



Village of Hanover Park Administration

Municipal Building
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VILLAGE OF HANOVER PARK DEVELOPMENT COMMISSION REGULAR MEETING Municipal Building, Room 214 Hanover Park, IL Thursday, August 9, 2018 7:00 p.m. MEETING MINUTES

1. **CALL TO ORDER: ROLL CALL:**

Chairperson Wachsmuth called meeting to order at 7:16 p.m.

Sworn in Commissioner Alvarez and Commissioner Patel as Regular Commissioners.

PRESENT: Commissioners: Chairperson Virginia Wachsmuth, Arthur Berthelot, James Aird, Ray Alvarez, Scot Neil and Parthiv Patel

ABSENT: Commissioners: Joe Serauskas, Michael Merrill Jr, Patrick Watkins, and Gary Rasmussen

ALSO PRESENT: Director Shubhra Govind, Village Planner Ellen Weber, Board Liaison Trustee Porter, Mayor Rod Craig, and Secretary Kathleen Arnold
Jasper LaGambina (Applicant) and Rodney Wekkin (Applicant)

2. **PLEDGE OF ALLEGIANCE**

3. **ACCEPTANCE OF AGENDA:**

Motion by Commissioner Berthelot, seconded by Commissioner Neil.

Voice Vote:

ALL AYES.

Motion Carried: Agenda Accepted.

4. **PRESENTATIONS/REPORTS:** None

5. **APPROVAL OF MINUTES:**

5-a. Regular meeting Minutes of July 12, 2018

Date on top of minutes revised from 14 to Thursday, July 12th.

Motion by Commissioner Berthelot, seconded by Commissioner Neil.

Voice Vote:

ALL AYES.

Motion carried: Approved the Minutes of July 12, 2018.

6. ACTION ITEMS:

6-a. Continued Public Hearing: to consider a request by Jay La Gambina (applicant) on behalf of AKZ Development Corp/ La Gambina Homes (property owner) for approval of a Preliminary Plat of Subdivision for the property located at 2000 Maple Avenue.

Chairperson Wachsmuth: Entertained a motion to open the Public Hearing. Motion by Commissioner Berthelot to open the Public Hearing, seconded by Commissioner Patel.

Voice Vote:

All AYES.

Motion Carried: Public Hearing Opened

Chairperson Wachsmuth: Asked the Director of Community and Economic Development Director to present information.

Director Govind indicated the Public Hearing has been previously noticed and scheduled but continued until the Village receives the soil analysis which is required as part of the approval process.

Sworn in: Jasper LaGambina, 25W120 Schick Rd, Bloomingdale, IL 60108

Applicant LaGambina wanted to address the commission and provide history on the project. LaGambina Homes is owned by himself and his son. They started looking at the project in October 2014. They purchased 16 lots in one parcel and 2 lots in another parcel. Before purchase they did due diligence to make sure the parcels did not contain floodplain or wetlands because there was water on the land and they didn't know why. They determined the land is original soil with no fill, with the exception of the eastern 33 feet which was dedicated for future road on the east side of his property. After looking at Village stormwater maps, he believes the water used to cut across the east corner of his Maple property and run into the 33' but when the topography was raised, the storm water now runs across his property.

He had multiple discussions with the Village Staff regarding the parcels on Oak Street which were platted at 60'. The code now requires lot width to be platted at 65'. He understood he would need to apply for a variance. He had the Mayor and staff come and see the homes he has built on 50' lots to show the quality of homes and how they were built.

In April 2015 LaGambina Homes purchased the property and started the process to build a model home. They indicated they wished to split the lot into two lots, each would meet the code of 65' width per lot. He later found out this is considered a new subdivision, not just a lot split. He has completed a plat of survey and done simple lot splits in other communities. This is just a lot split into two conforming lots. In other places it's a simple process with no hearings required, with only top and survey required.

In mid-2017, the plans were ready and just waiting for the lot split. In February 2018, he started building the Model Home on 2000 Maple Avenue. He was informed by the Village staff he would need to apply for a Subdivision per the Village Attorney as the Village Code does not permit an Administrative Lot Split. March 15, 2018 an application for a Public Hearing for a Subdivision was submitted with \$1,125 payment.

Applicant LaGambina stated he thought everything was submitted and then learned of engineering needs for a house that doesn't exist (for a second home on the proposed second lot) including soil tests for weight, water table, and wetlands. All he asked for was an Administrative Lot Split. He believes that when you apply for permit for a house, then you get the soil boring test. He has worked with four engineers and four village planners. Previous Village Engineer Karen Daulton-Lange did research and contacted Cook County MWRD. She told him the land was fine, she had no problem with it, and according to MWRD because lots were already platted lots on Oak did not need a detention and the Maple lot would just tie in with the storm sewer which was his intent all the time. Costs are sky rocketing, it's \$4-500 every time he contacts his engineer. He said the stormwater system uses his land, when the storm pipe fills up, it backs up onto his land before flowing over natural course of the land over to Center.

His intent was to build 20 new homes generating \$20 – 30,000 in permit fees and \$150-200,00 per year in Real Estate Taxes for the Village.

He stated they build very good homes and suggested the Commission talk to Chief Hatzold and Inspector Medrano; he has passed inspections on the first time. They were very impressed with quality. He takes great pride in his work and satisfaction of building new homes for people. This project is now way over budget. He still feels this is a good investment but needs to keep to the budget for the project. He addressed the Commission, so they would put a face to his name and understand why the extensions.

Chairperson Wachsmuth asked if anyone was present for this agenda item, and it was confirmed the other individual in attendance was present for the next item on the agenda.

Chairperson Wachsmuth asked Mr. LaGambina if he was asking for the hearing to be continued again, or to be closed. He stated he hasn't decided yet what he is doing. He's not in a position to, and won't spend \$3,000 for soil tests; he is fighting that and is trying to get that changed.

Chairperson Wachsmuth confirmed with Staff that the code does require the engineering. She indicated that she knows it is frustrating but if it is required, they cannot override the code requirement.

Applicant LaGambina said he'd like to see the code. After application was submitted, that's when the engineering requirement came in.

Chairperson Wachsmuth asked if he saw the code in writing.

Applicant LaGambina said the code states "by visual inspection, the Village Engineer can...."

Director Govind directed attention to the Subdivision Code and confirmed that soil borings are a specific requirement in the Subdivision Code.

Applicant LaGambina stated it is a problem if the Village will require a subdivision for each of the 16 the Oak Street Lots, even though they are already there; he's not going to spend \$5,000 on each lot.

Chairperson Wachsmuth asked for clarification.

Director Govind clarified there are 2 separate projects, the single lot on Maple he would like to split, which is the subject of the Public Hearing, and the lots he owns on Oak Street. She confirmed he is absolutely right, that in a lot of communities if a lot split results in two conforming lots there would be no need for a Public Hearing and it could be handled administratively by Staff. That was why she consulted the Village Attorney. There are provisions in the code that say "if," certain criteria are met, the hearing process is not needed, and it does not need to come before the Development Commission. The Village Attorney advised this situation does not meet the criteria and it must come before the Development Commission. We learned this morning he wished to make this presentation. The Village Engineer was not available to attend this hearing so is unable to present their perspective.

There are 2 separate properties. This lot on Maple and 16 lots on Oak. He's right, the Mayor and she did go and look at projects and yes, they are good homes and the Village hopes he will build here as well. The process question at that time, was construction of a model home. Yes, there was discussion on lot width for the 16 lots for the Oak Street lots. There, the process will be a variation for lot width of 60' to build on those 16 lots "as is," or a re-subdivision. But the Oak Street properties are not the subject of the hearing today.

Chairperson Wachsmuth re-stated that the Variance for the 60' lots on Oak is not the subject for this Public Hearing and there are 2 options for the Oak St. lots – a variance, or a new plat of subdivision.

Director Govind said yes and continued that at the time Mr. LaGambina was considering building a home on this lot, as a model home. This is a big lot. She asked Mr. LaGambina to correct her if she states it wrong, but his idea was to build the Model Home and, whatever process he went through for the Oak properties, the Maple property could serve as the model for homes on Oak. That process is separate and will be looked at when that application comes in for those 16 lots. But for this lot, the process is a subdivision and as part of the subdivision process the Village Engineer has determined that a soil analysis is required. This is costly and is why the process has not moved forward. We had a meeting even last week with our Engineer, Mr. LaGambina, and his Engineer. The position the developer presented is that any lot is buildable if engineered correctly. However, the way our code is written, engineering is required at time of subdivision and our code defines this as a subdivision.

Applicant LaGambina stated that information should be on the application and it's not. The application says nothing about soils test. Preliminary engineering on a lot is exactly what it says – topo and where to run the water, not requiring 3 separate soils tests from 2 different companies.

Village Planner Weber stated she had learned through the process that there are several instances where the Village Code is more restrictive than the State Code or other communities. The application is for the Public Hearing and indicates what's needed for the Hearing. She knows the project Engineer has been directed to the Village Code which contains the list of needed engineering items. Staff can't vary the code and the soil analysis requirement is in the code.

Chairperson Wachsmuth confirmed with the Applicant that he wished the Public Hearing to be continued to the next meeting. Mr. LaGambina agreed.

Applicant LaGambina left the meeting at 7:30 PM.

Chairperson Wachsmuth confirmed no one else wished to address the Commission and asked for Comments from the Commission.

Commissioner Comments:

Commissioner Berthelot commented that as a contractor he appreciates when he is given a list with every code. How did he miss this? We should provide a list with every code listed on it.

Director Govind responded that Mr. LaGambina and his Engineers were directed to the list of requirements within Village Code on multiple occasions.

Village Planner Weber made comment that the Village Engineer and Applicant's Engineer have some disagreement on the stormwater analysis which this has contributed to the delay.

Commissioner Patel questioned if the lots were not to be split, would the Village still require a soil test? If the lots were plotted at 60' wide, why would variance be required?

Director Govind responded the lots are considered non-conforming due to the code change to 65' width. They could be built on "as-is" if the Village Board approves a Variance.

Chairperson Wachsmuth: Entertained a motion to continue the Public Hearing to September 13, 2018.

Motion by Commissioner Berthelot to continue the Public Hearing, seconded by Commissioner Patel.

Voice Vote:

All AYES.

Motion Carried: Public Hearing Continued.

6-b. Public Hearing: to consider a request by Theron Berg of Menards, Inc. (applicant) on behalf of Menards, Inc. (property owner) to approve a Special Use for Building Material Sales in a B-2 Zoning District; an Amendment for a major change to the Special Use for Planned Development to the Menard's of Hanover Park PUD for a building addition with variances from Sections 110-4, 110-5 and 110-6 of the Hanover Park Municipal Code for multiple buildings on a lot, fence placement, lot coverage, outside storage rack height and parking; and a Preliminary Plat of Subdivision for the Addition of Lot 9 of Hanover Highlands, Unit 10 to Lot 1 of the Menard's of Hanover Park PUD for the property located at 7435 Barrington Road.

Chairperson Wachsmuth: Entertained a motion to open the Public Hearing. Motion by Commissioner Berthelot to open the Public Hearing, seconded by Commissioner Patel.

Voice Vote:

All AYES.

Motion Carried: Public Hearing Opened

Chairperson Wachsmuth: Asked if anyone was present for this agenda item. No attendees other than the applicant present for this agenda item.

Village Planner Weber presented a PowerPoint and detailed the scope of the project. Menards has purchased the 1.71 acre to the east of the store. The re-subdivision will add this land to Lot 1 of the Menards PUD. Menards proposes to expand the Warehouse structure to the east, partially enclose outdoor sales area along the building, provide a stormwater retention pond, and provide a public landscape amenity.

The staff report includes a history of approvals for the Menard's PUD. A Special Use for Building Material Sales was never formally documented so it is included in the items before the Commission.

The Special Use for Planned Unit Development includes several variances which the Village has already approved. In reviewing the application each was considered in event there was opportunity to change the variance. Each variance was a continuation of one previously approved, except that per code the additional square footage proposed for the warehouse expansion would require an additional 11 parking spaces. The parking at the store is adequate and Staff has recommended the 11 parking spaces not be required.

The project meets side yard setbacks on the west, south, and east; the setback variance on the north was granted in the original approvals. On the south property line Menards has modified their original expansion proposal to move the warehouse further north from Irving Park Road.

The new and original fencing will be stained to match. All new lighting will match existing. The fence will be moved south to match the building setback and will stop where the building begins with both the fence and building comprising the security buffer. The Village has asked that parking lot plantings previously approved in 2013 be replaced.

The landscape was a topic of great discussion during review of the project as the Village views upscale landscaping as a public amenity to build the shopping district. This was discussed in the Irving Park Corridor Plan.

She stated Staff believes the proposal meets the intent of the PUD ordinance. The code allows for variance from the code in return for public amenities and that's why the Village is seeking enhanced landscaping. Public benefits of the project include the enclosure of merchandise currently stored outside which should help reduce noise in the neighborhood; stormwater system expansion; landscape amenity; operational efficiencies and expanded merchandise capabilities for the retailer; and the project improves the tax base.

Staff recommends that the approval be conditioned on acceptance of a final landscape plan which would be approved by the Community and Economic Development Director.

Sworn in: Rodney Wekin – Menards, Inc., 5101 Menard Drive, Eau Claire, WI 54703 Explained the driver behind the expansion is a new company wide prototype. On-line sales is one of the fastest growing portion of the business and these changes will help Menard's deliver product which has been ordered online. Online retail has led to a need to make shopping more of an experience. They will now have more room to display sheds, decks and other merchandise to the consumers. They have done a few things to mitigate the size of the warehouse.

Chairperson Wachsmuth asked for questions from the Commission.

Commissioner Comments:

Commissioner Alvarez is the modernization driven to stay competitive to create space for E-commerce?

Applicant Wekker responded to drive customer sales and be more appealing to guests.

Village Planner Weber asked if shoppers would be referred to Hanover Park as that the pick-up place for online orders. In Illinois the sales tax is payed to the municipality in which the order is picked-up. Applicant Wekker replied yes, if Hanover Park is the "home store" for the shopper, they would be referred here for pick up.

Chairperson Wachsmuth questioned how this will affect contractors?

Applicant Wekker responded it will improve the services to contractors as all the large items they usually purchase will be in one area and easier to pick up.

Commissioner Alvarez questioned was the landscaping proposed the minimum or enhanced?

Applicant Wekker responded the landscaping has been discussed with staff and have added two benches and a wall to create a more aesthetic amenity.

Director Govind recapped elements of the revised landscape plan which includes a curvilinear wall, similar to what you see on Barrington Road and benches. The Village has requested additional amenity to provide a location seen as a community amenity where folks will stop and take a respite.

Commissioner Alvarez stated agreement and indicated he believes the area will be used.

Chairperson Wachsmuth: Entertained a motion to close the Public Hearing. Motion by Commissioner Berthelot to close the Public Hearing, seconded by Commissioner Neil.

Voice Vote:

All AYES.

Motion Carried: Public Hearing Closed

Chairperson Wachsmuth noted for the record that no one from the public was in attendance for this Agenda item.

Village Planner Weber presented the Draft Findings of Fact and recommendations for the conditional approval to the Commission.

Chairperson Wachsmuth entertained a Motion to recommend approval of the Draft Findings of Fact, Motion by Commissioner Berthelot, seconded by Commissioner Neil.

Roll Call Vote:

AYES: Commissioners: Alvarez, Aird, Berthelot, Neil, Patel, Wachsmuth,

NAYS: Commissioners: None

ABSENT: Commissioners: Merrill, Rasmussen, Watkins and Serauskas

Motion Carried. Recommend approval.

Chairperson Wachsmuth entertained a Motion to recommend approval to consider a request by Theron Berg of Menards, Inc. (applicant) on behalf of Menards, Inc. (property owner) to approve a Special Use for Building Material Sales in a B-2 Zoning District; an Amendment for a major change to the Special Use for Planned Development to the Menard's of Hanover Park PUD for a building addition with variances from Sections 110-4, 110-5 and 110-6 of the Hanover Park Municipal Code for multiple buildings on a lot, fence placement, lot coverage, outside storage rack height and parking; and a Preliminary Plat of Subdivision for the Addition of Lot 9 of Hanover Highlands, Unit 10 to Lot 1 of the Menard's of Hanover Park PUD for the property located at 7435 Barrington Road, as approved in the Draft Findings of Fact, in the conditions per staff report and forward to the Village Board for their consideration.

Motion by Commissioner Berthelot to recommend approval to consider a request by Theron Berg of Menards, Inc. (applicant) on behalf of Menards, Inc. (property owner) to approve a Special Use for Building Material Sales in a B-2 Zoning District, an Amendment for a major change to the Special Use for Planned Development to the Menard's of Hanover Park PUD for a building addition with variances from Sections 110-4, 110-5 and 110-6 of the Hanover Park Municipal Code for multiple buildings on a lot,

fence placement, lot coverage, outside storage rack height and parking, and a Preliminary Plat of Subdivision for the Addition of Lot 9 of Hanover Highlands, Unit 10 to Lot 1 of the Menard's of Hanover Park PUD for the property located at 7435 Barrington Road, as approved in the Draft Findings of Fact, in the conditions per staff report and forward to the Village Board for their consideration, seconded by Commissioner Neil.

Roll Call Vote:

AYES: Commissioners: Alvarez, Aird, Berthelot, Neil, Patel, Wachsmuth,

NAYS: Commissioners: None

ABSENT: Commissioners: Merrill, Rasmussen, Watkins and Serauskas

Motion Carried. Recommend approval.

Break requested: 8:17 – 8:22 p.m.

7. **TOWNHALL SESSION:** None

8. **OLD BUSINESS (NON-ACTION ITEMS):** None

9. **NEW BUSINESS (NON-ACTION ITEMS):** None.

10. **ADJOURNMENT:**

Motion by Commissioner Berthelot, seconded by Commissioner Patel.

Voice Vote: ALL AYES.

Motion Carried: Meeting adjourned at 8:30 p.m.

Recorded and Transcribed by:



Kathleen Arnold, Secretary
this 9th day of August, 2018



Virginia Wachsmuth, Chairperson