

SPECIAL MEETING (RUBLOFF PROPERTY)
MINUTES

DECEMBER 28, 1998

The special meeting was called to order at 7:10 p.m. for the purpose of considering the recommendations of the Zoning Board and Zoning Board of Appeals relative to the Rubloff property located at Route 72 and Locust Drive, which has been proposed for a Sears Home Life furniture store. In attendance were President Shields, Trustees Czerniawski, DeBolt, Harney, Merkel, Nemec, and Williams, Village Attorney Schuster, Village Engineer Heinz and Clerk Olson. There were also several individuals in the audience, including representatives from Rubloff.

President Shields explained how the meeting would proceed and then asked Zoning Board of Appeals ("ZBA") Chairman John Kedzior to report on the ZBA public hearing held on December 10, 1998.

Mr. Kedzior distributed a report from the hearing (attached to these minutes) and said that six variance requests were considered by the ZBA and that each variance was discussed and unanimously recommended for approval. The trustees asked questions about the variances and viewed plan drawings. Some trees at the front of the site will be removed, but landscaping at the sides and back meets or exceeds village requirements. The major changes to the building plans since the early discussions with Rubloff were discussed by James Loarie and included a change to a more neutral color for the building and the height reduction of the back of the building to 30', although the sign at the front will peak at 49'. The back of the building will also have the same exterior finish as the front and sides. The signs for the store were also reviewed. Trustees expressed concern with changing zoning to B-2, and that if this project should fall through, they would be obligated to allow any future B-2 project as long as it met code. They also wanted the variances to be approved for this project only and the village attorney said the ordinance language confined these variance to this project. Trustees were also concerned that they would be giving approval to site plans, most of which they had not seen.

Art Neil, Chairman of the Zoning Board distributed a report (attached to these minutes) on the public hearing held December 22, 1998 and discussed all issues from that hearing, which mainly centered around drainage, building height, and traffic issues. Trustees asked about trash dumpsters on the premises and Rubloff representatives said they believed they were located inside, rather than outside, the building. They are to confirm this and report back to the Village. Trustees also asked about the swales and drainage of the property. James Uecker said that the swale will be dug out substantially along Locust, south to Sycamore. The swale south of Sycamore is adequate in its present depth to handle the drainage. A resident south of Sycamore contends that the swale is part of his private property, but site documents indicate there is an easement for this swale.

The trustees extensively discussed traffic concerns, mainly that permitting Locust access (a northbound left turn) will increase cut through traffic on village streets. It was noted that when the next parcel (Phase II) west of Sears Home Life is developed, IDOT may install a full access intersection with a light across from the Jewel entrance. However, at this time, the only Sears access will only be a right in, right out on Route 72. Sears requires the Locust curb cut but right hand turns out of the site would not be allowed. Some trustees did not feel the Locust access was necessary and would greatly increase traffic through the village. They did not feel the developer's engineering report accurately reflected the traffic increase that this development would bring to the village. Bruce Danby explained why Sears felt this additional access was necessary to the store and discussed the traffic issue. The Target agreement restricts any truck access on Locust Drive, but it was not felt that other access in and out of the Sears site could be denied as part of

that agreement. Trustees Merkel and Williams did not want to approve the access. Chairman Art Neil noted that they have had several meetings and hearings on this project and the public has never expressed concern about a Locust entrance, but were concerned about the difficulty in turning left onto Route 72 from Locust. Jim Loarie said Sears would not develop there without this Locust access. Trustee DeBolt stated that he is anti-development but realizes we need the tax revenue from this development and must accept the traffic and other negatives along with the revenue. Plan Commission Chairman Markey said they approved the initial concept of the Sears Home Life plan. Rubloff said that while Sears requires the Locust access at this time for their site, if and when a full access intersection with a light goes in by the Jewel entrance, they may be willing to restrict the left turn access on Locust into the store. However, this intersection and light would be the decision and responsibility of IDOT.

HARNEY MOVED WITH A SECOND FROM CZERNIAWSKI TO APPROVE ORDINANCE NO. 98-29 ENTITLED "AN ORDINANCE AMENDING THE ZONING OF CERTAIN PROPERTY LOCATED IN THE VILLAGE FROM R-1 RESIDENTIAL ZONING DISTRICT TO B-2 BUSINESS ZONING DISTRICT ('RUBLOFF PARCEL')".

Board discussion followed. There was concern with allowing the zoning change with no restrictions to tie it to this particular development and wanted to connect it to the site plan sheets reviewed by the Board tonight. Trustee Harney noted that this property has been planned for commercial development and the B2 business zoning was specifically prepared for this property. Should the Village deny this zoning, the property owners would have good cause to de-annex from Sleepy Hollow and approach West Dundee for annexation into that village for commercial development of their property. The following amendments were presented:

1. WILLIAMS MOVED WITH A SECOND FROM HARNEY TO AMEND THE MOTION TO INCLUDE THAT THE ZONING CHANGE BE SUBJECT TO SUBSTANTIAL CONFORMANCE WITH THE PLAN OF PROPOSED IMPROVEMENTS, SHEETS 1 THROUGH 4; THE SITE LANDSCAPE PLAN, SHEET L-1; THE SIGNAGE INFORMATION PLAN, SHEET SG-1; AND FRONT AND SIDE ELEVATIONS, SHEETS A-12 AND A-13.
2. HARNEY MOVED WITH A SECOND FROM CZERNIAWSKI TO AMEND THE MOTION TO INCLUDE IN THE SITE PLAN PEDESTRIAN ACCESS WITH SIDEWALKS THAT WOULD GO UP LOCUST TO ROUTE 72, WITH A POTENTIAL TO CONNECT TO A FUTURE CROSS WALK ACROSS ROUTE 72, AND ANOTHER SIDEWALK SOUTH TO NORTH AND AN EAST-WEST SIDEWALK ALONG THE FRONT OF THE BUILDING, AND ANOTHER PEDESTRIAN ACCESS FROM LOCUST AND GOING WEST TO THE FRONT OF THE BUILDING.
3. WILLIAMS MOVED WITH A SECOND FROM MERKEL TO AMEND THE MOTION THAT IT BE APPROVED BASED UPON THAT IF, AT A FUTURE DATE, A FULL ACCESS INTERSECTION WITH A LIGHT IS CONSTRUCTED ACROSS FROM THE JEWEL ENTRANCE, THE VILLAGE BOARD AT THAT TIME COULD CHOOSE TO ELIMINATE THE NORTHBOUND ACCESS OFF LOCUST DRIVE INTO THE SEARS HOME LIFE SITE. It was noted that this amendment is not binding on any future village board.

ON AMENDMENT NO. 3: AYE: WILLIAMS, MERKEL, DEBOLT, NEMEC. NAY: CZERNIAWSKI, HARNEY. MOTION PASSED.

ON AMENDMENT NO. 2: AYE: HARNEY, CZERNIAWSKI, MERKEL, NEMEC, WILLIAMS.
NAY: DEBOLT. MOTION PASSED.

ON AMENDMENT NO. 1: AYE: WILLIAMS, HARNEY, CZERNIAWSKI, DEBOLT, MERKEL,
NEMEC. MOTION PASSED.

ON MAIN MOTION: AYE: HARNEY, CZERNIAWSKI, DEBOLT, MERKEL, NEMEC, WILLIAMS.
MOTION PASSED.

HARNEY MOVED WITH A SECOND FROM NEMEC TO APPROVE ORDINANCE NO. 98-30
ENTITLED "AN ORDINANCE VARYING THE REQUIREMENTS OF THE REGULATIONS IN
THE B-2 BUSINESS ZONING DISTRICT REGARDING MAXIMUM FLOOR AREA RATIO;
BUILDING HEIGHT; PARKING SPACES; SIGN AREA AND HEIGHT; LOADING SPACES AND
BUFFERYARDS FOR CERTAIN PROPERTY LOCATED AT STATE ROUTE 72 AND LOCUST
DRIVE IN THE VILLAGE ('RUBLOFF PARCEL')." AYE: HARNEY, NEMEC, CZERNIAWSKI,
DEBOLT, MERKEL, WILLIAMS. MOTION PASSED.

The trustees thanked the Zoning Board, Zoning Board of Appeals and Plan Commission for their work on this project.

NEMEC MOVED WITH A SECOND FROM HARNEY TO ADJOURN THE SPECIAL MEETING AT
8:50 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,



Norine Olson
Village Clerk