

PLAN

REPORT OF THE PROCEEDINGS OF A MEETING  
BEFORE THE VILLAGE OF NORTHFIELD  
PLAN AND ZONING COMMISSION

COMMISSION

REPORT OF PROCEEDINGS had before the Village of  
Northfield Plan and Zoning Commission taken at the Northfield  
Village Hall, Board Room, Northfield, Illinois on the 4th day  
of September, 2018, at the hour of 7:00 p.m.

MEMBERS PRESENT:

BILL VASELOPULOS, Chairman  
THOMAS BOLLING  
DAN deLOYS  
TRACEY MENDREK  
TODD BERLINGHOF  
KATHY ESTABROOKE  
STEVEN HIRSCH  
CONNIE BERMAN

MEMBERS ABSENT:

E. LEONARD RUBIN

ALSO PRESENT:

STEVE GUTIERREZ, Community Development Director

1 CHAIRMAN VASELOPULOS: I'd like to call to order  
2 the meeting of Plan and Zoning Commission. My name is  
3 Bill Vaselopulos, I'm the Chairman of the Commission  
4 this evening. And at this time, I'd like all the  
5 Commissioners to introduce themselves, starting with  
6 Connie.

7 COMMISSIONER BERMAN: Connie Berman.  
8 COMMISSIONER HIRSCH: Steven Hirsch.  
9 COMMISSIONER ESTABROOKE: Kathy Estabrooke.  
10 COMMISSIONER BERLINGHOF: Todd Berlinghof.  
11 COMMISSIONER MENDREK: Tracey Mendrek.  
12 COMMISSIONER deLOYS: Dan deLoys.  
13 COMMISSIONER BOLLING: Tom Bolling.

14 CHAIRMAN VASELOPULOS: Thank you everybody. The  
15 purpose of tonight's meeting is to conduct a public  
16 hearing and to discuss these requests for approval of  
17 special use permits. There are four of them tonight, so  
18 I'll name them all off individually.

19 The first one is located at 190-B Northfield Road,  
20 the Petitioner's name is KSDC, LLC. The second one is  
21 211 Waukegan Road, the Petitioner's name is NorthShore  
22 University HealthSystem. The third one is at 191  
23 Waukegan Road, Petitioner's name is Dr. James Toraason.  
24 And the fourth one is at 2005 South Ridge Terrace, the  
25 Petitioner's names are Nancy Armstrong as trustee for  
26 the Nancy B. Armstrong Trust, Louis Porter and Sherry  
27 Ann Porter, James Challenger as trustee for James T.  
28 Challenger, Irrevocable Trust, and Christopher Stephan,  
29 Trustee for the Christopher Stephan 2012 Family Trust.  
30 The public hearing format will provide an overview of  
31 these proposals and a forum for public comment and  
32 input.

33 This Commission is a recommending body only and we  
34 will forward our recommendations to the Village  
35 President and the Board of Trustees for final  
36 determination on whether or not to grant these items  
37 before us today. The Board will then consider these  
38 items that are being discussed this evening at the next  
39 Board meeting which is scheduled for Monday, September  
40 17, 2018 at 7:00 p.m. right here in this Board room.  
41 All note that's Monday, not the normal Tuesday day.

42 Commission meetings require that all persons  
43 wishing to be heard and enter to testimony must be sworn  
44 in. That includes all petitioners, individuals with the  
45 petitioners, and any other interested parties or the  
46 property owners. Following the petitioner's  
47 presentation and after the Commission has an opportunity  
48 to ask questions and to discuss amongst ourselves, then  
49 all other interested parties can be given an opportunity  
50 to speak. Prior to speaking, we request that all  
51 parties step forward to the microphone, be sworn in, and  
52 provide their name, address, and interest in this matter

1 for the record. These proceedings are being recorded  
2 and that is why we request you speak only at the podium  
3 where the microphone is located.

4 Our first order of business is to pass the minutes  
5 from our last meeting of June 4th, 2018.

6 COMMISSIONER BOLLING: So moved.

7 COMMISSIONER BERLINGHOF: Second.

8 CHAIRMAN VASELOPULOS: All those in favor?

9 (Chorus of ayes.)

10 CHAIRMAN VASELOPULOS: All opposed?

11 (No response.)

12 CHAIRMAN VASELOPULOS: The motion carries. Before  
13 the first petitioner steps to the microphone, Steve, do  
14 you have any introductory comments?

15 MR. GUTIERREZ: Thank you, Mr. Chairman. The first  
16 petitioner, as you mentioned, is KSDC, LLC. They are a  
17 contract purchaser for the 9600 square foot commercial  
18 space at 190-B Northfield Road. The petitioner is  
19 seeking a special use in order to store company and  
20 employee-owned vehicles. We categorize this as a  
21 parking structure which requires a special use in the B-  
22 2 Service Commercial District, which this property is  
23 zoned. The remainder of this building currently is  
24 occupied by an office and product distribution use.

25 The only real comment I wanted to make regarding  
26 the petition, the petitioners are here to give you a  
27 summary of their request, is just to note that the  
28 parking lot has 11 exterior parking spaces, so this is  
29 in addition to whatever the parking inside, or whatever  
30 capacity they have inside. Our zoning codes off-street  
31 parking requirements, we don't have a parking  
32 requirement for a parking structure because it is for  
33 parking. However, they do plan as an ancillary use to  
34 store company records, electronics, equipment, and just  
35 as a hedge, we have suggested in your, in the memo here  
36 and the motion, proposed motion, to limit the occupancy  
37 of employees in the building to 11 to match the number  
38 of parking spaces. Just in event that that ancillary  
39 use activity grows and we want to make sure there's  
40 enough parking outside to accommodate, okay?

41 So again, they're not seeking or needing a parking  
42 variation, it's just, this is a kind of backstop that  
43 we'd suggest, if you want to approve this, that you may  
44 condition that approval. So, with that, the petitioner  
45 has a representative, presentation tonight. If you want  
46 to step up to the podium? I'll swear you in.

47 (Witness sworn.)

48 MR. BLUMENTHAL: Good evening, my name is Steven  
49 Blumenthal. I'm here together with Mr. Dru Goodman on  
50 behalf of KSDC with this request for a special use  
51 permit. Mr. Goodman is President of DDG, Inc. DDG,  
52 Inc. is the holding company for KSDC, which as

1 mentioned, is the contract purchaser of the property at  
2 190-B Northfield.

3 The request for special use permit is similar to  
4 the current use of the property with a few exceptions,  
5 or a few differences. Unlike the current owner that  
6 uses it to store an auto collection, our plan is to use  
7 the property for company owned vehicles and employee  
8 vehicles, and one with that, there'll be some, as  
9 mentioned, some ancillary use of some storage of company  
10 records and electronics and office supplies and things  
11 like that.

12 DDG has its offices in Northbrook and, as a result,  
13 the current plan does not contemplate anybody on-site at  
14 the property on a regular day-to-day office use or  
15 anything like that. The intention would be to use the  
16 facility as and when needed, basically as cars are moved  
17 in and out, or to the extent somebody is working on  
18 office records; that's what's contemplated. In  
19 addition, the contemplation in the near-term would be  
20 possibly adding a small office, not to exceed 250 square  
21 feet, as well as create a little lounge area for people  
22 that are within the building from time-to-time.

23 Essentially, that is our request and, like I said,  
24 it's basically use the property as it's currently being  
25 used with those slight modifications. Thank you.

26 CHAIRMAN VASELOPULOS: Okay, thank you. I have a  
27 few questions, but I'll let the Commission. Anybody  
28 have any questions?

29 COMMISSIONER BERLINGHOF: Then again, other than,  
30 do you, are you okay with Staff's recommendation about  
31 no more than 11 employees?

32 MR. BLUMENTHAL: Yes, that's not a problem.

33 COMMISSIONER BERLINGHOF: I don't have any other  
34 questions.

35 COMMISSIONER HIRSCH: So, the cars, you mentioned  
36 the vehicles are employee vehicles as well as company  
37 vehicles?

38 MR. BLUMENTHAL: Yes, it would be both.

39 COMMISSIONER HIRSCH: Are they vans or trucks or  
40 are they just passenger vehicles?

41 MR. BLUMENTHAL: Oh, well, other than maybe an SUV  
42 here and there --

43 COMMISSIONER HIRSCH: Right.

44 MR. BLUMENTHAL: -- it's basically vehicles.

45 COMMISSIONER HIRSCH: I mean, they're not work  
46 vehicles, they're not work vehicles specific?

47 MR. BLUMENTHAL: No, no, no. No, sir, no.

48 COMMISSIONER HIRSCH: And no sales, you're not  
49 selling the vehicles in this space?

50 MR. BLUMENTHAL: No, no, no --

51 COMMISSIONER HIRSCH: It's just storage?

52 MR. BLUMENTHAL: -- it's not a public facility.

1 COMMISSIONER HIRSCH: Would they be coming and  
2 going on a daily basis? Is this --  
3 MR. BLUMENTHAL: Well, given the fact that the  
4 storage of vehicles, primarily, during like winter  
5 months, not likely that there would be much in and out  
6 on a regular basis during the period of spring, summer  
7 and early fall, they'll be more in and out, but again,  
8 it would be during, you know, typical business hours.  
9 COMMISSIONER HIRSCH: So, this is surplus company  
10 vehicles storage, more or less?  
11 MR. BLUMENTHAL: Pretty much, yes.  
12 COMMISSIONER HIRSCH: Okay.  
13 MR. BLUMENTHAL: yes.  
14 COMMISSIONER MENDREK: What does DDG do?  
15 MR. BLUMENTHAL: DDG is an entity that's, it's  
16 essentially a holding company that owns a number of  
17 operating businesses.  
18 COMMISSIONER MENDREK: I noticed you mentioned in  
19 your letter on July 24th that there could be motorcycles  
20 or ATVs, so that's a little bit different than what you  
21 just mentioned here.  
22 MR. BLUMENTHAL: Well, within the term vehicles,  
23 that's what we contemplated, yes.  
24 COMMISSIONER MENDREK: Okay.  
25 MR. BLUMENTHAL: And that's what I tried to specify  
26 there, yes.  
27 COMMISSIONER MENDREK: And there wouldn't be any  
28 servicing of these vehicles on-site, this is not, you  
29 know, pull it in the garage and work on it for a few  
30 hours and -- nothing like that?  
31 MR. BLUMENTHAL: No, the facility is equipped with  
32 drainage and, so there would be some washing and  
33 detailing, but no maintenance, no services.  
34 COMMISSIONER BERMAN: Are these just high-end  
35 vehicles that are stored for winter?  
36 MR. BLUMENTHAL: Some of them, yes. Some of them  
37 are, yes.  
38 CHAIRMAN VASELOPULOS: I have a few questions. So,  
39 no maintenance, that's good to know. The access point,  
40 it's at the corner facing Northfield Road, to get into  
41 the garage, the cars enter and exit, right?  
42 MR. BLUMENTHAL: Yes, that's, yes.  
43 CHAIRMAN VASELOPULOS: The access point?  
44 MR. BLUMENTHAL: Yes.  
45 CHAIRMAN VASELOPULOS: Okay, you're planning to  
46 build your office just beyond that access point? The  
47 turning radius is going to be really sharp, but I don't  
48 know the exact dimensions of your office, but you've got  
49 one outline here where maybe it's 20 feet?  
50 MR. BLUMENTHAL: Yeah, again --  
51 CHAIRMAN VASELOPULOS: In front of the door?  
52 MR. BLUMENTHAL: Again, that's a preliminary plan

1 in terms of, you know, the plan would at some point,  
2 would involve the office, small office someplace there.  
3 Where exactly, if it has to be varied, that would, you  
4 know, certainly be --  
5 CHAIRMAN VASELOPULOS: You have it, like it doesn't  
6 say here, but 20 or 30 feet just beyond the door, that's  
7 not going to allow you to turn.  
8 MR. BLUMENTHAL: Right.  
9 CHAIRMAN VASELOPULOS: It's like in the worst place  
10 possible.  
11 MR. BLUMENTHAL: And if that's the case, then  
12 obviously that wouldn't be --  
13 CHAIRMAN VASELOPULOS: Okay, one other point,  
14 because this property's come up before us for another  
15 purpose all together and I brought this up a long time  
16 ago now. Steve, I don't know if the Village identified  
17 this or addressed this at all. The driveway to get into  
18 your parking lot, because of the angle of everything and  
19 the curb cut and the corner of the building really only  
20 allows for one car to get through that point and not  
21 have two cars, two cars could squeeze through, but it's  
22 really tight. Could you envision widening that curb cut  
23 so you can have two cars, one in each direction coming  
24 and going?  
25 MR. BLUMENTHAL: We don't contemplate that right  
26 now, no.  
27 CHAIRMAN VASELOPULOS: Okay.  
28 MR. BLUMENTHAL: Again, the extent of the use  
29 wouldn't necessitate that.  
30 CHAIRMAN VASELOPULOS: You're not going to have a  
31 lot of traffic coming through there?  
32 MR. BLUMENTHAL: Not at all.  
33 CHAIRMAN VASELOPULOS: That's through the parking  
34 lot. I'm not talking about the entrance to the  
35 building.  
36 MR. BLUMENTHAL: Right.  
37 CHAIRMAN VASELOPULOS: The vehicle entrance to the  
38 building, the access --  
39 MR. BLUMENTHAL: Right  
40 CHAIRMAN VASELOPULOS: Steve, did you guys look at  
41 that at all?  
42 MR. GUTIERREZ: Yeah, I think the conclusion that  
43 we did come to previous use was that the additional  
44 impervious area, we didn't really feel that was --  
45 there's no requirement for it. It's grand, that  
46 driveway essentially is grand-fathered in. It, I don't  
47 believe that it meets the 24 foot wide requirement for a  
48 drive aisle. However, again, it's grand-fathered and we  
49 didn't feel even the last one that was, rose to the  
50 level of suggesting a conditions.  
51 CHAIRMAN VASELOPULOS: Okay.  
52 COMMISSIONER ESTABROOKE: What about outside

1 maintenance? Who's going to be responsible for cutting  
2 trees and mowing grass and --

3 MR. BLUMENTHAL: Well, DDG has people that maintain  
4 their offices that would continue as part of this  
5 property owned through the group, so that's how that  
6 would be handled.

7 COMMISSIONER ESTABROOKE: Okay.

8 CHAIRMAN VASELOPULOS: Are you going to improve, or  
9 I don't know the security is on that side of the unit;  
10 how about security?

11 MR. BLUMENTHAL: Depending, you know, right now  
12 there is a decent system in there, but it's yet to be  
13 looked at because it depends on, yeah, yeah.

14 CHAIRMAN VASELOPULOS: Okay.

15 MR. BLUMENTHAL: That is one of the things that we  
16 did mention that we will be looking at.

17 CHAIRMAN VASELOPULOS: Is there some form of  
18 electronic surveillance of some sort, video --

19 MR. BLUMENTHAL: Yes, yes.

20 CHAIRMAN VASELOPULOS: -- not like beware of dog.

21 MR. BLUMENTHAL: No, no, no. Actually, they're  
22 very sophisticated in terms of the security they have at  
23 all the various operations.

24 COMMISSIONER HIRSCH: Is the idea for the 204  
25 square foot small office to be the document storage  
26 essentially, that's where everything will be or is this  
27 office space?

28 MR. BLUMENTHAL: Yes and no. It's also in case,  
29 you know, when somebody's there working on documents,  
30 you know, scanning or whatever they may be doing with  
31 the documents, that there's actually a little office  
32 that they can work from.

33 COMMISSIONER HIRSCH: Right.

34 MR. BLUMENTHAL: That's what --

35 COMMISSIONER HIRSCH: Obviously, the concern would  
36 be not knowing how the vehicle storage and the office  
37 use are combined. Certainly this is not considered  
38 automotive usage, so therefore there is no exhaust  
39 happening. Smartly, whoever is working in the office  
40 isn't going to leave engines running in the warehouse.

41 MR. BLUMENTHAL: Right.

42 MR. GUTIERREZ: The code will require that certain  
43 ventilation, you know, capacities and whatnot will be  
44 looked at during the permanent review if and when the  
45 office is built out.

46 MR. BLUMENTHAL: Yeah.

47 COMMISSIONER HIRSCH: Well, this special use  
48 doesn't include anything about automotive usage.

49 MR. GUTIERREZ: Well, other than the parking unit,  
50 yeah, no, there's no maintenance --

51 COMMISSIONER HIRSCH: It's storage, not usage.

52 MR. GUTIERREZ: -- yeah, exactly, but even as a

1 parking structure, there's extraordinary requirements.  
2 COMMISSIONER HIRSCH: Okay, are they in place now?  
3 MR. GUTIERREZ: And they're probably in place now  
4 because this is not that different than previous uses.  
5 COMMISSIONER HIRSCH: Yes, correct, exactly.  
6 MR. GUTIERREZ: Okay.  
7 COMMISSIONER BERMAN: How many cars do you  
8 anticipate during winter?  
9 MR. BLUMENTHAL: That's a good question, but I, off  
10 the top of my head, I would say would be somewhere in  
11 the neighborhood of six to 10.  
12 CHAIRMAN VASELOPULOS: Does anyone from the  
13 audience have any questions or comments they would like  
14 to make at this time?  
15 (No response.)  
16 Before we go to a motion, Steve, you indicated  
17 about the parking. That is not in here, right, is that  
18 what you said?  
19 MR. GUTIERREZ: Yeah, the 11, no more than 11  
20 employees --  
21 CHAIRMAN VASELOPULOS: Yeah, it is a condition in  
22 the motion, in the draft motion.  
23 MR. GUTIERREZ: I apologize.  
24 CHAIRMAN VASELOPULOS: No problem. Condition  
25 number five.  
26 MR. GUTIERREZ: Okay, sorry. Someone make a  
27 motion?  
28 COMMISSIONER HIRSCH: **I'll make a motion that we**  
29 **approve of the motion recommended to the Village Board**  
30 **for special use of parking structure that will house a**  
31 **personal auto collection at 190-B Northfield Road.**  
32 **Correction, error to Staff, in accordance with the**  
33 **petitioner's application and supporting materials date**  
34 **stamped September 28th, 2015, subject to the following**  
35 **conditions one through 14.**  
36 **1. The Special Use shall be personal and limited**  
37 **to the Petitioner, KSDC, LLC pursuant to Article XVI,**  
38 **Section 4(9) of the Zoning Ordinance of the Village of**  
39 **Northfield. Upon change in or transfer of ownership**  
40 **shall occur when the Petitioner and any corporation,**  
41 **partnership or other entity in which the Petitioner owns**  
42 **100 percent of the stock and/or assets, shall in the**  
43 **aggregate own less than 51 percent of these entities.**  
44 **The 51 percent minimum ownership requirements shall**  
45 **apply regardless of whether the business is owned by a**  
46 **corporation, partnership or other entity. Furthermore,**  
47 **the Special Use shall only be applicable to the subject**  
48 **property.**  
49 **2. No repairs, maintenance or servicing of**  
50 **vehicles shall occur at 190-B Northfield Road.**  
51 **3. Hours of operation shall be limited to 6:00**  
52 **a.m. to 10:00 p.m. Monday through Friday and to 9:00**



- 1 a.m. to 5:00 p.m. on Saturday and Sunday.  
2 4. The facility shall not be open to the public.  
3 5. No more than eleven employees may occupy the  
4 building at one time.  
5 6. A six foot high solid wooden fence must be  
6 maintained along the west edge of the parking lot and  
7 building.  
8 7. Prior to occupancy, the parking lot must be  
9 re-stripped in conformance with the Village Code parking  
10 stall dimension requirements.  
11 8. Any vehicle stored at 190-B Northfield Road  
12 shall meet all applicable statutory requirements with  
13 respect to vehicle exhaust systems and shall not in any  
14 event exceed the noise level limitations established in  
15 Section 19-3 of the Zoning Code of the Village of  
16 Northfield.  
17 9. The representations made in the application  
18 and supporting documents are binding upon the  
19 Petitioners. There shall be no additional uses  
20 permitted beyond those specifically enumerated herein or  
21 permitted by the Village of Northfield's Zoning  
22 Ordinance.  
23 10. The Village of Northfield Health, Fire, and  
24 Building Officials shall be granted access to the  
25 subject property at any reasonable time for purposes of  
26 conducting inspections for compliance with Villages  
27 Codes and Ordinances.  
28 11. An approval pursuant to any requested review  
29 by a Village consultant, Village staff member, Village  
30 Commission or Village Board Committee shall be an  
31 approval of only those items specified in any motion,  
32 resolution, ordinance, or written report. Such approval  
33 shall not be deemed to be an approval of any matter  
34 which is within the jurisdiction of any other Village  
35 consultant, Village staff member, Village Board  
36 Committee or Village Commission that has not issued a  
37 report or given its approval. Neither shall such  
38 approval be deemed the approval of any County, State or  
39 Federal Agency. Under no circumstances shall the  
40 approval be deemed to be an approval of any matter not  
41 included in this ordinance by virtue of the fact that  
42 such a matter appeared on a supporting document which is  
43 not attached as an exhibit to this ordinance or  
44 incorporated as an exhibit as part of this ordinance.  
45 12. The petitioner shall comply in all other  
46 respects with the ordinances of the Village of  
47 Northfield and nothing in this special use shall be  
48 construed as a waiver of any of those requirements.  
49 13. Violation of any condition of this Special Use  
50 Ordinance shall be cause to revoke said permit by the  
51 Corporate Authorities upon ten (10) days proper notice  
52 to the Petitioner. Alternatively, the Village Manager

1 shall have the right to assess fines, not to exceed  
 2 \$750.00 per violation, for violation of this Special Use  
 3 Ordinance. Such assessment of fines may be appealed to  
 4 the Corporate Authorities by filing written notice of  
 5 appeal within three (3) days of the assessment.

6 14. Changes in the project may only be made as  
 7 follows:

8 A. Minor Field Changes. Minor changes in  
 9 locations or sizes shown on exhibits may be approved, in  
 10 writing, by the Director of Community Development.  
 11 Typically, a minor field change will not involve a  
 12 percentage change greater than 3 percent. However, not  
 13 all changes of less than 3 percent shall necessarily be  
 14 deemed to be minor. The determination of the Director  
 15 of Community Development as to whether a change is a  
 16 minor field change shall be final.

17 B. Village Board Approved Changes. The  
 18 village Board may approve, without referral to the Plan  
 19 and Zoning Commission, such other changes as it believes  
 20 are in the best interest of the Village and which do not  
 21 involve changes in numbers found in the text of the  
 22 Ordinance and which do not have a substantial, direct  
 23 impact on adjacent properties. The determination of the  
 24 Village Board as to whether a requested change should be  
 25 referred to the Plan and Zoning Commission shall be  
 26 final.

27 C. Changes Requiring a Public Hearing. Any  
 28 change involving a size, quantity or other numerical  
 29 value found in the text of the Ordinance or any change  
 30 having substantial, direct impact on adjacent properties  
 31 shall not be made except after a public hearing before  
 32 the Plan and Zoning Commission. Additionally, the  
 33 Village Board or the Director of Community Development  
 34 may refer any requested change to the Plan and Zoning  
 35 Commission for public hearing when either believes it  
 36 would be in the best interest of the Village to do so.

37 CHAIRMAN VASELOPULOS: That's it.

38 COMMISSIONER BERLINGHOF: Second.

39 CHAIRMAN VASELOPULOS: All those in favor?

40 (Chorus of ayes.)

41 CHAIRMAN VASELOPULOS: All opposed?

42 (No response.)

43 CHAIRMAN VASELOPULOS: The motion carries.

44 MR. BLUMENTHAL: Thank you.

45 CHAIRMAN VASELOPULOS: The next item before us is  
 46 211 Waukegan Road. Petitioner's name is NorthShore  
 47 University HealthSystems. Steve, do you have any  
 48 introductory comments?

49 MR. GUTIERREZ: Thank you, Mr. Chairman. The  
 50 petitioner is seeking a special use to operate a 8,000  
 51 square foot primary care medical office. I'm sorry,  
 52 they were granted a special use back in 2013 to operate

1 a 8,000 square foot primary care medical office at 211  
2 Waukegan Road. Now, they wish to amend that special use  
3 in order to add immediate care to the services they  
4 provide at this facility. Also to add a small X-ray  
5 facility and to expand their operating hours.

6 Currently their operating hours run from 7:00 a.m.  
7 to 7:00 p.m., Monday through Friday, and 9:00 a.m. to  
8 1:00 p.m. on Saturday. They're closed on Sunday. They  
9 wish to extend their Saturday hours until 5:00 p.m. and  
10 add Sunday hours between 8:00 a.m. and 5:00 p.m.  
11 They're not proposing any changes to the exterior of the  
12 building other than a sign, a new sign, but that will be  
13 reviewed by the Architectural Commission subject to this  
14 process.

15 With regard to parking, it's again, a three-story  
16 office building. NorthShore is the tenant of one of the  
17 floors of those three floors. The parking for the  
18 existing building is 87 spaces and the requirement  
19 calculates out to exactly 87 spaces. So, they do not  
20 need a variation. That said, the petitioner submitted a  
21 parking study and that indicated, and we in our own  
22 observations would concur that at peak parking demands,  
23 that there is about 15 spaces available out of that 87.

24 Now, this is adequate. What we're, what we don't know,  
25 because we haven't measured it over the course of an  
26 entire year, is what if any seasonal fluctuations there  
27 may be. And that 15 spaces is a nice cushion, but it's  
28 not a huge cushion of parking.

29 So, the only thing we've suggested here is that if  
30 the Commission is amenable to approving this special use  
31 request, that it condition that on establishing a 12-  
32 month test period, during which time Staff will monitor  
33 the lot, see if there is any seasonable effect in terms  
34 of the demand, and just make sure it doesn't exceed that  
35 threshold of 87 spaces. And if it does, to give Staff  
36 basically the authority to require any appropriate  
37 measure be taken to provide any needed parking spaces,  
38 such as valet parking or leasing spaces, additional  
39 spaces off-site in the area.

40 So, with that, again, the petitioner is here, that  
41 representation is here, if you want to have them give  
42 you a summary of their request and answer any questions,  
43 and I can obviously answer any questions you have as  
44 well.

45 So, please raise your right hand.

46 (Witness sworn.)

47 MR. GUTIERREZ: Thank you.

48 MR. HALL: My name is Jeremy Hall. I'm with  
49 Integrated Facilities Solutions before you tonight on  
50 behalf of NorthShore University HealthSystem. As Steve  
51 mentioned, we have a current medical office building  
52 over at 211 Waukegan that's been in place since 2013.

1 Tonight we're before you asking for a special use  
2 amendment to specifically increase the hours of  
3 operation for the site and we have some small  
4 construction that will be going on.  
5 Specifically, we're providing additional access for  
6 the patients via a new X-ray that will be put in, as  
7 well as a small blood draw area to provide convenience  
8 to patients so they don't have to go off-site and seek  
9 those elsewhere as a follow-up appointment.  
10 Our ask is that we increase our hours to include  
11 Sunday, which is currently not included, so we do not  
12 have any operating hours there today. We will be  
13 seeking 8:00 to 5:00 on Sunday, and if I may make one  
14 amendment to the report that Steve gave. I made an  
15 oversight. We are currently operating 9:00 to 1:00 on  
16 Saturday. The request would be that we operate from  
17 8:00 to 5:00 on Saturday and Sunday both. I don't know  
18 if that's within the ability of us to make that change  
19 at this meeting, but that is the ask.  
20 MR. GUTIERREZ: So, actually I put that down,  
21 Saturday 8:00 a.m. to 5:00 p.m. Is that what you're  
22 saying? On Saturday and Sunday.  
23 MR. HALL: Yes.  
24 MR. GUTIERREZ: I'm sorry, I have 9:00 a.m. to 5:00  
25 p.m. on Saturday.  
26 MR. HALL: Yeah, I apologize. That was my  
27 oversight.  
28 MR. GUTIERREZ: So, you want that changed to 8:00  
29 a.m.?  
30 MR. HALL: Yes, 8:00 a.m. to 5:00 p.m. both  
31 Saturday and Sunday.  
32 CHAIRMAN VASELOPULOS: So Steve, you had 9:00 to  
33 5:00, they just want 8:00 to 5:00?  
34 MR. GUTIERREZ: Right, and that's in condition to  
35 on the motion.  
36 CHAIRMAN VASELOPULOS: Yeah, we can do that now.  
37 MR. HALL: Thank you. And then obviously I'm here  
38 to answer any questions you guys may have about the  
39 special use or immediate care. I've also brought a  
40 representative from NorthShore University HealthSystem,  
41 in case there are any clinical things that you guys  
42 would like to discuss. The practice is very similar to  
43 that of a regular primary care practice. It is in fact  
44 primary care without an appointment. So, there's a lot  
45 of buzz words going around about urgent care and  
46 immediate care, et cetera.  
47 There's nothing special about the care that's  
48 offered other than the fact that you can do it without  
49 an appointment and you don't have to have a primary care  
50 physician within that practice in order to see a doctor  
51 there. The idea is when you're sick, you want to see  
52 somebody, you want to feel better now. You don't want

1 to wait three days for your physician so you just stop  
2 in one of their many immediate care facilities and you  
3 can be seen that day.

4 The size of the space will not grow, so we are  
5 using existing square footage of the space. No  
6 additional exam rooms will be added to this space. The  
7 only construction or architectural changes that would be  
8 made will be to accommodate the blood draw area and the  
9 X-ray.

10 CHAIRMAN VASELOPULOS: Thank you. Any questions,  
11 Commissioners?

12 COMMISSIONER BERLINGHOF: Steve, I have a question.  
13 This is the building that we approved to special use  
14 you said 2013. If I recall, wasn't there some vacant  
15 space in that building they had to leave vacant in order  
16 to make this work?

17 MR. GUTIERREZ: No, there were vacant spaces, but  
18 we always -- we assume, when we do our parking  
19 calculation, if there's vacant space in an office  
20 building, we assume that it's going to be occupied by  
21 general office use and we actually count that against  
22 their calculation.

23 COMMISSIONER BERLINGHOF: What am I remembering  
24 then?

25 COMMISSIONER ESTABROOKE: I think that was one next  
26 door.

27 COMMISSIONER BERLINGHOF: It was the building next  
28 door? It was one of these building that --

29 COMMISSIONER ESTABROOKE: Yes.

30 COMMISSIONER BERLINGHOF: -- we didn't have enough,  
31 there was too many, the parking code was such that we  
32 had to leave, they had to leave it vacant and they  
33 agreed to do it. And I thought that was, was it, is  
34 there another health facility next door to you? Is  
35 there a Northwestern health facility?

36 MR. GUTIERREZ: I just read through the file before  
37 as I was doing this. I don't see that as a condition of  
38 that --

39 COMMISSIONER BERLINGHOF: That's the one where we  
40 moved the garbage enclosure to get more space.

41 CHAIRMAN VASELOPULOS: That was straddling the two  
42 buildings.

43 COMMISSIONER BERLINGHOF: Right.

44 COMMISSIONER ESTABROOKE: Yeah.

45 COMMISSIONER BERLINGHOF: I could have sworn we had  
46 to leave space vacant to make this thing happen.

47 CHAIRMAN VASELOPULOS: It may have been 191 though,  
48 because that's where the garbage is located.

49 MR. GUTIERREZ: 191 has a lot of parking. It may  
50 have been discussed, but it wasn't a condition in the  
51 ordinance.

52 COMMISSIONER BERLINGHOF: I guess the big question

1 here is - pardon me. This is the new sign. Is it going  
2 to be, I have seen a lot of signs, 10 minute wait, five  
3 minute wait, are you going to have a wait sign on it?  
4 MR. HALL: No, it will simply state immediate care.  
5 The sign that is there will remain almost intact with  
6 an immediate care band at the bottom of the NorthShore  
7 University HealthSystem logo, which obviously we'll  
8 present before your Appearance Review Commission.  
9 MR. GUTIERREZ: One other thing to note, Todd.  
10 Currently, if I'm not mistaken, the building is 100  
11 percent leased. Is that correct?  
12 MR. HALL: It is.  
13 MR. GUTIERREZ: So, we have the kind of worst case  
14 scenario so to speak --  
15 COMMISSIONER BERLINGHOF: Sure.  
16 MR. GUTIERREZ: -- as well that, to observe. And  
17 again, that 15 spaces, it's good, I mean, and they meet  
18 the requirements. I'd just like to see a little more  
19 cushion. I particularly understand, if during cold and  
20 flu season, you know, you're going to see 18 or 25 more  
21 patients there than they do currently at the peak time.  
22 COMMISSIONER HIRSCH: Is there a projection for  
23 caseload? Is there any kind of idea what it might look  
24 like in a busy season, whatever that might be also?  
25 MR. HALL: I do know that they see a fluctuation,  
26 depending on which site they're at. All I would offer  
27 is that there are no additional exam spaces being  
28 created, so we can't cycle any more patients through  
29 than are originally anticipated for that site.  
30 COMMISSIONER HIRSCH: Okay.  
31 MR. HALL: We aren't adding any exam space.  
32 COMMISSIONER HIRSCH: Right.  
33 MR. HALL: So nobody, nobody wants a bad parking  
34 situation, including NorthShore. Makes it unhappy  
35 customers. That's actually the study that we  
36 commissioned was actually an informal study that was  
37 started by NorthShore several months before we even came  
38 before the Planning and Zoning Commission to anticipate  
39 that very thing. If, you know, what does the site look  
40 like on a daily basis and we studied that back in, I'd  
41 have to look at my notes, but I believe it was April and  
42 then again in June or July, and we didn't see any  
43 fluctuation in that timeframe. Granted, that's only  
44 three months out of 12 --  
45 COMMISSIONER HIRSCH: Right.  
46 MR. HALL: -- but we saw pretty consistent numbers.  
47 COMMISSIONER HIRSCH: But the change is with the  
48 level of care, unless I'm mistaken, so you're moving  
49 more toward an immediate care or urgent care from  
50 primary?  
51 MR. HALL: Yeah, the nomenclature is immediate  
52 care. It is primary care without an appointment.

1 COMMISSIONER HIRSCH: It is.  
2 MR. HALL: Yes, sir.  
3 COMMISSIONER HIRSCH: Okay. No trauma, no --  
4 MR. HALL: No trauma.  
5 COMMISSIONER HIRSCH: -- emergency rooms?  
6 MR. HALL: Correct.  
7 COMMISSIONER HIRSCH: Okay.  
8 MR. HALL: These are all non-emergency services.  
9 COMMISSIONER HIRSCH: Yeah.  
10 CHAIRMAN VASELOPULOS: But even though you're not  
11 adding any exam rooms, wouldn't you have uptick in  
12 traffic simply because people would be coming just for  
13 the blood draw or just for the X-ray?  
14 MR. HALL: The short answer is we hope so. In  
15 general, yes, hopefully it's a leveling. You know,  
16 you're going to try to keep that facility busy all day.  
17 In terms of particular specific volumes expected, I  
18 don't have those numbers in front of me today.  
19 CHAIRMAN VASELOPULOS: But it's schedule or is it  
20 walk-in?  
21 MR. HALL: It is walk-in.  
22 CHAIRMAN VASELOPULOS: Okay. I mean, the real  
23 issue is Saturday and Sunday I would imagine.  
24 COMMISSIONER HIRSCH: When the office is likely --  
25 CHAIRMAN VASELOPULOS: When other facilities are  
26 closed, people are going to come here.  
27 COMMISSIONER HIRSCH: Correct.  
28 CHAIRMAN VASELOPULOS: I mean, do you envision that  
29 type of traffic or is this going to be seven days a  
30 week, you think, people coming at all, every day?  
31 MR. HALL: I don't have those exact numbers.  
32 Obviously, you're going to see more, or you're hoping to  
33 see traffic in those hours that you're open on the  
34 weekends when you otherwise wouldn't normally be open.  
35 What I would offer is that of the 18 exam rooms in the  
36 space, they've only slated five of those to provide for  
37 every day care. So it's, even on a Saturday/Sunday, you  
38 wouldn't expect to see the building full like you would  
39 on a weekday. They won't have the staff to support that  
40 quantity of patients.  
41 COMMISSIONER ESTABROOKE: Well, if the Staff does  
42 their study and finds out that you guys are out of  
43 compliance, are you willing to do the valet and find  
44 other parking somewhere else for your employees or --  
45 MR. HALL: Certainly. While we wouldn't want to be  
46 restricted any more than necessary, in the past we've  
47 actually reached out to the neighboring parties,  
48 specifically back in 2013 when we were first looking at  
49 this, and we were looking at the overall parking counts,  
50 and we were saying if there were any other medical use  
51 in the building, it would, in fact, be kind of tight on  
52 the site. So, we had reached out to some of our

1 neighbors and there was some openness to them providing  
2 some proximate parking for employees and NorthShore was  
3 open with that at the time.

4 COMMISSIONER HIRSCH: Along those lines, I have an  
5 interesting observation, at least from the aerial.  
6 There looks like a strip of easement which actually on  
7 the tax parcel is shown as part of their land. On the  
8 east edge of the parking, of the entire length, there's  
9 sort of a brown, unused long portion. What is that?

10 MR. GUTIERREZ: I believe there may be some  
11 detention in there --

12 COMMISSIONER HIRSCH: That's what I feared.

13 MR. GUTIERREZ: I don't have the topography in  
14 front of me, but if I recall, going back --

15 COMMISSIONER HIRSCH: I thought it might be.  
16 Because that would be primary to double up if it was at  
17 all possible.

18 MR. GUTIERREZ: In any event, that would not allow  
19 for another bank of parking.

20 COMMISSIONER HIRSCH: Yeah, too narrow.

21 MR. GUTIERREZ: We don't allow doubling up of--

22 COMMISSIONER HIRSCH: Yeah. I just, I noticed that  
23 though, it's right, it's unused.

24 MR. GUTIERREZ: The consideration would be to find,  
25 you know, some overflow, reciprocal with one of the  
26 other buildings or even, you know, by prescription, or  
27 whatever they wanted to do, grant that to you, so --

28 MR. GUTIERREZ: I believe that's part of our motion--

29 CHAIRMAN VASELOPULOS: It is, right.

30 MR. GUTIERREZ: -- so either have to find it or in  
31 the special use is taken away and they no longer can do  
32 it. So, if they agreed to that, then it's going to  
33 help. It's a good solution.

34 CHAIRMAN VASELOPULOS: As long as you're  
35 comfortable with it.

36 MR. HALL: Yes.

37 CHAIRMAN VASELOPULOS: Any more questions from the  
38 Commissioners? Does anyone from the audience have any  
39 questions or comments they'd like to make?

40 (No response.)

41 CHAIRMAN VASELOPULOS: Would someone like to make a  
42 motion and in that motion address number two, the hours  
43 of operation?

44 COMMISSIONER BERLINGHOF: I'll go ahead and do it.  
45 **I'd like to make a motion to recommend to the Village**  
46 **Board approval of the special use amendment allowing**  
47 **immediate care medical services and X-ray facility and**  
48 **expanded hours of operation for the medical office**  
49 **facility at 211 Waukegan Road in accordance with the**  
50 **petitioner's application and supported materials date**  
51 **stamped July 27th, 2018. Subject to conditions one**  
52 **through nine with a change on condition number two to**



1 increase the hours of operation from 8:00 a.m. to 5:00  
2 p.m. on Saturday to 8:00 a.m. to 5:00 p.m. on Sunday.

3 1. The Special Use as amended shall be personal  
4 and limited to the Petitioner, NorthShore University  
5 HealthSystem pursuant to Article XVI, Section 4(9) of  
6 the Zoning Ordinance of the Village of Northfield. Upon  
7 changes in or transfer of ownership of the business, the  
8 Special Use shall lapse. Change in ownership shall  
9 occur when the Petitioner and any corporation,  
10 partnership or other entity in which the Petitioner owns  
11 100 percent of the stock and/or assets, shall in the  
12 aggregate own less than 51 percent of these entities.  
13 The 51 percent minimum ownership requirements shall  
14 apply regardless of whether the business is owned by a  
15 corporation, partnership or other entity. Furthermore,  
16 the Special Use shall only be applicable to the subject  
17 property.

18 2. Hours of operation shall be limited to 7:00  
19 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to  
20 5:00 p.m. on Saturday and 8:00 a.m. to 5:00 p.m. on  
21 Sunday.

22 3. Village staff shall monitor the parking lot at  
23 211 Waukegan Road for 12 months. If during that time  
24 Village staff determines that the existing number of  
25 parking spaces is inadequate to serve the building,  
26 staff may require the petitioner to take measures to  
27 provide additional parking capacity.

28 4. The representations made in the application  
29 and supporting documents are binding upon the  
30 Petitioners. There shall be no additional uses  
31 permitted beyond those specifically enumerated herein or  
32 permitted by the Village of Northfield's Zoning  
33 Ordinance.

34 5. The Village of Northfield Health, Fire, and  
35 Building Officials shall be granted access to the  
36 subject property at any reasonable time for purposes of  
37 conducting inspections for compliance with Village Codes  
38 and Ordinances.

39 6. An approval pursuant to any requested by a  
40 Village consultant, Village staff member, Village  
41 Commission or Village Board Committee shall be an  
42 approval of only those items specified in any motion,  
43 resolution, ordinance, or written report. Such approval  
44 shall not be deemed to be an approval of any matter  
45 which is within the jurisdiction of any other Village  
46 consultant, Village staff member, Village Board  
47 Committee or Village Commission that has not issued a  
48 report or given its approval. Neither shall not be  
49 deemed to be an approval of any County, State or Federal  
50 Agency. Under no circumstances shall the approval be  
51 deemed to be an approval of any matter not included in  
52 this ordinance by virtue of the fact that such a matter

1 appeared on a supporting document which is not attached  
 2 as an exhibit to this ordinance or incorporated as an  
 3 exhibit as part of this ordinance.

4 7. The petitioner shall comply in all other  
 5 respects with the ordinances of the Village of  
 6 Northfield and nothing in this amended special use shall  
 7 be construed as a waiver of any of those requirements.

8 8. Violation of any condition of this amended  
 9 Special Use Ordinance shall be cause to revoke said  
 10 permit by the Corporate Authorities upon ten (10) days  
 11 proper notice to the Petitioner. Alternatively, the  
 12 Village Manager shall have the right to assess fines,  
 13 not to exceed \$750.00 per violation, for violation of  
 14 this amended Special Use Ordinance. Such assessment of  
 15 fines may be appealed to the Corporate Authorities by  
 16 filing written notice of appeal within three (s) days of  
 17 the assessment.

18 14. Changes in the project may only be made as  
 19 follows:

20 A. Minor Field Changes. Minor changes in  
 21 locations or sizes shown on exhibits may be approved, in  
 22 writing, by the Director of Community Development.  
 23 Typically, a minor field change will not involve a  
 24 percentage change greater than 3 percent. However, not  
 25 all changes of less than 3 percent shall necessarily be  
 26 deemed to be minor. The determination of the Director  
 27 of Community Development as to whether a change is a  
 28 minor field change shall be final.

29 B. Village Board Approved Changes. The  
 30 village Board may approve, without referral to the Plan  
 31 and Zoning Commission, such other changes as it believes  
 32 are in the best interest of the Village and which do not  
 33 involve changes in numbers found in the text of the  
 34 Ordinance and which do not have a substantial, direct  
 35 impact on adjacent properties. The determination of the  
 36 Village Board as to whether a requested change should be  
 37 referred to the Plan and Zoning Commission shall be  
 38 final.

39 C. Changes Requiring a Public Hearing. Any  
 40 change involving a size, quantity or other numerical  
 41 value found in the text of the Ordinance or any change  
 42 having substantial, direct impact on adjacent properties  
 43 shall not be made except after a public hearing before  
 44 the Plan and Zoning Commission. Additionally, the  
 45 Village Board or the Director of Community Development  
 46 may refer any requested change to the Plan and Zoning  
 47 Commission for public hearing when either believes it  
 48 would be in the best interest of the Village to do so.

49 COMMISSIONER BOLLING: Second.

50 CHAIRMAN VASELOPULOS: All those in favor?

51 (Chorus of ayes.)

52 CHAIRMAN VASELOPULOS: All opposed?

1 (No response.)  
2 CHAIRMAN VASELOPULOS: The motion carries.  
3 Congratulations to both of you.  
4 MR. HALL: Thank you, have a good night.  
5 CHAIRMAN VASELOPULOS: Thank you. The next item  
6 before us is 191 Waukegan Road, Dr. James Toraason.  
7 Steve, do you have any comments you'd like to make?  
8 MR. GUTIERREZ: Real quickly, the petitioner is  
9 seeking a special use in order to establish a dental  
10 practice, 4300 square foot dental practice in the three-  
11 story office building at 191 Waukegan Road, right next  
12 door to the previous applicant. The property is zoned  
13 B-1, Community/Commercial, and the, which requires, we  
14 consider this to be a medical office use. Medical  
15 office uses require a special use in this zoning  
16 district.  
17 The practice is going to have up to eight staff  
18 members and their hours of operation would be from 7:00  
19 a.m. to 6:00 p.m. Monday through Thursday and 7:00 a.m.  
20 through 4:00 p.m. on Friday. And the balance of this  
21 building is occupied by general office and medical  
22 office tenants. The parking lot has 201 parking spaces  
23 available to it. And the off-street parking requirement  
24 for the entire building has 189 parking spaces.  
25 But, again, there are some vacancies, I believe, in  
26 this building, and again, we count those vacancies  
27 against the calculation as general office. So, we  
28 assume that they're occupied in the calculation. That  
29 said, we have observed that the parking lots over the  
30 course of I think four days we went out in the mornings  
31 and observed that the parking, all of the parking  
32 available to this building would typically be 30 to 40  
33 percent empty in terms of number of parking spaces  
34 available.  
35 So, it means the code of requirements. I have no  
36 concerns whatsoever that this use and the existing uses  
37 will have adequate parking. There are no other really  
38 extraordinary conditions, other than what we typically  
39 ask for in the, with this particular petition. So, with  
40 that, we do have the petitioner here, is represented and  
41 can give you a summary of their request.  
42 CHAIRMAN VASELOPULOS: Of course, if you'd like to  
43 be sworn in by Steven?  
44 MR. TRAVERS: Yes.  
45 (Witness sworn.)  
46 MR. TRAVERS: My name is Kevin Travers. I'm the  
47 landlord and the property manager for the 191 Waukegan  
48 Road property. We have a lease with Dr. Toraason for  
49 the dental practice he'd like to establish at this  
50 location and I'm here to assist him with the petition  
51 for that special use permit for his practice at our  
52 location.

1 MR. TORAASON: I'm Jim Toraason, the dentist, and  
2 I've been practicing in this area for about 30 years.  
3 They're tearing my building down in Glenview, so that's  
4 why I'm moving my practice.  
5 CHAIRMAN VASELOPULOS: So, you have a practice in  
6 Glenview and you're moving your practice here?  
7 MR. TORAASON: Correct.  
8 CHAIRMAN VASELOPULOS: Good. Wonderful. Welcome.  
9 Any questions, Commissioners?  
10 MR. TORAASON: One of the -- when I put the hours  
11 of operation in, I do not work any Saturdays now, but I  
12 did make a request for Saturday hours just in case my  
13 associate works on Saturdays.  
14 MR. GUTIERREZ: That was part of our application  
15 that didn't get transcribed to the notes.  
16 MR. TORAASON: Oh, my apologies. I didn't catch  
17 that.  
18 COMMISSIONER HIRSCH: It's not in the motion, so --  
19 CHAIRMAN VASELOPULOS: We'd have to add it to the  
20 motion. I missed that somehow. What are the hours  
21 again?  
22 MR. TORAASON: So, the hours I was asking were  
23 Monday through Fridays, 7:00 a.m. to 6:00 p.m. and  
24 Saturday 7:00 a.m. to 1:00 p.m.  
25 CHAIRMAN VASELOPULOS: Monday through Friday?  
26 MR. TORAASON: Monday through Friday.  
27 MR. GUTIERREZ: Okay, so it's essentially 7:00 to  
28 4:00 on Friday. You want 7:00 to 6:00 on Friday.  
29 MR. TORAASON: Six, yeah.  
30 CHAIRMAN VASELOPULOS: 7:00 to 6:00 Monday through  
31 Friday and what did you say for Saturday again?  
32 MR. GUTIERREZ: 7:00 to 1:00.  
33 MR. TORAASON: 7:00 a.m. to 1:00. Nothing on  
34 Sundays.  
35 CHAIRMAN VASELOPULOS: Do we need to change  
36 anything regarding your calculations?  
37 MR. GUTIERREZ: No, no. The weekends for office  
38 buildings are not an issue.  
39 CHAIRMAN VASELOPULOS: And with that new  
40 information, I will re-ask the question, Commissioners,  
41 do you have any questions or comments?  
42 (No response.)  
43 CHAIRMAN VASELOPULOS: Members of the audience, do  
44 you have any questions or comments you'd like to make?  
45 (No response.)  
46 CHAIRMAN VASELOPULOS: Would someone like to make a  
47 motion?  
48 COMMISSIONER BERLINGHOF: **Motion to recommend the**  
49 **Village Board approval of a special use for dental**  
50 **office at 191 Waukegan Road in accordance with**  
51 **petitioner's application and supporting materials date**  
52 **stamped July 30th, 2018, subject to conditions one**

1 through eight with condition number two, the hours of  
2 operation should be limited to 7:00 a.m. to 6:00 p.m.  
3 Monday through Friday, and 7:00 a.m. to 1:00 p.m.  
4 Saturday.

5 1. The Special Use shall be personal and limited  
6 to the Petitioner, James H. Toraason, DDS, pursuant to  
7 Article XVI, Section 4(9) of the Zoning Ordinance of the  
8 Village of Northfield. Upon changes in or transfer of  
9 ownership of the business, the Special Use shall lapse.  
10 Change in ownership shall occur when the Petitioner and  
11 any corporation, partnership or other entity in which  
12 the Petitioner owns 100 percent of the stock and/or  
13 assets, shall in the aggregate own less than 51 percent  
14 of these entities. The 51 percent minimum ownership  
15 requirements shall apply regardless of whether the  
16 business is owned by a corporation, partnership or other  
17 entity. Furthermore, the Special Use shall only be  
18 applicable to the subject property.

19 2. Hours of operation shall be limited to 7:00  
20 a.m. to 6:00 p.m. Monday through Thursday and 7:00 a.m.  
21 to 4:00 p.m. on Friday.

22 3. The representations made in the application  
23 and supporting documents are binding upon the  
24 Petitioners. There shall be no additional uses  
25 permitted beyond those specifically enumerated herein or  
26 permitted by the Village of Northfield's Zoning  
27 Ordinance.

28 4. The Village of Northfield Health, Fire, and  
29 Building Officials shall be granted access to the  
30 subject property at any reasonable time for purposes of  
31 conducting inspections for compliance with Village Codes  
32 and Ordinances.

33 5. An approval pursuant to any requested by a  
34 Village consultant, Village staff member, Village  
35 Commission or Village Board Committee shall be an  
36 approval of only those items specified in any motion,  
37 resolution, ordinance, or written report. Such approval  
38 shall not be deemed to be an approval of any matter  
39 which is within the jurisdiction of any other Village  
40 consultant, Village staff member, Village Board  
41 Committee or Village Commission that has not issued a  
42 report or given its approval. Neither shall such  
43 approval be deemed the approval of any County, State or  
44 Federal Agency. Under no circumstances shall the  
45 approval be deemed to be an approval of any matter not  
46 included in this ordinance by virtue of the fact that  
47 such a matter appeared on a supporting document which is  
48 not attached as an exhibit to this ordinance or  
49 incorporated as an exhibit as part of this ordinance.

50 6. The petitioner shall comply in all other  
51 respects with the ordinances of the Village of  
52 Northfield and nothing in this amended special use shall

1 be construed as a waiver of any of those requirements.  
 2 7. Violation of any condition of this amended  
 3 Special Use Ordinance shall be cause to revoke said  
 4 permit by the Corporate Authorities upon ten (10) days  
 5 proper notice to the Petitioner. Alternatively, the  
 6 Village Manager shall have the right to assess fines,  
 7 not to exceed \$750.00 per violation, for violation of  
 8 this amended Special Use Ordinance. Such assessment of  
 9 fines may be appealed to the Corporate Authorities by  
 10 filing written notice of appeal within three (s) days of  
 11 the assessment.

12 8. Changes in the project may only be made as  
 13 follows:

14 A. Minor Field Changes. Minor changes in  
 15 locations or sizes shown on exhibits may be approved, in  
 16 writing, by the Director of Community Development.  
 17 Typically, a minor field change will not involve a  
 18 percentage change greater than 3 percent. However, not  
 19 all changes less than 3 percent shall necessarily be  
 20 deemed to be minor. The determination of the Director  
 21 of Community Development as to whether a change is a  
 22 minor field change shall be final.

23 B. Village Board Approved Changes. The  
 24 village Board may approve, without referral to the Plan  
 25 and Zoning Commission, such other changes as it believes  
 26 are in the best interest of the Village and which do not  
 27 involve changes in numbers found in the text of the  
 28 Ordinance and which do not have a substantial, direct  
 29 impact on adjacent properties. The determination of the  
 30 Village Board as to whether a requested change should be  
 31 referred to the Plan and Zoning Commission shall be  
 32 final.

33 C. Changes Requiring a Public Hearing. Any  
 34 change involving a size, quantity or other numerical  
 35 value found in the text of the Ordinance or any change  
 36 having substantial, direct impact on adjacent properties  
 37 shall not be made except after a public hearing before  
 38 the Plan and Zoning Commission. Additionally, the  
 39 Village Board or the Director of Community Development  
 40 may refer any requested change to the Plan and Zoning  
 41 Commission for public hearing when either believes it  
 42 would be in the best interest of the Village to do so.

43 COMMISSIONER MENDREK: Second.  
 44 CHAIRMAN VASELOPULOS: All those in favor?  
 45 (Chorus of ayes.)  
 46 CHAIRMAN VASELOPULOS: All opposed?  
 47 (No response.)  
 48 CHAIRMAN VASELOPULOS: The motion carries.  
 49 Congratulations.  
 50 MR. TORAASON: Thank you very much.  
 51 CHAIRMAN VASELOPULOS: Good luck.  
 52 All right, the fourth and final on the boards

1 today is at 2005 Southridge Terrace, the Armstrong  
2 property, and we have a few petitioners, supporters,  
3 challengers, Stephan and Armstrong. Steve, do you have  
4 some introductory comments you'd like to make?  
5 MR. GUTIERREZ: Yes, Mr. Chairman. Thank you. The  
6 petitioners, as you just listed, are seeking approval of  
7 a subdivision and rezoning of certain properties.  
8 They're seeking approval of a final plat of subdivision  
9 in order to create Lot 1 and Outlots A, B, C, and D on a  
10 10 and-a-half acre property currently at 2005 Southridge  
11 Terrace. They're also seeking to change the zoning of  
12 Outlot B, C, D. These are the outlots on the west side  
13 of the river. To change the zoning of Outlot B to R-3  
14 single-family residential, Outlot C and D to R-1  
15 countryside residential.  
16 The request for zoning is to simply make the  
17 outlots consistent in zoning to the adjoining properties  
18 that they're being purchased by. This will not increase  
19 the ability of those property owners on the west side of  
20 the river to build any bigger homes, any more homes, or  
21 really to benefit them in terms of the size of the  
22 homes.  
23 We had received some concerns, actually a few calls  
24 last week based on a flyer that had been circulated in  
25 people's mailboxes indicating that this, what was being  
26 proposed was a multi-family development of some sort and  
27 I assured those, the people that had called that what  
28 was being created was no more than one buildable lot  
29 which exists today and again four unbuildable outlots.  
30 The fact that those are unbuildable is stipulated  
31 on the subdivision and beyond that the outlots  
32 themselves wouldn't be buildable because they're a flood  
33 plain, floodway, configuration, lot sizes, things like  
34 that.  
35 So, again, I want to emphasize that these are  
36 not buildable lots. Lot 1, which is a re-configuration  
37 of the existing lot, obviously, is buildable but that is  
38 no different than what they can currently do there now.  
39 So there, I won't go into the details of who is getting  
40 what. If you'd like me to, I'd be happy to outline  
41 that. I did that in the memo.  
42 Suffice it to say, the, I'm sorry, a little bit of  
43 history. Back in 2010, there was a preliminary plat of  
44 subdivision approved for the Armstrong Woods first  
45 edition subdivision. And that would have split up this  
46 property into five single-family lots with one outlot  
47 designated for detention. After receiving extensions of  
48 the one-year deadline for filing a final plat of  
49 subdivision, the Armstrong's chose at some point not to  
50 pursue that final plat and that approval of the  
51 preliminary plat of subdivision lapsed, so that went  
52 away.

1           Again, the departments looked at the plat again, no  
2 building can go on, so there really wasn't any  
3 substantive comments on these outlots being created.  
4 Staff is recommending that in addition to, the plat of  
5 subdivision indicates that Lots B, C, and D, that those  
6 outlots that are being added to these adjoining  
7 properties would not count towards the FAR or land  
8 coverage, lot coverage requirements for let's say a  
9 future home, let's say a tear-down and building a new  
10 home. These outlots would not be counted towards this,  
11 excuse me, they would not be given credit for that land  
12 area, that additional land area when determining the  
13 size of the house that could be built.

14           CHAIRMAN VASELOPULOS: Are they limited to the lot  
15 that exists today?

16           MR. GUTIERREZ: That exists today. The terms of  
17 that calculation. For FAR, I'm sorry, is flow of area  
18 ratio, which essentially is the square footage of the  
19 house above grade. The Staff has suggested that, as an  
20 additional condition on any approval of the subdivision  
21 in rezoning, that Lot A, which is on the east side of  
22 the river adjoining the Armstrong's property, which  
23 exists today, that that also be excluded from that FAR  
24 and lot coverage calculations for the Armstrong's  
25 property.

26           The Armstrong's attorney has, is going to comment  
27 on that during their presentation, but that was one of  
28 the conditions that Staff had suggested on the plat.  
29 The other was there is an easement, the subdivision code  
30 requires that the Village be grant, any subdivision  
31 along the river, it requires that the Village be given  
32 an access easement to the river for emergencies,  
33 essentially.

34           The subdivision that was submitted to you on Friday  
35 has that access easement, but it only goes from the east  
36 side of the Porter's property at 225 Maple Row to the  
37 river. It doesn't extend, it doesn't show it extending  
38 across that Porter property to the end of the Maple Row  
39 roadway, okay? So, it's really useless to have an  
40 access over here when you can't get to it.

41           So, the, and again, the Porter's attorney is here  
42 representing them. I spoke to him last week about this.  
43 He checked with the Porters and they would be fine with  
44 allowing for that access easement. That would need to  
45 be refined as this goes on to the Village Board, but  
46 that was a condition that we placed in here to make sure  
47 that that was covered in any approval that you would, I  
48 should say approval recommendation that you would make  
49 tonight.

50           So, those were the two main conditions that we  
51 placed in the proposed motion. And, again, there are,  
52 just to point out, there are two motions, one for the



1 subdivision itself and one for the rezoning.  
2 CHAIRMAN VASELOPULOS: The easement addition would  
3 have to be for the, on the subdivision?  
4 MR. GUTIERREZ: We want to stipulate that --  
5 CHAIRMAN VASELOPULOS: In the subdivision motion?  
6 MR. GUTIERREZ: In the subdivision motion that that  
7 needs to be done. I think it would be ideal to make  
8 note of it on this subdivision plat, but it will also  
9 have to be done on the Porter's subdivision plat as  
10 well, so that is not subject of this hearing. That's  
11 clean up that we'll have to take care of after this.  
12 CHAIRMAN VASELOPULOS: Can you include that when,  
13 if this, well, not if, but when this goes before the  
14 Board in September, can it be included at that time or  
15 would it have to be, is there enough time to include it  
16 then?  
17 MR. GUTIERREZ: Yes. I'm sorry, on this plat,  
18 there is a note that talks about it. We'd like that  
19 note clarified.  
20 CHAIRMAN VASELOPULOS: I'm talking about on the  
21 Porter's side?  
22 MR. GUTIERREZ: On the Porter's?  
23 CHAIRMAN VASELOPULOS: Yeah.  
24 MR. GUTIERREZ: I have to talk to Buzz about that.  
25 We think that can be independent of this. We think it  
26 can be independent of this. Whether or not we can get  
27 that accomplished between now and the Board's meeting in  
28 two weeks is, that I'm not sure of, and I haven't had a  
29 procedural conversation yet with the Porters' attorney  
30 regarding that, so I'd have to work that out. That's  
31 what I have --  
32 COMMISSIONER BERLINGHOF: Steve, what's the  
33 Porters' property zone?  
34 MR. GUTIERREZ: They're R-3.  
35 COMMISSIONER BERLINGHOF: So they're R-3?  
36 MR. GUTIERREZ: They're R-3. Challenger's --  
37 COMMISSIONER BERLINGHOF: No, not, what's their  
38 current property zone?  
39 MR. GUTIERREZ: R-3.  
40 COMMISSIONER BERLINGHOF: So, Maple Row is R-3?  
41 MR. GUTIERREZ: North side is R-3. South --  
42 COMMISSIONER BERLINGHOF: All north sides are R-3?  
43 MR. GUTIERREZ: Yep, all the way across to Sunset  
44 Ridge and then the south side is R-1 and then the  
45 existing Armstrong property is R-2.  
46 COMMISSIONER BERLINGHOF: So, tell me what that  
47 means relatively speaking to the future? So, it's R-3  
48 now. You've added all this for, potentially, you've  
49 added all this property to the Porter site and granted,  
50 you're saying it can't be used in the FAR, what can it  
51 be used for?  
52 MR. GUTIERREZ: Really nothing.

1 COMMISSIONER BERLINGHOF: Is it all in the flood  
2 plain or is a portion not in the flood plain?  
3 MR. GUTIERREZ: You can't use, you can't use the  
4 flood plain or floodway for detention unless you're  
5 actually provided enough to compensate for what you're  
6 adding.  
7 COMMISSIONER BERLINGHOF: Correct. Is it all in  
8 the flood plain and floodway? All of it?  
9 MR. GUTIERREZ: All of that lot, I think it's  
10 Outlot B?  
11 COMMISSIONER BERLINGHOF: It's A, or B, you're  
12 right, B.  
13 MR. GUTIERREZ: It is within the flood, actually, I  
14 think it's all in the floodway. It certainly all the  
15 flood plain.  
16 COMMISSIONER BERLINGHOF: Okay.  
17 MR. GUTIERREZ: So really, effectively there's  
18 nothing they can do with it other than maybe put a, you  
19 know, wood chip path to the edge --  
20 COMMISSIONER BERLINGHOF: Right, right. I'm just  
21 trying to figure out the difference, the R-3 and the R-  
22 1. The R-1 is pretty simple. I didn't realize that the  
23 north side of Maple Row is all R-3. Because they're  
24 all, all those homes are built like they're R-1.  
25 MR. GUTIERREZ: Right.  
26 COMMISSIONER BERLINGHOF: Okay, thank you.  
27 CHAIRMAN VASELOPULOS: Okay, with that would all  
28 the petitioners come forward to be sworn in, please? We  
29 may have questions for obvious -- we'll swear you in all  
30 at one time.  
31 MR. GUTIERREZ: Okay everyone, raise your right  
32 hand.  
33 (Witnesses sworn.)  
34 MR. FRANCKE: I just want to note for the record  
35 that you have three attorneys here and technically under  
36 Illinois law, attorneys don't need to be sworn because  
37 when they are sworn in as attorneys, they promise to  
38 always tell the truth, and as we know, attorneys always  
39 do tell the truth.  
40 MR. GUTIERREZ: You just lied right there.  
41 MR. FRANCKE: Good evening, my name is Hal Francke,  
42 I'm an attorney with the law firm of Meltzer, Purtill &  
43 Stelle. I'm here this evening on behalf of the  
44 Armstrong family, Nancy B. Armstrong, trustee, as  
45 trustee of the trust is the owner of the Armstrong  
46 property. With me this evening are Paul Armstrong, Sr.,  
47 and Paul Armstrong, Jr., long-time resident of the  
48 Village, long-time resident of 2005 Southridge Terrace,  
49 the property that's before you this evening.  
50 As you know, as Mr. Gutierrez indicated, the  
51 petition that's before you is for rezoning of three  
52 outlot and subdivision of the Armstrong property and the

1 rezoning of certain of these outlots that you just heard  
2 about. So, Mr. Composto is here on behalf of the  
3 Porters who are the owners of the property just to the  
4 west of what would become Outlot B. Mr. Denkewalter is  
5 the attorney for the Challengers. They own the property  
6 at 225 Old Farm Road, which is under construction, or is  
7 it done?

8 MR. DENKEWALTER: Under construction.

9 MR. FRANCKE: Under construction, building a new  
10 house at 225 Old Farm Road and then Outlot C is, or D is  
11 adjacent to Chris Stephan, Chris and Molly Stephan's  
12 property at 175 Old Farm Road. Chris is not here this  
13 evening, but I told him I would look out for his best  
14 interest as we work together on some other unrelated  
15 projects. This project --

16 CHAIRMAN VASELOPULOS: Excuse me one second. And  
17 the fourth attorney that was sworn in?

18 MR. FRANCKE: No, that's Dan Creaney, he's the  
19 civil engineer. Dan is here, too, and I think he has a  
20 big picture of the plat that we were going to put up.

21 CHAIRMAN VASELOPULOS: So, he's a civil engineer.  
22 He's not the attorney?

23 MR. FRANCKE: Right. He's a civil engineer.

24 CHAIRMAN VASELOPULOS: Okay.

25 MR. FRANCKE: Do you want to put that up on the  
26 tripod stand?

27 So, if I could just add to Mr. Gutierrez's story,  
28 this project and concept has actually been talked about  
29 by the Armstrong's with the Village for almost 10 years  
30 now. And as Steve indicated, back in 2010, a  
31 preliminary plat of subdivision for the Armstrong  
32 property was actually approved by the Village and it  
33 created exactly the outlots, well, on the west side of  
34 the river, it created exactly the outlots that are  
35 before you this evening. Outlot A on the east side was  
36 configured slightly differently, but it basically, it  
37 was essentially the same.

38 The property that is west of the stream or the  
39 river, this branch of the middle fork, as you can see,  
40 it's part of the Armstrong property, but for crossing  
41 the stream it's not accessible to the Armstrong  
42 property. So, we have been talking to the Porters and  
43 the Challengers and the Stephans for a long time about  
44 them acquiring it, that part of the property that's west  
45 of the river. It made a lot of sense to everybody  
46 that's immediately contiguous to their existing  
47 property. It brings them right up to the river, more  
48 likely to maintain, enjoy, and benefit from all those  
49 properties.

50 Unfortunately, your subdivision code, unlike  
51 some municipal subdivision codes, do not allow for lot  
52 line adjustments between, like administratively, between

1 adjoining property owners. In some municipalities you  
2 can do that. Under the Illinois Plat Act, some of what  
3 is being contemplated here could be done by metes and  
4 bounds legal descriptions without having to go through  
5 what we're going through in front of you, a subdivision  
6 process. But your code is written that any adjustment  
7 of lot lines has to go through the subdivision process.

8 And so that's why we're here.

9 So, I want to reiterate again something else that I  
10 believe Steve said in his opening remarks for the  
11 benefit of anybody in the audience that may be concerned  
12 about this. This petition involves no proposal to build  
13 anything. It is purely a lot line, a lot creation for  
14 purposes of conveyancing, which again is required by  
15 your subdivision code. There is no plan to build any  
16 buildings on any of this property because of this.  
17 There's no proposal before the Village to build any new  
18 roads, extend any new utilities. This is a pure  
19 subdivision of land application.

20 And as was indicated earlier, the only reason that,  
21 connected to the application, joined in the application  
22 for subdivision is an application of the property owners  
23 to the west of rezoning is because the Armstrong  
24 property, in its entirety, is zoned R-2. And the  
25 concept and, or the thought was that these outlots that  
26 are ultimately to be acquired by the Porters, the  
27 Challengers, and the Stephans, should be the same zoning  
28 as the zoning of their lots where their houses are right  
29 now.

30 So, we worked with the Village attorney and with  
31 the Director of Community Development to address the  
32 issue that you've already discussed, putting a covenant  
33 on the plat to say that the FAR could, the floor area  
34 ration of their, either existing homes or a new home if  
35 the home got knocked down and rebuilt couldn't be bigger  
36 because they now own this land to the river. So, that's  
37 on the plat right now.

38 There is, in response, Mr. Berlinghof, to your  
39 question, there is also a notation on the plat that if  
40 anybody wanted to use that land for compensatory  
41 storage, your code wouldn't necessarily preclude that,  
42 but it makes it very clear that that can't happen  
43 without further Village approval and the grant of an  
44 easement to the Village in a form that's acceptable to  
45 the Village. So, it theoretically could happen.  
46 Although as Mr. Gutierrez said, some of, a good portion  
47 of these outlots is not only in the flood plain, it's in  
48 the floodway, where you're not going to put compensatory  
49 storage.

50 So, there is a notation on the plat that says none  
51 of these outlots can be built upon, basically. That's  
52 right on the plat. And the only issue that is open is

1 what Mr. Gutierrez referred to before. Which is, on the  
2 plat that's before you, there is a notation that says  
3 that the area of Outlots B, C, and D cannot be used in  
4 the calculation of floor area ratio or to determine  
5 compliance with the Village zoning ordinance limitation  
6 on lot coverage in connection with the development or  
7 future redevelopment of those lots, 225 Maple Row, 225  
8 Old Farm Road, or 175 Old Farm Road.

9 So, the Staff report recommends that that same  
10 limitation be added to Outlot A and for reasons, you  
11 know, that I'm happy to share with you right now, we've,  
12 I've explained to the Village attorney and to Mr.  
13 Gutierrez that we don't think they're comparable  
14 situations. It's not a surprise or it shouldn't be a  
15 surprise to anybody that one day the balance, what's now  
16 going to be Lot 1 in the subdivision should come back,  
17 could come back for future subdivision, for more homes.  
18 It was previously approved. What's east of the river  
19 was approved back in 2010 for five lots, five subdivided  
20 lots. Again, it never went to final, so that's why  
21 nothing ever got built there beyond what the existing,  
22 you know, what's there right now.

23 So, there were two concerns that Mr. Gutierrez  
24 expressed to us, and we've, you know, we have, I've made  
25 a proposal to him to address those concerns, or at least  
26 the first one. So, the first one is that if you look  
27 at, you can't see it on this and I did bring copies of  
28 this. I don't know if you've seen this, did they see  
29 this? The Huss subdivision?

30 MR. GUTIERREZ: Yes, this is what was submitted to  
31 them.

32 MR. FRANCKE: Okay, but not the Huss subdivision,  
33 then?

34 MR. GUTIERREZ: No, not that.

35 MR. FRANCKE: So, if I can, let me pass this out.

36 MR. GUTIERREZ: It's outlined on the plat.

37 MR. FRANCKE: What?

38 MR. GUTIERREZ: I said, Dan had outlined it on the  
39 plat, too.

40 MR. FRANCKE: We added them in the last version.  
41 So, this is where, this is where those dotted lines  
42 ending from. So, the existing Armstrong residence sits  
43 on what is Lot 2. And it is an existing subdivided lot  
44 which you can see in dotted lines on this latest version  
45 of the plat that Dan Creaney has created.

46 One of the concerns that Mr. Gutierrez raised was  
47 because if this plat now gets recorded, approved and  
48 recorded, that lot line goes away. So, theoretically,  
49 you know, you could take down, someone could take down  
50 the Armstrong residence and because we're suggesting  
51 there shouldn't be this provision about not including  
52 the, not excluding the area of Outlot A and any future

1 calculations. And, by the way, I think to a certain  
2 extent, this is a highly academic discussion because the  
3 parcel is so big. But I still think we want to, we  
4 don't know what's going to happen in the future, so we  
5 want to kind of preserve the options and just say we're  
6 going to live by your ordinances, whatever they are now,  
7 and whatever they are then.

8 But Mr. Gutierrez raised the concern that the lot  
9 line for Lot 2 is going to disappear if this plat gets  
10 recorded. And so that theoretically, you know, somebody  
11 could buy and take down the existing Armstrong residence  
12 and then take advantage of not only the area of Lot 1  
13 for FAR, but also the area of Outlot A, which could be  
14 like this. I mean, a McMansion beyond McMansions,  
15 theoretically, because you're talking like, what is it,  
16 Lot 1, what is Lot 1 and Outlot A together, like eight  
17 acres?

18 MR. CREANEY: About eight acres.

19 MR. FRANCKE: Yeah, about eight acres.

20 CHAIRMAN VASELOPULOS: That's assuming we would  
21 move Outlot A from --

22 MR. FRANCKE: If the limitation is put on, right.

23 CHAIRMAN VASELOPULOS: If we removed the limitation  
24 that the Village is requesting us to put on, like it's  
25 being put on B, C, and D.

26 MR. FRANCKE: Correct.

27 CHAIRMAN VASELOPULOS: Okay.

28 MR. FRANCKE: So, I get that. So, what I said to  
29 Mr. Hill and Mr. Gutierrez is I understand that concern.

30 So, one of the things we talked about, and you don't  
31 have this now in front of you, because we just talked  
32 about this, is we talked about the concept of maybe  
33 keeping, carving out Lot 2 out of this subdivision. It  
34 doesn't really need to be included.

35 And so we talk about the concept of actually  
36 modifying this plat to eliminate Lot 2 from being part  
37 of the subdivision and leave the Armstrong residence  
38 exactly as it is today. And that would remove that  
39 concern that somehow what is now Lot 2 and Huss  
40 Subdivision could somehow be a parcel that's over-  
41 developed, if you will. It's just a concept, it's a  
42 proposal, it's a thought to address that particular  
43 concern.

44 CHAIRMAN VASELOPULOS: How big is Lot 2. Is that  
45 an acre?

46 MR. FRANCKE: Well, I don't know.

47 MR. GUTIERREZ: 1.2 acres I think.

48 MR. FRANCKE: Is it?

49 MR. GUTIERREZ: Something in that order.

50 CHAIRMAN VASELOPULOS: And how big is Lot 1 to the  
51 north there?

52 MR. GUTIERREZ: That I don't know. It looks like

1 to be --  
2 MR. FRANCKE: And the whole parcel looks like it's  
3 205 by 355 and it looks like more or less two-thirds.  
4 Two-thirds of that is in --  
5 CHAIRMAN VASELOPULOS: And that's probably an acre,  
6 but I'm also asking about Lot 1 to the north.  
7 COMMISSIONER HIRSCH: But that's not being  
8 included.  
9 MR. FRANCKE: Yeah, that's not part of this  
10 application.  
11 COMMISSIONER HIRSCH: That's staying as a Lot 1 by  
12 itself.  
13 MR. FRANCKE: Yeah, it's the other side of the  
14 terrace, Southridge Terrace.  
15 CHAIRMAN VASELOPULOS: Okay.  
16 COMMISSIONER BERLINGHOF: So, right now, as we look  
17 at it, because I can't really tell, you've got Lot 2 of  
18 the Huss subdivision and the rest of the property is one  
19 lot?  
20 MR. FRANCKE: One big lot.  
21 COMMISSIONER BERLINGHOF: As we sit right now?  
22 MR. FRANCKE: Exactly.  
23 COMMISSIONER BERLINGHOF: Why are you creating  
24 Outlot A?  
25 MR. FRANCKE: So, good question. The question has  
26 come up with your Staff and with your attorney, months  
27 if not years ago, why we want to do that. And the  
28 reason is because historically Mr. Armstrong, Mrs.  
29 Armstrong, have had the assessor, even though this land  
30 is in flood plain, most of it's in flood plain and  
31 floodway. Assess it as all one big lot at really  
32 unbelievable ridiculous assessments and they've paid  
33 ridiculous amounts of taxes on completely unbuildable  
34 land.  
35 Just, if I can, to explain that further. And so  
36 what they want to do, to answer your question, Mr.  
37 Berlinghof, is they want to be able to show the  
38 assessor, and they've had attorneys challenge it and  
39 they've met with some success by bringing, you know,  
40 some, but the current assessor, and this is really, it's  
41 not, I've had other clients who dealt with this issue in  
42 Cook County, it's not just their problem. But just to  
43 give you an idea of what I'm talking about, here is the  
44 Sidwell map, the tax map for this property. And you can  
45 see, if you look at the Sidwell, other than Lot 2, which  
46 is, you know, in Huss subdivision, which is its own tax  
47 parcel, all of the rest of the land is one parcel.  
48 COMMISSIONER BERLINGHOF: So, you're going to  
49 subdivide it and then you're going to tax -- and call it  
50 unbuildable and then you're going to try to reduce the  
51 taxes on that particular parcel.  
52 MR. FRANCKE: Right, well, they've already been in

1 and gotten tax reductions -

2 COMMISSIONER BERLINGHOF: No, I understand.

3 MR. FRANCKE: -- but most, I mean, that's not what  
4 I do for a living. But if you talk to a lot of the  
5 lawyers that are out there that do real estate tax  
6 reductions, they will tell you that this land should be  
7 assess at like 50 or 60 cents a foot. And that's not  
8 what it's being assessed at. So, we think this will  
9 help.

10 The other thing it will do, the other thing, the  
11 other reason we want to create Outlot A is because  
12 again, if you go back and look at the preliminary plat  
13 that was approved back in 2010, Outlot A was created  
14 because it is the future area for detention. It's a  
15 likely location for future detention. And, you know, I  
16 brought copies of that 2010 plat if you want to see it.

17 But you'll see that Outlot A was created back then,  
18 too, as an outlot, which is common, as you know, for  
19 detention.

20 So, that's really why we want to create this Outlot  
21 A. There's no secrets about it. And we think also, you  
22 know, that the neighbors on the west side, they're going  
23 to be in the same position when, you know, we want, when  
24 we first started this, when we first started doing that,  
25 we were thinking of wrapping the neighbors' houses into  
26 this subdivision and doing one gargantuan plat. And  
27 then we realized that they'd be in the same predicament  
28 that the Armstrongs are and it would be better for them  
29 to do it this way so they can go to the assessor, you  
30 know, and say these lands are on the river, they're  
31 floodway, they're flood plain. Like I said, they should  
32 be assessed, not that they're off the tax role, but they  
33 should be assessed at 50, 60 cents a foot. And they'll  
34 be able to do the same thing. They're going to be able  
35 to say we're talking just about Outlot B, just about  
36 Outlot C, and just about Outlot D.

37 So, that's what's really driving all of this. And  
38 again, in terms of the one condition that we questioned,  
39 you know, our feeling is that your ordinance right now  
40 dictates what land that's included for purposes of FAR  
41 calculations, also for lot coverage. Our position is  
42 right now your ordinance would say how to calculate it  
43 for this property, the Armstrong property, the east of  
44 the river property. It does now. It will later. It  
45 shouldn't change just because we're creating this Outlot  
46 A.

47 We don't have any problem, the Armstrongs have no  
48 problem complying if they were to be doing a subdivision  
49 today or five years from now with your ordinance. Today  
50 as it exists, no one is asking for any exceptions, and  
51 variations, any departures. They're not looking to  
52 freeze the ordinance. They're not looking for future



1 relief. They're saying whatever your ordinance dictates  
2 right now, is what your ordinance now and whatever it  
3 dictates in the future is what it dictates in the  
4 future.

5 We're just saying, we don't, because it's not, not  
6 only not beyond the realm of possibility, but highly  
7 likely that at some point in the future, we'll be back  
8 before you subdivide, with a request to subdivide that  
9 property. We don't want to be burdening ourselves with  
10 a condition that got established on a plat in 2018 that  
11 nobody else has.

12 COMMISSIONER BERLINGHOF: Steve, am I, do I  
13 understand that effectively your concern is on the large  
14 side. I mean, that they could build a 30,000 square  
15 foot home.

16 MR. GUTIERREZ: Right.

17 COMMISSIONER BERLINGHOF: Your concern is on the  
18 small side, that you can subdivide this thing down the  
19 road into five, six, seven, eight, nine lots potentially  
20 and use --

21 MR. FRANCKE: Well, pure subdivision would be five  
22 lots.

23 COMMISSIONER BERLINGHOF: Five lots, and use Outlot  
24 A for --

25 MR. FRANCKE: Detention.

26 COMMISSIONER BERLINGHOF: -- detention and other  
27 impervious areas as relates to --

28 MR. FRANCKE: Possibly, right.

29 COMMISSIONER BERLINGHOF: So, the question, I  
30 guess, from our perspective as I sit here and think  
31 about this, if we're only concerned about the high side,  
32 then why don't we, why don't we, limitation put on this  
33 as it relates to that, and not as it relates to -- I  
34 think what his concerns is, all of sudden, you're saying  
35 we could never use it as part of any redevelopment to  
36 the north. I call it the north. I don't know what  
37 direction it is. And he doesn't want that because they  
38 may want to cut it up to even smaller lots for smaller  
39 homes and utilize it for that. Your concern is they're  
40 going to use it to build a 40,000 square foot home. So,  
41 is there a way which we can come to an agreement that  
42 allows the flexibility you're looking for, which is the  
43 subdivision with protecting what Staff is looking for  
44 from the monster house.

45 MR. FRANCKE: That would be fine. I mean, Steve  
46 said, and I don't remember this, even though I was here  
47 when it was done, Steve said that back then in 2010  
48 there was some kind of mass limit on the house size. I  
49 don't remember but he said, I think it was 10,000. No  
50 house could be bigger than 10,000 square feet. I don't  
51 see anybody in today's market and in the foreseeable  
52 future coming in there and building 10,000 square foot

1 houses. So, your concept would be fine.  
2 COMMISSIONER BERLINGHOF: And look, I'm actually a  
3 property rights guy, so I don't really agree with that  
4 in terms of limitation, but in the same token, I can  
5 appreciate the fact that I'm less inclined to allow the  
6 owner of the property to spend the next 10 years getting  
7 a lower base and saying how it's an unbuildable lot and  
8 really isn't being used for anything and we're going to  
9 pay X only to do that for the purpose, only then to be,  
10 to grab it back for a larger home.  
11 MR. FRANCKE: Yeah, I understand.  
12 COMMISSIONER BERLINGHOF: So, I think if there's a  
13 way in which we -- so the key here is ultimately what  
14 they're saying is that the home on Lot 2 and Lot 1 would  
15 go together and then you'd redo them all. If you just  
16 give us the Lot 2, you've got this back piece which is  
17 unusable.  
18 MR. FRANCKE: If we did what you're suggesting, we  
19 wouldn't have to carve out Lot 2.  
20 COMMISSIONER BERLINGHOF: Right. Does everyone  
21 understand what we're talking about?  
22 COMMISSIONER ESTABROOKE: Uh-huh, kind of.  
23 CHAIRMAN VASELOPULOS: Makes sense.  
24 MR. GUTIERREZ: One thing to note about carving out  
25 the --  
26 MR. FRANCKE: The existing lot.  
27 MR. GUTIERREZ: -- existing lot and we with Buzz  
28 about this after we got off the phone. The, Buzz Hill,  
29 the Village attorney, feels as, that, if we took that  
30 route, we'd really have to amend this plat and come back  
31 and continue this in order to consider that. We really  
32 need to have that in front of you. That was the Village  
33 attorney's take on that, too. He thought it was a  
34 viable solution, but just procedurally we would need to  
35 amend that.  
36 COMMISSIONER BERLINGHOF: Well, I don't know if  
37 anyone's in a huge hurry. I mean, I know the Armstrongs  
38 would love to close on the property, but B, C, and D  
39 aren't being used for anything ever.  
40 MR. FRANCKE: Yeah, I mean, I will tell you, I  
41 think all the parties do want to close and closing won't  
42 occur until the plat's approved.  
43 COMMISSIONER BERLINGHOF: Sure. Right.  
44 MR. FRANCKE: So, they do, but you're right. It's  
45 not like it's a builder who is trying to make a  
46 construction --  
47 COMMISSIONER BERLINGHOF: I mean, we ought to get  
48 it right. We ought to get the easement right through  
49 Maple Row, we ought to then address this and say to the  
50 extent that Outlot A is created, it can't be used  
51 fundamentally to produce a house on let's call it Lot 1  
52 and 2 that's using that FAR for that purpose and then to

1 the extent that it's being used to subdivide Lot 1 and 2  
2 into smaller lots, it could be used for detention and  
3 other purposes. I'm not probably saying that correctly.

4 MR. FRANCKE: Well, again, I have, conceptually  
5 have no problem with that. I would like to request that  
6 you give the direction to the Board and that between now  
7 and the Board action, we were kind of hoping to get this  
8 done. And if we don't have to carve out Lot 2, we don't  
9 really have to come back. I do want to address one  
10 thing about the easement. You were talking about it,  
11 which affects Mr. Composto's clients, the Porters. You  
12 know, that plat's already been approved. So, that was  
13 approved a long time ago; it's just never gotten  
14 recorded. And so, I think --

15 COMMISSIONER BERLINGHOF: You mean the easement  
16 that we're discussing?

17 MR. FRANCKE: The easement that you're discussing  
18 as a condition while Mr. Gutierrez, and I'm not, I think  
19 this is appropriate, he wants to make reference to it in  
20 connection with the approval of this plat, which is  
21 logical and makes sense. I agree with that. The plat  
22 that really needs the easement isn't before you and it's  
23 not coming before you. It's already been approved. But  
24 the reality is, and it's not even going back before the  
25 Village Board, I don't think.

26 It's already been approved by the Board but the  
27 reality is it's never been signed by anybody including  
28 the Village. And at this point, we know that the  
29 Village isn't going to sign it unless that easement goes  
30 there because of this plat. So, I don't think that's  
31 going to hold anything up. The Porters' plat, I don't  
32 think is going to --

33 MR. COMPOSTO: Well, I can --

34 CHAIRMAN VASELOPULOS: Wait, wait. Come up to the  
35 microphone.

36 MR. FRANCKE: Go ahead.

37 MR. COMPOSTO: Dennis Composto for the Porters.

38 CHAIRMAN VASELOPULOS: Thanks.

39 MR. COMPOSTO: The Porters want their plat recorded  
40 first because their plat is incorporated in this, in the  
41 depiction of their property in this plat. So, it has to  
42 be recorded first. I don't think there's, I haven't  
43 talked to my clients about it. They don't, they've  
44 agreed to the extension of the exclusive Village  
45 easement all the way to the western portion of their  
46 property. And I don't think --

47 CHAIRMAN VASELOPULOS: Is that reflected on the  
48 plat --

49 MR. COMPOSTO: It is not. They show that piece  
50 from the eastern part to the river.

51 CHAIRMAN VASELOPULOS: So, just that dead easement  
52 portion, but not the extension.

1 MR. COMPOSTO: Extension. They agreed to that I, I  
2 don't see why they wouldn't agree that it be in the  
3 Porter subdivision plat, but I haven't discussed it with  
4 them. They're out of town. I mean, they've agreed to  
5 the easement, if it's in this document or the plat for  
6 the Porters' subdivision, I don't think makes a  
7 difference, but I need to talk to them about that.

8 CHAIRMAN VASELOPULOS: Well, I'll be honest. I'm  
9 in favor of continuing this until next month and have  
10 everything before us, the Porters, everything come  
11 before us and we would move on it at that time.

12 MR. GUTIERREZ: I don't, again, I could have the  
13 Village attorney clarify in the interim on the Porters.  
14 I don't think it's appropriate to have that come back  
15 to you. I believe that if it's simply, and again, the  
16 attorneys, I'm not an attorney. My gut tells me that  
17 the inclusion of that easement as an extension of this  
18 condition of this subdivision is, and again, Hal, you  
19 can correct me if I'm wrong, would be more of a  
20 scrivener's change than anything. I don't know that it  
21 would need to go back to the Village Board or back to a  
22 hearing, but again, that's something I have to confirm  
23 with the Porters. Changing the Porters' plat of  
24 subdivision, which hasn't been recorded yet, to reflect  
25 this easement that's only being required because of a  
26 subdivision next to the river.

27 COMMISSIONER MENDREK: But that's not what you were  
28 talking about.

29 MR. GUTIERREZ: My point was I don't think it would  
30 be appropriate for the Porters' subdivision to come  
31 back.

32 CHAIRMAN VASELOPULOS: But it needs to be changed  
33 and we want it changed during this process.

34 MR. GUTIERREZ: Correct. And we could verify, we  
35 could verify that that's done. My only point was we  
36 don't want to re-open that, that whole "subdivision" to  
37 take care of that.

38 CHAIRMAN VASELOPULOS: Well, when was that, when  
39 was the original --

40 MR. COMPOSTO: I didn't represent the Porters at  
41 the time, so, it's about, I think it's about a year or  
42 two ago that it was approved and it's been sitting and  
43 for some reason was never recorded. So, and think the  
44 one issue is, you are actually would be putting the cart  
45 before the horse because the Porters don't own the  
46 property to the east, so we couldn't grant the easement  
47 all the way to the river, so I think the proper --

48 MR. GUTIERREZ: I think your sense that we need to  
49 work this out is spot on and so --

50 MR. COMPOSTO: I think the proper place for the  
51 easement is the Armstrong subdivision because it can be  
52 placed in the easement.

1 COMMISSIONER BERLINGHOF: So, I think what,  
2 everyone's kind of right, what you're saying is you  
3 don't need to bring back your subdivision file. What we  
4 need to know is that the easements on this property  
5 which is just coming from the existing core property, as  
6 part of the Armstrong and then you tell us that yes, we  
7 have arranged with the Porter property on the  
8 subdivision that they have to get an easement through  
9 their driveway effectively to this spot, and that's we  
10 need now. That's it.

11 MR. GUTIERREZ: We'll get it all worked out with  
12 those attorneys as well.

13 COMMISSIONER BERLINGHOF: But I do think that, I  
14 mean, as much as I know that, I've been on their side of  
15 the tide, that you'd like to get this done as quickly as  
16 possible. I do think this ought to reflect everything  
17 we're talking about. The proper language, the proper  
18 agreement to how a lot is being used by Outlot 1 or not  
19 used by Lot 1. That's acceptable, I think I'm all for  
20 it.

21 CHAIRMAN VASELOPULOS: One additional point I  
22 wanted to make to the Armstrong portion of this outline.  
23 A, you weaken your argument to the assessor if you are  
24 including the far back into your calculations.

25 MR. FRANCKE: Right, I think that was the point  
26 Commission Berlinghof has made. So, what I would like  
27 is a little more direction on what you think you would  
28 want to see on the plat as a restriction to your not too  
29 big, but okay small type analysis. Like, if between now  
30 and then we're going to try and resolve this, I'm not  
31 exactly sure how we're leaving that.

32 COMMISSIONER BERLINGHOF: Well, I think I would  
33 leave -- I'm sorry, go ahead.

34 COMMISSIONER MENDREK: Well, I mean, that's the  
35 point, is we're trying to decide is it a 30,000 square  
36 foot house or is it a five lots, like how much of Outlot  
37 A are we going to allow that would affect the side of  
38 the house?

39 COMMISSIONER BERLINGHOF: I think that you are, as  
40 I, again, this is why I want you to think about it. But  
41 you are silent to the concept of the five lots because  
42 we're not restricting or saying you can have it or not  
43 because we don't know what the zoning is. What we're  
44 saying is you can't have it for a large house.

45 MR. FRANCKE: Right.

46 COMMISSIONER BERLINGHOF: It can't be used for this  
47 purpose.

48 MR. FRANCKE: Yes.

49 COMMISSIONER BERLINGHOF: It could be used -- but  
50 if your extent of trying to tell the tax assessor that  
51 this can't be used, you can then point to the plat and  
52 say, hey, we can't use it to build a big house, it's

1 part of the whole process. You're silent to the fact  
2 that if you do a subdivide five years from now, you  
3 could use it for smaller home. I mean, I don't know  
4 exactly how to do that, but that would be the way I  
5 would look at it.

6 MR. FRANCKE: Right. You know, Dan Creaney just  
7 pointed out to me, just to be clear, this whole area,  
8 this line follows the floodway, not the flood plain.

9 COMMISSIONER BERLINGHOF: Oh, it does?

10 MR. FRANCKE: Yeah.

11 COMMISSIONER BERLINGHOF: Oh, so you can't even use  
12 it for detention?

13 MR. FRANCKE: You can't, no, you can use parts of  
14 this, I think, for detention, can't you, Dan?

15 COMMISSIONER deLOYS: Not the --

16 MR. FRANCKE: So, and this area remains so big,  
17 that's why I said, to a certain extent, or making an  
18 academic --

19 MR. GUTIERREZ: Right, it's big enough already.  
20 That's true, because you've still got four acres.

21 MR. FRANCKE: The odds that you ever need any of  
22 this land --

23 COMMISSIONER BERLINGHOF: So, I go back to you  
24 then, we're throwing it back to you then, to the extent  
25 that that is in the floodway, you are not going to be  
26 able to use that for any detention.

27 MR. FRANCKE: Well, you're now, yeah, but I think  
28 the issue is FAR and I don't think your ordinance says  
29 theoretically if you lay a lot out like this or if you,  
30 the issue is really a PUD. A PUD, a Plan Unit  
31 Development, is a special use in this zoning district,  
32 the R-2 District. So, to your point, Commissioner,  
33 somebody could theoretically come back in with a PUD and  
34 tries to say, and your ordinance says FAR is based on  
35 the lot, it's not perfect, because it just says the lot.  
36 It doesn't say what the lot means and there is no  
37 definition of just lot. I think it means zoning lot,  
38 which your ordinance does define as the PUD lot,  
39 basically.

40 So, if this were one big PUD, theoretically, you  
41 could include that. I don't, because your ordinance  
42 doesn't say you can't, it says, I think, you just can't  
43 elude detention.

44 MR. GUTIERREZ: Detention, compensatory storage and  
45 retention.

46 COMMISSIONER BERLINGHOF: So, your storage issue is  
47 the issue. So, let's just walk through that because you  
48 have impervious versus pervious, right? That's all  
49 pervious, blacktop versus grass. That's all grass and  
50 will be grass forever.

51 MR. FRANCKE: Right.

52 COMMISSIONER BERLINGHOF: But you can't use it as

1 storage. So, fundamentally you can come back and let's  
2 say Lot 1 could be all impervious, right, as long as you  
3 have storage. Storage can go underground, it doesn't  
4 have to be on top. So, theoretically, if the code says  
5 so much of the lot has to be impervious, this whole Lot  
6 A, Outlot A could be pervious and meet code, Lot B could  
7 all be asphalt and townhomes, as long as there's enough,  
8 if you bury all the detention, provide the detention --  
9 CHAIRMAN VASELOPULOS: But it has to stay within  
10 the Lot 1 and you can't use Lot A for any of that.  
11 COMMISSIONER BERLINGHOF: Well, I know that.  
12 MR. FRANCKE: Well, that's the question. We don't  
13 know how it's going to develop. And so, again, I think,  
14 I think theoretically that's correct.  
15 COMMISSIONER BERLINGHOF: Yeah, so, I mean, I think  
16 we're getting into a little bit of a problem. I think,  
17 if you ask me, five homes, six homes, you've got them  
18 all right here. I don't have any problem with that to  
19 the perspective of building a home in that lot and using  
20 this as back area and using it as detention, but can't  
21 be used as detention. All of a sudden becoming a 30-  
22 unit multi-family fully asphalted thing, it's probably  
23 going to be a problem. Now, granted, they'll never get  
24 through -- there are two now, so the chance of them ever  
25 getting that approved back there is probably slim to  
26 none, but theoretically, they could do it.  
27 MR. GUTIERREZ: And again, Staff's concern isn't  
28 for that, because that's not being proposed.  
29 COMMISSIONER BERLINGHOF: Right, and we can,  
30 frankly, I think under a the PUD, we can, we can massage  
31 even what the code says in terms of making in more  
32 onerous or less onerous.  
33 MR. GUTIERREZ: Right, right.  
34 COMMISSIONER BERLINGHOF: And again, I think it is  
35 to a certain extent an academic concern, but again, on  
36 paper --  
37 MR. GUTIERREZ: Right now, they can do that now if  
38 they wanted to. That's my point, I'm not trying to --  
39 COMMISSIONER BERLINGHOF: No, now, I'm sorry, no  
40 now, they can, they're constrained to this Lot 2 of Huss  
41 subdivision.  
42 MR. FRANCKE: For that parcel --  
43 MR. GUTIERREZ: Yeah, for that parcel --  
44 MR. FRANCKE: -- but for the balance, for the  
45 balance of the property, the balance of the property  
46 assuming this is --  
47 MR. GUTIERREZ: But they would need to subdivide it  
48 in order to build another home. Right now, you can  
49 build one home.  
50 MR. FRANCKE: What if you build one home? Would you  
51 have to subdivide it to come in and build one home here?  
52 MR. GUTIERREZ: No, you could tear that down

1 -- I'm sorry, that's what you're saying --  
2 MR. FRANCKE: No, no, no, not on the Lot 2, Huss  
3 subdivision, on the balance of the property which is  
4 about six-and-a-half acres.  
5 MR. GUTIERREZ: Sure.  
6 MR. FRANCKE: If you wanted to come in and build  
7 one house here couldn't you do that?  
8 MR. GUTIERREZ: Not in addition to the existing  
9 home, so --  
10 MR. FRANCKE: Why, they're two separate lots?  
11 MR. GUTIERREZ: Yeah, you could, why couldn't you?  
12 MR. FRANCKE: I'm saying --  
13 CHAIRMAN VASELOPULOS: They don't show the Huss --  
14 COMMISSIONER BERLINGHOF: The existing Armstrong  
15 residence is right here. It's on Lot 2. That is a  
16 separate lot.  
17 MR. FRANCKE: That's a separate lot.  
18 COMMISSIONER BERLINGHOF: Yeah, yeah, and --  
19 MR. FRANCKE: So, then they've got the other six-  
20 and-a-half acres if they wanted to put another house  
21 there, I would think they could.  
22 COMMISSIONER BERLINGHOF: Sure.  
23 MR. FRANCKE: And they wouldn't, your ordinance  
24 would either allow the house to reflect the open space,  
25 so to speak, or it wouldn't.  
26 COMMISSIONER BERLINGHOF: Well, that may be a flaw  
27 in that carving out option. I mean, honestly.  
28 MR. FRANCKE: Well, that exists today. What we're  
29 saying is that exists today. That exists today.  
30 Whether you carve it out or not, it exists today. They  
31 have a six-and-a-half acre parcel east of the river  
32 which could be developed, which under your ordinance  
33 doesn't say you can't use the floodway or flood plain  
34 towards FAR.  
35 COMMISSIONER BERLINGHOF: That's true, yep.  
36 MR. FRANCKE: That why I said, we're not looking  
37 for relief from the way the code is written today.  
38 COMMISSIONER BERLINGHOF: That's correct.  
39 MR. FRANCKE: And so our feeling is if down the  
40 road it got subdivided again, like it did in 2010, it  
41 would be back before you anyway as a PUD, and at that  
42 point you could decide because your ordinance allows it,  
43 do we want, notwithstanding what our ordinance says as a  
44 condition to approving the PUD, we want to put  
45 limitations and restrictions on it. Which is apparently  
46 what happened back in 2010. I just can't remember that  
47 when the five lot subdivision did get approved,  
48 preliminarily approved, the Village put a limit on the  
49 size of the houses that could go on the lots.  
50 COMMISSIONER BERLINGHOF: I mean, my, as difficult  
51 as this sounds, you're asking for us to do this in order  
52 to benefit your client to reduce his tax burden, which



1 means reduce the amount of money paid to the Village of  
2 Northfield. And I think we're saying that we want some  
3 way of controlling that, but not to the point that I  
4 think is going to be detrimental to you.

5 MR. FRANCKE: Right.  
6 COMMISSIONER BERLINGHOF: It appears that the real  
7 Staff issue is on the size of the house, even though  
8 you're absolutely right, you can come in today and do  
9 that. So, is there a solution, is there a written  
10 solution that allows you to do what you're looking to  
11 do, but give us, give the Staff comfort that you're not  
12 going to be building a --

13 MR. FRANCKE: Let me ask you a question just out of  
14 curiosity, another academic question. Just out of  
15 curiosity. The Staff has recommended that that  
16 condition be extended to include Outlot A. Outlot A  
17 shall not be used for FAR lot coverage. Would it be the  
18 sense of the Commission that if we said okay, we're  
19 going to live with that Commission, that condition,  
20 because I think there's so much other land, that's what  
21 I said before, this is probably a highly academic  
22 discussion. Would you feel comfortable at that point  
23 saying get comfort with this off-site easement. And I  
24 agree with Mr. Composto that I think that plat's got to  
25 be recorded before this plant gets recorded,  
26 sequentially. Would you be comfortable then passing  
27 this out of the Commission tonight and not having us  
28 come back next month? So, the only issue is that  
29 easement.

30 COMMISSIONER BOLLING: As it's written.

31 MR. FRANCKE: Right.

32 COMMISSIONER BOLLING: A meets with D.

33 MR. FRANCKE: Right. Yeah, by the way, and I told  
34 this to Mr. Hill and Mr. Gutierrez. I don't have any  
35 problem, we don't have any problem with all the  
36 conditions that are listed in here. But I think they're  
37 kind of in there as a matter of form for your ordinances  
38 in the future, but several of them I don't think are  
39 applicable, because they relate to development plans  
40 that are before you and as I said at the outset, there  
41 are no development plans before you. So, I don't have a  
42 problem including them, but I don't think they're  
43 applicable. I think they could be stricken.

44 COMMISSIONER BERLINGHOF: So, I guess what you're  
45 asking me is, and I may have a different opinion, would  
46 I be comfortable approving this plan with the caveat  
47 that the Outlot A land cannot be included for FAR  
48 purposes, for Lot 1, knowing that between now and when  
49 the Board meets, that Staff needs to ensure that the  
50 Porter subdivision has the proper access built into it.  
51 The answer is yes.

52 MR. FRANCKE: Okay, correct. That's correct.

1 CHAIRMAN VASELOPULOS: This is the original  
2 proposal before us.

3 COMMISSIONER BERLINGHOF: Yes, and the only  
4 difference is the lack of easement, but I feel  
5 comfortable that Staff can get that, will tell, you  
6 know, will tell the Board that we have this in place.  
7 And now that this is in place, we're okay with the  
8 condition of ours with the ability that they can get  
9 done next two weeks.

10 MR. COMPOSTO: I have a question.

11 CHAIRMAN VASELOPULOS: Yes.

12 MR. COMPOSTO: Are you saying that you want the  
13 easement in the Porter subdivision or do you just want  
14 to make sure that the easement is part of the whole  
15 project?

16 COMMISSIONER BERLINGHOF: What we're saying is that  
17 you have a subdivision now, the Porter subdivision,  
18 there needs to be a note, addendum, a script, a  
19 scrivener's change, a letter agreement, something that  
20 the Village Board can point to that, or the Staff would,  
21 it allows the Village to have access through the  
22 driveway to this easement point to the river.

23 MR. COMPOSTO: If that's included in the Armstrong  
24 subdivision --

25 COMMISSIONER BERLINGHOF: Yes, they will have the  
26 easement from the current Porter property through Outlot  
27 D to the river. That will be part of this.

28 MR. COMPOSTO: Part of the --

29 COMMISSIONER BERLINGHOF: Yes, the Village car has  
30 got to get from Maple Row to that point. The only way  
31 to do it is through their driveway. So, the Porters  
32 need to give them access to the driveway.

33 MR. COMPOSTO: The Porters have no, right now, the  
34 plat shows this little piece is --

35 COMMISSIONER BERLINGHOF: Correct, that's all we're  
36 putting in --

37 MR. COMPOSTO: The Porters have no problem  
38 extending it to this part.

39 COMMISSIONER BERLINGHOF: Perfect, we just --

40 MR. COMPOSTO: And so on this plat, there would be  
41 an extension of the easement through here.

42 COMMISSIONER BERLINGHOF: No, we're not changing  
43 the plat. We're not changing that. It's a separate  
44 hearing.

45 MR. COMPOSTO: The only problem with that is you'd  
46 be doing -- the Porters only control on their property  
47 side. You have this here. It wouldn't be -- confusing  
48 because it would reflect the easement here along the  
49 river, so you can't, this plat, just with this piece,  
50 and a previous plat with this, it would be more  
51 continuously make more sense if one plat included the  
52 whole easement up to this easement. This easement won't

1 exist until this is --  
2 COMMISSIONER BERLINGHOF: I don't know what that  
3 causes, how many problems that causes. I understand  
4 what you're saying, I disagree, I don't think it  
5 matters. I think even though you have two plats, they  
6 meet, they meet each other and there's a spot,  
7 but --  
8 MR. COMPOSTO: But let's say this would --  
9 according to the Porter plat, and this was not recorded,  
10 you just have an easement here.  
11 COMMISSIONER BERLINGHOF: You're right, you're  
12 right.  
13 MR. COMPOSTO: You wouldn't have this, you wouldn't  
14 have --  
15 COMMISSIONER BERLINGHOF: You're right, you're  
16 right, so we have recorded both.  
17 MR. COMPOSTO: So, why wouldn't you put the  
18 easement on this plat so it's comprehensive and when  
19 somebody looks at the title, they'll see the entire  
20 easement instead of having to go from one document --  
21 MR. GUTIERREZ: I guess, what I would suggest is  
22 that if you were going to pass a motion, that with  
23 regard to that, that we simply say to the satisfaction  
24 of the Village attorney, and Buzz will have to sort out  
25 what he believes is necessary. Whether it's on the  
26 Porters' plat, on this plat, both, a notation, some  
27 separate letter, you know.  
28 MR. COMPOSTO: We have no problem with that.  
29 MR. GUTIERREZ: And we can -- I'll talk about that.  
30 MR. FRANCKE: Okay, we've given, and I appreciate  
31 the answer. We've given this further thought. I think  
32 that with the issue about the Outlot A and the building  
33 and the Lot 2 Huss subdivision, and the discussion about  
34 the easement, I think we're now on the same page as you,  
35 as we should talk to you and the Village attorney. Talk  
36 to you, Steve, and Buzz, and clean this up and come back  
37 in a month.  
38 COMMISSIONER BERLINGHOF: Okay.  
39 MR. FRANCKE: But I appreciate the accommodation.  
40 COMMISSIONER BERLINGHOF: Yeah, no problem.  
41 MR. FRANCKE: If that would be okay.  
42 CHAIRMAN VASELOPULOS: Two quick questions. For  
43 each two attorneys representing their clients,  
44 Challenger and Porter, everything else in here your  
45 clients are in agreement with?  
46 MR. COMPOSTO: The Porters are in agreement with  
47 the plat as proposed, including the extension of  
48 easement to the western part of the lot.  
49 MR. DENKEWALTER: And the Challengers are also in  
50 agreement with the way the plat is proposed.  
51 CHAIRMAN VASELOPULOS: Can you state your name --  
52 MR. DENKEWALTER: Oh, Kim Denkwalter on behalf of

1 Mr. Challenger's trust.  
2 CHAIRMAN VASELOPULOS: Thank you. And Mr. Francke,  
3 on the Stephan --  
4 MR. FRANCKE: I'm sure that he's fine with that.  
5 CHAIRMAN VASELOPULOS: You said you're representing  
6 him?  
7 MR. FRANCKE: No, I said I could speak for him.  
8 CHAIRMAN VASELOPULOS: You can speak for him?  
9 MR. FRANCKE: Yeah. He'll be fine with it.  
10 CHAIRMAN VASELOPULOS: Okay, so you now officially  
11 asked us, you would like us to continue this?  
12 MR. FRANCKE: Yes, please.  
13 COMMISSIONER BERLINGHOF: I make a motion to  
14 continue.  
15 MR. FRANCKE: Yes, please.  
16 COMMISSIONER BERLINGHOF: **I make a motion to**  
17 **continue to the next working out session.**  
18 COMMISSIONER ESTABROOKE: Second.  
19 CHAIRMAN VASELOPULOS: All in favor?  
20 (Chorus of ayes.)  
21 CHAIRMAN VASELOPULOS: All opposed?  
22 (No response.)  
23 CHAIRMAN VASELOPULOS: The motion carries.  
24 MR. FRANCKE: Thank you.  
25 MR. COMPOSTO: Thank you.  
26 CHAIRMAN VASELOPULOS: Someone want to make a  
27 motion to adjourn?  
28 COMMISSIONER BERLINGHOF: **Motion to adjourn.**  
29 MS. EASTABROOKE: Second.  
30 CHAIRMAN VASELOPULOS: All those in favor?  
31 (Chorus of ayes.)  
32 CHAIRMAN VASELOPULOS: All opposed?  
33 (No response.)  
34 CHAIRMAN VASELOPULOS: Thank you, everyone.  
35 (Whereupon, at 8:35 p.m., the above-mentioned  
36 petition was concluded.)

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38 Approved 10/1/18

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