

**VILLAGE OF ALGONQUIN
PLANNING AND ZONING COMMISSION
Meeting Minutes
Algonquin Village Hall Board Room
January 12, 2009**

AGENDA ITEM 1: Roll Call to Establish a Quorum

Present: Chairperson Auger; Commissioners Hoferle, Neuhalfen, Patrician, Sabatine, Sturznickel, and Szpekowski

Absent: None

Staff Members Present: Russ Farnum, Community Development Director; Katie Parkhurst, Senior Planner; Ben Mason, Senior Planner; Kelly Cahill, Village Attorney; Mike Hoffman, Teska Associates; and Mike Kerr, Village Engineer.

AGENDA ITEM 2: Approval of Minutes from the July 14, 2008 Meeting

Chairperson Auger entertained a motion to approve the July 14, 2008 minutes. The voice vote noted all ayes and the motion carried.

Chairperson Auger noted that the following item would be brought before the Planning and Zoning Commission for consideration this evening.

- Consideration of a Request for Preliminary Plat of Subdivision and Preliminary PUD

Case No. 2008-09. Riverwoods on the Fox

AGENDA ITEM 3: Consideration of a Request for Preliminary Plat of Subdivision and Preliminary PUD

Case No. 2008-09. Riverwoods on the Fox

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Ms. Parkhurst called roll to verify a quorum. Present: Chairperson Auger; Commissioners Hoferle, Neuhalfen, Patrician, Sabatine, Sturznickel, and Szpekowski.

PETITIONER COMMENTS

Ms. Cahill swore in the petitioners and asked if notice was posted regarding the public hearing, to which the petitioners stated that notice of the public hearing was posted. Ms. Cahill indicated that proper notice had been given.

Representing AK Group, LLC, the property owner and developer, were the following consultants: William Graft, Graft and Jordon; Anthony Divizio, Divizio Group; Randy Bus,

Cemcon; Peter Pluskwa, Cemcon; Quentin Bull, Land Shapers; and Steve Hovany, Strategy Planning. Mr. Graft provided background regarding the subject property. The property is approximately 12 acres, located at 1841 N. River Road and zoned R-1 in the Village of Algonquin. The petitioner is asking to develop the property as allowed under the R-1 zoning with a few variances from the code. The variances requested are due to others (for example the site's natural features), not the petitioner. The property is currently improved with metal industrial buildings, a single family residence and a pool house. The petitioner purchased the property in October of 2006 with the intent of developing it. The proposal includes 17 lots for custom, high end homes, designed to work with the environmental factors of the site. The petitioner brought a concept site plan before the Committee of the Whole in August of 2007. The COTW had concerns regarding the density, slopes, and trees. The petitioner hired a certified arborist to perform a tree survey.

The major components of the site include a tree protection zone around the perimeter of the site and the private road. Stormwater will be collected in two basins with a bridge feature over the top to allow the road access into the site. A vacuum sanitary sewer system will be installed for the subdivision. All lots are over 18,000 square feet in size.

Mr. Anthony Divizio, Architect and Home Builder, showed a concept design of one of the houses. All homes will be designed by Mr. Divizio and sited to minimize tree loss and work with the topography.

Mr. Peter Pluskwa, Cemcon Engineering, stated the site was challenging, but the overall design works very well.

Mr. Randy Bus, Cemcon, further explained the proposed sanitary sewer system and that private wells will serve each lot. The traffic study indicates the majority of the traffic will enter and exit the site from the north. There will be additional traffic at the already congested N. River Road and Algonquin Road intersection.

Mr. Steve Hovany, Strategy Planning Associates, stated that he prepared the Fiscal Impact Study. The study shows a positive benefit to all taxing bodies due to the prices of the homes. There is estimated to be 20 school aged children and 64 residents at build out. Mr. Hovany then went through the PUD Ordinance and argued how this development meets the code.

Mr. Quentin Bull, Land Shapers discussed the landscape design. The site will be enhanced with the planting of new, younger, stronger, high quality trees.

STAFF AND COMMISSION COMMENTS

Mr. Ben Mason gave an overview of his memorandum of January 9, 2009 including the proposed findings of fact. Staff has concerns with this development proposal for several reasons, including: private road, gated community, steep slope of roadway, length of the cul-de-sac, life safety services, no public water supply, surface runoff and tree loss. The tree loss could be significant on this site, over 80% potential due to cutting, excavating, utilities, compaction, and root damage.

Mr. Mike Hoffman, Teska Associates, cited the Comprehensive Plan mission statement which aims to protect unique properties with natural features that provide the ecological character that makes up Algonquin. He stated that the significant tree loss on the wooded bluff that would be caused by the proposed development goes against the Comprehensive Plan.

The staff recommends denial of the request for Preliminary Plat of Subdivision and Preliminary PUD for Riverwoods on the Fox due to the findings of fact stated in the staff report.

Commissioner Hoferle inquired about river access and use from the development. Mr. Graft stated no decision has been made yet regarding docks. Commissioner Hoferle inquired about the property's designation as Estate Residential in the Comprehensive Plan. Mr. Hoffman explained the site was recommended for larger lots in the Comprehensive Plan due to the wooded character of the area. Commissioner Hoferle expressed concerns about the trees and safety of the grades and cul-de-sac.

Commissioner Szpekowski mentioned the concern about suggestions from the Committee of the Whole meeting not being addressed, in addition to the subdivision and zoning ordinances not being followed.

Commissioner Neuhalfen inquired again if this property has river rights. Mr. Graft responded yes. Commissioner Neuhalfen inquired about the proposed sanitary sewer system needing IEPA approval. Mr. Bus responded that the IEPA will consider this system; there are others in use in the State, however, the Village will also need to approve. Commissioner Neuhalfen inquired about the future extension of water main through the property. Mr. Bus stated there would be room along the private road to run a water main in the future. Commissioner Neuhalfen asked how utilities would be installed in the tree preservation area and really protect the trees. Mr. Bus responded that utilities can be augured under the trees. Commissioner Neuhalfen expressed concern that the proposed utility installation beneath the trees would harm their root systems. Commissioner Neuhalfen also noted concern about no fire hydrants and the cul-de-sac design. Mr. Pluskwa stated the cul-de-sac design has been reviewed by the fire district.

Chairperson Auger noted her concerns regarding the engineering, design, safety and the request for so many exceptions to the codes. She inquired what would be the responsibilities of the Homeowner Association. Mr. Graft noted the HOA would be responsible for all common areas such as the private road, detention facilities, bridge, parking stalls, etc. A dormant Special Service Area (SSA) would be established to provide for future funding of maintenance should the HOA be dysfunctional. Chairperson Auger inquired about the dues of the HOA. Mr. Graft stated they did not have an estimate for the dues at this time. Chairperson Auger inquired about the market for these houses in this economy. Mr. Hovany stated there is a market; he would expect absorption to be about 3 houses per year.

Commissioner Sabatine stated his concerns with river access, boat slips, trees, water run off and the grade of the road. However, the design of the houses looks nice.

Commissioner Patrician stated some exceptions are acceptable, but what can be done to address them, for example the steep slope of the road. Mr. Bus stated the two areas of the road that are 15% grade could be adjusted, but that will involve more cutting into the hillside and losing more trees. Commission Patrician asked for a reference point, what is the grade of Hanson Road. Mr. Pluskwa stated they looked at various cul-de-sac lengths around the Village and grades of certain roads. Hanson Road is a 9% slope. Commissioner Patrician asked for clarification on the quality of trees and how the ranking is determined. Mr. Bull responded that a complete inventory had been done, listing the ranking of all the trees. Selective clearing can improve the quality of the woodlands. The goal is to maintain the hardwood trees and add additional high quality trees to the site.

Commissioner Sturznickel referred to a concept plan designed by Teska Associates and asked why the property is acceptable to have 6-7 lots and not 17. Mr. Hoffman responded the idea of the 6 lots was a cluster design, located where the site was already improved. The remainder of the property would remain undeveloped and keep the woods and tree canopy preserved. Commissioner Sturznickel commented on the financial feasibility of the cluster design. Mr. Graft stated it is not economically feasible without payment for the preservation area. He welcomed everyone to walk the property to get a better feel of the site.

Chairperson Auger asked if the petitioner had considered a park donation to the Village. Mr. Graft stated the petitioner is open minded.

OPEN PUBLIC COMMENT

Each person was sworn in by Ms. Cahill before they provided testimony.

Kathryn Cardelli, 240 River Road, supports the tireless efforts of Greg Pantos (AK Group) to develop the property. This is a very desirable piece of property. She also read a statement in response to the actions of Carl Swanson's petition against the proposal stating he has done the very things he is opposed to the developer doing on his own property.

Carl Swanson, 1901 N. River Road, defended his actions relating to Ms. Cardelli's comments. Mr. Swanson noted that Mr. Greg Pantos purchased the property in 2006 without consulting the Village about developing the property. Mr. Swanson submitted a petition signed by 31 property owners on N. River Road and surrounding roads who are opposed to the development. Mr. Swanson also listed 14 objections to the plan, as submitted in his memo dated January 12, 2009. He is very concerned that the Cardelli's will also be submitting a plan similar to this in the future.

Mr. Graft asked Mr. Swanson if he is subject to a court order. Mr. Swanson replied yes. Chairperson Auger inquired what this private matter had to do with the petition before the Planning and Zoning Commission. Mr. Graft stated he wants to establish credibility of Mr. Swanson. Mr. Graft inquired about the zoning of the property when Mr. Swanson purchased his property. Mr. Swanson stated the entire area was zoned R-1 as it was when annexed many years ago. Mr. Swanson presented emailed objections to the petition, Mr. Graft objected to the submission of the emails and Chairwoman Auger sustained Mr. Graft's objection.

Mr. Gerry Cwienkala, 1313 N. River Road, stated this proposal has many loose ends that need to be addressed. He expressed concerns with the proposed sanitary sewer system noting his grinder pump system has had to be replaced three times. Mr. Cwienkala expressed issues with garbage truck access, other property owners asking for dense developments in the future, and the name of the subdivision is used in other places. Mr. Graft explained the sewer system proposed is different than the current grinder pump system. Mr. Cwienkala noted that LLC's are established so the investors can easily get out of commitments if there are any issues.

Al Gafka, 1843 N. River Road, expressed concern with the detention ponds located behind his house, up hill from his house.

CLOSE PUBLIC COMMENT

Mr. Graft inquired if staff had been on the property. Mr. Mason responded that yes, staff has conducted site visits. Mr. Hoffman noted that he had driven by the property.

Mr. Bus further explained the stormwater system operations and that it would meet Kane County's code.

Mr. Mike Kerr, Village Engineer, noted that no detailed stormwater report, no best management practices and no 100-year storm design had been submitted at this time. All of these stormwater reports would need to be submitted and reviewed before he could provide further comments. Mr. Kerr also mentioned that he is not comfortable with road grades over 10%.

Mr. Bus noted that engineering plans can be adjusted to address some comments.

Mr. Graft asked the Commission for a continuation to address some of staff comments.

The Commission further mentioned there are serious issues to consider with this project. It may be best to start the design over.

COMMISSION MOTION ON PETITION

Chairperson Auger entertained a motion on the request for Preliminary Plat of Subdivision and Preliminary PUD for Riverwoods on the Fox. *Commissioner Neuhaufen* moved and *Commissioner Szpekowski* seconded a motion to recommend denial of the request for Preliminary Plat of Subdivision and Preliminary PUD for Riverwoods on the Fox, consistent with the findings of fact as presented to the Commission in the staff report prepared by Community Development Director Russ Farnum and Senior Planner Ben Mason dated January 9, 2009. Such findings included:

1. The physical quality of the surrounding neighborhood will be diminished as the development would result in the loss of significant existing valuable tree stock. The proposed utility installation and mass re-grading needed for new construction will substantially compromise the viability of the proposed tree preservation efforts.
2. The proposed residential subdivision does not comply with all zoning and subdivision code requirements of the Village, prohibiting the development of the subdivision under

the current R-1 zoning district. The proposed 1400 foot length of the cul-de-sac exceeds the 600 foot maximum allowable length in the village, the proposed 24 foot width of the private road is less than the village's 28 foot required width for cul-de-sacs, proposed street grades of 15 percent exceed the 8 percent maximum grade allowed in the village, the proposed entrance grade of 2.4 percent exceeds the maximum allowable entrance pavement grade of 2 percent, the proposed street would be a private road with no right-of-way dedicated to the village, the proposed sanitary system does not meet village standards, and no public water supply would be provided to the site.

3. The proposed engineering and design of this site will cause risk to the health, safety, morals, and general welfare of persons residing in the proposed residential subdivision. No public water supply will be extended to the site, the proposed cul-de-sac length is more than double the length of the maximum allowable in the village, and the proposed private road reaches 15 percent grade, all of which would combine to impede the timely delivery of emergency services, particularly the ability for a water tanker truck to access the residential lots in inclement weather.
4. The proposed private, gated use of this property will not provide a tangible physical benefit to residents of the Village, other than those directly residing in the subdivision.

The Roll Call noted the following: Ayes: Chairperson Auger; Commissioners Neuhalfen, Sabatine, and Szpekowski. Nays: Commissioners Sturznickel and Patrician. Abstain: Commission Hoferle. Motioned carried.

CLOSE PUBLIC HEARING

AGENDA ITEM 4: New/Old Business

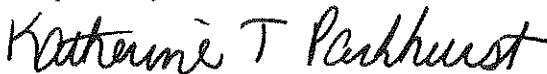
Items discussed include:

- Residential development progress.
- Western Bypass.

AGENDA ITEM 5: Adjournment

Chairperson Auger entertained a motion to adjourn the meeting. *Commissioner Neuhalfen* motioned and *Commissioner Patrician* seconded a motion to adjourn the meeting. The voice vote noted all ayes. The motion carried, and the meeting was adjourned at 10:30 p.m.

Respectfully Submitted,



Katherine T. Parkhurst, AICP
Senior Planner