?

MR. HUBBARD: The lot coverage is going to be 35 percent of the lot, I believe, it's either 30 or 35 percent.

CHAIRMAN ENNES: And you said from your review that this is comparable to the area? We have some that have more, we have some that have less?

MR. HUBBARD: Well, if you're talking about lot coverage, it's going to be the same across all lots. You know, the regulation is based on the zoning district, but the lot sizes that are being proposed comply to the R-2 Zoning District standards. There was an extensive study on the lot sizes of the neighboring, you know, lots. You know, the lot sizes here on average are 12,000 square feet. Here they're 12,300. Here they were 10,085, 13,320. So, you know --

CHAIRMAN ENNES: So, we're actually --

COMMISSIONER CHERWIN: So, Sam, this --

CHAIRMAN ENNES: -- comparable with the size of the neighborhood?

COMMISSIONER CHERWIN: I was just going to say the size of the lots comply with the zoning in that area?

MR. HUBBARD: They do, and they're compatible with what's in the vicinity as well.

COMMISSIONER CHERWIN: They're comparable and they're in excess of many lots around them. Then the ratio of buildable, you know, the size of the houses in each of those lots --

MR. HUBBARD: Will have to --

COMMISSIONER CHERWIN: -- will also conform to what's required for that zoning district.

MR. HUBBARD: Yes. No variation has been requested to the floor area requirements.

COMMISSIONER CHERWIN: So, no size of buildable area regulation, it's all in line with what that zoning district calls for?

MR. HUBBARD: Correct.

COMMISSIONER CHERWIN: Thanks.

CHAIRMAN ENNES: So, do you live right across the street?

MR. EHRLICH: I live on the Walnut, on the 12300 east side, yes, and that goes all the way down.

## APPROVED

CHAIRMAN ENNES: Oh, okay.

COMMISSIONER JENSEN: Just a question. Can you go back to the last slide that you had before? So, to put less on this piece of property, not that one but the one, yes, what are you suggesting? That there only be two houses built there and then we have --

MR. EHRLICH: Well, I just want to know, yes, I mean, it seems like --

COMMISSIONER JENSEN: Is it two you want --

MR. EHRLICH: Maybe because of the way that the bushes block the actual sides, you know, it's hard to get, you know, you've got a small street and you've got a lot of trees that are blocking everything. So, I don't really, I don't get the whole depth on that thing. It seems small for three houses. What size, let me ask it differently, do we know what the size of the homes are going to be for each respective one? Or is that still to be determined?

CHAIRMAN ENNES: No, the lot coverage is about 30, did you say 30 or 35 percent?

MR. HUBBARD: The floor area ratio is what's going to really dictate the size and bulk of the homes.

MR. EHRLICH: Is it 3,000 square feet, 4,000?

COMMISSIONER GREEN: It's the same as your house. In other words, they can't build anything any bigger than your house. In other words, your restriction I should say. Maybe you didn't build to the max, but everybody in the neighborhood has the same ability to build up to a certain point based on the size of their lot.

MR. EHRLICH: And it's got the room, in other words it's got the room.

COMMISSIONER GREEN: Same thing, same thing. Same thing, it's no different.

MR. EHRLICH: Okay, that's all. All right.

CHAIRMAN ENNES: Okay.

MR. EHRLICH: I think that's it for me then.

CHAIRMAN ENNES: Thank you. The next gentleman?

MR. MARAK: My name is Steve Marak; I live at 2010 North Walnut. These homes are going to be a lot smaller than the homes that are already in the area, is that correct? Size-wise? I mean, we have basically 3,000 square-foot homes. What size are these homes going to be?

MR. HUBBARD: What homes are you comparing it to? The homes to the south? The homes to the north?

MR. MARAK: Yes, the ones on Walnut.

MR. HUBBARD: The homes to the south on Walnut?

MR. MARAK: Yes.

MR. HUBBARD: So, you're comparing it to these homes?

MR. MARAK: Yes.

MR. HUBBARD: I don't know what size you're thinking, you know, for the size of the homes.

MR. KELLY: I can speak towards that. So, yes, a couple of things. So, what we have developed to date, those three different home styles, to my recollection, range from 3,500 square feet to 3,700 square feet. They vary from plan to plan, and to touch on the public walk and, you know, kind of challenge in visualizing, you know, what the finished product is.

## APPROVED

As it was noted previously, part of the scope of work for the site improvements is going to be widening roughly 400 linear feet of frontage, both on Chestnut and LaSalle, and placement of 400 linear feet roughly of curb and public walk, parkway trees and so on.

CHAIRMAN ENNES: So, like 12,000 square-foot lots, at 30-35 percent you can be building 3,000 to 4,000 square feet easily.

MR. KELLY: Correct. I think the FAR is actually, we're talking about two different things. The FAR or the floor area ratio I believe it 0.4. We're going to be below that. In terms of the lot sizes, to my recollection, the minimum requirement for R-2 zoning is 10,000 square feet, and these are all proposed at 12,000 square feet.

COMMISSIONER JENSEN: So, you don't have a vision of anything under 3,000 square feet for these houses, is that what you're telling us roughly? I mean, probably?

MR. KELLY: Yes. I mean, what we've worked through to date, and you know, we've only taken it to a certain, you know, point.

CHAIRMAN ENNES: Sure.

MR. KELLY: And just kind of baking in some of the feedback and work we've done with Staff to date. But those homes to my recollection are like 3,500, 3,600 and 3,700 square feet, respectively.

CHAIRMAN ENNES: Are these going to be spec or are you going, are these going to be contracted?

MR. KELLY: That's, I'm not sure at this moment. We're just trying to get through kind of part one.

CHAIRMAN ENNES: Okay, so you're not overcrowding the lot, but the size of the homes will be very comparable to the area?

MR. KELLY: I would say so. You know, the homes to the south are quite large. I don't know offhand what the square footages are, but for new construction in Arlington Heights, usually you're seeing 3,000 to 3,500 square feet. So, they're a little bit bigger, there's an ability to be a little bit bigger, but the sites are much larger than in-fill tear-downs like one-off sites.

CHAIRMAN ENNES: Okay, thank you much.

MR. KELLY: Sure.

MR. HUBBARD: I would also comment that, you know, compatibility of homes, bulk, mass and ability to fit in with the existing homes in the neighborhood will be a discussion that will occur at the Design Commission when an actual home is proposed for the lot. So, you know, they take into consideration, you know, the compatibility and the size of a home relative to what's in the neighborhood.

CHAIRMAN ENNES: Is there anybody else on the right side that wants to comment? Okay, then let's move over to the left side, and let's start with you.

MS. WAYMAN: I'll jump up.

CHAIRMAN ENNES: Give us your name and spell it.

MS. WAYMAN: Hi, I'm Connie Wayman, W-a-y-m-a-n. I live at 444 West LaSalle Street, that is directly across the street from the property. That's me. My house actually is 3,767 square feet. If you're putting a house that size or almost that size on a lot that is less than mine, it's ridiculous aesthetically. I don't know if it can fit. It probably can fit.

To Mr. Chairman's point, yes, the lots allow the amount of property

## APPROVED

on it. But just because you can do it doesn't necessarily mean that you should do it. I do appreciate you're turning one of the driveways onto Chestnut, that makes a big difference.

I believe there are 14 houses along Walnut and two on LaSalle right now. So, we're looking at a minimum of 28 cars. I know of at least two people that have three cars per home, so that's another two more cars. My concerns, because I presume we'll never get down to two lots or two homes on this property, is that LaSalle Street is wide enough so that if people are parking on both sides of LaSalle, which does happen or at least does happen on our side, the side with the houses, is there going to be enough room for fire equipment to get through? If one of the houses on LaSalle is being dealt with with fire equipment, are the people on Walnut going to be locked in and not able to access out?

So, major concern is safety to make sure that street is wide enough.

CHAIRMAN ENNES: Well, part of our approval process, just so you know, is to have the Fire Department approve and do drawings to make sure their vehicles can get in there.

MS. WAYMAN: And that's not at this stage, that's in the next stage?

CHAIRMAN ENNES: No, that's already been done.

MS. WAYMAN: That's already been done?

CHAIRMAN ENNES: Right.

MS. WAYMAN: Okay, one last thing with the five-foot strip of land, and I know you're probably sick of hearing about this land already --

CHAIRMAN ENNES: We can't do anything about it.

MS. WAYMAN: Why can't the Village approach the individual who bought the land and buy it? Or you?

COMMISSIONER JENSEN: Ms. Wayman?

MS. WAYMAN: Yes?

COMMISSIONER JENSEN: You could talk to the Village Board. They actually have the authority to do something about it.

CHAIRMAN ENNES: We can't.

COMMISSIONER JENSEN: It's not in the purview of the Plan Commission.

MS. WAYMAN: You can't do it, all right. So, then we'll go to the Village Board on that issue. The other question about that --

CHAIRMAN ENNES: We review these proposals based on zoning codes.

MS. WAYMAN: Right, okay.

CHAIRMAN ENNES: And if it's allowable, we're good with it.

MS. WAYMAN: Okay, one other thing. Oh, no, I just lost my train of thought. Okay, if the person south of there decides to develop his land, he owns the land all the way up to LaSalle Street, correct? That five-foot strip, that's where we are today?

MR. HUBBARD: I believe. They haven't told me that they have, but in public records the same last name is the owner of both.

MS. WAYMAN: Okay, so then who ends up paying to develop that area that doesn't front his property? The five-foot edge that goes from LaSalle to that part, who has to develop that?

COMMISSIONER CHERWIN: Well, I think the --

CHAIRMAN ENNES: That can vary.

COMMISSIONER CHERWIN: Yes, and --

## APPROVED

CHAIRMAN ENNES: And it's not up to us today.

MS. WAYMAN: So, it wouldn't be up to this gentleman who has been developing the property because he doesn't own it, and the guy who has the next property may not develop it because it doesn't affect his homes.

CHAIRMAN ENNES: If he changes that property, that can be a condition to get it done, and then both properties can be done.

MS. WAYMAN: Okay, I just want to make sure that at some point Walnut actually ends up being finished and doesn't look like it does now with gravel and disintegrating roads which is absolutely ridiculous, especially when there's a fire hydrant right on that corner.

CHAIRMAN ENNES: But unfortunately, this gentleman does not own that property.

MS. WAYMAN: I know this one doesn't.

CHAIRMAN ENNES: Pardon?

MS. WAYMAN: I know he doesn't own it.

CHAIRMAN ENNES: Right, so we can't make him do that. We can't --

MS. WAYMAN: We can't strongly suggest that he approach the other guy and buy it?

COMMISSIONER GREEN: No.

CHAIRMAN ENNES: No.

COMMISSIONER GREEN: Why don't you buy it and then give it to him?

MS. WAYMAN: Well, I don't think I'd give it to him but I might buy it and then have it developed. We'll have to see how much it costs.

COMMISSIONER GREEN: In other words, what we're trying to say is the what-ifs are a little hard to deal with because we're dealing with zoning issues and that's what's before us.

MS. WAYMAN: I get it, and who knows, maybe I will reach out to the gentleman and see what the hold up is and why he purchased it all the way to the corner. Thank you for listening.

CHAIRMAN ENNES: Yes.

COMMISSIONER JENSEN: Sam, a question. What is the relative size of Ms. Wayman's property versus any one of the three that are proposed in the petition?

MR. HUBBARD: It's in the 13,320 square-foot range, so it's a little bit larger than the proposed lot sizes.

COMMISSIONER JENSEN: And that might be true of both of those properties on the north part of LaSalle?

MR. HUBBARD: Right.

COMMISSIONER JENSEN: But everything else around there is certainly not much bigger or less, okay. Thank you.

CHAIRMAN ENNES: So, also on the subject property that we're addressing, the depth of these lots is much greater than the lot, the 13,320 square-foot lots across the street. They have a very wide frontage but they don't have the depth. So, these lots are bigger than I think people give them credit for because they're saying, oh, there's three houses, there's only two across the street. They're good-size lots, 12,000 square-foot.

But anybody else that wanted to address the subject at hand?

MS. RICHARDS: Hi, I'm Tina Richards; I'm at 2104 North Walnut. So, I'm

## APPROVED

the north end of Walnut.

CHAIRMAN ENNES: Are you past LaSalle, above LaSalle?

MS. RICHARDS: Yes, north of LaSalle.

CHAIRMAN ENNES: Okay.

MS. RICHARDS: So, I had a couple of issues. Firstly, in the last meeting we talked about, in September, about flooding that occurred on Walnut in the houses and their basements in 2011. One of the Commissioners or Sam, I'm not sure who said that, the completion of the Ladd retention pond was sufficient to address this past flooding, but we had already sat down so we didn't get a chance to rebut that. In fact, the flooding took place after the Ladd retention pond was put in.

So, we just want to make sure that the additional runoff from the property is not going to create flooding concerns, and make sure that the storm sewer sizing is sufficient to address this past flooding that we had. Just to put it on the record, that Ladd was already in place, so I don't think we addressed that.

MR. HUBBARD: Sure. I don't know if that was me that said that, but you know, certainly the proposed subdivision and the lots will conform to all the Village requirements relative to stormwater. I believe your husband maybe spoke with me after the meeting and I think I put him in touch with somebody in the Engineering Department to discuss that. If it wasn't your husband, it was somebody.

MS. RICHARDS: Do we know if the sewers are designed in a way that will accommodate the additional runoff that's going to happen from these properties being built given the fact that we had flooding with the, you know, in 2011?

MR. HUBBARD: That would be a technical question for someone in the Engineering Department. I can't guarantee what the sizes are of the existing storm sewers. I can guarantee that this development and any of the lots will meet all Village codes and requirements relative to stormwater capacity. So, if there is a need to upgrade and it's a code requirement, he'll be required to upgrade it. If it's not a code requirement, you know, he'll still meet all of the Metropolitan Water Reclamation District requirements and Village requirements.

MS. RICHARDS: I'm not really sure --

COMMISSIONER JENSEN: I think she's asking two different questions. First of all, he's only required to take care of all of the runoff on his property so that it doesn't create any flooding from his property. But the Village may have a problem, and you should address the Village Board with that because that's not his problem. That is the Village's problem and it becomes your problem. So, they are the ones you have to talk to if you think they have inadequately handled the storm sewers and you're having flooding. What this process is going to do is make sure he doesn't contribute to the problem.

MS. RICHARDS: Well, that's my next point is by adding these houses, you've got like impervious surfaces, that's going to be more runoff definitely on to Walnut and as well as LaSalle. But that last property that's going on to Walnut, where is that runoff going to go?

COMMISSIONER JENSEN: Those have to be dealt with --

MS. RICHARDS: There's no trench like on, excuse me, like on Chestnut, there's properties without sidewalks and there's like this, I don't know what you call it, they're trenches along the road.

COMMISSIONER GREEN: Culverts.



## APPROVED

MS. RICHARDS: Culverts. So, there's nothing like that on Walnut, and you've got these three new houses going in, and where is the runoff going to go? There's no additional sewers or curbs or sidewalks, and normally you would --

CHAIRMAN ENNES: If that's required, based on the amount of water, then the engineers that approve this, they're the professionals. They know more than we do about the runoff. They will not allow this development to come in, and if your neighborhood has a water flooding problem; that's your neighborhood's problem, okay.

MS. RICHARDS: Well, I'm convinced this will contribute to that.

CHAIRMAN ENNES: Okay, well, the engineers, the Village is very sensitive to flooding now. If anything, there's a little overkill in there.

COMMISSIONER CHERWIN: I think if you look at the site plan Sam is laying out where the catch basins will be on the lots, they'll run north from the lots to LaSalle Street and then connect in on a sewer to Walnut. Then I presume that goes north to the new detention area, Sam, is that correct?

MR. HUBBARD: Yes, towards the north.

COMMISSIONER CHERWIN: So, the incremental of the impervious surface will have to be accounted for. I mean, you know, like I have, you know, in our neighborhood there's flooding. We're in a low area, a lot of that has to do with degradation of grading and stuff over time. It's not necessarily the capacity of the sewers, it's lot specific type of issues.

So, you know, I think as a fellow Commissioner said, it's really not, you know, as long as he takes care of the incremental runoff, that's all we can ask of him. He will have to do that in order to get his building permits. But I think as Commissioner Jensen said, if there's a bigger problem, the Engineering Department should know about it so that if there's something with the system that's not lot specific or grading specific that the Village can do, then they should be aware of it. But it may just be something that is not specific to the system but lot specific.

COMMISSIONER LORENZINI: Actually, I'm the one who raised that issue last time, and Sam explained that the lots are designed to handle the runoff per code and the sewers are not. But you have an excellent question; it's the same question I asked. They're going to dump into a sewer and our little sewer is adequate. Now, whether they are or not, that's up to the Engineering Department who can answer. But I don't think we should penalize somebody who is developing and is meeting all the codes for what he's developing.

MS. RICHARDS: Okay, I'm sure I'm going to get the same response to this one, but the other issue is you've got the 20-foot setback on Lot 1, and then that combined with the five-foot setback gives you 25 feet setback which is the requirement for a corner lot, which is why I think you agreed to do the 20-foot setback. So, you're meeting some of the requirements for this corner lot because it is a corner lot, but yet we're stopping short of requiring the curbs and the sidewalks and the whole thing. So, I guess that's just the way it is.

COMMISSIONER GREEN: Because he has no frontage property.

MS. RICHARDS: And do we have any assurance that it will be developed when the properties, and what is the requirement for developing that? I'm sure that's part of the long-term plan to have that street finished, but what will make that, what will trigger that?

COMMISSIONER LORENZINI: That was actually a question I was going to ask, the same question. Now, that lot to the south, when he comes to develop it, can he just

## APPROVED

say, well, I'm just going to develop the street in front of my lot or will he be required to go all the way up to LaSalle Street?

COMMISSIONER GREEN: But his lot goes all the way up to LaSalle Street.

MR. HUBBARD: Right. From my understanding, there would be a requirement to pave the entire street so that they get access to, you know, their lot. You know, it's a unique situation, you know, and it would have to be done in coordination with the Engineering Department. So, my understanding is that it would be fully improved, but given that it's a unique situation, you know, there could be some negotiation with the Engineering Department and, you know, I don't know what their plans are.

I had the same question. I asked the Engineering Department and, you know, they said when a development is proposed here, we'll address, you know, what the requirement is for the street. I can guarantee you, when there's a development proposed here, at the very least this portion of Walnut would be improved to the full width.

The question is what would happen here?

MS. RICHARDS: Right.

MR. HUBBARD: My guess is it would also be required to be improved to the full width, but again, you know, in my conversations with the Engineering Department, they said we need to wait until we see what development is proposed so that we can analyze exactly the implications towards our public infrastructure.

MS. RICHARDS: Right, because I'm afraid when it comes to that, it's going to be a question of who is going to pay for it. That Lot 1 is who benefits, so they're going to not be quick to agree to pay for it, I don't know. So, I'm afraid it won't happen if we don't address that now.

CHAIRMAN ENNES: It does happen. I live about a half a mile from here, and we had a very similar situation when I first bought my house right around the corner. We had a half of a street for three blocks, four blocks. It was, the lots actually were unincorporated, so they had the detention ditches, culverts all around their properties. But once they got sewer added in, which is already here, once that happened, then the Village came out and finished that street because these developers wanted to come in and it was a requirement.

If it would be, I'm sure it would be a requirement for him to do it if this strip of land wasn't in his way. But somebody else owns it, unfortunately. So, that's what kind of handcuffs us.

COMMISSIONER JENSEN: But Sam, the question is, I assume that the Village owns the parkway there, right?

MR. HUBBARD: Right, the Village owns the full width and --

COMMISSIONER GREEN: 66 feet.

MR. HUBBARD: Yes.

COMMISSIONER JENSEN: So, why doesn't the Village actually just widen it so that it looks like a regular street? Even though you're not putting the curbs and gutters and sidewalk, you could still get rid of that parkway and widen the street and make the flow of traffic better.

MR. HUBBARD: We could. There's no additional right-of-way needed. You know, it would be a capital improvement project. It would have to be included in the, you know, capital budget. You know, it's something that if the neighborhood wants to, you know,

## APPROVED

lobby the Village Board and make their needs and wants known, you know, it may be a priority to the Village but, you know, it's not --

CHAIRMAN ENNES: But it's not, do you understand that it's not part of this gentleman's development proposal? I can see where you want it for your neighborhood.

COMMISSIONER JENSEN: There's no reason you can't petition the Board when it goes there. I think you and Ms. Wayman ought to be making the point that the Village has the capacity to do something sensible with the parkway and make that into a full street. It may not have a sidewalk, gutter and so forth, but it actually would be a full street and it would help the traffic situation there.

MS. RICHARDS: Would they have the right-of-way to do curbs and gutters, too?

COMMISSIONER JENSEN: Well, they own it. Well, I don't know that they can do that, a half a loaf is better than none, okay? So, you can go for a full loaf if you want, I don't think you're going to get that, but I think you could actually get the street widened.

CHAIRMAN ENNES: We're not fighting with you, but we're limited into what we address.

MS. RICHARDS: I get that, okay.

COMMISSIONER GREEN: Maybe I could help you. I hate to keep bringing this up, but they don't do that. I live in an area in Arlington Heights and we do not have an improved street. So, I have the culverts. So, when the culvert goes away, that means you have a sewer pipe to replace it to haul the water away. The only time a sewer pipe goes in on a street improvement is if you have a full improvement. That means you have curb, you have gutter, you have the foundation for that street that meets Village requirements, and you have sidewalks, streetlights, and everything in there that makes that a one hundred percent Village approved street way.

COMMISSIONER JENSEN: They wouldn't do that?

COMMISSIONER GREEN: So, they won't give you gutter without sewer and without sidewalk and without everything.

COMMISSIONER JENSEN: But what I'm asking, can the Village actually make that parkway smaller so that you can widen the street even though it's not fully developed with all the other stuff, lighting and --

COMMISSIONER GREEN: The Village will not pay for a partially improved street. This is what they gave me years ago, because I asked about that in front of my house.

COMMISSIONER JENSEN: If I were you I'd still ask.

MS. RICHARDS: Yes, because you had the culverts, is that what you call the ditches?

COMMISSIONER GREEN: I had the ditch, yes, because there's no storm sewer.

MS. RICHARDS: But this has neither ditches nor curbs, you know what I mean? It doesn't have any of that.

CHAIRMAN ENNES: Well, but you do have sewers there.

COMMISSIONER JENSEN: Bring it to the Board's attention. They may tell you no but you won't know until you ask.

COMMISSIONER GREEN: Exactly.

CHAIRMAN ENNES: But it's their purview.

## APPROVED

COMMISSIONER CHERWIN: Can I ask, Sam, how old are these houses, like west of Walnut?

MR. HUBBARD: I'd be guessing, but I want to say it was in the 70's.

COMMISSIONER CHERWIN: And is that, Walnut down there south, that's a cul-de-sac, isn't it, down in the south? It doesn't go through if I recall?

MR. HUBBARD: Yes, it's cul-de-sacs down here.

COMMISSIONER CHERWIN: Have any of those, prior to this petition, has the Staff received any concern or any, I guess not petitions but any requests or any concern from the neighbors in that area to widen that street? I mean, has it been an ongoing issue?

MR. HUBBARD: They wouldn't have been addressed to the Planning Department likely, so I'm not aware of any. It's not to say that people haven't raised the issue before, but I'm not aware of any.

COMMISSIONER GREEN: The answer is special assessment.

COMMISSIONER CHERWIN: Yes, the whole neighborhood pays.

COMMISSIONER GREEN: The homeowners pay. If you have a 100-foot frontage, you pay for 100 feet of the improvement.

COMMISSIONER CHERWIN: Right.

COMMISSIONER GREEN: So, it's not a Village, they don't pick up the tab, they pass it on to you.

COMMISSIONER CHERWIN: I get that. I'm just concerned, you know, it's coming up as like a serious issue now and I'm just wondering why it hasn't been brought up before, if it hasn't been brought up before.

CHAIRMAN ENNES: Well, but unfortunately, it's not something that we can really address. Is there anybody else on the left side that would like to come up and talk? Please do.

MR. VAN WAZER: Roger Van Wazer, V-a-n W-a-z-e-r. I am in the 2007 North Chestnut, the house immediately across the street to the east of the property.

I don't want to beat a dead horse with the strip, but that is one thing that really messed this up because if you look at this, the practical sense is to have one house go to Walnut, one to LaSalle, one to Chestnut. What I'm learning from this is it's not, despite it being the most practical solution, the developer doesn't want that because then that would certainly force the improvement of Walnut. But then suddenly it's sold, you know, just coincidentally after all this planning happens, it's sold.

It just makes a lot of eyebrows go up. It's like why? Why is it all of a sudden sold in what looks for like a nominal fee, when the thing that made the most sense if it was going to go for 5,000 bucks is to have one house go each direction. That's only my observation. I understand you're saying it's not your purview but, you know, from a practical sense it's part of this development.

In terms of the variance, the strip plays a part in that, too, because by even making an effort to buy that strip, that's eating away at the bottom line, right? Even if it would be \$5,000 or \$10,000, it is. So, for the purposes of maximizing the bottom line for the development, we don't buy the strip. At the same time, we want a variance on the other side to maximize our bottom line so we can build as big a house as we can on Lot 3. It just doesn't work that way for anybody else.

If any of us wanted to do something in our, like on my corner lot, if I

## APPROVED

wanted to extend my house north which I'd love to do, I can't because I violate two side lines. So, it just doesn't seem to be a level playing field here. I know just one person is not going to do anything about it, but I had to say it.

One last question is I know there's some concern about whether these three houses are going to be built at the same time or whether it's going to be staggered.

CHAIRMAN ENNES: Any other questions on the left side?

MR. OBERMAN: I got a question regarding something that was brought up. Can I speak again please? It will just take one moment.

CHAIRMAN ENNES: Sure.

MR. OBERMAN: So, again it's Rich Oberman. Let's suppose that the homes are built here, and then now when the second developer comes in to develop this property where the vacant house is there.

CHAIRMAN ENNES: To the south?

MR. OBERMAN: On the south, what if that little strip of land, well, we're going to sell a part of that land now, so that land gets sold. So, now that's not his land to develop. So, now it's just some random person that owns that little five-foot strip. So, now that would, you know, he wouldn't be responsible for developing that area.

CHAIRMAN ENNES: Who wouldn't?

MR. OBERMAN: The gentleman that would be to the south.

CHAIRMAN ENNES: Okay, and that house is vacant now?

MR. OBERMAN: Yes.

CHAIRMAN ENNES: Okay, he wouldn't be responsible for developing --

MR. OBERMAN: Because he might sell that little portion of land, not the entire strip, just the north, just everything north of his property line.

CHAIRMAN ENNES: I don't know he would do all --

MR. OBERMAN: If he's selling his five-foot by 40 feet or something.

COMMISSIONER JENSEN: You know, it's odd enough that the guy to the south wanted to have that, extend up to LaSalle, that's odd. But I can't imagine anyone in their right mind buying that little strip. I mean, we could deal with outliers that are so far out that they make no sense. But I would bring this up to the Board because this isn't, we can't address it.

MR. OBERMAN: Right, okay. I agree. So, and the last point. There's an older gentleman that lives on our block on Walnut, and his grass was getting a little high and then the sort of Village was telling him you know what fella, you've got to get that grass cut or we're going to fine you. The guy that owns that lot over there, the Village cuts his lawn. So, we're paying for that, that grass is being cut on the back of the taxpayer.

CHAIRMAN ENNES: No, it's not.

MR. OBERMAN: It absolutely is. Who's cutting it?

CHAIRMAN ENNES: If the Village is doing it, they've given him notices and he hasn't done it, then they bill him.

MR. OBERMAN: No, the Village cuts all of that grass, am I correct?

AUDIENCE MEMBER: That's correct.

CHAIRMAN ENNES: Wait, the south vacant lot?

MR. OBERMAN: All of that strip. All of that strip all the way down, that gets cut.

COMMISSIONER GREEN: That green part that we're looking at?

LeGRAND REPORTING & VIDEO SERVICES

Chicago & Roselle, Illinois - Miami & Orlando, Florida

(630) 894-9389 - (800) 219-1212

## APPROVED

MR. OBERMAN: Absolutely, right where that flasher is.

COMMISSIONER GREEN: That's on Village property.

CHAIRMAN ENNES: Other than the five feet.

COMMISSIONER GREEN: Other than the five feet.

MR. OBERMAN: Well, they're cutting all the way over to the fence row.

COMMISSIONER CHERWIN: Well, that's the Village's issue, not the

Petitioner's.

MR. OBERMAN: No, I know that. I just wanted to mention it. I felt bad for the old guy, they were roughing him up a little bit when this is the guy they ought to get after.

COMMISSIONER JENSEN: Well, Mr. Oberman, do you know that they're not billing the guy who owns that?

MR. OBERMAN: Oh, gee, I don't know, geez.

COMMISSIONER JENSEN: Well, that's right, we don't know. It's a Village issue, Village Board issue.

MR. OBERMAN: Yes, right. All right, I just wanted to mention it. It kind of ruffled my feathers that, you know, I felt bad for the old guy but they allowed that. So, all right.

CHAIRMAN ENNES: Well, I don't know that they allow it.

COMMISSIONER CHERWIN: Lynn, could I address that? Lynn, I think you brought up the question of the strip. I think what you're saying is why would they have sold the whole thing. Well, first of all, because the guy, that strip is most valuable to the guy to the south because if he doesn't get it he has no access to Walnut and he only has two lots he could build on instead of four.

CHAIRMAN ENNES: Right.

COMMISSIONER CHERWIN: So, the value to the guy to the north, two, you know, three lots with two or three entrances on LaSalle Street is not a big deal but, you know, whether he enters into LaSalle or Walnut. But this guy to the south, he needs that to access Walnut. The second thing would be I don't know that he would be able to spin off a part of that under the subdivision code. There may be a restriction to, if you're selling off a lot that's part of a whole lot and it's not to an adjacent owner, you're restricted from doing that under the plat act.

COMMISSIONER JENSEN: Even if you weren't restricted, who would buy that?

COMMISSIONER CHERWIN: Yes, it's not marketable.

MR. EHRLICH: Can I ask, isn't that --

CHAIRMAN ENNES: Wait, wait. Before we keep carrying this on, do you have something new? Wait, wait, let me finish my question, related to the subject property? Are we going to, I don't want to go off into intangibles and other people's property.

MR. EHRLICH: No, it's a simple question.

CHAIRMAN ENNES: Okay.

MR. EHRLICH: So, for example --

CHAIRMAN ENNES: No, you've got to come up to the podium.

MR. EHRLICH: So, you've got somebody right behind you that owns the strip, okay. Then if they develop --

CHAIRMAN ENNES: Wait, we're not talking about the strip because --

MR. EHRLICH: Well, wait, I have one simple question. Why can't we, who

LeGRAND REPORTING & VIDEO SERVICES

Chicago & Roselle, Illinois - Miami & Orlando, Florida

(630) 894-9389 - (800) 219-1212

## APPROVED

do we ask to go for eminent domain on that one strip that --

COMMISSIONER JENSEN: You ask the Village Board which is --

CHAIRMAN ENNES: We've said this 10 times.

MR. EHRLICH: Well, but no one has --

COMMISSIONER CHERWIN: You guys can buy it. You guys can buy it.

CHAIRMAN ENNES: The next level of this is the Village --

MR. EHRLICH: This is going to be garbage. If that guy builds out and then he's going to hold on to that strip of land that's going to have no purpose for anything.

COMMISSIONER CHERWIN: You guys can buy --

MR. EHRLICH: That's why everyone is aggravated about it.

COMMISSIONER JENSEN: We've been told a number of times who you ask. You ask who do you ask. You ask the Village Board.

CHAIRMAN ENNES: Village Board.

MR. EHRLICH: Wonderful.

COMMISSIONER CHERWIN: You can buy it and donate it.

CHAIRMAN ENNES: You go to the next hearing on this petition and they have a broader scope.

MR. EHRLICH: Okay.

CHAIRMAN ENNES: Okay, I'm going to close the citizens' public hearing on this. I would, are there any other questions for the Petitioner?

COMMISSIONER LORENZINI: Yes, I have a question for Sam or maybe for Jay, our attorney. How could that strip of land even been created?

MR. HUBBARD: I know the history of it. When this subdivision was created back in the 70's or 80's or whenever it was, this piece of land was also owned by whoever did this entire subdivision. When they dedicated the land for Walnut Avenue, they had all the required width that they needed for Walnut Avenue, so there was no need to dedicate this additional portion of land as right-of-way. So, it was just kept as some weird outlying piece that was owned by the subdivider, but was not needed for public right-of-way to complete the full width on Walnut Avenue. So, it stayed as this weird outlot piece for years and years and years, and somehow it changed hands.

COMMISSIONER CHERWIN: I would just add the reason they call it a spite strip is because historically when developers go out in expanding areas, potentially for highway dedication, farmers would be dedicating their land for interstate. Some folks would keep a very narrow strip of land to control all access. So, it was a way of a farmer giving a road away but then, you know, sometimes with full knowledge of the buying party, sometimes without, they would keep a small strip so that the party that thought maybe that they could develop next to it would need to come back to the person who kept the strip to get access to the road. So, they were maintaining control of access to the road so that the only way the land could be developed would be to come back to the people who originally sold the roadway and to pay them more money for access to the street.

COMMISSIONER LORENZINI: So, is it fair to say that this strip has been there like this for quite a while and it wasn't something recently developed to save somebody from developing that side of the street?

MR. HUBBARD: It's been there for decades.

COMMISSIONER LORENZINI: Okay, thank you.

## APPROVED

COMMISSIONER JENSEN: I'd just like to ask Mr. Kelly, did you make, was this ever in your calculation to try to purchase that strip?

MR. KELLY: Excuse me. I wasn't aware it was for sale.

COMMISSIONER JENSEN: Okay, and so you've made no effort because you didn't know it was --

MR. KELLY: So, at the point that the closing or approaching the close, in research, the property that I'm here speaking towards, apparently the former owner, in my research just based on what was discovered on Realist like an MLS, you know, entity identifier, in my research it was, if I recall, part of an estate or a recently deceased party that was in town. But again, I wasn't aware that it was for sale and that it traded hands.

It's logical to me that the person to the south bought it for the reasons that you brought up. It's a control, you know, it's a control issue. I mean, I'm not going to speak towards somebody else's intent but, you know, if it's a vacant home which I wasn't aware of and the property to the south has purchased that five-foot spite strip, I think it's fairly logical to assume that at some point in the near future they would propose a four-lot subdivision. Again, I can't speak towards somebody else's intent, but I don't know why you would pursue the other parcel unless you were going to take some sort of action on that.

COMMISSIONER JENSEN: Thank you.

MR. KELLY: Sure.

CHAIRMAN ENNES: Commissioners, any other questions? Can we have a motion?

COMMISSIONER GREEN: I would like to make a motion.

**A motion to recommend to the Village Board of Trustees approval of PC# 19-009, a Preliminary and Final Plat of Subdivision to subdivide the subject property into three lots, and the following variation:**

- 1. A variation from Chapter 28, Section 5.1-2.2, *Required Minimum Yards*, to reduce the required exterior side yard setback on Lot 3 from 40 feet to 30 feet.**

**This recommendation shall be subject to the following conditions:**

- 1. The existing home on the subject property must be demolished as part of final plat of subdivision approval, and must be completed no less than six months after recording of the final plat of subdivision.**
- 2. Right-of-way dedication shall be required along the western side of Chestnut Avenue (33 feet) and along the southern side of LaSalle Street (26 feet), and both right-of-ways shall be fully improved to comply with Village requirements.**
- 3. A Design Commission application shall be required for all new homes proposed on the subject property.**
- 4. A \$9,002 fee in lieu of onsite detention shall be required.**
- 5. Land contribution fees shall be required for Lots 1 and 3.**
- 6. The tree preservation and landscape plan shall be revised so that the eight-inch Mulberry tree that is slated for preservation shall be removed and replaced with a State Street Maple tree, and the three State Street Maple trees proposed along Chestnut Avenue be revised to be Ivory Silk Japanese Lilac trees.**
- 7. The Petitioner shall comply with all federal, state, and Village codes, regulations**



## APPROVED

and policies.

CHAIRMAN ENNES: Is there a second?

COMMISSIONER CHERWIN: I'll second.

CHAIRMAN ENNES: Could we have a roll call vote?

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

CHAIRMAN ENNES: So, you have a unanimous approval. You are familiar with the seven conditions?

MR. KELLY: Yes, I am.

CHAIRMAN ENNES: You're agreeable with all those? I forgot to ask you that earlier.

MR. KELLY: I am, yes.

COMMISSIONER JENSEN: Sam, when is this going to the Board?

MR. HUBBARD: So, it's tentatively scheduled for November 4th, but the November 4th meeting agenda of the Village Board could be quite a heavy meeting. So, it may be pushed back to November 18th. That's something that we'll be in communications with the Petitioner on. For any members of the public interested, they can monitor the website or they can reach out to me and I will inform them as soon as I know when the agendas are set for the November 4th meeting, which will be sometime next week likely.

COMMISSIONER JENSEN: Well, it would be good to see if we could try to let the residents know so that they have that other avenue they can pursue to deal with the questions that are not in the purview of this Commission.

CHAIRMAN ENNES: Yes. I'd like to say we like it when the neighbors come in because they make us aware of some things that we don't normally hear about. But there is nothing we can do with some of those issues. Mr. Oberman, good luck.

COMMISSIONER JENSEN: Kelly.

CHAIRMAN ENNES: Oh, I'm sorry. I'm sorry, Mr. Kelly. So, we have one more point of order. Is that --

MR. HUBBARD: No, this is the last item on the agenda.

CHAIRMAN ENNES: Okay, nothing to sign with plats? Because none of this is done yet, with the building sizes.

MR. HUBBARD: Right, I'll have to get it for you and you'll have to sign it this evening. But other than that, no. Other than that, we have no other business this evening.

COMMISSIONER JENSEN: I move we adjourn.

CHAIRMAN ENNES: And is there a second?

COMMISSIONER LORENZINI: Second.

## APPROVED

COMMISSIONER GREEN: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Thank you.

(Whereupon, the above-mentioned petition was adjourned  
at 8:41 p.m.)