

**Village of Indian Head Park  
201 Acacia Drive  
Indian Head Park, IL 60525  
MINUTES  
VILLAGE OF INDIAN HEAD PARK  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING/MEETING**

*“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”*

**Tuesday, April 4, 2017**

**8:09 P.M.**

**CALL TO ORDER – Acting Chairperson Diane Andrews**

**ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):**

Commissioner O’Malley  
Commissioner Timothy Kyzivat  
Commissioner Robert Tantillo  
Commissioner Jack Yelnick

**ABSENT:**

Commissioner David Anderson  
Chairperson Noreen Costelloe

**ALSO IN ATTENDANCE:**

Mayor Tom Hinshaw  
Village Trustee Rita Farrell-Mayer

Village Trustee Amy Wittenberg  
Village Trustee Chris Metz  
Village Administrator John DuRocher

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

Acting Chairperson Andrews (here after will be referred to Chairperson Andrews) and the Planning and Zoning Commission members recited the Pledge of Allegiance to the Flagg.

Chairperson Andrews began by moving to close the April 4, 2017 Planning and Zoning meeting, in order to open the Public Hearing for Petition #192.

Commissioner Kyzivat motioned, seconded by Commissioner O'Malley to close the Planning and Zoning meeting. Motion carried by voice vote (5-0-2).

Commissioner Tantillo Motioned to open the Public Hearing for petition #192, seconded by Commissioner Yelnick. Motion carried by voice vote (5-0-2)

### **PUBLIC HEARING FOR PETITION #192**

Chairperson Andrews began the Public hearing for petition #192 by stating that the applicant which is the Village of Indian Head Park, is petitioning to amend the current P2 Zoning(open land district) to R1 Zoning (single family residence district) for the vacant land parcel known as Arrowhead Pointe, common address 6101 Wolf Road. Chairperson Andrews noted the Commissioners received a packet of exhibits, and read the list of items. Chairperson Andrews stated that two letters were submitted to the Commission pertaining to Petition #192, and she read them aloud for the record. (See attached).

Chairperson Andrews invited the Village Administrator representing the Village as applicant to present the petition.

Administrator DuRocher began by stating that the Village Board of Trustees directed staff to initiate the process of requesting a rezoning of Arrowhead Pointe. Administrator DuRocher also stated that the Village is required to follow the same laws as residents and business, and thus petitioning to rezone the property known as Arrowhead Pointe.

Administrator DuRocher stated in the year 2002, the Village received grant funding from the State of Illinois to purchase the property at 6101 S. Wolf Road which is now called Arrowhead Pointe, the cost of the property was \$350,000 dollars. Administrator DuRocher added that there was a single family home on the property, which was demolished by the Village utilizing a \$10,000 dollar grant from the Lyons Township. Administrator DuRocher also noted that the Village did receive neighborhood donations to pay for various items which were not installed.

Administrator DuRocher stated that in 2007, the Village, by resolution stated that the Arrowhead Pointe property was zoned P2 and we have treated it as such. Since the Village is the owner of the property and we are calling it P2, we are considering it to be as such. Administrator DuRocher added that the park is a passive park with no traditional park facilities.

Administrator DuRocher noted that the Village has been considering selling the Heritage Center and as part of this process, the Village also reviewed other excess property owned by the Village, and began to consider the sale of Arrowhead Point. Administrator DuRocher added that in 2016 the Village had an appraisal of the property and the Appraiser stated that the highest rated and best use would be zoned as R1. Administrator DuRocher noted that the property is open space, not really utilized, and is buffered from the adjoining residential properties by trees and or shrubs. It is surrounded by single family homes.

Administrator DuRocher noted that changing the zoning from P2 to R1 would not be spot zoning and in fact would be consistent with the land uses in the area, and should be noted that the single family homes to the south are part of a planned unit development. Administrator DuRocher added that he did not consider the P2 zoning classification to be spot zoning neither.

Administrator DuRocher explained that the access to the property would be from Plainfield Road, and there are utilities in the area provided by the LaGrange Highlands Sanitary District. Administrator DuRocher also noted that the costs associated with the maintenance of the park consist of mowing, weed control, and are considered to be minimal. Administrator DuRocher added that the park produces no revenue for the Village.

Administrator DuRocher noted that this is a difficult parcel to develop. It is located at a busy intersection, and explained if an active park was located on the property it would be a safety concern.

**Administrator DuRocher gave the following arguments;**

**Arguments for rezoning.**

The property is considered to be excess property by the Village. It serves no real use aside from being a buffer to the subdivision to the south.

As the surrounding parcels are residential, zoning it as residential, although the configuration of the parcel is interesting, I believe that it can be developed safely with one single family home.

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**Arguments against rezoning.**

The Village purchased the property with the intention of making it a passive park. This is why we annexed it and its purpose. The property as it is now serves the Ashbrook subdivision with a buffer to Plainfield Road

Administrator DuRocher declared that he is in favor of the Planning and Zoning Commission recommending the Village Board of Trustees to amend the zoning of the Arrowhead Pointe passing park to a R1 district as we are not utilizing the property as a Village asset. Administrator DuRocher added that if the property appraisal estimate came in at about \$290,000 dollars it would not affect the budget as there already is a balanced budget for 2017/2018, but the funds would be cash surplus. The Village has talked about this at Board meetings, and they realize that there is a public process which includes obtaining an appraisal and bidding out the project. Administrator DuRocher volunteered to answer questions from the Planning and Zoning Commission and audience members on behalf of the Village Board of Trustees.

**DISCUSSION INCLUDING PUBLIC COMMENTS FROM THE AUDIENCE AND THE PLANNING AND ZONING COMMISSION:**

Chairperson Andrews asked if the actual size of the property is a little over one acre and Administrator DuRocher explained that the Village gave the County of Cook some property which along with the required setbacks will only allow for one home to be built on the property.

Commissioner O'Malley stated that if the Village decided to keep the property as a park, it is his opinion that it would not be safe for playground equipment, but noted that it was intended to have an attractive welcome sign to the Village on the property. Administrator DuRocher answered that there are funds in the budget for a sign, and added that even if the property is sold, the Village can still carve out a portion of the property for the construction of a sign.

Commissioner Tantillo asked the Administrator if the Village would need to reimburse the grant money, and the Administrator answered that they would not be required to reimburse the grant funds.

Commissioner Kyzivat questioned if we would need an approval from IDOT for a driveway coming off that property, when there are two left lanes in that intersection. Administrator DuRocher noted that there is already a cut into the road, so no approval is necessary.

Mr. Mark Phinick of 11160 Glenbrook Lane, commented there was a home at 6101 Wolf Road and the area seemed to be a traffic hazard, which he believes was the reason for removing the home. Commissioner Kyzivat agreed that it is a traffic hazard. Administrator DuRocher added that if the property was a functioning park, the traffic would be a hazard, also.

Chairperson Andrews inquired into what the projected tax revenue would be for the property if a home was built on it. Administrator DuRocher answered if a home was built similar to a new home in the Village, it is estimated that the tax bill would be from \$20,000 to about \$25,000 thousand dollars, and the Village would get 10% of that amount. Commissioner Yelnick stated, it is his opinion that there would be very few buyers interested in paying that high of a tax bill for that property with so much congestion.

Mr. Andy Bartucci of 6195 Glenbrook Lane asked for a clarification of the process to the Public Hearing, Chairperson Andrews explained the process.

Mr. Larry Bromyel of 11030 Ashbrook Lane asked the Administrator if the Village had written documentation stating it is not required to reimburse the grant money if the property is sold. The Administrator replied that they do not, and explained their review of the agreement leads them to believe that it would not be required to reimburse the grant funds if the property was sold.

Mr. Greg Scovitch of 6447 Thunderbird Drive asked if utilities were available, and if the Village would be charged for them. Administrator DuRocher answered that there is water and sewer service already established and that the service is through the Lagrange Highlands Sanitary District.

Mr. Mark Phinick requested that the remark of legal opinion in regard to the reimbursement of grant funds, be stricken from the record, and Administrator DuRocher agreed.

Mr. Tom Hinshaw of 6575 Shabbona Lane noted he appreciates all of the input and time given by the participants, which he believes makes our country great. Mr. Hinshaw stated it is his belief the monetary donation awarded by the Education Foundation to the Village was never utilized and the Education Foundation retracted their notice of award. No money was exchanged.

**There being no further comments Acting Chairperson moved for a motion to close the Public Hearing for petition #192 and to reopen the Planning and Zoning meeting of April 4, 2017.**

Commissioner O'Malley motioned to close the Public Hearing for Petition #192, seconded by Commissioner Kyzivat. Motion carried by voice vote (5-0-2).

Commissioner Yelnick motioned to reopen the Planning and Zoning meeting of April 4, 2017, seconded by Commissioner Tantillo. Motion carried by voice vote (5-0-2).

**PETITION #192 RECOMMENDATION DISCUSSION:**

Chairperson Andrews started to recite the findings of facts once the Commission agreed that they had enough information to make a decision and vote. Administrator DuRocher replied that he believed that Findings of Fact were used for variances only, Chairperson Andrews answered that the Findings of Fact are a part of their board of appeal process, and she believed should be used to assist in determining a decision of approval. They agreed that they would ask for counsel advice if present. Chairperson Andrews decided to use the Finding of Facts guidelines and if it is not the proper tool, the Commission is only an advisory board, and the Village Board of Trustees will be making the final decision. The Commission was in agreement.

**The Findings of Fact questions and answers:**

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the

- district, in which it is located. *Not apply.*
- b. The plight of the owner is due to unusual circumstances. *Disagree.*
  - c. The variation, if granted, will not alter the essential character of the locality. *Disagree.*
  - d. The particular physical surroundings shape or topological conditions of the specific property involved, would bring a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out. *Disagree.*
  - e. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification. *Disagree.*
  - f. The purpose of the variation is not based exclusively upon a desire to make money out of the property. *Disagree.*
  - g. The alleged difficulty or hardship has not been created by any person presently having an interest in the property. *Disagree.*
  - h. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. *Agree.*
  - i. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. *Agree.*

Chairperson Andrews moved to grant Petition #192 to recommend a zoning amendment to the P2 open land zoning district, arrowhead Pointe common

address of 6101 Wolf Road from a P2 open land zoning district to a R1 single family residence district.

Commissioner Kyzivat motioned, seconded by Commissioner O'Malley to recommend a zoning amendment to the P2 Open land zoning district to a R1 single family residence zoning district. Motion denied, by roll call vote (1-4-2).

Ayes: Acting Chairperson Andrews

Nays: Commissioners; Kyzivat, O'Malley, Tantillo, and Yelnick.

Absent: Chairperson Costelloe, and Commissioner Anderson.

### **APPROVAL OF BOARD MINUTES**

*Minutes of the Planning and Zoning/ Public Hearing Meeting- March 7, 2017.*

Acting Chairperson Andrews asked if there were any corrections to the Planning and Zoning minutes from March 7, 2017 as presented, and Commissioner Kyzivat noted spelling errors to his last name on page 5, and 3. Commissioner Kyzivat motioned, seconded by Commissioner O'Malley, to approve the March 7, 2017 Planning and Zoning/ Public Hearing meeting minutes, as amended. Motion carried by voice vote (5-0-2).

### **ADJOURNMENT**

There being no further business to discuss, Commissioner Tantillo motioned, seconded by Commissioner Kyzivat, to adjourn the Planning and Zoning Commission meeting at 9:00 p.m. Motion carried by voice vote. (5 -0-2).

Minutes prepared and submitted by,  
Mary Crowley, Recording Secretary  
Planning and Zoning Commission