

PLAN

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

COMMISSION

RE: 419 SOUTH PINE AVENUE SUBDIVISION - PC #24-003
PRELIMINARY & FINAL PLAT OF SUBDIVISION FOR A TWO-LOT SUBDIVISION

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 12th day of June, 2024 at the hour of 7:30 p.m.

MEMBERS PRESENT:

JAY CHERWIN, Chairperson
LYNN JENSEN
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
TERRY ENNES
JOHN SIGALOS
SUSAN DAWSON

ALSO PRESENT:

SAM HUBBARD, Development Planner
HAILEY NICHOLAS, Assistant Planner

CHAIRPERSON CHERWIN: I call it to order I guess here --
(Gavel pounded.)

CHAIRPERSON CHERWIN: -- and do the Pledge of Allegiance.
(Pledge of Allegiance recited.)

CHAIRPERSON CHERWIN: Thank you.
You want to do roll call, Hailey?

MS. NICHOLAS: Of course.
Commissioner Dawson.

COMMISSIONER DAWSON: Here.

MS. NICHOLAS: Commissioner Drost.

COMMISSIONER DROST: Here.

MS. NICHOLAS: Commissioner Ennes.

COMMISSIONER ENNES: Here.

MS. NICHOLAS: Commissioner Green.

COMMISSIONER GREEN: Here.

MS. NICHOLAS: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MS. NICHOLAS: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MS. NICHOLAS: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MS. NICHOLAS: Commissioner Warskow.
(No response.)

MS. NICHOLAS: And Chair Cherwin.

CHAIRPERSON CHERWIN: Here.

meeting. All right, I guess we will start with an approval of minutes from the last

COMMISSIONER DROST: I'll make a motion to approve the minutes.

COMMISSIONER GREEN: I'll second that.

CHAIRPERSON CHERWIN: All in favor?

(Chorus of ayes.)

COMMISSIONER ENNES: I abstain.

CHAIRPERSON CHERWIN: Terry Ennes abstains.

agenda. All right, I think we can move to the first and only petition on the
Petitioner can step up to the front. We'll start with the Staff.

Have public notices been given on Mr. Kelly's petition?

MS. NICHOLAS: Yes, they have.

hand? CHAIRPERSON CHERWIN: All right, Mr. Kelly, if you could just raise your

(Witness sworn.)

reporter, please? CHAIRPERSON CHERWIN: All right, could you spell your name for our

MR. KELLY: Sure. K-e-l-l-y, B-r-i-a-n.

CHAIRPERSON CHERWIN: All right, Mr. Kelly, there are a few conditions
on the back of the Staff report. Have you read and reviewed those, and do you agree with those
conditions?

MR. KELLY: Yes.

CHAIRPERSON CHERWIN: All right, well, why don't we start with your presentation? Then we'll move over to Staff presentation.

MR. KELLY: Sure. So, I'm under contract to purchase the two parcels at the address of 419 South Pine. Currently, the way that the parcels are, they go north and south, and the corner lot is, what's the better way to put it, it's basically too narrow to build a house on it because of variances. I basically just want to take the two lots, reposition them, have them face Pine, and by doing that I fit all the zoning requirements, all the setback requirements, you know, the lot width and all those things.

So, I like to say it's kind of a simple thing but that's basically the long and the short of it all. I have a couple of pictures I could, that's basically the subdivision plat. That's a little easier to see.

You can see the underlying lots, and then you can see the new lots that we're proposing. One lot will be 76 feet wide, one will be 90-foot wide, that will be the corner. I think it makes it a better, it's a better layout, too, for the house and this has a better layout for the people's backyards. I just think it's a better idea.

If you have any questions, please feel free.

CHAIRPERSON CHERWIN: Yes, will do. Thank you.

Staff, you can go ahead with your presentation.

MS. NICHOLAS: Of course.

Okay, so this is Petition #24-003, for the 419 South Pine Subdivision. The subject property is located on the southeast corner of Pine Avenue and Grove Street with the current addresses of 419 South Pine Avenue and 403 East Grove Street. The property is zoned R-3, One Family Dwelling District, and the Comprehensive Plan designates the property as appropriate for single-family detached land uses. The Petitioner is requesting preliminary and final plat of subdivision approval to subdivide the property into two lots, and there are no variations requested.

This aerial shows the subject property. Both of the existing lots are currently vacant. They have a combined size of about half an acre. The lots have been under common ownership since at least 1959, and the existing corner lot, 419 South Pine, is substandard in size for a corner lot in the R-3 District and it doesn't meet code requirements for the minimum lot size and lot width. However, the existing interior lot, 403 East Grove Street, meets current code requirements for a standard interior lot in the R-3 District. The Petitioner is requesting that the two lots be subdivided and reconfigured to create two code-compliant lots, and they plan to construct a single-family home on each lot.

These are the proposed lot configurations in comparison to the code requirements for the R-3 Zoning District. As shown here, the proposed lots are equal to or greater than the minimum lot size and lot width required for the R-3 District.

This is a snapshot of the plat of subdivision to show the proposed lot configuration more clearly. The light-dotted vertical line shows the existing lot configuration as we saw in the first aerial image whereas the darker line shows the exterior lot and the horizontal line shows the proposed configuration with the lot dimensions from the previous slide.

This is a picture of the engineering site plan that shows the proposed site improvements and conceptual footprints of the new single-family homes. As a two-lot subdivision, no on-site detention is required; however, the Petitioner shall be required to provide a fee in lieu of on-site detention prior to issuance of the site development building permit for the

necessary infrastructure improvements. The lots will be graded to direct stormwater on the northwestern side of the site towards Pine Avenue. Pine Avenue is substandard relative to current code requirements as there is currently no public sidewalk at this section of Grove Street and Pine Avenue, and as part of this subdivision, a public sidewalk is required including sidewalk ramps at the intersection to meet the requirements of the public rights-of-way accessibility guidelines. The Petitioner has worked with the Engineering Division to propose the necessary improvements to the existing infrastructure in the area.

Individual water and sewer service connections to the mains will be provided for each of those lots. There is currently no sanitary sewer along this property's frontage, so the Petitioner plans to connect to the existing combined sewer from the south on Pine Avenue which will involve the removal and replacement of the neighbor's concrete driveway apron as shown on the bottom of the engineering site plan.

Public utility easements, drainage easements, and drainage swales have been proposed along the side yard and rear yard as required by code. Detention is required for the subdivision; however, as allowed by code, the Village Engineer will exempt the Petitioner from this requirement and a fee in lieu of on-site detention will be collected as part of the building permit process.

In regards to parking and traffic, Staff expects that the proposed subdivision will have a negligible impact on traffic within the vicinity. A formal study is not required for a two-lot subdivision, so no further analysis was conducted.

The Staff Development Committee recommends approval of the proposal subject to the following conditions as mentioned during the presentation and outlined in the Staff report. This concludes the Staff presentation, thank you.

CHAIRPERSON CHERWIN: All right, thank you, Hailey.

Do we have a motion to submit that?

COMMISSIONER JENSEN: So moved.

COMMISSIONER GREEN: Second.

CHAIRPERSON CHERWIN: All right, voice vote?

COMMISSIONER GREEN: Yes.

CHAIRPERSON CHERWIN: All in favor?

MR. HUBBARD: Not roll call.

CHAIRPERSON CHERWIN: All in favor?

(Chorus of ayes.)

CHAIRPERSON CHERWIN: Any opposed?

(No response.)

CHAIRPERSON CHERWIN: All right, the motion carries.

Why don't we start with the Plan Commissioners, Lynn down here? What do you think? Any questions?

COMMISSIONER JENSEN: Right. Yes, just essentially one thing. When this came before the Conceptual Plan Review Committee, I thought it was a great proposal, I think a great idea to actually get two lots out of that that you can build something on. The only area that I have some concern is, I think it's what the Village is asking you to do in terms of putting the sidewalks around this property after you build it. I think it's highly inappropriate. I think it violates one of the provisions that we actually ask all petitioners, is it going to change the character of the neighborhood.

Scarsdale doesn't have any sidewalks. They're very proud of the fact

that they don't have sidewalks. I don't know why, because I think sidewalks are a good idea, but the character of that neighborhood is one that there aren't sidewalks. I think it's not only aesthetically a problem, I think it's an expense that doesn't need to be incurred, and I think it's a safety hazard. You'll have people walking on the sidewalk, when they get to the end of the sidewalk, it goes from nowhere to nowhere, they'll go into the street until they hit the next segment where you would have a sidewalk.

So, I can't see why we would be making them put sidewalks in unless the Petitioner wants them. I don't know if that's a feature you want to add to the property or not.

MR. KELLY: I just kind of left it up to your discretion. I know that's something that the Staff asked for, that's why my engineer put it on the plan, but if you don't want them, we'd be happy to take them off.

COMMISSIONER JENSEN: Well, it's really a matter of yours. I know that a lot of people have come before us and they think that it may adversely impact how their petition is going to be treated, and I would like to hope that that isn't the case, but if you want them, you should have them.

MR. KELLY: Sure. In my opinion, I think it would fit more in character with the neighborhood without the sidewalks, just like you said. I think it would look nicer without the sidewalks. It's more green space.

COMMISSIONER JENSEN: Sure. So, other than that, I think it's a great project. I just think that we should not be requiring them to distort the neighborhood, the character of that neighborhood, incur that kind of expense, and quite frankly, create something that is not only not attractive but not functional and not safe.

CHAIRPERSON CHERWIN: Thanks, Lynn.

Joe, any questions?

COMMISSIONER LORENZINI: Yes. No, I kind of agree with Lynn. Even before I was on the Plan Commission, I was on the Board of Local Improvements and there was a big push-back then to sort of put sidewalks in in Scarsdale and it got dropped. So, I kind of want to agree with whatever Lynn said. I mean, I just thought it just wouldn't fit in but, you know, it's ultimately not my decision but that's my opinion.

CHAIRPERSON CHERWIN: Bruce, any questions before we ask for public comments?

COMMISSIONER GREEN: Yes, I'll jump on the bandwagon. I think the sidewalks are a little goofy just on your property, two lots. So, I agree with my fellow Commissioners here on that one. I also agree that it's a nice thing just to turn these lots around and make them useful. Good job.

CHAIRPERSON CHERWIN: All right, Sue, down at the end, any questions?

COMMISSIONER DAWSON: I agree on the sidewalk issue. My question was going to be there's no sidewalks anywhere in the vicinity, right?

MR. HUBBARD: There are sidewalks to the north and to the east across both Pine and Grove Streets, but -- I'm sorry, to the north and to the west.

COMMISSIONER DAWSON: West?

MR. HUBBARD: Yes, but to the east and to the south, there are no sidewalks.

COMMISSIONER DAWSON: Where are there sidewalks?

CHAIRPERSON CHERWIN: To the west across Pine, Sam?

MR. HUBBARD: Yes.

CHAIRPERSON CHERWIN: And then to the north on both sides of the street.

MR. HUBBARD: To the north. To the north across Grove, yes.

CHAIRPERSON CHERWIN: And then going east into the subdivision.

COMMISSIONER DAWSON: Well, there's no sidewalks -- oh, you mean to the northwest of the project, that sidewalk? Not directly across, not the residential area directly north?

MR. HUBBARD: Well, on the corner, on the northeast corner, there is a sidewalk coming down and that would just, you know, go across Grove on a, you know, with a crosswalk to make that connection into the subject property sidewalks.

COMMISSIONER SIGALOS: Well, I'm not seeing that.

COMMISSIONER GREEN: Where is it?

COMMISSIONER DAWSON: Yes, I don't see it, but --

CHAIRPERSON CHERWIN: Where it says 327, that's a sidewalk?

COMMISSIONER DAWSON: That's a sidewalk?

MR. HUBBARD: Yes.

COMMISSIONER DAWSON: Oh, that's a sidewalk. Interesting.

MR. HUBBARD: And then there's a sidewalk here as well.

MS. NICHOLAS: That goes down Pine as well, yes.

MR. HUBBARD: That, and then it comes up like that.

COMMISSIONER DAWSON: Okay.

MR. DAVIS: So, I find that -- sorry to interject. The plan itself is goofy --

CHAIRPERSON CHERWIN: We're going to, we'll ask time for public comment later. This is right now, we have to keep the conversation up here.

COMMISSIONER DAWSON: So, okay, so my understanding is that the reasoning for the sidewalk issue is to, as the property gets developed, to create basically sidewalks everywhere, right? So, to fill in gaps in the neighborhoods where there is not sidewalks. So, it's not simply a rule or a zoning code for Scarsdale. It applies wherever we're building, right? So, that's why the recommendation?

MR. HUBBARD: Yes, any subdivision triggers the requirement to provide a sidewalk, yes.

COMMISSIONER DAWSON: So, I would presume, you know, if Staff makes a recommendation, that makes sense to me, but as opposed to what you said it's not our call, I think it is very within our right to say this is a clear area of exception, right, where it makes sense in a number of situations, but in this sense, I mean, we're not setting a precedent. We're not, I think it's a very clear exception to that rule. I mean, these are homes that aren't getting flipped any time soon to make more sidewalks, right?

COMMISSIONER JENSEN: So, I was in agreement with you. I mean, that's the point I want to make, unless the Petitioner wants to make it. That was the point that was made by Staff in the Conceptual Review Committee, that they thought over time they would put sidewalks throughout all of Scarsdale, but that would require houses being torn down, as the new ones are built we'd get in a little segment of sidewalk.

COMMISSIONER DAWSON: Right.

COMMISSIONER JENSEN: No one will live long enough to see that happen in Scarsdale.

COMMISSIONER DAWSON: Yes, it would be my thought. I mean, the only

other thing would be if there are going to be some reservation of right for the Village to come back in later and require the homeowners to install a sidewalk at a later time if the whole thing is being developed. But I would agree that I don't feel that sidewalks would be appropriate here. I think it would be well within our right to add that to the motion if we get to the point of a motion.

The other question I had is, are you going to live in one of these homes or are you purely developing?

MR. KELLY: I'm building them to sell.

COMMISSIONER DAWSON: Okay, so we don't even know. The potential buyers may want it, may not want it, but we have no idea because you are looking to sell.

MR. KELLY: Correct.

COMMISSIONER DAWSON: Right. I mean, okay. Okay, that was really my only questions.

CHAIRPERSON CHERWIN: Thanks, Sue.

John?

COMMISSIONER SIGALOS: Yes, I really don't have any other questions. I was part of the Conceptual Plan Review, but I agree on the sidewalks, I mean, there's no purpose of putting sidewalks in there if they're going nowhere. In looking at this and one of the adjacent properties south of Grove and east of Pine, I mean, nobody has sidewalks there. So, I would agree that they're not necessary.

CHAIRPERSON CHERWIN: All right, Terry?

COMMISSIONER ENNES: I wasn't at Conceptual Plan. I have a couple of questions. Granted, for the Scarsdale neighborhood, they have very few sidewalks, but sidewalks, which I haven't heard mentioned, are a health and safety issue. I've grown up in town. I've had kids in town. Sidewalks are good for kids to walk on and ride their bikes. They have to ride in the street in Scarsdale. That's all I have to say. If the neighborhood doesn't want them and the owner doesn't want to build them; I don't have a problem with excluding them.

I have other questions though. So, basically, you're rotating the two lots here east and west from north and south --

MR. KELLY: Correct.

COMMISSIONER ENNES: -- to make them buildable lots. Great idea. Who was the seller on this, or is the seller?

MR. KELLY: I will be.

COMMISSIONER ENNES: You're the seller and the buyer? You bought them to build?

MR. KELLY: I'm buying them; I'm going to build homes; then I'm going to sell them.

COMMISSIONER ENNES: Who did you buy them from? I'm just wondering.

MR. KELLY: I'm on a contract with the family that owns that big commercial --

COMMISSIONER ENNES: Commercial lot, okay. I thought they owned those, okay. Some of my questions aren't in regard to the sidewalk at all but rather in regard to stormwater. I noticed that in the Staff report under Engineering and Infrastructure, in paragraph three we talk about combined sewer. Can you tell me what's a combined sewer? Is that storm and sanitary?

MR. HUBBARD: Yes.

MR. KELLY: Yes.

COMMISSIONER ENNES: So, we have both in the same sewer.

MR. HUBBARD: Yes.

COMMISSIONER ENNES: Isn't this one of the neighborhoods in Arlington Heights that just had some stormwater issues in the past? Am I wrong about that?

MR. HUBBARD: Scarsdale may have, but not this particular location that I'm aware of. Yes, I mean, if there was a particular stormwater concern, then the Engineering Division would have asked for, you know, some type of mitigation as part of this development rather than just accept a straight-up fee in lieu of the stormwater.

COMMISSIONER ENNES: And they note in there that the Village Engineer is exempting the Petitioner for a fee in-lieu-of being assessed. What would that fee in-lieu-of be covering to exempt him from having detention/retention on the property?

MR. HUBBARD: You know, it depends. It's based, it's \$1 per cubic square foot of required stormwater detention. What that amount is here, I don't know. Do you, are you aware, Mr. Kelly? I believe it was in the fee letter.

MR. KELLY: I want to say something like \$6,600, something like that. That's just recollection.

COMMISSIONER ENNES: Off the top?

MR. KELLY: Yes.

COMMISSIONER ENNES: Okay. Okay, what is that fee going to be, is that fee going to be used to improve the sewers in the area or just a fee we're collecting?

MR. HUBBARD: I mean, generally, yes, it goes to the Village. I don't know if it goes to a specific fund that's used for --

COMMISSIONER ENNES: I would like to see that. If we're going to take a fee from him for stormwater, I'd like to see that used for stormwater in the area.

MR. HUBBARD: Yes, I mean, generally, I'm sure it will be.

COMMISSIONER ENNES: Eventually?

MR. HUBBARD: Eventually, yes. You know, it's not, again, I don't think it goes to a specific account that's dedicated for that purpose, but that's the general intent of collecting it, yes.

COMMISSIONER ENNES: Yes. Under recommendations number three, there's something called a linkage fee. What's that? I've never heard of a linkage fee before.

MR. HUBBARD: That's an affordable housing fee for all new market rate homes constructed. It's a requirement that the Village Board has enacted.

COMMISSIONER ENNES: Okay, that's all I have.

CHAIRPERSON CHERWIN: Thank you, Terry.

COMMISSIONER ENNES: Linkage fee.

CHAIRPERSON CHERWIN: Linkage fees.

COMMISSIONER DROST: Right, yes.

Hailey, could you put us back on the footprint for the site? I've got a few questions on some of the metrics.

MS. NICHOLAS: This one?

COMMISSIONER DROST: Yes, that's good enough. You're going to build two homes. Can you describe the home square footage? Are they going to be one-story, two-story? And sort of what you're kind of contemplating from a market price, you know, what range?

MR. KELLY: So, let me give you a little background. I've been building

homes for 30 years.

COMMISSIONER DROST: That's the other question.

MR. KELLY: I've probably built about 300 homes between single-family, multi-family, condominiums. I built some homes off of North Beverly a few years back, like I think three homes there. These will be 3,200-3,500 square-foot homes, two-story, four-bedrooms, three-baths, three-car garage, brick stone siding. I have a good idea of what I'd like to do, but high quality homes.

COMMISSIONER DROST: And what kind of price range are you looking at?

MR. KELLY: With that linkage fee, it's going to be a little higher now.

COMMISSIONER DROST: Yes, but without the sidewalk, it will be a little lower.

MR. KELLY: Actually, yes, this all kind of balances out.

COMMISSIONER DROST: Yes.

MR. KELLY: I'd say it will probably be, I don't think it will be under, I originally said a million dollars, so it probably won't be under a million one, they could be over at that point. I mean, you know, the cost of construction right now seems to be changing like every week, so you know, but they'll be nice quality homes.

COMMISSIONER DROST: Yes, so they're going to be in the upper --

MR. KELLY: They'll be in the upper price range bracket of single-family homes in the area. What I personally like about these in comparison to some of the other lots and properties that I've bought is even though we're turning the lots, right, but they have nice frontages. 75 and 90 feet, that's a nice size front yard, that's a nice size width. So, from like the street, they have a nice curb appeal.

You'll be able to build a house that will be a little wider than deeper where in Arlington Heights, a lot of the homes that I build are the opposite of that. It's always nice to build wider, it looks nice, and I think it's better for sunlight through the house. I think it just makes a better house in general.

COMMISSIONER DROST: Yes, and none of the neighbors are going to complain to the west with any of the aesthetics.

MR. KELLY: I don't believe so, and you know, I've also shown the driveways on the south side of each lot, too.

COMMISSIONER DROST: Yes.

MR. KELLY: To get it away from the intersection.

COMMISSIONER DROST: Great.

MR. KELLY: I think it just, I think it lays out better that way. I think they'll be really nice.

COMMISSIONER DROST: Okay, that's great.

MR. KELLY: Obviously, every builder probably says that when they're up here. I think it fits really nice.

COMMISSIONER DROST: Yes, they're great.

MR. KELLY: I think it fits really nice.

COMMISSIONER DROST: You build it and they will come. On the sidewalk issue, I'm a former resident of Scarsdale, I would not want sidewalks, and that's in deference to Commissioner Ennes. It would just break up the rhythm there. And kids, you know, that is a very salient point, the children and the safety issue, but the parents are pretty, you know,

on top of the issue, too, but that doesn't suggest that that won't happen.

COMMISSIONER ENNES: Yes, that raises another question. If the sidewalks aren't there, are you able to build the houses, you have a lower setback and you're able to build farther forward?

MR. KELLY: It will be exactly the same, you know, so the sidewalks are typically put within the right-of-way and not actually within on the lots and everything else. So, and I actually just drove through the neighborhood right before I got here, too, it does actually look like they're doing some stormwater work in the neighborhood as we speak right now, too. I don't know if that's exactly, if it's, is it sanitary?

COMMISSIONER DROST: Well, there's a lot of construction going on. It's complicated at this point.

MR. KELLY: It's an interesting neighborhood, and it has like a nice, quaint appeal to it. It's an older neighborhood. The houses have very nice architectural, you know --

COMMISSIONER DROST: Yes, it's got a diverse mix there, but then go to lighting, you know, for streetlights, that's another issue.

MR. KELLY: Yes. Nice neighborhood.

COMMISSIONER DROST: Yes. That's it.

CHAIRPERSON CHERWIN: Any other questions from anyone before we let Mr. Kelly take a break?

COMMISSIONER LORENZINI: Yes, I've got one more question. What company do you work on there with?

MR. KELLY: Landmark Custom Homes, and then I also have J&B Properties and Kenilworth Investments.

COMMISSIONER LORENZINI: Thank you.

MR. KELLY: I have three different.

CHAIRPERSON CHERWIN: All right, anything else?

(No response.)

CHAIRPERSON CHERWIN: All right, Mr. Kelly, we'll give you a break. We're going to open up the meeting to public comments.

Is there anybody in the audience?

I'm sorry, I didn't mean to cut you off before, but we had to limit it to the discussion here. Now is the time where you guys in the second row, if you could come up if you want to speak. Just say your name, and if you choose, you can go ahead and say your address, and if you could spell your name for Andy, that would be great.

MR. DAVIS: Yes, thank you. Sorry for speaking out of turn.

CHAIRPERSON CHERWIN: No, don't worry about it.

MR. DAVIS: Paul Davis. I live across the street at 304 East Grove with my wife Kristen. D-a-v-i-s, P-a-u-l.

CHAIRPERSON CHERWIN: Thanks, Paul.

MR. DAVIS: Sure. So, I'm all for the development, and turning around makes sense. I like where the driveways are. I have two questions, and one is sort of for the Village, and it's exactly about what you were talking about with the stormwater.

Living there, I can tell you what it's like. If you go to the aerial shot, I'll tell you what happens when we get a big storm. So, if you look at 327, huge storms, it's a swamp. It gets backed up, all of 327 can carry water, and then it starts to encroach on my property on 304 just a little bit. I'm usually out there like with boots on unclogging the sewers.

There are sewers on each corner, they all get clogged up. The whole thing just fills with water. I've never gotten water in my basement.

The concern I have is, you know, it's this big green space across the street and that sucks up a lot of that water. Now, when we build there, that water is going to go somewhere. So, when we were talking about sidewalks, I was like no sidewalks, more green space that's going to suck up a little bit more.

But it's exactly what you were saying. If the Village is going to do something, I'd like them to do it, not just see the money go somewhere and nothing happen. It is a problem and the problem will get worse.

I'm totally supportive of building it. I don't think it's your responsibility to fix that. I eventually called the Village about this, and I haven't seen anything done. I've been there 17 years. So, that was item one. I don't know what the process is though to make sure that actually happens.

MR. HUBBARD: Once you finish the public commentary, we're taking notes and then, you know, they can, you know, the Commissioner can ask Staff questions and how to address those comments and we can certainly, you know, let you know. So, if you want to finish your commentary, then we'll address it.

MR. DAVIS: Thank you. Then the other was just a question.

MR. KELLY: Sure.

MR. DAVIS: We're just curious, you know, sitting there at 304, we'll face the properties. So, we're just wondering what it's going to look like to look at. You know, we look at a lot of, like on the side, but how to make that look nice, is it going to, you know, it might look a little nicer if it was turned the other way. I get, you don't want to do that, it makes sense to me. So, I was just curious.

MR. KELLY: Sure. Do you want me to stand here?

CHAIRPERSON CHERWIN: Yes, could you stand and speak into the microphone?

MR. KELLY: Well, from your house like in southbound, you're actually going to see the backyards of the property. So, that's going to be open and green. Then with that being a corner lot, we will put some extra details on the corner to make sure it looks really nice for you guys.

If you're saying that the stormwater manholes seem to clog up or whatnot, that might be a seasonal thing with rain and leaves and things like that, so we'll do everything in our power to make sure we really do a nice job with the grading, a nice job with everything. It's going to go to the Engineering Department also with all of our foundation plans and everything with the actual two houses and whatnot. So, that's basically it.

CHAIRPERSON CHERWIN: Mr. Davis, anything else? Are we good?

COMMISSIONER LORENZINI: I have a question for him.

CHAIRPERSON CHERWIN: Oh, for Mr. Davis?

COMMISSIONER LORENZINI: Yes. So, when it rains, you said 327 gets swampy. Have you noticed, would it happen at 419, you know --

MR. DAVIS: Yes, the whole, that whole intersection is just filled with water at least like this high. So, all four corners of it just fill up. It backs up onto 419 usually like 10-20 feet back, not the part by the house, unfortunately 5 doesn't go that far back, because it all slopes to where the sewers are.

COMMISSIONER LORENZINI: Okay. All right, thank you.

MR. DAVIS: Sure.

CHAIRPERSON CHERWIN: Thank you.

Anybody else back here have a comment?

(No response.)

CHAIRPERSON CHERWIN: Okay, we'll close public comments and come back to the Plan Commissioners.

Any further comments or questions?

COMMISSIONER JENSEN: Well, at least put it up for consideration, what would we need to do? Would we need to put a provision in here as one of the conditions if we wanted to get a variance, or would they need to have a variance requested and it would be part of the overall approval of the petition?

MR. HUBBARD: Yes, it would have to be a variation to Chapter 29 to exempt this development from installing sidewalks.

COMMISSIONER JENSEN: Well, if that's what it takes, I would propose that and see where the Commission itself goes, but I'd like to see him get a variance because I don't think we want to destroy the character of the neighborhood. Hopefully to see my fellow Commissioner Ennes' mind at ease, I think it would be very dangerous to have people riding on the sidewalk for the 50 feet, then they get off of the sidewalk and ride in the street, and then get back on the sidewalk should they ever find another segment. I think that would be more dangerous than riding in the street.

COMMISSIONER ENNES: Like I said, for the character of the neighborhood, I wouldn't propose sidewalks here. I'm saying sidewalks, which the Village is trying to encourage that we have throughout, are a health and safety issue.

COMMISSIONER JENSEN: Well, I think the overall ordinance is a good ordinance --

COMMISSIONER ENNES: Yes.

COMMISSIONER JENSEN: -- and I think it ought to be a point, but I think in a situation like this, I'm hoping common sense would prevail and we would actually give them a variance. So, whatever we've got to do to do that, I think, I don't know, Mr. Chair, if you need to get a sense of the Commission to put a variance in or how you want to handle it.

CHAIRPERSON CHERWIN: Well, I will ask anybody else if they have any other further comments, questions or if somebody would like to make a motion.

COMMISSIONER DROST: Well, on the sidewalks, I don't have any question. Okay, I mean, that's, yes, I'm good.

CHAIRPERSON CHERWIN: You want to talk about anything else?

COMMISSIONER DROST: Yes, right, but --

COMMISSIONER ENNES: So, the comment to --

COMMISSIONER DROST: -- addressing the linkage or the detention issue or the water issue, how does the Davis family get some relief? That would be my bigger concern.

CHAIRPERSON CHERWIN: All right, so I'll ask Hailey or Sam, as far as the stormwater approvals, Engineering has or will review this and it's not going to, can you explain kind of that process for Mr. Davis?

MR. HUBBARD: Yes. So, it seems to me the problem that Mr. Davis is having is that the inlets in the neighborhood are getting clogged, and so it's not draining down into the storm sewers, the combined sewers in this case. So, you know, it sounds like he's having to go out and clean it himself. Also, let me follow-up with our Public Works Division after this

meeting and let them know that, you know, this is a problem that's been occurring and hopefully that will cause a more proactive maintenance. Additionally, if they do get clogged and you notice them, you can certainly reach out to the Public Works Department yourself, make them aware, and they should be able to go out and clean them so that you don't have to.

CHAIRPERSON CHERWIN: And I think, you know, it would make sense, it sounds like Mr. Davis has brought this to the Village's attention before and it hasn't been addressed, so I think it's warranted that we at least make note of that to them. Can I, I mean, I'll confirm, or if you could confirm, I mean, this is, it's going to have to be compliant with the Engineering's review and with our stormwater ordinance and there is no variation being requested from that. So, as far as the Petitioner goes, he is doing what he needs to do in order to have this project go forward with the city but, or with the Village, I'm sorry.

But, yes, I mean, I think as a practical matter, this may be a marginal issue, but it sounds like whether or not this goes forward there's issues in that intersection that are not currently being resolved by the Village. So, I think independent of this whole approval, it's something that deserves being looked at.

COMMISSIONER DROST: Agreed.

COMMISSIONER ENNES: May I just comment that you might want to attend the Village Board meeting when this hearing is addressed and raise your concerns. The Petitioner is paying a fee for stormwater treatment, you might want to encourage them to use that to deal with the issue that's there.

COMMISSIONER DROST: And that will be in the minutes, too, so that will support your position.

MR. DAVIS: Thank you.

CHAIRPERSON CHERWIN: All right, Joe?

COMMISSIONER LORENZINI: Chairman, yes, one other comment. So, I think it's more than just a maintenance issue of cleaning up the drains. If it's a combined sewer, you're dumping everything into one system. Maybe in the long run, the Village might want to think putting a storm system in there also.

CHAIRPERSON CHERWIN: Thank you, Joe.

Anybody else? Any comments, questions or --

COMMISSIONER ENNES: Motions.

CHAIRPERSON CHERWIN: -- motions?

COMMISSIONER GREEN: I'd like to make a motion to recommend to the Village Board of Trustees approval of a preliminary and final plat of subdivision to subdivide the property into two lots subject to the following conditions, number one through six, and we should address the sidewalk.

COMMISSIONER JENSEN: I guess we've got to have a request for a variance to waive the requirement for sidewalks.

COMMISSIONER DROST: You can make it number six and then move six to seven.

COMMISSIONER ENNES: Yes.

CHAIRPERSON CHERWIN: Bruce, real quick. So, Bruce, you're making the motion.

COMMISSIONER GREEN: Right.

CHAIRPERSON CHERWIN: You're adding a request.

COMMISSIONER GREEN: And I would like to agree with the Commission

here that he shouldn't have to put the sidewalks in.

CHAIRPERSON CHERWIN: Okay, so your motion includes an additional variance.

COMMISSIONER GREEN: It would be another item in there that would say that it waives the requirement for --

CHAIRPERSON CHERWIN: Waive the requirement for public sidewalks. It sounds like that would be --

COMMISSIONER GREEN: Is that the correct word for that? With all the lawyers we have here, come on, help me out, guys.

MR. HUBBARD: One through six are conditions of approval, so what I'm hearing you say is the motion is for approval of the preliminary and final plat of subdivision, as well as a variation from Chapter 29 to waive the requirement for installation of sidewalks subject to conditions one through six.

COMMISSIONER GREEN: Correct.

CHAIRPERSON CHERWIN: Perfect.

COMMISSIONER GREEN: Perfect, Sam.

COMMISSIONER ENNES: And you need no --

CHAIRPERSON CHERWIN: Is that, that's Mr. Green's motion.

COMMISSIONER GREEN: I agree with that 100 percent.

A motion to recommend to the Village Board of Trustees approval of a preliminary and final plat of subdivision to subdivide the property into two lots, as well as a variation from Chapter 29 to waive the requirement for installation of sidewalks, subject to the following conditions:

- 1. Prior to issuance of a building permit for the new homes on each lot, impact fees shall be required in accordance with Chapter 29 of the Municipal Code.**
- 2. A Design Commission application shall be required for each new home on the subject property.**
- 3. Linkage fees, in accordance with Chapter 7 of the Municipal Code, shall be required prior to issuance of building permits for each new home on the subject property.**
- 4. The Petitioner shall continue to work with the Village on the final design and footprint of the homes.**
- 5. Prior to issuance of a site development permit for the required improvements, the Petitioner shall provide a fee in lieu of on-site detention.**
- 6. The Petitioner shall comply with all federal, state, and Village codes, regulations and policies.**

CHAIRPERSON CHERWIN: Is there a second?

COMMISSIONER ENNES: Second.

CHAIRPERSON CHERWIN: All right, why don't we do a roll call vote?

MS. NICHOLAS: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MS. NICHOLAS: Commissioner Drost.

COMMISSIONER DROST: Aye.

MS. NICHOLAS: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MS. NICHOLAS: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MS. NICHOLAS: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MS. NICHOLAS: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MS. NICHOLAS: Commissioner Green.

COMMISSIONER GREEN: Yes.

MS. NICHOLAS: And Chair Cherwin.

CHAIRPERSON CHERWIN: Yes.

All right, the motion has passed. We will be in touch, I think the Staff, Hailey will be in touch with the Petitioner going forward then?

MS. NICHOLAS: Yes.

CHAIRPERSON CHERWIN: All right, well, congratulations, Mr. Kelly.

MR. KELLY: Thank you very much.

COMMISSIONER ENNES: Good luck.

COMMISSIONER DROST: Good luck, yes.

CHAIRPERSON CHERWIN: All right, are there any other meeting items on the agenda?

COMMISSIONER ENNES: Yes, I congratulate our Chair in his first officially

run hearing.

CHAIRPERSON CHERWIN: Oh, yes.

COMMISSIONER ENNES: Congratulations.

CHAIRPERSON CHERWIN: Thank you, Terry, I appreciate it. It's an honor.

MR. HUBBARD: We do have to elect a new Vice Chair and a new Secretary. So, I guess we'll start by does anyone want to volunteer themselves and step up?

COMMISSIONER DROST: So, the person that's missing should be appointed to Vice Chair.

MR. HUBBARD: But she's already the Vice Chair.

COMMISSIONER DAWSON: Does she want to continue as Vice Chair?

COMMISSIONER DROST: Yes.

MR. HUBBARD: I mean, I don't know if there's any rule that you can't have another term as Vice Chair unless I'm mistaken.

CHAIRPERSON CHERWIN: Is anybody really pressing, don't we have, we have some people that really want to do this, right?

COMMISSIONER ENNES: And some that really don't.

CHAIRPERSON CHERWIN: Joe, you got this written all over you.

COMMISSIONER LORENZINI: I've done this before.

COMMISSIONER GREEN: Lynn, you haven't done this.

COMMISSIONER DAWSON: There's John.

COMMISSIONER JENSEN: I'm perfectly happy being a Commissioner.

COMMISSIONER DROST: We need term limits.

CHAIRPERSON CHERWIN: Well, so was I and look where I ended up.

COMMISSIONER ENNES: Let's talk about term limits.

COMMISSIONER LORENZINI: Or John.

COMMISSIONER GREEN: Come on, John, how about you?
 CHAIRPERSON CHERWIN: So, I hate to do that to Mary Jo, she's not here.

COMMISSIONER JENSEN: John, you haven't.
 COMMISSIONER SIGALOS: Lynn, I defer to you. I think you would be the excellent Vice Chair.

COMMISSIONER GREEN: I think you guys should share.
 COMMISSIONER SIGALOS: I'm happy being the Secretary.
 COMMISSIONER JENSEN: Oh, okay.
 COMMISSIONER GREEN: There you go.
 COMMISSIONER DAWSON: Do we have to do it right this minute? Do we want to wait and check with Mary Jo and see if she wants to continue since no one here is dying to do it?

MR. HUBBARD: Yes, we could postpone it.
 COMMISSIONER DROST: Yes, we have to build a succession plan for Mary Jo.

CHAIRPERSON CHERWIN: If something happened to me on the way home, there's going to be mass chaos.
 COMMISSIONER ENNES: Has anyone on the Board not been Chair?
 COMMISSIONER DAWSON: I think pretty much everyone here can run a meeting at this point.

COMMISSIONER ENNES: Has anyone not been Chair?
 COMMISSIONER DAWSON: No, he has not been Chair.
 COMMISSIONER ENNES: He has been Vice Chair.
 CHAIRPERSON CHERWIN: All right, so why don't we, I think John has said he'll be Secretary?

COMMISSIONER SIGALOS: I'm currently Secretary; I'd be happy to continue that.

CHAIRPERSON CHERWIN: Happy to continue, okay. Should we do, do we have to do a motion and a voice vote for that?
 MR. HUBBARD: Yes.
 CHAIRPERSON CHERWIN: And then we can bifurcate and put it off until the following meeting, the Vice Chair?
 MR. HUBBARD: Yes, let's confirm via motion and vote for Mr. Sigalos, Secretary Sigalos.

CHAIRPERSON CHERWIN: We've got a motion to make.
 COMMISSIONER JENSEN: I move that Mr. Sigalos continue as the Secretary.

COMMISSIONER DROST: Yes.
 COMMISSIONER GREEN: I'll second that.
 CHAIRPERSON CHERWIN: Second, all right. Do we do a voice vote for that?

MR. HUBBARD: You can do a voice vote, yes.
 CHAIRPERSON CHERWIN: Let's do a voice vote. All in favor?
 (Chorus of ayes.)
 CHAIRPERSON CHERWIN: Any opposed?

(No response.)

MR. HUBBARD: Congratulations.

CHAIRPERSON CHERWIN: It passes. John, you're back.

COMMISSIONER SIGALOS: Thank you.

COMMISSIONER DROST: We could make a motion to appoint Mary Jo as the Vice Chair assuming she agrees.

MR. HUBBARD: You could or you can wait.

COMMISSIONER DROST: Or we can wait.

CHAIRPERSON CHERWIN: Let's put this other business off to the next meeting and we'll --

MR. HUBBARD: Yes.

COMMISSIONER DROST: Yes. So, the burning question is who's Treasurer?

CHAIRPERSON CHERWIN: That's a good question, of absolutely zero. It's a very big responsibility.

All right, so we've got that. No other business I see on the schedule here. I guess we can turn this over to general public comments.

Anything?

(No response.)

CHAIRPERSON CHERWIN: Nothing. All right, no public comments. I think at this point, we can adjourn.

COMMISSIONER DROST: I make a motion to adjourn.

COMMISSIONER GREEN: Second.

CHAIRPERSON CHERWIN: Second. All in favor?

(Chorus of ayes.)

CHAIRPERSON CHERWIN: Any opposed?

(No response.)

CHAIRPERSON CHERWIN: All right, adjourned.

(Gavel pounded.)

(Whereupon, at 8:17 p.m., the public hearing on the above-mentioned petition was adjourned.)

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

I, ANDY KRECZKO, depose and say that
I am a digital court reporter doing business in the State of Illinois; that
I reported verbatim the foregoing proceedings and that the foregoing
is a true and correct transcript to the best of my knowledge and ability.

ANDY KRECZKO

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____, A.D. 2024.

NOTARY PUBLIC