



**THE VILLAGE OF HAWTHORN WOODS
SPECIAL PLANNING, BUILDING AND ZONING COMMISSION MEETING
PERFORMING ARTS CENTER, LAKE ZURICH HIGH SCHOOL
300 CHURCH STREET, LAKE ZURICH, ILLINOIS
TUESDAY, MAY 6, 2025
6:30 PM**

MINUTES

I. CALL TO ORDER AND ROLL CALL

Mr. Merkel called the meeting to order at 6:32 p.m. Roll call indicated the following members were present: Mr. Merkel, Mr. Tisci, Ms. Massel, Mr. Preble, and Mr. Wifler. Absent: Mr. Glickman.

Also present: Trustee Liaison Tom Rychlik, Community Development Director Chris Heinen, Chief Administrative Officer/Village Clerk Donna Lobaito, Chief Financial Officer/Deputy Village Clerk Katreina Koprowski, Public Works Director/Village Engineer Erika Frable, PE, Village Engineer Lee Fell, PE, Landscape Architect Jennifer Hendricks and Village Attorney Patrick Brankin.

II. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COMMISSION

None this month.

III. APPROVAL OF MINUTES

- A. Approval of Minutes of the April 8, 2025 Planning, Building and Zoning Commission Meeting

Motion by Massel, second by Preble to approve the Minutes of the April 8, 2025 Planning, Building and Zoning Commission Meeting.

Mr. Merkel noted there were several changes needed to the transcripts from the April 8, 2025 meeting, and that the court reporter would provide a corrected version.

Roll call vote:

Ayes: Merkel, Tisci, Masel, Preble, Wifler

Nays: None

Abstain: None

Absent: Glickman

Motion carried.

IV. NEW BUSINESS

- A. Continuance - Public Hearing - Special Use Planned Development – Consideration of an application by M/I Homes of Chicago, LLC, as applicant for entitlements for a mixed residential subdivision related to the property located south of Old McHenry Road, north of

Illinois Route 22 and east of Birkdale Drive and Pinehurst Drive. Applicant seeks approval of a i) Special Use and Special Use Planned Unit Development, ii) Preliminary Plan and Plat, iii) Preliminary Engineering, iv) Preliminary Landscape Plan, v) Architectural Plans and Elevations as set forth on the plans and materials submitted with the application, vi) certain departures from the Village Code

Transcripts of this portion of the meeting were prepared by Cathleen M. Baker, CSR, Paszkiewicz Court Reporting and are attached as Exhibit “A”.

Motion by Tisci, second by Wifler to close the public hearing.

Roll call vote.

Ayes: Merkel, Tisci, Massel, Preble, Wifler

Nays: None

Abstain: None

Absent: Glickman

Motion carried, and the public hearing closed at 8:08 p.m.

Mr. Merkel called for a break at 8:09 p.m.

The meeting reconvened at 8:16 p.m. with all commissioners still present.

Motion by Tisci, second by Massel to accept the development as presented on the agenda. Deliberation ensued.

Motion by Massel, second by Tisci to reopen the public hearing.

Roll call vote.

Ayes: Merkel, Tisci, Massel, Preble, Wifler

Nays: None

Abstain: None

Absent: Glickman

Motion carried, and the public hearing was reopened at 8:45 p.m.

Motion by Massel, second by Preble to continue the public hearing to the May 13, 2025 Planning, Building and Zoning Commission meeting at Village Hall for the purpose of continuing the public hearing at The Performing Arts Center at Lake Zurich High School at a future date.

Roll call vote.

Ayes: Merkel, Tisci, Massel, Preble, Wifler

Nays: None

Abstain: None

Absent: Glickman

Motion carried.

V. ADJOURNMENT

Motion by Massel, second by Preble to adjourn the special meeting.

Voice vote.

Ayes: 5

Nays: 0

Abstain: 0

Absent: 1

Motion carried.

The proceedings were adjourned at 8:48 p.m.

Respectfully submitted,



Donna Lobaito

Chief Administrative Officer/Village Clerk



REPORT OF PROCEEDINGS

Date: May 6, 2025

VILLAGE OF HAWTHORN WOODS PLANNING, BUILDING AND ZONING COMMITTEE SPECIAL MEETING

Court Reporter: Cathleen M. Baker, CSR

Paszkiewicz Court Reporting

Phone: 847-598-0322

Toll-Free: 855-595-3577

Fax: 618-855-9513

www.spreporting.com

VILLAGE OF HAWTHORN WOODS
PLANNING, BUILDING AND ZONING COMMITTEE
SPECIAL MEETING

Tuesday, May 6, 2025

6:30 p.m.

Lake Zurich High School
Performing Arts Center
300 Church Street, Lake Zurich, Illinois

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<p style="text-align: right;">Page 2</p> <p>1 PLANNING, BUILDING AND ZONING COMMITTEE 2 JIM MERKEL, Chair 3 AUDREY MASSEL 4 KURT PREBLE 5 DANTE TISCI 6 CHARLIE WIFLER 7 TOM RYCHLIK, Trustee Liaison 8 CHRIS HEINEN, Director of Community Development 9 DONNA LOBAITO, CAO, Village Clerk 10 LEE FELL, Village Engineer 11 ERIKA FRABLE, Village Engineer 12 JENNIFER HENDRICKS - Landscape Architect 13 KATREINA KOPROWSKI, CFO/Deputy Village Clerk 14 SCHAIN BANKS MR. PATRICK T. BRANKIN 15 Counsel for the Village of Hawthorn Woods 16 PRESENT ON BEHALF OF THE APPLICANT: 17 ROSANOVA & WHITAKER, LTD, by MR. RUSSELL G. WHITAKER, III 18 Counsel for the applicant. 19 M/I HOMES OF CHICAGO, LLC GREG COLLINS 20 ANNA SUTTON 21 GARY R. WEBER & ASSOCIATES GARY R. WEBER 22 LISA PAJON RICH OLSON 23 KLOA, INC. 24 JAVIER MILLAN</p>	<p style="text-align: right;">Page 4</p> <p>1 CHAIRMAN MERKEL: We are going to go 2 ahead and get started. At this time I'd like to 3 call to order the Planning, Building and Zoning 4 Committee Special Meeting of the Village of 5 Hawthorn Woods. We are doing that at the 6 Performing Arts Center of Lake Zurich High 7 School on Tuesday, May 6, 2025, at 6:32 p.m. 8 I'd like to start with Item 1 9 with the call to order. Miss Lobaito. 10 CLERK LOBAITO: Mr. Merkel. 11 CHAIRMAN MERKEL: Present. 12 CLERK LOBAITO: Mr. Tisci. 13 COMMISSIONER TISCI: Present. 14 CLERK LOBAITO: Ms. Massel. 15 COMMISSIONER MASSEL: Present. 16 CLERK LOBAITO: Mr. Preble. 17 COMMISSIONER PREBLE: Present. 18 CLERK LOBAITO: Mr. Wifler. 19 COMMISSIONER WIFLER: Present. 20 CLERK LOBAITO: You have a quorum. 21 CHAIRMAN MERKEL: Awesome. Item 2 on 22 our agenda tonight is the opportunity for the 23 public to address the commission, the Hawthorn 24 Woods Commission, on any items not on the agenda</p>
<p style="text-align: right;">Page 3</p> <p>1 2 HAEGER ENGINEERING, LLC JOSH TERPSTRA 3 MEMBERS OF THE PUBLIC 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 5</p> <p>1 today. So if you are here to talk about 2 anything other than what we are going to talk 3 about, let us know. All right. 4 Seeing none, we are on Item 3, 5 which is the approval of minutes. I'm looking 6 for a motion to approve the minutes of the 7 April 8, 2025, Planning, Building and Zoning 8 Commission meeting. 9 COMMISSIONER MASSEL: So moved. 10 COMMISSIONER PREBLE: Second. 11 CHAIRMAN MERKEL: That was Audrey and 12 Kurt. We need a -- we do have that on. And 13 guys, we have one, two, three, four, five, six, 14 seven, eight, nine changes staff caught in the 15 minutes from last time; so we are going approve 16 the minutes with these minor changes to the 17 court reporting and the minutes from that day. 18 So I'm looking for a motion to approve with 19 these conditions. 20 COMMISSIONER PREBLE: So moved. 21 CHAIRMAN MERKEL: We have -- I'm 22 sorry. We already had Audrey and Kurt, so now 23 we are looking for a role vote. 24 CLERK LOBAITO: Mr. Merkel.</p>

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<p style="text-align: right;">Page 6</p> <p>1 CHAIRMAN MERKEL: Yes. 2 CLERK LOBAITO: Mr. Tisci. 3 COMMISSIONER TISCI: Yes. 4 CLERK LOBAITO: Miss Massel. 5 COMMISSIONER MASSEL: Yes. 6 CLERK LOBAITO: Mr. Preble. 7 COMMISSIONER PREBLE: Yes. 8 CLERK LOBAITO: Mr. Wifler. 9 COMMISSIONER WIFLER: Yes. 10 CHAIRMAN MERKEL: Okay. Good evening 11 everyone. Hopefully everybody had a chance to 12 enjoy the beautiful day. It was gorgeous 13 outside. 14 What we are going to do today, I'm 15 going to walk through a little bit about what we 16 are going to do tonight and give you a flavor of 17 what we are going to do, what order we are going 18 to go in. First thing we are going to do is I 19 am going to read the public hearing continuance. 20 I'll read that. Then we will have a chance for 21 anyone in the public to address the commission 22 for anything that wasn't brought up last time, 23 didn't have a chance to speak, whatever that 24 might be. We will do that.</p>	<p style="text-align: right;">Page 8</p> <p>1 chance to ask questions to the applicant or 2 comment on other things they have heard from the 3 public. At that point we will close the public 4 hearing. We will take a motion to close the 5 public hearing, and then we will deliberate. So 6 the commission will deliberate. 7 And again, our role here is not 8 to approve or disapprove but to make a 9 recommendation to the board, so the village 10 board at Hawthorn Woods. That's what our 11 position is tonight. Our goal here at the end 12 is we would make a recommendation to the board; 13 and then at the end of this meeting, staff will 14 give us an update of what the next steps are 15 with the board. So that's where we are at 16 today. Patrick, okay? I got the thumbs-up from 17 the attorney. That's a good sign. All right. 18 So with that, let me read what we 19 are going to talk about today. This is Item 20 Number 4 on our agenda, which is the continuance 21 from April 8th of a public hearing special use 22 planned development consideration of an 23 application by M/I Homes of Chicago, LLC, as 24 applicant for entitlements for a mixed</p>
<p style="text-align: right;">Page 7</p> <p>1 At that point, we will ask Miss 2 Lobaito to basically, or our attorney, to swear 3 everyone in. We will do that. So again, the 4 public will have a chance to address the 5 commission, anything that wasn't brought up last 6 time or whatever you might be, just like we did 7 last April, whatever that was, April 8th. We'd 8 like to keep that to three minutes. And again, 9 if you are going to repeat just the same thing 10 the person in front of you said, we most likely 11 -- we are good listeners. We got it the first 12 time. But just make sure we keep it to that 13 context. 14 Also we want to keep it no cheering 15 or booing or whatever it might be when people 16 are talking. We'd like to keep that, obviously, 17 not valid here. 18 From then, we will, after we are 19 done with any public comments, we will then have 20 a chance for the applicant to come and address 21 anything they heard last time or this time 22 they'd like to address. So we will do that 23 next. 24 Then the commission will have the</p>	<p style="text-align: right;">Page 9</p> <p>1 residential subdivision related to the property 2 located south of Old McHenry Road, north of 3 Illinois Route 22 and east of Birkdale Drive and 4 Pinehurst Drive. Applicant seeks approval of, 5 one, special use and special use planned unit 6 development; two, preliminary plan and plat; 7 three, preliminary engineering; four, 8 preliminary landscape; five, architectural plans 9 and elevations as set forth on the plans and 10 materials submitted with the application, and 11 Item 6, certain departures from the Village 12 Code. 13 So that's what we are going to 14 talk about today. And since the meeting or 15 since this public hearing is already open, we 16 don't need to do a motion to open it. So at 17 this time, anyone who is wishing to say anything 18 or make a comment in front of the commission, 19 we'd like you all to stand at this time, and we 20 will swear you in. So again, if you are looking 21 to say anything this evening or plan to talk, 22 just stand up, and Miss Lobaito will swear you 23 in. 24 CLERK LOBAITO: Do you swear or</p>

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<p style="text-align: right;">Page 10</p> <p>1 affirm the testimony you are about to give is 2 the truth? 3 (All responded in the 4 affirmative.) 5 CHAIRMAN MERKEL: Thank you. We are 6 just going do this. For those of you who were 7 here last time, in kind of an orderly fashion, 8 what we are going to do is someone can come up 9 to the podium there; and then we will queue up 10 along the aisle there. Again, if we can keep it 11 to three minutes, that would be wonderful. So 12 again, those of you who were sworn in and would 13 like to have some testimony and talk to the 14 commission, please come forth. 15 MR. DEAN: Does this work? 16 CHAIRMAN MERKEL: Yeah. And again as 17 we do this, those who haven't had a chance to 18 speak maybe come up first. That would be 19 wonderful. Sir, again, when you come up to the 20 podium, please state your name and address, and 21 state it slowly for the court reporter to grab 22 that. 23 MR. DEAN: Great. My name is Anthony 24 Dean. My address is 3204 RFD, Long Grove,</p>	<p style="text-align: right;">Page 12</p> <p>1 local agencies. A corridor is extremely 2 valuable for a variety of reasons. First of 3 all, it's important to humans for both 4 recreational use in my capacity as the director 5 of conservation back in 1973, and after that we 6 did a number of single-family statewide 7 recreational plans because demand was for 8 trails. Unfortunately, sometimes there were 9 conflicts between snowmobilers, cross-country 10 skiers, bikers, runners and hikers, just to name 11 a few; but there is a big demand. 12 In addition, there is study, 13 after study, after study in wildlife biology of 14 narrowing corridors and the possibility of 15 migration not only of flora and fauna, of all 16 types of critters; and if you isolate them, they 17 quickly go out of -- they go extinct. 18 Finally, this is an important 19 decision for this village financially. I speak 20 with some knowledge of that because another part 21 of my life in a former one was I was president 22 and chief operating officer of an investment 23 bank known as John Nuveen and Company, now known 24 simply as Nuveen. And in that capacity, I have</p>
<p style="text-align: right;">Page 11</p> <p>1 Illinois. 2 I have been involved with this 3 particular piece of landscape for 50 years. In 4 1973, I was director of the Department of 5 Conservation, which did the first environmental 6 impact, the first of its kind for the disposal 7 of the expressway that was going to go through 8 this very property. In this next four 9 renditions of what we came to call the zombie 10 road, I and others led the opposition, along 11 with Hawthorn Woods and your former mayor and 12 many of your other predecessors in office. I 13 also served as village president of Long Grove 14 and in that capacity also worked with the 15 Village of Hawthorn Woods to protect this very 16 valuable corridor. 17 And I'm now the chairman of the 18 Green Corridor Coalition, which we convened and 19 formed almost 15 years ago, again, to preserve 20 this very critical natural landscape. 21 Now we are now on the verge of 22 creating that green corridor and preserving it 23 through actions of the task force of the state 24 government and in negotiations with a variety of</p>	<p style="text-align: right;">Page 13</p> <p>1 either underwrote or determined to invest in a 2 municipal security by the villages. And 3 frequently in working with my research 4 department, I had to realize that some 5 communities searching the golden pot of a new 6 massive development, thinking there was going to 7 be a fortune in building permits, never realized 8 that the subsequent infrastructure, schools, 9 colleges, maintenance costs, completely 10 inundated that initial surge, that high, 11 financial high of building permits. And they 12 were then burdened. Their ratings were reduced. 13 Their interest costs increased. And the 14 attractiveness of their properties declined. 15 And we saw all of that and had to make decisions 16 which did not please those communities. 17 So finally, I guess what I would 18 like to say to you is that I respect what I, as 19 when I was village president and still feel this 20 way today, the sort of sovereign, the sovereign 21 Village of Hawthorn Woods. This is, quote, your 22 decision; but it affects your neighbors. Long 23 Grove, I think, rejected this very development 24 for some of the reasons that I have identified.</p>

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<p style="text-align: right;">Page 14</p> <p>1 And I'd hate to see a village that we know and 2 appreciate walking into the same kind of trap. 3 So, that is what I have to offer 4 by way of my experience with this and my concern 5 that Hawthorn Woods, a very valued priced 6 neighboring village, might be creating something 7 of difficulty for itself but more importantly 8 fracturing the corridor with a development that 9 will therefore dash all of our hopes after 10 nearly 60 years of fighting a road and now 11 wanting it to be something better, we are going 12 to get a development that doesn't preserve open 13 space. 14 And my final comments are that 15 there are ways that you can -- you are in a 16 particular position to bring forward truly 17 enlightened development, which is, define your 18 valuable open space and natural areas, and then 19 develop around it but not in it. And I thank 20 you very much. 21 One final comment. If the 22 petitioner tonight offers a substantially 23 amended plan, then I think it's perfectly fair 24 that the public still gets to comment on that</p>	<p style="text-align: right;">Page 16</p> <p>1 see the recent Sunday Daily Herald front page 2 report that the Lake County Forest Preserve is 3 interested in taking over the corridor's open 4 space and incorporating it into the Lake County 5 Forest Preserve. 6 Unfortunately, there is a portion 7 of the land in the heart of the greenway 8 corridor where M/I Homes of Chicago has proposed 9 for dense development in Hawthorn Woods. I 10 expect there will be many speakers advising 11 their concerns this evening about the density, 12 the traffic, the effect on school population, 13 ability to cope with hundred-year floods. I 14 will limit mine to effects of such development 15 on the environment. 16 It's been said recently Audubon 17 is not just for the birds. That's because 18 anything that causes harm to birds will cause 19 harm to other creatures, including humans. When 20 I served on the Blue Ribbon Advisory Committee, 21 the entire group was very concerned about 22 reducing the impacts on wetlands, protecting it 23 and enhancing streams, reducing storm water 24 volume and ensuring the highest water quality.</p>
<p style="text-align: right;">Page 15</p> <p>1 because we won't be able to see it until later 2 in this meeting. And I think it would behoove 3 all of us to make sure that there is a good 4 public dialogue around whatever issue you think 5 you are going to be voting on. Thank you. I 6 appreciate your patience. 7 CHAIRMAN MERKEL: Thank you, sir. 8 (Applause.) 9 CHAIRMAN MERKEL: Again, you guys, as 10 we said, this is a formal legal proceeding. We 11 want to keep clapping and booing and such. 12 That's the way it has to be. Again, three 13 minutes everyone. 14 MS. PIETA: Good evening. My name is 15 Anna Pieta, but I'm reading a letter on behalf 16 of Lake County Audubon Society. 17 Good evening, Commission. I'm a 18 long-time member of the Lake County Audubon 19 Society, and I have been representing the group 20 as part of the Green Corridor Coalition. The 21 coalition has existed since the State of 22 Illinois abandoned IDOT's plan to extend 23 Route 53 through Lake County. We've met 24 regularly since then, and I've felt gratified to</p>	<p style="text-align: right;">Page 17</p> <p>1 As you look at the county map 2 today, you will see the large amount of water 3 already on the property and on adjacent Heron 4 Creek Forest Preserve. They would be impacted 5 by water runoff due to the impervious surfaces 6 brought about by the minimum lot coverage and 7 dense development with the roofs, driveways, 8 streets and sidewalks. This untreated, 9 unfiltered water has the possibility of not only 10 flooding but contaminating from lawn treatment 11 systems wherever it flows and could adversely 12 affect nearby important wetlands that provide 13 food and shelter for migrating birds and other 14 animals. 15 According to the forest preserve 16 website, Heron Creek is considered a bird 17 watcher's paradise. More than 116 species of 18 birds have been observed here, including six 19 state endangered migratory bird species and 20 three state threatened bird species. 21 Building and development of such 22 insensitivity to the surrounding region would 23 not reflect the October 29, 2015, response to 24 the draft Route 53 Lane Use Plan. Quote:</p>

5 (Pages 14 to 17)

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1 Hawthorn Woods desires to maintain the rural
2 open space environmental lifestyle, as clearly
3 identified on the village's website. Residents
4 in this part of the county located their homes
5 here to avoid maximum buildout of land, high
6 density development, and commercialization of
7 farms with industrial centers, shopping centers
8 and multi-story employment centers, and so on,
9 end quote.
10 I support the opposition to this
11 development and request a no vote. Respectfully
12 submitted by Chris Geiselheart, environmental
13 advocate, Lake County Audubon Society. Thank
14 you.
15 MR. BEARD: Hi. Good evening. My
16 name is Sam Beard, B-e-a-r-d. I'm a
17 conservation organizer with Sierra Club
18 Illinois. I have been working on the campaign
19 to protect the Lake County Greenway from
20 development since 2018. I'm 30 years old, and
21 I've spent the last seven years of my life
22 working to protect this land in question. It's
23 the crowned jewel that can be tarnished with the
24 careless flick of the pen if your team does not

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1 seriously consider the ramifications of the
2 decision before you tonight.
3 I have done several years of
4 research, and I'm pretty sure that there is not
5 a single place in the entirety of the United
6 States of America that has before it a decision
7 like you do in regards to a natural asset like
8 the Lake County Greenway. Just think about it.
9 For decades, the Hawthorn Woods area has been
10 built up with roads, strip malls, subdivisions,
11 beautiful residential neighborhoods. Nothing
12 wrong with any of this. It's a beautiful place.
13 That's why so many people choose to live here.
14 But during this time, there was
15 always this proposal to build the Route 53
16 tollway extension. For decades as suburban
17 sprawl and commercial development churned forth
18 around central Lake County, this silent but
19 rather low key undeveloped green strip of land
20 remained undeveloped. As our town went up,
21 nothing went up on this tract of land that is
22 13 miles long by a football field wide. It
23 remained green. And then poof, we stopped the
24 highway. We didn't want it cutting our

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1 community in half, so we stopped it. But in its
2 place, that long undeveloped strip of land
3 remained.
4 Everybody is familiar and knows
5 the feeling of those little flashes of
6 existential dread that we get when we are stuck
7 in traffic for hours or the sad feeling when you
8 try to walk to a place that really is quite
9 close, only to be struck across the face with
10 the realization that our community was simply
11 not built for walking, not because -- and
12 getting around any other way besides a personal
13 vehicle, feeling it can be dangerous, not
14 because our community is violent or because it's
15 crime ridden. No. Because our world has been
16 built for machines to traverse, not for us.
17 Okay. So back to this sort of
18 hyper-unique asset that's in our backyard, this
19 one of a kind asset smack dab in the middle of
20 the burbs. All of a sudden we are given, by the
21 grace of God and possibly by the grace of those
22 hubristic road builders who really thought they
23 could construct an elevated toll road in our
24 backyard, all of a sudden, we are given this

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1 massive 1,000-acre greenway. It falls into our
2 laps, and we can do whatever we want with it.
3 We built up our world. We've stopped the
4 highway. And the miracle is that we are left
5 with this one-of-a-kind, completely
6 impossible-to-acquire-in-any-other-way green
7 ribbon of land that winds its way from our
8 community to that of our good neighbors in the
9 north and the south.
10 You can't buy something like this
11 because it doesn't exist anywhere in the United
12 States. We built up our community over the past
13 few decades just the way we like it; and then
14 boom, we get this, too, a pristine wildlife
15 corridor and natural recreational trail for
16 humans and animals to enjoy. How cool is that?
17 How lucky are we? And we are really considering
18 destroying it? We can do better than that.
19 (Applause.)
20 MR. FRANZ: Good evening. My name is
21 Roger Franz. I live in Mundelein, just
22 20 minutes away, so I realize I'm not part of
23 this particular district here; but I'm a
24 neighbor. And the corridor that I have fought

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<p style="text-align: right;">Page 22</p> <p>1 for with Sam and the Sierra Club for years now 2 should belong to the people. I voted for the 3 Lake County Wildlife Forest Preserve District, I 4 should say, to expand. That's where they should 5 belong. We don't need more development in Lake 6 County. That's all I have to say. Thank you. 7 (Applause.) 8 MR. OWER: Good evening, and thank you 9 for the opportunity to speak tonight. My name 10 is Douglas Ower, O-w-e-r. I actually live in 11 Zion, but I'm the chair of the local Sierra Club 12 group. The local group of Sierra Club handles 13 most of Lake County and northeast Cook, and we 14 have about 2,000 members; and we are opposed to 15 this development and the corridor. 16 Sierra Club was an active member 17 of the Route 53 task force and previously in 18 stopping the tollway. After extensive study and 19 broad community input, the task force 20 recommended that the corridor be permanently 21 protected as a greenway and trail, not open to 22 new development. This is a once-in-a-generation 23 opportunity to transform over 1,000 acres of 24 prairie wetlands and woodlands into a public</p>	<p style="text-align: right;">Page 24</p> <p>1 I urge you to honor the task 2 force recommendation and the will of our 3 communities. Please reject this development 4 proposal in the corridor. Let's secure this 5 land as a greenway and trail for wildlife, for 6 environment and for generations to come. Thank 7 you. 8 CHAIRMAN MERKEL: Thank you, sir. 9 (Applause.) 10 MS. KILLIAN: Hi. My name is Olga 11 Iris Killian, and I'm 52 years old. I'm a 12 mother of four. I'm a student at the 13 Environmental University from Maine. I study 14 online. My dream is always to protect animals 15 and wildlife, so I volunteer in many places. 16 And I've seen animals hurt by the changes in the 17 world. They have less places to roam and be, 18 and we have had to heal a lot of displaced 19 animals. 20 I wanted to mention, somehow 21 remind people, there was this famous 22 photographer. His name -- sorry, I'm nervous. 23 I don't speak in public. His name was Ancel 24 Adams, and he saved mountains. And we are not</p>
<p style="text-align: right;">Page 23</p> <p>1 greenway. 2 This corridor is home to some of 3 the most important wildlife habitats in Lake 4 County, including rare and endangered species. 5 Protecting this lands is critical for clean air 6 and water, flood control and providing a natural 7 buffer against extreme weather. These are 8 benefits that touch every resident here, as well 9 as surrounding communities. 10 Since the pandemic, demand for 11 open space and trails has soared. Studies show 12 these greenways boost property values, attract 13 visitors and support local economies through 14 recreation and eco-tourism. For every dollar 15 invested in restoration, \$8 is returned to the 16 community in health and economic benefits. And 17 as you can also see, conservation of land is 18 very popular in Lake County. Every time the 19 forest preserve has gone out for referendum, 20 it's won. The Forest Preserve District, with 21 support from the Sierra Club and other partners, 22 is ready to restore this land for the public 23 good, linking existing parks and trails in Lake 24 County and conservation goals.</p>	<p style="text-align: right;">Page 25</p> <p>1 trying to save a mountain right now, just a 2 piece of land. I oppose this because I think 3 they don't have a voice, so I speak for the 4 foxes. I speak for the coyotes. I speak for 5 the raccoons. I speak for all the beautiful 6 animals the Lord has put on this earth, the 7 hawks, the owls. And I still have a few 8 minutes, so there is tons of animals I can 9 mention. 10 But I just wanted to let you know 11 that there is people out there that if they 12 didn't fight, there wouldn't be the beautiful 13 places we can go travel and see, especially the 14 mountains that are at Yosemite National Park and 15 Sierra Nevada and lots of places that we cherish 16 as our national treasure. That's all I wanted 17 to say. Thank you. 18 CHAIRMAN MERKEL: Thank you. 19 (Applause.) 20 MR. BRANKIN: Folks, the chair's 21 asked. I'll ask again. The clapping, it's out 22 of order for a legal proceeding. This is a 23 legal public hearing. So again, second time, 24 please stop.</p>

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<p style="text-align: right;">Page 26</p> <p>1 MS. MARSHALL: Hi. My name is Urmi 2 Marshall, and I'm a resident of Hawthorn Woods. 3 Thanks for taking the time today to listen to 4 our concerns. I think that the concerns that 5 the people who have spoken before me are 6 primary. The environmental concerns are huge 7 and very important. As you can tell, there is a 8 lot of passion about the nature of Hawthorn 9 Woods and keeping that preserved. 10 A secondary concern I would like 11 to raise is the traffic study that was done with 12 this development. I have concerns about the 13 summary and the takeaways from this traffic 14 study. This study was done, if I am 15 understanding the output correctly, it was done 16 on one day measuring two peak hours of traffic. 17 And one day post-COVID does not represent every 18 single day. As we all know, traffic varies 19 quite a bit. 20 It assumed that there would not 21 be additional lane extension needed traveling 22 southbound from Old McHenry Road to turn east 23 onto Route 22. Anyone who has gone to work in 24 the morning knows that traffic is already backed</p>	<p style="text-align: right;">Page 28</p> <p>1 numerous complaints because we have many, many 2 people cutting through. My son, who waits for 3 the bus in the morning, has had to dodge cars 4 that do not stop at stop signs already. And we 5 have had many reports of people walking their 6 dogs who get scared with the fast traffic. This 7 would increase the traffic. However, this 8 traffic study that was done assumed that there 9 would be no northbound traffic going from that 10 new proposed subdivision onto Hillcrest exiting 11 onto Gilmer. However, there is a lane that is 12 designated in this new subdivision, so that 13 doesn't make sense. Again, maybe I'm reading 14 this report wrong, but I don't think so. 15 This subdivision that starts on 16 Hillcrest and exits onto Gilmer, we currently 17 have no sidewalks. There are numerous young 18 children. Like I said, we already have multiple 19 complaints from the residents that we have filed 20 with the Village of Hawthorn Woods that talks 21 about speeders. And so far we have problem 22 number one of speeders. Now we are adding a 23 proposed secondary problem. 24 I would like the board to</p>
<p style="text-align: right;">Page 27</p> <p>1 up heading southbound on Old McHenry to turn 2 left, or east, onto Route 22. It's already 3 backed up to where the JCC is, and that would 4 extend that traffic even more. To say that 5 there is not a lane extension required with this 6 addition doesn't make sense to me, unless I'm 7 reading this report incorrectly. 8 It also assumes that there would 9 be no additional traffic headed straight north 10 from this subdivision off of Old McHenry Road 11 onto the neighborhood immediately north of this 12 proposed development, which starts on Hillcrest 13 and extends all the way and exits onto Gilmer, 14 which is, by the way, where I live. And it 15 assumes that no additional traffic would be 16 forced through that subdivision; however, there 17 is proposed to have a straight through lane 18 exiting this proposed subdivision. That would 19 allow residents of this proposed new subdivision 20 to go onto Hillcrest, then onto either Old Barn 21 or Lakeview, exit from St. John and go onto 22 Gilmer Road. 23 I would like to point out that my 24 neighbors in this subdivision have already filed</p>	<p style="text-align: right;">Page 29</p> <p>1 consider what the first speaker had said, that 2 the analysis of this new subdivision has not 3 been done thoroughly. If my facts are correct 4 in reading this traffic report, it was done very 5 poorly. It would increase traffic to a point 6 that would pose a safety risk to neighboring 7 subdivisions, as well as cause a great amount of 8 congestion around that proposed subdivision. 9 Thank you. 10 CHAIRMAN MERKEL: Thank you. 11 MS. WILSON: Hi. My name is Michelle 12 Wilson, 3726 RFD in Long Grove, 22-year 13 resident, also very active in working against 14 the 53 extension, which so many of us here, I'm 15 sure, were active on, supporter of Midwest 16 Sustainability, Sierra Club member, Friends of 17 Hackmatack National Wildlife Refuge and so 18 forth. 19 Again echoing the comments of 20 Tony, Dean and others that this is such a rare 21 opportunity to do something really, really 22 meaningful for the wildlife. And I want to 23 emphasize that with every passing year, the 24 areas that we conserve become more and more</p>

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<p style="text-align: right;">Page 30</p> <p>1 valuable. And there is less and less interest 2 in the strip malls and the high density stuff. 3 And so I would just ask the group to preserve 4 this land and keep it for open wildlife 5 corridor. 6 I had an opportunity to look at 7 the developer's plan; and frankly, to me, it was 8 shocking. To propose nothing more than what is 9 a sidewalk through what should be a football 10 field wide corridor, to me, was just absolutely 11 untenable. I hope the Village of Hawthorn Woods 12 shares that concern. Thank you. 13 MR. HEMPFLING: My name is Chuck 14 Hempfling. I have lived in Hawthorn Woods for 15 over 30 years, and my address is 8 Birch Lakes 16 Drive in White Birch Lakes. 17 This is really a pretty simple 18 issue. It revolves around what do we want to be 19 in Hawthorn Woods? Do we want to have Buffalo 20 Grove-type subdivisions, Mundelein-type 21 subdivisions? That's not what the village was 22 started with and has had up until a few years 23 ago when we started letting a few of these 24 things in. Ninety percent of the residents of</p>	<p style="text-align: right;">Page 32</p> <p>1 additional traffic and our concerns of the 2 community. 3 I'm a new resident to Hawthorn 4 Woods. I moved here and bought my home on 5 Lagoon Drive just last May. Since then, I have 6 had to contact the village over a couple of 7 police matters in my own community. But those 8 who aren't familiar with Lagoon Drive, it's a 9 quiet rural spot. One of the reasons I moved 10 from Hoffman Estates into Hawthorn Woods was 11 rural by design. Rural by design means to me 12 that we have ample living space, ample green 13 space, perhaps even less congestion, ample 14 wildlife. 15 I find, as we talk a lot of the 16 aspects of Route 53 or the lack thereof in our 17 open space, we are willing to work at putting 18 some high density into our community, which in 19 itself, as a former retired police officer, I 20 will tell you that those high value asset homes 21 will later on develop into a bigger headache. 22 I've seen it myself, and I've seen where 23 communities that aren't planning it out 24 correctly have high crime. They have high</p>
<p style="text-align: right;">Page 31</p> <p>1 Hawthorn Woods would vote against this because 2 this is strategic. If we let these guys in, the 3 next ones will want to build a four-story condo. 4 That's the way it is. The builders are 5 motivated to make as much money as they can. 6 That's their business. And they are going do as 7 dense a thing as possible. If you pass this, 8 you know, be prepared for a bunch more to come 9 in and want to do the same thing. 10 So please think about the 11 character of this village and what we have been 12 over the last 30, 40 years, and what we want to 13 be, which is a more rural, 14 one-acre-minimum-development type situation. So 15 please think about that as you deliberate this 16 unnecessary subdivision in this area. Thank 17 you. 18 CHAIRMAN MERKEL: Thank you, sir. 19 MR. SCHULTZ: Good evening. My name 20 is Robert Schultz. I live on 44 Lagoon Drive in 21 Hawthorn Woods. I want to reinforce that I 22 support everything that the previous speakers 23 have said. I also want to reinforce the traffic 24 issue, and the sense is that will provide</p>	<p style="text-align: right;">Page 33</p> <p>1 resident density. A single-family resident home 2 quickly becomes into a multi-generational family 3 home where, although there is nothing wrong with 4 that, where we are considering a two-car garage 5 suddenly has four to six parked in it in 20 6 years. Those four to six cars need places to 7 go. They need roads to drive on. They need 8 ample space for the children to play in. If you 9 continue on this path and you recommend this 10 that this development go forth as it's said, 11 please keep in mind what Hawthorn Woods will be 12 in 20 years. Most of us have gray hair and a 13 balding spot. We can probably remember 14 communities that we moved out of for that exact 15 reason because 20 years when we bought our first 16 home, it wasn't the home we wanted to raise our 17 grandkids in. 18 So I bring that to all of you for 19 consideration and to take in those aspects of 20 what you want to leave our grandchildren. I 21 will say that I was incredibly proud when my 22 daughter of 27 came and visited my new home on 23 Lagoon Drive and said, "Dad, I want that house." 24 She didn't say that when I was in Schaumburg.</p>

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<p style="text-align: right;">Page 34</p> <p>1 She didn't say that in Fox Lake. She didn't say 2 that in Rolling Meadows. She didn't say that in 3 San Diego, where I spent time in the Navy. I 4 hope she will continue to want to say that about 5 our beloved community, Hawthorn Woods, where I 6 only hope to be here until I die. Thank you. 7 CHAIRMAN MERKEL: Thank you, sir. All 8 right. Anyone else? 9 MR. TALBETT: Good evening. My name 10 is Michael Talbett. I'm with the Village of 11 Kildeer. I spoke at the April 8th meeting, and 12 it's nice to see everyone again. Thanks for the 13 opportunity to address you once more. 14 What I wanted to say is that 15 Chairman Merkel at the start of this meeting 16 asked us not to repeat everything we said last 17 time, so I won't do that. But I will tell you 18 that since April 8th, I've heard from many more 19 residents of Kildeer about their feelings about 20 this proposed development; and they are more and 21 more against what this proposal represents. And 22 as someone earlier said, they speak for the 23 foxes and the animals that are in this corridor. 24 I want to speak for the people of Wentworth and</p>	<p style="text-align: right;">Page 36</p> <p>1 evening on behalf of M/I Homes as the contract 2 purchaser of the property. 3 I'm not going to go through 4 everything that we did during our presentation a 5 month ago, but I did want to hit on a couple of 6 high notes and then kind of go back through some 7 of what we heard as predominant concerns and 8 kind of addressing those issues. 9 So when we were here in April, we 10 provided a broad overview presentation. We 11 presented experts, experts in their fields. You 12 see on the list here, Greg Collins presented for 13 us. Greg is an employee of M/I Homes, and he 14 discussed the Lake County market and demand for 15 new housing supply. He went on to discuss how 16 Kemper Ridge will meet the needs of changing 17 demographics in the region, consistent with the 18 village's comprehensive plan. 19 Rob Vanni is our wetland expert 20 with Midwest Ecological. While Rob wasn't 21 available, we presented the summary findings 22 from Rob's report, Rob's wetland delineation. 23 We discussed jurisdiction of wetlands. We 24 discussed impacts of wetlands and how Rob</p>
<p style="text-align: right;">Page 35</p> <p>1 Westbury who are adjacent to this development 2 because they very much support the mayor of 3 Kildeer's letter that was read into the record 4 last time, and we support the mayor of Long 5 Grove's letter to you, as well. 6 So more of the same, just more 7 and more people lining up to lend their voices 8 in support of that. So thank you very much. 9 CHAIRMAN MERKEL: Thank you, sir. All 10 right. Countdown here. Anybody else? Make 11 sure we captured everyone's thoughts. I mean, I 12 heard in the last several things: One, density, 13 not going in any specific order, density, 14 traffic study, the corridor, environmental. So 15 I'm confident -- not confident. I think M/I 16 Homes are going to talk about some of these 17 things. Make sure we've got everything covered 18 you guys wanted to get out. Our goal is to be 19 the conduit here. So if you are going saying 20 something, you need to come over to the mic. 21 All right. With that, I'm going to turn it over 22 to Mr. Whitaker at M/I Homes. 23 MR. WHITAKER: Good evening. Russ 24 Whitaker, Rosanova and Whitaker, here this</p>	<p style="text-align: right;">Page 37</p> <p>1 thought that at the end of the day, what we were 2 proposing would improve the quality of wetlands 3 that existed on the property. 4 We heard from Lisa Pajón. Lisa's 5 with Gary R. Weber and Associates. Lisa 6 performed a threatened and endangered species 7 investigation. It talked about how we had 8 received all sign-offs necessary and appropriate 9 for development of the property through the 10 Illinois Department of Natural Resources. 11 Rich Olson is a land planner with 12 Gary Weber and Associates. Rich talked us 13 through planning factors that led to the 14 development of the site plan. Rich explained 15 why, based on his professional experience, the 16 site plan was consistent with the village's 17 comprehensive plan and appropriate for the 18 context of the site. 19 Josh Terpstra, our civil engineer 20 from Haeger Engineering, walked us through 21 public infrastructure, discussing roadway 22 layout, geotechnical considerations, water and 23 sanitary service and storm water considerations. 24 Josh explained the coordination with M/I Homes</p>

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<p style="text-align: right;">Page 38</p> <p>1 and appropriate government agencies. His team 2 has performed necessary and appropriate studies 3 to confirm that from a civil engineering 4 standpoint, there are no material roadblocks to 5 the development of Kemper Ridge. 6 Finally we heard from Javier 7 Millán with KLOA. We will bring Javier back up 8 for specific questions about the traffic study, 9 but Javier explained the basis of the traffic 10 study and how he always conducts traffic studies 11 within the course of residential development. 12 He explained how the village staff has also 13 reviewed the traffic study and been able to 14 confirm the findings. He explained how even a 15 third layer and a fourth layer to review 16 processes with Lake DOT review and with IDOT 17 review. 18 So this is not just a study that 19 was performed by our consultant that has gone 20 unreviewed and is riddled with errors. We've 21 got a traffic study that's being vetted by 22 professionals that our government agencies have 23 hired and entrusted to do these kind of reviews. 24 The end result of the traffic study is that</p>	<p style="text-align: right;">Page 40</p> <p>1 highlight the adjacent residential subdivisions. 2 You see Wentworth to the north and Westbury to 3 the south. The red lines highlight the physical 4 road improvement with an overpass at Old McHenry 5 Road and a ramp connection at Route 22. 6 The construction of Route 53 7 would be much more impactful on the surrounding 8 area, particularly residents of Wentworth and 9 Westbury, than any sort of residential 10 development associated with Kemper Ridge. Of 11 course, we all know the plans to proceed with 12 construction of Route 53 have been shelved. 13 So the question, and I think the 14 question a lot of residents have been asking, is 15 so where does that leave us today? So I want to 16 take a minute, and it's a little bit technical; 17 but I think we can walk through this and gain a 18 better understanding of where we are today. A 19 recorded center line is a statutory creation. 20 That is, the authority to create and maintain 21 the center line is established in Illinois law, 22 more specifically the Toll Highway Act. On the 23 screen before you is Section 9.1, 9 (c-1) of the 24 Toll Highway Act. This speaks to the authority</p>
<p style="text-align: right;">Page 39</p> <p>1 there is sufficient reserve capacity to 2 accommodate the new trips generated by the 3 development. The impacts to the intersection of 4 22 and Old McHenry Road is three seconds. Three 5 seconds. 6 I want to talk a little bit about 7 the Route 53 corridor. We heard a bit more 8 about that today than I think we did the last 9 time. So I've got a series of slides here, and 10 I'm going to walk you through just a little bit 11 of background on the corridor and try to reset 12 some expectations because I think some of what 13 we have heard is, frankly, not accurate. 14 So the first slide here is the 15 depiction of the recorded center line that folks 16 have referenced. This document is dated and 17 recorded in 1971. It's 54 years old. The 18 purpose of the center line was to establish the 19 alignment of a planned roadway improvement, 20 namely, the extension of Route 53 in Lake 21 County. 22 This next slide goes to the 23 actual alignment of the engineered road 24 improvements for Route 53. The yellow areas</p>	<p style="text-align: right;">Page 41</p> <p>1 to plan for future roadway extensions with the 2 express purpose -- and this is important -- with 3 the express purpose of informing the public and 4 preventing costly and conflicting development of 5 the land involved. 6 The recorded center line becomes 7 an encumbrance on title of private property 8 owners; however, as such, it also comes with 9 some clear limitations on governmental 10 authority. I'd ask you to take yourself back to 11 high school civics. Constitutionally, there are 12 limits on the government's authority to impair 13 the use of private property. It's a 14 foundational bedrock of our society. The Toll 15 Highway Act sets forth some of those express 16 limitations on governmental authority that align 17 with the purpose of the act. 18 Here we see that a property owner 19 has the ability to put the regulatory agency on 20 notice of intent to develop or improve his 21 property. The property owner notice puts the 22 regulatory agency on the clock. They have 23 90 days to respond and an additional 120 days to 24 acquire land. If the agency does not proceed</p>

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<p style="text-align: right;">Page 42</p> <p>1 with acquisition, the private property owner is 2 entitled to proceed with improvement of his 3 land. Again, private property rights that are 4 at the foundation of the formation of our 5 society.</p> <p>6 In this case, the private 7 property owner has acted in accordance with 8 statutory procedures. This letter is from 9 seller's counsel to the Illinois Department of 10 Transportation. It puts the agency on notice of 11 seller's intent to proceed with the improvement 12 of his land.</p> <p>13 Here is the response letter from 14 IDOT. IDOT confirmed it has no intention to 15 proceed with the acquisition of seller's 16 property. Our development team has been in 17 regular communication with IDOT over the last 18 two years. We have supplemental written 19 communication with IDOT confirming that, in 20 fact, there is no intent to proceed with 21 acquisition of the property. Notably, with 22 access to Route 22, IDOT will ultimately be 23 signatory to any plat of subdivision associated 24 with any development of the subject property.</p>	<p style="text-align: right;">Page 44</p> <p>1 actually suing the jurisdictional authority over 2 the center line back in 2018. We weren't going 3 to include all of the pages of this, but this is 4 from defendant's memorandum in support of the 5 motion to dismiss. In other words, this is the 6 pleading filed by the Illinois Department of 7 Transportation or the State Toll Highway 8 Authority.</p> <p>9 What you will see is that they 10 admit plainly and finally with the court that 11 there is absolutely no intent to proceed with 12 the development of the Route 53 corridor. 13 Hence, we go back to the statutory provisions. 14 We look here. There is no intent to proceed. 15 There is no purpose to preserve the corridor. 16 Hence, there is an obligation to release the 17 corridor.</p> <p>18 I want to be clear. This is the 19 Toll Highway Act. This is not the Open Space 20 Preservation and Improvement Act. It is the 21 Toll Highway Act that allows this provision -- 22 this center line to be created and restrict the 23 property. Given the state's failure to comply, 24 we do, in fact, believe that the center line</p>
<p style="text-align: right;">Page 43</p> <p>1 While the seller has fulfilled 2 its obligations under the Toll Highway Act, I'm 3 not sure that the same can be said about 4 governing jurisdictions. In light of 5 constitutional concerns associated with 6 government impairment of private property, the 7 Toll Highway Act sets forth affirmative 8 requirements for the governing jurisdiction when 9 a center line is at play. For example, every 10 ten years, the governing jurisdiction is legally 11 obligated to hold a public hearing regarding the 12 viability and feasibility of the protected 13 corridor. Based on the information obtained at 14 that public hearing, the governing jurisdiction 15 is required to vote to either continue or 16 abolish the protected corridor.</p> <p>17 Based on the statutory 18 requirement, we believe there is a legal 19 obligation today to abolish the recorded center 20 line.</p> <p>21 If there is any question about 22 the intent of IDOT with respect to the Route 53 23 corridor, we have here an excerpt from a court 24 case where local Lake County residents were</p>	<p style="text-align: right;">Page 45</p> <p>1 will be released.</p> <p>2 The greenway corridor. We have 3 heard a lot about this center line and the push 4 for a greenway corridor in place of the 5 contemplated Route 53 extension. In fact, we 6 have heard testimony there was a task force 7 formed for the purpose of studying the creation 8 of such a corridor. This is the resolution that 9 was issued by the task force. What is very 10 clear from the resolution is that the task force 11 was focused on state-owned land. Read the 12 highlighted text. In the highlighted text, you 13 see that there is a recommendation that 14 state-owned land be transferred from the 15 Department of Transportation to the Department 16 of Natural Resources. What you do not see in 17 any of the text is the mention of private 18 property that is subject to the toll highway 19 center line in the task force resolution.</p> <p>20 Testimony from residents seemed 21 to conflate two separate and distinct issues: 22 What to do with state-owned property, issue one; 23 issue two, what to do with private property. 24 This second issue of what to do</p>

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<p style="text-align: right;">Page 46</p> <p>1 with private property was beyond the purview of 2 the task force. That second issue, what to do 3 with private property, was also beyond the 4 purview of the letters that we've all seen that 5 were forwarded by Hawthorn Woods in support of 6 the concept of a green space corridor on 7 state-owned Route 53 corridor property. Give me 8 one second here. 9 Transition just a second and talk 10 about density here. I think we need to talk 11 about -- and I've heard this in comments 12 tonight -- we don't have any reason to develop 13 additional property in Hawthorn Woods. I 14 fundamentally disagree. And the public agencies 15 that represent Hawthorn Woods have published 16 reports stating how important it is to see 17 additional development, not just in Hawthorn 18 Woods, but in Lake County. 19 This was the lead news article, 20 breaking news from Crain's this morning, right? 21 Sometimes timing is everything. Asking crisis 22 set record highs in April. In Chicago metro 23 home prices were up 4.3 percent year over year. 24 More importantly, Chicago metro prices were up</p>	<p style="text-align: right;">Page 48</p> <p>1 Can I ask you to have her stop? 2 She's chirping. Every time I say something, 3 she's chirping at me with some sort of response. 4 That or just if she could move. 5 MR. BRANKIN: Mr. Whitaker, we can't 6 hear her up here. 7 So, ma'am, if you are doing that 8 -- I'm not saying you are, but if you are -- 9 UNIDENTIFIED PERSON: I said no. 10 MR. BRANKIN: -- it's not appropriate 11 to be commenting on his presentation. 12 UNIDENTIFIED PERSON: I don't know 13 what the point is. 14 MR. BRANKIN: It's a public hearing, 15 ma'am. So thank you. 16 MR. WHITAKER: Thank you. This is 17 Lake County Partners. So to be clear, Lake 18 County Partners is the economic development arm 19 for Lake County. The economic development arm 20 for Lake County published in October 2023 a Lake 21 County housing analysis. When we were here in 22 April, we heard from Kevin Considine. Kevin is 23 president of Lake County Partners and 24 specifically addressed the changing demographics</p>
<p style="text-align: right;">Page 47</p> <p>1 16 percent since 2002, which was already a hot 2 market. In Lake County, Lake County 3 specifically, median asking price for newly 4 listed properties was almost \$420,000. We can 5 pause for a second and say, hey, good for 6 everybody that lives in Lake County because your 7 home values are increasing. The problem is, 8 it's bad for everybody who doesn't already live 9 in Lake County. And Lake County, because of 10 it's declining population that we have heard 11 about, needs additional residents in Lake 12 County. So it is essential to create access to 13 additional housing to continue to support the 14 economy in Lake County. 15 The increase in prices in Lake 16 County reflect a 12 percent increase in home -- 17 in listing prices in just the last year. This 18 type of increase in home prices is 19 unsustainable. People who don't already live 20 here, sons and daughters who want to move back 21 here, are going to be priced out of the market 22 because there is a shortage of housing that if 23 that gap is not closed, prices will continue to 24 rise, and you will lose young workers.</p>	<p style="text-align: right;">Page 49</p> <p>1 in Lake County, specifically the decline of 2 working age population and the pressure that it 3 will put on the local economy. He cited a 4 shortage of 11,400 market rate housing units 5 countywide by 2027, 11,400 housing units short 6 by 2027. 7 Hawthorn Woods can't solve that 8 problem. Hawthorn Woods can't -- shouldn't be 9 responsible for solving that problem, but 10 neither can any other community in Lake County. 11 I would posit that the village's obligation, 12 though, is to be part of the solution. Hawthorn 13 Woods can and should help to provide new housing 14 supply that will stabilize rapidly rising prices 15 that are a product of a housing shortage and to 16 diversify housing supply to better meet the 17 needs of its aging population. 18 That's the ultimate goal of the 19 MI plan. Three different housing products are 20 incorporated into the plan for Kemper Ridge. 21 With single-family attached homes and two 22 different forms of single-family attached homes, 23 we're diversifying housing stock to reach 24 different buyer pools. That strategy is</p>

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<p style="text-align: right;">Page 50</p> <p>1 directly on point with direction in the 2 comprehensive plan. 3 In April, we heard testimony from 4 some Hawthorn Woods residents, some Long Grove 5 residents and a lot of Kildeer residents about 6 specific complaints. Residents next door 7 complained about density and proximity of homes. 8 Residents further away -- we heard them again 9 this evening -- suggested that no development 10 should be permitted on less than one-acre lots, 11 which is the true foundation of Hawthorn Woods. 12 However, all of these comments 13 miss the explicit direction provided in the 14 village's comprehensive plan. We have them 15 quoted here. The comprehensive plan seeks to 16 promote development of high quality, moderate 17 density, single-family neighborhoods and 18 single-family attached housing. The comp plan 19 goes on to explicitly note that residents who 20 participated in the comp plan update 21 specifically expressed desire to expand housing 22 options within Hawthorn Woods. The M/I plan is 23 on point. 24 Resident testimony has</p>	<p style="text-align: right;">Page 52</p> <p>1 one-acre-lot standard we have heard referenced, 2 but as a detached single-family housing 3 community, it's still considered low density. 4 Notably, minimum lot size is 5 permitted pursuant to the Wentworth PUD approved 6 by the Village of is Kildeer is about 7,300 7 -- it is 7,332 square feet. No about in that 8 measure. Kemper Ridge is 7,150, a difference of 9 approximately 200 square feet on a single-family 10 detached home. 11 The percentage of open space 12 required for Wentworth -- we've heard a lot 13 about open space, right? The percentage of open 14 space in Wentworth is 38 percent. By 15 comparison, Kemper Ridge is 47 percent. 16 Let's talk about Westbury. 17 Westbury is frankly the better comp because it 18 includes both single-family-detached and 19 single-family attached product. Your neighbors 20 at Kildeer, while they object to this 21 development, have acknowledged the need for 22 diverse housing product. They approved it right 23 next to property slated for incorporation to the 24 Village of Hawthorn Woods.</p>
<p style="text-align: right;">Page 51</p> <p>1 characterized Kemper Ridge as high density. It 2 is a statement without foundation. In my 3 experience, it's a statement purposely intended 4 to stoke anger and opposition in online forums 5 like Facebook and Next Door. 6 Kemper Ridge is a medium density 7 development. In the region, I think the 8 industry characterizes low density as projects 9 that are less than two and a half units per 10 acre. Medium density then equates to mixed 11 residential or townhome communities with 12 densities ranging upwards of 8 to 12 units an 13 acre, depending on the community. 14 Kemper Ridge fits squarely within 15 the lower range of a medium density project, 16 which I believe is consistent with the direction 17 provided in the village's comp plan. The 18 proposed density at Kemper Ridge is not without 19 context. The slide in front of you compares 20 density between Kemper Ridge and the adjacent 21 community of Wentworth and Westbury. Wentworth 22 is a small lot, age restricted, detached 23 single-family community. At about three units 24 an acre, it's significantly more dense than the</p>	<p style="text-align: right;">Page 53</p> <p>1 And I note Chris' update to the 2 Planning Commission touched on it, but I want to 3 be clear. There's been no plan for this project 4 presented to Long Grove. That's a fallacy, just 5 one of many. Hawthorn Woods and Kildeer have a 6 boundary agreement between them. If Long Grove 7 wanted to develop this property, they couldn't 8 legally do so without seeking your consent. 9 So some of these assertions that 10 we keep hearing are, again, probably based on 11 some of the fear mongering that happens online. 12 But the fact of the matter is this is property 13 slated for Hawthorn Woods. This is property 14 that is adjacent to attached product approved by 15 the Village of Kildeer. 16 So the density of Westbury is 17 approximately three units per acre, which, 18 again, places it on the lower end of a medium 19 density development. Minimum lot size for 20 single-family-detached homes in Westbury are the 21 same as Wentworth, so roughly comparable to 22 Kemper Ridge. 23 Open space in Westbury, 39 24 percent, significantly less than the 47 percent</p>

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<p style="text-align: right;">Page 54</p> <p>1 at Kemper Ridge. I think the functional 2 difference between Westbury and Kemper Ridge is 3 the inclusion of townhome units, which puts the 4 density slightly higher. 5 So as I wrap up introductory 6 comments, we look forward to feedback from the 7 commission. It was difficult kind of preparing 8 between the last meeting and this meeting 9 because we heard a lot from residents, but we 10 didn't hear a lot from the commission. So we 11 look forward to your feedback. 12 I have shown, M/I has shown 13 throughout work on other projects in Hawthorn 14 Woods that we want to be a partner with the 15 village. We want to build high quality housing 16 stock that will meet the needs of the community. 17 M/I has seen great success at Hawthorn Woods 18 where they are building both single-family homes 19 and townhomes, yes townhomes, in Hawthorn Woods 20 Country Club, one of the crowned jewels of the 21 village. I think it's a point that shouldn't be 22 lost on the commission. Single-family homes and 23 townhomes function as part of a cohesive 24 community in Hawthorn Woods Country Club. In</p>	<p style="text-align: right;">Page 56</p> <p>1 directly to questions from the Planning 2 Commission. If you have questions for us, I've 3 obviously got my whole team here; and we are 4 ready, willing and able to discuss. 5 CHAIRMAN MERKEL: Okay. At this time 6 -- thank you, Mr. Whitaker. At this time, 7 Planning Commission, I have a list of questions. 8 But why don't we go through whoever's got some. 9 At the end, why don't we go with a few questions 10 to M/I Homes with a variety of the things we 11 talked about or heard last time, this time, and 12 then some of the feedback Mr. Whitaker just gave 13 us. Who wants to go first, guys and girl? 14 Charlie, why don't we start with you at the end. 15 Do you have anything? 16 COMMISSIONER WIFLER: I have a 17 question for Mr. Whitaker. With the preliminary 18 surveying, engineering and landscaping, I'm sure 19 there is a lot of work involved in it, but with 20 the density problem or concern, I should say, is 21 there any room to do any of those plannings with 22 a less dense plan, for lack of a better term? 23 MR. WHITAKER: Yeah. And I 24 anticipate that's going to be a lot of the</p>
<p style="text-align: right;">Page 55</p> <p>1 fact, during the process on changes to certain 2 lots in the country club, we heard about the 3 limited availability of townhomes. We heard 4 about that the townhomes never make it to the 5 MLS because they are so sought after, that so 6 many people that have large 6,000 square-foot 7 homes in Hawthorn Woods or in the country club, 8 they can't stay in those homes, and they need a 9 different spot; but they don't want to leave the 10 community. So what do they do? They move 11 within the community. They move from their 12 larger format detached single-family home into 13 attached product that better meets the needs and 14 allows them to age in the community. 15 So with that, 97 percent of the 16 village's housing stock is single-family 17 detached homes. Like we've seen at Hawthorn 18 Woods Country Club, we certainly believe that 19 there is a place in the rest of Hawthorn Woods 20 for additional duplex and townhome units of 21 moderate density that will meet the needs of 22 your aging resident. 23 With that, I'm good. I would be 24 happy -- I don't know if we are going to go</p>	<p style="text-align: right;">Page 57</p> <p>1 questions this evening. I think the answer is 2 yes. We have exhibited willingness to work with 3 Hawthorn Woods, as we have worked on other 4 projects in the community. We want to continue 5 to work with Hawthorn Woods. We want to make 6 this a project that people in Hawthorn Woods are 7 proud of, right? 8 The question you ask is a 9 difficult one because the question I guess I 10 want to ask back is for what purpose? And so 11 when we talk about density, right, in many 12 communities, "density" is a four-letter word 13 right? When I say "density," I might as well 14 come up here and be dropping F-bombs. That's 15 not just Hawthorn Woods. That's not just Lake 16 County. Naperville's home base for me, and 17 everybody gets freaked out when you start 18 talking about density. It's the environment 19 that we live in. 20 But the fact of the matter is 21 that density in and of itself is not a problem. 22 It's the product of density. It's do we have 23 sewer capacity? Do we have water capacity? Can 24 our roadways accommodate the traffic associated</p>

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<p style="text-align: right;">Page 58</p> <p>1 with the number of proposed units? It's can the 2 storm water accommodate it? It's is there 3 sufficient open space? Is there park space 4 sufficient to meet the needs of the residents in 5 the community? 6 So density isn't a problem in and 7 of itself. Concerns over density should be 8 about concerns of an underlying issue, an 9 underlying problem with public infrastructure 10 that suggest that we can't support a development 11 like this. I have not in all of the hours that 12 we have been here, other than somebody saying we 13 want this to be open space, I have not heard 14 somebody say -- I was going to say I haven't 15 heard anybody say why the density is a problem. 16 I'm going to take that back because I think some 17 folks from Wentworth in particular, and even 18 Mr. Talbett, although I disagree with a lot of 19 what he said, Mr. Talbett raises some points. 20 There are some logistic concerns from Wentworth 21 regarding adjacency. 22 And we met with those Wentworth 23 residents. We met with both Wentworth residents 24 and Westbury residents. We held a meeting at</p>	<p style="text-align: right;">Page 60</p> <p>1 request. If the request is get to an open space 2 threshold -- we are at 47 percent. I just 3 testified that -- or I made some closing remarks 4 that some of the other communities are lower. 5 But if you told me that we have a threshold in 6 our mind as Hawthorn Woods that we want to see 7 you hit, 48, 49, 50 percent open space, like, 8 that's something actionable, and we can go back 9 and work on it. 10 But if the question is can you 11 work on density? I mean, if I lop off a unit, 12 I've worked on density; but I don't know that 13 that's material to anybody. 14 So I guess I'm looking for the 15 commission to tell us a little bit about what 16 the real concerns are, and then I think we can 17 have a better conversation about how we can 18 address density. 19 COMMISSIONER WIFLER: Your answer made 20 perfect sense. And I understand part of your 21 response is that you worked on the concerns that 22 the more people and more homes within this 23 community, that the surrounding environment, the 24 water, sewer, et cetera, would be able to</p>
<p style="text-align: right;">Page 59</p> <p>1 The Barn a number of months ago, and we added in 2 landscaping. And the landscaping was intended 3 to provide some additional buffering between 4 them. 5 So I guess I have heard some 6 things like the setbacks. But my response to 7 the Westbury and Wentworth residents would be 8 that the lot sizes that we are proposing are not 9 functionally different than the lot sizes in 10 their subdivision. The setbacks that we are 11 proposing, we have 25-foot rear yard setbacks. 12 Guess what the setbacks are in Wentworth and 13 Westbury? Twenty-five feet. So you can't have 14 your cake and eat it too. 15 So if the 25-foot setback was 16 good enough for Wentworth and Westbury, why is 17 it not good enough here? And I think the answer 18 is because they have enjoyed views since they 19 moved into those homes, and they don't want that 20 to be disturbed. I don't think that that is a 21 reason to begin slashing density. 22 So a long-winded answer, right? 23 But I think that we are looking for problems we 24 can solve to lop off units, if that's the</p>	<p style="text-align: right;">Page 61</p> <p>1 maintain that original plan. 2 So I guess let me rephrase my 3 question in a way. Is there any intent to look 4 at some of these preliminary plans and see if 5 there is any way to remove some of these homes 6 to talk about or to maybe address the 7 percentage, as you were talking about, for open 8 spaces? Is it even in the discussion at this 9 point? 10 MR. WHITAKER: Listen, I'm not going 11 to say that we've got -- we don't come into a 12 community and say, like, hey, let's shoot the 13 moon and let's ask for 500, when really we want 14 400. That's not the way this works. We are 15 spending thousands of dollars on consultants. 16 We are giving you what we want to build, what we 17 think will sell, what we think will be added to 18 your community. 19 Do we have any desire to 20 eliminate units? Absolutely not. If you tell 21 us that there are some metrics that we need to 22 hit, then we will sharpen our pencils and we'll 23 see what we can figure out. There is obviously 24 limits, right? Yes, we will make money on this</p>

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<p style="text-align: right;">Page 62</p> <p>1 project. I don't think that should be a 2 problem. If we weren't making money building 3 homes, guess what? There would be no homes 4 built, and we would have a real problem on our 5 hands. 6 COMMISSIONER WIFLER: Thank you. 7 CHAIRMAN MERKEL: Charlie, good? 8 COMMISSIONER WIFLER: I don't have any 9 other follow-up. 10 CHAIRMAN MERKEL: Kurt? 11 COMMISSIONER PREBLE: I am good for 12 right now. 13 CHAIRMAN MERKEL: All right. Audrey? 14 COMMISSIONER MASSEL: I'm going to 15 piggyback on Chuck's initial request on density. 16 I know in the Hawthorn Woods Country Club, you 17 had given us a presentation for phases five and 18 six, and it was very dense; and we came back to 19 you and said no. In Hawthorn Woods, we have a 20 one-acre limit per home. And as a planning 21 committee, we have to be careful how we shy away 22 from that because that's going to set a 23 precedent for future development. 24 And so what I'd like you to do is</p>	<p style="text-align: right;">Page 64</p> <p>1 from the public to staff. One, one of the 2 comments that were written in the notes were -- 3 I heard one or two comments that the village has 4 been a supporter of the green corridor for 5 decades, two mayors a row. Our chief operating 6 officer supported it. What is our position 7 today as Hawthorn Woods in support of that, past 8 and today? I'd like to hear that from our 9 staff. 10 MR. HEINEN: Sure. Thank you, 11 Chairman. The village still supports the 12 overall greenway corridor as it relates to IDOT 13 on the property. This subdivision is privately 14 owned, so it is not part of that, but we do as a 15 village support the overall greenway issue 16 there. 17 CHAIRMAN MERKEL: Thank you, Chris. 18 And if I can keep piggy-backing on that one. Of 19 the green corridor -- you probably don't know 20 this. I tried to do as much research as I could 21 on that commission. How much of that corridor 22 today is owned by private landowners and owned 23 by IDOT from the 53 extension? Any idea, 24 percentage or amount?</p>
<p style="text-align: right;">Page 63</p> <p>1 take a look at your plan and see what you can do 2 to get rid of some of the homes. It is very 3 dense. When I take a look at it, I said, M/I 4 Homes is really trying to max out their profit 5 here. It was very apparent. 6 You need to get rid of some of 7 the townhomes, some of the duplexes and some of 8 the single-family homes to stay in line with the 9 Hawthorn Woods ruling of one acre per home, 10 otherwise we are not going approve it. 11 And so I think that, you know, if 12 you could do that, come back to us with another 13 recommendation of a plan that would support 14 that, I think we would appreciate that. 15 CHAIRMAN MERKEL: Thank you, Audrey. 16 Anything else? 17 COMMISSIONER MASSEL: No. 18 CHAIRMAN MERKEL: Dante? 19 COMMISSIONER TISCI: Nothing from me, 20 thank you. 21 CHAIRMAN MERKEL: All right. I've 22 got, like, nine things. Where do I want to 23 start? First, if you wouldn't mind, I'm going 24 to direct a couple questions I heard last time</p>	<p style="text-align: right;">Page 65</p> <p>1 MR. HEINEN: I don't have those 2 numbers in front of me. 3 CHAIRMAN MERKEL: I just want to make 4 sure everyone knows this is private property. 5 Unlike a lot of the other properties, they are 6 owned by IDOT. 7 MR. DEAN: If you'd accept a comment 8 from someone who's been involved in this? 9 CHAIRMAN MERKEL: My attorney has 10 given us that we are past that at this point. 11 That's one question I had for staff. The other 12 one -- I'm sorry, Mr. Whitaker. I'm directing 13 some of these at staff. The other one I heard 14 loud and clear, and I heard it again today, is 15 every other -- I'm paraphrasing -- every other 16 community around us passed on this development, 17 said no, we don't want it. Our position on that 18 one is, from the staff? 19 MR. HEINEN: So we currently have a 20 boundary agreement with Long Grove. And as 21 Mr. Whitaker stated, that any development that 22 would potentially go Long Grove would need the 23 village's signoff to do that. It is our 24 knowledge that there has been no formal</p>

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1 application made to the Village of Kildeer as
2 well.
3 CHAIRMAN MERKEL: Thank you. Sorry to
4 put you on the spot on these. I guess the other
5 thing I enjoy most in life is reading legalese
6 on the big screen which I have haven't seen
7 before. So again, I don't know about anybody
8 else. Did you guys know all about that tollway
9 and all the rules and regulations? I know it's
10 there. It's been there for two decades. I had
11 a look at that ahead of time, so at least I felt
12 a little more prepared about that part. I
13 apologize, Mr. Whitaker.
14 MR. WHITAKER: If you have specific
15 questions about it. We had calls -- we've been
16 working with IDOT or trying to work with IDOT
17 for roughly two years on this project. They
18 haven't been the most communicative, but that's
19 not abnormal. IDOT's not the most communicative
20 on every project. And that's not just private
21 development. That's oftentimes on public stuff.
22 But we did have a call with
23 corporate counsel for IDOT recently. They are
24 aware of the issues. We have emails from IDOT.

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1 We have emails from the IDOT acquisition team
2 delineating that they have no intent to proceed
3 with the development of the property. They
4 acknowledge having been on notice. So, I mean,
5 we've done everything we can to cover our bases
6 short of going to court on it.
7 CHAIRMAN MERKEL: And the one thing I
8 guess I saw, Mr. Whitaker, very quickly up
9 there, and I couldn't read it all, but it almost
10 seemed like the owner, Mr. Jouzapaitis, or some
11 version of his representation, approached IDOT
12 to procure that land from him at some point or
13 some version, is that correct?
14 MR. WHITAKER: So the landowner,
15 Mr. Jouzapaitis, and through the entity that
16 owns it, let's say, absolutely sent notice to
17 IDOT. That is this letter. The landowner's
18 represented by Hinshaw. Hinshaw put the
19 jurisdictional authority on notice that they had
20 intent to sell and develop the land. This
21 letter here corresponds specifically to these
22 provisions of the act. So you see here, "No
23 person shall incur development costs or place
24 improvements in, upon or under the land

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1 involving or --" blah, blah, blah, without first
2 giving 60 days notice. And so then what it goes
3 on to say is, "The authority shall have 45 days
4 after receipt of the notice to inform the owner
5 of the authority's intention to acquire land
6 involved, after which it shall have 120 days to
7 actually acquire the land."
8 Absent the jurisdictional
9 authority, IDOT, the tollway, taking action
10 within the specified time from that letter, they
11 have -- we've satisfied our requirements. So
12 the owner has expressly complied with the
13 provisions of the Illinois Toll Highway Act.
14 They've put the authority on notice. And the
15 authority has said, hey, listen; Route 53's not
16 moving forward anymore. We are not buying
17 additional land.
18 So at that point in time, I would
19 ask all of you to put yourselves in the shoes of
20 a landowner. What are you to do? You have
21 land. It's an investment. You have the ability
22 to exercise your constitutional right to proceed
23 with the use and improvement of your land.
24 CHAIRMAN MERKEL: Understand. And one

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1 more to staff. Today -- and we sat last time;
2 it's been in the staff report. Today the
3 property that Mr. Jouzapaitis -- I apologize if
4 I am pronouncing that wrong -- owns is zoned
5 what?
6 MR. HEINEN: Right now it's currently
7 zoned general office in the county, as well as a
8 small portion is zoned for estate residential.
9 CHAIRMAN MERKEL: So the way I
10 understand that is without doing anything, he
11 could build an office building.
12 MR. HEINEN: Correct.
13 CHAIRMAN MERKEL: Correct?
14 MR. HEINEN: That is correct.
15 COMMISSIONER MASSEL: Jim, I have a
16 question.
17 CHAIRMAN MERKEL: I already asked you.
18 All yours.
19 COMMISSIONER MASSEL: Russ, would you
20 be able to work with M/I Homes in developing
21 another map for development? I was kind of
22 leading up to that question. I forgot to ask.
23 MR. WHITAKER: When you say another
24 map for the development --

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<p style="text-align: right;">Page 70</p> <p>1 COMMISSIONER MASSEL: Another map for 2 the development that shows it to be less dense, 3 to be more in line with the Hawthorn Woods one 4 home per acre. 5 MR. WHITAKER: I'm sorry. So -- 6 COMMISSIONER MASSEL: Would you be 7 able to go back to the builder and say, okay, we 8 need to take out some homes? Because I know in 9 the Hawthorn Woods Country Club, you did that 10 for us. You went back to them, and they 11 reworked the plan. Would you be able to do that 12 for this development for us, too? 13 MR. WHITAKER: So I think there is the 14 ability to work on the plan. I do not think -- 15 so I heard two different things, right? Can you 16 massage this plan for us? 17 COMMISSIONER MASSEL: Yes. 18 MR. WHITAKER: But then you kind of 19 mentioned in there this one-acre thing. Could 20 we develop one-acre lots on this property? The 21 answer is unequivocally no. The property is 22 zoned general office. It has significantly 23 greater value than one-acre lots. I would posit 24 that one-acre lots and the infrastructure</p>	<p style="text-align: right;">Page 72</p> <p>1 equivalent to the infrastructure needed for, you 2 know -- well, I guess it's 40 acres, so let's 3 call it 40 single-family homes. So I think that 4 there is a return-on-investment thing that the 5 village also needs to think about. The 6 one-acre-lot standard, I think, is borne largely 7 out of the formation of Hawthorn Woods. And the 8 fact that those one-acre lots were largely 9 developed with water -- I'm sorry -- with well 10 and septic. If I am developing well and septic, 11 I have to have an acre. I can't do smaller 12 lots. 13 In this case, you have public 14 infrastructure available that allows you to do 15 something else. You are on Route 22. You are 16 on Old McHenry Road. There is existing county 17 and state infrastructure that you should be 18 leveraging to be more efficient with your use of 19 land. 20 COMMISSIONER MASSEL: Can I rephrase 21 my question then? I know that you have your 22 plan, and then we have our one-acre development, 23 okay? Would you be willing to massage your plan 24 and maybe kind of reconstruct it so it's less</p>
<p style="text-align: right;">Page 71</p> <p>1 associated with one-acre lots would be a very 2 poor idea for the Village of Hawthorn Woods. 3 At the end of the day, I think 4 there is something to be put into consideration 5 billion infrastructure development and what is 6 your return on that investment? At the end of 7 the day, we develop the infrastructure. We 8 build the roads. We build the water. We build 9 the sanitary. We build the storm water. But 10 when we finish those improvements, we coordinate 11 with Erika, and we turn them over. 12 And so you own the road, and you 13 own the water, and you own the sanitary. And 14 those are things that you are obligated to 15 maintain, frankly, in perpetuity. The good news 16 is you get a bunch of tax revenue from the 17 people that live there and the tax revenue 18 offset, the long-term burden of the village to 19 maintain that public infrastructure. 20 If you have one-acre lots, you 21 have a lot of public infrastructure associated 22 with one taxpayer. If you have a development 23 like this, you have 204 homes that are paying 24 for infrastructure that might have been</p>	<p style="text-align: right;">Page 73</p> <p>1 dense? Work with us here? There is a gray 2 area. 3 MR. WHITAKER: I totally agree. I 4 believe there is a big gray area between one 5 unit an acre and where we are at at, like, 3.6 6 units an acre. Is there something we can do to 7 work with you? Absolutely. Does it involve 8 anything that looks like one-unit-an-acre lots? 9 It's not. It's something that looks more 10 like -- 11 COMMISSIONER MASSEL: Maybe not that. 12 Just try and work with us and not make it so 13 dense is what I'm trying to get at, okay? So we 14 have our one acre per lot, and then we have your 15 plan. We need to kind of come more to the 16 middle, so you are going to have get rid of some 17 things. And to do that, would you be willing to 18 work with us on that? 19 MR. WHITAKER: I think so. You know 20 what? If there is additional questions, I want 21 to actually bring Greg up, too, because at the 22 end of the day, Greg is M/I Homes. And Greg's 23 going to be important in helping to answer that 24 question.</p>

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<p style="text-align: right;">Page 74</p> <p>1 COMMISSIONER MASSEL: Okay. Greg. 2 MR. COLLINS: Good evening, everyone. 3 How are you? To Russell's points, we stand up 4 here. We made presentations. We go through the 5 back and forth and Q and A. Yes, we are willing 6 to work with you. 7 I think more importantly for us 8 is understanding from the rest of the commission 9 as we continue to deliberate and discuss what 10 exactly that means. I think Russ touched on it, 11 right? One unit an acre transition to a 12 200-unit plan now. That's a big discussion. 13 I'm not sure I understand how we get to a point 14 when you say work with us on density. That's 15 150,000 feet when I need to be at 20,000 feet, 16 right? 17 I think what we have presented -- 18 and again, I'm not going to rehash old testimony 19 -- but what we have presented in terms of the 20 approach, right, the marketability, I can come 21 here with six, seven, eight units an acre, 22 depending on the different products we design. 23 They'd all be marketable. I'm sure a 24 multi-family use would probably find a good use</p>	<p style="text-align: right;">Page 76</p> <p>1 you might not do it. So I'm trying to see if 2 there is any flexibility in your plan for you to 3 work with us and come back with the community to 4 make sure that the plan that we would like to 5 approve, because the owner does have a right to 6 develop this, is to see what we can do to make 7 everybody happy. You are very responsive in the 8 Hawthorn Woods Country Club, and we appreciate 9 that. 10 MR. COLLINS: I'm hearing the 11 collective we, so I'd love to hear from all of 12 you. You said we would like. The collective is 13 here to talk. You focused in on the density. 14 You focused in on what you would like to see in 15 continuing the conversation. I would love to 16 hear what the rest of the commission has to say 17 as well. 18 CHAIRMAN MERKEL: Dante, I think you 19 had a comment or question. 20 COMMISSIONER TISCI: I think this is 21 more for staff. I apologize to Chris. I have 22 been thinking about this, and maybe you don't 23 know the answer off the top of your head. Let's 24 say we don't pass this on to the board or the</p>
<p style="text-align: right;">Page 75</p> <p>1 for this site. There is a market there. There 2 is no debate about that. 3 But we go beyond that when we 4 look at density, when we look at how to approach 5 property, which is what we provided testimony on 6 before, how we approach this with multiple 7 product lines, right, meeting the needs of a 8 community. So, you know, in that, there is some 9 flexibility. 10 But also to Russ's point, which 11 you touched on, is that economic return. And 12 that isn't economic return for me. That is 13 economic return on how do we pay for the 14 infrastructure? I still have a road that 15 connects Route 22, right, north to Old McHenry. 16 It's all the exact same. It's all in the exact 17 location. It doesn't get any smaller, right? 18 So with density loss is also increase of other 19 costs of development. 20 COMMISSIONER MASSEL: There doesn't 21 have to be a return on investment. I'm saying 22 would you be willing to go back and take a look 23 at your plan and see if there is any flexibility 24 in making it less dense? Unless we ask for it,</p>	<p style="text-align: right;">Page 77</p> <p>1 boards votes it down. What can happen to that 2 property without anyone in this room saying 3 anything about it? 4 MR. BRANKIN: It's sort of a lengthy 5 answer. Keep in mind that the property is not 6 annexed in the Village of Hawthorn Woods 7 currently. So if the board doesn't recommend -- 8 if this board recommends denial and the village 9 board follows that, then I'm assuming the 10 village board would not annex the property; so 11 the property would remain unincorporated in the 12 jurisdiction of Lake County and zoned and 13 subject to development as Chris indicated 14 earlier. So we would not have any jurisdiction 15 over it to be able to make any comments or set 16 any regulations as it relates to land use. 17 COMMISSIONER TISCI: Thank you. 18 That's very helpful to understand. So I just 19 want everybody in the room to understand that, 20 right, that if you defeat it here, that the 21 grass may not be greener on the other side of 22 that. So I just want everybody to understand 23 that. 24 CHAIRMAN MERKEL: Kurt?</p>

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<p style="text-align: right;">Page 78</p> <p>1 COMMISSIONER PREBLE: Thank you. A 2 quick question for staff. We talked at the last 3 month's meeting about the -- and this is a 4 traffic flow question -- the entrances on 22 and 5 Old McHenry. If I recall correctly, and please 6 correct me if I am wrong, Old McHenry is under 7 the jurisdiction of Lake County, and Route 22 is 8 under the jurisdiction of IDOT. And then that 9 their requirements for those entrances are what 10 shaped this.</p> <p>11 My question is concern about 12 traffic flow, concern about traffic through the 13 neighborhood that can cut through to Gilmer Road 14 because now we would have an access from Gilmer 15 Road all the way to 22. That's a concern for 16 the community.</p> <p>17 Is it possible for one, and I 18 think I already know the answer to this one, but 19 I'm going to ask it again anyway. At the north 20 end of Old McHenry Road, it's a 21 right-in/right-out; and then at the south end at 22 22, it becomes full access. And if it can't be 23 full access now, it could be rolled in when 22 24 is improved and become a full access. And my</p>	<p style="text-align: right;">Page 80</p> <p>1 potentially be a full access, and that is 2 something that we can definitely take a look at 3 in final engineering when that comes forth.</p> <p>4 In regards to Old McHenry, that 5 is a Lake County DOT road. Staff would not 6 recommend a right-in/right-out there just for 7 the viability and pushing those residents out 8 into the arterials, out into Route 22 or Old 9 McHenry. It's not a good planning practice to 10 have two right-in/right-outs in a subdivision.</p> <p>11 COMMISSIONER PREBLE: Anyone else? 12 Charlie? Kurt? Audrey? Dante? In my litany 13 of notes here, make sure I have covered 14 everything.</p> <p>15 MS. MARSHALL: I do have a question. 16 THE REPORTER: Your name, please. 17 MS. MARSHALL: Urmi Marshall, and I 18 live in Hawthorn Woods. I was wondering if 19 there is going to be opportunity for the 20 community to address the comments that were just 21 made. There are still concerns, and there are 22 still comments that were not addressed. And I'm 23 wondering when we will get the chance to review 24 those proposed changes. If there is a new plan</p>
<p style="text-align: right;">Page 79</p> <p>1 concern with that there is that in the current 2 plan, the right-in/right-out at Route 22 is if 3 you are coming from the west, you have to come 4 all the way around up Old McHenry Road to gain 5 entrance legally to the neighborhood, which is 6 going to increase traffic flow on that north 7 end.</p> <p>8 So those are my questions for 9 staff. And just for, you know, clarification 10 for M/I, just if we are talking about density, 11 looking at the two other neighborhoods adjacent 12 to it, if we could get closer to that three 13 number, I think that's, you know, maybe 14 something, if you are looking for a number to 15 work with, that's what I would look at.</p> <p>16 MR. HEINEN: So I'll try and answer 17 these as best I can. So in regards to the 18 access point on Route 22, that is under the 19 jurisdiction of IDOT, you are correct. The 20 applicant has made an application to IDOT, and 21 they have informed the applicant that as of 22 right now, a right-in/right-out is what they are 23 permitted to do. Not to say that in the future 24 as IDOT improves Route 22 that it could</p>	<p style="text-align: right;">Page 81</p> <p>1 proposed as you suggested, will there be another 2 opportunity for the community to respond?</p> <p>3 MR. BRANKIN: Typically, yes, but 4 there's not been one proposed, so it's a 5 hypothetical at this point, so let's see how it 6 plays out. But typically the rebuttal case 7 that's being made by the developer right now is 8 the end of the public hearing. If they are 9 going to propose another plan, then we can have 10 that conversation.</p> <p>11 MS. MARSHALL: Okay. Thank you. 12 CHAIRMAN MERKEL: All right. Last 13 chance to ask our applicant any other questions. 14 Again, I got sidetracked there for a second.</p> <p>15 MR. BRANKIN: Sir, this is the 16 opportunity for the commission to ask questions 17 of the applicant, so we are not going to open it 18 up to additional public comment. That's not 19 going to happen right now, okay?</p> <p>20 UNIDENTIFIED SPEAKER: Just something 21 that maybe the committee would like to know is 22 to see the actual survey that was done --</p> <p>23 MR. BRANKIN: Sir, it's procedurally 24 improper right now to do what you are doing. So</p>

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<p style="text-align: right;">Page 82</p> <p>1 we are trying to run a proper public hearing, so 2 I'd ask you to work with us on that, okay? 3 CHAIRMAN MERKEL: Just one question. 4 I was taking copious notes here. Mr. Javier, 5 just real quick. I know we had a lot of 6 questions on traffic that the study didn't seem 7 accurate. One, maybe you could go through real 8 quickly your experience, your company's 9 experience and how it's done mathematically and 10 engineering wise, that it's not off the wall. 11 And then secondly, the comment I heard, too, was 12 that it was done with zero traffic going one 13 way. And if I remember correctly last time, you 14 did it based on a growth model to some year in 15 the future. Maybe real short, if you can give 16 us that. 17 MR. MILLÁN: Absolutely. Again, my 18 name is Javier Millán. I'm a principal with 19 KLOA, Incorporated. I have been conducting 20 traffic studies for almost 30 years. It will be 21 30 years in November. 22 So the traffic study was 23 conducted following all industry guidelines, the 24 State of Illinois requirements and the Lake</p>	<p style="text-align: right;">Page 84</p> <p>1 based on the existing traffic patterns in the 2 area. 3 The question regarding, well, how 4 come you don't show any traffic going northbound 5 into the other neighborhood? It could happen. 6 However, it is not the preponderance of the 7 traffic volumes that would do that. Could it be 8 five vehicles? Yes. Could it be eight one-day? 9 Yes. Could it be only one the next day? Yes. 10 The issues that are observed on the neighborhood 11 to the north, from what I heard, they seem to be 12 more than anything issues with people speeding 13 and basically not following the rules of the 14 law. 15 Improvements. As you know, the 16 state is planning to do the improvements to 17 Route 22. This basically involves, you know, 18 the widening of the Route 22 to provide two 19 lanes in each direction, separated by a 20 landscaped median or a center to a left-turn 21 lane. In addition to that, the intersection of 22 Route 22 with Old McHenry Road will be widened 23 to provide an exclusive left-turn lane, two 24 through lanes and a right-turn lane on both</p>
<p style="text-align: right;">Page 83</p> <p>1 County Division of Transportation requirements. 2 Traffic counts, I know there was 3 a question, only one day, you know, two hours. 4 That's the industry standard and the directive 5 of IDOT, as well as Lake County. You typically 6 count either Tuesday, Wednesday or Thursday. 7 Why not Monday or Friday? Think about it. Some 8 people take Friday off, or some people had a 9 party weekend, and they call in sick on Monday. 10 So traffic Mondays and Fridays are not 11 representative of actual traffic volumes. 12 Why two hours? During the 7:00 13 to 9:00 and the 4:00 to 6:00 period, during 14 these hours, you are going to find the peak 15 hours. What do I mean by that? The rush hours 16 of people going to work and people coming back, 17 during those hours, at least in the morning, you 18 are going to get also the school traffic. 19 Trip generation, how do we do 20 this? This is based on the Institute of 21 Transportation Engineers trip generation manual. 22 This is a federal standard utilized by the 23 federal government, state, municipal, county and 24 so forth. And we actually assign the traffic</p>	<p style="text-align: right;">Page 85</p> <p>1 approaches. The southbound approach of Old 2 McHenry Road at its intersection with Route 22 3 will actually be widened to provide dual 4 left-turn lanes. 5 The analysis that we conducted, 6 we wanted to see both with and without the 7 improvements. As Mr. Whitaker mentioned, 8 without the improvement, the overall delay of 9 the intersection during the peak hours would be 10 about approximately three more seconds overall. 11 But we also presented the analysis with the 12 improvements, and the situation gets better. We 13 didn't analyze in a vacuum. We actually have to 14 analyze future conditions. Normally we analyze 15 with growth factors from the Chicago 16 Metropolitan Agency for Planning. However, Lake 17 County has higher growth factors. And normally 18 when you have state and the county, if the 19 county's higher, the state says use the county 20 growth factor, which is what we did. 21 CHAIRMAN MERKEL: Thank you. 22 Appreciate that. Hope that made it clear for 23 everyone. I, too, struggle reading those 24 reports. They are about two inches thick of a</p>

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<p style="text-align: right;">Page 86</p> <p>1 bunch of data. So thank you. 2 Any other questions from the 3 commission? Again, I keep saying I'm going to 4 go back to look at my notes. I think I've got a 5 lot of comments; but no, I think I'm good. 6 Anybody else? All right. So at this point, I 7 am looking for a motion to close the public 8 hearing. 9 COMMISSIONER TISCI: So moved. 10 CHAIRMAN MERKEL: Dante. 11 COMMISSIONER WIFLER: Second. 12 CHAIRMAN MERKEL: Charlie. Miss 13 Lobaito, if you could do a role vote, please. 14 CLERK LOBAITO: Mr. Merkel. 15 CHAIRMAN MERKEL: Yes. 16 CLERK LOBAITO: Mr. Tisci. 17 COMMISSIONER TISCI: Yes. 18 CLERK LOBAITO: Miss Massel. 19 COMMISSIONER MASSEL: Yes. 20 CLERK LOBAITO: Mr. Preble. 21 COMMISSIONER PREBLE: Yes. 22 CLERK LOBAITO: Mr. Wifler. 23 COMMISSIONER WIFLER: Yes. 24 CHAIRMAN MERKEL: Okay. We have</p>	<p style="text-align: right;">Page 88</p> <p>1 have the deliberation. I'm going to take a 2 motion to accept the public use planned 3 development, that big paragraph I read at the 4 beginning, as is. And then we will not vote on 5 that. We are going to -- I'm looking for a 6 motion to do that and a second. Then we will 7 deliberate. So we are not saying we are 8 accepting that. We are just opening it up so we 9 can discuss it. 10 So I'm looking for a motion to 11 recommend the special use planned development as 12 written in the agenda from the Planning, 13 Building and Zoning Commission special meeting 14 today, May 6. Looking for a motion and a 15 second. 16 COMMISSIONER TISCI: So moved. 17 CHAIRMAN MERKEL: Dante. 18 COMMISSIONER MASSEL: I'll second. 19 CHAIRMAN MERKEL: Audrey. We are not 20 voting yet. Now we are going to deliberate. 21 Okay. 22 I've got several thoughts. I'm 23 sure you guys do, too. And again, one other 24 comment. I just want to make sure we -- as we</p>
<p style="text-align: right;">Page 87</p> <p>1 officially closed the public hearing at 8:08. 2 And at this second, I'm going to take a quick 3 break for the court reporter to rest her fingers 4 there for a second; and then we will reconvene 5 in five minutes. 6 (Off the record at 8:09 p.m.) 7 Back on the record at 8:16 p.m.) 8 CHAIRMAN MERKEL: All right. For 9 everyone that's going to hang out and listen to 10 the duration here, what we are going to do, we 11 have closed the public hearing; so now what we 12 are going to do is we are going to deliberate. 13 The commission will deliberate and come up with 14 our recommendation to the board, or we could ask 15 to continue this if we want more information. 16 That could happen, too. But again we are going 17 to come up with some discussion, some 18 resolution, and then next steps. 19 And at the end, Chris from staff 20 will tell us what the next steps will be, and 21 our favorite attorney will tell us if I am doing 22 something wrong, as always. 23 All right. Just so everyone is 24 not confused here, what we are going to do is to</p>	<p style="text-align: right;">Page 89</p> <p>1 have said in the past, the current -- the owner 2 has the right to apply for this zoning. It is a 3 private property. That is his right. And we 4 are here to look at that piece of it, so that's 5 what we are here to look at and offer a 6 recommendation to the board. 7 So with that, Kurt, go ahead. 8 COMMISSIONER PREBLE: So we are 9 discussing the plan as is right now? 10 CHAIRMAN MERKEL: We are looking for 11 the plan as is -- and is your mic on? 12 COMMISSIONER PREBLE: Yes. 13 CHAIRMAN MERKEL: The plan as is, and 14 then any recommendations, tweaks, changes that 15 we can discuss together; and then we will come 16 up with a solution together or a common 17 collective. 18 COMMISSIONER PREBLE: My remarks would 19 be, the plan as is I wouldn't necessarily 20 support. I would like to see density reduced to 21 be more in line with the two communities. If we 22 are going to develop this land as homes, I would 23 like to see more in line within the community be 24 around that three number. I would love to see</p>

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<p style="text-align: right;">Page 90</p> <p>1 it lower, but I'm being practical here. 2 CHAIRMAN MERKEL: So you are saying? 3 I'm sorry, Kurt. 4 COMMISSIONER PREBLE: Density would be 5 around three at minimum. I would love to see it 6 lower because I fully understand the 7 ramifications if we don't because the owner has 8 the right to develop his land. I understand if 9 we don't do something, we could go down a path 10 that we don't want to. So if we were to do 11 this, I'd like to see the number at three or 12 even lower if possible. But I understand that. 13 I would like to see somehow, some 14 way, to get our entrances reconfigured because, 15 I mean, I understand it's under Lake County 16 jurisdiction, and it's not a good move to put 17 two right-ins/right-outs at either end. I'm not 18 saying to do that. I'm saying get rid of the 19 right-in/right-out at 22 and put it up at Old 20 McHenry to ease that traffic flow because we 21 will now have a through-way from Gilmer Road all 22 the way to 22 that personally I would use, too. 23 But we have -- when you look at 24 the -- I keep going to the map of the school</p>	<p style="text-align: right;">Page 92</p> <p>1 traffic on Old McHenry Road. So those would be 2 my recommendations if we were to move forward on 3 something like that. 4 CHAIRMAN MERKEL: Thank you, Kurt. 5 Audrey. 6 COMMISSIONER MASSEL: Can I make a 7 recommendation to maybe have them reconfigure 8 the plan to move that walkway to the left-hand 9 side, or either side, so not straight down the 10 middle? So that will allow them to maybe make 11 it less dense closer to the neighborhoods, maybe 12 around three? 13 CHAIRMAN MERKEL: My thought was 14 similar, Audrey. I was suggesting after a lot 15 of the discussion on the corridor and green, I 16 hear that. It is private property, so we have 17 to be considerate of that. That was my thought, 18 too. I looked at it's 500-ish feet across at 19 the skinniest, area. Can we shift the walkway 20 one way or probably to the left -- I don't know; 21 I'm not a planner -- to the left, create some 22 wooded area around that so we still have the 23 feel of a green corridor through there? Reduce 24 density, and get that feel of the corridor up</p>
<p style="text-align: right;">Page 91</p> <p>1 districts. We have 186 units that would be 2 going in that would be in the Kildeer Stevenson 3 school district. I'm not certain, but I'm 4 pretty sure for the elementary level they are 5 all going to be going to Country Meadows, which 6 is on Gilmer, which, how do you get there? You 7 are going to be cutting through that 8 neighborhood to the north. Nobody's going to go 9 out 22 and down to Gilmer. Nobody's going to 10 it. Nobody does now. 11 When we talk about the traffic 12 studies and the cut-throughs, it's a lot more 13 than eight cars a day because that's what's 14 happening. We actually have school buses that 15 cut through the neighborhood that don't stop in 16 our houses in our neighborhood, but they are 17 cutting from Old McHenry to Gilmer. 18 So we already have enough of 19 that. I do not want to add to that. I think 20 minimizing the density will help that. I think 21 that accessing the neighborhood from 22 is a 22 full -- and I know that's a whole 'nother ball 23 game down the road -- but it's a full access on 24 22. I think that's going to alleviate the</p>	<p style="text-align: right;">Page 93</p> <p>1 through the property. Again, it's 500 feet 2 wide. Is there a way to do that? Obviously, we 3 are going to lose some houses. We are going to 4 lose some density. But that might be a nice 5 win-win/give-take-type thing. 6 COMMISSIONER MASSEL: That's that gray 7 area I was talking about. 8 CHAIRMAN MERKEL: We don't have to 9 suggest how they do that, but that might be a 10 suggestion. 11 COMMISSIONER MASSEL: Okay. But I 12 think if we could, you know, maybe make a 13 recommendation to alter where that path is, I 14 think, would be helpful to help reduce the 15 density. 16 CHAIRMAN MERKEL: Not to put words in 17 your mouth because the question before the 18 commission right now is the plan as is; so I 19 take it that you are not in favor of the plan as 20 is. 21 COMMISSIONER MASSEL: No, I'm not. 22 I'm not. 23 CHAIRMAN MERKEL: All right. Audrey, 24 any other questions, comments?</p>

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<p style="text-align: right;">Page 94</p> <p>1 COMMISSIONER MASSEL: I have a 2 follow-up. Can we make a recommendation for 3 them to get the density down to three or below? 4 CHAIRMAN MERKEL: That was Kurt's, 5 right? I will got that written down. 6 COMMISSIONER MASSEL: I was just 7 seconding that. 8 CHAIRMAN MERKEL: So we got more 9 consideration of the entrance reconfiguration. 10 I made that in simple terms there, Kurt. You 11 are proposing density less than three. Audrey, 12 myself, some version of shifting with reduced 13 density, reduced houses. Can we shift the path 14 to be more of a wooded environmental corridor up 15 one side? I don't know. We have to look at 16 that. Charlie, anything from your side? Dante? 17 COMMISSIONER TISCI: I'm good with 18 what the others said. 19 CHAIRMAN MERKEL: I know it's -- 20 again, Kurt used the words "less than three." 21 Right now, we are at 47 percent open space, 22 which is better than the two adjacent 23 properties. Is there any thoughts there? A lot 24 of the open, I mean, a good portion of it is</p>	<p style="text-align: right;">Page 96</p> <p>1 CHAIRMAN MERKEL: That would be my 2 question to you. Again, we will formulate 3 these, Mr. Whitaker, I think, in the three or 4 four we've got. And I think we'd come back to 5 you and say with these stipulations, we would 6 approve to go to the board with these, whatever 7 stipulations we come up with. Is that 8 acceptable, or would we want us to do the 9 opposite of that, which is basically reject it, 10 and then you'd have to come back again? So I 11 guess that's where I'm going. Yeah. So we'd 12 come back with a revised plan. That's what I 13 thought we were trying do here. 14 MR. WHITAKER: I think that's 15 beneficial. If we could kind of drill down on 16 what those recommendations are. I would say 17 that, you know, I was hearing Commissioner 18 Preble comment that the density should be more 19 in line with what we have adjacent to Wentworth 20 and Westbury. I mean, I then heard three. I 21 think the three is kind of picking a number out 22 of thin air. 23 CHAIRMAN MERKEL: We got to be 24 specific.</p>
<p style="text-align: right;">Page 95</p> <p>1 wetland. I understand that. Is there any 2 tweaks there, or does that come with the density 3 reduction? 4 COMMISSIONER PREBLE: I would think 5 that would come with the density piece. 6 CHAIRMAN MERKEL: My own personal 7 opinion is, like a lot of the comments, I am 8 very -- we all came to Hawthorn Woods for a 9 reason. The massive amount of those townhouses, 10 that's a little shocking to me. It's a lot. So 11 that would be the one way I would suggest. I'm 12 not telling anybody how to do their job, but 13 that would be the area I would want to reduce. 14 Anything else? Mr. Whitaker? 15 MR. WHITAKER: Just some level of 16 understanding of what we are working towards. I 17 mean, I can hear the commission kind of 18 formulating some recommendations, but I'm not 19 sure exactly how those would be incorporated. 20 Are we talking about -- there is a motion on the 21 floor. The motion is to approve the 22 development. So would we be making a motion to 23 approve the development subject to modifications 24 being made to accomplish the following goals?</p>	<p style="text-align: right;">Page 97</p> <p>1 MR. WHITAKER: I think that some of 2 the other comments are specific, right? I've 3 heard a couple of you all pick up on the 4 corridor. So this is something that we have 5 been thinking about since the last Planning 6 Commission hearing. And I think to create a 7 corridor that has a little more integrity to it, 8 there is obviously going to be a loss of 9 density. Does that get us to a magic number of 10 three, or does it get us close to three? I 11 think that I would just, respectfully, I would 12 ask that there not be a magic number which is 13 totally arbitrary. I would ask that the 14 recommendations be sort of formulated so that 15 they provide us a little bit of flexibility, 16 even maybe a range, so that it wasn't 17 necessarily that it has to be three because if 18 we were 3.1, but we satisfied a bunch of other 19 things -- 20 MR. BRANKIN: Stay there. So hearing 21 that and hearing where the commission is at this 22 point, is it your intention to revise the plan 23 to try to incorporate to the best you can, and 24 not putting you on the spot, but to the best you</p>

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1 can to incorporate the comments that -- and
2 bring a new plan back that the Planning and
3 Zoning Commission could review and potentially
4 support?
5 MR. WHITAKER: So I guess what I had
6 heard was that there were -- that the Planning
7 Commission was working towards some
8 recommendations, and those recommendations would
9 be accompanied with a motion to approve the
10 project, which would then push us out of
11 Planning Commission towards Village Board, at
12 which point in time, we would work with staff to
13 look at the integrity of how we respond to the
14 recommendations that were embedded in the
15 commission's recommendation, the recommendations
16 and the recommendations kind of; but you
17 understand what I'm saying.
18 I mean, and to be clear, this
19 body, it's a recommending body, right? There is
20 a robust discussion that will happen at village
21 board. There is an opportunity for everybody to
22 see the plan. I don't think there is anything
23 being sidestepped here. I think this is part of
24 the process where we have been here twice. We

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1 have been working on this project for years. It
2 is a complicated project.
3 But I think with some of the
4 feedback from the commission, I think we can
5 figure out how to massage the plan. It wouldn't
6 be a wholesale new plan.
7 CHAIRMAN MERKEL: Hey, guys, we are
8 going to talk out loud. So Patrick said we have
9 basically two options, and I'm looking for the
10 commission's ideals. One, we could continue to
11 figure out what we want to hone that down to, as
12 Mr. Whitaker said. Three is an ambiguous number
13 Kurt pulled out of the air, whatever it might
14 be. It's not really. I understand that. Hone
15 down the density, hone down the reconfiguration
16 of the traffic, whatever that could be, relook
17 at that path and the corridor thing.
18 So we could either do one of two
19 things. We can either approve as is with these
20 four stipulations. Just so we are clear, we
21 would not see that again. That would then go to
22 the village board, and the village board at that
23 time would have a similar public hearing to
24 this. So we would have -- the public would have

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1 the chance to review that at the public hearing
2 because it's not only this, but it would also be
3 the annexation that would be a public hearing.
4 That's option one.
5 Option two is we continue this
6 meeting, do this again, and ask for the
7 applicant to come back with what we talked about
8 here with a revised plan that we can then
9 recommend to the board. So those are our two
10 options. Did I state that correctly?
11 So I'm looking for what you guys
12 think. Kurt, you made the first one about
13 density. You talked about the traffic. Audrey
14 and I talked about the reconfigured path. We
15 all talked about density a little bit. But what
16 do you guys think? Is it prudent to have them
17 come back before us with a revised plan, or are
18 we okay with our stipulations and then kicking
19 it to the board for another public hearing in
20 front of the board?
21 COMMISSIONER PREBLE: Do we feel that
22 we have concluded our stipulations? I mean, we
23 named some.
24 CHAIRMAN MERKEL: We could keep going

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1 for sure.
2 COMMISSIONER PREBLE: I don't feel
3 like -- I personally feel like we would be
4 rushing to that if we didn't think it through.
5 But if the board is comfortable with it, then I
6 could understand that. I just want to make sure
7 everybody's had a chance to digest what we are
8 asking for here.
9 CHAIRMAN MERKEL: I'm a little bit in
10 your camp, to be honest with you. I'd like to
11 review it again. And I'm afraid if we do the
12 board thing, yes, we'd approve it with these
13 stipulations, it would go to the board and talk
14 about it, obviously; but we wouldn't have a
15 chance to see it one more time.
16 COMMISSIONER MASSEL: I would like to
17 see it one more time with our stipulations but
18 maybe also add, when they do the plan, maybe add
19 more landscaping in between the two neighboring
20 communities. Sorry to add one more thing.
21 CHAIRMAN MERKEL: Dante? Charlie?
22 What do you guys think? Do you have opinions?
23 Thoughts?
24 COMMISSIONER WIFLER: I'm kind of

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1 leaning towards the approval with our
2 recommendations only because if we come back
3 with, regardless of the lower density if it's
4 four, three, two, I feel like we will probably
5 be more inclined to do that plan versus the
6 other one. So I feel like we kind of put
7 ourselves in the same position as we are in now.
8 MR. WHITAKER: Could I interject and
9 just ask one coordination question? We are
10 obviously in a room that none of us control. If
11 we were to come back for a public hearing,
12 ideally we would be reopening the public
13 hearing. We would be continuing it to another
14 day. But I don't know that there has been any
15 coordination, determination of a date when we
16 could use this room. If there has not been
17 coordination of a day when we could use this
18 room, we would be starting over. We would be
19 re-noticing this case.
20 And so I think from a procedural
21 technical standpoint, there may be some
22 consideration given to the fact that if we can't
23 proceed in, say, 30 days on a revised plan and
24 it's going to take us now 60 or 90 days to be

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1 able to get this scheduled, get back here,
2 re-notice revised plans, I think there is a very
3 significant time element that also goes along
4 and should be part of the consideration.
5 CHAIRMAN MERKEL: I appreciate that,
6 Mr. Whitaker. Two things. One, the staff and
7 attorney said we could certainly do this at
8 village hall any time. Based on the group of
9 people we had today, they would fit in village
10 hall. It would be a little tight, but we could
11 do that.
12 Two, I'm curious even with the
13 revised plan, is that something you can do in
14 30 days, or is that something that would take
15 longer than that? It seems like it would be
16 longer than 30 days, but I don't know that.
17 MR. WHITAKER: No. I think our intent
18 would be to be back here in 30 days. If we are
19 going down that path, I would just ask for --
20 there are some technical details, some legal
21 details associated with continuance and
22 rescheduling at village hall. So if that is a
23 path we are going down, I would ask for a quick
24 recess so I can confirm with Mr. Brankin,

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1 Patrick.
2 CHAIRMAN MERKEL: I know who you said.
3 I apologize. Can we keep talking, or do you
4 guys want to -- why don't you guys chat?
5 So, Audrey, you had the other
6 stipulation about the landscaping. I think we
7 talked about buffering. We really didn't get
8 much into that over the last two sessions. We
9 talked about it; but no, we didn't go into deep
10 detail.
11 COMMISSIONER MASSEL: If we were going
12 to do recommendations to edits to the current
13 plan, I just wanted to add that to it.
14 CHAIRMAN MERKEL: Dante, what's your
15 opinion on this one?
16 COMMISSIONER TISCI: I think we should
17 pass it with our recommendations to the village
18 board. That's my opinion. My add would be I
19 would like the developer to review the
20 possibility of moving the nature path to the
21 west side of the property between the current
22 developments as a buffer. And does that allow
23 for reconfiguration of the lots that naturally
24 leads to a lower density?

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1 CHAIRMAN MERKEL: Yes, I think so. I
2 don't know. It might be one house though, so
3 then that's my concern. I don't know what that
4 means when we want to move that path. That's
5 actually a great engineering solution, creates a
6 buffer. That's a good idea. I love it. I love
7 it. But we have no idea if that takes out one
8 house and the density stays exactly the same. I
9 don't know. That's my concern without seeing it
10 again. I get you. I hear you.
11 COMMISSIONER TISCI: That's my
12 feeling.
13 CHAIRMAN MERKEL: Kurt?
14 COMMISSIONER PREBLE: Well, I still,
15 you know -- to your point, we don't know what
16 that would do to the density. It might not move
17 the needle much at all. I think it probably
18 would. When you look at the drawing and where
19 the detention areas are and stuff like that, I
20 think it would have to. But I think if we could
21 settle on a range, not an arbitrary number that
22 doesn't align with the slide at all -- that's
23 where I got the three from. I think that I love
24 this idea from the path creating that buffer.

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1 That's going to help out the neighbors. That's
2 a nice piece of --
3 CHAIRMAN MERKEL: That's a little bit
4 of the green piece.
5 COMMISSIONER PREBLE: It's no longer
6 just a sidewalk, right? But I still think we
7 need to target something with the density just
8 to make sure we are moving that needle.
9 CHAIRMAN MERKEL: That's why I'm
10 personally hesitant to do that without seeing
11 that again. That's a lot of density. This my
12 feeling.
13 COMMISSIONER PREBLE: Believe me, I'm
14 not in favor of dragging the process on any
15 longer than it needs to do; however, let's do it
16 right the first time so we don't have to look at
17 undoing something.
18 CHAIRMAN MERKEL: Charlie, do you have
19 any other comments? Audrey? I think we will
20 wait for Patrick to come back here.
21 Any other stipulations, or we do
22 have some recommendations here from staff and
23 from our attorney. Anybody? All right.
24 So what we are proposing is to

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1 continue this meeting till next Tuesday, which
2 is our normally scheduled Planning, Building and
3 Zoning meeting. And at that time, that's at the
4 village hall. That meeting will determine when
5 we are meeting back here.
6 MR. BRANKIN: You got most of it.
7 CHAIRMAN MERKEL: That's what I
8 usually do, half.
9 MR. BRANKIN: What I would recommend
10 is that the Planning and Zoning Commission do a
11 motion to reopen the public hearing that's been
12 closed. Then it would be, assuming that passes,
13 then there would be a motion to continue the
14 public hearing to a date certain, which would be
15 a week from today. And just so the public is
16 aware, that would be a scheduling meeting only.
17 That is not going to be the continuation of the
18 public hearing, so there is no need for everyone
19 to come out and be prepared to present
20 testimony.
21 What will happen at that meeting
22 is that a date will be set, and that date will
23 be communicated through staff; and then it will
24 be on our website so that you all know when that

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1 continued public hearing will be back. And the
2 reason we are doing it that way, just so
3 everyone understands, is we don't know when we
4 can get this room again, and we want to make
5 sure that we have the capacity to conduct the
6 public hearing so that we are not setting a date
7 that has to get blown up again. I hope that
8 makes sense to everyone.
9 So again, for the Planning and
10 Zoning Commission, the recommended motion first
11 would be to reopen the public hearing.
12 COMMISSIONER MASSEL: So moved.
13 COMMISSIONER TISCI: I second.
14 MR. BRANKIN: This would be a
15 substitute motion to the motion that's on the
16 table.
17 CHAIRMAN MERKEL: We had a motion and
18 a second --
19 MR. BRANKIN: -- to reopen the public
20 hearing. So we need a roll call vote.
21 CLERK LOBAITO: Mr. Merkel.
22 CHAIRMAN MERKEL: Yes.
23 CLERK LOBAITO: Mr. Tisci.
24 COMMISSIONER TISCI: Yes.

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1 CLERK LOBAITO: Miss Massel.
2 COMMISSIONER MASSEL: Yes.
3 CLERK LOBAITO: Mr. Preble.
4 COMMISSIONER PREBLE: Yes.
5 CLERK LOBAITO: Mr. Wifler.
6 COMMISSIONER WIFLER: Yes.
7 CHAIRMAN MERKEL: And so the next
8 motion would be a motion to continue that public
9 hearing to a date certain for scheduling
10 purposes only, and that would be May 13th at
11 6:30 p.m. at the Hawthorn Woods Village Hall.
12 COMMISSIONER MASSEL: So moved.
13 COMMISSIONER PREBLE: Second.
14 MR. WHITAKER: I think before a vote
15 is taken, I just want to interject and make sure
16 that we get some clarity on the recommendations
17 that the Planning Commission was formalizing.
18 So I don't think we need a motion or anything.
19 I think if the chairman is just able to recite
20 for us where we are at, that would be perfect.
21 CHAIRMAN MERKEL: Kurt threw out that
22 number of a density less than three. I know you
23 said that maybe it was similar to the other
24 properties. I think we talked about looking at

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<p>1 the reconfiguring of that traffic piece. We 2 tweaked our buffer there a little bit with 3 potentially putting the green pathway, or 4 whatever we are calling that, the pathway on the 5 west side of the property to act two things, as 6 a buffer to the current two subdivisions, and 7 secondly have that continuous path on the left 8 side.</p> <p>9 We also talked about maybe some 10 potential landscaping changes. That might be 11 different now, Audrey, if the path's over there, 12 but something to look at. But our big thought 13 was the path and then the density.</p> <p>14 So as you said, Kurt gave you 15 less than three. I'm saying less density. For 16 me, it was more about the townhouses, so...</p> <p>17 MR. WHITAKER: From our standpoint, I 18 think that is the type of clarity we were 19 seeking; so I appreciate the commission's 20 willingness to kind of dial in on this with us.</p> <p>21 CHAIRMAN MERKEL: And please, 22 everybody understand we are trying do the right 23 thing for the village, for our applicants, for 24 all of us. So that's why this process takes a</p>	<p>1 (All responded Aye.) 2 CHAIRMAN MERKEL: All opposed? We are 3 adjourned. Thank you all. 4 (Meeting was adjourned at 5 8:48 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
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<p>1 little bit of time, so I appreciate it. 2 MR. BRANKIN: So there is a motion on 3 the floor to continue. 4 CLERK LOBAITO: I did not hear who 5 made the second. 6 CHAIRMAN MERKEL: Kurt did. We need a 7 role vote. 8 CLERK LOBAITO: Mr. Merkel. 9 COMMISSIONER MERKEL: Yes. 10 CLERK LOBAITO: Mr. Tisci. 11 COMMISSIONER TISCI: Yes. 12 CLERK LOBAITO: Miss Massel. 13 COMMISSIONER MASSEL: Yes. 14 CLERK LOBAITO: Mr. Preble. 15 COMMISSIONER PREBLE: Yes. 16 CLERK LOBAITO: Mr. Wifler. 17 COMMISSIONER WIFLER: Yes. 18 CHAIRMAN MERKEL: All right. I am 19 looking for a motion to adjourn. 20 COMMISSIONER MASSEL: So moved. 21 COMMISSIONER PREBLE: Second. 22 CHAIRMAN MERKEL: Audrey, you want to 23 stick around? Second Kurt. All in favor of 24 adjourning, say aye.</p>	<p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF COOK) 4 5 I, Cathleen M. Baker, CSR, Certified 6 Shorthand Reporter, and a notary public in and 7 for the County of Cook and State of Illinois, do 8 hereby certify that the testimony given in the 9 proceedings before The Village of Hawthorn Woods 10 Planning, Building and Zoning Committee on 11 May 6, 2025, was recorded stenographically by me 12 and transcribed by me. 13 14 I FURTHER CERTIFY that the foregoing 15 transcript of said proceedings is a true, 16 correct, and complete transcript of the 17 proceedings held at the time and place 18 specified. 19 20 I FURTHER CERTIFY that I am not a 21 relative or employee or attorney or employee of 22 such attorney or counsel, or financially 23 interested directly or indirectly in this 24 action.</p>

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IN WITNESS WHEREOF, I have set my
hand this 9th day of May 2025.

Cathleen M. Baker
Certified Shorthand Reporter
Certificate No. 84-002130

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