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3 VILLAGE OF GURNEE
4 PLAN COMMISSION

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6 PUBLIC HEARING
7 held
8 May 5, 1999
9 7:30 p.m.

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10 GURNEE MUNICIPAL BUILDING
11 325 North O'Plaine Road
12 Gurnee, Illinois

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14 PLAN COMMISSION:
15 BRYAN WINTER, Chairman, pro tem
16 JIM SULA
17 FRANK PAPP
18 CARL CEPON
19 BILL FINN
20 BILL SMITH
21 BRYAN WINTER

18

19 ALSO PRESENT:
20 JON WILDENBERG
21 BARBARA SWANSON

19

20

21 Reported by: VIRGINIA A. GAISER, CSR
22 CSR License No. 084-003887

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1 MR. WINTER: We'd like to call the
2 Village of Gurnee Plan Commission meeting to
3 order. We'll start with the roll call.
4 MR. WILDENBERG: Mr. Sula.
5 MR. SULA: Here.
6 MR. WILDENBERG: Mr. Papp.
7 MR. PAPP: Here.
8 MR. WILDENBERG: Mr. Cepon.
9 MR. CEPON: Here.
10 MR. WILDENBERG: Mr. Finn.
11 MR. FINN: Here.
12 MR. WILDENBERG: Mr. Smith.
13 MR. SMITH: Here.
14 MR. WILDENBERG: Mr. Winter.
15 MR. WINTER: Here.
16 MR. WILDENBERG: Mr. Foster.
17 MR. FOSTER: No response.
18 MR. WINTER: Why don't we please rise and
19 recite the Pledge of Allegiance.
20 (Pledge of Allegiance recited)
21 MR. WINTER: At this point in light of

22 the Commission not having a chairman, is there a
23 motion to appoint a Chairman pro tem?

24 MR. SMITH: I hereby make a motion that

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1 Bryan Winter be chairman pro tem.

2 MR. PAPP: Second.

3 MR. WINTER: All those in favor on a
4 voice vote say aye.

5 (Unanimous aye)

6 MR. WINTER: All those opposed?

7 (No response)

8 MR. WINTER: Before we move on to the
9 first item on our agenda, I'd like to take the
10 opportunity to recognize and welcome two new
11 members to the Plan Commission that were approved
12 Monday night by the Board of Trustees.

13 We have Frank Papp to my left. And
14 we're very excited to have Frank as he's an
15 architect. We have worked with him in joint
16 meetings. He's been a member of the Zoning Board
17 of Appeals.

18 We also have Bill Frank -- excuse me

19 -- Bill Finn to the right. And he has also been
20 on the Zoning Board of Appeals for a number of
21 years. The Plan Commission has worked with him in
22 joint meetings.

23 So we'd like to welcome both of them
24 to the Commission tonight. And just a hint, you

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1 guys are the first ones that get to vote when we
2 do a roll-call vote, so I don't know whether we're
3 going to start at this end or that end, but that's
4 the way it works.

5 Now, turning to the agenda, Item
6 No. 3 on the agenda, Final plat of Subdivision,
7 Meyer Subdivision. This involves property
8 consisting of 24.5 acres located along the east
9 side of Hunt Club Road immediately south of the
10 Menards subdivision.

11 It is zoned as a PUD with underlying
12 classification of C/B-2, Community Business
13 District, and C/O-1, Restricted Office District.
14 A total of four lots are proposed as future
15 building sites. Lots are also created for wetland
16 preservation, stormwater management facilities and

17 a landscape buffer along Hunt Club Road.

18 As this is a matter that previously
19 was a public hearing that granted part of the
20 process for obtaining a PUD, I will begin by
21 allowing Mr. Wildenberg to perhaps add to this
22 item, and then we'll have the petitioner give a
23 short presentation.

24 MR. WILDENBERG: Really, the next two

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1 items on your agenda are related to this property.
2 This item is a final plat of subdivision which
3 immediately divides it into future building lots
4 and the other conservation areas and detention
5 areas. The plats have been reviewed by staff and
6 by engineering, and it's recommended for your
7 approval subject to final engineering.

8 MR. WINTER: Is there anyone on behalf of
9 the petitioner on item No. 3 that would like to
10 add anything to this meeting?

11 MR. FRANK: Thank you, Mr. Chairman. Hal
12 Frank on behalf of Condell. Excuse me.

13 I'd just like to say that

14 representatives of the architecture firm are here
15 and would be happy to walk through the elevation,
16 the final architectural elevation, if you'd care
17 to this evening. Also, Tim Nelson is here, the
18 landscape architect, and Tracy Richards, who is
19 our civil engineer.

20 We're here to answer any questions.
21 We remain very excited about getting this project
22 underway. We're hoping to close on our
23 acquisition of the property very shortly and be
24 underway with construction early in June.

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1 MR. WINTER: Okay. Like I mentioned we
2 previously -- this petition or for purposes of
3 issuing the PUD, there was an extensive public
4 hearing. At this point the formality of seeing
5 the final plat and making a motion regarding its
6 advancement, does anyone have any questions at
7 this point?

8 Mr. Sula.

9 MR. SULA: I just have one question.

10 Can you give us an update in terms
11 of the status of trying to get an access

12 MR. FRANK: Yes. What we have done is in
13 our annexation agreement we've made a provision --
14 we've done as much we could do basically, and we
15 have done that at the request of the Village
16 Board.

17 What we've done is we've added a
18 provision that says if and when it becomes
19 possible to extend this roadway across the Church
20 of Gurnee property so that there's a connection to
21 Dada extended we will do that.

22 We were not able to secure ourselves
23 a cross-easement across the Church of Gurnee
24 property, but we understand that the

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1 representatives of the church are in communication
2 with the property owners to the south and that
3 there may be an opportunity in the future to work
4 that out.

5 So we're sort of waiting for them,
6 and if they work it out we have agreed to put in
7 the road.

8 MR. SULA: Thank you.

9 MR. WINTER: Any other questions?

10 (No response)

11 MR. WINTER: If not, the Chair would
12 entertain a motion regarding item No. 3.

13 MR. CEPON: I'll make a motion for a
14 favorable recommendation for the final plat of
15 subdivision for the Meyer Subdivision.

16 MR. WILDENBERG: I'll second that.

17 MR. WINTER: We have a motion then. At
18 this point I'd ask for a roll-call vote.

19 Before doing that it occurred to me
20 that I recused myself from hearing this item, and
21 will continue tonight to not participate in any
22 discussion and will abstain from this vote.

23 Having said that could we have a
24 roll-call vote.

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1 MR. WILDENBERG: Mr. Finn.

2 MR. FINN: Yes.

3 MR. WILDENBERG: Mr. Smith.

4 MR. SMITH: Aye.

5 MR. WILDENBERG: Mr. Sula.

6 MR. SULA: Aye.

7 MR. WILDENBERG: Mr. Papp.

8 MR. PAPP: Aye.

9 MR. WILDENBERG: Mr. Cepon.

10 MR. CEPON: Aye.

11 MR. WILDENBERG: Mr. Winter.

12 MR. WINTER: Abstain. Motion carries.

13 Item No. 4. This is related. This
14 is requesting a final PUD plat for Lot 1, Meyer
15 Subdivision. The lot contains 6.6 acres in the
16 Meyer Subdivision under its PUD zoning.

17 A review of the final site
18 development plan is necessary for this particular
19 lot. A health and fitness center operated by
20 Condell Hospital is proposed.

21 Again, I would at this point turn it
22 over to Mr. Wildenberg to add anything to this
23 item.

24 MR. WILDENBERG: In the evolution of PUD

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1 zoning approval, this is the final step known as
2 the final plat wherein the petitioner developer
3 demonstrates his consistency with bringing forward

4 the concepts that were presented at the previous
5 public hearings.

6 MR. WINTER: Again, this is not a public
7 hearing, but at this time is there anything else
8 the petitioner would like to add for the record
9 regarding this item?

10 MR. FRANK: No, Mr. Chairman.

11 MR. WINTER: Anyone on the Commission
12 have any questions for the petitioner or staff?

13 MR. CEPON: Have there been any changes
14 since the last time we have reviewed this?

15 MR. FRANK: The only -- Well, the only
16 changes that I can think of are the following:

17 One, we were asked by staff on the
18 roadway in to add an additional curb cut for just
19 Lot 1 -- if I did this right. This -- where am I
20 here -- right here. That is new. Excuse me.
21 Staff wanted --

22 We originally just had this way in
23 and out. And, you know, again, this is just the
24 part that's being developed right now. This is

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1 Lot 1, the health and fitness center. And we were

2 asked to add this which we've added. And there is
3 a retaining wall here that was over here -- where
4 am I -- over here. No?

5 UNIDENTIFIED SPEAKER: It's up front.
6 There is one on that corner and one -- I don't
7 know that I can do any better. I can do this.
8 There is one here that's always been there, and
9 there is one on that corner. We've tried to make
10 those a little smaller.

11 MR. FRANK: That's it.

12 MR. WINTER: Okay. Are there any other
13 questions?

14 (No response)

15 MR. SMITH: I'll make a motion.

16 MR. WINTER: We have a motion.

17 MR. SMITH: I'd like to make a motion to
18 extend a favorable recommendation on the final
19 PUD plat of Lot 1 Meyer Subdivision.

20 MR. SULA: I'll second.

21 MR. WINTER: At this time I'd ask that we
22 take a roll-call vote on the motion.

23 MR. WILDENBERG: Mr. Finn.

24 MR. FINN: Aye.

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1 MR. WILDENBERG: Mr. Smith.
2 MR. SMITH: Aye.
3 MR. WILDENBERG: Mr. Sula.
4 MR. SULA: Aye.
5 MR. WILDENBERG: Mr. Papp.
6 MR. PAPP: Aye.
7 MR. WILDENBERG: Mr. Cepon.
8 MR. CEPON: Aye.
9 MR. WILDENBERG: Mr. Winter.
10 MR. WINTER: Abstain. Motion carries.
11 MR. FRANK: Thank you very much.
12 MR. WINTER: Continuing with the agenda
13 now we're at item No. 5.
14 This, again, is seeking a final PUD
15 plat. This for a lot No. 4, Almond Plaza
16 Subdivision for a Pool A Rama.
17 The subject site contains 1.75 acres
18 and is located immediately west of the Gurnee
19 Dodge property on Grand Avenue. It is zoned PUD
20 with underlying C/B-2, Community Business
21 District, zoning.
22 The review of the final site
23 development plan is required prior to issuing a
24 construction permit. It is proposed that a

1 one-story 16,400-square-foot retail structure is
2 proposed for the Pool A Rama operation. Access to
3 the site from Buchanan Drive which will be shared
4 with the future user of Lot 5 adjacent to the
5 west.

6 Again, I'd defer to Mr. Wildenberg
7 to bring the Commission up to date on the
8 proposal.

9 MR. WILDENBERG: Again, this is a
10 commercial PUD like you saw in the previous items.
11 There are various standards and objectives that
12 need to be met and demonstrated and be carried
13 forward in this project.

14 I know the architects are here
15 tonight to walk you through the site plans and
16 answer any questions you might have about the
17 operation.

18 As this particular use wasn't the
19 subject matter of a public hearing before, you may
20 want to take a look at the plans and have a little
21 more explanation as to the operation itself.

22 MR. WINTER: Okay. Do we have somebody
23 here on behalf of the petitioner? Anyone from

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1 (No response)

2 MR. WINTER: I've been directed that
3 someone is or at least it was thought that someone
4 will be here on this item.

5 At this point I think the Chair will
6 leave this item and we'll wait to see if someone
7 does appear for Item No. 5. We'll move on to item
8 No. 6 on the agenda. This is the first public
9 hearing for tonight.

10 There is a little change in
11 procedure for public hearings. Anyone that would
12 like to present questions or talk to the Plan
13 Commission has to first be sworn in, and we'll ask
14 everyone to stand at the appropriate time, and we
15 will have to have everyone use the microphone.
16 There's two of them in the room, one in the center
17 and one behind the stenographer, for the
18 presenters.

19 We'd ask that you please state your
20 name and address the first time you make your

21 comment.
22 With that introduction, item No. 6,
23 Petition of Centrum Equities, petition for a
24 special use permit to allow principally three

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1 things: A.) Establishment of a third ground
2 mounted sign; B.) Aggregate site signage to
3 exceed 1,000 square feet; and c.) A drive-through
4 pharmacy for a proposed Walgreens store on
5 property located at the northeast corner of Route
6 21 and Grand Avenue.

7 By way of background and to bring us
8 up to date on current zoning we have
9 Mr. Wildenberg that will describe this petition in
10 further detail.

11 MR. WILDENBERG: This particular property
12 is currently zoned C/B-2, Community Business
13 District. It's a little different than the first
14 two properties you've seen tonight where they're
15 planning new development with the underlying C/B-2
16 zoning. This is what we call straight C/B-2
17 zoning.

18 It also currently contains Grand

19 National Bank and Ace Hardware store. Walgreens
20 is looking to locate between those existing two
21 uses on the property. The drug store is permitted
22 by right in the C/B-2 District to be built subject
23 to issuance of a building permit.

24 However, the drive-through aspect of

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1 their operation of the proposal is subject to
2 review via special use permit hearing process.

3 In addition, the placement of a
4 third ground sign on the corner lot, this is
5 subject to a special use petition. And, thirdly,
6 the proposal to exceed 1,000 square feet of
7 signage aggregate on the property is the subject
8 of a special use request.

9 In this particular case as it is
10 currently drawn they're requesting 1,095 square
11 feet.

12 Since this is a public hearing we
13 will be willing to swear in anyone giving
14 testimony or representing questions.

15 MR. WINTER: All right. At this time I'd

16 ask anyone that will speak in front of the Plan
17 Commission to please rise and raise your right
18 hand. This is just for agenda item No. 6
19 regarding the Centrum Equities request.

20 (Witnesses sworn)

21 MR. WINTER: At this time if a
22 representative of the petitioner would address the
23 Plan Commission.

24 MS. GOLDSTEIN: Good evening,

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1 Mr. Chairman. My name is Mary Koperstein. I am
2 the general counsel for Centrum Properties.

3 We have several witnesses this
4 evening that can explain the project and respond
5 to your questions, representatives of our
6 architectural firm, Hirsch Associates Architects,
7 Robert Zacharius who is with Centrum and has been
8 working with the Village on this property and also
9 our consulting engineer.

10 As you indicated one of the things
11 involved here is a request for a special use for
12 the drive-through aspect of the drugstore. I
13 would note that in this zoning district

14 drive-through operations as permitted for a number
15 of specified uses, banks being one of them. And I
16 think by virtue of the fact that your ordinance
17 didn't specifically include a drive-through
18 pharmacy as a permitted use it becomes a special
19 use.

20 But I think you'll see from our
21 testimony this evening that this particular use is
22 not as intensive as other drive-throughs that are
23 already permitted here as a matter of right.

24 With respect to the signage, this is

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1 the second aspect of the special use permit due,
2 in fact, I think, to the fact that we do not have
3 separate lots. We have multiple buildings on one
4 lot which is permitted under your regulations but
5 which causes us to exceed them, the total amount
6 of signage, because we have three users.

7 With that I'm going to turn it over
8 to Mr. Zacharius who can explain the site plan and
9 operations in more detail.

10 MR. ZACHARIUS: Hi. Robert Zacharius.

11 Nice to be in front of you.

12 MR. WINTER: Mr. Zacharius, that mike,
13 you can detach it.

14 MR. ZACHARIUS: That's good. One of the
15 things we did was we made photo reproductions,
16 color reproductions of the plans, so that as we're
17 showing them to you on the overhead you'll be able
18 to follow through with us, maybe make it a little
19 bit easier.

20 As I say it's nice to be here
21 tonight just because of the amount of time that we
22 have spent with staff over the last six or eight
23 months working together, trying to come up with a
24 plan and again for a Walgreen's drugstore that

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1 will sit in between the current uses that already
2 exist there today, which is the Ace Hardware and
3 Grand National Bank.

4 We are authorized agents for Jim
5 Regas, the owner of the property. We have been
6 working on his behalf with the staff to design
7 something that the Plan Commission -- we hope the
8 Plan Commission and the Village Board will find

9 acceptable.

10 During the last six months our
11 consultants have worked with specifically Tracy
12 Velkover in regard to the site plan, the tree
13 preservation/tree replacement plan and the
14 lighting photometric plan, all of which we have
15 come to agreement on in theory. We've also dealt
16 with Bud Reed in regard to the engineering plan.

17 Therefore, we come to you tonight to
18 present what's evolved with a lot of hard work
19 between our consultants and your staff and what we
20 hope meets with your approval and eventually the
21 Village Board's approval and recommendation.

22 Therefore, let me introduce Howard
23 Hirsch. Howard is president of Hirsch Associates.
24 He's the architect on the project, and he and his

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1 staff have worked with Tracy Velkover a number of
2 months now to come up with a plan that hopefully
3 you will find acceptable. Howard.

4 MR. HIRSCH: Thank you very much. And
5 for the record my name is Howard Hirsch. I'm the

6 president of Hirsch Associates Architecture and
7 Planning located at 225 West Hubbard Street in
8 Chicago.

9 On the overhead we have the plan in
10 question for the Walgreen's store. I'd like to
11 just sort of orient everyone to make sure that
12 everyone understands exactly what we're proposing.

13 The plan is bounded on the south by Grand Avenue
14 and on the west by Route 21 which is known as
15 Riverside Drive at that location.

16 Within the site itself there is an
17 existing Grand National Bank on the west side of
18 the property and Ace Hardware on the east side of
19 the property.

20 The site is bounded by a multifamily
21 residential development to the north, the
22 Des Plaines River and public lands to the east and
23 a variety of shopping-type uses and gas stations
24 to the south and to the west.

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1 Currently, there are -- there's a
2 curb cut at the northwest corner of the site and a
3 curb cut at the southwest corner of the site along

4 Riverside Drive. These are remaining and are not
5 being changed as part of this proposal.

6 Along Grand Avenue there are
7 currently three locations where there are curb
8 cuts. We have been working with IDOT and have
9 come to the relocation of two of those curb cuts
10 to a single curb cut at this location aligned with
11 the front of the Ace Hardware store thereby
12 reducing the number of curb cuts by one.

13 The Walgreens store itself is a
14 13,905-square-foot building located between Grand
15 National Bank and the Ace Hardware store.

16 As part of our development and
17 proposal we are doing a significant amount of
18 renovation work or upgrading of the existing
19 parking lots in this area.

20 Our plan shows dashed or shaded the
21 areas that are existing that are to remain and
22 really focus in on the area of change located in
23 the center of the site.

24 The north portion of the site is

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1 currently an area that has been undeveloped.
2 Portions of it are within a floodplain, portions
3 as it goes down to the river. Our engineer has
4 been working with Bud Reed in resolving the issues
5 regarding grading and floodplain.

6 The parking lot is really broken up
7 into two areas, a primary area to the south of the
8 Walgreens which will serve not only Walgreens but
9 Ace and the Grand National Bank as well as the
10 area to the east of Walgreens.

11 As you can see we've worked very
12 closely with Tracy Velkover on the landscape plan
13 which we can present to you later -- very large
14 islands of landscaping located throughout the
15 parking lot to really break it up, a significant
16 improvement over what's there now.

17 If you're aware of it, there is
18 basically a field of asphalt currently there, and
19 we still keep a very large area of trees. They're
20 really -- it's hard to call them trees. A lot of
21 them are shrubs and weed-type trees, but they will
22 remain to the north and the east keeping the
23 screening that is naturally there to the
24 residential development to the northwest.

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1 The existing pylon signs on the
2 site, there are two currently. One is located
3 here for the Ace Hardware store, and one is
4 located at this location for Grand National Bank.

5 The third pylon sign that we're
6 proposing is located directly at the corner.
7 Because of the location of the other two pylon
8 signs being split and really working more closely
9 for those particular users, we felt that the
10 corner pylon sign not only was acceptable but
11 desirable.

12 It will be located within a
13 landscaped area and will really not interfere with
14 any vision or traffic or any other issues that
15 could come from pylon signs.

16 The total parking counts that will
17 be provided for the center is 271 cars, which is
18 in excess of the requirement that would be
19 required for all three of the buildings together
20 on the site.

21 The drive-through that currently
22 exists for the bank will remain as is. In fact,
23 we've created a landscape buffer between the
24 Walgreens and the bank to assure that there is

1 proper stacking capability for the bank's
2 drive-through and to make sure none of our traffic
3 interferes with the bank's drive-through
4 activities. The Walgreens drive-through is
5 located on the east side of building towards the
6 north end.

7 There is plenty of stacking per the
8 ordinance to allow for the six cars. And we think
9 that the overall development of the site, the
10 locations of the buildings, the improvement to the
11 parking lot and especially the improvements to the
12 landscaping will dramatically improve the current
13 condition of the shopping center.

14 I apologize for the color. It
15 doesn't come out very well on the overheads.

16 These are the front and side
17 elevations which would be the southwest and the
18 northwest elevations of the proposed Walgreen's
19 building.

20 The building is built predominantly
21 of brick with double porous base and double porous
22 band at the top of the window. The entrance to

23 the building which is located at the southwest
24 corner is defined by a couple of brick columns and

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1 a projecting glass base that would house a logo
2 for Walgreens behind it.

3 It's something that we think is very
4 attractive and that is a somewhat subtle way of
5 getting a corporate image for Walgreens and
6 something that is very good-looking and that
7 really brings the scale of building to an
8 appropriate scale.

9 There's a series of windows on the
10 north and on the west that started about 7 feet in
11 height and go to 13 feet in height and then EIFS
12 or drive-it as some people know it, a side band
13 that extends over the windows both on the
14 southwest elevation and the west elevation.

15 The signage that we're showing here
16 is in keeping with the signage that was permitted
17 in the Walgreens in other developments in Gurnee.
18 It's reduced significantly from what the standard
19 Walgreens prototype signage would be, and we
20 really feel that it's in scale with the building

21 and in keeping with the building as well as the
22 distance that the building is from Grand Avenue
23 and the visibility of it.

24 Again, the entire building is made

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1 of brick other than the few side bands that are on
2 the front, and we think especially considering
3 that the majority of the buildings, especially the
4 north side and the east side that are pretty well
5 hidden by the bank and by Ace Hardware that this
6 is a very high quality building and something that
7 will greatly enhance the existing shopping
8 center.

9 This is looking at the rear and east
10 side elevations. As you can see the drive-through
11 itself also has a small canopy that extends over
12 it for the protection of the passengers using --
13 the drivers using the facility, and then the rear
14 of the facility is, again, all brick, high
15 parapets that will be used to help screen the
16 rooftop units.

17 The servicing is all occurring over

18 through a small overhead door and a single man
19 door at this location. There is not a lot of
20 servicing activity.

21 The trash itself then is located in
22 the back, and then a trash compactor would be
23 located in this area. It's not been shown for
24 clarity of the building's sake but the compactor

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1 itself is very small and is located within an
2 8-foot-high cedar enclosed fence area.

3 There is very little trash that is
4 accumulated from the Walgreens, and the compactor
5 itself is hidden from view. It's also located,
6 again, on the north side of the building away from
7 the visibility of the parking lot or of the
8 streets.

9 Briefly to review the signage and
10 what we're requesting, the -- what you see here is
11 the standard Walgreens sign which is located, one
12 on the east -- north -- south elevation and one on
13 the west elevation.

14 There are two smaller pharmacy signs
15 and one-hour closed sign, a drive-through pharmacy

16 sign that's located simply to direct people to the
17 drive-through and then the graphic which is
18 located behind the window.

19 The total signage along the -- what
20 we call the southwest elevation which is located
21 over here is 181.4 square feet. The total signage
22 on the west elevation which is simply the
23 Walgreens sign is 74.5 square feet, and then there
24 is a small directional sign on the canopy itself

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1 which does not count for the ordinance.

2 Therefore, our total building
3 signage is 255.9 square feet which is really quite
4 a small amount considering the size of the
5 building and its location.

6 The pylon sign located here is a
7 20-foot-high pylon sign. We've been working with
8 staff to try to upgrade it by putting a brick base
9 with landscaping around it.

10 The main portion of the sign is 4
11 feet by 14 feet which says Walgreens on it, and
12 then there is a reader board which is a manual

13 reader board that's 4-foot-3-by-10 foot. Its
14 total signage size again is 99.83 square feet per
15 sign. That times two sides is slightly under 200
16 square feet.

17 When we do the calculations for the
18 entire shopping center including Ace Hardware and
19 Grand National Bank we find that our signage comes
20 to just slightly above the maximum allowed 1,000
21 square feet.

22 Mary indicated previously that we're
23 somewhat at a disadvantage here because we have
24 three separate buildings within the site as

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1 opposed to one building on each of three sites.

2 If we were to do it just one
3 building on each of three sites we would meet the
4 requirements of the ordinance and not be requiring
5 a special use.

6 And, again, regarding the pylon
7 sign, we really believe that it's in keeping with
8 a shopping center of this size and the fact that
9 the existing two pylon signs are spread out around
10 the corner and not directly located at the corner,

11 that this is a logical place to place the third
12 one and that we hopefully will be granted that.

13 Mary touched upon the drive-through
14 use as a special use. There is not much more to
15 say about that. Again, a bank's drive-through use
16 is an allowed use, and this will have
17 significantly less traffic than a bank's
18 drive-through.

19 We also have with us here tonight
20 Dan Weinbach from Weinbach and Associates. He is
21 our landscape architect. We have our landscape
22 plan up. We're not going to go through and give a
23 detailed presentation unless you request that.

24 We have been working very closely

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1 with Tracy Velkover and working on not only a true
2 presentation plan but also the species and size
3 and locations of the landscaping. And this is the
4 result that you see here today.

5 We also have with us Tracey from Don
6 Manhardt's office, and he has been working with
7 Bud Reed. And we have a landscape plan which is

8 -- I mean an engineering plan which is located
9 down here. And, again, we feel we've been working
10 with staff and we've come to agreements with
11 them. And if you'd like a presentation on it, we
12 can give it to you. But instead of wasting your
13 time, we'll ask you if that's what you'd like to
14 hear.

15 MR. WINTER: Well, in terms of the
16 landscape plan, you say you have someone here
17 tonight?

18 MR. HIRSCH: Yes.

19 MR. WINTER: Could they give us a brief
20 overview of that.

21 MR. WEINBACH: Thank you. My name is Dan
22 Weinbach, Daniel Weinbach, of Daniel Weinbach and
23 Partners. We're located at 53 West Jackson,
24 Chicago.

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1 You see to the left here the
2 landscape plan. It is fairly -- it is very
3 heavily landscaped for this sort of project. The
4 reason for that is there are a number of trees in
5 these areas to be preserved. There is a detention

6 area, and then there is one zoned here where trees
7 will be taken down.

8 As was mentioned earlier these are
9 not high quality trees. They're predominantly box
10 elders, cottonwood and Siberian elm. So there
11 were a few inches worth of trees that are of some
12 quality.

13 We are replacing those inch for inch
14 for the quality trees and 50 percent of the inches
15 for the rest of the trees. This was the agreement
16 reached with the Village. So as a result we do
17 have fairly large trees we're installing.

18 All the trees you see in the parking
19 lot are four-inch trees. And so we have exceeded
20 the number of inches that was requested OF us.

21 Predominantly it is a -- since it's
22 a parking lot, there are islands with trees and
23 ground cover in the islands. All of these islands
24 contain ground cover, and each one contains two

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1 shade trees. There are some along the back edge
2 where this area will be disturbed.

3 We're replacing, again, with
4 four-inch trees, maples on the back edge here, and
5 around the detention there will be river birch
6 trees.

7 The rest of the trees in the parking
8 lot are honey locusts in the vicinity of the
9 building itself and white ash and green ash around
10 the outer edges.

11 There is also a sort of transition
12 area between the two buildings which contain shade
13 trees and a few evergreen trees to provide some
14 separation between the buildings. I think that
15 should cover it.

16 MR. ZACHARIUS: Let me just state for the
17 record since we forgot to do so, Mary Koperstein,
18 (phonetic) general counsel for Centrum, and myself
19 reside 225 West Hubbard in Chicago. Howard Hirsch
20 of Hirsch and Associates also resides at 225 West
21 Hubbard in Chicago.

22 MR. WINTER: If I could impose on the
23 petitioner as long as someone is here from
24 Manhardt and they have a diagram, again, could we

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1 receive a brief presentation with regards to --

2 MR. WEINBACH: Absolutely. Tracey
3 Richards will come on up and present the plan.

4 MR. RICHARDS: The proposed development
5 is well-situated as far as from an engineering
6 standpoint from both service for sanitary sewer
7 and water, conventional service to the building,
8 basically by virtue of the fact that the existing
9 development's already there and has driven the
10 need or provided the existing sanitary water
11 facilities for it.

12 Sanitary sewers off the existing
13 sewer should be located to the north. Water is
14 already on the site and is served by the proposed
15 main. And storm will be -- storm drainage from
16 this site comes basically -- the height of the
17 site is to the northwest corner going down to the
18 river.

19 And we will follow the same pattern
20 in terms of that drainage. The access which
21 really has already been discussed in terms of
22 traffic for the site will come into the one
23 centralized point off of Grand or from the
24 Riverside Drive location and therefore, again,

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1 reducing the number of accesses off of Grand
2 Avenue in terms of traffic.

3 But, in general, the site is
4 well-situated from an engineering standpoint.
5 There's not too many issues there that are fresh,
6 new or need to be discussed, and I can probably
7 better answer direct questions or specific
8 questions.

9 MR. WINTER: Okay. Thank you. At this
10 point before we open it up to the public for
11 comments and questions, I'd ask the Plan
12 Commission are there any questions, direct
13 questions, for any of the presenters?

14 Mr. Smith.

15 MR. SMITH: Yes. On the sign, now, you
16 said a reader sign, it does not flash, does not
17 blink?

18 MR. ZACHARIUS: No.

19 MR. SMITH: Does not go off?

20 MR. ZACHARIUS: It is a solid reader
21 board. They change the lettering once, twice per
22 week.

23 MR. WINTER: Mr. Sula.

24 MR. SULA: I was wondering when you

1 talked a little bit about the placement of the
2 building. It just seems like it, you know, juts
3 out there a little bit. I was wondering if there
4 was any consideration to using an imaginary line
5 from the easternmost corner of the bank to the
6 northwestern corner of Ace Hardware as kind of a
7 frontage line trying to keep the building north of
8 there.

9 MR. ZACHARIUS: Again, I could have
10 Howard talk to this a little more directly. But
11 the more we try to bring the building up front the
12 less parking we have for the three users.

13 MR. SULA: I'm suggesting pushing it
14 back.

15 MR. ZACHARIUS: Oh, pushing it back
16 further?

17 MR. SULA: Yeah.

18 MR. HIRSCH: Well, when we actually
19 looked at that, Jim, there's a couple
20 considerations as to why we put the building where
21 we did.

22 One is the visibility to the

23 Walgreens itself. If the building was to be
24 placed further back, the primary visibility -- if

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1 you know Walgreens, they're always looking to go
2 on the corner site. This is not a corner site, so
3 it's somewhat of an unusual situation for them.

4 By putting them here it increases
5 the visibility at least to the entranceway and the
6 front elevation of the Walgreen's.

7 Second, the more we push the
8 building back the more we eat into the natural
9 landscape vegetation that is further back there.
10 That was one of the things that we discussed very
11 early with the Village to try to minimize the
12 impact on that portion of the site especially when
13 it comes to the residential to the north and
14 keeping a buffer in that area.

15 And in some sense by pulling the
16 building a little closer to the corner we haven't
17 hurt the visibility either to the Ace Hardware or
18 to the bank from any of the access points. And we
19 think, you know, most communities are always

20 looking at us to pull the buildings as close as
21 possible to the street and not to set them back as
22 far as possible.

23 We think that proportionally it's
24 going to look better this way, and it creates a

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1 nice field of parking in front and has a nice
2 scale to the center.

3 MR. WINTER: Any other questions from the
4 Plan Commission?

5 (No response)

6 MR. WINTER: If not, at this time we
7 would like to open the up the floor for public
8 comments or questions. I would just remind
9 everyone to please state your name and address
10 before you make your comment.

11 MS. THOMA: Barbara Thoma, 1883 Gatewood.
12 I have a question regarding the storage currently
13 now used as outdoor storage area. Is there any
14 kind of restrictions like we placed on outdoor
15 storage or displays?

16 Another question is I don't know if
17 there is going to be liquor sales here. I don't

18 know. I can't remember if liquor is a special
19 use, but I wonder if liquor sales going to be
20 permitted; what the pharmacy hours are.

21 The trash compactor, did you say how
22 far out the trash compactor and the fencing for
23 the trash compactor came out? I'd like that
24 repeated. Any kind of a problem as far as the

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1 drive-through as far as the sight problems, people
2 coming through the drive-through around the
3 corner? And what is the hours of the operation?

4 Thank you.

5 MR. WINTER: Again, what we'll do is we
6 collect these questions. You can certainly make
7 comments. But if you have specific question we
8 collect those questions and then give the
9 petitioner an opportunity to answer them at the
10 end of the public session.

11 Is there any other comments or
12 questions from the public?

13 (No response)

14 MR. WINTER: Okay. If not at this time

15 we would close the floor for any further public
16 comment. I guess we'd ask the petitioner if they
17 have any responses to the questions.

18 MR. ZACHARIUS: I'm going to try and see
19 if I got each and every one of them.

20 No. 1, as far as liquor goes there's
21 no liquor sales within the Walgreen's drugstore.

22 No. 2, hours of operation. Again
23 that's dependent on Walgreen's operational people
24 and what they believe will best service this

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1 market.

2 Normally, their traditional stores
3 are open from 9 in the morning until 10 at night.
4 Some if the market demands it are open 24 hours.

5 I don't know at this point in time
6 what they're -- what they will be planning for
7 this store. Again, I can find that out for you or
8 I can try to see if they can predict the future.
9 A lot of times they start with one type of
10 operation and may switch to the other depending on
11 the demands of that unit.

12 As far as the storage, again, a

13 marked improvement over what exists today in a
14 number ways as far as what curb cuts exist, as far
15 as the landscaping and everything else that we
16 worked on here. One of the staff's concerns was
17 the amount of storage that currently Ace uses.

18 We have worked with Ace Hardware and
19 Jim Regas, and what we are planning on doing as
20 far as two things is, No. 1, outdoor sales.
21 Evidently the Ace Hardware had been using a lot of
22 area for outdoor sales. What we have done is
23 limited that, their outdoor sales area, to these
24 two sections. Those parking spaces or parking

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1 areas are not within our count. As we said we
2 still exceed the count of parking that is needed.

3 So as far as the outdoor sales that
4 goes on during those summer months and then more
5 or less taking over the parking lot, that will be
6 controlled now.

7 No. 2, the question of outdoor
8 storage was brought up and the fact that there is
9 storage now taking place here, here, here, here.

10 That is going to be fine, and we have worked with
11 Jim Regas, and I believe most the storage is going
12 to be along this wall and maybe some along --
13 again, we'll work with staff, but right now we're
14 planning on keeping the storage back in the rear
15 out of the way.

16 Again, for Walgreens stores there is
17 no outdoor storage so that should not be a concern
18 for anybody as far as Walgreens storage goes. But
19 I know staff has had a concern with the amount of
20 storage space that Ace is using. And Jim Regas
21 said at any point in time that we do get the
22 approval or that you seek to want that control, he
23 is willing to work to work with Ace to get that
24 control in the nature that staff sees fit.

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1 As far as drive-through circulation,
2 the drive-through -- No. 1, being that my
3 background was with McDonald's for over seven
4 years it's a little bit different than a fast
5 food operation or a banking operation. Really,
6 what they do is try to use it as a marketing tool.

7 It services seniors, it services

8 mothers children and services people that are sick
9 that really don't want to get out of their car and
10 walk in with a high-grade fever or what have you.

11 For the amount of expense they put
12 out for that drive-through window, the peak time
13 is 5:00 to 7:00 at night, and they do a peak
14 drive-through period of eight cars per hour. It
15 is a minimal use operation. They hope in the
16 future that demand will pick up and that's why
17 they do plan for a double drive-through.

18 They're spending dollars today for
19 hopefully awareness, customer awareness, and that
20 people will use it more predominantly in the
21 future. However, again, it is a drive-through
22 that only services prescription drugs, no other
23 items within the store.

24 MR. HIRSCH: I think the last item was

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1 about the trash. Again, the trash is located on
2 north side of the building with the entrance to
3 the trash on the west side of it. It is a cedar
4 8-foot-high enclosure. There are two manually

5 operating swing doors on this side, and it extends
6 out of the building approximately 12 feet.

7 There is absolutely no conflict
8 between truck movement and car movement. We've
9 got a huge distance here for sight lines.

10 A person using the drive-through has
11 a choice of either exiting west and out onto
12 Riverside Drive or exiting east and back into the
13 parking lot and out onto Grand Avenue.

14 Again, because the back of the
15 compactor is facing east, in other words, all the
16 activity occurs on the west side of it, we really
17 see no conflict whatsoever between any cars that
18 might be sitting here and in terms of seeing the
19 building and the parking fields that are on the
20 east and on the south.

21 MR. WINTER: Okay. At this point are
22 there any additional questions from the Plan
23 Commissioners?

24 Mr. Sula.

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1 MR. SULA: Just going through what we're
2 specifically asked to vote on. I don't have any

3 trouble with the third ground sign. As it relates
4 to aggregate site signage, I should say I'm having
5 a little bit of a hard time understanding the
6 justification that is based on their disadvantage
7 because of the other two businesses.

8 If you look at the total signage of
9 1,095 square feet being proposed and you back off
10 what Walgreens is asking for 455, that basically
11 says the other two are using 640 square feet which
12 is less than two-thirds of the total allowed. So
13 I'm having a hard time understanding how the other
14 two are taking more than their fair share if you
15 will.

16 With regards to the drive-through,
17 I'm feeling a little disadvantaged in terms of
18 being able to address one of the key items that
19 typically comes up in a special use on traffic
20 flow. We don't have traffic reports in any of our
21 materials in terms of understanding where they're
22 coming from on this thing.

23 MR. WINTER: Okay. Well, with respect to
24 the sign, Jim, I thought I kind of interpreted

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1 what was being said if these were stand-alone
2 properties they would be allowed to have this
3 signage that they requested.

4 If they were three separate
5 properties I think maybe they're thinking is that
6 it is not excessive, that if the property had
7 three different property owners they would be able
8 to have the amount of signs that they are
9 requesting.

10 I mean, I certainly agree with you
11 that their signage certainly will exceed the other
12 two businesses. And --

13 MR. SULA: It's just it seems to me that
14 1,000 square feet was originally set up, that was
15 something that seemed reasonable for that
16 particular site.

17 We've got two businesses that seem
18 to be able to live with significantly less square
19 footage individually, and I'm just having a really
20 hard time with seeing why they need 50 percent
21 more than anybody else.

22 MR. WINTER: Mr. Wildenberg.

23 MR. WILDENBERG: Yeah. Just to clarify
24 maybe a little bit about that 1,000 square feet.

1 That was placed in the sign ordinance as a
2 trigger. It doesn't necessarily relate to the
3 overall size of the project being large or small.
4 It's a trigger to get proposals in here that are
5 proposing 1,000 square feet into the special use
6 realm. It wasn't specifically set forward to deal
7 with this exact project. It's a basic element for
8 our sign ordinance for all over town.

9 MR. SULA: Uh-hum.

10 MR. WINTER: Comments on the traffic?

11 MR. WILDENBERG: We did not engage our
12 traffic engineer to take a look at this one.
13 Basically it's a little more mild in nature than
14 maybe a drive-through restaurant you might see.
15 As the petitioner pointed out you have certain
16 uses in C/B-2 that are allowed to do a
17 drive-through by right including the bank and the
18 dry-cleaning store.

19 The key thing that we look at is the
20 amount of stacking space available behind the
21 service windows. We look for at least five spaces
22 behind service windows. It allows for one person
23 being serviced plus five stacked behind. Generally
24 that renders somewhere around 100-foot of stacking

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1 space. When you scale it out on the plan you'll
2 see they are able to provide 100 feet of stacking
3 space behind the service windows.

4 The flow to the site is -- you know,
5 they're redoing the parking lot. I think they've
6 got some good flow to the site. The curb cuts are
7 set. They will not be changed. Those are both
8 state highway cuts, and there will probably not be
9 any modifications where those are. They're taking
10 an existing situation and dropping a use like this
11 into it in a pretty good fashion.

12 As I think as they pointed out here
13 if you're looking at peak hours, the eight, cars
14 from 5 to 7 at night with two windows open -- even
15 if only window is open -- you're probably going to
16 get those cars in and out of there without coming
17 close to stacking five behind the one being
18 serviced. So it's a relatively good layout, and,
19 really, I really have confidence it's going to
20 function correctly.

21 MR. WINTER: Any other questions?

22 Just a follow-up question. You said
23 that currently the peak is eight cars. Do you
24 have any projections or as to what you feel the

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1 capacity would be for the proposed drive-through?

2 MR. ZACHARIUS: We don't have projections
3 -- again, that's peak time. That's after work on
4 the way home. People are picking up their
5 prescriptions. It's eight cars per hour or one
6 per seven and a half minutes. If they're using
7 both drive-throughs that's one every 15 minutes.

8 An average McDonald's or Burger King
9 or Wendy's during peak time will do between 100
10 and 200 cars per hour. So the amount of cars
11 going through the drive-through window is
12 negligible.

13 However, they have found it's a
14 market niche that they're exploiting along with
15 the freestanding building that they're
16 exploiting. You'll no longer see in-line
17 Walgreens. They are going into freestanding
18 prototypical units with drive-throughs. If they
19 can't get that they will go somewhere else.

20 Again, the drive-through is a
21 marketing tool more than something that's going to
22 create anything adverse for your municipality.

23 Again, I think with the fact that
24 with the new Walgreens you're reducing the curb

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1 cut amounts by two that traffic flow on this
2 corner can only get better than worse as far as
3 traffic is concerned.

4 MR. WINTER: I guess I'm not one of the
5 enlightened drive-through users. Is the concept
6 that you would have a prescription called in or
7 dropped off, and then you just pick it up, right?

8 MR. ZACHARIUS: That's correct. You
9 don't just drop it off and wait for the
10 prescription to be filled. It's a system where
11 either the pharmacist or the user calls in to
12 renew a prescription, or it's the user or customer
13 or a pharmacist that calls in a new prescription
14 and you go there and ask is it ready or is it soon
15 to be ready, when is it supposed to be ready. You
16 go to the drive-up window and pick it up. It's

17 that simple. And, again, it's limited to pharmacy
18 items only.

19 MR. WINTER: Mr. Sula.

20 MR. SULA: I just have a follow-up. If I
21 understand what you just said, I believe you said
22 that the drive-through was nice to have, not a
23 necessity to do business as a drugstore.

24 MR. ZACHARIUS: I'm sure some drugstores

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1 feel that way. Walgreens feels it's a necessity
2 to do business. And they are not -- what they are
3 doing is they're leaving places where they're
4 in-line today, and they're relocating to corner
5 locations where they can build freestanding
6 prototypical units with a drive-through window.

7 MR. SULA: I guess what I'm struggling
8 with is this whole concept. Within the Zoning
9 Ordinance special use I believe there has to be a
10 commercial viability issue that has to be pretty
11 profound, that if a special use wasn't granted
12 that it significantly impacts the ability to
13 conduct business.

14 MR. SMITH: Mr. Chairman.

15 MR. WINTER: Mr. Smith.

16 MR. SMITH: It's just that I've had the
17 opportunity to use it on a couple of occasions.

18 It was raining, and it was nice. You didn't have
19 to get the out of the car, didn't have to walk
20 through the rain. Pull up there and pick up. It
21 was really nice on those two occasions when it was
22 raining. It would be a real convenience.

23 MR. ZACHARIUS: It is a tremendous
24 convenience for some users. Other users still

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1 like to go and meet face-to-face with the
2 pharmacist. So depending upon what type of
3 customer you are, you'll either find it a
4 tremendous convenience as I do to be able to pull
5 in and not have to walk through a store to go back
6 and pick up a prescription and just be able to
7 drive up to a window and pay for your prescription
8 at a window, or you'll find it to where other
9 customers like to go back and have a face-to-face
10 conversation with a pharmacist.

11 So I think it's giving, you know,

12 all customers the best of both worlds.

13 MR. WINTER: Okay. Any other questions
14 for the petitioners?

15 (No response)

16 MR. WINTER: Again, this matter appears
17 for public hearing for a limited number of
18 issues. Seeing no other questions, the Chair
19 certainly would entertain a motion regarding item
20 No. 6.

21 MR. SMITH: I would like to make a motion
22 we pass on a favorable recommendation regarding
23 the sign for 1,095 square feet and a drive-through
24 for the Walgreen's at the corner of 21 and 132.

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1 MR. SULA: Do we need three separate
2 motions for this?

3 MR. WINTER: Does everyone understand the
4 current motion?

5 MR. SULA: Do we need three separate
6 motions for this?

7 MR. WINTER: No. I think it is actually
8 the same petition, and so I believe that the
9 motion as made is an adequate one.

10 Is there a second to that motion?

11 MR. CEPON: I'll second.

12 MR. WINTER: Second to that motion. Any

13 further discussion?

14 (No response.)

15 MR. WINTER: If not, I'd call for a

16 roll-call vote.

17 MR. WILDENBERG: Mr. Finn.

18 MR. FINN: Aye.

19 MR. WILDENBERG: Mr. Smith.

20 MR. SMITH: Aye.

21 MR. WILDENBERG: Mr. Sula.

22 MR. SULA: Nay.

23 MR. WILDENBERG: Mr. Papp.

24 MR. PAPP: Aye.

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1 MR. WILDENBERG: Mr. Cepon.

2 MR. CEPON: Aye.

3 MR. WILDENBERG: Mr. Winter.

4 MR. WINTER: Aye. Motion carries. I

5 would like to thank the petitioners.

6 I would inform the public that this

7 Board will only make recommendations. This will
8 next proceed to the Board of Trustees. It may not
9 be the next meeting but within the next month
10 usually after it is forwarded to the Board of
11 Trustees.

12 Moving on to item No. 7. This is
13 another public hearing. It is with regard to the
14 petition Home Depot U.S.A., Inc. This is a
15 petition for a special use permit to allow the
16 establishment and operation of an outdoor tool
17 rental center on property located at 6625 Grand
18 Avenue.

19 The Home Depot store is zoned as a
20 PUD with underlying C/B-2 District zoning. Under
21 this particular PUD a special use permit is
22 required for outdoor storage, a tool rental
23 operation proposed which would include expansion
24 of the enclosed building area and creation of a

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1 21-foot-wide by 35-foot-long by
2 12-feet-8-inch-high concrete stucco enclosure with
3 gates along the front of the store.

4 Since this enclosure has no roof, it

5 would be construed as outdoor use under our
6 provisions.

7 Once again, we will follow the
8 format for public hearing, and we'll begin with
9 any additional comments from Mr. Wildenberg on
10 behalf the village staff.

11 MR. WILDENBERG: No additional comments
12 at this time. I do know the petitioner is here, a
13 representative of the petitioner is here. And
14 since it is a public hearing we would have to
15 swear in any witnesses.

16 MR. WINTER: Okay. At this time would
17 all persons attempting to give testimony, comments
18 or questions regarding this proposal please stand
19 and be sworn in by our village attorney.

20 (Witnesses sworn)

21 MR. WINTER: At this time if the
22 petitioner could address the Plan Commission by
23 stepping forward and using the microphone.

24 Please, you can use the easel or anything

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1 else that's helpful.

2 MR. MULDOWNNEY: Good evening. My name is
3 Irving Muldownney. I'm an architect with Greenberg
4 Farrow.

5 MR. WINTER: If I could impose upon you.
6 There is a microphone there. Because we do have a
7 stenographer, it does help her accomplish making a
8 clear record.

9 MR. MULDOWNNEY: As I said Irving
10 Muldownney, architect with Greenberg Farrow. We're
11 the architects for Home Depot.

12 Home Depot is proposing or desires
13 to bring in a new service to the community, that
14 is, one of a tool rental. To accomplish this
15 service they're requesting a small addition to the
16 building. The addition will take place on the
17 front which is indicated by the orange area here.
18 This area basically includes an existing portion
19 of the building which in this blowup is in orange.
20 This portion is existing.

21 The orange outline would be the
22 addition. The net addition to the building is
23 1,989 square feet. It curves within the sidewalk
24 area and slightly into the customer pickup area by

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1 approximately 4 feet at the most, and it occurs
2 between the existing vestibule to the west and the
3 one basically to the east.

4 The front of the building or the
5 height shall we say will be approximately
6 12-foot-8, and this portion of the addition is
7 enclosed with a roof and building. Access by the
8 customer is through the main entrance and through
9 a large overhead door that's located approximately
10 here.

11 The outdoor portion of it is -- the
12 outdoor portion is about 744 square feet which is
13 in this area. The orange area that you see there
14 is approximately 2,820 square feet of which 2,077
15 is enclosed.

16 The finish and the materials on the
17 front of the store will match the existing
18 building in appearance and the canopy roofs that
19 are there now will basically be extended across
20 the enclosed portion of the new addition.

21 We're also requesting approval of a
22 sign which will read tool rental, which is very
23 hard to see here. And it's indicated in two
24 locations but we're requesting approval for just

1 one sign for the option to locate it either over
2 the center entry here or over the lumber canopy.

3 To keep within the square footage
4 limitations of ancillary signs of 50 square feet,
5 we will be removing the word indoor on the
6 existing sign which now reads indoor lumberyard.
7 So we're actually not requesting approval of an
8 increase in area.

9 We are asking one other approval on
10 this for the addition. The addition of 1,989
11 square feet will require by your parking ordinance
12 a ten-car addition. Presently the shopping center
13 has eleven excess cars if you do not take into
14 account the seasonal sales.

15 In a previously approved special
16 use, Home Depot was granted permission to use a
17 10,000-square-foot area in the parking lot for
18 outdoor seasonal sales in the springtime. And
19 with that approval it was necessary for them to
20 land bank 79 cars in the open land in the areas
21 outlined in yellow.

22 What we're asking is that the
23 additional requirement of the ten cars be waived

24 on this. As a matter of fact, No. 1, it has not

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1 been necessary with the outdoor sales here or has
2 not been a problem with parking, has not been
3 experienced I should say.

4 And, secondly, Home Depot
5 anticipates that 80 percent of the customers that
6 come to the tool rental are going to be the
7 customers for the store anyway, that the tool
8 rental is just an additional -- an additional
9 service.

10 Secondly, the Home Depot has had a
11 parking study done by Bart and Ashton on 26 stores
12 across the nation just to find out what -- for
13 their own benefit what their parking requirements
14 are, and if I may just read a short synopsis from
15 the report.

16 This was done on 26 existing Home
17 Depot stores in five market regions. The parking
18 surveys were conducted at sites on Friday and
19 Saturday in late April or May. These are the two
20 busiest months of Home Depot.

21 The parking accumulation ranged from

22 256 to 352 spaces in Texas stores, 284 to 392 in
23 Georgia stores, 253 to 350 in Florida, 310 to 384
24 in California and 332 to 467 in the northeast, the

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1 northeast being the heaviest use.

2 This store as I said has 662 parking
3 spaces. Basically it never exceeds 400. However,
4 Home Depot has their own requirement that when
5 they do a store that they will provide a minimum
6 of 500 cars in absence of any parking regulation
7 shall we say. They want to have a decent cushion.

8 In this particular case they feel
9 that they have a cushion of 162 stores plus their
10 own 100 being 262. So the waiving of the ten
11 parking spaces for this addition seems to be very
12 minor especially when one considers that they have
13 a land bank for 79 cars to take care of the
14 outdoor sales should it ever be warranted.

15 If you have any questions I'd be
16 happy to answer them.

17 MR. WINTER: Okay. At this point before
18 we open the floor to public comment, do any of the

19 Commissioners have any questions at this time?

20 Mr. Papp.

21 MR. PAPP: Why don't you put a roof on a
22 tool rental?

23 MR. MULDOWNNEY: There is a roof on the
24 tool rental except for--

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1 MR. PAPP: That's what I'm talking about,
2 that area.

3 MR. MULDOWNNEY: Pardon?

4 MR. PAPP: The 700 square feet.

5 MR. MULDOWNNEY: Right. That's for the
6 large equipment, the Rototillers, the riding
7 tractor-type equipment. That's for the large
8 motorized --

9 MR. PAPP: You said it's 12-foot -- it's
10 a 12-foot-high wall.

11 MR. MULDOWNNEY: There's a 12-foot-8-high
12 wall with a gate in front of it.

13 MR. PAPP: I've never seen a
14 12-foot-8-inch Rototiller or tractor. I don't
15 quite understand.

16 MR. MULDOWNNEY: We're keeping that wall

17 the same height as the building wall addition for
18 the enclosed portion so it has the appearance of a
19 continuous wall and a continuous building.

20 MR. PAPP: Well, why don't you put a roof
21 over it. I don't understand why you don't put a
22 roof. Then you wouldn't have a problem.

23 MR. MULDOWNNEY: When you say that, what
24 kind of a problem?

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1 MR. PAPP: Well, is that not right if
2 that whole area is roofed they won't have to get
3 any permission?

4 MR. WILDENBERG: If it was fully enclosed
5 they could build it by right. It wouldn't require
6 a special use. It wouldn't be outdoor storage,
7 which is just permitted by right.

8 But they may have their reasons why
9 they prefer to have it out.

10 MR. PAPP: That's what I'm asking.

11 MR. MULDOWNNEY: Well, I would take that
12 back to Home Depot. And basically the idea now is
13 that the bigger equipment -- and plus the fact

14 being motorized -- it most likely will have
15 gasoline and tanks. They don't like to have that
16 inside. But I'll take that back to them for
17 consideration and see what can be done from a fire
18 protection standpoint.

19 If we do put a roof over it, then we
20 get in trouble with the building codes and that
21 type of equipment. Now, even if I put a roof over
22 it -- and you say I can do as I like -- where does
23 that leave me in the parking?

24 MR. PAPP: I don't know. I didn't ask

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1 that question.

2 MR. MULDOWNNEY: Okay. So I'm still here
3 requesting a parking variation.

4 MR. WINTER: Well -- and just so that
5 it's clear you have to present that through staff.
6 There may even be other roadblocks, too, that
7 would prevent you from doing it. I don't know
8 that that was looked into.

9 Mr. Cepon.

10 MR. CEPON: What type of tool rental are
11 you talking about? You mentioned Rototillers.

12 What else would you -- basically what are you
13 renting, what type of tool?

14 MR. MULDOWNNEY: Drills, half-inch drills,
15 saws, all sorts of power tools which would be
16 within this area, possibly motorized post-hole
17 diggers. I'm not up on the total of different
18 types of merchandise, but this would be the larger
19 gasoline power tools, and inside would be all the
20 other tools.

21 I would imagine it's going to be
22 maybe even ladders, wheelbarrows for all I know,
23 any type of tool.

24 MR. CEPON: Why don't you keep it inside?

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1 Except for the fact of gasoline, why wouldn't you
2 just make this part of the regular store?

3 MR. MULDOWNNEY: Because they don't have
4 room in the regular store to do it to be quite
5 honest.

6 MR. WINTER: Any other questions?

7 MR. SULA: Did you consider any other
8 location around the building for this particular

9 operation?

10 One concern I would have about this
11 would be that by its very nature there is probably
12 going to be a tendency for people to want to pull
13 up right to the building there and get out of the
14 car, take the tool back or bring the tool out.

15 I believe there's probably a fire
16 lane in front of the building there. I'm just
17 wondering if there is another place for it around
18 the perimeter that would be less of a safety
19 concern.

20 MR. MULDOWNNEY: Well, around the garden
21 center we don't have the room for it here because
22 this is heavily traveled trucks and trucking at
23 this point.

24 Around the back it's not going to

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1 function from a customer standpoint. There is
2 lighting in the back here.

3 On the east side is a steep sloped
4 area which is all landscaped. We don't want to
5 start tearing into the landscaping there.

6 This is centrally -- this functions

7 centrally to the access for the customers and from
8 both entrances shall we say and the checkout.

9 MR. PAPP: But did you not say that the
10 bulk of that is accessed from the inside and not
11 the outside?

12 MR. MULDOWNNEY: That's correct. You can
13 come in inside and you enter from the door here
14 and take care of your operations here.

15 MR. PAPP: And then where do you check
16 out?

17 MR. MULDOWNNEY: You check out here. Now,
18 if it's a large piece of equipment or something,
19 yes. Then you'd come out here, and it would be
20 brought out and there is customer pickup area
21 still remaining here and can be picked up here.
22 This is not bumping out into the fire lane. There
23 is still the 30-foot fire lane plus an 8-foot
24 strip in front of the --

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1 MR. SULA: So that's just the existing
2 customer pickup spot?

3 MR. WINTER: I guess I had the same

4 question because of the way you have this located
5 very close to the exit for the main store and that
6 you would be going at least four feet into the
7 pickup lane, customer pickup lane.

8 MR. MULDOWNNEY: Well, this is the area
9 right now that's being used for displays. Most of
10 the pickups are occurring in the front of the main
11 entries and exit ways. There is very little
12 customer pickup really occurring across that area.

13 MR. WINTER: I'm still unclear. Where is
14 the door out of this new proposed rental addition?
15 Is there a door that goes directly out to the
16 parking?

17 MR. MULDOWNNEY: There is an exit door,
18 yes.

19 MR. WINTER: And where is that located?

20 MR. MULDOWNNEY: That's located right
21 here. And there is a fire exit at this end.

22 MR. WINTER: That would also be for
23 heavier equipment?

24 MR. MULDOWNNEY: No. The heavier

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1 equipment is at this end.

2 MR. WINTER: You're going to actually
3 have three ways out?

4 MR. MULDOWNNEY: Well, this is a pair of
5 gates that basically the customer will come out,
6 and an employee will bring the equipment out from
7 the storage area, the big stuff.

8 The smaller equipment is either
9 taken back out through the store, or they can exit
10 through a door directly to the parking lot. At
11 this point that's just a 3-foot normal customer
12 door.

13 MR. WINTER: Are there any questions?

14 (No response.)

15 MR. WINTER: Okay. At this point we'd
16 like to open the floor for public comments and
17 questions.

18 Once again, please state your name
19 and address and direct the questions to the
20 Planning Commission. We'll keep a tally of all
21 the questions, and at the end we'll ask the
22 petitioner to address the questions as best as
23 possible.

24 MR. WALLACE: Bob Wallace, 1446 Kingsbury

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1 Court.

2 First of all, I'd just like to make
3 a comment that if -- let's say you give your
4 children time to watch TV at night and they ignore
5 you. They don't follow your rules and turn the TV
6 off at, say 10:00. Would you then give them a
7 another special privilege to watch till 11:00? I
8 think most of us wouldn't.

9 The reason I bring this up is their
10 current special use permit for outdoor sales
11 wasn't meant for storage. This petitioner has
12 many times violated different issues of the
13 special use permit, and it would be a reward to
14 give them another special use permit if they
15 aren't -- without being in compliance with their
16 current one. That's it. I'm done with that.

17 This current -- if you do go ahead
18 with this current plan, it would be nice if in
19 this special use permit they absolutely wrote in
20 that they are not going to store lumber, any of
21 these rental machines, display them out in front
22 of this new area that they're now building.

23 There is not that much room there.
24 People are already parking there. They're picking

1 up their lumber, their picking up their trees,
2 which then blocks the fire lane on top of the
3 sidewalk area. I had to walk out into the middle
4 of the thoroughfare to get by the cars that were
5 parked there picking up current materials.

6 As far as signage, they're asking
7 for a change in their signs. It would be nice if
8 we could get written in that these handwritten,
9 ugly signs in the windows on the store walls that
10 don't meet current signage requirements -- and
11 they get away with it because they can pull them
12 down at any time -- are restricted.

13 Lastly, the parking issue. If they
14 have so many parking places why are people parking
15 along the outdoor storage area, both along the
16 garden center and both along their chain link
17 fence area. If there's that many parking spaces,
18 they're that easy to get to the store, people
19 wouldn't be utilizing those areas.

20 If you would like pictures of that
21 situation I have them stored on a digital camera
22 and would be more than happy to bring them in if
23 this got continued.

24 Thank you.

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1 MS. KRAMER: My name is Nan Kramer.

2 (phonetic)

3 I also have is problem with giving
4 them a another special use permit without them
5 correcting the problems they already have.

6 I was by there at 3:30 today. Had
7 to weave my way in and out of people parked along
8 there just to see what they had up today.

9 The fenced-in area, they have their
10 shrink-wrapped mulch bags stored probably two feet
11 above the fence area. They've got white bundles
12 of something laying out on their sidewalks. They
13 have landscape timber alongside the building or in
14 front of the building. They have fencing panels.
15 They have riding mowers stacked several high and
16 several deep.

17 And I have great concerns that this
18 is going to continue. If they're allowed to have
19 this special permit, I'm afraid they're going to
20 do the exact same thing, have rental mowers out

21 there stacked seven deep.

22 Thank you.

23 MR. WINTER: Any other questions or

24 comments from the public?

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1 (No response.)

2 MR. WINTER: If not, at this time we will

3 close the floor to any further public comment.

4 Since there were just a number of
5 questions, would the petitioner care to respond to
6 any of the questions presented?

7 MR. MULDOWNNEY: I don't recall all of the
8 questions exactly. One item was having to walk
9 around customer pickup. It's very difficult for
10 the store to police the inconsiderateness of their
11 customers and double parking that -- I can't
12 answer a question like that. I just think that
13 people that do park would use common sense.

14 But is it up to the manager to go
15 out and say, "get the four-letter word out of
16 there; you can't park there?" You can't expect
17 that of us.

18 If they're going to double park in a

19 fire lane that's the police department. I mean
20 I'm sorry to hear that, but they want to park next
21 to the doors. Parking over by the garden center,
22 they want to park there so they don't have to walk
23 very far. Again, that's a no-parking zone. How
24 do we police that? Do we police it?

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1 MR. WINTER: I think we have some other
2 specific questions.

3 MR. WILDENBERG: A number of comments
4 related to the state of the existing outdoor sales
5 display area out in the parking lot that, you
6 know, there are certain times when it's observed
7 that they're not adhering to the conditions of
8 that special use permit, specifically, storing
9 items above the height of the fence which is not
10 permitted by special use permit.

11 MR. MULDOWNEY: That's of the temporary
12 storage enclosure?

13 MR. WILDENBERG: Fenced in. Yes.

14 MR. MULDOWNEY: I sure will speak to the
15 manager about that and have them keep that in

16 compliance.

17 MR. WILDENBERG: The one condition that
18 was suggested which you may want to mull over as a
19 Commission is the condition that it be written in
20 if this proposal does go forward that any outdoor
21 display out in front of the new area to be
22 constructed would not be permitted, any outdoor
23 storage or display be allowed out in that area.

24 MR. MULDOWNNEY: I will make that a point

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1 with Home Depot. If they wish to have this
2 approved, they will have to comply with that.

3 MR. WINTER: Do any of the other stores
4 that Home Depot has, do they have a rental
5 addition like this situated similar to what you're
6 proposing here?

7 MR. MULDOWNNEY: In the Midwest this is
8 new to the company, they have tried it in other
9 divisions. It was just approved in Palatine, and
10 we will be starting on that one. That will
11 probably be the first one.

12 But there are at least at this point
13 six or seven other stores that they are putting

14 these additions onto or wishing to put them on.

15 MR. WINTER: What is the distance from
16 the exit and entry door to where this wall will be
17 extended? Because I'm concerned about the
18 visibility.

19 There is a walkway when you walk out
20 of the store, but by extending this enclosed area
21 it seems to me that you're going to increase the
22 obstruction for people as they leave.

23 I know there is already the existing
24 part that's in yellow, correct?

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1 MR. MULDOWNNEY: Correct.

2 MR. WINTER: Okay. How about if you go
3 to the left --

4 MR. MULDOWNNEY: Here is the exit door
5 that comes out. This is -- here's almost 30 --
6 has to be the least 35, almost 40 feet, from this
7 corner, which is a very considerable distance.

8 Anyone coming out, right out of the door, can see
9 in the traffic lane clear down to this point.

10 And from this exit way they come out

11 and they turn this way or they come out and they
12 turn this way, and this is not the driveway. This
13 is the customer pickup area. So that the driveway
14 is out at least another 8 feet before they're out.
15 So they can walk out and look directly down this
16 way, and we still have 8 feet to go.

17 So, you know, if we felt that this
18 was going to be a customer hazard or anything like
19 that, certainly the company would not be doing
20 that here.

21 There are some stores that they
22 wanted to do it in and because of different
23 configurations, different problems, shorter
24 sidewalks, no customer pickup, they haven't been

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1 able to work it in. And they've given up on it.

2 But this being the typical
3 arrangement, they feel that this is a very safe
4 setup.

5 MR. WINTER: On one of the charts that
6 was presented, the one to the right of your
7 picture there, that is noted as the entry for the
8 store on my map. And in that I can see where the

9 existing structure doesn't affect it as much when
10 you're walking in.

11 But now you go to the left, and now
12 you have a primary exit area for the store. And
13 it would seem to me without that wall there you
14 would agree that you have better visibility if
15 you're looking to the west when you leave that
16 door the way it's currently configured and that
17 there will be to some extent an obstruction with
18 the proposal.

19 MR. MULDOWNNEY: I can't deny that there's
20 going to be some obstruction here. However, there
21 is still an 8-foot area that is not obstructed
22 that is part of the walkway before you get to the
23 driveway. So there is plenty of visibility coming
24 down this way.

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1 Yes. Walking out this way,
2 certainly looking from the door and looking this
3 way, you do have the wall in there. As you turn
4 and you come out, there's still that 8 feet plus
5 in this dimension here that you would have

6 visibility or directions.

7 MR. WINTER: So that I'm clear, the
8 8 feet, people can drive on that 8 feet? That's
9 the parking, or is that actual sidewalk?

10 That's parking, right?

11 MR. MULDOWNNEY: This is a striped area
12 that's not intended to be the driveway. There's
13 30 feet out in front of this. I don't know if it
14 shows up better on the site plan here, but that's
15 a striped area that's across the whole front of
16 the store which is striped here as customer pickup
17 and customer pickup in front of the entryway.

18 So, yes, cars can pull in there and
19 park, just not leave them parked and leave their
20 cars to pick up any merchandise.

21 In addition to that, the 30-foot
22 drive is all beyond that.

23 MR. WINTER: I'm thinking that people
24 driving up in that area might be obstructed by

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1 that wall as well.

2 It would not be just a question of
3 the customers leaving the store. People driving

4 up to that area -- you have a door pretty close to
5 that wall.

6 MR. MULDOWNNEY: In this area people
7 basically will not be driving up because there
8 will be bollards protecting the door area, so this
9 is kind of, let's say, not a pickup area. The
10 pickup areas are adjacent thereto on this side.
11 So it's -- this is really no longer a functioning
12 pickup area.

13 MR. WINTER: Are there any other
14 questions of the petitioner?

15 MR. CEPON: I would assume the hours
16 would be the same as your normal store operation?

17 MR. MULDOWNNEY: That's correct.

18 MR. CEPON: And what do you project --
19 how many months of the year do you think you will
20 be open on this?

21 MR. MULDOWNNEY: On the tools?

22 MR. CEPON: (Nods)

23 MR. MULDOWNNEY: That will be twelve
24 months a year, yes.

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1 MR. CEPON: Even in the wintertime?

2 MR. MULDOWNNEY: Yes.

3 MR. CEPON: So you're talking about
4 renting snowblowers and things like that?

5 MR. MULDOWNNEY: Possibly.

6 MR. WINTER: Any other questions?

7 MR. SMITH: I just have a hard time with
8 them because of previous violations that they
9 don't adhered to at all to where I don't even shop
10 there anymore. I don't even go there because of
11 the continuing violations, and they just don't
12 seem to want to do anything about that. I have a
13 hard time with Home Depot.

14 MR. MULDOWNNEY: Sorry to hear that.

15 MR. SMITH: They just don't seem to
16 care. You go out and talk to them. They told us
17 before they kept changing managers.

18 I have a real hard time with Home
19 Depot's operation.

20 MR. WINTER: I guess I have a question of
21 staff. Is this something that maybe the fire
22 department should look at?

23 I'm a little concerned that the
24 petitioner raised the issue that they wanted to

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1 have it open because there may be flammable --
2 well, some equipment, combustible engines and
3 whatnot.

4 This is going to be situated between
5 the two main entryways to this entire building,
6 and I just wonder whether that's something that --
7 perhaps it's been looked into. I don't know.

8 MR. SMITH: Mr. Chairman, we have other
9 rental areas in Gurnee. Their rental has
10 everything inside, gasoline. I've gone and rented
11 stuff. Apparently that's not a problem.

12 MR. WILDENBERG: If it came to the point
13 where they would submit for a building permit,
14 they'd obviously have to meet fire code and
15 building code at that point in time.

16 MR. MULDOWNNEY: Correct. And we have
17 seen to it that this element does meet the code.

18 But we certainly will be sitting
19 down with the fire department and seeing what
20 their specifics are. Basically this is a 12-inch
21 masonry wall. This is a 12-inch concrete wall,
22 fire wall, here. So if any fire occurred in here
23 it is -- the exit way is protected.

24 This is -- that was one of the

1 concerns of putting a roof on it. We put a roof
2 on it, then we do have other problems with the
3 building code. That's why we prefer to leave it
4 open. It is safer. It is safer to leave it open
5 -- and I think the fire department would agree --
6 than put a roof on. They'd rather be fighting a
7 fire in an open area than inside the building.

8 But we will definitely make sure
9 this conforms to the codes.

10 MR. WINTER: Any other questions or
11 comments?

12 (No response.)

13 MR. WINTER: I would just say that I have
14 some concerns about putting such a big porch in
15 the front of this store.

16 It's my understanding it's just
17 going to be a solid wall, right?

18 MR. MULDOWNNEY: This will be a solid
19 wall. It doesn't stick out that much more than
20 the vestibules that are there now, 3 feet more
21 than this vestibule which has a solid wall here
22 and this vestibule. So it's really in harmony

23 with what's going on here as far as projection
24 goes.

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1 Right now this is being used as a
2 display area. That display area will disappear
3 and will probably make one of the people who spoke
4 here much happier.

5 MR. WINTER: And in what respect, that
6 they're not going to have signs up in that display
7 area?

8 MR. MULDOWNEY: Well, there won't be
9 merchandise out here because there won't be room
10 where the addition is placed. That area which is
11 now used as display becomes the building area in
12 the enclosure.

13 MR. WINTER: Well, unless anyone has any
14 additional comments or questions, the Chair would
15 entertain a motion.

16 MR. SMITH: Mr. Chairman, it seems like
17 as a group we have a great deal of concern. I
18 guess I'm not sure whether to move for an
19 unfavorable recommendation or a continuance to
20 address concerns.

21 MR. WINTER: Well, I think certainly
22 we've raised a few issues there.
23 Mr. Wildenberg, would it be
24 appropriate for the Commission to ask the fire

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1 department to look into this, or is that a
2 function of getting the construction building
3 permit?

4 MR. WILDENBERG: It really is more of a
5 function of getting the construction building
6 permit at that time. But if that is information
7 you desire in your consideration here we will ask
8 the petitioner to submit detailed drawings and
9 render a copy.

10 MR. WINTER: Is that something that the
11 petitioner could do? Do you have some drawings
12 that are more detailed?

13 MR. MULDOWNNEY: We were hoping to have
14 direction from the Board before we went through
15 all the completion of documents on it, but I would
16 be most happy to meet with the building department
17 and the fire commissioner with these proposed

18 plans and, let's say, with the plans of a similar
19 addition that we could review and get a direction
20 from him.

21 Before we can proceed with further
22 construction drawings we would meet with the
23 building department and fire department to make
24 sure we cover their requirements. But as I say I

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1 can do that now.

2 MR. WINTER: Well, I think at this point
3 Mr. Sula's going to make a motion to continue this
4 matter to our next meeting.

5 Maybe after the meeting, it can be
6 decided, you know, what should be done, and we
7 don't have to decide that for right now.

8 My concern is that of public
9 safety. And having this in front I am somewhat
10 concerned about this new structure being a solid
11 wall being located directly between the two main
12 entry points for the store, the in and the out
13 doors for the store.

14 And I, too, would feel more
15 comfortable to know whether we just informally at

16 this point ask staff to follow up with the fire
17 department or provide us with the fire code
18 provisions that might address this issue.

19 So, Mr. Sula, is that a formal
20 motion then, to continue this request to the next
21 Plan Commission meeting?

22 MR. SULA: Yes. I'll make a formal
23 motion to continue.

24 MR. PAPP: Second.

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1 MR. WINTER: What's the day?

2 MR. WILDENBERG: May 19. That would be
3 May 19. Is that date available for the
4 petitioner?

5 MR. MULDOWNNEY: I believe so.

6 MR. WINTER: All right. Unless there is
7 any other discussion on the motion, I would call
8 for a roll-call vote.

9 MR. WILDENBERG: Mr. Finn.

10 MR. FINN: Aye.

11 MR. WILDENBERG: Mr. Smith.

12 MR. SMITH: Aye.

13 MR. WILDENBERG: Mr. Sula.
14 MR. SULA: Aye.
15 MR. WILDENBERG: Mr. Papp.
16 MR. PAPP: Aye.
17 MR. WILDENBERG: Mr. Cepon.
18 MR. CEPON: Aye.
19 MR. WILDENBERG: Mr. Winter.
20 MR. WINTER: Aye. Motion carries. And
21 this matter will now be continued for public
22 hearing. There will be no additional
23 notification. This is notification that this
24 matter is continued to May 19, 1999.

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1 The Chair has been informed we may
2 have a representative from Pool A Rama; is that
3 correct?

4 MR. WILDENBERG: That's correct.

5 MR. WINTER: "Mr. Pool A Rama," if you
6 could step forward.

7 For purposes of the record this is
8 not a public hearing. We are now on agenda item
9 No. 5. This was read into the record once
10 before. If not, I'll do it again.

11 This is pertaining to Lot 4 in
12 Almond Plaza Subdivision. This pertains to a
13 subject site containing 1.75 acres located west of
14 the Gurnee Dodge property and Grand Avenue
15 currently known C/B-2, Community Business
16 District, zoning.

17 It is here for the review of final
18 site development plans required prior to the
19 issuance of a construction permit.

20 It is a one-story,
21 16,000-square-foot retail structure with a
22 Pool A Rama operation.

23 At this time I'd ask --
24 Mr. Wildenberg, is there anything that should be

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1 added?

2 MR. WILDENBERG: Not particularly. We
3 can turn it over to the presenter to walk you
4 through the specifics of the site and the
5 building.

6 MR. WINTER: And just so that we can
7 follow the format, if you could avail yourself of

8 the microphone. Please state your name so the
9 stenographer can have the information.

10 MR. GORALSKI: My name is Art Goralski,
11 senior architect with Airoom Architects, Inc.
12 We're at 7865 North Lincoln in Lincolnwood. And
13 we are also a design build contractor, so we are a
14 design build firm. What you see before you is our
15 presentation to develop this 1.75 acre site.

16 Part of the issue here is that one
17 of the things that we're doing is that we're
18 coming in off of Buchanan Drive with a wider lane
19 than we normally would. This is because there is
20 a provision in the PUD for a future connection to
21 the bank site which is to the west of us.

22 However we have had discussion with
23 Firststar Bank, and they were sent a certified
24 letter. They have not responded. They are in the

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1 process of developing plans but they are not far
2 enough along to let us know exactly what they want
3 to do or how they want to complete this.

4 We've talked with John and Tracy
5 several times on this issue. We've agreed that in

6 the future whenever the bank decides to come in
7 they can go ahead and make their curb cuts or
8 their cross access easement, and we would not
9 hesitate in letting them make their cross access
10 easement.

11 Also on our property what you see
12 here is a -- what we have on the north side of the
13 building is the fire lane which is required by the
14 fire marshal. We've also modified the site plan
15 from what was originally discussed when
16 Pool A Rama was with another firm. And what we've
17 done is changed the entrance location and the way
18 the building is accessed.

19 We've moved the entrance to the
20 southwest corner of the building, and we've made
21 it easily accessible by putting handicapped spaces
22 immediately adjoining that, and we've come around
23 here and made the curbs and rotations for the
24 truck deliveries to the delivery area in the

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1 building quite accessible.

2 We've located a trash enclosure on

3 the site so that we can -- we've screened that
4 with shrubbery. We've gone through and met the
5 landscape requirements for the PUD. What you see
6 is our landscape plan here which is shown in
7 addition with our site -- with our preparation
8 plan.

9 There is one area over here which is
10 on the eastern side which borders the automobile
11 dealership. That is shown as sodded area, and the
12 reason is that there's also a requirement that we
13 end up with a total of 74 parking spaces. And
14 part of this is to allow us to increase the
15 parking request space allotment if that's what's
16 required in the future.

17 Now, what I'll do is I'll go in and
18 I'll show a you an elevation or rendering of what
19 the building will look like. This is a view of
20 the building as it would look from the northwest
21 -- looking at the building. They're allotted
22 signage on the west side and are allotted signage
23 on the north side along Grand Avenue.

24 MR. WINTER: If I could just interrupt.

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1 MR. GORALSKI: Yes.

2 MR. WINTER: Could we move that easel
3 out. I don't know if everybody can see that. If
4 people in the audience want to look at this maybe
5 you can come forward.

6 MR. GORALSKI: The building that we've
7 proposed is a 16,400-square-foot structure.
8 13,726 square feet of that is retail or public.
9 1,928 square feet is storage, and we have a
10 750-square-foot office area which is going to be
11 built into a mezzanine area near the rear of the
12 building.

13 I don't know if you know very much
14 about Pool A Rama. I'll give a brief description
15 of what they do. It's a retail enterprise. They
16 provide pools, spas, billiard tables. They do
17 seasonal sales for Christmas and summer. They do
18 outdoor patio furniture and pool equipment.
19 That's what they basically sell.

20 The building is going to be a
21 precast concrete. The precast concrete will be
22 stained two colors. The window wall system is an
23 exterior glazed system with a yellow snap-on grid
24 system. The glass will be a clear glass.

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1 We're going to do medallions, which
2 are going to be fabricated and painted black.
3 They'll be open with a yellow color painted on the
4 precast behind the panels. The overall height of
5 the building is 22 foot, 6 inches. And let's see.

6
7 The next issue I'd like to talk a
8 little bit about is the signage. We had met with
9 or we've been discussing on a number of times
10 signage requirements, and I believe we've talked
11 with John a couple of times regarding this.

12 I think if you have your packet
13 you'll see we have signage with the two pylon
14 signs. There will be one along Grand Avenue, and
15 there will be another one along Buchanan.

16 On the site plan those locations
17 would be -- there will be one up here in this
18 corner here, and there will be one over here at
19 the entrance as you come off of Buchanan.

20 As I said the entrance to this
21 building is on the southwest corner here. It's a
22 triangular corner. We clipped the corner so
23 people can enter underneath a protected canopy. I
24 can show you that better in this elevation here

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1 which shows that the canopy elevation here is
2 clipped on a diagonal underneath. And that is the
3 precast concrete will be stepped out so that we
4 can give some accent to that corner.

5 The overhead service entrance and
6 the man door to the rear of the building are on
7 the southeast corner. Those are going to be
8 painted to match the precast so they're very
9 unobtrusive and don't interfere with anything.

10 We also have on the east side of the
11 building we're required to provide a double man
12 door exit that will be very simply treated.

13 This is the north side of the
14 building here. You can see that we have our
15 Pool A Rama sign here, and this is back to the
16 rendering.

17 If you have any questions I'd be
18 free to answer them.

19 MR. WINTER: Thank you. Any questions of
20 the petitioner?

21 Mr. Sula.

22 MR. SULA: Question for staff. John, are

23 there any variations between this and the
24 preliminary plat?

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1 MR. WILDENBERG: You have to understand
2 that at the time we went through preliminary plat
3 that the user was not identified. So this user is
4 coming forward now and meeting the criteria that
5 were established.

6 MR. SULA: That's all based on the sign
7 square footage and all that?

8 MR. WILDENBERG: Yeah. Yeah.

9 MR. WINTER: Any other questions?

10 What is the signage square footage
11 for the two pylons?

12 MR. GORALSKI: I believe it's 100 square
13 feet each face along Grand Avenue, and it's, I
14 believe, 30 square feet each facing along
15 Buchanan, and then the letters meet the sign
16 requirements for signage placed upon the
17 building. So we've gone over this with John's
18 group several times so that we meet all the
19 requirements.

20 The maximum height of the sign along
21 Buchanan is relatively short. It's 8 feet high
22 and the one along Grand Avenue is 12-foot,
23 4-and-a-half inches high.

24 MR. WILDENBERG: They are within the

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1 guidelines of the PUD as far as square footage per
2 face. They're right on as far as height for the
3 smaller sign on Buchanan Drive. Then technically
4 the sign out on Grand Avenue could go as high as
5 14 feet but this one, this but is 12 feet,
6 4 inches.

7 MR. WINTER: I take it staff -- because,
8 again, there is an aggregate number for this PUD
9 -- there is more than lot -- so was there an
10 aggregate number on this?

11 MR. WILDENBERG: No. It's done on a
12 lot-by-lot basis.

13 MR. WINTER: Okay. Good.

14 MR. SULA: Mr. Chairman, I do have one
15 additional question.

16 I see that there is no provision on
17 the plan for any outdoor displays. Are we

18 adequately protected in the PUD so that outdoor
19 displays will not be added?

20 MR. WILDENBERG: An outdoor display can
21 only be added via special use public hearing.
22 This use is permitted by right and no outdoor
23 display, storage, no activity of any kind other
24 than usually loading and unloading.

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1 MR. WINTER: Any other questions?

2 (No response)

3 MR. WINTER: If not, I'll entertain a
4 motion on agenda item No. 5.

5 MR. SULA: I move that we send a
6 favorable recommendation for final PUD plat
7 approval for lot 4 in the Almond Plaza
8 Subdivision.

9 MR. WINTER: Second?

10 MR. SMITH: I'll second.

11 MR. WINTER: Okay. Can we have a
12 roll-call vote.

13 MR. WILDENBERG: Mr. Finn.

14 MR. FINN: Aye.

15 MR. WILDENBERG: Mr. Smith.
16 MR. SMITH: Aye.
17 MR. WILDENBERG: Mr. Sula.
18 MR. SULA: Aye.
19 MR. WILDENBERG: Mr. Papp.
20 MR. PAPP: Aye.
21 MR. WILDENBERG: Mr. Cepon.
22 MR. CEPON: Aye.
23 MR. WILDENBERG: Mr. Winter.
24 MR. WINTER: Aye.

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1 Motion carries. Thank you. At this
2 point in the meeting we'd like to move to agenda
3 item No. 8. This begins a series of informal
4 discussions.

5 MR. SULA: Can we take a five-minute
6 break?

7 MR. WINTER: However, before we do that
8 we're going to take a five-minute recess and be
9 back at approximately 9:25 to take up agenda items
10 8, 9 and 10.

11 (Whereupon a brief recess was
12 taken.)

13 MR. WINTER: At this point we'd like to
14 reconvene the meeting.

15 Once again, the next three proposals
16 we have are merely informal discussions, so we
17 don't need to swear anyone in. We'll start with
18 item No. 8. This is the Providence Oaks
19 Subdivision Phase III, East and West.

20 It's my understanding that the
21 developer of Providence Oaks, Landmark Homes, is
22 investigating the potential to add a phase to the
23 subdivision which will include an east and west
24 component.

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1 The east portion involves an
2 extension of Fieldstone Drive south of the Country
3 Trails Subdivision, while the west portion is
4 located south of Cornell Avenue between O'Plaine
5 Road and Angelo Drive.

6 At this point unless Mr. Wildenberg
7 has anything to add --

8 MR. WILDENBERG: I don't have anything.

9 MR. WINTER: Do we have someone here on

10 Landmark Homes to address the Commission? Because
11 there are some other people if you still could use
12 the microphone, we'd appreciate that.

13 Is this a good position for the
14 easel?

15 MR. WINTER: I'll tell you what, it is
16 kind of faint, so if we could move that back to a
17 more central location.

18 Bill, can you see that from here?

19 MR. FINN: Yeah.

20 MR. WINTER: Okay. That's good. Thank
21 you.

22 MR. DORAN: Thank you. Mr. Chairman,
23 Plan Commission members, my name is Mike Doran.
24 I'm the president of Landmark Homes, 4474 Cornell

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1 Avenue, Gurnee.

2 Tonight we're asking for your
3 consideration and approval of our concept plan for
4 what would be our Phase III, East and West to
5 Providence Oaks.

6 To give you a frame of reference I
7 have a plat of Providence Oaks outlined here in

8 red. This would would be O'Plaine Road, and this
9 is Eastwood, and Cornell comes in here.

10 The two pieces we're talking about
11 are outlined in yellow. The first piece that I'll
12 talk about is the east piece also known as the May
13 piece. It's approximately seven acres. We would
14 be putting 18 lots on there including an outlot
15 for detention.

16 It would be a continuation of
17 Sunnyside Avenue, and then we would have what
18 would be a temporary cul-de-sac down at the south
19 end here.

20 We would have -- There is a property
21 owner here that has approximately -- I think
22 that's about a two-acre piece approximately, give
23 or take; and there is provisions for right of way
24 for future development of their piece.

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1 And then immediately to the east
2 there is a piece owned by Mr. Cobb who we
3 approached, was not interested in selling at this
4 time. He also has a provision with the extension

5 of this right of way for future development of
6 this piece.

7 We would be -- for both of these
8 pieces we would be using -- we would like to bring
9 it in under the same PUD that we have now or just
10 an extension of the same guidelines. We'd be
11 bringing on the same type of homes.

12 We may bring on a new floor plan or
13 two but, in general, the same type of homes if
14 you're familiar with the homes that are there is
15 what we would envision going on both of these
16 pieces.

17 The second one is an assembly of two
18 pieces, the Mueller piece just south of Cornell
19 Avenue and the Carr piece, the Raymond Carr
20 piece. This would be a 14-lot subdivision, or
21 phase rather, with an existing home on it that
22 would remain. Mr. Carr lives there now and would
23 retain that piece. That's about approximately, I
24 believe, a four-acre piece, and that would as I

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1 say be 14 lots.

2 If there are any questions that I

3 can address --

4 MR. WINTERS: Just to make it clear since
5 this is an informal hearing there will, in fact,
6 be no motions made tonight. If the petitioner at
7 some point decides they would like to pursue that
8 and request an extension or an additional PUD, it
9 would be a public hearing, but this is really the
10 first glance of some open discussions about land
11 usage in this area.

12 I think the first question I have
13 for Mr. Wildenberg -- this area, I imagine, in the
14 comprehensive plan is shown to be residential in
15 nature that's being discussed informally tonight?

16 MR. WILDENBERG: Yes, that's correct. It
17 is shown as a residential use in the density range
18 of two to four units per acre. That would be
19 consistent or the proposal would be generally
20 consistent with that.

21 MR. WINTER: That is to say that by and
22 large these lots are -- what is the average square
23 footage for the lots? Do you have that broken
24 down for either the east or the west phase? It

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1 looks like a lot of these are very close to
2 10,000, a little more or less for each spot.

3 MR. DORAN: Right. We don't have the
4 exact number, but they would be in excess of
5 10,000. All of the lots would be similar in
6 size. None would be smaller than any of the lots
7 we already have in Providence Oaks.

8 MR. WILDENBERG: One of the guiding
9 principles was that the average lot size for the
10 subdivision created would exceed 10,000 square
11 feet. They do work off of a basic 70-foot
12 frontage, which is a little different than under
13 that straight R-3 zoning which calls for an
14 80-foot frontage. Some of the setback criteria
15 are also a little different than straight R-3.

16 The nature of the PUD and trying to
17 make this property work and preserve trees and
18 have it be somewhat similar or relate to the
19 Providence Village Subdivision on the other side
20 of the street which this builder also had a hand
21 in constructing, those were -- some of those
22 standards were carried over to the east side of
23 O'Plaine from the west side of O'Plaine.

24 MR. WINTER: For the benefit of the two

1 newer members, again, this is an opportunity to
2 ask questions that you may have. Nothing that's
3 said here is binding on either party because this
4 is merely an informal stage. But if there is any
5 question you have regarding this property or of
6 the petitioner, he's volunteered to be here and
7 would like to have our input or any questions.

8 I'll start off by asking the
9 question about the temporary cul-de-sac. What is
10 -- I mean is that just a dead end, or is there
11 actually some provisions there that you'd have
12 some room to turn around?

13 MR. DORAN: Well, that would be this
14 piece right here. The right of way is 60-- right
15 here, I believe, it's 60 or 66.

16 UNIDENTIFIED SPEAKER: 60.

17 MR. DORAN: And so what we have right
18 here is until this gets developed this would have
19 a temporary ball similar to what we have at the
20 end of Waterford here.

21 MR. PAPP: A temporary what?

22 MR. DORAN: A circle, a temporary
23 circle. I said a ball.

24 UNIDENTIFIED SPEAKER: It's a fully

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1 improved driveway, circular driveway. It's a
2 little bit less than our minimum standards. It
3 will fit within a 60-foot right of way. They'll
4 virtually pave the whole right of way. In a
5 standard cul-de-sac we have 120 feet across it.
6 This will have 60 across, still plenty of room for
7 most vehicles to turn around in but not the fire
8 trucks.

9 MR. WILDENBERG: What we try to do is
10 we've got a multitude of ownership over here and
11 various sized lots, and we try to pay attention to
12 being able to offer similar development
13 opportunities to those properties if and when they
14 should seek to do so. So as we start platting
15 streets, we try to maintain access to all future
16 properties as well.

17 MR. WINTER: Any other questions or
18 comments?

19 Mr. Sula.

20 MR. SULA: Just for perspective I live
21 immediately adjacent to the property. I think

22 you've done a real fine job, and hopefully you can
23 do something nice to continue.

24 The one comment that I would have

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1 just in the spirit of keeping with the area,
2 specifically lots 129 and 128 -- they're on the
3 corner of Cornell and O'Plaine -- more so on the
4 one corner -- access might be a little difficult
5 with the driveways 'cause of the monument-type
6 boulevard that you've got at the entryway. It
7 would be really nice if that could stay a vacant
8 lot with trees on it to keep the flavor if you
9 could swing the economics of it.

10 MR. DORAN: Yeah. Well, that does speak
11 to the economics of the project. We have a home
12 right now built on Lot 1.

13 MR. SULA: I understand.

14 MR. DORAN: Lot 2 is -- it can platted,
15 but we're using it for parking at the moment.

16 I think that would pretty well
17 demonstrate the feasibility to put a building on
18 those locations.

19 MR. WINTER: Mr. Smith.

20 MR. SMITH: History says like I said
21 before with people, you people -- you've had an
22 excellent history.

23 MR. DORAN: Thank you.

24 MR. SMITH: I think you build a good

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1 product. People seem to have no complaints.

2 Basically I hope you continue the same way.

3 You've done an excellent job so far.

4 MR. DORAN: Thank you very much.

5 MR. CEPON: I don't know if people in the

6 audience have any questions, but this is an

7 informal discussion so if you have any you can

8 just blurt it out.

9 MR. WILDENBERG: One last thing I think

10 I'd point out from a zoning and planning point of

11 view to let you know that the proposed east phase

12 or the east section of this phase is actually

13 unincorporated territory right now. That would

14 have to be subject to an annexation and PUD

15 petition.

16 The west phase in the village at

17 this point is zoned R-2 single family. That would
18 then have to be the subject of a PUD petition.
19 But they could all be lumped together into one
20 hearing context.

21 MR. WINTER: I think that's a good point.

22 Well, I think the consensus from the
23 Planning Commissioners are that, since we don't
24 have to figure out what our apartment-single home

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1 ratio is tilting, that we like this plan.

2 And, again, certainly anything we
3 say is not binding, but we're all thinking about
4 this and had an opportunity to look at this. It
5 certainly seems to be consistent with what's going
6 on in that area.

7 I haven't heard any negative
8 comments tonight. So unless you've got any
9 specific questions of us. I think that's about
10 it.

11 MR. DORAN: Terrific. I guess what I'd
12 like to ask is that I guess the next step would be
13 publishing for annexation and rezoning.

14 MR. WINTER: Well, for that I'd refer you

15 to Mr. Wildenberg or Tracy when she gets back.

16 MR. WILDENBERG: We'll have to go over
17 the drill on that one.

18 MR. WINTER: Then we will have to swear
19 people in and make sure that everyone has an
20 opportunity to comment and to make sure we're not
21 overlooking something.

22 MR. DORAN: Okay. Thank you.

23 MR. WINTER: With that we'll move onto
24 item No. 9, which is essentially another request

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1 for informal discussion of the Piansay property.

2 This pertains to property located at
3 the southeast corner of Belle Plaine and Country
4 Club. The subject property measures 100 feet by
5 200 feet. It's currently zoned R-2 single family.

6 The owner desires a rezone to R-3
7 single family and subdivide into two buildable
8 lots. Sanitary sewer will become available on
9 Country Club Avenue as part of the Village's sewer
10 extension program.

11 It's my understanding that that

12 would be an important factor for this informal
13 discussion.

14 Do we have anyone here representing
15 the property owners?

16 MR. WILDENBERG: And actually,
17 Mr. Chairman, I might point out that both items,
18 No. 9 and No. 10, are very closely interrelated.

19 MR. WINTER: Why don't we discuss them at
20 the same time.

21 MR. WILDENBERG: They have the same kinds
22 of issues. I think Bud has an overall view of the
23 area here, and he will take you through and get
24 you quickly familiarized with the sanitary and

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1 sewer improvements in that whole area.

2 We can also then talk about each one
3 of these properties as a whole and give people
4 some feedback.

5 MR. SULA: It would be helpful -- several
6 meetings ago I think we had a discussion on
7 splitting it into three buildable lots. Now it's
8 only two?

9 MR. WINTER: No. No. That was a

10 different one.

11 MR. WILDENBERG: Right. It just happens
12 that one of these property owners happens to own
13 at least a couple different properties in this
14 area.

15 I think you'll see that the reason
16 why we're suggesting to discuss this informally is
17 that this area is going to be experiencing some
18 changes, and we are being approached by the
19 property owners in that area as to their
20 possibilities for future resubdivision and/or
21 rezoning.

22 We just kind of like to get a flavor
23 or feedback or ideas, whatever you want to call
24 it, from the Plan Commission to help guide not

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1 only these property owners that are here tonight
2 but maybe additional property owners in that area
3 that might be facing the same set of circumstances
4 that they are.

5 MR. WINTER: Bud, you want to tell us
6 something about this?

7 MR. REED: I'll try to take over from
8 John and fill you in a little more. You do have
9 in your packet, I think, a diagram that shows the
10 proposed subdivision, which is the last item which
11 I was going to speak to for Mr. Bellevage.

12

13 Mr. Piansay is here. We've talked
14 about his property also. His property is right up
15 here on Country Club, and Mr. Bellevage is right
16 here. And we've got a blowup here of
17 Mr. Bellevage.

18 Just generally the type of situation
19 we're running into, the dark area, the lines
20 through this whole northeast area here that's in
21 dark, these are the street right of ways. We're
22 presently running sanitary sewer throughout this
23 area. We've been doing this type of work for the
24 past 18 months or so.

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1 During the course of the past 18
2 months I probably received an average of six to
3 seven phone calls a week from property owners,
4 real estate agents -- can I divide the property

5 into three lots?

6 If you look close at this proposed
7 area where Mr. Bellevage is proposing to divide
8 his into three lots, it requires rezoning and then
9 a subdivision. We have to answer a question up
10 front: Is it realistic to rezone the property?

11 Well, they have to met our
12 guidelines, of course, the zoning guidelines, in
13 order to subdivide. But the overriding issue is
14 when we get to the Board here. Is this something
15 that's going to be agreeable with the Board? Just
16 general discussions.

17 This is presently zoned R-2 which is
18 100-foot frontage lots. In a lot of cases it's
19 extremely more frontage than that what's existing
20 there. As you can see from Mr. Bellevage, the
21 three lots, he has, I believe, 240 or 245.

22 MR. CEPON: 245.

23 MR. REED: It's easily divisible into
24 three lots that meet the zoning requirements with

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1 sanitary there which he will have.

2 UNIDENTIFIED SPEAKER: It's already
3 there. It's already in the ground.

4 MR. REED: It's available to -- it's
5 realistic to think you can rezone the property
6 into three lots. However, if we're going to be
7 meeting with or talking to as many people as I've
8 been talking to -- I don't know how many people
9 Tracy talks to -- we need to be able to give them
10 some idea if this is realistic to come before this
11 Board requesting R-3 zoning.

12 I don't want to have somebody come
13 in requesting R-3 zoning if we're going to
14 continually say no, no, no. I'd just as soon tell
15 them, no, it's not going to happen way ahead of
16 time. Then you don't have to listen to it. I'll
17 be the one hearing about it.

18 So the question is really is it
19 realistic for this area to be rezoned into R-3.
20 There are approximately -- the areas that are
21 shown here in light brown are just a rough
22 estimate. There's 60 some-odd parcels that could
23 be rezoned from R-2 to R-3.

24 MR. PAPP: That would represent what,

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1 about 30 percent of the total plat?

2 MR. REED: Probably -- probably 30 to
3 40 percent. There are other areas that could
4 probably be combined and also made into the three
5 lots instead of -- there may be 220-foot lots that
6 are under common ownership now that could be put
7 together and you'd wind up with three lots. So
8 there are other possibilities.

9 These are all under common ownership
10 right now that I showed in the light brown. So
11 it's realistic to think they can come before the
12 Board just like Mr. Bellevage is and request
13 rezoning on the parcel to make three lots.

14 MR. PAPP: The majority of houses there
15 are 100-foot lots?

16 MR. REED: I don't know if they are or
17 not. I would say just in a general glance over
18 it, they're probably 120, at least 100.

19 MR. PAPP: Yeah. So most of them comply
20 with R-3?

21 MR. REED: Oh, yes. Most of them comply
22 with R-3. There's some right around the Com Ed
23 right-of-way here that are 50-, 60-foot lots.

24 MR. PAPP: What happens?

1 MR. REED: They would have to combined, I
2 think, right, John?

3 MR. WILDENBERG: Well, that would be a
4 zoning question. There are some provisions for
5 preexisting lots or lots that existed prior to our
6 1980 zoning ordinance that may allow them to be
7 developed and would have to be looked at.

8 The one thing I'd point out in
9 relation to that whole -- the current lot
10 configuration that you have up there is not really
11 based on our current zoning. For one, we didn't
12 have this property in the village until about 1977
13 when that area north of Glen Flora between
14 Northwestern and Bay Place generally was annexed
15 into the community.

16 The subdivision properties were
17 subdivided back in the 1920's by Fred and Paige
18 Bartlett. So I'm not sure that -- there is not
19 really a strong connection between what's been
20 platted in the 1920s and our current ordinance
21 right now. There is not a direct link there.
22 It's a situation that we kind of inherited when we
23 annexed.

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1 is that these were bigger lots because they had
2 well, septic. We're now correcting that. But the
3 smaller lots -- I'm just wondering now to be in
4 sync with, you know, the 80-foot-wide lot, you
5 know, can we require them to make improvements
6 that they're going to put sidewalks?

7 Because if you add up all these
8 parcels and say, yeah, we'll start letting people
9 divide these up in 80-foot lots, it seems to me
10 you're changing the character of that, that we're
11 now -- we're not semi-rural or a bigger lot where
12 you're having a well and it's more "countryesque."

13 But, now, is that really the time to
14 say, okay, we'd consider that, but you got to put
15 the sidewalks in now because you're going to put
16 three houses there, and what problems does that
17 present. Because, you know, you're going to have
18 a sidewalk that's going to end.

19 But on the other hand, that might be
20 something that, you know, should be considered at
21 this point.

22 MR. REED: Well, in the past, in the
23 recent past, the last five or six years, we've
24 been requiring any subdivision to at least

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1 contribute to stormwater management, impact
2 funding that we have and sidewalk impact funding
3 which we had. Those monies have been used to put
4 Belle Plaine sidewalk in and Magnolia sidewalk up
5 through this area.

6 So, yes. I think those items will
7 come back before the Plan Commission at the
8 subdivision process. And certainly if a
9 subdivider wants to request those things be waived
10 that's his prerogative.

11 In the past the Plan Commission
12 hasn't made much of a comment on it and passed it
13 on the Village Board as their prerogative whether
14 to waive it or not.

15 MR. WINTER: Well, I look at this map,
16 and I don't want to waive for all those people to
17 be able to sell two and three lots on what
18 formerly was one property where we can see they're

19 changing the character, I think, for the better.
20 I mean, I think potentially, you
21 know, it's a lot better, and if there are going to
22 be sewers and I'm sure it's contemplated -- this
23 is going to be new housing -- greater uniformity
24 eventually.

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1 But I still think if you go out to
2 these properties right now there is no curb, there
3 are no sidewalks. You're going to have more
4 people up and down those streets. I think it's
5 going to be a safety issue because some of those
6 streets aren't that wide to begin with.

7 I think -- and I just live down in
8 Crescent Meadow, so I'm familiar with that area.
9 Spaulding School is right down at the end there.
10 Right now they have the school bus picking up
11 everybody even if they live a block away because
12 there really aren't sidewalks on Florida Avenue or
13 any of these streets.

14 And my initial reaction is that it
15 would be helpful to have a formal plan for this
16 area and have some definitive idea of how we're

17 going to get sidewalks in on these streets if
18 we're going to have maybe in some cases double the
19 number of houses in some of these areas that are
20 undeveloped.

21 MR. REED: That's certainly a good
22 point. Of course, it's up to the Village Board
23 ultimately as to what's done with any monies that
24 come into the sidewalk funds. And they have in

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1 areas that are already developed it's a little
2 more difficult to put sidewalks in.

3 It's easy to say where you have a
4 vacant parcel such as Mr. Bellevage does here,
5 it's easy to say he can put sidewalks in. But
6 you've got to make logical sense of where it's
7 going to go. You don't want it to be ten years
8 before you get it over to the school where
9 somebody can use it.

10 The other problem we run into when
11 installing sidewalks like up on Country Club where
12 you have all the homes, we generally poll the
13 residents to decide which side of the road, first

14 of all, to put it on and whether you even want it.
15 Because if the residents don't want it, the
16 Village isn't going to spend the money to put it
17 in.

18 The Board generally hasn't in the
19 past spent any money where the residents don't
20 want it. In cases I've even recommended places
21 that will take it out after we've already bid it.
22 So it comes to a point of public perception, where
23 they want a sidewalk.

24 MR. CEPON: We did that in the section

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1 over here and went through the certain areas just
2 like main streets, the one side. And then the
3 others we forgot about.

4 But I have a comment on that. I'm
5 wondering if you're going to end up with a problem
6 with neighbors and neighbors -- as an example, I
7 don't know -- I'll just give myself as an
8 example.

9 I've got a lot next to his that's
10 200 feet. Now he wants to put three houses next
11 to me. I mean, which, you know what I'm saying.

12 I think that's what I've heard in the last couple
13 times. You get some feedback from the people who
14 have lived there for a long time and don't want to
15 go to the R-3.

16 MR. REED: I think that's a public
17 hearing unless I'm mistaken, to go from R-3 to --

18 MR. CEPON: But through the informal
19 discussion here, I think these gentleman -- and I
20 know some neighbors who are protesting because
21 they said, hey, this is the way we want the
22 neighborhood, and that's why we live there,
23 because we want the 125- or the 240-foot lots.

24 I think my biggest concern would be

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1 that you're going to end up having people really
2 being mad -- you know what I'm saying. Maybe
3 their neighbors would be mad at them or whoever
4 the guy across the street who's doing it.

5 Maybe one of the suggestions is we
6 get an idea what we want to do, maybe get all
7 these people in the neighborhoods together and
8 sort of have, like, a meeting with all the people

9 that live in that area and say this is what can
10 happen and this is what we may, you know -- what
11 is your input. You may get 90 percent of the
12 people that say, hey, we don't want it.

13 MR. REED: You know, the other thing you
14 could do is hold a public hearing and just notify
15 the people and the Plan Commission hold a public
16 hearing.

17 MR. CEPON: Have you experienced that or
18 some of your neighbors?

19 MR. SMITH: The only thing I know is most
20 of them just didn't want to pay the sewer
21 assessment going down Florida. You can see it
22 goes -- it's not going down most of Florida. It
23 bypasses. It goes along the boulevard right of
24 way.

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1 MR. SMITH: When I talk to the people out
2 there, the people that are against it are the
3 people who can't divide their property.

4 MR. WINTER: Let me just be more
5 specific. I think Carl referred to the one that
6 Mr. Marcinkas (phonetic) showed up and, he had

7 concerns, and actually I was concerned about the
8 drainage on the lot. You fellows came in and it
9 passed because everybody said Bud's going to
10 follow up on that, whether there is drainage or
11 not. And I kind of spoke up.

12 My only concern was let's continue
13 this and get Bud here so that we don't say we're
14 going to divide this only for you, later on to say
15 you can't build here anyway because there's a
16 creek that goes where Boulevard View would go
17 through.

18 I think it's going to be hard to get
19 a consensus from that neighborhood because
20 essentially it is an older neighborhood, but I
21 think the economics of the area is developing that
22 everyone who looks at that area would say that
23 right now it's probably -- the land is being
24 underutilized.

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1 I think the houses by and large have
2 been bigger in stature and more modern. There are
3 some houses there of the older variety, maybe as

4 old as the 20's. And regardless of -- I mean
5 what, you know, you could ask four different
6 people that live in that neighborhood and get four
7 different answers.

8 I think maybe we can look at it and
9 say eventually we all know where it's going.
10 There is going to be increased pressure to better
11 utilize that property and start subdividing
12 especially now that they got sewer and water.

13 MR. REED: Well, that was one of the
14 reasons I wanted to meet with the Planning
15 Commission ahead of time. Mr. Bellevage was kind
16 of the driving force to come before you and talk
17 about the area. But I did want you to see the
18 vastness of what you may look at over the course
19 of the next few years just because of the sanitary
20 sewers going in.

21 If Mr. Bellevage had just come and
22 said I'd like to subdivide my property into three
23 lots, you may not really get the magnitude of what
24 may be before you during the course of the next

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1 five or six years.

2 If it looks reasonable -- every
3 piece is going to come back before you that's
4 going to be subdivided to R-3. And it will go
5 through the hearing process and then through the
6 subdivision process.

7 I don't want to be telling
8 Mr. Bellevage, sure, let's submit the rezoning for
9 R-3 if there isn't a general perception. You see
10 what the idea is in the area, the number of lots
11 that you may be looking at in the area.

12 MR. PAPP: What would be the motivation
13 to go from -- for us to go from R-3 on R-2?

14 MR. REED: Motivation?

15 MR. PAPP: Yeah. Okay. Go to smaller
16 lots.

17 MR. REED: Well, I don't know that there
18 is a motivation. That's something you need to
19 answer and not me. It's existing R-2 zoning. The
20 property owner's requesting R-3. The Village is
21 running sanitary sewers throughout the area which
22 will accommodate R-3 zoning. You have a
23 predominant amount of R-3 zoning throughout the
24 community.

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1 MR. WILDENBERG: I could think of a
2 couple things you might be able to hang your hat
3 on. If you look at the comprehensive land use
4 plan, it calls for a single family development to
5 occur in that area. Calls for a density factor of
6 between two to four dwelling units per acre. R-3
7 zoning falls within that -- both of those
8 parameters.

9 It is single family and falls within
10 its parameter.

11 R-3 zoning requires a
12 10,000-square-foot lot on a frontage that's a
13 pretty -- if you look at our zoning map what's the
14 most predominant single family zoning we have now?
15 It's R-3 or some form of R-3 that might be a
16 planned unit development like we just looked at in
17 the previous subdivision.

18 Providence Oaks is based R-3, but
19 the PUD is actually smaller lots in certain
20 occasions and definitely smaller frontage.

21 MR. PAPP: Which is one of the reasons we
22 have so much traffic here.

23 MR. WILDENBERG: Well, I don't know that
24 you can attribute that much traffic congestion to

1 just our residential generation. We've got a heck
2 of a lot of people coming through this town.

3 MR. PAPP: That's true.

4 MR. WINTER: Bud, how wide is Florida
5 Avenue?

6 MR. REED: How wide?

7 MR. WINTER: That street seems to be
8 pretty darn narrow.

9 MR. REED: It's probably 22 feet wide.
10 You get the misconception because it doesn't have
11 curbs and gutters and storms, but it's actually a
12 pretty reasonably wide street. You can get two
13 cars through it without any problem.

14 MR. WINTER: Maybe it's just the crowned
15 -- and beat up -- because I go down that street
16 every day off of Green Bay to go to Spaulding
17 School, and there's some little kid riding his
18 bike right on the street. He was very young. I
19 thought that -- so I drove by this property. And
20 I guess my -- I could understand, you know, the
21 petitions come in and say this is an economic
22 hardship, you know.

23 I live on an 80-foot lot. So do

24 most of people in the town, you know. Why can't I

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1 do 80 feet? The only reason I go back to that I'd
2 say you couldn't is because there's no sidewalks.
3 Seems to me that that street, you know, if I
4 measure Boulevard View or the one that runs into
5 my subdivision, I'd be very surprised if they
6 aren't bigger because you can park on my street.
7 You can't park on Florida.

8 MR. REED: And that's something that you
9 really need to think about. Should we be
10 collecting impact fees for all the public
11 improvements in situations where it's not feasible
12 for a property owner to put them in? Again, I'll
13 fall back to Mr. Bellevage and Mr. Piansay both.

14 By all rights if they were a
15 subdivider and doing a major subdivision that
16 doesn't put in all the public improvements the
17 fact that they're doing a smaller subdivision
18 doesn't relieve them from doing that. Past
19 practice of the Village has relieved them from
20 doing all the public improvements.

21 Now, we've been gradually moving
22 toward taking impact fees from smaller developers
23 because it's, like you say, Brian, you put three
24 lots here and three lots there and three lots

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1 there, and before long you got a street done.

2 If you collect the impact fees you
3 can come back in five years and do Country Club or
4 come back in five years and do Florida. You can
5 do it the same way you're doing the sidewalk. You
6 do a piece at a time until you get it done. You
7 do your major streets first. Those that carry the
8 most traffic and then move off into the
9 neighborhood.

10 It's very realistic to think you may
11 want to look at that. You may want to make a
12 recommendation to the Village Board that they
13 accept these for all types of public improvements,
14 not just stormwater management and sidewalks.
15 That's basically all we're doing right now.

16 MR. SMITH: In general, I think it would
17 upscale that neighborhood. A lot of those homes
18 were built a lot of years ago, and the size of the

19 homes are small, so the value of the homes are
20 lower.

21 Now, the homes that would have to be
22 built there under our current regulation would be
23 of a lot more value than a lot of homes there.

24 So it would actually bring the

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1 values of that neighborhood up in general, the
2 whole area. A lot of them are older homes.
3 They're on 1,000 square feet some of them houses.

4 MR. REED: Just as an example, in this
5 area right over by Northwestern here a developer
6 came in, and I think he put in about 12 lots,
7 maybe 14. It's on Atlantic. He put in 14 lots
8 fully improved, all the municipal requirements.

9 Yet if he would have went in and did
10 three lots at a time he would have fallen out of
11 -- generally fallen out of purview to have to put
12 in full street improvements. He would have still
13 had to do detention. He'd have been paying for
14 detention, and he would have been paying for the
15 sidewalks, and we would have used the money at

16 another place.
17 That made more sense to us instead
18 of in the subdivision itself. Three-lot
19 subdivisions -- to put detention on three lots and
20 take one of the lots whereas if you do a ten-lot
21 subdivision, you can still use one lot.

22 So it doesn't make sense to have a
23 three-lot subdivision and put in detention. Let's
24 take the money and use it someplace else that's

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1 more regional. So that's what we've been trying
2 to do.

3 MR. CEPON: Could we get a copy of this
4 on your next minutes? This?

5 MR. REED: Sure.

6 MR. CEPON: That would actually be quite
7 useful if we kept it if we get into this
8 situation. And it looks like we're going to get
9 into it.

10 MR. REED: Now, this is just the first
11 blush. In the course of ten minutes I just went
12 through this. So some may be right and some may
13 be wrong, but basically these properties are the

14 ones that I would expect to slide into R-3.

15 MR. CEPON: This would give us a good
16 idea.

17 MR. SULA: When you looked at, you know,
18 north of Florida versus south of Florida, the
19 south of Florida given the grid system that's in
20 place, it's really conducive to traditional R-3 in
21 terms of a lot where the frontage is narrower than
22 the depth of the lot. And where you're north of
23 Florida it's that space where R-2 works really
24 well because you've got lot of depth there too.

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1 But when you're south of Florida to
2 get the R-2 square footage you end up with odd
3 lots where the width is almost as great if not
4 greater than the depth of the lot which is kind of
5 an untraditional residential layout.

6 MR. SMITH: Take the area where I live.
7 We went through this thirty years ago. There
8 wasn't as many homes built there west of 41, 41
9 and Delaney. The sewers come through. That was
10 all platted.

11 I lived on a lot that was 40-foot of
12 this lot and 40-foot of this lot. That's 80 feet.
13 That's what I live on. My whole area was done
14 that way. There is more 80-foot lots than there
15 are 120's.

16 MR. REED: And when you go through the
17 rezoning process you're going to have people
18 complaining. There's no doubt about it. There
19 will be complaints about it. That's really the
20 reason for this meeting, so you can actually see
21 the comprehensive area, not just Mr. Bellevage's
22 property or Mr. Piansay's property. Because they
23 can really take you out of context and not get the
24 whole feel of what may actually come back before

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1 you.

2 MR. SULA: I think as long as we're
3 sticking with the pure R-3 concept of 10,000
4 minimum, that's a pretty typical suburban size
5 lot. It's not asking for something that's overly
6 dense that's, you know, grossly changing the
7 character of neighborhood.

8 MR. WINTER: I think that, Frank, as far

9 as traffic because this is kind of set off -- I
10 mean you got Green Bay to the east, Grand Avenue
11 to the south, Sunset to the north, it really
12 doesn't have that -- I mean it's pretty set in
13 stone what the traffic's going to be.

14 I really think, though, that the
15 problem is within the neighborhood, you know,
16 without the sidewalks. So I'd be for it, but I
17 want to make sure that when they divide these
18 things up they are spending the money, it's going
19 to happen, you know, sometime down the road but
20 that the Village has the money and is committed to
21 say, okay, we're going to put sidewalks in here
22 because now we've got twice as many houses on this
23 block and potentially twice as many kids. I think
24 it's a public safety issue at that point then to

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1 say we've got to have sidewalks going down at
2 least one side of the street and have the people
3 that are getting the economic benefit of
4 subdividing pay their fair share of the
5 improvements that would be necessary so that they

6 could utilize their property.

7 MR. REED: But would it make sense if we
8 give the developer the opportunity to put
9 sidewalks in? Such as Mr. Piansay is right
10 adjacent to a sidewalk, so he has had the
11 opportunity put the sidewalk in if he develops the
12 property.

13 MR. WINTER: But I'm wondering when you
14 started talking about maybe there's an expansion
15 of benefits maybe if you look at this and there is
16 a formula that you could come up with so we know
17 we're collecting the same amount per the
18 formula --

19 MR. REED: It's an inflated value. We do
20 a sidewalk project every year in the community,
21 and we use that dollar amount for any developer
22 that's coming in doing single lot subdivisions.
23 If you have an existing home we don't assess the
24 existing home.

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1 But if you have a lot and an
2 existing home that you're valued on, the vacant
3 lot will be assessed for stormwater management and

4 for sidewalk, but the existing home isn't
5 assessed.

6 MR. SULA: What about impacts fees. Do
7 the extra lots get assessed impact fees and get
8 paid to the school districts?

9 MR. REED: No.

10 MR. WINTER: That's why I'm saying his
11 impact fees for the sidewalks and improvements, I
12 think, is a fair deal for those property owners
13 instead of -- because when you say we can let them
14 put their sidewalk in, I almost want to back off
15 that now because, like you say, what good is it
16 going to be to have the sidewalk for three lots?

17 MR. REED: Right.

18 MR. WINTER: I'd just as soon make sure
19 we're collecting the right amount of money to make
20 some substantial improvements that are going to
21 make sense.

22 MR. SULA: You can ask five or six
23 different people what they think or where they
24 want to put sidewalks and half of them are going

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1 to say --

2 MR. WINTER: Not only that, my
3 subdivision they're only on one-half of the
4 street.

5 MR. SULA: I like it. It's a less--

6 MR. REED: It provides -- there's
7 benefits to both.

8 I mean, if you have kids, you like
9 to have a sidewalk in some cases where even if you
10 have kids you like to have the expanse of knowing
11 that -- or just looking out and you have what
12 appears to be a much larger yard than what you
13 actually have.

14 You get the estate feeling if you
15 want to look at that way without the sidewalk.
16 And with the sidewalk it's more of an urban line.

17 MR. WINTER: Well, I see a problem with
18 making a guy put three on this side. If you're
19 only going to end up having that sidewalk on one
20 side, you've got to do it where you're taking the
21 fees in and the Village is going to come in and
22 make that decision and put it -- because you might
23 have on some of those streets a guy puts three
24 lots on this side.

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1 This guy says it's cheaper for me --
2 I'll put two lots on the other side. So now you
3 have this disjointed sidewalk on both sides that
4 goes nowhere.

5 MR. REED: And that's part of the reason
6 we've been collecting money.

7 MR. WINTER: That's why you're going to
8 have to basically say you don't have the option.
9 Here's what the formula is, and it's the same
10 thing I quoted to John Doe, Jane Doe, and it's the
11 same one. You guys are paying the same inflated
12 --

13 MR. REED: We have the capacity to adjust
14 it.

15 MR. WINTER: Where I live in Country
16 Trails, the side of the street I live on doesn't
17 have sidewalks. Well, guess what, the guy next
18 door has one on both sides. So my next-door
19 neighbor put a sidewalk that ends at our lot line.
20 I mean it's goofy.

21 MR. SULA: But this would even be worse.

22 MR. WINTER: Oh, yeah, when you get three
23 or four in a row.

24 MR. CEPON: We ran into that on the east

1 side when we were going through this about seven
2 or eight or nine years ago.

3 MR. REED: It's not always consistent.
4 We've actually turned things around. In the new
5 subdivisions we're requiring with sidewalks now on
6 both sides again because the Village is collecting
7 money for sidewalks, so why shouldn't we have them
8 put in new developments. That's almost uniformly
9 done in any major new development. But the
10 smaller ones are still collecting the money.

11 We do have a comprehensive map that
12 we're working on.

13 MR. CEPON: That's the best idea to
14 collect the money. Because I remember on the east
15 side here we did the same thing, and then we had
16 certain streets that had sidewalks, and certain
17 streets didn't have it. Certain streets that had
18 more traffic than others, I could understand
19 that.

20 With the kids on those streets --
21 and there is a lot of traffic in that area for the
22 amount of people that are there, you know, it's --

23 you get quite a bit of traffic. It's not like you
24 have in the subdivisions where all streets,

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1 they're all going someplace, to the schools,
2 whatever.

3 MR. SULA: I think the Village should
4 look into impact fees on the schools.

5 MR. WINTER: Well, we don't worry about
6 the schools.

7 MR. REED: That's something --

8 MR. SULA: I know that's beyond our
9 scope.

10 MR. REED: The subdivider will approach
11 the schools, and the schools will think that's not
12 going to have that much of an impact. But at
13 least they'll address it with the particular
14 builder or subdivider at that time.

15 MR. WINTER: But, I think we're really at
16 the point where I think we'd all be interested in
17 to see what you're proposing in terms of when
18 petitioners come in and want to have a formal
19 hearing, and it potentially could be twenty people
20 in the next ten years or thirty people or whatever

21 the number is. I think we feel pretty confident
22 that we're treating them all the same way. It's
23 that way or -- I mean you pretty much lay it out.

24 MR. REED: Well, the recommendation will

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1 come to you very similar to what they have in the
2 past. I guess the only thing that would really be
3 a question anymore would be how you're going to
4 handle requests for waivers which typically come
5 in on these. I don't discourage people from doing
6 that.

7 Again, it's up to the Plan
8 Commission and then finally up to the Village
9 Board how the waivers are handled. But the other
10 thing that will be probably discussed and should
11 be discussed at your level first would be how do
12 you handle the street improvements. That's
13 something we don't collect for.

14 MR. WINTER: I would say for the benefit
15 of the folks -- and by all means if you've got any
16 questions or want to make any statements to us --
17 my view would be this, that I think that I'd be

18 very reluctant to pass on a recommendation to the
19 Board of Trustees for waiver. I don't even know
20 that we've discussed it.

21 MR. WILDENBERG: If I could give maybe a
22 little bit more history on that. They will at the
23 time -- it's not an issue that's addressed
24 necessarily at rezoning. Rezoning is just a

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1 question of land use. It doesn't tie directly
2 into the public improvement question. You address
3 the public improvement question directly at the
4 time of plat of subdivision, resubdivision of the
5 property.

6 Over the years when we've had
7 smaller subdivisions, two- or three-lot
8 subdivisions come in, we had a common operating
9 policy or practice that we would consider waivers
10 if the subdivision was small enough and it didn't
11 really connect up with another area or didn't
12 require public improvements or it didn't make
13 logical sense to tie in with a larger program we
14 had in mind for the future. Some waivers were
15 granted.

16 But there were other instances in
17 this northeast area, too, where somebody took a
18 full block and subdivided it out, and full
19 improvements were required.

20 So you've got to kind of look at
21 them on a case-by-case basis but do the things
22 you're doing, go the over all the game plan in
23 mind that you are looking at those individual
24 cases so that we can be consistent. That's the

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1 whole key to the operation.

2 MR. SULA: The one on O'Plaine and
3 Belvidere is a good example.

4 MR. WINTER: Yeah. We didn't waive that.

5 MR. SULA: No. He's going to have to put
6 in improvements.

7 MR. WINTER: Because of the lateness of
8 the hour unless you folks have any questions of us
9 I think --

10 MR. REED: Can I make one more comment
11 while I'm here.

12 MR. WINTER: Sure.

13 MR. REED: Very seldom will I stay here
14 for a zoning issue, and it's not because I don't
15 like you guys. I don't want you to think that at
16 all.

17 You tend to get into or the audience
18 tends to get into engineering issues or into
19 rezoning. I want you to know that I don't like to
20 get into engineering issues of rezoning. And if
21 they do, if the petitioner or Board wants to get
22 involved in that it should be their engineer that
23 discusses those issues because I can assure you
24 that they'll meet all of our guidelines. That's

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1 required when they come into the subdivision
2 process. And that's the time that I'm always here
3 or somebody from my staff.

4 So don't think -- it's not that I
5 don't want to spend time with you. I just prefer
6 not to be here during zoning issues.

7 MR. SMITH: You get paid by the hour?

8 MR. REED: Well, I do, but it's 24 hours.

9 MR. WINTER: Bud, we do appreciate you
10 sticking around and helping us out on this issue.

11 MR. WILDENBERG: We'll get copies of the
12 latest version of the sewer extension and lot maps
13 so we can have that to study.

14 MR. WINTER: Is there a motion to
15 adjourn?

16 MR. PAPP: I make that motion.

17 MR. SULA: Second.

18 MR. WINTER: Motion passes.

19 (Hearing concluded)
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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF MCHENRY)
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5 I, VIRGINIA A. GAISER, CSR, do hereby
6 certify that I am a court reporter doing business
7 in the County of McHenry and State of Illinois;

8 that I reported in shorthand the testimony given
9 in the foregoing Report of Proceedings; and that
10 the foregoing is a true and correct transcript of
11 my shorthand notes so taken as aforesaid.

12

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