



**PLANNING, BUILDING AND ZONING COMMISSION MEETING
VILLAGE OF HAWTHORN WOODS
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS
TUESDAY, JUNE 14, 2011
6:00 P.M.**

MINUTES

I. Call to Order and Roll Call

Chairperson Rein called the meeting to order at 6:04 p.m. Roll call indicated the following members were present: Chairperson Rein, Commissioners Thomas, LaGro and Kaiser. Absent: Merkel, Lindquist and Salvi. Also present: Chief Administrative Officer Donna Lobaito, Village Intern David Fitzgerald and Village Attorney, Dan Shapiro.

II. Approval of the Planning, Building and Zoning Commission Meeting Minutes of May 10, 2011

Motion by Kaiser, second by Thomas to approve the minutes of the May 10, 2011 Planning, Building and Zoning Commission.

Commissioner Kaiser noted a couple typos and sentence structure items.

Chairperson Rein asked that Mr. Lindquist's comments about his attendance at the Green Town conference be added to the minutes.

Upon a voice vote the motion carried unanimously with the noted corrections.

III. Opportunity for the Public to Address the Commission

None this month.

IV. Department Head Report

Ms. Rein noted that the Department Head report would be conducted at the end of the meeting.

V. Public Hearing

- A. A Public Hearing for the Consideration and Recommendation of the Rezoning of Property Generally Located West of Heather Highlands, East of the Canadian National Rail Road Tracks, and Approximately 400' North of Telser Road, to ORD Office Research and Development - Applicant, Astor Development II, LP

Minutes of this portion of the public hearing were prepared by Cheryl L. Sandecki of Real Time Reporters and are attached as Exhibit A.

Commissioner Merkel arrived at 6:14 p.m.

VI. Old Business

- A. None this month

VII. New Business

- A. Consideration and Recommendation of a Text Amendment – Title 8, Chapter 7, Solar Energy Systems – Applicant, Village of Hawthorn Woods

Ms. Lobaito read the staff memorandum regarding solar energy systems. She also introduced Mr. Bernie Schmidt, CEO, Renewable Energy Alternatives. Mr. Schmidt assisted staff as an energy expert during the preparation of the ordinance on solar energy systems. Ms. Lobaito disclosed to the commissioners that Mr. Schmidt is representing a property owner in the Village interested in installing solar panels, but that she asked him to serve tonight as not a representative for his company, but as a solar energy expert to answer any technical questions the Commissioners may have.

Motion by Thomas, second by Merkel to approve the text amendment to Title 8, Chapter 7, Solar Energy Systems.

The Commission went through each section of the proposed ordinance. Mr. Schmidt mentioned that building integrated systems, such as asphalt shingles containing solar energy systems will be available in the near future. Mr. Fitzgerald mentioned the definitions came from Lake County's solar energy system ordinance.

Commissioner LaGro asked that the language in 8-7-4 reflect that the installation method and the complete system be installed on the principal structure. The word "abruptly" was removed as well. Also under 8-7-4, the Commission discussed the importance of reflection not being cast on surrounding structures or properties. It was noted that solar panels actually absorb light, not reflect. Ms. Schmidt did note that solar thermal systems actually are a mirrored system and are used for heating water.

The Commission held discussions on the placement of solar energy systems on street facing roofs. Mr. Schmidt noted that the panels are only effective if located

on the south facing roof, which would limit the use by some. The Commission discussed requiring a Certificate of Approval for street facing solar panels, but after much discussion decided to leave the language as presented.

The Commission also discussed the appropriate percentage allowed for roof coverage by a solar energy system, and decided to amend the proposed language to state the solar energy systems shall not occupy more than 50% of the structure's total roof area to which the system is attached.

Under 8-7-5A the Commissioners recommended the language be amended to state that if the solar energy system is visibly damaged or not capable of operating for a period exceeding 30 days, it shall be deemed abandoned.

Under 8-7-5B the Commissioners recommended the repair of the roof be added to the language on what the Village could file a lien.

Commissioner Kaiser asked if there were any toxic issues to be aware of. Mr. Schmidt noted that during manufacturing yes, but not as a part of the after market.

The Commission discussed the fact that technology regarding solar energy systems is changing so quickly that future text amendments would be likely.

Commissioner Thomas amended his motion to approve the text amendment to Title 8, Chapter 7 to include the noted amendments. Commissioner Merkel amended his second. Upon a voice vote the motion carried unanimously.

VIII. Public Hearing

- A. A Public Hearing for the Consideration and Recommendation of a Text Amendment to the Zoning Code – Title 9, Section 9- 3-2.E.15 and 21, Permitted Accessory Buildings, Structures and Uses – Applicant, Village of Hawthorn Woods

Motion by Thomas, second by Kaiser to open the public hearing. Upon a roll call vote, the motion carried unanimously.

Motion by LaGro, second by Thomas to approve the text amendment to the zoning code – Title 9, Section 9-3-2E.15 and 21.

Ms. Lobaito read the staff memorandum into the record. She mentioned that the Village Code presently allows for decks, patios, terraces and outdoor fireplaces to be located up to the rear property line. She indicated that many years ago, when Hawthorn Woods was primarily a one acre community, it was highly unlikely that a patio or deck would be located all the way to the rear lot line, but now the Village allows for smaller lots, thus increasing the likelihood of such location of one of these structures. She also noted that while reviewing the section of the code on permitted accessory buildings, structures and uses, staff determined that the section on playground and laundry drying equipment be amended as well.

The Commissioners asked that the playground and laundry drying equipment standard be amended to 10' from the property line. The Commissioners also asked that fire pits be included in the code amendment.

Commissioner LaGro amended his motion to include the noted changes. Commissioner Thomas amended his second. Upon a voice vote, the motion carried unanimously.

Ms. Lobaito presented her department head report and updated the Commissioners on recent annexation and development activities within the Village.

IX. Discussion

None this month.

VII. Adjournment

Motion by Kaiser, second by Merkel to adjourn the meeting. There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully submitted,



Donna Lobaito, Chief Administrative Officer



In The Matter Of:
Village of Hawthorn Woods
Planning, Building and Zoning Commission Meeting

June 14, 2011

Real-Time Reporters, Inc.

Scheduling@Real-TimeReporters.com



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VILLAGE OF HAWTHORN WOODS
PLANNING, BUILDING AND ZONING COMMISSION MEETING
2 Lagoon Drive
Hawthorn Woods, Illinois
Tuesday, June 14, 2011
6:00 p.m.

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ATTENDEES:

- Susy Rein (Chairwoman)
- Commissioner Jim Kaiser
- Commissioner Philip LaGro
- Commissioner Jim Merkel
- Commissioner Arnold Thomas

Also Present:

- Ms. Donna Lobiato, Chief Administrative Officer
- Mr. Daniel Shapiro, Village Attorney

1 CHAIRWOMAN REIN: That will bring the next
2 item on our amended agenda to public hearing for the
3 consideration and recommendation of the rezoning of
4 property generally located west of the Heather
5 Highlands subdivision, east of the Canadian National
6 railroad tracks and approximately 400 feet north of
7 Telser Road to ORD, Office Research and Development,
8 applicant Astor Development II, LP.

9 At this time I would entertain a motion
10 to open the public hearing.

11 COMMISSIONER KAISER: So moved.

12 COMMISSIONER THOMAS: Second.

13 CHAIRWOMAN REIN: Motion has been made and
14 seconded to open the public hearing. And all in
15 favor says aye.

16 (Chorus of ayes.)

17 CHAIRWOMAN REIN: Any opposed?

18 (No response.)

19 CHAIRWOMAN REIN: We will begin our public
20 hearing with a staff report describing what the
21 public hearing is about. And after that staff
22 report, we will talk about the procedure for the
23 public hearing so that everybody knows how it will
24 proceed.

1 Donna, can you give us the report?

2 MS. LOBIATO: Yes. And before I start my
3 report, I would just like to remind the
4 Commissioners that we do have a court reporter here
5 tonight. So I would ask that if you have any
6 comments to make, please use your microphones so she
7 is able to hear as well as the people in our
8 audience tonight.

9 This is a rezoning request for property
10 located within the Village of Hawthorn Woods. The
11 property is presently zoned residential, R-1. And
12 the request has been made to rezone the property
13 office research and development.

14 The background information is that the
15 property consists of approximately 18 acres
16 generally located west of Heather Lane, east of the
17 Canadian National railroad tracks, and approximately
18 400 feet north of Telser Road.

19 The property is located in the Village
20 of Hawthorn Woods.

21 And the applicant, Astor Development
22 II, LP, has submitted an application for rezoning to
23 office research and development.

24 In the past property owners have been

1 approached for the development of mid-rise center
2 housing and low-income buildings on the site.

3 Surrounding land uses and zoning, the
4 property to the south is located within the Village
5 of Lake Zurich and is zoned I-1 industrial with a
6 minimum lot area of 20,000 square feet.

7 The property to the east is located in
8 the Village of Hawthorn Woods, is zoned R-1 single
9 family residential and is developed.

10 The property to the immediate west is
11 owned by Canadian National. And beyond that, the
12 property is located in the Village of Hawthorn Woods
13 and is zoned R-1 single family residential but is
14 used as an equestrian riding stable.

15 The property to the north is located in
16 the Village of Hawthorn Woods, is zoned R-1 but is a
17 cemetery owned by St. Matthew's Lutheran Church.

18 Conformance to the comprehensive plan,
19 the future land use plan of a comprehensive plan
20 designates this parcel of state. However, the
21 Village's comprehensive plan will be amended this
22 winter as a part of the overall rewriting of the
23 plan, which will result in the property being
24 consistent with the Village's future land use

1 guidelines.

2 The office research and development
3 designation provides for low density, low-rise
4 developments incorporating design elements to ensure
5 the preservation of the community character.

6 Furthermore, the office research and
7 development zoning allows for permitted uses such as
8 office, including business, professional and
9 governmental but not including offices used for the
10 display, sale, lease, delivery, processing, storage,
11 manufacturing, servicing or advertisement of
12 merchandise, commodities or other property except
13 where such uses are clearly accessory or incidental
14 to and located in the same building as the permitted
15 use.

16 Another permitted use is the financial
17 institutions, credit unions and banks, including
18 indoor and outdoor automatic teller machines, which
19 are attached to the principal building but exclude
20 drive-in establishments; insurance offices, not to
21 include drive-in facilities; medical, veterinary and
22 dental service offices including clinics; and,
23 lastly, professional business and personal service
24 offices.

1 Ingress and egress, ingress and egress
2 will be either from St. Matthew's parcel or off
3 Telser Road in the industrial park. It will not be
4 through Heather Highlands subdivision. This entry
5 point will be used only for emergency vehicles.

6 Staff recommends the zoning of this
7 property from R-1 residential to office research and
8 development given the surrounding uses and future
9 rewriting of the comprehensive plan.

10 And tonight we do have in the audience
11 representatives from Astor Development.

12 CHAIRWOMAN REIN: Thank you, Ms. Lobiato.

13 Now you know the subject matter of the
14 public hearing. All persons tonight who wish to
15 give testimony on this topic will have the
16 opportunity to present evidence and to ask
17 questions. So if it's your turn to speak, you can
18 do either.

19 Any member of this Plan Commission will
20 have the opportunity to ask questions of any person
21 from the audience who gives testimony.

22 The Plan Commissioners, the three here,
23 this gentleman here and myself, this is our village
24 attorney who will serve as parliamentarian, if need

1 be. And Ms. Lobiato is part of the village staff.

2 Plan Commission will first hear
3 testimony from the applicants who wish to have the
4 property rezoned. They may present this themselves
5 or have their attorneys or other witnesses speak.

6 Then the Plan Commission will hear
7 statements or testimony from persons who wish to
8 support the applicants.

9 So if you are in favor of what they are
10 asking, that would be your turn to come up to the
11 mic and speak.

12 And what we will do when it's that
13 time, if you raise your hand, we will call you up
14 one at a time to this podium here.

15 After the applicant and their witnesses
16 have completed their presentation and anybody else
17 who wants to speak in favor of it has spoken, we
18 will allow cross-examination of the applicant, their
19 witnesses or anybody else who has given testimony in
20 favor of the rezoning.

21 Then we will hear testimony and
22 evidence from those who are opposing the rezoning
23 that the applicant is requesting.

24 After opposing testimony has concluded,

1 applicants may cross-examine.

2 Testimony and evidence which is
3 cumulative, repetitious, harassing, argumentative or
4 irrelevant to the case being heard will be
5 disallowed.

6 And we expect to conclude this public
7 hearing tonight and will meet for as long as it
8 takes to hear each of your comments.

9 But to keep things moving, we ask that
10 you keep your comments brief, keep them on subject.
11 They should be nonrepetitive.

12 If you agree directly with a point that
13 was made prior to you coming up to the mic, you may
14 certainly come up to the mic and say, you know, on
15 this point I agree with Mr. So and So about this
16 point. And the record will reflect that you concur
17 with that statement.

18 Please do not interrupt other speakers.
19 Each person should have a chance to be heard. And
20 overall show respect for everybody no matter what
21 their position on the topic is.

22 Cross-examination of the persons giving
23 testimony must be relevant to the matters heard and
24 be confined to the points raised during that

1 person's testimony.

2 At the conclusion of hearing
3 everybody's opinions, we will close the public
4 hearing and then no further evidence or testimony
5 will be heard.

6 Then we will make our motions and we
7 will discuss the motions made. Then we will make
8 the recommendation that we wish to make to the
9 Village Board.

10 It is important to know while it is our
11 job as a plan commission to host the public hearing,
12 we make recommendations only. It is ultimately the
13 Village Board who votes and makes the final
14 decision. And they will be -- their next meeting is
15 Monday night. Sorry, it won't be on that agenda.
16 It will be on the July agenda.

17 At this time we would like to take
18 testimony from the applicants who are asking for the
19 rezoning.

20 While they are coming forward, I would
21 like everybody who plans to speak this evening, if
22 you think you want to share a comment, I would like
23 everybody to please stand and be sworn in jointly by
24 the court reporter.

1 (Witnesses sworn.)

2 CHAIRWOMAN REIN: Beginning with the
3 applicant, for each person who comes up to the mic
4 to speak, we would like you to state your name and
5 spell it for the court reporter and also state your
6 address.

7 MS. SHEEHAN: My name is Kelly Sheehan. I'm
8 with Astor Development -- the court reporter got the
9 spelling a little earlier -- 244 Telser Road, Lake
10 Zurich, Illinois.

11 Tonight I am here seeking your approval
12 for a zoning change. I represent Astor Development,
13 the owner of the 18-acre parcel in question.

14 Astor Development purchased this
15 property in 2007. Again, this parcel runs along the
16 CN Railway, east of the Heather Highlands
17 subdivision, north of the Lake Zurich Industrial
18 Park and south of the cemetery of St. Matthew's.

19 I did prepare a board. I hope this is
20 in the right place for you. It does show that
21 outlined in green, just so you have a little
22 perspective as to where it was located.

23 When Astor Development purchased this
24 property, it had been previously incorporated into

1 Hawthorn Woods. At the time of incorporation, it
2 was given a residential zoning.

3 Subsequently, the adjacent railway
4 changed from EJ&E with very minimal train activity
5 to CN with ever increasing train activity.

6 Once CN took over this property, it
7 became very unsuitable for residential development.

8 Since that time, Astor Development has
9 worked with the village staff to find a suitable
10 zoning for this parcel that would fit in with the
11 surrounding area. ORD seems to be a very good fit.

12 Please consider our request to rezone
13 this 18-acre parcel from residential to ORD.

14 CHAIRWOMAN REIN: Ms. Sheehan, can you tell
15 me if you have proof of mailing and public --
16 mailing to the residents within close proximity to
17 the parcel that you would like to present as an
18 exhibit?

19 MS. SHEEHAN: I did present that to village
20 staff.

21 MS. LOBIATO: Yes. We do have that.

22 MS. SHEEHAN: I'm sure I can come up with
23 another copy in my file if you would like one for
24 this evening.

1 CHAIRWOMAN REIN: I am sure that will
2 suffice. I wanted to make sure we have that.

3 MS. LOBIATO: The property owners within
4 250 feet were noticed of this meeting. And a notice
5 was placed in the Daily Herald.

6 MS. SHEEHAN: And there is notice on
7 property, which I do have evidence of as well.

8 MS. LOBIATO: That is correct.

9 CHAIRWOMAN REIN: Thank you. Is that your
10 full testimony for application?

11 MS. SHEEHAN: Well, Ms. Lobiato did such a
12 good job with everything in explaining.

13 Really, it's a simple rezoning. We
14 don't have any development plans right now to show
15 you. We will be back before you once we do find a
16 user for this site.

17 COMMISSIONER KAISER: What type of project
18 are you envisioning? What would you optimally like
19 to see?

20 MS. SHEEHAN: We would optimally like to see
21 a one-user campus style project, possibly one
22 building, possibly a couple of buildings that would
23 all service one user. That's how it's being
24 marketed currently by Jones Lang and staff.

1 COMMISSIONER KAISER: Single-story?

2 MS. SHEEHAN: Single-story.

3 COMMISSIONER KAISER: And as part of that
4 vision, do you have an idea where that building
5 might be located, if you can point on your plan as
6 to one side, the other side, the center? I don't
7 know how the land lays. You know that.

8 MS. SHEEHAN: You know, that would really
9 depend on the user.

10 COMMISSIONER KAISER: Okay.

11 MS. SHEEHAN: I am certain that, you know,
12 most parcels end up being developed from the inside
13 out, so to speak, so from the middle and kind of
14 outwards.

15 COMMISSIONER KAISER: Obviously, with the
16 attendance we have tonight, there is a great deal of
17 sensitivity, I suppose, to the neighbors to the
18 east.

19 And, obviously, we are going to take
20 into some consideration, you know, their needs as
21 well where the location of the building might be
22 placed.

23 MS. SHEEHAN: Correct.

24 COMMISSIONER KAISER: And you're sensitive to

1 the location of that building in relation to homes
2 because homes to office research, although not
3 industrial, is still a significant change?

4 MS. SHEEHAN: Correct.

5 COMMISSIONER KAISER: Okay. Thank you.

6 COMMISSIONER LaGRO: Of the two
7 ingress/egress methods, potential methods through
8 the St. Matthew's property or Telser Road, can you
9 elaborate on either or both of those?

10 MS. SHEEHAN: Our first option and really our
11 best option is to come through lot 6 that would hug
12 lot 7. I do believe you have a copy of this as
13 well.

14 It would actually come up through here,
15 through lot 6.

16 COMMISSIONER LaGRO: What arrangements would
17 have to be made for you to secure the rights to do
18 that?

19 MS. SHEEHAN: We own the parcel right now.
20 Astor Development owns that parcel.

21 COMMISSIONER MERKEL: 6 and 7?

22 MS. SHEEHAN: 7 had been developed previously
23 and it would not go through lot 7. It would only go
24 through lot 6.

1 COMMISSIONER MERKEL: Joining.

2 MS. SHEEHAN: Yes.

3 COMMISSIONER LaGRO: And lot 6 being the
4 longer lot?

5 MS. SHEEHAN: This right here is lot 6. And
6 I can bring it closer if you would like.

7 CHAIRWOMAN REIN: I appreciate it if you
8 could turn it around so the audience can see it and
9 point it out to them as well, please.

10 MS. SHEEHAN: Lot 6.

11 COMMISSIONER LaGRO: So is St. Matthew's even
12 really under consideration or necessary?

13 MS. SHEEHAN: It would be if there was a
14 stumbling block to coming through lot 6. But,
15 otherwise, lot 6 is our first choice.

16 COMMISSIONER LaGRO: What kind of stumbling
17 block?

18 MS. SHEEHAN: That would potentially be with
19 the user. Maybe they would want to come through
20 St. Matthew's. Maybe that wouldn't be their first
21 choice. That's our first choice as the developer.

22 COMMISSIONER LaGRO: That sounded like the
23 potential user might be making the call on which
24 route is preferred by them.

1 MS. SHEEHAN: They would have the option to
2 do that. But we would as the seller, you know,
3 really try to direct them towards lot 6.

4 COMMISSIONER LaGRO: Is St. Matthew's
5 currently in, for lack of a better word, agreement
6 with allowing that access to that property?

7 MS. SHEEHAN: We have had very few
8 discussions with them.

9 COMMISSIONER LaGRO: Does the Village of Lake
10 Zurich come into play with respect to access over
11 lot 6? Do they have any approval?

12 MS. SHEEHAN: That is in their town. But at
13 this point all of this Telser Road is privately
14 owned by Astor Development. It has not been turned
15 over to the Village of Lake Zurich. So right now it
16 is a private road.

17 CHAIRWOMAN REIN: And, Mr. LaGro, I think
18 this is hypothetical because there is no site plan
19 or user yet. And what's before us tonight is
20 rezoning as opposed to a site plan.

21 So I can appreciate, I guess,
22 Ms. Sheehan doesn't have specific answers for us at
23 this time.

24 MS. SHEEHAN: Correct.

1 COMMISSIONER LaGRO: Sure.

2 MS. SHEEHAN: We do look forward to bringing
3 a development plan forward. We just don't have a
4 solid one right now.

5 CHAIRWOMAN REIN: Do you have a time frame in
6 mind for when you might have a site plan to bring
7 forward or an expected user?

8 MS. SHEEHAN: Well, the property is being
9 actively marketed. We do not have anyone who has
10 come forward with a contract. At that point in time
11 we would notify the village.

12 But a zoning change would make it much
13 easier for a user to come forward.

14 COMMISSIONER KAISER: When you say user, are
15 you talking about a buyer or a tenant?

16 MS. SHEEHAN: A buyer.

17 MS. LOBIATO: Kelly, would you like to touch
18 upon your conversations that you had with Lake
19 Zurich Fire Department about the emergency access
20 through Heather Highlands?

21 Because I know people in the audience
22 are probably most concerned about that.

23 MS. SHEEHAN: I have had discussions with
24 Mr. Guy Trailing (phonetic), who is the assistant

1 fire marshal for the Village of Lake Zurich and Ela
2 Township. I believe his title carries through into
3 Ela Township as well.

4 They would demand emergency access
5 through Heather Lane. And they -- I'm trying to
6 think of exactly how he put it. The cul-de-sac --
7 the length of the cul-de-sac and the length of
8 Telser Road would not be conducive to getting their
9 fire trucks back and forth, so they would need
10 another point of entry should an emergency occur.

11 COMMISSIONER THOMAS: This would be an
12 alternate entry?

13 MS. SHEEHAN: This would be emergency access
14 only. And, yes, it would be an alternate entry only
15 for vehicles on Heather Lane.

16 MS. LOBIATO: And we do have emergency access
17 roads in Hawthorn Woods in some of our other
18 subdivisions.

19 And what the fire department has been
20 approving is the bollard system. So there would be
21 a bollard in placement. It would be secured to the
22 ground. It would be locked. And the fire
23 department, the police department would have a key
24 so if there were an emergency situation, they would

1 be able to unlock that, lower the bollard so their
2 emergency vehicles can get through.

3 Other than that, it would be in place
4 at all times and through traffic would not be able
5 to go through that.

6 COMMISSIONER LaGRO: Donna, the triangular
7 portion piece of property directly above the Astor
8 property in green below us here, is that in the
9 village? And if so, who owns that?

10 MS. LOBIATO: That is in the village. And I
11 believe it's St. Matthew's.

12 COMMISSIONER MERKEL: That's the cemetery.

13 MS. SHEEHAN: That's the cemetery.

14 CHAIRWOMAN REIN: Are there any other direct
15 questions for the applicant before we hear testimony
16 from anybody else who wants to speak in support of
17 this application?

18 (No response.)

19 MS. SHEEHAN: Thank you.

20 CHAIRWOMAN REIN: At this time we will hear
21 testimony from anybody in the audience who would
22 like to speak in support of this application for
23 rezoning.

24 If there is anybody who would like to

1 come to the microphone to speak in favor of this,
2 please raise your hand.

3 We are first hearing people speaking in
4 support of the applicant. Okay.

5 If there is nobody in the audience
6 speaking in support of the applicant, then this is
7 the time we can hear people who are opposing the
8 application and would like to share their opinions.

9 If you would like to speak this
10 evening, please raise your hand and we will call you
11 one at a time to the microphone.

12 Please remember for each person who
13 comes to the mic, please state your name, spell it
14 for the court reporter and state your address.

15 MS. LUCZKIW: My name is Amy Luczkiw,
16 L-u-c-z-k-i-w. I live at 14 Heather Lane in
17 Hawthorn Woods.

18 Thank you for allowing me to speak.

19 I came first because I really wouldn't
20 qualify my statement as being either pro or con. I
21 just want you to consider all issues here.

22 I approach the subject of rezoning the
23 land that abuts my property to ORD as something that
24 could be a very good thing for the entire village,

1 the neighborhood and the developer.

2 However, I also approach this rezoning
3 with a deep mistrust of government, including that
4 of Hawthorn Woods.

5 We have lived in the village for many
6 years and have never gotten any support from the
7 village as nonroutine issues have arisen.

8 When hunters in the field today in
9 question shot out the windshield of my car parked in
10 my driveway, the Hawthorn Woods policeman who came
11 when I called the village was only interested in
12 checking to see if I had a current village sticker
13 in the windshield.

14 More recently, when railroad money
15 became available for residential noise abatement, my
16 house was left out, despite the fact that there is
17 nothing but a flat field between my home and the
18 tracks.

19 The village maintenance facility where
20 no one sleeps is within the money zone, but my
21 residence is not.

22 And despite even village employees
23 complaining about the egregious stretching noise
24 frequently produced by trains as they roll over the

1 tracks by my home, the village has not acted to even
2 consider the automatic track oiling machines like
3 those installed in Mundelein.

4 As I previously stated, the development
5 in question may be a good thing if it secondarily
6 provides a noise buffer between us and the tracks.

7 The developer indicated at his open
8 house last week that a berm would be made high
9 enough to block both the train noise and the site of
10 the buildings from my neighborhood. Can you
11 guaranty this?

12 And what does ORD zoning mean? An
13 extension of the Lake Zurich Industrial Park is not
14 acceptable, neither is a warehouse style building
15 such as the Quentin Road Bible Church, which
16 currently borders the southern boundary of our
17 neighborhood.

18 Not only is it unsightly, but its
19 parking lot lights disturbed the nighttime
20 tranquility of the homes nearby. And once they
21 started building, they had no consideration for the
22 existing neighborhood.

23 The ORD zoning information paper
24 provided by Hawthorn Woods indicates the building

1 heights could be as high as two-and-a-half stories.
2 That to me sounds like a warehouse-type building,
3 which would be unacceptable.

4 Also, I'm now concerned about excess
5 lighting spilling into the neighborhood from the
6 west side too. Provisions should be made that
7 building lighting cannot be seen over the berm,
8 including streetlights. The quiet darkness we now
9 have should not be disturbed.

10 The zoning indicates that access would
11 not be through Heather Highlands except for
12 emergency vehicles. If emergency vehicles have
13 access, what's to prevent nonemergency vehicles from
14 looking for a shortcut through Heather Lane? I hope
15 you are not thinking that post barricades are
16 acceptable.

17 Also, what guaranty do we have that the
18 road won't be opened up at a later date? And if
19 emergency access is required by the fire department,
20 why would it not be through the now alternative
21 entry, for instance, off of Old McHenry?

22 I am also concerned about water run-off
23 coming in to flood our backyards and basements. The
24 developer indicated he would follow the building

1 codes.

2 But after the development phase is
3 approved and finished, any unintended consequences
4 are not his responsibility.

5 What assurances can we expect from the
6 village that any drainage problems that arise during
7 the development and building phases and during the
8 ensuing years will not just be the problems of the
9 homeowners?

10 Thank you for listening.

11 CHAIRWOMAN REIN: Thank you for speaking.

12 Couple things, I just wanted to try and
13 respond to some of your concerns. You did an
14 eloquent job of presenting a lot of different things
15 that you are concerned about, many of which cannot
16 technically be addressed in a rezoning hearing.

17 However, a few of the things that
18 ultimately could come before this Commission if the
19 property were to be developed, whether this is
20 zoning or some other zoning, whenever property is
21 developed, a site plan comes before this Commission
22 and then ultimately before the Village Board.

23 And when a site plans come before us,
24 we thoroughly vet everything from lighting to

1 landscaping, grading, floodplain issues, all those
2 sorts of things that you have shared concerns about.

3 And I know from past experience that
4 your concerns have also been our concerns in the
5 past. And that's one of the things that we look out
6 for in this village.

7 When you talk about the landscaping, it
8 is the practice of the Village of Hawthorn Woods
9 when there are properties that have differing
10 purposes that abut each other to create some
11 landscaping differentiations and opacity, some
12 barrier between those two differing uses.

13 But, again, that would be addressed in
14 a site plan. And at this moment there is no use
15 that is being proposed, exact use for this site
16 other than the zoning. And there is no site plan,
17 so we can't address landscaping issues at this time.

18 MS. LOBIATO: From a staff standpoint, I know
19 you brought up several items that are not considered
20 a zoning issue.

21 First of all, you touched upon the
22 Canadian National money and then the drainage
23 concerns you have. I would be happy to give you a
24 call tomorrow to discuss those points. But

1 tonight's public hearing really has to stay focussed
2 on the zoning issues.

3 MS. LUCZKIW: I think the reason why myself
4 and so many neighbors are here is because if the --
5 if we don't have guarantees that these will not be
6 problems, once the property is rezoned, we have no
7 recourse.

8 MS. LOBIATO: As far as the Canadian National
9 money, that truly is something that we can't discuss
10 as part of this public hearing.

11 Your concern about the drainage and
12 run-off concerns, as Ms. Rein commented, that a site
13 plan will be thoroughly reviewed by staff, by our
14 consultants, our engineer prior to it even coming to
15 the planning, building and zoning commission.

16 And what we will require is they have
17 to show that any water has to stay on their
18 property. It cannot dump out onto somebody else's
19 property.

20 So before we approve a building permit
21 for any construction, they will have to submit to us
22 a grading plan. So we will have to -- we will take
23 a look at the existing elevations and the proposed
24 elevations to ensure that any water stays on their

1 property.

2 MS. LUCZKIW: But if after the fact it turns
3 out that the plans were faulty, what recourse do we
4 have?

5 MS. LOBIATO: If there is any problem, I'm
6 sure you would be giving me a call at the village
7 hall and I would get in touch with the property
8 owners.

9 Unfortunately, we do have situations
10 around the village where there are some drainage
11 problems and we do have a public works department.
12 We have an engineering consultant that we use and we
13 will work to resolve those problems.

14 But our goal is to with the development
15 of a property avoid that before it even becomes a
16 problem.

17 So we will thoroughly look at the
18 present topography of the land and their proposed
19 development to ensure that the water stays on their
20 property.

21 And Mr. Kaiser just mentioned that that
22 is regulated by Lake County Storm Water Management.
23 So there will be a thorough review and inspection as
24 the construction proceeds.

1 MS. LUCZKIW: I think it might also be a good
2 idea to consult some people in the neighborhood or
3 even the old farmer who used to own that land who
4 know the drainage problems that are there and know
5 where the water runs off into the neighborhood.

6 A lot of people in the neighborhood
7 when they built put a lot of money into making sure
8 that they didn't flood.

9 And the systems are adequate now. But
10 if they are strained, they might not be. There is a
11 lot of water that comes off that field.

12 CHAIRWOMAN REIN: I would encourage you -- if
13 some years down the road this property is up for
14 development and the site plan you will receive
15 notice again due to your close proximity, I would
16 encourage you to come to those meetings while site
17 plans are being reviewed and voice your concerns
18 again and work with the group that is looking at all
19 of those drainage plans.

20 I encourage your neighbors who have
21 that other information that you just spoke of, that
22 they know how it currently drains and what the
23 issues are, encourage them to come as well. The
24 more input, the better.

1 Also, you raised the question that I
2 would like to toss to Ms. Sheehan and that is
3 whether or not emergency access off of Old McHenry
4 was considered. When you discussed this with the
5 fire department, was that one of the options
6 considered?

7 MS. SHEEHAN: No, it was not.

8 MS. LUCZKIW: The firehouse is just down the
9 street from there, so it actually would be a faster
10 ingress.

11 MS. SHEEHAN: This is what I was told by the
12 fire department. I can't debate that.

13 We could ask Mr. Trailing to come to a
14 future meeting.

15 But right now, you know, I only can go
16 by what our discussion was and his suggestion that
17 it go down Heather Lane. Why he had that suggestion
18 was not explained.

19 MS. LUCZKIW: Anything else for me?

20 COMMISSIONER LaGRO: When you stand in the
21 neighborhood and look toward the railroad tracks,
22 does it appear to you that the property is higher
23 than the subdivision or slopes downward toward the
24 subdivision?

1 MS. LUCZKIW: It's higher. It's a little bit
2 higher. It's higher than most of the subdivision.
3 It's just a little bit higher than my own lot.

4 But there is also drainage tiles laid
5 into that property that direct a lot of water down
6 through Quentin. That's why when the church was
7 built, the Baptist church that was built, there was
8 such a flooding issue.

9 MS. SHEEHAN: May I speak, please? This
10 topography plan was given to the Village -- and you
11 are all welcome to take a closer look at it -- you
12 will see the grades between our property and the
13 neighboring homeowners property. And this is an
14 exhibit because it has been given to the Village.

15 CHAIRWOMAN REIN: Thank you.

16 COMMISSIONER KAISER: We can't see it from
17 here. Can you tell generally how the flow of water
18 is as best you can?

19 MS. SHEEHAN: You know, the actual property
20 line goes like this, give or take. And we are
21 looking at a high of 863 here. Heather Lane is up
22 here. And at Heather Lane, it's down to 852.

23 So this is the high part of the site
24 right here. It drains down this way and it drains

1 down this way. There is a current retention pond
2 here on the Lake Zurich side.

3 COMMISSIONER KAISER: Can you show them what
4 you are just showing us, how the general drainage
5 goes?

6 CHAIRWOMAN REIN: Is there anything else that
7 you would like to share with us at this time before
8 we call up the next person?

9 MS. LUCZKIW: I think you can call up the
10 next person.

11 CHAIRWOMAN REIN: Thank you very much for
12 your comments.

13 All right. Is there anybody else who
14 would like to speak in opposition of the rezoning?

15 Place state and spell your name and
16 give her your address.

17 MR. GLOW: C, initial only, middle name
18 Charles, Glow, G-l-o-w, 9 Heather Lane.

19 I have been a resident for 24 years.
20 For the most part I have gotten along with you
21 people.

22 Been here to cry about towers, the
23 school they wanted to build over here, but they
24 didn't want any part of that property for a school.

1 They had no way to egress or ingress. They didn't
2 want -- I was told that no way do their buses leave
3 the school and use Heather Lane through a
4 residential street. I knew we were done.

5 My concern is a six or ten-story
6 building across over there or a building that's
7 going to be paved with parking lots -- because 9
8 Heather Lane, I'm between St. Matthew's -- I'm on
9 the other side of St. Matthew's. There is one lot
10 to the west of me and then the playground. Okay.

11 There is a swale at the end of that
12 lot, my lot. I was told keep it clean, cut it down
13 or we will cut it down and we will bill you. I got
14 a letter at home to that effect. So I cut it down.
15 I burn it.

16 If they pave and put parking lots,
17 where is that water going to go? It's higher there.
18 Right now, we get a good rain of an inch and a half
19 or two inches -- and it happened once this year --
20 you get to the end of the -- my lot and then it goes
21 under -- there is a quite a -- or a pipe underneath
22 the road that's that big, it's got to be an 18-inch
23 pipe, there is six inches of water on the road.

24 They pave that up over there, where is

1 that water going? Into there, down the road, we
2 will have to drive around the other way to get the
3 hell out of there. We won't be able to use Heather
4 Lane. We have to go the other way because it's
5 higher on that end.

6 Or you can spend money and dig that
7 thing out, which should have been done because it's
8 not draining.

9 At the end of the swale there is a pipe
10 that goes to the ditch on the road. It's a six-inch
11 pipe. The water comes up over the top of the swale
12 and goes into the ditch. And there is water
13 standing that deep ready to go across the road, but
14 it's not going across the road.

15 That's my one concern, the height of
16 the buildings and you have control over that, I
17 understand. Correct?

18 CHAIRWOMAN REIN: Yes.

19 MS. LOBIATO: Yes.

20 MR. GLOW: All right. I don't want to see my
21 real estate property go down \$100,000, \$50,000, even
22 \$20,000.

23 I don't want to see a speedway out on
24 Heather Lane. What the God Lord giveth, the good

1 Lord taketh away. What the village giveth, the
2 village can take away.

3 The emergency access, I would propose
4 that either the developer or the village purchase a
5 bond the day that that emergency access is opened to
6 traffic out of that development over there. You pay
7 us off, the residents at the time, 20,000, buy a
8 bond. I don't care, if it can be done. Either the
9 village do it or the developer do it.

10 I have seen others if one takes and
11 goes out and makes a left turn on Old McHenry Road,
12 there is a subdivision over there that has emergency
13 access. It's been there for five, eight years.
14 It's the Village of Lake Zurich. And you had
15 mentioned I heard earlier you had several places
16 it's emergency access.

17 I just don't want to see a speed lane
18 coming out of that development coming down my
19 residential street. It's enough that the buses run
20 over the curbs. These drivers are professionals,
21 but they are not very professional.

22 You all took away the stones I put out
23 there, boulders. Kids loved them when the driver
24 ran over them.

1 I considered -- and I told the
2 dispatcher, I considered taking two by fours and
3 pounding nails through them so that they have flat
4 tires. And they go no, no. I said, no, I thought
5 about it and think somebody is going to get hurt out
6 there, probably a little kid, so I didn't do that.

7 But I live there -- if anybody asked me
8 why do you live there, it's quiet. It's quiet.
9 Thank you.

10 COMMISSIONER KAISER: Can I ask you, you
11 lived there 25 years?

12 MR. GLOW: Yes sir.

13 COMMISSIONER KAISER: Are you one of the
14 original owners? Are you one of the original
15 owners?

16 MR. GLOW: I am the original owner at 9
17 Heather Lane. And Tom and Jackie, Jackie Practor
18 (phonetic), they were for eight or nine years and
19 they are the original owner.

20 The lady that was here earlier, I
21 believe she is also an original owner.

22 COMMISSIONER KAISER: The question I was
23 going to ask is looking at the overview of the land
24 from Heather Lane as you are talking about that goes

1 into that -- the fire lane issue that we have all
2 been talking about, right?

3 MR. GLOW: Uh-huh.

4 COMMISSIONER KAISER: When you were
5 originally buying it, was there any plans to develop
6 that by the developer as residential at the time?

7 MR. GLOW: It's all up in the air. There was
8 nothing. Actually, when we moved in, the houses --
9 the one at the top of the hill was there. She --
10 the lady that was here just now, we call that the
11 Kissel (phonetic), two-story, beautiful home. And
12 the home right next to it east of there was also
13 there.

14 And then everything in the center of
15 the subdivision when we bought the lot, my wife and
16 I bought the lot to build on that lot, all of a
17 sudden it is like mushrooms coming up and been here
18 24 years now.

19 COMMISSIONER KAISER: I am asking if you knew
20 there was any plans of development. Because the
21 road looks like it would have gone through. And you
22 would know more than me.

23 MR. GLOW: Heather Lane going straight
24 through?

1 COMMISSIONER KAISER: Straight through maybe
2 to another residential area. I have no idea.

3 MR. GLOW: Actually, what was there and what
4 was there until just several years was farmland.

5 COMMISSIONER KAISER: What were you told, if
6 anything, about why the road ended there and not at
7 a cul-de-sac?

8 MR. GLOW: I don't know. I figure that's the
9 end of it, it's not going anywhere.

10 COMMISSIONER KAISER: If that was developed
11 as residential --

12 MR. GLOW: Open it up.

13 COMMISSIONER KAISER: You would be okay with
14 that?

15 MR. GLOW: Yeah. Residential homes.

16 COMMISSIONER KAISER: I said residential.
17 I'm not saying anything other than that to you.

18 I'm asking about -- you're really
19 opposed to the traffic from cars going through the
20 fire lane. That's what it is.

21 MR. GLOW: I'm 76 years old. I'm trying to
22 find a way to stop it.

23 COMMISSIONER KAISER: And I understand.

24 MR. GLOW: At this point all we know is even

1 the railroad tracks, four trains a day, that's what
2 it is. So it's gone. And that was farmland. That
3 was corn. And we expected it to be corn.

4 Even St. Matthew's extension of the
5 cemetery was a gift from the owner of that land to
6 extend their cemetery.

7 COMMISSIONER KAISER: Thank you.

8 MR. GLOW: Okay. Any other questions? Will
9 the Village consider my bond suggestion for the
10 homeowners of the Heather Highland?

11 CHAIRWOMAN REIN: That is not within our
12 purview to do so. And it would be a topic that
13 would be more appropriate if there was a site plan
14 before us and an intended use before us.

15 I do know, though, that right now the
16 Village is looking at -- in the rezoning they are
17 looking at, basically, vacating that road for the
18 purpose of emergency access only so that you won't
19 have to think about it going through.

20 And I have heard a comment earlier
21 tonight if a site plan was developed and I believe
22 the residents -- one of the residents spoke about
23 perhaps a berm might be constructed, that would also
24 link that.

1 MR. GLOW: I have no objection to that
2 property being developed.

3 My objection is -- and talk to the
4 village engineer at the road over there. I swear,
5 six inches of water once this year with an inch and
6 a half of rain -- I got a gauge -- six inches of
7 water across the road. And it could be that much if
8 that is all paved over there, believe me.

9 Because that swale comes under the
10 railroad track, there is a large pipe and it comes
11 out and it goes to my neighbor's swale and then into
12 mine. And I myself put a 12-inch pipe -- two
13 12-inch pipes, dug the hole and put them in there
14 because I was tired of washing out between the house
15 to the west of me and ours, the bump that was in
16 there between us. Just wash right out. And now
17 it's washing out on the end.

18 CHAIRWOMAN REIN: One of the things I think
19 we have had a positive experience with in the past
20 is when we get to review a site plan, one of the
21 positive things that comes out of it is if a new
22 development comes on an adjacent property, often
23 that's an opportunity for improvement of drainage
24 situations because, you know, when nothing is --

1 when nothing changes, things are the way they are.

2 But when you literally improve a
3 property with a new site plan, it gives an
4 opportunity for improvement. So that's something we
5 enjoy in our world here.

6 MS. LOBIATO: Thank you, Ms. Rein, for making
7 the comment. That was the comment that I was going
8 to make that many times we do see improvements when
9 land develops that we can resolve some of the
10 problems that you have been experiencing over the
11 years.

12 CHAIRWOMAN REIN: But we need a specific site
13 plan to review to look at that and be able to do
14 anything with that. And there isn't one before us
15 this evening.

16 Is there anybody else who would like to
17 speak?

18 MS. LOBIATO: While he is coming up to the
19 microphone, I would like to comment, we have had a
20 couple people concerned about the height of the
21 possible buildings that would be developed here.

22 And I want all of you to know in every
23 zoning district there are height requirements for
24 building. And in the ORD, office research and

1 development district, that height requirement is a
2 building can be no higher than 35 feet or
3 two-and-a-half stories. And that is consistent with
4 the R-1 zoning where all of you live.

5 The R-1 zoning height restriction is
6 35 feet or two-and-a-half stories. I wanted to
7 bring that to everybody's attention.

8 CHAIRWOMAN REIN: Basically, it can be the
9 same height as a typical two-story house or two-plus
10 story house.

11 MR. FIKE: Bob Fike, F-i-k-e, 11 McGregor
12 Court. Thank you.

13 I agree with almost all the points that
14 Amy made. We have lived in the house since 1988,
15 first owners.

16 We have lived in the house since 1988,
17 the, you know, first owners in that part of the
18 subdivision.

19 First, the run-off issue, part of the
20 issue is the height of the land rolling down. There
21 is also an underground stream that needs to be
22 considered. So when you look at the site plan,
23 please take a look at that.

24 Emergency access, I would very much

1 like to see why the Old McHenry Road access can't
2 work for an alternative rather than coming through
3 the subdivision. I think that's something that
4 ought to be considered.

5 We went to the open house of the
6 applicant. They were very nice and presented a
7 position that they would take consideration of
8 creating the berm and putting in the landscaping to
9 keep the barrier between the new use and our
10 residential area.

11 The concern we got is once it is sold,
12 is there really any control at that point for them.
13 I would make sure that that site plan does provide
14 it. And I think that's your job.

15 CHAIRWOMAN REIN: It is our job. And then
16 the board is also -- it goes from us to the board.

17 We would hold very detailed meetings
18 where all of that would be discussed. And you would
19 be encouraged to come and share your opinions and
20 study the site plans and give us input and feedback.
21 And that is our job here.

22 MR. FIKE: I appreciate it. All of Amy's
23 points I agree with. I just wanted to make sure you
24 were aware of the underground stream and really

1 please consider the alternatives to the emergency
2 access.

3 CHAIRWOMAN REIN: Thank you. I know the Army
4 Corps of Engineers and the other consultants that
5 would study site plan would be required to identify
6 that underground stream for us as well.

7 COMMISSIONER LaGRO: Is there anything more
8 tonight you can tell us about this underground
9 stream?

10 MR. FIKE: It -- I can tell you a little bit
11 about it, okay. It comes from --

12 COMMISSIONER THOMAS: If you look at the map.

13 MR. FIKE: I will try to. We live right
14 here, I think.

15 The stream comes somewhere here, runs
16 down through the back of our yard and it spits. We
17 get it out of the back of our yard, it comes across
18 and out.

19 And part of this under our backyard
20 around the side of the house and out the side of our
21 swale and -- you know, so that's across the back of
22 our property.

23 And, periodically, we will have soft
24 spots in -- where water will start coming out of the

1 swale between the two properties.

2 So if in your rezoning and site plan
3 you can fix that, it would be most appreciated.

4 CHAIRWOMAN REIN: In your meeting with the
5 applicant, did you point what you just demonstrated
6 for us, did you share that with the applicant?

7 MR. FIKE: I just mentioned there was
8 underground water there. The indication was very
9 positive, you know, we will build a berm and make
10 sure we take care of all that. So I -- it was very
11 nicely handled.

12 CHAIRWOMAN REIN: Thank you.

13 MS. LOBIATO: And I would like to comment
14 that when property develops, a part of our
15 engineering review is not only looking at the
16 proposed grading on the subject property, they take
17 a look at the engineering plans of surrounding
18 property as well.

19 Because, obviously, what is done and
20 developed on one parcel can have an effect on
21 others. So we do have all the engineering plans for
22 the Heather Highlands subdivision. So that will be
23 taken into consideration with the development of
24 this property.

1 MR. FIKE: Thank you.

2 CHAIRWOMAN REIN: Very well said. Thank you,
3 Donna, for pointing that out.

4 Is there anybody else who would like to
5 speak in opposition of the rezoning?

6 MS. NELSON: Good evening. My name is Karen
7 Nelson. I live at 8 Heather Lane. And I just
8 wanted to come up here for the record just to state
9 that I concur with Casey and Amy and Bob about all
10 our concerns.

11 I live on 8 Heather Lane. So I'm east
12 of Casey. And I do have concerns with water.

13 I'm at a lower level. And when we do
14 get a heavy rain like we are supposed to get today,
15 my back end of my backyard does flood. It floods up
16 a little bit because of the whole development
17 flowing through our neighborhood.

18 And my other concern really is the
19 emergency access. Where our house is situated, it's
20 right on the curb and the bend on Heather. And it
21 does take a little difficulty for buses to get
22 through.

23 So there is some concern there. And I
24 would highly recommend the access through Old

1 McHenry. I think that's a straight shot. The
2 firehouse is right off Old McHenry across the street
3 by the Y. That to me seems like a quicker access if
4 you have an emergency than coming all the way, you
5 know, to Quentin and, you know, winding through our
6 subdivision.

7 So that's all I wanted to say. Thank
8 you for allowing us to come tonight.

9 CHAIRWOMAN REIN: Thank you. And last name
10 is spelled?

11 MS. NELSON: N-e-l-s-o-n. And it's Karen,
12 K-a-r-e-n.

13 CHAIRWOMAN REIN: Thank you.

14 Is there anybody else who would like to
15 speak?

16 MS. GABEL: My name is a Jackie Gabel, 2
17 Highland Terrace, Hawthorn Woods.

18 CHAIRWOMAN REIN: Can you repeat your last
19 name, please?

20 MS. GABEL: Gabel, G-a-b-e-l.

21 CHAIRWOMAN REIN: And your address once
22 again?

23 MS. GABEL: 2 Highland Terrace.

24 CHAIRWOMAN REIN: Thank you.

1 MS. GABEL: I just have a quick question
2 about the gate. I didn't quite understand that
3 whole thing. What kind of gate is this and how
4 large is it?

5 CHAIRWOMAN REIN: Ms. Lobiato?

6 MS. LOBIATO: Certainly. The bollard, it
7 would be a bollard. So it would be a metal post
8 that is secured in the ground. And there would be a
9 locking mechanism on it so you would see a lock on
10 there.

11 The key to that is provided to the fire
12 department and to the police department. And so in
13 an emergency situation they can unlock the bollard,
14 lower it so the fire engine or a police car could
15 get through.

16 So outside of an emergency, that
17 bollard would be up and it would be locked in place.

18 MS. GABEL: And it covers the whole road?

19 MS. LOBIATO: No. It would be in the center.

20 MS. GABEL: So no cars would be able to get
21 through?

22 MS. LOBIATO: No cars would be able to get
23 through.

24 We have some areas in town where the

1 developer has also put some landscaping around it.
2 We have one particular area where there was no curb
3 and gutter and people, unfortunately, were starting
4 to drive around the bollard system.

5 So we asked the developer and they
6 complied with putting in some landscaping, some
7 boulders. And that resolved the problem.

8 MS. GABEL: And just one other comment. I am
9 the longest living resident of that neighborhood. I
10 have been there 30 years. My husband would know the
11 water flow, but he is not here right now.

12 But I do know that there was never a
13 plan to develop that property. It was farmland.
14 And the tractor would come through there as the
15 farmland only before the roads were built.

16 So it just stayed that way. But I do
17 know that the water flow before they built -- I
18 watched every house in our neighborhood go up.

19 And before they built the homes, the
20 water did flow from that property all the way
21 through our neighborhood across Quentin. And it was
22 always a lot of water, especially even off the
23 church property.

24 COMMISSIONER KAISER: My question when we

1 were talking about that before was related to the
2 fact that the street ends right there. And many
3 times that indicates to me that someone was
4 anticipating future development of that parcel, most
5 likely residential. I have no clue.

6 But that would be a guess on my part
7 because it's coming from residential, staying
8 residential. It's unlikely it's going to go from
9 residential to something else as a transition.

10 MS. GABEL: Right.

11 COMMISSIONER KAISER: But you don't know of
12 anything other than what you have said.

13 MS. GABEL: No. They never had any plans to
14 build on there.

15 COMMISSIONER KAISER: Thank you.

16 MS. GABEL: Thank you.

17 MS. LOBIATO: And, actually, Mr. Kaiser, I
18 wanted to bring up at the meeting tonight, I did go
19 through some old village board meeting minutes. And
20 that goes back to April 1987. And maybe some of
21 other residents may recall this.

22 There was a gentleman by the name of
23 Mr. William Zino, Z-i-n-o, who approached the Board
24 about annexing the property founded by Heather

1 Highlands and the train tracks and to develop it
2 possibly into an equestrian community, a residential
3 equestrian community. They were going to be larger
4 lots, maybe about two to six acres in size.

5 In my review of the minutes, it didn't
6 appear that it went anywhere. He approached the
7 board, had a conversation with the Board. The Board
8 referred him to the Plan Commission. Yet I can't
9 find any entry in the minutes in 1987, 1988 that he
10 ever did come back to the Plan Commission.

11 So at one point there was some
12 discussion about residential development, but it
13 didn't seem to go anywhere at that point.

14 COMMISSIONER KAISER: I would also say that
15 every parcel is required to have access. So that
16 may have been the means of just suggesting an
17 access. That doesn't mean it's going to be the
18 access.

19 MS. LOBIATO: Correct.

20 COMMISSIONER KAISER: So that's probably the
21 theory behind that.

22 CHAIRWOMAN REIN: Is there anybody else that
23 would like to speak? Sir?

24 MR. LUCZKIW: Yes. Good evening. My name is

1 Tony Luczkiw, L-u-c-z-k-i-w, 14 Heather Lane,
2 Hawthorn Woods.

3 Just to clarify a couple points, that
4 land was originally owned by Elmer who actually
5 offered it to me 25 years ago. Should have bought
6 it then.

7 But anyway, he sold it to a Hummel.
8 Mr. Hummel owns a big construction company and was
9 involved heavily with the Countryside project over
10 there on 83 and Midlothian Road before that. And he
11 developed all that with a couple of partners.

12 And we were talking one day when he
13 parked his tractor on my property. He asked
14 permission initially.

15 He said his plans for that land was he
16 was going to put in five-acre home sites. And I
17 asked him what he was going to do about the drainage
18 problem. And he says no problem, I'm going to put
19 about four or a retention ponds in here that will
20 look like little lakes. And, fortunately, he sold
21 it because I guess his home building didn't -- well,
22 everybody knows about homes today.

23 Anyway, that's all I wanted to let you
24 know.

1 CHAIRWOMAN REIN: Thank you for the insight.

2 Ms. Sheehan, do you have a comment?

3 MS. SHEEHAN: I do. Astor Development
4 purchased that property from Mr. Hummel.

5 I know he never brought a plan forward
6 to you. But he did have a plan developed and that
7 plan included 36 home sites. And I do have that
8 plan and a copy of it and it can be provided to the
9 village. I didn't think it would be relevant this
10 evening.

11 But I just want, you know, the
12 residents to know and the Plan Commission to know
13 that he did have a plan to develop 36 home sites.
14 And it was listed that way on the Internet. I have
15 the listing as well.

16 CHAIRWOMAN REIN: Thank you.

17 Is there anybody else who would like to
18 speak this evening?

19 (No response.)

20 CHAIRWOMAN REIN: If there is nobody else who
21 wants to come forward and speak, this would be a
22 time if Plan Commission wants to cross-examine any
23 of the speakers that we have heard prior to closing
24 the public hearing.

1 Would one of you like to come forward
2 with that motion?

3 COMMISSIONER KAISER: I will move. I will
4 make a motion in favor of rezoning the subject
5 parcel as identified in the discussions tonight from
6 R-1 zoning to ORD office research and development.

7 COMMISSIONER THOMAS: Second.

8 CHAIRWOMAN REIN: Motion has been made and
9 seconded. Is there any discussion?

10 COMMISSIONER MERKEL: My only question is
11 that we were talking about the secondary egress. Is
12 that a good time to talk about that?

13 Is that an option that we can even talk
14 to the village of -- well, that would be our
15 village, obviously, to come off of or is it more of
16 an option other than going through Heather
17 Highlands?

18 CHAIRWOMAN REIN: You know, I believe that
19 would come up during site plan review. But I don't
20 see why the question can't be asked of the fire
21 department.

22 I think it's a good question. And
23 we -- it doesn't hurt to ask. We don't know why
24 they made the recommendation they did. We don't

1 have that information before us this evening.

2 But we can certainly ask if the other
3 route would be an acceptable alternative.

4 COMMISSIONER LaGRO: It's certainly closer to
5 the station. And if St. Matthew's has at all
6 offered any thoughts about allowing access, then
7 that may seem like that's an issue. I don't know if
8 there is a lane that's parallel to --

9 CHAIRWOMAN REIN: There is a dirt road there
10 right now. I did a site visit.

11 And there is kind of a two-lane dirt
12 path that comes between two portions of the
13 cemetery.

14 COMMISSIONER MERKEL: Is the dirt path
15 adjacent to the railroad track?

16 CHAIRWOMAN REIN: It follows the -- from what
17 I could tell when I was getting as far as I could
18 before I hit a no trespassing sign, it follows
19 pretty much along the lot line.

20 And you can see because the lot that's
21 right next to the yellow on your map is actually a
22 park with the playground equipment at Heather
23 Highlands Community Park.

24 So when you get past the church site

1 and you are heading at the bottom of your page,
2 there is a park here.

3 And so the kind of dirt road, two-lane
4 traveled road starts to approach that.

5 COMMISSIONER LaGRO: You know, one issue with
6 the fire equipment is that police cars and
7 ambulances are small.

8 Fire trucks that might have to get in
9 there are big machines and there could be an issue
10 of a turning situation off of Old McHenry at the
11 railroad tracks that presents an impossible
12 situation coming eastbound from the fire station.

13 And all the roads in the area, you
14 know, the distance from the tracks to Quentin, all
15 of that and the subdivision are designed already for
16 fire engines to be able to maneuver through there.

17 Those are big machines. And that's
18 what I'm thinking of one possibility why they might
19 not even consider that.

20 MS. LOBIATO: Yes. I wanted to comment on
21 that, that when a developer submits plans to the
22 village for review and they are going to be
23 installing roads, part of the review process is the
24 plans are given to the fire department to ensure

1 that the construction of the road will allow for a
2 fire engine as of the size that they have in their
3 stock, fire engines to get through in case of an
4 emergency.

5 I think it's also important to note
6 that although the developer can speak to St.
7 Matthew's about some type of emergency access, I
8 think we need to keep in mind the difference between
9 using Heather Lane and the St. Matthew's property is
10 the
11 St. Matthew's property is private property. Heather
12 Lane is a public road.

13 So, one, permission would have to be
14 granted. But, two, I believe the fire department
15 would also require that the emergency access road,
16 as you mentioned, Mr. LaGro, be of a certain
17 construction standard to allow for these emergency
18 vehicles to get through.

19 COMMISSIONER KAISER: Plus the dirt lane that
20 we have all been talking is railroad easement.

21 And in addition to that being
22 appropriate, it's not going to be a proper way of
23 getting in there.

24 COMMISSIONER LaGRO: Having said what I said,

1 I think that the issue of coming off of Old McHenry
2 should definitely be explored further, absolutely be
3 explored further.

4 And that if that is somehow determined
5 to be a feasible option that would work, you know,
6 there is the possibility that where Heather Lane
7 dead ends, not only maybe crossed with a berm and
8 that it may never -- you know, that may dead end
9 that right there for them.

10 So I think the issue of ingress and
11 egress off Old McHenry should potentially be
12 investigated.

13 COMMISSIONER MERKEL: Is that the site review
14 standpoint?

15 CHAIRWOMAN REIN: That would be done at the
16 site review.

17 But what we could do, if you would like
18 to amend your motion, we could amend it by adding
19 that we would like to give staff direction to ask
20 the fire department if emergency ingress is possible
21 through the -- off of Old McHenry through the
22 St. Matthew's site and have that explored.

23 The rezoning cannot be contingent on
24 that roadway being made available to us, but it

1 could be contingent on asking staff or giving staff
2 to make that inquiry and/or asking the developer/the
3 applicant to make that inquiry to follow through on
4 that as an alternative.

5 COMMISSIONER KAISER: I actually don't
6 believe that's even possible. So I'm not going to
7 amend my motion as such.

8 CHAIRWOMAN REIN: Can you clarify what you
9 think isn't possible?

10 COMMISSIONER KAISER: First of all, I think
11 that's a parking area. It's a private property
12 right. It can't be taken away. It's something that
13 they don't have a right to have.

14 I imagine that the church has some
15 fairly large events where there is a lot of signs
16 for the specific events. That parking lot is full.
17 There is no way a fire truck is getting through.
18 And there is no way they are going to lose that kind
19 of land for the chance that there is going to be
20 some disaster going on on that property.

21 So I -- while it may be logical to
22 explore it as a possibility, I don't think it's
23 necessary to amend the motion.

24 CHAIRWOMAN REIN: Okay. So the motion stands

1 as it is right now, which was to recommend to the
2 Village Board for their decision because it is their
3 decision to vote on, ultimately, the motion stands
4 to recommend the rezoning of this property from R-1
5 residential to ORD office research and development.

6 We do have a second. Is there any
7 further discussion regarding that motion?

8 COMMISSIONER THOMAS: Is it our understanding
9 that staff can still ask the question of the fire
10 department?

11 MS. LOBIATO: Yes. I will absolutely ask
12 that question.

13 CHAIRWOMAN REIN: Any other comments?

14 (No response.)

15 CHAIRWOMAN REIN: Hearing none, we will call
16 for the vote. I would like to do a roll call vote,
17 please, Ms. Lobiato.

18 MS. LOBIATO: Mr. Merkel?

19 COMMISSIONER MERKEL: Aye.

20 MS. LOBIATO: Mr. Thomas?

21 COMMISSIONER THOMAS: Aye.

22 MS. LOBIATO: Mr. LaGro?

23 COMMISSIONER LaGRO: Aye.

24 MS. LOBIATO: Mr. Kaiser?

1 COMMISSIONER KAISER: Aye.

2 CHAIRWOMAN REIN: The motion has passed
3 unanimously to recommend rezoning of the property
4 from R-1 to ORD.

5 The next step will be that it will go
6 onto the agenda for the Village Board meeting. They
7 will see all of our notes from this discussion, this
8 public hearing.

9 The court reporter has been taking down
10 word for word your comments and concerns and
11 questions and the applicant's testimony. And that
12 will be available for the Village Board to review as
13 they make their decision. And that will be done at
14 the July 18th meeting.

15 You are all more than welcome and
16 invited to attend that Village Board meeting.

17 Ms. Lobiato, does that meeting start at
18 7:00?

19 MS. LOBIATO: Yes, it does.

20 CHAIRWOMAN REIN: 7:00 p.m. on Monday,
21 July 18 when that will come before the Board.

22 Thank you very much for all of you who
23 participated and came out this evening.

24 (End of meeting.)

1 STATE OF ILLINOIS)
2 COUNTY OF LAKE) SS:

3 I, Cheryl L. Sandeck, a Notary Public
4 within and for the County of Lake and State of
5 Illinois, and a Certified Shorthand Reporter of the
6 State of Illinois, do hereby certify that I reported
7 in shorthand the proceedings had at the taking of
8 said meeting and that the foregoing is a true,
9 complete, and correct transcript of my shorthand
10 notes so taken as aforesaid, and contains all the
11 proceedings given at said meeting.

12
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14 Notary Public, Lake County, Illinois
C.S.R. License No. 084-03710

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