



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION MINUTES • JUNE 16, 2020

Village Hall - Council Chambers	Regular Meeting	7:00 PM
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Note: The June 16, 2020, the Plan Commission meeting will take place in the Village Council Chambers (located at 200 E. Wood Street). The meeting will also be broadcast live on Comcast Channel 6 and streamed live through the Village's 'Agenda & Minutes' section of our website (www.palatine.il.us). Village Hall will be open for any member of the public that would like to provide comment or testimony regarding an agenda item at the meeting, while still adhering to the Governor's Executive Orders. If a member of the public cannot access the meeting through one of the above means, please contact the Department of Planning and Zoning at (847-359-9046) by no later than 3 PM on Tuesday, June 16th to be provided with a call in code.

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Late	7:05 PM
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Present	
Patrick Noonan	Plan Commissioner	Present	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Present	
Stephen Fedota	Plan Commissioner	Present	

Staff present: Ms. Katie Rivard and Mr. George Ruppert

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Mar 3, 2020 7:00 PM

Mr. Friedman made a motion to approve the minutes of March 3, 2020; seconded by Mr. Kolososki.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Eric Friedman, Plan Commissioner
SECONDER:	Robert Kolososki, Plan Commissioner
AYES:	Dwyer, Robins, Noonan, Williams, Friedman, Bettenhausen, Kolososki, Fedota
ABSENT:	Hansen

III. PUBLIC HEARING

1. Vacant Lot North of 724 S. Plum Grove Road

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on June 1, 2020 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Public Notice
2. Petition for Hearing
3. Proof of Ownership
4. Engineering Plans
5. Old World Plat of Resub division

Sworn in petitioner Mr. George Swiderski 724 S. Plum Grove Rd

Mr. Swiderski explained the property was divided into two smaller parcels but came to the conclusion that it would not be convenient for him because he would lose part of the property of his present residence. He explained he would rather keep his whole residence.

Sworn in staff Ms. Katie Rivard and Mr. Ben Vyverberg

Ms. Rivard gave a brief overview of request explaining the subject property is a vacant lot approximately 13,700 square feet, is a tax-divided lot with an accessory structure and driveway referring to the Google Earth picture slide. She explained the Petitioners are seeking an amendment to the Old World Planned Development to allow for the development of one new single-family home on W. Michigan Ave. and a Preliminary and Final subdivision to allow a 1-lot single family subdivision. Ms. Rivard stated the property did receive approval for a 3-lot subdivision in 2005 and 2016 but the Petitioners are here to amend that to request a 1-lot subdivision referring to the proposed site plan explaining the existing residence will remain. She stated the existing lot has a depth of 98.7 feet instead of the required 110 feet per the Subdivision Regulations, and the proposed residence would have a rear yard setback of approximately 34 feet instead of the required 40 feet as required by the R-2 zoning. Ms. Rivard pointed out the subject lot is within the Michigan Avenue/ Plum Grove Road Sub-Area Plan, which identifies that rear yard setback reductions and lot depth reductions may be appropriate for this area. She further explained the non-conforming lot depth would not be out of character for the neighborhood as other properties on this block of Michigan Avenue has similar lot depths. Ms. Rivard referred to the past subdivision slide to compare lot depths. Ms. Rivard stated in conjunction of the development of the new residence they would be required to connect to existing sanitary and water services, install a sidewalk across the frontage, plant parkway trees and submit cash in lieu of curb.

STAFF RECOMMENDATION:

The requested zoning relief is unique in that the subject lot is a tax-divided lot with an accessory structure and driveway only. In order for a new single-family

residence to be constructed on this lot, a formal subdivision of the property is required. Per Code, if a principal structure existed upon the tax-divided lot, prior to 2005, it would be consider a buildable lot. The proposed Planned Development Amendment will amend the previously, but since expired, Old World Planned Development which allowed for a 3-lot subdivision. While the subject lot does not meet the requirements for rear yard setback, the subject lot is within the Michigan Avenue/ Plum Grove Road Sub-Area Plan, which identifies that rear yard setback reductions may be appropriate for this area. Additionally, the proposed lot depth is consistent with the adjacent lots on both the north and south sides of Michigan Avenue between Plum Grove Road and Brockway Street. Therefore, Staff recommends approval of the Planned Development Amendment and Preliminary and Final Subdivision for a 1-lot single-family residential subdivision for the subject lot, subject to the following conditions:

1. The Planned Development Amendment and Subdivision shall substantially conform to the Plat of Subdivision of Old World Resubdivision, prepared by Murry and Moody, Ltd., dated 04/29/2020, and the Engineering Plans, prepared by Smith LaSalle, and dated 03/09/2020 and last revised on 06/08/2020, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The Final Plat of Subdivision shall be submitted on Mylar with all required signatures.
3. Review fees shall be submitted in a manner acceptable to the Village Engineer.
4. All required public improvements shall be completed in conjunction with the development of the Subject Property.
5. Recording fees in the amount of \$300 shall be submitted.
6. Any future modifications to the property at 724 S. Plum Grove Road shall be subject to the bulk requirements of the Village's R-2 district.
7. Sidewalks shall be installed across the frontage of the subject lot, in conjunction with the development of the new lot.
8. Four (4) parkway trees shall be installed across the frontage of the subject lot, in conjunction with the development of the new lot.
9. Cash-in-lieu of curb shall be submitted in the amount of \$3,053, in conjunction with the development of the new lot.

Mr. Friedman asked if the board's focus is on the language of the new residence or does it also address the resulting extension of non-conformity of the existing building to what would be a new property line. He referred to the proposed site plan slide to point out the closeness to the property line.

Ms. Rivard stated the closeness to the property line is included in the Planned Development Amendment.

Mr. Hansen asked the Petitioner if he could and would comply with Staff's recommendations.

Mr. Swiderski explained he is not the developer.

Discussion on whose responsibility is the recommendations.

Chairman Dwyer asked if Mr. Swiderski has any concerns with conditions.

Mr. Swiderski stated he does not understand them but understands there are conditions to comply.

Discussion on conditions and the Petitioner's responsibility.

Mr. Swiderski agreed to comply with Staff's conditions.

Sworn in Mr. Dave Albrecht 28 W. Michigan Avenue

Mr. Albrecht asked if there will be another meeting with the developer to discuss how big the proposed home will be.

Ms. Rivard answered no.

Mr. Albrecht asked if they are able to build as big as they would like.

Ms. Rivard answered no explaining they need to stay within the R-2 zoning district guidelines.

Discussion on what can be built.

Mr. Swiderski explained to Mr. Albrecht the one lot will be better for neighborhood.

Chairman Dwyer clarified this amendment removes the flag lot.

Ms. Rivard answered yes.

Mr. Bettenhausen pointed out the plans look like the proposed driveway will block the storm drainage along the road so may need a culvert or catch basin.

Mr. Vyverberg pointed out the condition that states the submitted engineering plans must be acceptable to the Village Engineer. He stated the concern will be noted for Mr. Ruppert as well.

Mr. Fedota asked if there are any requirements for a walkway to Michigan Avenue from the residence.

Ms. Rivard answered no.

Discussion on sidewalk requirements.

Mr. Noonan made a motion to close the public hearing; seconded by Ms. Williams.

DISCUSSION:

Chairman Dwyer stated it fits in the neighborhood and the variances are in line with area.

Mr. Noonan made a motion to approve subject staff's conditions; seconded by Mr. Fedota.

Chairman Dwyer summarized that this request has met the standards and was unanimously approved by a vote of 9-0. This item will tentatively go to the Community and Economic Development Committee of the Village Council on June 22, 2020.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Stephen Fedota, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Friedman, Bettenhausen, Kolososki, Fedota

2. 288 W. Aldridge Avenue

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on June 1, 2020 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Public Notice
2. Petition for Hearing
3. Proof of Ownership
4. Boundary and Topographic Survey
5. Aerial Site Plan
6. Engineering Plans
7. Final Plat of Subdivision
8. Floodplain map
9. Surrounding area zoning map
10. Vacation Ordinance 0-120-86

Sworn in the petitioner: Ms. Lori Stone 288 W. Aldridge & Mr. Len Kleinjan Haeger Engineering

Mr. Kleinjan stated is a .97 acre property located on the west end of Aldridge Ave. He explained they are looking to subdivide into 2 lots and rezone to R-2 zoning. He spoke to the variations stating he understands the concern with the flood plain in the area but explained whatever they do will not make it worse. Mr. Kleinjan stated FEMA, MWRD and the Village all have strict requirements relative to doing work adjacent to the flood plain and they will be meeting those requirements. He explained they are proposing to cut out a portion of flood plain and refilling with more storage than what is presently there. Mr. Kleinjan stated they are not doing any work in the floodway so wont impact on the upstream flooding in the area. He stated they are meeting all requirements for the flood plain including building the pad up over 2 feet above the base elevation, providing 9,000 sq. ft. of area outside of the floodplain, which is typical of a R-2 lot, and adding 10ft of flood protection around the pad. He stated there will be no basement and are compensating for any fil in the area. Mr. Kleinjan spoke to the setback requirements explaining they are meeting all requirements except for the existing house on Lot 1. He explained the existing house is R-1 and non-conforming. He spoke to the impervious surface requirements stating they meet them by 41% on Lot 1. Mr. Kleinjan stated they feel like they have done all they can to meet the Village requirements by satisfying the Village's floodplain requirements along with MWRD and FEMA's flood plain requirements. He stated they have done the best they can with the restricted constraints of the property.

Mr. Friedman asked if Mr. Kleinjan had access to real recorded data on flood elevations from Salt Creek from the last 5 years.

Mr. Kleinjan explained the records used are from FEMA studies for Salt Creek.

Chairman Dwyer asked if Mr. Kleinjan knew what year the study was from

Mr. Kleinjan answered no.

Mr. Kolososki asked about the grading related to the barrier they are creating.

Mr. Kleinjan explained there will be no changes to the way the water flows stating they are only providing a small amount of cut and fill to square off the flood plain. He further explained the present flooding situation will remain the same explaining the minor improvements equate to buckets full of water.

Mr. Kolososki asked about the 500 year projections.

Mr. Kleinjan explained they follow the guidelines that FEMA, MWRD and the Village publish. He stated these are very strict restrictions they strive to follow.

Mr. Kolososki asked if anyone checked on the water levels from the recent bad storms.

Mr. Kleinjan explained they are not making any flooding issues worse.

Mr. Kolososki asked if there will be a crawlspace.

Mr. Kleinjan answered no, slab on grade.

Mr. Bettenhausen asked how the property was affected with the recent high rains.

Mr. Kleinjan stated the area does flood especially in the area of the wetland. He stated it did not flood further up than shown.

Sworn in Village Engineer Mr. George Ruppert

Chairman Dwyer asked when the most recent FEMA maps for the area.

Mr. Ruppert stated the exact date is unknown. He explained they are done roughly every 10 years and the data has gotten much more accurate over the years.

Ms. Rivard gave a brief overview of request explaining it is existing 1 lot and proposing 2 lots to build a new single family residence. She referred to the existing conditions slide to show the FEMA line vs. the floodway line. She explained due to a significant amount of the property is in the floodplain it requires special uses for yards in a floodplain. Ms. Rivard stated the new proposed R-2 lot does meet all standards but Lot 1 would now become non-conforming. She spoke to lot coverage referring to the lot and building comparison coverage calculation slide. Ms. Rivard stated as part of the development they will be required to place either an easement or a deed restriction limiting many typical residential improvements on Lot 2. Such things as accessory structures, play equipment, fencing, grading, and other improvements are prohibited through the deed restrictions/easement and subject to review by the Village Attorney and Village Engineer. She stated sanitary and water would be provided by connecting to existing services in the Aldridge Avenue right-of-way, parkway trees will be planted across the frontage of Lot 1 and the petitioner intends to leave most of the existing vegetation across the frontage of Lot 2. She referred to the existing condition slides to show vegetation. Ms. Rivard spoke to the rezoning stating there has only been one recent subdivision in the area

(Murray's Aldridge RESUB - 1993 - south of the subject property). She stated Lot 1 is the smallest of the 18 properties in this area with of the 18 properties west of Smith Street and north of Bryant Avenue, 13 are zoned R-1 and 5 are zoned R-1 B (Murray's Aldridge Resubdivision 1993). Ms. Rivard stated the proposed lots would exceed the R-2 lot area requirements and would meet the R-2 lot width requirements. She stated there are three lots at the northeast corner of S. Smith Street and Aldridge Avenue, which are zoned R-2 and were rezoned through annexation in 1990. She stated directly northwest of the Subject Property (Birchwood Park South), the Palatine Park District received Special Use approval for fill in a floodplain, with compensatory storage to relocate/reconstruct a bike/walking path. For reference, the Subdivision Ordinance identifies 23 permitted uses in the floodplain. Bike and walking path are permitted uses, as they represent a more passive use and any flooding impact or significant rain event, should not affect their long-term functionality. In response to concerns raised about that proposal, the Park District increased the compensatory storage to 150%. Ms. Rivard explained residential yards in the floodplain require Special Uses review, as the potential for impact is far greater than those permitted uses in the floodplain. She stated in 2015, the property directly south of the Subject Property also sought to similar relief, including a vacation of the right-of-way but Village Council did not approve that Petition. Ms. Rivard referred the area map slide showing the extent of the floodplain and an aerial from March 14, 2019 showing conditions after a significant rainfall.

Mr. Hansen clarified the difference between the floodplain map picture and the photo of the flooding provided by the park district.

Ms. Rivard stated the pictures pretty much mirrors each other.

Sworn in Mike Keegan 723 Sunny Lane Barrington, IL

Mr. Keegan stated he has been involved with the property for 20 years. He addressed Mr. Koloski's question stating the water level has not changed with the increase of rain in May.

Sworn in Mr. Lee Weir 269 Boardwalk Dr adjoining property to the north

Mr. Weir stated he has lived there for 30 years and has watched the property in question become the nice home that is there now. He stated they have watched the water from the rain move into the flood plains of the yard. Mr. Weir stated he wished there was a map to show what is being filled in. He expressed concerned with the amount of rain they get and how deep it gets.

Ms. Rivard referred to slides to show existing conditions compared to the proposed site plan slide showing location of home compared to flood plain line.

Chairman Dwyer asked where the compensatory storage will be located.

Mr. Kleinjan explained it will be on the west side of the lot showing on the site plan the location. He spoke to the grading.

Mr. Hansen asked if it will be wet at all times.

Mr. Kleinjan answered no only when it rains.

Chairman Dwyer asked Mr. Ruppert if he reviewed the plans.

Mr. Ruppert answered yes and it meets the Village requirements. He clarified they are more relocating the flood plain rather than filling in the flood plain.

Sworn in Mr. Peter Olechowski 268 W Boardwalk Dr.

Mr. Olechowski spoke to the developer of Plum Grove Estates who said he was going to buy the lots and didn't because he said it was not worth it to make the lots buildable. He asked what has changed. He asked if there will be assurance that the changes to the grade to the lot won't affect the neighboring flood plains. He expressed concern with their insurance prices going up if the flood plain lines move onto their property.

Chairman Dwyer explained the assurance comes from the Village Engineer who has reviewed the plans and finds the flood plain is being relocated somewhat and the amount of storage provided does not change.

Mr. Olechowski clarified the water is going to be put in a pond.

Chairman Dwyer answered no explaining it will be relocated making areas a little deeper elsewhere on the property.

Mr. Olechowski stated the water flows onto the proposed lot from the pond. He expressed concern if the water cannot flow to that property the pond will flow elsewhere.

Chairman Dwyer explained the water will still flow onto that lot.

Mr. Ruppert referred to the site plan slide to show proposed flood elevations explaining rather than cutting through the lot they are squaring it off.

Mr. Olechowski asked how this affects the neighboring properties on the back.

Mr. Ruppert stated it does not explaining that is the point of the flood plain ordinance.

Mr. Olechowski spoke to 100-year rains and how high the water gets referring to the picture from March 14, 2019

Chairman Dwyer restated the Village engineer has reviewed and the plans are not changing the current lines. He stated FEMA could come out and revise the map and move their lines in 10 years.

Mr. Ruppert explained as the elevations become more accurate the flood plain becomes more accurate. He stated he won't say the BFE has changed with that being study based but the outline of the floodplain has gotten more accurate.

Mr. Weir referred to the aerial slide pointing out the area to the north stating they are 4 ft above grade so very difficult for them to flood.

Sworn in Ms. Shar Cieply 251 W Boardwalk Dr

Ms. Cieply stated she emailed the Village asking them to look at this request systemically. She stated the whole picture needs to be considered. She spoke to the flooding of the bike path and on Vermont, and is concerned the request will affect it further.

Chairman Dwyer stated Ms. Cieply's point is valid but explained she needs to speak at the Village Council and email her Councilman. He explained the Plan Commission have to address this petition and the Village Engineer has reviewed and determined it will not cause additional impact

Chairman Dwyer read Ms. Cieply's email into record.

Chairman Dwyer restated the Village Engineer has reviewed and has determined by relocating the floodplain it will not change the existing conditions.

Chairman Dwyer asked staff about the language of the staff statement referring to the text on lot coverage for Lot 1 being 44.6% after removal of the concrete pad and asked if the 8.5-foot setback is existing.

Ms. Rivard answered that is correct.

STAFF

RECOMMENDATION

The Subject Property includes a portion of Salt Creek on the west side of the lot. Additionally, like many of the surrounding properties, it is significantly encumbered by the floodplain. Therefore, any proposed construction on this lot requires relief to be located in the floodplain. The Subject Lot was platted in 1927, and the existing home was built on the east side of the lot likely to avoid any impact from the existing floodplain limitation. The majority of Lot 2 will still have significant floodplain limitations upon it. Although the Village Engineer has reviewed this proposal and has no further questions, 70% of the proposed lot will remain in the floodplain, with the western portion remaining in the floodway/wetland. Lot 1 creates a lot at the maximum allowable lot coverage. If not for the significantly restricted floodplain/floodway areas, the 4,100 square feet of impervious area would exceed the maximum lot coverage allowed in the R-2 district - 45.5 % vs 45% allowed. Therefore, Staff recommends denial of the proposed Special Uses, subdivision, and rezoning. If the Plan Commission recommends approval, Staff recommends the following conditions:

1. The development shall substantially conform to the Engineering Plans prepared by Haeger Engineering dated 11/26/2019, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The Final Engineering Plans shall be revised in a manner acceptable to the Village Engineer.
3. The Final Plat of Subdivision shall be submitted in a manner acceptable to the Village Engineer.
4. A Public Improvement Letter of Credit for 115% of the full amount of the engineer's estimate of probably cost of such public improvements shall be submitted in a manner acceptable to the Village Engineer.
5. Review fees in the amount of 1.5% of total project improvement costs shall be submitted in a manner acceptable to the Village Engineer.
6. Recording fees in the amount of \$300 shall be submitted.
7. The EOC shall be revised in a manner acceptable to the Village Engineer.
8. Cash-in-lieu of sidewalks shall be submitted in the amount of \$1,700.
9. At the direction of the Village Engineer and in a manner acceptable to the Village Attorney, an easement or deed restriction shall be recorded against the property

indicating the presence of a floodplain and no grading alterations or placement of sheds, playground equipment, etc.

- 10.6 parkway trees shall remain across the frontage of proposed Lot 2, or new parkway trees shall be installed totaling a minimum of 6 trees.
11. Soil borings shall be submitted as part of the building permit.
12. A Conditional Letter of Map Revision (CLOMR) for the approval to build the foundation and fill in land shall be submitted.
13. A Letter of Credit in the amount of \$5,000 shall be submitted to ensure the FEMA approved plan is properly executed. This would be released upon issuance of a LOMR.
14. A Letter of Map Revision (LOMR) from FEMA shall be submitted after filling prior to the issuance of a building permit.
15. MWRD-WMO, IDNR, OWR permits are required.

Ms. Rivard added a condition that should be added is a final plat of subdivision shall be submitted on Mylar with the required signatures.

Mr. Hansen clarified there are 16 staff conditions.
Ms. Rivard answered yes.

Chairman Dwyer clarified in the recommendation the impervious surface is at 45.5% but in the other portion it was 44.6%.

Ms. Rivard clarified referring to the slide to show the lot and building coverage calculations.

Chairman Dwyer asked if this is the typical way to measure lots in the floodplain.
Ms. Rivard answered yes explaining staff is just showing comparison.

Chairman Dwyer asked if the primary objection of the proposal is how many special uses and it being built in the floodplain.
Ms. Rivard answered correct.

Mr. Kleinjan stated he feels the calculations are incorrect.
Chairman Dwyer spoke to the possibility of adding a condition that the potential buyer must sign a document understanding most of the lot is in flood plain and cannot be touched in any way.
Mr. Ruppert pointed out some of the deed restrictions would cover this but is open to adding a condition.

Mr. Hansen asked if staff thinks the lot could ever be built upon.
Ms. Rivard stated she cannot answered that.

Mr. Fedota clarified even with the removal of the structures, Lot 1 falls under the required permeability standards.
Ms. Rivard answered yes.

Mr. Kolososki asked Mr. Kleinjan if any soil barring testing was done.
Mr. Kleinjan explained they agreed to do as part of the building permit due to the

cost associated.

Discussion on possible additional foundation requirements pending the soil testing and how this will be affected by the floodplain.

Chairman Dwyer could recommend approval and then deemed unbuildable but that is on the buyer.

Sworn in Ms. Andrea Metzger 272 W Boardwalk Drive

Ms. Metzger stated she is in the home for 19 years and has not taken in one drop of water. She asked if this proposal is approved, who guarantees her home won't take in water.

Chairman Dwyer explained no one can guarantee but all documents show this will not change the flood plain characteristics

Discussion on guarantee.

Mr. Ruppert noted all data needs to go through FEMA so they will not get any building permits until the letter of map amendment is approved by FEMA. He stated they also need to get a CLOMA and apply for the LOMA after that.

Mr. Fedota spoke to the original 3 ponds designed in the area asking if the pond that has disappeared still remains the floodplain.

Mr. Ruppert explained it basically has become wetland instead of a pond. He stated any pond that silts up becomes the floodplain it is Mother Nature.

Mr. Hansen asked the petitioner if she can and will comply with staff conditions. Ms. Stone answered yes.

Ms. Williams made a motion to close the public hearing; seconded by Mr. Noonan.

DISCUSSION:

Mr. Kolososki expressed concern having been involved in similar projects. He spoke to other areas where issues eventually resulted in the homes being torn down by the city. He expressed concern that this may cause years of aggravation for the potential buyer. He spoke to the possibility of the 500-year flood and thinks it would be better to avoid the possible problem rather than cope with it.

Chairman Dwyer asked if that is for the board to decide or is it on the buyer.

Mr. Kolososki answered definitely on the buyer.

Mr. Fedota spoke to reported flood damaged costs that local governments had to take responsibility for. He asked if they permit building in the area does the Village inherit a problem. He spoke to the 100-year flood plan and how often it occurs. He stated the current structure on Lot 1 fits nicely in the R-1 designation and thinks by making it R-2 it is squeezed in and inconstant with surrounding properties.

Chairman Dwyer pointed out the setback variance already exist.

Mr. Fedota expressed concern this is exacerbating the situation by making it R-2. Chairman Dwyer disagreed with the terminology. He stated the Village allows these situations by allowing Special Uses so the request is not completely out of line rather it just needs approval.

Mr. Bettenhausen expressed concern that a potential buyer would look at the approval from the Village deeming it to be safe and years later, they flood. He stated the board has an opportunity to protect future buyers.

Chairman Dwyer stated it is unknown if it will flood in the future. He stated his opinion is since the Village provides for this type of relief request and the variances are already there he is inclined to recommend approval with staff conditions and added buyer beware.

Ms. Robins stated she thinks it is wrong to condone since we already know the plat of land has a problem. She stated she hopes the buyer beware instead of coming back to the Village asking what they will do for them.

Chairman Dwyer stated that is why a condition should be added for the buyer to acknowledge and accept all the limitations.

Discussion on the buyer beware.

Mr. Hansen made a motion to approve subject staffs' 16 conditions with the added 17th condition stating any buyer has to sign a statement recognizing the risks of the floodplain and limitations of the deed restrictions; seconded by Ms. Robins.

AYES: Williams, Friedman, Dwyer

NAYS: Hansen, Fedota, Robins, Noonan, Bettenhausen, Kolososki

Motion failed 3-6

Mr. Noonan made a motion to deny; seconded by Mr. Hansen.

Chairman Dwyer summarized that this request has not met the standards and was denied by a vote of 6-3. This item will tentatively go to the Community and Economic Development Committee of the Village Council on July 13, 2020.

RESULT:	RECOMMEND TO DENY [6 TO 3]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Conrad Hansen, Plan Commissioner
AYES:	Hansen, Robins, Noonan, Bettenhausen, Kolososki, Fedota
NAYS:	Dwyer, Williams, Friedman

IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion

Mr. Friedman made a motion to adjourn; seconded by Mr. Noonan.

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Eric Friedman, Plan Commissioner
SECONDER:	Patrick Noonan, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Friedman, Bettenhausen, Kolososki, Fedota

