

# **MINUTES OF THE PLAN COMMISSION & ZONING BOARD OF APPEALS OF THE VILLAGE OF SOUTH BARRINGTON**

Held Thursday, June 15, 2017

## **CALL TO ORDER**

The meeting was called to order at 7:35 p.m. by Chairman Mr. Michael McCombie. Roll call was taken.

**PRESENT:** Commissioners Fox, Gillis, White, and Chairman McCombie.

**ABSENT:** Commissioners Kwasek, Murarka, and Decker.

A quorum was present. Also in attendance were Village Building Officer Michael Moreland, Village Engineer Natalie Karney, Village Administrator Robert Palmer, and Village Attorney Mr. Donald Storino of Storino, Ramello & Durkin.

**PUBLIC COMMENT:** None.

## **APPROVAL OF MINUTES**

Chairman McCombie asked for a Motion from the Board to approve the Minutes of the meeting held May 24, 2017. Commissioner White made a Motion. Commissioner Gillis seconded. By unanimous vote the Motion was passed.

## **AGENDA ITEMS**

Chairman McCombie stated that the first item on the agenda was the Public Hearing for Electronic Signs - Text Amendment to Zoning Ordinance. Village Attorney Storino stated that electronic signs were previously prohibited in the Village. Attorney Storino further stated that they wanted to be abundantly clear of what constitutes an electronic sign and therefore decided to add a definition of an electronic sign to the proposed Ordinance.

Chairman McCombie asked for a Motion to open the Public Hearing. Commissioner Gillis made a Motion. Commissioner Fox seconded. By unanimous vote the Motion was passed.

Chairman McCombie asked the Board and public for any comments. Being none, Chairman McCombie asked for a Motion from the Board to recommend to the Board of Trustees to approve the Ordinance modification. Commissioner Gillis made a Motion. Commissioner Fox seconded. Roll call was taken. Commissioner Fox - yes,

Chairman McCombie - yes, Commissioner Gillis - yes, Commissioner White - yes.  
By unanimous vote the Motion was passed.

Chairman McCombie asked for a Motion from the Board to close the Public Hearing. Commissioner White made a Motion. Commissioner Gillis seconded. By unanimous vote the Motion was passed.

Chairman McCombie stated that the next item on the agenda was the Public Hearing for the South Barrington Park District - Paddle Tennis Courts - Consideration of Request to Amend Special Use. Chairman McCombie asked for a Motion to open the Public Hearing. Commissioner Fox made a Motion. Commissioner Gillis seconded. By unanimous vote the Motion was passed.

Chairman McCombie asked that anyone present that was going to give testimony to please stand and be sworn in. Chairman McCombie asked if the testimony they were about to give was the truth and whole truth. All participants answered yes.

Mr. Todd Shaffer from Haeger Engineering began the presentation by stating they are planning to tear down the existing paddle ball hut and construct two new paddle ball courts that will have lights. Mr. Shaffer stated that the proposed new courts will be similar in construction to the two existing paddle courts. The request before the Board this evening is to approve two additional paddle courts. The plans that were submitted to the Board show two new future paddle courts in addition to the two they are requesting this evening.

Mr. Shaffer stated that they are proposing eliminating one clay tennis court in order to accommodate the two new paddle courts. Mr. Shaffer further stated that they are aware that they would have to come back before the Board for the two additional future paddle courts but wanted to account for the storm water management perspective because they are also modifying the existing basin as part of this project. Mr. Shaffer stated that they are asking for clarification from the Village on the 19% maximum building coverage and with the increase in size of the paddle hut they will be right at the 19% maximum coverage. Mr. Shaffer stated that one of the items they have been discussing with the Village is clarification that the definition of structures did not include paddle courts. Mr. Shaffer stated that they were not considering the paddle courts structures. Mr. Shaffer stated that in the past, the paddle courts were not included by the Village as building structures. They just need clarification in the Ordinance.

Mr. Shaffer stated that from an engineering aspect, they have worked closely with the Village Engineer and will address any issues prior to the permitting phase.

Mr. Shaffer stated that with respect to the decking material itself, the paddle court will be an aluminum type of material which will be elevated and heated. Mr. Shaffer stated that they do have a sample of the material for the decking itself and the final decision will be made when all proposals have been received on pricing.

Mr. Shaffer asked for questions from the Board. Chairman McCombie asked if the area that will be around the new hut also raised to the same level as the paddle court? Mr. Shaffer stated yes. Chairman McCombie asked if they were getting rid of everything below that and will it be stone? Mr. Shaffer stated yes and it will be stone. Chairman McCombie asked if they were putting a foundation in around the hut? Mr. Shaffer stated yes.

Chairman McCombie asked for staff comments on the proposal. Building Officer Moreland stated that they did prepare some comments concerning the Ordinances and changes. The Village has two Ordinances that dealt with this, one being in 1994 which set up a variety of variations and definition of site coverage. Building Officer Moreland stated that in the Ordinance it specifically stated that a structure shall exclude tennis courts specifically and they considered paddle courts to be the same as tennis courts so they were not calculated into the structure coverage. Building Officer Moreland stated that the main issue that came back in the Ordinance was in 2007 when there was an amendment allowing two outside lighted paddle courts. Building Officer Moreland stated that is why they are here this evening because the Ordinance stated two and they need clarification for the Special Use.

Chairman McCombie asked if they had sent out Notification to Surrounding Areas for the Public Hearing. Mr. Jay Morgan, Executive Director of the South Barrington Park District stated yes they had been sent. Chairman McCombie stated that last time they were concerned if the lights were going to bother any neighbors. There were no comments received from surrounding neighbors. Mr. Morgan stated that that the lights are below the level of building so from the north they would not be seen at all and to the south the lights are below the street lighting.

Chairman McCombie asked if the two new courts are at the same elevation as the two existing. Mr. Morgan answered yes and the decking would be at the same level.

Chairman McCombie asked what was the situation with changing the MWRD? Mr. Shaffer stated that because of their size of the parcel, and the disturbed area it did not follow the Ordinance. Mr. Shaffer further stated while they were doing some calculations for the Village, some errors in calculation were found about the original basin and this permit will be correcting and updated those items.

Chairman McCombie asked if there would be any new landscaping being incorporated with the request? Mr. Shaffer stated that they will be moving some trees, but there will not be new landscaping proposed.

Chairman McCombie asked if Village Engineer Karney had any comments. Village Engineer Karney stated that she had looked at the plans from January and then there was a resubmittal and review done in April. Village Engineer Karney further stated that she can confirm that the storm water calculations and the grading are acceptable.

Chairman McCombie asked if they were planning on doing any landscaping where the last two future proposed courts will be located. Mr. Shaffer stated that the area adjacent to Studio Drive is wooded. Chairman McCombie asked Building Officer Moreland if he felt they will need any further landscaping in that area? Building Officer Moreland stated that the issue could be addressed when they would come back before the Board for the last two courts. Building Officer Moreland stated that he wanted to clarify one other issue and that was if the Board recommends the Special Use this evening, will it be for the desired 4 paddle courts or 2 paddle courts? Chairman McCombie stated that because the Public Notice was published for 2 paddle courts, that is all the Board can consider this evening.

Mr. Morgan asked if the Board would consider granting a variance this evening? Building Officer Moreland stated that the setback requirements in the Ordinance were 15 to 20 feet in 1994. Mr. Shaffer stated that currently the tennis courts are 41 to 42 feet away from the lot line. Mr. Shaffer further stated that the future proposed third paddle court would be 39 feet and the fourth paddle court would be 12 feet. Chairman McCombie stated that all they are requesting this evening is for two additional paddle courts and that they fit within the Ordinances. Mr. Morgan stated yes.

Chairman McCombie asked for any further comments from the Board or the audience. Being none, Chairman McCombie asked for a Motion from the Board to recommend to the Village Board for the South Barrington Park District the addition of two paddle tennis courts. Commissioner Gillis made a Motion. Commissioner Fox seconded. Roll call was taken. Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Village Engineer Karney asked if the Board wanted to clarify the issue of land coverage in the recommendation? Building Officer Moreland stated that in 1994 it was not covered directly and specifically excludes tennis courts. Attorney Storino stated that it would make sense to clarify that it would also include paddle courts.

Chairman McCombie asked if the Motion would have to be revised to include the exclusion of paddle courts in the land coverage? Attorney Storino stated no because it was already testified to by Village staff.

Chairman McCombie asked for a Motion from the Board to close the Public Hearing. Commissioner Fox made a Motion. Commissioner Gillis seconded. By unanimous vote the Motion was passed.

Chairman McCombie stated that the next item on the agenda was the Public Hearing for the Goddard School for Early Education - Consideration of Proposed Special Use Permit. Chairman McCombie asked for a Motion from the Board to open the Public Hearing. Commissioner Gillis made a Motion. Commissioner White seconded. By unanimous vote the Motion was passed.

Chairman McCombie asked for all those giving testimony to stand and be sworn in. Mr. Barry Millman of Horizon Realty, Dr. Sanjay Patel, and Mr. Niten Saharwal came forward to give testimony. Chairman McCombie asked if the testimony they were about to give was the truth to the best of their knowledge. All answered yes.

Mr. Millman stated that his company is the national brokers for the Goddard Schools. Mr. Millman further stated that he would like to thank Village staff for helping them get through this process.

Mr. Millman stated that the Goddard Schools is a franchise with 400 schools throughout the country in 35 different states. Mr. Millman further stated that they have been looking at sites in the South Barrington area for the past year and a half and Dr. Patel and Mr. Saharwal are the designated franchises for the Goddard School.

Mr. Millman stated that they have studied the demographics of the area and the site at 11 Executive Drive and feel it will meet their needs. Mr. Millman further stated that Goddard Schools are a unique early childhood education program with a specific curriculum. Mr. Millman stated that the proposed school will be able to accommodate up to 140 students. Mr. Millman stated that each school has full time trained degree teachers, along with a professional director and owner on site. Mr. Millman stated that the schools hours will be from 6:45 a.m. to 6:30 p.m. with parking on the site.

Mr. Millman further stated that they have met with Village Engineer Karney and the Condominium Association for Executive Drive. Mr. Millman stated that they have offered various accommodations to meet with what their concerns which are similar to their own concerns and will continue to work together with the Association.

Mr. Millman stated that they have done preliminary traffic studies and they indicate that the morning times do not seem to be an issue because student drop off will at staggered times. Mr. Millman further stated that the issues arise between the hours of 4 p.m. and 6 p.m. which they have studied in detail. Mr. Millman stated that they do their studies on fifteen minute intervals and parents are required to come into the school to sign their children in and out. Mr. Millman further stated that they have allocated 6 parking spaces for pick up and drop off.

Mr. Millman stated that they are basing their figures on other schools in the Chicago area. Mr. Millman added that they have 19 schools in the Chicago area and the closest to the South Barrington area would be in Cary which is the school they based their traffic studies on. Mr. Millman stated that they will be doing a formal traffic study as the process continues.

Mr. Millman stated that in their meetings with the Association they mentioned that they are a team and one issue that was brought up was the potential to have a traffic light at the entrance to the Executive Center property. Mr. Millman further stated that their property is the first property to the right of the entrance and is approximately 1.76 acres which will accommodate the school quite well. Mr. Millman stated that they have been given the comments from Village Engineer Karney and Building Officer Moreland and will have their architects address those issues in future presentations.

Mr. Millman stated that in their meeting with the Association, traffic was their main concern as is theirs. Mr. Millman further stated that when the school is at 60% capacity or sooner if the need arises, they will hire off duty police officers to direct traffic. Mr. Millman stated that they will also continue to pursue getting a traffic signal at the entrance and will be willing to supply the funds.

Mr. Millman stated that what they are actually seeking is a Text Amendment changing the use from limited office to the pre-school. Mr. Millman added that they have been asked why they are taking away office space and it is because people are downsizing their office space and the seller of this property has been marketing this property for several years without finding an office user for this property right now.

Mr. Millman asked the Board if they had any questions. Commissioner Fox asked if they have special events held at the school which would be able to accommodate the proposed parking? Dr. Patel stated that the only special events that are held are open house events and graduation which would be held on weekends. Commissioner Fox stated that she felt that getting in and out of the entrance would not be safe without a traffic light. Chairman McCombie asked if they have talked to staff about getting

a traffic light? Mr. Millman stated that they have contacted IDOT but they have not responded at this time. Mr. Millman further stated Mr. Bill Kennedy, who helped build the development indicated that when the development was built, he put up 1/2 of the money for a traffic light. Building Officer Moreland stated that they did an exhausted search and could not find a record of the money for a traffic signal. Mr. Millman stated that they will be pursuing getting a traffic light and that they are also under contract to buy and develop the property so Dr. Patel and Mr. Saharwal have offered to hire off duty police to direct traffic. Mr. Millman stated that the children are dropped off in intervals, between 5 p.m. and 5:30 p.m. the number is 15 children, between 5:30 p.m. and 6 p.m. is 20 children and between 4:30 p.m. and 5:00 p.m. it is 14 children, at 4 p.m. it is 4 children and at 3:30 p.m. it is 6 children. Commissioner Gillis asked if the figures they were giving were based on the Goddard School in Cary? Mr. Millman answered yes. Commissioner Gillis asked how many children are at the school in Cary? Mr. Millman stated that at capacity there are 150 students and is not always at full capacity and some are part time students. Commissioner Gillis asked if drop off is usually between 6:45 a.m. to 10:30 a.m. could they encounter 40 students being dropped off at once? Mr. Millman stated that he was not aware of that situation happening with the existing schools.

Commissioner White asked how their school is different from Creme De La Creme? Mr. Millman stated that the Goddard Schools are cheaper in price and have a more hands on teacher to student school program. Mr. Millman stated that their teachers are all certified teachers in the State of Illinois.

Commissioner White asked if they had any statistics to the number of accidents that have occurred at that entrance in the past year? Mr. Millman stated that he did not know the answer to that question but can get that information.

Chairman McCombie stated that the property is 1.7 acres and the building design just seems to fit on the parcel. Chairman McCombie stated that the sewer and water is also not shown on the plan but he assumes that can be worked out with staff. Chairman McCombie further stated that he is also in agreement with the rest of the Board that this is a very difficult development to get in and out of and he felt that the chances of getting a traffic light at that entrance is unlikely because of the proximity to the two existing traffic lights on Barrington Road.

Mr. Millman stated that he felt this was the biggest hurdle in achieving this development and they would not be spending all of their time and money if they did not think there was viability for the project. Mr. Millman further stated that they do need the Board's recommendation to take this to the next step because writing a text amendment does

take time. Mr. Millman stated that they also have some processes to go through to address the comments from Building Officer Moreland and Village Engineer Karney. Mr. Millman further stated that when they do their traffic studies and they find out that it will not work, then the Goddard Schools will not let them proceed. Mr. Millman stated that this evening they are looking for the Board to give the go ahead to try to accommodate the issues and if they find through the studies that it will not work, then they will move on. Mr. Millman stated that he felt that they could get this done by hiring traffic officers.

Chairman McCombie asked if they had looked at any other land in the Village? Chairman McCombie mentioned the parcel that is next to the tennis club that the Village owns. Commissioner Fox stated that she felt this was a very difficult parcel for a school and that the traffic situation getting in and out of the parcel would be a disaster with the addition of 40 to 50 cars dropping children off for school. Commissioner Fox stated that she would welcome the Goddard School but at a different location. Commissioner Fox further stated that she could not support this location with the current traffic safety concerns.

Village Engineer Karney stated that Barrington Road is slated to become a four lane road north of Mundhank Road with construction slated to start in 2019. Village Engineer Karney further stated that because of this, Willow Creek has shown an interest in putting a traffic light at their entrance on Barrington Road. Village Engineer Karney stated that she had talked with some traffic consultants and they stated that they would not meet the warrants for a traffic signal. Village Engineer Karney stated that one of the reasons Willow Creek was asking for the traffic signal was their concern for the safety of the police officers directing traffic. Village Engineer Karney stated that she did not know if the petitioner would meet the warrants for a traffic signal but they would have to submit their traffic study to IDOT. Village Engineer Karney stated that a traffic signal would cost approximately \$250,000.00.

Chairman McCombie stated that he did like the design of the building but felt the signage on the building was too large. Chairman McCombie stated that the biggest concern was the traffic safety and suggested that they look at other parcels in the Village.

Commissioner White asked if there were comments from the audience. Ms. Gina Arbay, Early Childhood Supervisor for the South Barrington Park District stated that they have a preschool in the Village but there are also ten preschools within a five mile radius that service similar age groups as the Goddard Schools.



Ms. Arbay stated that some of the schools are not at capacity and do we really need another preschool in the area. Ms. Arbay further stated that the school district hours will be changing in the fall which will affect the traffic patterns. Ms. Arbay concluded by stating that because more people are working from home there is not as great of a need for child care and they are facing the issue of increasing their enrollment along with other preschools already in the area.

Chairman McCombie asked for any participants who would like to give testimony to please be sworn in. Chairman McCombie asked if the testimony they were about to give was the truth the whole truth. All participants answered yes.

Mr. Steve Slaw, co-owner of the Goddard School in Elgin, Il. stated that he does live in Barrington and has driven down Barrington Road and Route 59 at the times previously mentioned for school drop off and pick up. Mr. Slaw stated that his school is located in an industrial park with an Association very similar to the proposed school in South Barrington. Mr. Slaw stated that he would like to set the record straight on some of the items that were previously mentioned this evening. Mr. Slaw stated that his school has been operating since August of 2006 and they take great pride in their school. Mr. Slaw further stated that their school is located 12 miles from the South Barrington proposed location and the Goddard Schaumburg school if located 5 miles from South Barrington. Mr. Slaw stated that Mr. Millman is a broker and not affiliated with Goddard Systems in a professional capacity other than a broker and he has never met him before this evening. Mr. Slaw stated that he has no issue with another franchise coming into the area.

Mr. Slaw stated that their school is located in The Grove which is an office park just north of I-90. Mr. Slaw further stated that they have 52 parking spaces and had to put an additional 50 parking spaces across the street as part of their Association and petition contract. Mr. Slaw stated that between the hours of 7 a.m. and 9:30 a.m. they have approximately 100 - 110 cars coming in and out. Mr. Slaw stated that the sign in procedure usually takes 5 to 10 minutes. Mr. Slaw further stated at the end of day they have the same procedure between 4 p.m. and 6 p.m. Mr. Slaw stated that they have 4 types of egress and ingress to their location with two being traffic lights and the traffic still backs up.

Mr. Slaw further stated that the proposed school is similar in size to his school and at full staff has 35 staff members. Mr. Slaw stated that the school cannot survive on an 80% capacity and needs to be at 100% capacity. Mr. Slaw further stated that between the hours of 4 p.m. and 6 p.m. he will have approximately 75 to 80 cars in his parking lot picking up children. Mr. Slaw wanted to let the Board know the reality of operating a Goddard School.

Ms. Sue Luisi stated that she is the owner of the Goddard School in Schaumburg, IL. Ms. Luisi stated that she totally agreed with Mr. Slaw and stated that they support all franchisees. Ms. Luisi stated that her school has 182 students and has had traffic studies done and from 7 a.m. to 8:30 a.m. they have 98 cars dropping off and at 5 p.m. to 6 p.m. they have 108 cars picking up. Ms. Luisi stated that they also had to provide 60 additional parking spaces. Ms. Luisi further stated that the open houses they host can have up to over 200 cars. Ms. Luisi stated that she is in favor of welcoming another Goddard School in the area but thought that the location should be changed. Ms. Luisi stated that her school has been opened for 13 years.

Mr. Stan Nieminski stated that he is a resident of South Barrington in The Glen and also owns property at 10 Executive Court in the Executive Center. Mr. Niemenski stated that the traffic is a very serious issue and at times he cannot make a left hand turn out of the Center. Mr. Niemenski further stated that the building will have fencing around approximately 3/4 of the building which is an issue with changing the character and the look of the Executive Center.

Mr. Nieminski stated that he did call the Director from Creme De La Creme and they did state that their capacity was 266 and their enrollment was 130.

Mr. Nieminski stated that the petitioner had applied for a mixed use permit across the street in Hoffman Estates and was denied the use for several reasons one being that they were not able to support the need for another preschool in the area along with the traffic issues.

Mr. Nieminski stated that the South Barrington Executive Center is concerned with the infrastructure and that the buildings were originally reduced from 20 to 16 to 18 in order to fit with the South Barrington area. Mr. Niemenski stated that they have also tried to be good neighbors to the residents in The Glen. Mr. Niemenski further stated that he does have a concern that if the school doesn't work out that they may be left with an empty building. Mr. Niemenski stated that they do have safety concerns because it is right on Barrington Road and the Center does have ponds on the property. Mr. Nieminski further stated that they also have concerns for the safety of traffic officers and felt there has to be a better location for the school.

Mr. Nieminski stated that his bigger concern was changing the zoning to something other than a mixed use which could set a precedent and stated that the concerns outweigh the benefits to the Village and he hoped the Board will deny this request.

Ms. Kinn Dadaro of 3 Executive Court stated that in the past she had considered opening a 20,000 square foot child care center in Algonquin so she can relate to the petitioner wanting to do such a great project. Ms. Dadaro further stated that she was contemplating why the petitioner picked this particular location and she could only come up with one reason and that would be visible signage on a major road. Ms. Dadaro asked the Board to take into consideration the visual of this facility with so many additional cars coming in and out and the safety of the police officers that will be directing the traffic. Ms. Dadaro stated that there are also delivery trucks that come in and out of the Executive Center on a daily basis which also adds a concern for safety and additional traffic. Ms. Dadaro concluded by stating she is not against the school franchise but against the location they have selected and asked the Board to vote no to this location.

Being no further comments, Chairman McCombie stated that it was his personal opinion that they did not have enough information to say that this is a good location and there was more information of why this is not a good location. Chairman McCombie further stated that the petitioner's charge is to give the Board information that can make them feel comfortable in making a recommendation to the Board that this location can be used as a school.

Attorney Storino stated that at this point it would be up to the petitioner of what they would like to do next in light of the testimony that was given this evening. Attorney Storino asked Building Officer Moreland to explain the zoning part of the petition. Building Officer Moreland stated that the current use is for limited office use and in order to get a school of this sort, it would require a Text Amendment to the Permanent Uses or a Special Use. Building Officer Moreland stated that they would have more control if it were a Special Use. Attorney Storino asked in order to accommodate the petitioner would they need to add a Text Amendment to include under a Special or Permitted Use an early childhood facility. Building Officer Moreland answered yes. Attorney Storino further stated that if the Board felt it should be under a Special Use then the Board would recommend a Special Use for the petitioner to the Board of Trustees. Building Officer Moreland answered yes.

Commissioner Fox stated that she would need to see a significant benefit to the community to change the zoning to a Special Use for the Executive Center. Commissioner Fox further stated that she is currently not in favor of the request and would suggest that the petitioner look for another parcel in the Village for the school. Commissioner Gillis agreed. Commissioner White agreed due to the traffic situation and safety concerns this is not the right location for a school. Commissioner Fox stated that the way the property is currently zoned, they are not increasing the traffic.

Chairman McCombie asked the Board if it is their recommendation that the petitioner move their building to an alternate location? Commissioner Fox stated that she felt the petitioner was given some valuable information this evening from people who are doing the same thing they are and felt a different location would help the school be more successful.

Chairman McCombie stated that the Board did not feel this was a good location and with all the information the petitioner has been given this evening, felt that they should look at other possible locations before spending a considerable amount of money on doing a very detailed traffic study.

Mr. Millman stated that they would like to defer action from the Board until they have time to evaluate other locations in the area as well as engaging their traffic study consultants. Mr. Millman further stated that he appreciated the Board's time and input and hopefully will be back before the Board at a future date.

Attorney Storino stated that the Board can continue the Public Hearing to a future date. Mr. Millman stated that they will keep in touch with Village Administrator Palmer to let him know of their progress. Attorney Storino stated that if the Public Hearing is continued to a certain date, would the petitioner be willing to send out Notices to Surrounding Properties? Mr. Millman answered yes. Chairman McCombie stated that the Public Hearing will be continued to a date in August which will be noticed to surrounding properties.

Mr. Nieminski stated that in the CC & R's for the Executive Center it states that they have to also approve a zoning change and asked if the Village approves the zoning change what will that mean for them in the future. Attorney Storino stated that he would encourage the petitioner to work with the Executive Center's Association to get the appropriate approval under the CC & R's for this use. Attorney Storino further stated that whenever a zoning change is made, it does set a precedent and will have to be considered very seriously.

Chairman McCombie asked for a Motion from the Board to continue the Public Hearing to a date in August. Commissioner Gillis made a Motion. Commissioner Fox seconded. Roll call was taken. Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

## **OLD BUSINESS**

The continued Public Hearing for Goebbert's Farm Inc and Related Entities - Amendment to 1994 Rezoning Ordinance (No.0-94-039).

Attorney Storino stated that he was notified today by the attorney representing Goebbert's that they were not ready to proceed with their petition and asked for the Public Hearing to be continued. Attorney Storino suggested that the Public Hearing be continued to June 28, 2017.

Chairman McCombie asked for a Motion from the Board to continue the Public Hearing to June 28, 2017. Commissioner Gillis made a Motion. Commissioner Fox seconded. Roll call was taken. Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Chairman McCombie stated that the last Public Hearing is for the Magnolia Pointe Guard House and Gate. Attorney Storino stated that he met with staff and Magnolia Pointe representatives and there is more work to be done. Chairman McCombie asked if Village staff could contact Magnolia Pointe's representatives to let them know that the Public Hearing will be continued to June 28, 2017.

Chairman McCombie asked if there were any audience members who would like to give testimony on this issue to please come forward and be sworn in. Chairman McCombie asked if the testimony they were about to give was the truth and whole truth. All participants answered yes.

Mr. Walter Kachinski stated that he is in a lot owner in Magnolia Pointe and that he and Mr. Patel who is also a lot owner in Magnolia Pointe have concerns about the way the Magnolia Board is dealing with the issue of the guard house and gate. Mr. Kachinski stated that they have tried to work with the Association Board and somehow they are having a hard time getting information from them. Mr. Kachinski stated that he has been a builder in the area since 1991 and is trying to ease tensions between the lot owners and homeowners in Magnolia Pointe. Mr. Kachinski asked if they could have access to the paperwork and information that has been directed by the Association to the Village. Mr. Kachinski stated that he has asked the Association for documents for the latest engineering and architectural guidelines for the project. Attorney Storino stated that everything that has been submitted to the Village they have a right and entitlement to get as long as it fits under the Open Meetings Act and they submit a Freedom of Information Request.

Mr. Patel stated that they feel the Association Board did not follow the proper process for this project and have been trying to get documentation from the Association on this matter with no success. Chairman McCombie stated that at a previous Public Hearing there was a question if the Association had the documentation for this matter. Chairman McCombie stated that the Board has not received any documentation at this time but should be receiving something by the June 28 meeting.

Commissioner Gillis stated at the last Public Hearing, the petitioner stated that they had the number of votes they needed for the project from the homeowners. Mr. Patel stated that there are 32 properties and 11 properties are protesting the project so there would be no way that the Association had the required 2/3 vote for the project. Mr. Patel stated that any expenditures over \$10,000.00 would need 2/3 vote. Commissioner Gillis stated that the petitioner stated at the last meeting that they had two separate assessments, one for \$10,000.00 and one for \$5,000.00 so they did not go over the \$10,000.00 mark. Mr. Patel stated that they split the one project into two separate bills. Mr. Kachinski stated that it looks strange that the guard house would be constructed separately from the gates and they consider it as one project. Mr. Patel stated that the roads had not been discussed yet which will be a substantial expense in the future.

Attorney Storino stated that he respected their comments but that this is really something that has to be settled between the owners. Attorney Storino further stated that the Village has received a Corporate Resolution that indicates that they had taken a vote from the homeowner's who approved the Association to go forward with the project. Mr. Patel stated that the next step then would be an injunction to stop the project which they do not want to do. Attorney Storino stated that he had no opinion on that matter and again it would have to be something that is settled between the owners. Attorney Storino suggested that they file the Freedom of Information Act.

Being no further comments, Chairman McCombie asked for a Motion from the Board to continue the Public Hearing until June 28, 2017. Commissioner Gillis made a Motion. Commissioner Fox seconded. Roll call was taken. Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Gillis - yes, Commissioner White - yes. By unanimous vote the Motion was passed.

Mr. Patel stated that they will be out of town on June 28 and asked if the meeting could be moved to two weeks later? Attorney Storino stated that a Motion had already been made, however he did not know if all the necessary information for the guard house and gate will be ready for the June 28, 2017 meeting and the Board this evening needed to continue the meeting to a date certain.

Chairman McCombie stated that the Board does have two upcoming meetings on June 20 and June 28.

## **NEW BUSINESS**

Building Officer Moreland stated that the Village has received a request from Falcon Lakes subdivision to vacate the streets which will be coming before the Board in the near future.

## **ADJOURNMENT**

Being no further business, Chairman McCombie asked for a Motion from the Board to adjourn the meeting. Commissioner Gills made a Motion. Commissioner Fox seconded. By unanimous vote the meeting was adjourned at 9:40 p.m.

Respectfully Submitted,

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Christine Latoria, Secretary

These Minutes were approved this \_\_\_\_\_  
day of \_\_\_\_\_, 2017.





