

**HIGHLAND, ILLINOIS
MINUTES OF REGULAR SESSION
COMBINED PLANNING & ZONING BOARD
HIGHLAND AREA SENIORS' CENTER, 187 WOODCREST DRIVE
WEDNESDAY, NOVEMBER 1, 2023
7:00 PM**

Call to Order:

The November 1, 2023, meeting of the Combined Planning & Zoning Board was called to order at 7:00 PM by Chairman Anthony Walker.

Roll Call:

Members present: Chairman Anthony Walker, Deanna Harlan, Bill Koehnemann, Brad Korte, Shirley Lodes, and Larry Munie.

Members absent: Robert Vance.

Also present: Emily Calderon, Director of Planning, Moran Economic Development; City Attorney Michael McGinley; City Manager Chris Conrad; Deputy City Clerk Lana Hediger; and, John Cronin of Flax Meadow Townhomes II LP.

Approval of Minutes:

Korte made a motion to approve the minutes of the September 6, 2023, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Harlan. Harlan, Koehnemann, Korte, Lodes, Munie, and Walker voted aye; none voted no. The motion carried.

Public Comments Relating to Items Not on the Agenda:

There were none; and, no written comments were submitted by email or other means.

Public Hearing Procedures:

Chairman Walker reviewed the procedures for testifying on any items on this agenda during the hearings and offered to swear-in members of the public wishing to testify on any issue listed on the agenda. Two people took the oath.

New Business:

- a) **Flax Meadow Townhomes II LP (524 W St. Charles, Villa Park, IL 60181) is applying for a preliminary and final plat to reconfigure 3 lots in the Prairie Trails Phase 3 subdivision, currently addressed as 248, 252, and 256 Flax Drive. The subject property is currently zoned R-3 Multiple Family Residence and is subject to the terms and conditions of the Highland Flax Meadow II Planned Unit Development.**
(Subject PIN#s include: 02-2-18-28-13-301-022, 02-2-18-28-13-301-024, and 02-2-18-28-13-301-023)

Emily Calderon presented information related to this application, as follows:

The applicant is John Cronin of Flax Meadow Townhomes II, LP. The request is for both a Preliminary and Final Plat approval to reconfigure Lots 151, 152, and Outlot A of the Prairie Trails Phase 3 subdivision, currently addressed as 248, 252, and 256 Flax Drive. (Parcel Identification Numbers: 02-2-18-28-13-301-022, 02-2-18-28-13-301-024, and 02-2-18-28-13-301-023) Both a Preliminary and Final Plat are required, given that this modification will impact traffic flow.

She explained that while the property for the cul-de-sac is owned by a different property owner, the city is planning to enter into a development agreement with the developer, and the land-owner to make sure that the cul-de-sac gets built. North Arrow will be the construction company. They will put up a performance bond in the amount of the engineer's

estimate of construction costs. Calderon received a corrected version of the plat at about 5:30 this evening. She reviewed it and reported that it appears to have incorporated all the concerns listed in the staff report on this item.

City Manager Conrad explained the history and progression of the development of this subdivision. Normally we would want two points of ingress/egress. When the developer approached the city with this proposal, the city reached out to the developer to the south and learned that there are no plans to ever develop the ten acres that sits between Augusta Estates and the Flax Drive development. Originally, this was all part of the same development and the streets in Augusta Estates were supposed to connect to Flax Drive which would have been the second ingress/egress point for both. The original developer went bankrupt in the early 2000's. The successive owner then sold the north half of the development off to a third party. The third party sold Flax Drive/Prairie Trails Phase III off to a developer and that developer went bankrupt. While this is not ideal, we are trying to make the best of the situation. The city approached Grandview Farms and Mr. Cronin about options to make the street accessible for public safety. That's where the idea for the cul-de-sac came from. We're going to accomplish that through a development agreement that will be approved by City Council at their meeting on November 6, prior to them approving these plats.

City Attorney McGinley explained how the city code addresses ingress/egress issues for subdivisions. The city has flexibility to take into consideration the topography and assess the relative safety of what is being proposed. The land in this location is flat for as far as the eye can see, offering maximum visibility in all directions. All facts considered city staff is comfortable with this from a public safety aspect.

Harlan noted that the report specifically states that city staff is comfortable with the fact that all of the city's emergency equipment will fit into the cul-de-sac, as designed. Conrad confirmed that the cul-de-sac has been designed to allow the city's longest fire apparatus to turn around in it easily.

Brad Korte asked if the owner purchased the property with the understanding that this issue existed. Mr. Cronin approached the podium and explained that the closing on his purchase of this property has not taken place, yet. He has a contract with Dr. Drake to purchase 9 lots, one being for a community garden. When he entered the contract with Dr. Drake, the PUD and site plan had been approved. There was no discussion on the fact that Outlot A was restricted from being built on as a townhome building. It was only recently that became a concern and we began working on solving it. He agreed that public safety is everyone's concern. Mr. Cronin stated that he looked at the idea of not building on this Outlot A, but it became clear that it was not going to become a road due to the lack of interest by the developer to the south. With the goal of being able to get emergency vehicles in and out of Flax Drive, the idea of the cul-de-sac was developed. He has been working with the current owner and the city to work out a solution for this problem.

Mr. Korte explained that he has an issue with Augusta Estates never having a second point of ingress/egress. As a board member, he does not think it is acceptable to cut off Augusta Estates for an economic reason for the present developer. Mr. Cronin noted that his reason is not an economic one. He indicated that he could build his portion of the road but it wouldn't go anywhere. Korte suggested that someday it might.

Conrad indicated that he had met with the developer of Augusta Estates who has indicated that they will never develop the remaining ten acres. Part of the reason this discussion came up is that the Flax Drive PUD allows development of the remaining lots now without the developer addressing this issue at all. If a developer came to us with a new plan to do this without a second entrance, we would never recommend that it be approved. This property is unique in that it has gone through two separate bankruptcies and has two separate owners.

It is no longer a single development. For this reason, the city has no hammer. The developer is cooperating with the city to make a bad situation better.

Korte stated that he understands all that but believes that it is a present day view of the situation, not the long-term view, adding that it is not why we have a comprehensive plan and not why we plan 20-30 years into the future. He thinks this is taking the narrow view.

McGinley tried to clarify that Flax Drive is already zoned and platted such that this developer could build on it right now. Without this cul-de-sac, we would be faced with much more density of population with no way to get emergency services vehicles in and out. This is not ideal, but we will be creating a public safety problem if we don't come up with a solution that allows people to get in and out. What is being proposed is this: Dr. Drake is going to gift the land, Mr. Cronin is going to give the city a \$175,000 performance bond. Mr. Cronin is going to construct the cul-de-sac and the city will have the performance bond to make sure he does it. Drake gives him the land for the cul-de-sac with the agreement that he buys the remaining lots on Flax Drive to build on. Regardless, he is going to buy the land and build all the units out there and we'll have all those people with no way to get emergency services vehicles in and out. That is the problem we are trying to solve.

Korte asked if the cul-de-sac could be built and Outlot A left alone for future. Conrad explained that it is a trade-off to get the cul-de-sac.

Munie suggested that an easement could be granted through the area designated as a playground and the city could purchase an option to build a road in the future. Mr. Cronin appreciated the idea but indicated that he would need to discuss it with lenders to make sure it didn't trigger some aspect of required financing.

Calderon suggested that a street could still be constructed at a later date should the 10 acre parcel be developed in the future. Conrad indicated that the current owner has suggested that the development of that 10 acres doesn't work out to the good, mathematically.

Lodes agrees with Korte that another one-entrance subdivision is undesirable. Conrad indicated that this is a wider than normal street.

Chairman Walker stated that he doesn't like this solution, but understands the situation the city is in. Harlan expressed disappointment that the forethought that was engineered into the development of this area originally has not panned out. McGinley explained that bankruptcy laws are written such that when properties go through bankruptcy, land has to be alienable, meaning it has to be marketable, meaning it has to move forward. If there is anything holding up land, when it comes out of a bankruptcy, it is clean as a whistle. That is so that whoever takes it, has it free and clear.

The Public Hearing on this issue was opened:

There were no comments submitted via phone or email.

There were no comments made by any member of the public.

The public hearing on this issue was closed.

Harlan made a motion to recommend approval of the preliminary and final plats to reconfigure 3 lots in the Prairie Trails Phase 3 subdivision, currently zoned R-3 Multiple-family Residential, subject to terms and conditions of the Flax Meadow PUD; seconded by Koehnemann.

Munie suggested that Outlot A be moved to Lot 152, and the playground be maintained for a potential connection to the Augusta Estates property via an option given to the city, and have the city put up design money.

Cronin asked if the requirement to connect to the cul-de-sac couldn't be placed on the developer of surrounding ground, if and when that might happen in the future.

Korte's concern with moving forward on this, as is, is that it does not provide for the second point of ingress/egress for Augusta Estates. He asked if a plan for connection of the stub streets in Augusta Estates to SR 160 could be offered as a permanent part of this plan.

Conrad clarified that the current owner of the remaining undeveloped property in August Estates is unwilling to connect that subdivision to Flax Drive and the city currently has no way to force him to do so. It was clarified that the developer present this evening has nothing to do with Augusta Estates. The city will only be able to have a say in the connection of Augusta Estates to SR 160, if and when that developer approaches the city for plat approval for Phase III of Augusta Estates. That developer is well aware of that. There is no guarantee that it will ever happen.

Walker expressed that while this is not an ideal situation, this will at least make it safe.

With no further board comment, the vote was taken by roll call: Harlan, Koehnemann, Korte, Lodes, Munie, and Walker voted aye; none voted no. The motion carried. The board's recommendation will be forwarded to the City Council for their consideration at their meeting to be held on November 6, 2023.

Next Meeting:

The next meeting of the Combined Planning & Zoning Board is scheduled for Wednesday, December 6, 2023.

Adjournment:

Korte made a motion to adjourn; seconded by Harlan. Chairman Walker announced that the meeting was adjourned at 7:46 PM.