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

COMMISSION

RE: 2214 EAST PALATINE ROAD SUBDIVISION – PC#17-002  
PRELIMINARY PLAT OF SUBDIVISION, REZONING FROM R-1 to R-2

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 22nd day of March, 2017 at the hour of 7:44 p.m.

MEMBERS PRESENT:

JOE LORENZINI, Chairman  
LYNN JENSEN  
TERRY ENNES  
BRUCE GREEN  
GEORGE DROST  
SUSAN DAWSON  
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner

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CHAIRMAN LORENZINI: The next item on the agenda is 2214 East Palatine Road Subdivision, PC#17-002. Have all the proper notices been given, Sam?

MR. HUBBARD: They have.

CHAIRMAN LORENZINI: Is the Petitioner here?

MR. LAUBENSTEIN: The Petitioner is present.

CHAIRMAN LORENZINI: Anybody who's going to testify, would you please come forward and I'll swear you in. It's just you?

MR. LAUBENSTEIN: This evening we're just here for a preliminary presentation. It will just be me. My name is Richard Laubenstein from the firm of DiMonte & Lizak, I'm the attorney for the Petitioners. Present today is Elroy Hogreve one of the Petitioners. His wife Corinne is not here tonight.

CHAIRMAN LORENZINI: Could you spell your last name please?

MR. LAUBENSTEIN: L-a-u-b-e-n-s-t-e-i-n.

CHAIRMAN LORENZINI: Thank you. If you'd raise your right hand?

(Witness sworn.)

CHAIRMAN LORENZINI: Thank you. Okay, would you present your project?

MR. LAUBENSTEIN: This evening, we're here for a preliminary review of the Hogreve Subdivision, not a very big one, it's intended to be a division of what is presently a one-home lot and dividing it into two separate lots.

To give you an idea of where we're located in the Village, this is off of Palatine Road, northwest, excuse me, northeast side of the town. The lot right now is a rather unique shaped one in the area, it's rather shoe box-shaped as you can see. I highlighted the area where the existing residence is located. It's located to the south end of the lot and fronts off of Palatine Road. The lot is 100 feet wide and extends all the way to the north to Lilac Road.

The home was constructed in 1955, it actually predates the Village before this area was annexed into Arlington Heights. The Hogreves set down roots, long, large and deep. Part of the family farm, so the Petitioner was born there, his son was born there, his father owned the farmland before the rest of the Village and subdivisions went up around it.

The existing home is a one-story ranch, three-bedroom, two-bath, it does have a basement, built back in the days when they built homes to last, real brick construction, real plaster on the interior. Looking at it from the neighbors to the west, all of the neighbors on the west side of the home are either two-story or split-level houses. The houses which are to the west are in the R-2 Single-Family Zoning area; same thing with the houses directly opposite to the north on Lilac. Everything on the east side and across Palatine Road is zoned R-3 which is also single-family residence.

As you can see, this is one of the largest lots in the area. Even after the proposed dotted line goes in down the middle, the lots will still be two of the largest lots in the surrounding area. As part of the petition for subdivision, we want to make the lots consistent with the adjoining neighborhood. So, part of the petition includes a request to switch from what it is presently zoned R-1, the estate kind of houses, make it R-2 so it's consistent with the homes that are bordering on the west-hand side.

The home is currently serviced with fire protection by a hydrant that's

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located on Birchwood Lane, so that's to the west of the property. The houses on the west side of Birchwood are mixed; some are split-level, some are two-story, some are ranch, most of all which have attached garages. The house on the site that belongs to the Hogreves presently is served by a detached two-car garage.

This is a view from the backyard of the existing residence. You can see part of the garage, so we're looking to the east. All of the homes to the east of the Hogreve residence directly adjoining it are all two-story single-family homes with attached garages.

The back portion as you can see is vacant. It could have been used at one time for a very nice extensive garden. Right now, it's a very nice and extensive rolling lawn. Further houses then and the vacant or north half of the lot, existing trees and shrubs, none of which we have intentions of removing, there is no requirement right now. The subdivision is small enough there is nothing here that requires preservation of the trees. It's a small enough subdivision, there is nothing that is going to require a detention pond like in the previous petition that you heard. We will be providing calculations for the water runoff and water retention and pay the appropriate fees accordingly for the two lots.

What we intend to do is divide the lot into two equal-sized properties that will each have 100-foot frontage. The existing house that we'll call Lot 1 fronts on Palatine, it's a 100 feet wide. Lot 2 will front on Lilac, also a 100 feet wide. In the dotted lines, you'll see there is a proposed home that might be going up. The purchaser of Lot 2 or I should say the intended purchaser, we have a contract pending getting the subdivision put through, that shows you generally where the footprint will be for the new home. They have been very cooperative with us with regard to helping us get these items put together. So, all told, the existing lot is a little bit shy of 38,000 square feet. We're going to divide it in half, 100-foot frontage, 187.5 feet deep for each of the lots.

At present, the existing house is serviced by a sewer line. There is an eight-inch water waste line that runs up the east side of the lot to which we are connected. There is also a water supply line that runs up the east side of the lot and connects at the north on Lilac. The little blue flags there that you can see in the photos, we had JULIE come out, so they've staked their mark. That's where the existing water supply and waste lines that are hooked up to the Village are located. Same view, it just runs up the full length of what we're calling the backyard or what will be Lot 2.

There's easements that run on the neighbor's property to the east. So, you'll see that there are some existing boxes, all of the utilities that service the subdivision to the east are buried underground. There is a public utility easement which runs all the way north and south on their property. As part of the proposed subdivision, we're going to mirror that, put in a 15-foot easement on our side of the property running concurrently with that for use for, that covers the electric cable and so on and so forth.

So, all the way up the east side of our property on both Lots 1 and 2, there would be a public easement. We are proposing also, since there is existing water service and waste service that runs up, a private easement so that Lot 1 can continue to have its water supply and waste. The intended purchaser of Lot 2 is in agreement with this, I've been talking with their attorney. I just spoke with the buyer today, they're in agreement with keeping that private easement so the existing water lines can remain.

On the west side of the property, the subdivision directly west of our property is serviced by aboveground wires. So, there is an easement running along the back all

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the way from north and south on the west side for public utilities. We propose again putting in a mirror, a 15-foot, excuse me, 10-foot easement on that side for public utilities.

There is a sidewalk that runs down Birchwood Lane, that's the street that's directly to the west or on the left side of this drawing. It runs all the way from Palatine Road back to Lilac, and it dead ends or the sidewalk stops right at that corner. So, from the northeast side of where Lilac and Birchwood intersect all the way over continuing to the right past the existing lot which is labeled Lot 6 for the other homeowner and our property, there is at present no sidewalk on our side of the street.

This is an illustration. This is from that southwest corner on Birchwood. You can see where the sidewalk terminates. No sidewalk at all along that whole side. That's the neighbor's property and driveway. This is the Hogreve property, and you can see the sidewalk does not pick up until you get to what had been Lilac. That part of the street was no longer dedicated for road purposes; instead the Village put through a sidewalk which connects going farther north but does not connect at all with the Hogreve property.

The Village requirements that you have for when we're putting in a subdivision does require engineering and some work to be done with regard to what would be a sidewalk on the north end along Lilac. The Village Staff has also expressed concerns about a water main for use to connect to the existing house. The Engineering Department has suggested the installation of a new water main running the entire length from the northwest side of the property up to the front end of the property.

It's our position, we're kind of in a catch-22 situation here. As a matter of fact, we were joking with the buyer and with some of the other folks who were here earlier today, if Elroy's dad had the foresight in 1955 to have made two separate legal descriptions, we wouldn't be here tonight. It's not unusual in some parts of Arlington Heights to have a home that's on one property, and if you go up and down and drive up Arlington Heights Road or Euclid, you'll often find the garage is on another property, two pins. There's at least one house that I'm aware of on Euclid that sits on three separate legals, three separate pins.

If this had two separate legals to start, we could sell the existing home as is. No new water main, no new improvements. It's a legal nonconforming, preexisting home. Matter of fact, if we weren't doing the subdivision at all, if I just was selling or my client was just selling the existing property, there would be no need for a sidewalk, there would be no need for a new water main. It's an existing nonconforming property.

Likewise, if there had been two legal descriptions all along, whoever would be buying the vacant property, it's just like buying any other vacant lot in Arlington Heights. As part of any plan for construction of improvements, they'd have to submit not only the building plans for the home, but they'd have to submit the engineering for the sidewalk, any public improvements that the Village would require, and ultimately have to pay for the construction of the sidewalk as part of getting their permit for construction.

Now, we had talked with the various members, representatives from the Village about the possibility of continuing that private easement. In fact, if you see the comments from the Staff Development, you'll notice this has been something that the Hogreve family has been considering for several years. Back in 2015, they sent out an initial feeler. There's attached to the Staff Development meeting minutes from 2015 about this very thing, making the division. I know at that point, they had not gotten a formal plat of subdivision submitted but I think it's important to note at that time, just two years ago, the Staff didn't express

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any concerns or reservations at that time vis-a-vis a sidewalk or a water main.

The owner, or I should say the potential owner of Lot 2, here again we've got a kind of chicken-and-egg situation. They are more than willing to do the engineering for the sidewalk, they're more than willing to pay for it. They are willing to extend the private easement so Lot 1 can still be serviced with water and with its waste line. They, however, don't want to pay at this point for an engineer, and I can't blame them, because without at least getting what we're looking for today, a feeling and an opinion from the Board about how you think we should best proceed, if it looks like this subdivision is going to go through, all of the various purchasers, the potential purchaser of Lot 1, of the vacant Lot 2, and my seller again will coordinate efforts, see if we can hire one engineer rather than reinventing the wheel three times, split and share the costs.

What we would like to do, however, the Village does have provisions that a subdivision can go in with preexisting non-conformities. In other words, it is not unheard of in the Village to approve a plat of subdivision that doesn't have all the engineering, or doesn't have all of the improvements put in place. The only caveat is the ordinance that's adopted by the Village Board needs to specifically spell that out, to put in that this is approved with these preexisting conditions and what needs to be done to move them along.

I know each of you have this on your small screens. I don't know if you can see offhand what's up on the large screen. But we are proposing to put the easement in place as the Village Staff requests on the plat of subdivision to run a spot along the west line, a public utility easement clearly marked for future use for the new water main in the event someone comes along and wants to redevelop Lot 1 in the future. We understand if you're going to put in a larger home, a two-story home that's consistent with the rest of the neighborhood, obviously then everything about being a legal nonconforming goes out the door. They would need to have the water main, they would need to have those things put in place at that time.

One of the problems that we have, however, with not only doing the engineering but putting in a water main, paying for that as part of this subdivision, Elroy and his wife Corinne are getting up in years. That's, I think, a polite way of putting it. They had lived in this house up until just a few years ago. The current home right now is sitting vacant. They're still residents of Arlington Heights, they've moved in to Luther Village, so they're still here and in town. But capital-wise, right now we're land rich and cash poor as far as putting in any of those improvements at this time.

The potential purchaser of Lot 2 is willing to allow the private easement to continue to run so that the house can be serviced by the existing water line. That is also the same location where a public utility easement would be put in place and there is the existing eight-inch sewer line for waste. So, we have no problems with waste and we have a house that's perfectly fine and situated to receive water using the existing line.

So, at the time, if Lot 1 is developed in the future and the existing home is taken down, we would be able to recapture at that time, that person would not be allowed to do any new construction without putting in the water main, doing the engineering, and providing for such expenses at that time. It becomes a bit cost prohibitive as I think you might realize, this house has a unique situation in all of the surrounding homes. For quite some distance, this is the only one that has access to a driveway in and out located on the very busy Palatine Road. Everybody is on a residential street. Although the lot is large, because of that drawback with the existing driveway and no other road access out, it limits the potential buyers or pool of buyers for

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this property. It also places corresponding limitations on whether or not anyone in the future would put a two-story or a larger house up given those constraints.

So, there's price points involved in what we can sell the property with that if we had to do not only the engineering but ultimately provide for putting in the water main, it would keep that house sitting vacant, keep it from being occupied or returned to being a useful, productive piece of property in Arlington Heights.

So, what we're seeking here is approval of a subdivision. We would put in place the easements that the Village can anticipate would be needed in the future. The Village wouldn't be left holding the bag for putting in the sidewalk. The buyer of the vacant lot knows full well they're not going to get their permit unless the engineering is done and the sidewalk is taken care of. Leaving the engineering off for right now with regard to the sidewalk really would not be inconsistent with how this particular area of the Village looks. As I've pointed out, if we put in that sidewalk, or if we provided engineering now for the sidewalk, you'd have a sidewalk that attaches to nothing. None of the other houses on that side of the street attach to it, it doesn't connect to the existing sidewalk the Village put in on the vacated portion of Lilac.

So, it really would not change or alter the appearance of the property or the value of the neighboring properties. Likewise, allowing the continuing nonconforming building to be returned to being occupied can do nothing but help drive up the neighboring property values. Everybody knows if you've got vacant houses that sit vacant for too long, they become a nuisance. They attract pests, rodents, they in some neighborhoods attract wrong elements. If the existing nonconforming home is allowed to be sold, it would be occupied, it would be returned to productive use.

The new home that goes up on Lot 2, likewise, would generate new income for the Village. This is a small enough subdivision. We don't need a street study, there's not going to be any major impact. We don't need water retention, again it's not going to have any major impact on the surrounding homes.

So, at this point, what we really want to do and one of the main reasons why the potential buyer is here, we welcome your comments. We're willing to work with you. We would like to make this go through. We would be happy to work with the Village to do whatever reasonably can be done, coordinating the efforts between three parties on our side in essence, the seller and two potential buyers, and taking the Village and the Village's concerns into consideration.

We would also then like, after we hear your input and suggestions, that this matter be continued so that we can prepare whatever changes need to be done to the plat or other items. I'd suggest that if this be continued, it go to, I believe you're meeting at the end of April, it's on the 26th, that would give us adequate time to put our heads together with the other attorneys, locate the appropriate people and make the changes to the plan. Thank you.

CHAIRMAN LORENZINI: Thank you. Sam, did I ask you if the public notices were sent out properly?

MR. HUBBARD: Yes, you did. They were.

CHAIRMAN LORENZINI: Okay, would you give the Staff report please?

MR. HUBBARD: Yes.

CHAIRMAN LORENZINI: You may be seated for now.

MR. LAUBENSTEIN: Thank you.

MR. HUBBARD: Thank you, Chairman Lorenzini. As you've heard, the

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subject property is located at 2214 East Palatine Road. Here in the Village, it's currently zoned R-1. The Petitioner is requesting to subdivide the lot in half, with one lot on the southern half of the property which would contain the existing house, the other lot being on the northern half of the property which would be a vacant land. The Applicant does have a buyer lined up for that northern property to build a single-family home.

The Comprehensive Plan does have this property classified as Single-Family Detached Estate 2, which is a classification appropriate for the R-2 Zoning District. So, at the request of the Village, the Applicant has agreed to rezone the property into the R-2 Zoning District. The difference between the R-1 and the R-2 is very subtle. Both are single-family districts, only allow single-family homes. The R-1 allows a slightly, requires a slightly larger lot than the R-2. The setbacks in the R-1 are slightly bigger, you can cover a little bit less of the property in the R-1. The R-2 allows a slightly more intense use of the land although still very tame, you know, a 25-foot required setback, 15,000 minimum square-foot lot.

So, Staff is supportive of the rezoning here. It's compatible with the Comprehensive Plan and it would bring the property in line with the zoning districts that are adjacent. So, you can see here the aerial, and all of the properties on the west side are in the R-2 District already so it would be compatible with those existing zoning classifications.

Here you can see the proposed subdivision. The lots would be approximately 18,000 square feet in size, so they do conform to the minimum lot size of 15,000 square feet in the R-2 District. The setbacks and bulk requirements for the existing home on the proposed Lot 2 to the south do comply. There would be no variations necessary on that lot. I'm sorry, that would be proposed Lot 1 to the south. The proposed Lot 2 to the north would conform to all setback requirements, the house that they're proposing to build there would also conform to all zoning requirements.

There is a small exception. There is an existing shed on Lot 1. It's required to be five feet from the rear lot line. The way these lot lines are organized, it's just slightly less than five feet. So, the Petitioner is aware of this. It's not a shed on foundations, it could simply be removed or moved if necessary.

So, there are some unresolved issues as you've heard. The subdivision process in Arlington Heights triggers compliance with certain code requirements. In this instance, one of these requirements is that a sidewalk is required along the frontage of Lilac Lane which is on Lot 2, the northern lot. Additionally, the subdivision code requires the extension of certain underground utilities within the subdivision so that every lot within the proposed subdivision is serviced by our utilities relative to water, storm sewer, sanitary sewer.

In the case of this subdivision, in order to conform to that code requirement, the water main needs to be extended to serve that southern lot, proposed Lot 1, so that it would terminate on the southern side of that lot along Palatine Road. At that point where it terminates, a hydrant would be required per our code requirements. These are requirements for any subdivision in the Village. All utilities are required to be extended to the farthest property line within lots that front along a right of way, and any water main has to terminate with a hydrant.

So, in order to comply with these regulations, we have asked the Petitioner to prepare preliminary engineering plans showing how this water main could be extended. Our most logical, based on our engineering analysis, the most logical location would be to extend it as you've heard from the northern property along the western property line all the way south to the southern boundary of the property along Palatine Road. Additionally, these

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preliminary engineering plans should also show the extension of the sidewalk and then the hydrant at the terminus of the water main.

We have yet to receive those plans, so you know, we're not sure exactly how this infrastructure will be added. This does have implications on the plat of subdivision, so any public utility has to be placed within a public utility easement. Without seeing where this public utility and water main would be placed, we don't know exactly where the easement would run. We know where we think it could but we're asking for the Petitioner to show us where they're proposing to add it so that we can make sure the plat addresses the proper easement.

Additionally, there were some setbacks that were shown on the preliminary plat of subdivision that weren't quite correct and we have made the Petitioner aware of that and they are willing to adjust the preliminary plat to show the correct setbacks. Then there was an issue on the Palatine Road dedication. According to documents provided by the Petitioner, they have stated that a portion of the property was at some point dedicated to become part of the Palatine Road right of way. We have asked for a document number that shows that dedication but we have not yet seen that. That has some implications on the required detention; the larger the lot, the more detention required, the more the fee in lieu of detention will be required. So, we're just asking for further details so that we can understand exactly, you know, when the Palatine Road dedication went through. We want to make sure that it actually did and that, you know, there's no issues in that regard.

So, there are some issues as you've heard, and we're asking or we're recommending continuance of this application to allow the Applicant to provide some of the information that we need in order to make sure that the plat of subdivision has all the correct information and that that utility infrastructure will be provided.

CHAIRMAN LORENZINI: Thank you, Sam. Do I have a motion to include the Staff report into the public record?

COMMISSIONER ENNES: So moved.

COMMISSIONER JENSEN: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Thank you, Sam. Okay, let's go to the questions from the Commissioners. Commissioner Jensen, would you like to start?

COMMISSIONER JENSEN: Yes. Maybe you could help us a little bit here, Sam, or the Petitioner. What are we talking about as the cost of doing the engineering and extending all the water requirements and so forth? Can you give us a ballpark idea of what we're talking about?

MR. HUBBARD: We asked the Petitioner to have their engineer prepare that number, and because it hasn't been designed, we don't know exactly how much it's going to cost. So, that's one of the items that our Engineering Department has asked is for an estimate on the total cost of what this would be.

COMMISSIONER JENSEN: Maybe I can then ask the Petitioner. If you're not able to do this in two phases which is what you'd like to do, it sounds like you want to be compliant when it's all said and done but you'd like to do it in two phases?

MR. LAUBENSTEIN: Yes, sir.

COMMISSIONER JENSEN: If you're not able to do that, if the Village



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doesn't give you that approval, is that going to impact on the sale of the first lot?

MR. LAUBENSTEIN: Well, we can't sell one lot unless the subdivision is put through. So, if we have to get the engineering put together, what we anticipate doing, I spoke with the other attorney, Neil Kaiser, and I spoke with his client tonight, rather than have the buyer of the existing house hire an engineer to put in engineering costs on the front for the water line and having the buyer of Lot 2 get a separate engineer that's going to work on the sidewalk and presumably they're going to need water hookup from the main on Lilac, we're going to see if we can get everybody to agree to get one engineer, save a little bit of money cost-wise to do at least the engineering work so that you will have the engineering ready for these items.

We are set right now at this point to show on the plats where the easement would be consistent with what the Board, excuse me, what the Staff comments were to provide that easement up along the west side so that there is an easement in place for the water line. I do want to point out just one thing that again but for the fact that there isn't an existing dotted line down the middle of this lot, what the Staff is recommending is the installation of a water main which by definition serves more than one house, but a water main that will only wind up serving one house, one house that has an existing supply line and the supply line does run to an existing water main on Lilac. The only difference is we need a private easement once those lots are divided up.

Again, the same thing, we've got an existing fire plug within 200 or 250 feet of the house. But if we run up a water main to serve one house, we'd be putting in one new fire hydrant again to serve one house. We're hoping that since there are mechanisms in place where the Village can, by ordinance, allow a subdivision that doesn't comply with other parts of the ordinance, we're hoping that that would be allowed so that the existing water line and existing waste line would go without the need of anything further.

COMMISSIONER JENSEN: Let me make sure I understand. You're willing to do, or you would consider doing the engineering for what all that needs to be done. The issue is whether you have to go ahead and completely execute?

MR. LAUBENSTEIN: Correct.

COMMISSIONER JENSEN: That is what you're saying you'd like to do in phases.

MR. LAUBENSTEIN: Correct. The Staff had recommended not only that the approval of the subdivision require the engineering, but that the existing house which is currently served by a line be disconnected from the existing service, and not only a new main have engineering provide it but have that main installed as part of the approval and the house hooked up to this new line. Those are all costs that are going to impact whether or not we can even sell Lot 1 and things that we're asking the Board to consider at this time.

COMMISSIONER JENSEN: I guess I would come back and ask, Sam, is there any precedent or other situations where people have done this where they've done the engineering but they haven't actually gone ahead and done all the actual construction that needs to be done? Or is that something that we wouldn't see in this Village?

MR. HUBBARD: Yes, I mean typically that's not how we install our subdivisions.

COMMISSIONER JENSEN: Would the Village rather have that remain as vacant as it is now or have a, you know, a vacant house that no one would buy on Palatine Road into perpetuity rather than trying to make some allowance? I guess the question I'd have,

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because I think the Petitioner has made a pretty good case, this is going to be a difficult piece of property to sell under any circumstance given the way you have to enter and exit the property. You're loading on a number of additional costs that they have to take on to actually be able to put it on the market. So, it seems like that's, I can see that as an onerous burden on a piece of property that's going to be hard to sell which means that the Village may end up with this thing staying as it is. It could even be a vacant house that is vacant for a very long period of time.

So, that would be of concern to me and I guess I just need to hear more of what the other Commissioners have to say. At this point, I don't have anything further.

CHAIRMAN LORENZINI: Commissioner Ennes?

COMMISSIONER ENNES: Sam, I have a couple of questions so I can understand better what we're talking about with the sidewalk and fire lane. Can you go back to the aerial or to the survey? So, the way I understand it right now, on the east side of the lot there is a utility easement. The easements come in along the west lot line on an easement that serves the existing home?

MR. HUBBARD: The current service lines, according to the Petitioner come down like this.

COMMISSIONER ENNES: That's the east side?

MR. HUBBARD: That's the east side, yes, it serves the home. Again, we don't have, we're just going by what the Petitioner is saying. We don't have any plans that show that.

COMMISSIONER ENNES: Okay, so we have all the utilities coming in there including water for a fire hydrant?

MR. HUBBARD: No, it's just the water, it's like a domestic water service line.

COMMISSIONER ENNES: Okay, and so where is the current fire service, the current fire hydrant?

MR. HUBBARD: Fire hydrant? There are a few fire hydrants. You can see there the red dots, I'm trying to get, here we go. This is one fire hydrant up here, there is one fire hydrant down there, and there is one over here.

COMMISSIONER ENNES: So, there's a number of hydrants in the area. However, if we approve this subdivision and we don't require another hydrant, if there was a fire on the home on Lot 1, would they have to come through Lot 2, across this person's property or around the corner?

MR. HUBBARD: I think the most, yes, the most logical location would be here.

COMMISSIONER ENNES: And wrap it around the corner.

MR. HUBBARD: And wrap it around.

COMMISSIONER ENNES: Okay, and down Palatine. That's all, I would imagine that lot has a rather tall privacy fence shielding it from Palatine Road, the southernmost lot. There is no sidewalk along there now?

MR. HUBBARD: There is sidewalk along Palatine.  
It's --

COMMISSIONER ENNES: Okay. So, why would we want to add a fire hydrant then to the southeast corner of the lot when there is one right around the corner that could service?

MR. HUBBARD: So, the rationale being twofold. One would be to increase

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the fire safety here, so a fire hydrant will be closer and a fire will be easier to fight at this location.

COMMISSIONER ENNES: It's just two houses away, the current fire hydrant.

MR. LAUBENSTEIN: If I might add to that, you had asked if there was a privacy screen. One of the slides that I had, the third or fourth slide in that shows the west view along the existing road, there are no privacy fences here. You have to get closer to, is it Schoenbeck or what's the, farther to the east there is a whole bunch of privacy fences that run along Palatine Road. Here on the west side, the existing house, it's wide open. There's no fences and no obstruction between that and the existing hydrant.

CHAIRMAN LORENZINI: Excuse me, Terry, let me ask a quick question here while he's got this up. What's the red line for? The red lines?

MR. HUBBARD: The red lines are the storm sewers.

CHAIRMAN LORENZINI: I thought it was the hydrant. What's the water line?

MR. HUBBARD: The water line is blue and orange is sanitary. So, the other reason and perhaps the main reason why a hydrant would be needed down there is to flush the line. This line doesn't loop, there is no continual flow, it would only service this house and eventually the hydrant and the line would need to be flushed in order to maintain the water quality.

COMMISSIONER ENNES: The Petitioner's representative indicated that this property is the only property in the area that exits on to Palatine Road. Is that correct to your understanding?

MR. HUBBARD: On the frontage.

COMMISSIONER ENNES: I thought there were some other properties that access the frontage road on Palatine?

MR. HUBBARD: Along the frontage here between Birchwood and to the east, this would be the only property that fronts, that has direct access onto Palatine Road.

COMMISSIONER ENNES: Let me ask you a question. With any future development or changes to Palatine Road, what kind of a problem would it create if this is the one home that accesses on to that? Would that limit future development?

MR. HUBBARD: Are you talking about like roadway developments?

COMMISSIONER ENNES: Yes, if that ever turned into an expressway.

MR. HUBBARD: I mean I think that that's going to impact all of the homes along Palatine, not just this one.

COMMISSIONER ENNES: Well, but this one would because it requires access whereas they don't, they have streets going north.

MR. HUBBARD: Sure. So, I mean if you're talking about widening Palatine Road --

COMMISSIONER ENNES: Well, if something happened to it, if some kind of change happened to it, you have one property here, I don't know, maybe one or two others that limit that future change to the property?

MR. HUBBARD: I do not know the entire frontage of Palatine Road. I would guess that there would be very few properties that have direct access onto Palatine Road as this property does.

COMMISSIONER ENNES: Let me ask the Petitioner, just to understand the economics of your client here. What is your estimate of the value if you were to sell the whole

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property, the proposed Lot 1 and 2 and the house as opposed to if you were to sell Lot 1 with the home and Lot 2 for future development?

MR. LAUBENSTEIN: The real estate agent, Randy Brush was unable to come tonight, but I have talked with him about this extensively. The house has been on the market for several years. Selling the house extant just as it is, just this one house and without subdividing, we'd be lucky to get into \$200,000 to \$250,000 for all that land because no one considers it of any value, it's just something they mow and pay taxes on. If the subdivision goes in, we have the potential of 200, 250 or more.

COMMISSIONER ENNES: For the home?

MR. LAUBENSTEIN: For each half, doubling in essence the money. These are funds which, I do have an elderly client.

COMMISSIONER ENNES: So, you're saying the improved Lot 1 would sell for about 250 at the smaller size?

MR. LAUBENSTEIN: Yes, sir.

COMMISSIONER ENNES: The other half, you could get approximately the same amount for the lot?

MR. LAUBENSTEIN: As a vacant, yes, sir.

COMMISSIONER ENNES: So, from my standpoint, I mean I think the subdivision is a good idea. It doesn't change the character of the neighborhood. It will increase the tax base for the owner. But I really have a concern about approving a subdivision when we don't know where the utilities are going to go. Although I mean if they're in there, on the easement that they're on --

MR. LAUBENSTEIN: The existing utilities are within the site that's shown. That's one of the reasons we had JULIE come out to stake and flag it so we can show visibly in the photographs that the water line, the waste line, and all of the improvements necessary are currently within that proposed 15-foot easement on the east side. Moreover, we are going to provide on the plat of subdivision the easement located where the Staff has suggested in the event someone in the future does redevelop Lot 1 and need a new line. So, we would know where the easements are.

COMMISSIONER ENNES: I would like to hear from architect in that regard. Oh, and we don't have our developer.

CHAIRMAN LORENZINI: Commissioner Green please.

COMMISSIONER GREEN: I just have a question for the owner's rep. Is this a copper water line or a lead water line? Or what is it coming in to the existing house?

MR. LAUBENSTEIN: It's a copper line. Right now it's three-quarter inch, one inch, I'm sorry. I understand future homes or homes that are being built are supposed to be larger. Again, that would go in to if and when someone puts in a larger house or a McMansion on the property to change line. But it is copper, it is very buried good and deep below the frost line. My client actually went out and showed me when the Village put this in not too long ago, but it had been changed and revised.

COMMISSIONER GREEN: I have the same concern about the fire hydrant. I'm just, no other comments right now.

CHAIRMAN LORENZINI: Commissioner Cherwin?

COMMISSIONER CHERWIN: Yes, I guess my comment would be, you know, first on the sidewalk. Is there any, so we're asking them to put in this sidewalk and it

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wouldn't connect to the right of way to the east, correct? And it wouldn't connect to the sidewalk to the west?

MR. HUBBARD: So, if this sidewalk was put in, then the Village would extend the sidewalk down to the meet this connection here. There would be no connection on this side. You know, if the Village wanted to at some point, they could certainly extend the sidewalk here, either by our own capital improvement plans or through a special assessment if that's something that, you know, a resident wanted. But you know, it wouldn't just be a floating sidewalk here, the Village would connect it to the sidewalk.

COMMISSIONER CHERWIN: Okay. I guess my concern would be, you know, that's another, from my perspective, a bit of an expense. I mean I would have no problem seeing some kind of a, you know, burden like a future special assessment if the Village decided to, you know, undergo that. I don't know if that's a big issue for the Petitioner right now, but it seems to me that unless the Village is going through the process of connecting the sidewalk around and, you know, comes around Birchwood and Mulberry all the way to the right of way one that runs west-east, you know, that seems, I don't know, unless you're getting the whole piece of that sidewalk, I don't know why we would make them install it at this point in time. Possibly a future assessment.

I guess, you know, I'll wait to hear if there's any public comments. I don't think, maybe, I was reviewing the plan here when you described it, but I don't think I heard about stormwater management. Do we have any issues here or any, it looks like there's stormwater inlets on the easterly part of that property, is that right?

MR. LAUBENSTEIN: There are existing sewers for stormwater, the property is small enough that there won't need to be a detention basin or anything like that put on. We will be providing calculations that the Staff will use to figure out what the costs or additional burdens would be on the stormwater.

MR. HUBBARD: It would be fee in lieu of.

COMMISSIONER CHERWIN: Provide a fee in lieu of. You know, then I guess the issue about the hydrant to the south, if the hydrant is not put in place, that home would be left in the existing state of its service from a hydrant. So, I think as the Petitioner said, they would be accepting of a burden. However, if we decide to place that burden on them at a future point in time, that hydrant would go in. But what they're proposing is to maintain the status quo because that southerly lot is not changing at this time. Is that right?

MR. LAUBENSTEIN: Yes, sir.

COMMISSIONER CHERWIN: I'll wait to hear what my fellow Commissioners and hear what the public say. Thank you.

CHAIRMAN LORENZINI: Commissioner Dawson?

COMMISSIONER DAWSON: Do we have any history, I'm not really sure who I'm directing this at, of how this came about? This seems like an odd result.

MR. HUBBARD: This lot was annexed into the Village, so it was developed before it was part of the Village and then annexed in.

COMMISSIONER DAWSON: So, all of these homes were built before it was annexed in? All the homes surrounding?

MR. HUBBARD: All of the homes around it were vacant land I believe when they annexed in and then developed.

MR. LAUBENSTEIN: All the homes around it, or most of the homes around

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were part of the Hogreve homestead. This was farm property, unincorporated Cook County farm property.

COMMISSIONER DAWSON: Sure, I understand that. I'm just curious about the actual development itself and how it came about that this situation was created.

MR. LAUBENSTEIN: This house existed before any of the subdivisions in there.

COMMISSIONER DAWSON: Not the house, the situation, because what we have here is a very bizarre, unique strip of land. So, I'm not arguing with anyone, I'm just asking, you know, did no one, when the rest of these homes were going up, did no one offer to buy the property? It would seem like at some point when the development was being planned, a different orientation could have come about with an exit. You know, it seems to me that someone could have come up with a better solution years ago, instead of us being left with this bizarre situation.

MR. LAUBENSTEIN: The home was put up in 1955. The lot was created and given to my client by his father when they carved off portions of the farm. The rest of the farm was sold and ultimately picked up by two different developers. That's why we have R-2 on one side and R-3 on the other. So, the developers bought vacant land. Those houses went up after it had been incorporated into the Village. The existing, for lack of a better term, farmhouse or homestead stayed and was not acquired, it was not, the other developers had no interest in it at that time.

COMMISSIONER DAWSON: Even this empty strip, no one has ever tried to acquire that?

MR. LAUBENSTEIN: Correct. Well, there have been inquiries recently, but again in order to do that, we have to do the subdivision. As it stands, nothing could be done because Elroy's dad didn't divide it up in 1955. We're left with, that's why we're in this situation we are now. Had it had two different legals, we'd be fine. So, just because there was no dotted line, that's why we were here.

COMMISSIONER DAWSON: My point to all that I guess is that I completely understand your plight, the plight of the Petitioner, a longstanding member of Arlington Heights, I completely sympathize. What I'm trying to determine in my mind is we are left up here with a very unique situation. I mean I've been up here for years, I don't know that I've seen something quite this unique in Arlington Heights. I've seen other proposed developments come to us where developers, not petitioners, not homeowners, but developers had acquired property that then had no access or were asking for extreme waivers from us which we, my recollection of at least one, it never went forward.

I'm just trying to figure out how this came about. Did the Village not have the foresight, all these homes went up around it and the Petitioner is left with a very unusable space. I'm very concerned about the vacancy issue. Unless, you know, the sidewalk I agree, it's not, it doesn't seem necessary to put the sidewalk in. I completely cannot make an opinion on the hydrant. That's not, I wish Commissioner Sigalos was here, I can't speak to that so I would have to support Staff in those other two requirements.

But I'm very concerned. We're going to have a vacant piece of property here. Even if we were to give all of the, everything you've asked for, I think we're still going to have a vacant piece of property here. The existing homestead, that's vacant currently, correct?

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MR. LAUBENSTEIN: The existing homestead, if it's subdivided, because of its unique circumstance, the type of buyers we're attracting really are like first time home buyers. So, we have buyers that themselves are not cash rich and presumably might be looking for FHA or that type of a loan. We have a buyer that can afford to buy and start to occupy and put Lot 1, the existing house, back into use right now. We have someone that's in place that wants to buy Lot 2 and will take care of the engineering if it's required at some point or time for the driveway on Lot 2 right now.

COMMISSIONER DAWSON: So, somewhere along this presentation, I missed that there was a buyer for Lot 1.

MR. LAUBENSTEIN: I have a buyer for Lot 1. I don't have any buyer that's interested in buying and mowing and paying taxes on the whole thing if the subdivision didn't go through.

COMMISSIONER DAWSON: Oh, sure, sure. I have no problems really with the subdivision. But there's a lot of requests and my curiosity went back to how did we end up with this situation in the first place. Is it the Village should have had more foresight when this went about? I can't say that this is the situation here but frequently we see situations where individuals refuse to sell their homes and they allow things to be built around them and then they come and they ask for waivers in situations because now they have kind of allowed all these situations to come about. I don't know what the situation is here.

But again, we have a longstanding member of Arlington Heights, I completely sympathize with the plight. What can we do, to your suggestion if we were to let this go pass tonight, it sounds like if we let this go pass tonight, then the buyer for Lot 2 would pay for all the engineering and your client wouldn't have to absorb that cost? Or did I misunderstand that as well?

MR. LAUBENSTEIN: Well, we're looking for a couple of things, you're right. Right now, the buyer of Lot 2, if he hears that the Board would consider favorably allowing for example a deferral of the sidewalk or the engineering until such time as he puts in the construction, he'd be willing to move forward with it on those plans.

With regard to Lot 1, in answer to your question how we were in this situation, when the Village approved the two different developers that built around, they put the hydrants in where they placed. In hindsight, again when these subdivisions were put in, there could have been at that time a hydrant on the southeast side, in other words on the property adjoining or immediately on the corner right there by Palatine. For the past, since the house has been there since '55, for the past 60 some years whilst this was in the Village, no one from the Village or other developer has moved the hydrant.

So, I guess the question is since we didn't put in the subdivisions, we had no say over where the hydrants or where the other items were located. So, what we would like to do is to sell Lot 1 as it a preexisting nonconforming, to not burden that lot which right now has a ranch, one of the smaller houses in the subdivision with a not favorable road access, to allow someone that can afford to buy that, would love to use it as a new member of Arlington Heights. We can do that if we put in the easements so that in the future if it gets changed, the easement is in place, we know where it is, a new line can be run. But right now, since there is existing water, there is existing sewer that service the house, and the proposed buyer of Lot 2 is willing to allow that private easement, there really is no need for a new line to be put in up front.

As for fire protection, the house is not going to be in any worse shape

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than it has been for the last 60 years. So, yes, the buyer of Lot 2 would pay for the engineering, would pay for the improvements. If at the time when he submits his building plan it's decided that Arlington Heights would like a sidewalk put in and will pay somehow to hook it up with the rest, the buyer of that lot is willing to do that.

COMMISSIONER DAWSON: So, it seems, okay. If we were to approve this tonight like you had suggested earlier but contingent on all of the requirements, you still would not be okay with this going forward?

MR. LAUBENSTEIN: We'd like to have it continued to the next hearing so we can talk with the other purchasers to see if between the three of us we can find the money to pay for the engineering.

COMMISSIONER DAWSON: Okay, so I guess I'm just confused. So, you do want to continue?

MR. LAUBENSTEIN: We're not looking for final approval today. We came in today just as a preliminary we want to meet with the Board, we want to get your input, because part of the comments you're making are going back not only to us but to Staff. Staff has suggested that all of these need to be in and a water hookup needs to be done. I've heard comments from different Board members willing to defer the sidewalk or willing to consider deferring the sewer as long as the plat shows where the sewer will go in the future and where the sidewalk will go in the future and whatever ordinance gets adopted by the Village Board clearly states when this needs to go in and would be paid for.

So, we are not looking for an up-down approval tonight. Your comments are welcomed and we are asking for it to be continued. So, if your input is we need to do X, Y and Z, we'll get together with Sam, we'll get together with the owners, and see if we can actually work this forward.

COMMISSIONER DAWSON: Okay. So, Sam, am I correct, are we essentially in a larger, more formal Plat & Sub meeting right now? I mean doesn't it seem like that's where we are? I just am trying to do a comparison. So, you're asking for feedback and a continuance?

MR. LAUBENSTEIN: Yes, ma'am.

MR. HUBBARD: Right, yes.

COMMISSIONER DAWSON: Okay, all right. Sorry. I think somewhere in the very detailed, very informative, I lost that way. I thought that you wanted either a continuance or a decision and I wasn't really, okay, all right.

MR. LAUBENSTEIN: My apologies. Sometimes I'm not clear.

COMMISSIONER DAWSON: That's okay, no, no, no. No, I'm just, we're used to making decisions up here, maybe I was the only one that was confused.

Okay, so to that end, to my commentary, I do not have any problems with the subdivision at all. I am inclined to agree with the waiver on the sidewalk. I have concerns on the other two issues, primarily because right now we have very limited occupancy in the home and upon sale, even if the existing structure stayed the same, we would have no regulation on the number of occupancy that could be in that home. So, therefore, I would need more information. I do not feel as if I am, I mean there's an occupancy requirement, do you know what I'm saying?

MR. LAUBENSTEIN: The existing home is a three-bedroom, two-bath, and it will not be able to exceed the existing occupancy as far as the number of --

COMMISSIONER DAWSON: But I don't know what that, what is that?



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MR. LAUBENSTEIN: Let me think. Six persons I think.

COMMISSIONER DAWSON: So, when I don't have information in front of me, is there anything that I should be concerned about? Because we haven't gone into detail on that, so I don't have the information today to give you an opinion as to where I would be on those two issues is my point. I would ask more quite detailed questions when you come back. Make sense? All right.

CHAIRMAN LORENZINI: Commissioner Drost?

COMMISSIONER DROST: Yes. Sam, would there be any objection on the part of the Village to go along with Attorney Laubenstein's proposal? What would be a negative there?

MR. HUBBARD: I think the fear is that there is a date uncertain as far as when that water main would be extended. It could be in one year when they sell the house if someone wants to tear it down and install, or it could be in 50 years or never. Maybe this home will stay for a while. The home is served by an existing water service line that would cross now someone else's property when it's subdivided. The length of that line likely means that the pressure, the water pressure in the house is not as good as it could be if it was connected to a main that was directly adjacent to the home.

So, you know, you're creating a, or you're allowing a situation that's not I guess to current standards as a buyer may expect today.

COMMISSIONER DROST: Yes. So, I mean could we build in within the approvals when it comes up again to have those kinds of protections, either in the form of a bond or in the form of a date where there would be a forfeiture of funds to initiate any of those improvements? I'm just thinking, you know, from the standpoint of let's cut to the chase and figure it out. Maybe on April 26th they come back, we've got a couple of contracts, everything is going to be fine, or they don't come back.

But I do sense this issue of timeliness because the original Plat & Sub was back in 2015, and so it's been out there for a long time.

MR. HUBBARD: Sure. I mean certainly if the Plan Commission wanted to recommend and include a condition that said the water main had to be installed in X number of years, that's certainly --

COMMISSIONER DROST: Yes, I mean I think, you know, or thinking it through, and I'm not going to do the drafting, you'd have to get something in place. Would that be something your client would entertain?

MR. LAUBENSTEIN: Again, one of the problems is being land heavy and cash poor.

COMMISSIONER DROST: Yes.

MR. LAUBENSTEIN: So, we wouldn't really be in a position to put up any type of a bond. The whole issue of whether an entire main that can serve many houses is actually necessary where we have a buyer, the comments from Sam are that the existing line goes over another person's property. The other person is here tonight and is willing to allow that easement to continue. So, it seems a bit of an over --

COMMISSIONER DROST: Yes, so I'm just trying to find out practical, you know, not self-imposed barriers, you know, if your client was cash rich would that be okay? I mean you know, that's sort of the answer, it's not impossible, it's just based on the particular

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circumstances.

MR. LAUBENSTEIN: What I think might be more practical even than a bond or such, if a subdivision is approved and if we have buyers lined up, ultimately those buyers will close. If those buyers close, we no longer will be cash poor.

COMMISSIONER DROST: Yes, well, maybe that's what --

MR. LAUBENSTEIN: So, at that point, the whole point though is let's see if we can get, he would prefer, in my perfect dream world, we would prefer, in my perfect dream world, Elroy's dad would have divided this into two lots and I blame him.

COMMISSIONER DROST: Yes, but that's hindsight. We're here to solve the problems, that's why we have this genius panel here.

MR. LAUBENSTEIN: Right, correct. So, in the world that we exist, what we would prefer is to see if that could be allowed to be grand-fathered in. Because truly, the existing house will be in no worse or no better situation than it currently stands. If we can find someone that would buy this and the shoe box, it would continue.

If the Board's approval is going to be contingent on at least doing the engineering but postponing any actual construction until afterwards, then I have to talk to my esteemed colleagues, the attorneys who represent the potential buyers, see if we can come up with that. That's again the other reason why we're asking to have this continued, because if you would like the engineering, I have to first find the money to hire the engineer and come back and see you in April.

COMMISSIONER DROST: Yes, well, maybe --

COMMISSIONER DAWSON: See, but that's my confusion. We could approve it tonight is what you've said --

MR. LAUBENSTEIN: No, no, no.

COMMISSIONER DAWSON: Okay, this is where I'm getting so confused.

COMMISSIONER DROST: Okay, well, let me just finish my question and maybe we can kind of narrow this down a little bit. But where I'm really going to is, is it going to be a buyer that triggers the ability to comply with what the Village wants?

MR. LAUBENSTEIN: Correct.

COMMISSIONER DROST: So, can we maybe reverse it, do sort of a reverse approval? Find a buyer, we'll approve it.

MR. LAUBENSTEIN: We have two buyers.

COMMISSIONER DROST: Oh, good.

MR. LAUBENSTEIN: We have one buyer here. The buyer of the vacant lot is, as I mentioned, he is willing as part of his submittals to take care of the engineering for the water hookup to his house, for the sidewalk, for all of the Village improvements on that lot. All right. We can work with him to see about getting an engineer to at least do the engineering so we can see if it is feasible, if it's needed in the future, if a new house goes in on the west side.

COMMISSIONER DROST: That's part of the black box here, too, because we can't do it until, you know, we can get the estimate, and we can't get an estimate until we do it. But the point is I agree with Commissioner Dawson and Jensen that we all, you know, want to approve this and make it work. I think there has been some history, especially on the west side of Arlington Heights Road, north of Euclid, we had some open large lots that were land-locked, too, that we did make some accommodations for. There are, you know, maybe some historians to this Commission that maybe remember that.

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But I will wait for any comments from the audience, but I'd like to make it happen.

CHAIRMAN LORENZINI: Thank you. Sam, on the utility, so the blue is the water line, right?

MR. HUBBARD: Yes.

CHAIRMAN LORENZINI: Then coming down Birchwood Lane, you've got a looped line?

MR. HUBBARD: It appears as such, yes.

CHAIRMAN LORENZINI: Okay, and then the red is sanitary sewer?

MR. HUBBARD: The red is storm, the orange is sanitary.

CHAIRMAN LORENZINI: The red is, so there is no, well, if this, along Birchwood, on the east side of Birchwood, is that red or orange?

MR. HUBBARD: That is orange on Birchwood.

CHAIRMAN LORENZINI: It is?

MR. HUBBARD: It's sanitary, yes.

CHAIRMAN LORENZINI: Okay, that's sanitary, all right. So, Sam, where does this new water line that's being requested or required by the Village come? Will it come off of Lilac and there would be a looped line going down to Palatine and back up again?

MR. HUBBARD: I mean theoretically, there's multiple places to do it. I think the most logical place to do it would be to come from Lilac, extend along the western property edge, and then terminate at the southern boundary without a loop, it would just have a hydrant for future flushing.

CHAIRMAN LORENZINI: For flushing, okay.

MR. HUBBARD: I mean the loop would be preferable, but I think that would probably be expensive.

CHAIRMAN LORENZINI: Okay, yes, that's cut in half the pipe line material. Now, the existing water main is where? It's on the east side of the property is the one that's --

MR. LAUBENSTEIN: Yes, sir, on the east side of the property running all the way from Lilac up to the garage and then connecting to the house.

CHAIRMAN LORENZINI: So, what are you proposing to do with the water line?

MR. LAUBENSTEIN: The buyer of the vacant lot that's on Lilac is willing to allow that private easement to continue so that the water supply can continue to run without the need of --

CHAIRMAN LORENZINI: Okay, but if he builds on that lot, the north lot, Lot 2, would he run that new water line in on the west side like the Village is asking at least to serve his place?

MR. LAUBENSTEIN: Where he hooks up, I don't know. Usually it's hooked up over the garages. Is your garage on the west side?

AUDIENCE MEMBER: Yes.

MR. LAUBENSTEIN: So, presumably his hookup would run on the west side to hook to his house, correct.

CHAIRMAN LORENZINI: Right, so he would run the water line the Village is asking for only halfway.

MR. LAUBENSTEIN: Correct.

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CHAIRMAN LORENZINI: Then the other half would be, what you're proposing, the other half would be built on that south lot if that south lot is ever redeveloped to a bigger home?

MR. LAUBENSTEIN: Yes, sir. The easement would be in place so that there is an easement in place to allow for that to continue.

CHAIRMAN LORENZINI: So, Sam, that would almost require two hydrants then? When you put the first line in to the first house, you put a hydrant there so it could be flushed because you don't know how long it's going to be until the rest of the line gets extended, it could be now 20 years. Then you could extend it in one year or 20 years when that south lot if and when that gets redeveloped.

MR. LAUBENSTEIN: Well, right now the existing water line is on the north side of Lilac. Presumably they would just go under the road to connect a line for the house, not a main to their house. They wouldn't need a new main.

MR. HUBBARD: They wouldn't actually connect, they wouldn't extend the main.

MR. LAUBENSTEIN: Just the service line, correct.

MR. HUBBARD: Halfway down to the end. They would just have a service line from their house to the existing main on the north side of the lot.

MR. LAUBENSTEIN: We have an existing service line.

CHAIRMAN LORENZINI: Okay, then if that south lot, Lot No. 1 ever got redeveloped, the existing house torn down and a new house put in, what would you service that with?

MR. LAUBENSTEIN: That's why we would have in place on the private subdivision an easement running all the way from Lilac up to Palatine on the west side of the property.

CHAIRMAN LORENZINI: Well, would you put a water main in there or a service line?

MR. LAUBENSTEIN: To be honest, we would prefer a service line because that's really all it needs. It's just one house. In my opinion, it would be a bit of overkill to put in a main that serves many houses just to run what is in essence a service line to our property. I see a couple of nodes here.

CHAIRMAN LORENZINI: I mean I can see the logic. You know, when we talk about a subdivision, I think about eight or ten or 20 homes. But we're just talking about two homes here.

MR. LAUBENSTEIN: And one already has an existing service line.

CHAIRMAN LORENZINI: Well, I don't know if that's, I wouldn't count that for any future developments. But on one hand, this is code, this is what's required. On the other hand, we're only talking about two lots. So, that's where I'm a little torn, but let me think about it a little more.

Now, the storm, you mentioned a fee in lieu of. Well, we really won't know if there's any storm retention required until they do their engineering, correct?

MR. HUBBARD: For a two-lot small subdivision, we're not going to require any stormwater detention facilities. We would just require a fee in lieu of which would be based on the maximum amount of impervious surface by code that they could put on the site.

CHAIRMAN LORENZINI: But is it possible there's enough pervious surface

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where you don't need any fee?

MR. HUBBARD: No, they would be required a fee because they're adding impervious surface, period, by building a second home on the northern lot.

CHAIRMAN LORENZINI: Okay, all right. Then Mr. Laubenstein, I think you mentioned something about the Village putting in the water main sometime ago?

MR. LAUBENSTEIN: The water, not main, the supply line. When the sewer was redone, the supply line was also redone at that time.

CHAIRMAN LORENZINI: What sewer was redone?

MR. LAUBENSTEIN: The eight-inch sewer that serves the existing house and which actually serves the existing homes on the east side. So, a brand new copper pipe was put in at that time in conjunction with the work that was done on the sewer.

CHAIRMAN LORENZINI: All right. That's all the questions I have right now.

COMMISSIONER GREEN: I've got one more question, again just to help Commissioner Dawson. Was this home always on sewer or was it a septic when it was originally built?

MR. LAUBENSTEIN: When originally built, it was a septic.

COMMISSIONER GREEN: That's what I thought.

MR. LAUBENSTEIN: Originally built, then in order to have septic, they wanted lots of at least a half acre. This is, both lots, well, the property put together is an acre, they're half-acre each. Again, I blame Elroy's dad. But that is one of the reasons why it was set up like that.

When the subdivisions went in as part of the overall approval, they needed access for a sewer. Mr. Hogleve granted the developer to the east the easement that ran on his property so that they could make that eight-inch sewer line. It benefited the other people. In exchange for allowing the developer to put his sewer on my client's property, that guy made the hookup. So, our house is hooked to the existing six-inch sewer, or excuse me, eight-inch.

COMMISSIONER GREEN: I just wanted to help Susan out. That's why that house is the way it is. So, the backyard was a septic field years ago.

COMMISSIONER DAWSON: Ah, okay.

COMMISSIONER GREEN: I live on a similar lot of similar size. So, I understand totally what it is.

MR. LAUBENSTEIN: Thank you.

COMMISSIONER JENSEN: Well, similarly, just to also help Commissioner Dawson, I think it wasn't until --

COMMISSIONER DAWSON: Let's all help Commissioner Dawson tonight.

COMMISSIONER JENSEN: I think it wasn't until the 1970's that the municipalities got a bigger hand in the planning of what's going on in their village. So, the kind of rigor that was used at the time this was annexed was almost nonexistent when they allowed these other developments.

COMMISSIONER DAWSON: Well, that was in a large degree of my point, I'm asking the question because if the Village allowed this situation to occur, then my sympathies are very much with the Petitioner. I feel like we should be more assistive to them. That was why I was trying to find out why this came about.

COMMISSIONER JENSEN: I don't think what the Petitioner is asking for is

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unreasonable. We don't leave anybody worse off, and we actually improve things and we allow this, to go to Sam's point about uncertainty, we can get some certainty. If we don't allow this to go forward, we will have a vacant lot and a vacant house, and it may be vacant into perpetuity. That would be silly for the Village to do that.

As I understand what the Petitioner has asked is can we do this in stages? We want to comply, we want to put the right kind of, we want to do the engineering for the whole thing. We want to execute and do the construction for the part that's needed and then have a trigger when the property in Lot 1 is sold, we would then go ahead and complete whatever Engineering asked for, the Village's Engineering Department.

So, I don't think we should add any burden to that. We're actually cutting the value of this property in half if we don't go ahead and try to work with the Petitioner. So, I'm very sympathetic to that and I think the Village ought to find a way to do that.

COMMISSIONER DAWSON: We're going to do public commentary, right?

CHAIRMAN LORENZINI: Okay, the next part, well, before we go to the public, I just want to make one more statement. I also agree with Commissioner Cherwin that we probably don't need a sidewalk. I'm not really looking, not simply because of money although that's important, but I just think having a sidewalk in front of one home kind of looks bad, because I've seen it in other places and it just doesn't look right. Now, if the Village ever did decide to put sidewalks all the way around, then yes, it should be a requirement that they pay for the sidewalk. But to put it in now, I just don't think it would look right. But anyway that's my comment.

So, with that, we'll go to the public for public comment right now. Anybody in attendance who would like to come up and make a statement? Yes, sir, please come up. State your name and spell it please.

### **QUESTIONS FROM AUDIENCE**

MR. KREUL: Thank you. It's been very interesting. I'm Roger Kreul, K-r-e-u-l, 1942 North Oak Wood Drive. I live directly to the east of Elroy Hogreve.

One thing, I'm very impressed with how thorough everybody is. I would like to add on the sidewalk issue that with this all being open land and very few restrictive fences, I don't feel that there is a need for any north-south sidewalks at all in the subdivision. That being said, with any water mains and fire hydrants that would be added at Palatine Road, there was also a statement made that sidewalks would be included with that. At this point, I would like to suggest that, personally I don't see a need for a north-south sidewalk at any point. Thank you.

CHAIRMAN LORENZINI: Thank you. Anybody else? Any comments? Questions, concerns?

Okay, if not, we'll close the -- yes, sir? Come forward please. State your name and spell it.

MR. KEE: Can I ask him a question first before I make a comment?

CHAIRMAN LORENZINI: Not now.

MR. KEE: All right, I won't. I hope I won't mess this up.

CHAIRMAN LORENZINI: Just state your name and spell it. Lots of people do it.

MR. KEE: Sure, my name is John Eke, the last name is Kee, K-e-e. Thank you, Sam. I'm the proposed buyer for Lot 2. The only question I had based on how the

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conversation has gone today, if you're thinking that the sidewalk isn't necessary and you're willing to make the accommodations around potentially allowing them to not do the engineering or the installation of that piece until a later date, why would we do a continuation versus asking for approval? Again, I'm just trying to get started as soon possible because we've gone through Design Commission and everything. So, I have a selfish interest in that regard, but I'm just curious as to would there be anything limiting us from being able to do that?

CHAIRMAN LORENZINI: Well, I for one would like to see an estimate of the cost of the water line next time you come back. That would be my reason for a continuance.

MR. KEE: Okay.

COMMISSIONER JENSEN: I agree. I think we need to see some of these things fleshed out, especially if we're going to require you to do all the engineering even though you'll only do a portion of the installation that affects your lot.

MR. KEE: Sure.

COMMISSIONER JENSEN: So, I think more needs to be shown to this Commission before we could vote in my opinion. I think the April 26th gives everybody time to do what they need to do.

MR. KEE: That sounds great. I just have to answer to my wife tonight so I wanted to ask the question.

CHAIRMAN LORENZINI: Okay, thank you.

MR. KEE: Thank you.

CHAIRMAN LORENZINI: Anybody else? Questions, comments? Okay, if not, we'll close the public hearing portion of this and go back to the Commissioners for final questions or recommendations.

COMMISSIONER DAWSON: Can I, what specifically is it that you want to see when they come back? The water line to Lot 2?

CHAIRMAN LORENZINI: The cost for the entire water line because that's what the Village is requesting.

COMMISSIONER DAWSON: The Village is requesting the cost of the entire water line?

COMMISSIONER JENSEN: Requesting the engineering.

MR. HUBBARD: The engineering showing how that water main would look. We're also asking for an estimate of what it would cost. We're asking for the sidewalk as well.

COMMISSIONER DAWSON: The cost would be paid prior to building the home, right?

MR. HUBBARD: Right, it would be paid by whoever is going to develop the lot.

COMMISSIONER DAWSON: So, the cost is just a question, it's not necessarily something the Village really needs to know what the cost is?

CHAIRMAN LORENZINI: Well, but it could affect our decision whether we'll allow, whether we agree with a service line or a water main to be put in.

COMMISSIONER DAWSON: But the water main I thought was for Lot 1, not for Lot 2.

CHAIRMAN LORENZINI: No, the water main is for both lots, it's running the entire length.

COMMISSIONER DAWSON: No, it's a service line to Lot 2, it's a water main

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to --

CHAIRMAN LORENZINI: Let Sam, what do you want?

MR. HUBBARD: If the water main is installed along the western property line, then I suppose theoretically the home on the northern lot could connect to that instead of going underneath Lilac. You know, whether or not that's, you know, how they're going to design their connection, we don't know because we haven't seen the plans.

COMMISSIONER DAWSON: All right, I guess in my head, I think where I got lost was, I don't know, maybe hours ago but it seems like there was an argument that was being made that we could simply subdivide, make Lot 1 be nonconforming, let it stay the way it is, the way it has been, and then Lot 2 go forward contingent upon Staff approvals related to the water line. I for one don't need to see a water line drawing, that's what Staff could look at. So, that was where my head was thinking is if, I'm starting to lean towards that argument, this is the way the house has been, if the buyer is willing to buy a house that doesn't have good water pressure, doesn't have a fire hydrant in front of them, I can understand why a buyer might be okay with that. It's existing as it is.

If we're improving Lot 2 and if there's any building that happens eventually on Lot 1, then all those things will have to go into place. I would be okay with letting this proceed forward tonight. So, I'm trying to understand what it is specifically that we up here need them to come back in a month for that Staff can't themselves address.

MR. HUBBARD: There's other issues with the way that the plat has been designed, there are revisions that need to be made which we would like to see prior to preliminary plat of subdivision approval. The setbacks are not shown correctly. The easement hasn't been added to where the water main will eventually be added. Our Engineering Department would certainly like to see the design of the water main, they would like to see the estimate of the costs so that they know, you know, so that everyone involved knows what the code requirement is actually translating to as far as dollars and cents.

MR. LAUBENSTEIN: The easement actually is shown on the west side. So, it runs all the way up, the public utility easement does run on the plat. But there are some other changes. There are some changes to the setback and other lines.

Our whole thing was we didn't want to, we wanted to get some input or direction here which I am understanding you would like to see when we come back in April, at least what the engineerings are, and so you can compare potatoes and tomatoes what it would cost if we put in a main and what it would cost if it just stayed as a supply line so that you can have a better understanding as to whether that gets to a price point which keeps this house vacant and keeps the property from becoming productive.

Now, I heard that you were asking for the engineering for the water. I heard comments before that the sidewalk can keep. Do you want engineering on the sidewalk now, too? Because that again adds to up-front costs. I'm happy to do as --

CHAIRMAN LORENZINI: Yes, because it is a Village requirement.

MR. LAUBENSTEIN: Okay, I just want to make sure we're all on the same page, that if I come back and I don't do this, I don't want to take up too much of your time and I appreciate your time tonight. I want to be able to come back --

COMMISSIONER JENSEN: Given all the neighborhoods we have in Arlington Heights that don't have sidewalks, Scarsdale, Sherwood and others, I don't know why we would want to have anyone add the expense of doing engineering on something that would



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look ridiculous if we actually asked them to implement it. It's a waste of time, money and energy.

CHAIRMAN LORENZINI: Does everybody agree?

COMMISSIONER CHERWIN: Yes, I do.

COMMISSIONER DAWSON: Yes, I'm fine with that.

CHAIRMAN LORENZINI: Sam, we recommend that we don't do the engineering, you okay with that?

COMMISSIONER DAWSON: On the sidewalk.

CHAIRMAN LORENZINI: On the sidewalk.

MR. HUBBARD: I'll communicate that to our Engineering.

COMMISSIONER CHERWIN: I would just clarify though that I think there should be something in place, some kind of assessment agreement that if the Village were to undertake a sidewalk on either side or wanted to, then they could complete it with this property and can capture the fees in doing that on this property --

MR. HUBBARD: I mean I suppose we could put a condition in that requires an estoppel agreement that the future owner or any owner of Lot 2 will not object to a special assessment for future installation of a sidewalk. I think that's something we could look at.

MR. LAUBENSTEIN: Those are the exact type of things that are already provided for in the Village ordinances. That's what I was talking about before. The ordinance, once we get to the actual Village Board and Mayor, the ordinance that would approve the subdivision that does get recorded would specifically set forth in the event, in the future you're going to do a whole sidewalk, whoever owns Lot 2 agrees that the Village can recoup the cost for the sidewalk in front of them. That's also the spot in the ordinance where it would put in in the event Lot 1 gets redeveloped, then we have to do this, that and the other thing with regard to the water main.

So, the whole purpose of having that in the ordinance that approves the subdivision is the ordinance gets recorded. Right now we all remember what we talked about today. In 10 or 20 years from now when someone wants to develop Lot 1, it's written down, it's carved in stone so that everybody knows.

COMMISSIONER JENSEN: I'd ask the Petitioner, do you feel you have gotten the input that you sought before we vote or take a motion to continue?

MR. LAUBENSTEIN: Yes, I believe that we have. I've got guidance from you folks. I know what the, the whole purpose tonight was I didn't want to wind up sending yet a third set of plans to Sam, taking up the Staff's time, costing my client for redesigning plans. No, I think I have a clear idea.

We will work with Staff to get the easements in place and the setbacks so that that all conforms because there's no issue on that. If the Board's recommendation is, and Sam is willing to pass it back to the rest of Staff or tell the engineers we're going to go forego the sidewalk, I agree with you that saves us from spending money on an engineer right now on something that may not be needed. I can talk with my client and with Neil Kaiser, the attorney for the other lot buyer, and see if we can come up with the engineering so that when I'm back before you folks on April 26th, you will now have the map in front of you.

So, yes, thank you. I think that's all the input we were looking for.

COMMISSIONER GREEN: Yes, but I just want to make it clear, give us an estimate of the cost of the sidewalk so we have all those numbers to us. Engineering a sidewalk is not a big engineering fee. So, let's just have all the costs there, we can then do whatever we

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want with the sidewalk and everything else. Let's just get the whole package, that's what I think the Village I think is asking you to do. So, let's do those two or three things.

CHAIRMAN LORENZINI: I think what Commissioner Green is saying we don't necessarily need you to engineer with elevations and all that. But four inches of stone, three inches of concrete, you know, that's a very simple computation.

COMMISSIONER GREEN: That's a pretty easy cost.

COMMISSIONER JENSEN: So, we're looking for an estimate, not the engineering --

cost.

COMMISSIONER GREEN: Yes, not the engineering of it. No, it's just the the costs.

COMMISSIONER GREEN: Right.

MR. LAUBENSTEIN: The costs, sure.

COMMISSIONER JENSEN: Are we ready to make a motion at this point?

COMMISSIONER DAWSON: Yes.

COMMISSIONER DROST: Are you going to do that?

COMMISSIONER JENSEN: I can. I'd like to make a motion.

**A motion to recommend continuance of PC#17-002, a Preliminary Plat of Subdivision for the Hogleve Subdivision, and a Rezoning of the subject property from R-1 to R-2, until the April 26th Plan Commission meeting.**

CHAIRMAN LORENZINI: Is there a second?

COMMISSIONER DROST: I'll second the motion.

CHAIRMAN LORENZINI: Roll call vote please.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Chairman Lorenzini.

CHAIRMAN LORENZINI: Yes. Okay, thank you for coming. We look forward to seeing you again.

MR. LAUBENSTEIN: Thank you.

(Whereupon, the public meeting on the above-mentioned petition was adjourned at 9:10 p.m.)

APPROVED