

**PLANNING, ZONING, BUILDING COMMISSION
VILLAGE OF HAWTHORN WOODS
MEETING of JANUARY 10, 2012, 6:00 PM**

MEETING MINUTES

I. Call to Order and Roll Call

Present: Susy Rein, Chairperson
Arnold Thomas, Jim Merkel, Phil LaGro, David Lindquist, Mike Salvi
Absent: Jim Kaiser
Staff: Donna Lobaito, CAO
Trustee: Dominic DiMaggio
Atty: Patrick Brankin

II. Commission open for Public comment

III. New Business

IV. Public Hearings

A. Consideration, Review, And Recommendation of a request for a Special Use Permit for an Amended Preliminary Plat of Planned Development/Subdivision, Preliminary Plat of Subdivision, Preliminary Engineering and Preliminary Landscape Plans - Phase VI - Toll, IL HWCC, L.P., Applicant

The minutes of this portion of the meeting were prepared by Q&A Reporting, Inc. and are attached hereto as Exhibit "A".

Motion to open: LaGro
Second: Merkel
Motion carried unanimously

Mr. Hal Franke spoke in support of the application.

Motion to continue Public Hearing to Feb. 28, 2012: Thomas
Second: Merkel
Motion carried unanimously

B. Consideration and recommendation of a Request for (A) The Issuance of a Special Use Permit for the Conversion of a Legal Non-conforming Use, and (B) Final Plat and Engineering - Hartman Subdivision - Charles Hartman, Applicant.

Final Plat

There was an initial motion on the final plat:

Motion by Lindquist, second by Thomas to approve the final plat including items 1, 2, 3, 4, 5 and 7 of staff's memo, and subject to a change in the bike path language on the signature block of the final plat, which quantifies the donation of \$10,727 for Lot 2 as a condition of the subdivided property.

Discussion ensued with Mr. Salvi stating \$10,727 was too much to charge, and that he would like for that dollar amount to be less. Mr. Thomas expressed concern that \$10,727 may not be adequate to fund the bike path construction.

The motion was amended.

Motion by Lindquist, second by Merkel to approve the final plat including items 1, 2, 3, 4, 5 and 7 of staff's memo, and subject to compliance with fees outlined in the subdivision control ordinance, however, fees are to be collected at the time of issuance of a single family building permit for lot 2.

Roll call vote:

Ayes: Lindquist, Merkel

Nays: Thomas, LaGro, Salvi

Motion failed.

Motion by Salvi to approve the final plat including items 1, 2, 3, 4, 5 and 7 of staff's memo, and subject to a \$5,000 park donation to be used for the bike path construction, however the fee is to be collected at the time of issuance of a single family building permit for lot 2.

Attorney Brankin commented that the Village Code states the Village may accept cash, a dedication of land, or a combination of both for park donations. Trustee DiMaggio stated that if this motion moves forward, it will not pass the Village Board's approval, because it would be in violation of the Village Code.

There was much discussion on the value of one acre as it relates to park donations. Ms. Lobaito explained that the park donation of \$10,727 is codified into the Village Code and is the result of a formula that bases the value of one acre at \$150,000. The Commissioners discussed the possibility of amending this code to reflect the current economy and downturn in the value of vacant land. Ms. Lobaito stated this was nothing that could be addressed tonight, because it would take a text amendment by the Village Board.

As a result of this discussion, there was no second on the motion by Mr. Salvi, and as such, the motion failed.

Motion by Salvi, second by Merkel to approve the final plat including items 1, 2, 3, 4, 5 and 7 of staff's memo, and subject to a park donation amount to be determined by the Village Board. There was discussion about the fact that this motion reflects the motion pertaining to compliance with fees in the subdivision control ordinance. Mr. LaGro clarified that the intent was that Mr.

Hartman would provide an easement for the bike path, but not be responsible for constructing and maintaining the bike path.

Roll call vote:

Ayes: Thomas, LaGro, Lindquist, Salvi, Merkel

Nays: None

Motion carried.

Engineering Plans

Motion by LaGro, second by Lindquist to recommend the approval of the final engineering plans subject to items 1, 2, 3 and 4 of staff's memo.

Voice vote:

Ayes: 5

Nays: 0

Motion carried.

Special Use Permit

Motion by LaGro, second by Salvi to recommend the approval of a special use permit to convert the legal nonconformity of the existing structures to a special use, subject to items 1 and 2 of staff's memo, and subject to the removal of the smaller existing corn crib structure on Lot 2 prior to the time a building permit is issued for the construction of a single family home on Lot 2, and subject to the use of the structures being limited to general storage and craft area by the property owner.

Voice vote:

Ayes: 5

Nays: 0

Motion carried.

V. Approval of Minutes from November 8, 2011 Meeting

Motion to approve as presented: Lindquist

Second: LaGro

Motion carried unanimously

VI. Department Head Report

Donna Lobaito comments:

A. Pugsley & LaHaie annexation approved and recorded

B. Astor property re-zoned after Court approval; agreement reached with Lake Zurich

C. Gilmer Shell progress: in compliance, with certain approved exceptions

D. Discussion on reasons for Toll Application delay

VII. Adjournment

Motion to adjourn: Lindquist

Second: Merkel

Motion carried unanimously

Meeting adjourned at 8:57 pm.

Next meeting: Feb. 28, 2012

Respectfully submitted; David Lindquist

Susan K. Rein

PLANNING, BUILDING AND ZONING COMMISSION MEETING

VILLAGE OF HAWTHORN WOODS

2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS

TUESDAY JANUARY 10, 2012

6:00 P.M.

Q&A Reporting, Inc.
7115 Virginia Road, Ste. 105
Crystal Lake, IL 60014
(815) 477-2230

1 PRESENT:

2 SUSY REIN, Chairperson
3 JIM MERKEL
4 MIKE SALVI
5 DAVE LINDQUIST
6 DOMINICK DiMAGGIO
7 PHIL LaGRO
8 ARNOLD THOMAS
9
10 DONNA LOBAITO, Staff

11
12 APPEARANCES:

13 SCHAIN, BURNEY, BANKS & KENNY by
14 MR. PATRICK T. BRANKIN,
15 appeared on behalf of the Village;

16
17 DLA PIPER by
18 MR. HAROLD W. FRANCKE,
19 appeared on behalf of the Applicant.

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1 CHAIRPERSON REIN: Welcome everyone, and
2 thank you for coming to the January 10 meeting of
3 the Planning, Building and Zoning Commission. I
4 thank you for your patience.

5 We are all gathered, and we've got
6 our minute taker, Mr. Lindquist, and we're ready
7 to get started. So Mr. Lindquist, could you
8 please call the role.

9 MR. LINDQUIST: Arnold Thomas?

10 MR. THOMAS: Here.

11 MR. LINDQUIST: Phil LaGro?

12 MR. LaGRO: Here.

13 MR. LINDQUIST: Susy Rein?

14 CHAIRPERSON REIN: Here.

15 MR. LINDQUIST: Dave Lindquist is here.
16 Mike Salvi?

17 MR. SALVI: Here.

18 MR. LINDQUIST: Jim Merkel?

19 MR. MERKEL: Present.

20 CHAIRPERSON REIN: Thank you, Mr. Lindquist.
21 We have our attorney, Patrick Brankin; we have
22 our trustee liaison, Dominique DiMaggio; and
23 staff member, Donna Lobaito, and that is
24 everybody present and accounted for on the stage,

1 and our first item on the agenda is an
2 opportunity for the public to address the
3 commission. That would be on any topic that
4 isn't coming up on our agenda this evening. Is
5 there anybody present who would like to speak on
6 any other topic this evening? Okay. Hearing --
7 yes, miss?

8 AUDIENCE MEMBER: If we did want to speak,
9 will we have the opportunity to do so tonight?

10 CHAIRPERSON REIN: Depends on which topic.
11 The first item on our agenda is going to be
12 opened and continued to February 28, and that
13 will be the first opportunity to speak on that
14 topic.

15 On the second item on the --
16 Item B, you would have an opportunity to speak
17 when that topic comes up. Same with Approval of
18 Minutes and Department Head Report. Does that
19 answer your question?

20 AUDIENCE MEMBER: It does, but I guess a
21 have little bit of a concern with tonight's
22 set-up than what we've done. So we were
23 expecting to be able to speak tonight.

24 CHAIRPERSON REIN: We did send out an e-mail

1 notice to everybody who was in the e-mail data
2 base and tried to contact the homeowners'
3 association that is related to Item A on the
4 agenda indicating that tonight's hearing is going
5 to be opened and continued to the next meeting,
6 which is February 28th without any testimony
7 being taken, just so that people who had
8 originally put it on their calendar would not
9 show up and feel that they were, you know, coming
10 to speak and didn't have the opportunity to do
11 so. We tried to reach everybody possible. I'm
12 sorry if you didn't get that message.

13 Does that answer your question, or
14 do you have --

15 AUDIENCE MEMBER: Well I mean, if we don't
16 have the opportunity to speak tonight, we'll be
17 able to speak in February?

18 CHAIRPERSON REIN: Yes, on February 28.

19 AUDIENCE MEMBER: We would like to be able
20 to speak at that time.

21 CHAIRPERSON REIN: Thank you for your
22 comments. All right. Our new business this
23 evening starts with public hearings. The first
24 public hearing on our agenda is a public hearing

1 for the Consideration, Review and Recommendation
2 of a Request for a Special Use Permit for an
3 Amended Preliminary Plat of Planned Development
4 Subdivision, Preliminary Plat of Subdivision,
5 Preliminary Engineering, and Preliminary
6 Landscape Plans, Phase V1 - Toll, IL HWCC, L.P.,
7 applicant.

8 Do we have a motion to open the
9 public hearing?

10 MR. LaGRO: So moved.

11 MR. MERKEL: Second.

12 CHAIRPERSON REIN: Mr. LaGro, seconded by
13 Mr. Merkel. All in favor of opening the public
14 hearing say aye.

15
16 (All respond.)

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18 CHAIRPERSON REIN: Any opposed?

19
20 (No response.)

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22 AUDIENCE MEMBER: The public hearing is now
23 open. Would the applicant wish to supply notice?

24 MR. FRANCKE: Yes. Thank you,

1 Madam Chairman, members of the commission, ladies
2 and gentlemen. My name is Hal Francke. I'm an
3 attorney with the law firm of DLA Piper. My
4 address is 203 North LaSalle Street in Chicago.

5 I do understand that this evening's
6 public hearing is going to be continued to, I
7 believe the same time, 6:00, on February 28th
8 here at the Village Hall. I just wanted to
9 formally enter into the record at this time the
10 notices that were given in anticipation of this
11 evening's public hearing.

12 First -- and these were all given
13 in accordance with Village Code and Village
14 Requirements. First there was a notice published
15 in the Daily Herald on December 26, 2011 in
16 accordance with the Village Zoning Ordinance
17 requirements. I have supplied a copy of the
18 Certificate of Publication to the Village. I'd
19 like to enter that into the record formally as
20 the Petitioner's Exhibit No. 1.

21 I'd also like to enter into the
22 record as Petitioner's Exhibit No. 2 a copy of
23 the legal notice that was mailed to various
24 property owners in the vicinity of the subject

1 property. It's the same legal notice that was
2 published in the Daily Herald.

3 I'd like to note that this notice
4 was sent by certified mail to 95 different
5 property owners that are in the immediately
6 surrounding area around the basics area that is
7 being proposed for re-platting.

8 So I would enter into the record if
9 I could as Petitioner's Exhibit No. 3 copies of
10 the white mailing receipts that indicate the
11 names and addresses of the 95 people who received
12 a notice by certified mail. These are the names
13 and addresses of people as they appear on the
14 records of the Lake County Assessor.

15 We have received back the green
16 cards, the signed receipts for the receipts of
17 those mailings from, I believe, if I've counted
18 correctly, 77 of those 95 property owners. So I
19 will, if I may, I will enter into the record as
20 Petitioner's Exhibit No. 4 the green mailing
21 receipts, copies of the green mailing receipts
22 that we received today. We anticipate,
23 obviously, that we will be receiving additional
24 either returned letters or additional green cards

1 evidencing receipt of this notice, because we're
2 still missing 18.

3 And then finally as Petitioner's
4 Exhibit No. 5 is a list of everybody else that
5 lives in the Hawthorn Woods Country Club, and
6 they also received notice by regular mail of this
7 evening's public hearing, and I think that that
8 involved the mailing of a notice, of the notice I
9 referred to previously to another 287 different
10 property owners, and that list I obtained from
11 the manager of the homeowners' association at the
12 Hawthorn Woods Country Club. Thank you.

13 CHAIRPERSON REIN: Thank you, Mr. Francke.
14 So noted. Do I have a motion to continue the
15 public hearing to February 28 at 6:00 p.m.,
16 2012 that is?

17 MR. THOMAS: So moved.

18 CHAIRPERSON REIN: Mr. Thomas. Do we have a
19 second?

20 MR. MERKEL: Second.

21 CHAIRPERSON REIN: Mr. Merkel. Is there any
22 discussion? All in favor of continuing the
23 public hearing to February 28, 2012 at 6:00 p.m.
24 please signify with aye.

1 (All respond.)

2

3 CHAIRPERSON REIN: Any opposed?

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5 (No response.)

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7 CHAIRPERSON REIN: Public hearing is

8 continued. Thank you.

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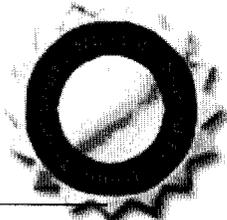
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1 STATE OF ILLINOIS)
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2 COUNTY OF McHENRY)

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I hereby certify that I reported in shorthand the proceedings at the above-entitled public hearing and that the foregoing reported proceedings, consisting of pages 3 through 10, inclusive, is a true, correct and complete transcript of my shorthand notes so taken at the time and place aforesaid.


Elizabeth L. Nenni
ELIZABETH L. NENNI
Certified Shorthand Reporter
CSR License #084-001619.