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BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Conditional Use for a Planned)
Development in the R-2 Zoning) Z23-069
District with exceptions.) Medinah Road

April 16, 2024
6:00 p.m.

PROCEEDINGS HAD and testimony
taken before the DU PAGE COUNTY ZONING BOARD OF
APPEALS, taken at the DuPage County
Administration Building, 421 North County Farm
Road, Wheaton, Illinois, before LINDA M.
CIOSEK, C.S.R. a Notary Public qualified and
commissioned for the State of Illinois.

BOARD MEMBERS PRESENT:

- MR. ROBERT KARTHOLL, Chairman.
- MR. BARRY KETTER, Commissioner.
- MS. JANICE ANDERSON, Commissioner.
- MR. CARL SCHULTZ, Commissioner.
- MR. JACK MURPHY, Commissioner.
- MR. DENNIS MORAN, Commissioner.
- MR. ZAIN RAHMAN, Commissioner.

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1 ALSO PRESENT:
 2 MS. JESSICA INFELISE, Planning & Zoning.
 3 OFFICE OF ROBERT B. BERLIN
 4 DU PAGE COUNTY STATE'S ATTORNEY, by
 5 MR. NICHOLAS ALFONSO
 6 503 N. County Farm Road
 7 Wheaton, IL 60187
 8 Appeared on behalf of the Zoning
 9 Board of Appeals.
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1 CHAIRMAN KARTHOLL: Let's come to order.
 2 We're here this evening for Petition 23-069,
 3 the Medinah Road Residences petition. This is
 4 a request for a conditional use for a planned
 5 development in the R-2 Zoning District; namely,
 6 60 attached dwelling units on 44 building pads
 7 with the following exceptions: A, increase the
 8 maximum height from 36 feet to approximately 40
 9 feet. And B, to increase the maximum FAR from
 10 0.25 to 0.55. And the matter was published in
 11 the Daily Herald on March 29th, 2024.
 12 We have circulated the
 13 petition as is our custom, and we have some
 14 general comments from the Health Department and
 15 the Stormwater Department, but no objections
 16 filed. The Village of Addison has issued
 17 comments and filed an objection, as has the
 18 Village of Bloomingdale. And Roselle indicates
 19 -- both Glendale Heights and Roselle indicate
 20 no comments. Itasca indicates no comments.
 21 Bloomingdale Township has not replied with
 22 comments. The Highway Department indicates
 23 they have commented as of 11/27. Bloomingdale
 24 Fire District objects and has filed a letter in

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1 EXHIBITS
 2 Page No.
 3 Petitioner's Exhibits 20 and 21 5
 4 Petitioner's Exhibit 26 9
 5 Petitioner's Exhibit 21 10
 6 Objector's Benz Exhibit 1 55
 7 Petitioner's Exhibit 22 60
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1 that regard. And then no other comments have
 2 been received.
 3 I have two exhibits this
 4 evening, the first is a revised site plan, the
 5 second is a revised rendering. I'll take them
 6 as the 4/16/24 Exhibits 1 and Exhibits 2.
 7 And then before the hearing
 8 commenced, Mr. Luetkehans representing the
 9 petitioner indicated that he will rely on some
 10 of the exhibits from the prior hearing, so we
 11 have to determine, first of all, do we want to
 12 incorporate the entire record of the prior
 13 hearing?
 14 MR. LUETKEHANS: (Indicating.)
 15 CHAIRMAN KARTHOLL: He does, and so we
 16 will do so.
 17 (Whereupon, the documents
 18 were marked Petitioner's
 19 Exhibits 20 and 21 for
 20 identification.)
 21 CHAIRMAN KARTHOLL: Just as a brief
 22 additional matter, I have four emailed comments
 23 concerning this case from various members of
 24 the public and they will be made a part of the

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1 -- included in the minutes of this case.
2 And with that, I'll call on
3 Mr. Hoss -- I'm sorry, Mr. Luetkehans. I'll
4 ask you to be sworn in, but do you have other
5 witnesses to be sworn in?
6 MR. LUETKEHANS: No other witnesses.
7 CHAIRMAN KARTHOLL: Okay.
8 (Whereupon, the oath was
9 duly administered by the
10 Notary.)
11 CHAIRMAN KARTHOLL: Go right ahead.
12 MR. LUETKEHANS: Okay, let me kind of
13 explain what you have in front of you, which I
14 have labeled Exhibit 20, but I think you listed
15 it as Exhibit 1 for tonight's hearing.
16 So, the changes that have
17 been made since the prior hearing are pretty
18 much the following: The number of units has
19 gone down from 70 to 60, so a 14 percent
20 decrease in units. There have been additional
21 parking spaces and parking areas that you will
22 see, so we now have a total of 30 visitor
23 parking spaces. The one thing that's a little
24 -- that also has changed is that the roadway,

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1 or the internal access areas, were originally
2 24 feet wide. Those have been changed to 26
3 feet wide to accommodate Bloomingdale Fire
4 Protection District's comments. They wanted 26
5 feet so they could make the -- access to turn
6 better, and that has been accommodated. And we
7 took one foot between the sidewalk and that
8 right-of-way for that access out, so there's
9 one foot less green space, two feet more
10 asphalt. And it doesn't really change the FAR,
11 et cetera, of what we have or had before, or
12 what we have currently I should say.
13 We are still guaranteeing
14 that there will be 20 percent workforce housing
15 units, which in this case is 12 of the 60 units
16 will be workforce housing. Those will comply
17 with the Fannie Mae as they did last time. We
18 will be proceeding with those workforce housing
19 units.
20 And as I said, at the
21 request of the Bloomingdale Fire Protection
22 District, the internal roads have been widened
23 from 24 feet to 26 feet. Now, I have one, for
24 lack of a better word, Jerry-rigged exhibit

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1 that after I left the office, it was pointed
2 out I should probably submit, and it is an
3 email from Gary Kostal from the Bloomingdale
4 Fire Protection District to Steven Gallaway
5 from Cornice & Rose, and they are still
6 pointing out that they had a meeting -- the
7 Fire Protection District and DUDOT had a
8 meeting I think late -- early -- mid-last week,
9 maybe late last week, where they were talking
10 about the two access and DUDOT's concern about
11 the two access points. That is being worked
12 through with the Bloomingdale Fire Protection
13 District and DUDOT, and I have what I've
14 labeled as Exhibit 26. And we'll probably have
15 to clean it up afterwards, but Exhibit 26 is
16 the email from the Bloomingdale Fire Protection
17 District saying they still want two accesses
18 without any barriers, et cetera, so that there
19 can be safety for their lifesaving purposes.
20 The ZBA voted not to
21 recommend this project two months ago, and on
22 the record put forth the following reasons:
23 One, density. Two, not in harmony with the
24 area. Three, parking. Four, the use of well

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1 and septic. I'm going to go through each of
2 those tonight. I'm not going to go through
3 everything that was the last time. You've
4 incorporated the record, and hopefully it will
5 be relatively shorter.
6 (Whereupon, Petitioner's
7 Exhibit 26 was marked for
8 identification.)
9 MR. LUETKEHANS: I do have another
10 exhibit I did not hand out, and I apologize.
11 It's probably too small to see from where you
12 are, but I'm handing out Exhibit 21, a smaller
13 copy of what I'm putting on the board.
14 CHAIRMAN KARTHOLL: Okay, let me just
15 clear up this exhibit business. Did you submit
16 Exhibits 1 through 19 at the earlier hearing?
17 MR. LUETKEHANS: 1 through 18, and I
18 skipped 19 because I wasn't sure when I started
19 doing it how many I got to.
20 CHAIRMAN KARTHOLL: All right, then
21 rather than renumber all of these with today's
22 date and Exhibit 4/16-1, I'm going to take your
23 numbering and withdraw the designation I
24 indicated earlier. So these are premarked.

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1 We'll take yours as various numbers 20 through
 2 25, I guess.
 3 MR. LUETKEHANS: And we may not use all
 4 of those.
 5 (Whereupon, Petitioner's
 6 Exhibit 21 was marked for
 7 identification.)
 8 MR. LUETKEHANS: But, as I said, we have
 9 significantly lowered the number of units by 10
 10 or 14 percent, and it is for this reason that
 11 the Development Committee asked you to take
 12 another look at the project.
 13 The primary elements of
 14 density, as you know, are floor area ratio,
 15 building coverage and green space, or lack of
 16 impervious surface.
 17 The number of units per
 18 acre, in my opinion, is the least important of
 19 these from a land use standpoint. So, let's go
 20 through -- as you heard a lot about this
 21 development to the north, which is the
 22 townhomes directly to the north at the last
 23 hearing and how this was not compatible or in
 24 harmony, et cetera. It's very important to

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1 remember what is behind this lot. There are
 2 large industrial boxes. This isn't open space,
 3 it isn't residential, it is industrial, big box
 4 35-, 40-foot high clears. These are not --
 5 this is not a neighborhood. It is not backing
 6 up to a neighborhood, it is backing up to an
 7 industrial development, Hamilton Partners
 8 Industrial Development. It has been there for
 9 probably close to 30 years.
 10 So I'm going to go through
 11 these numbers and compare it to what we're
 12 calling Nicola Court, which is the one directly
 13 to the north. Units per acre, they have 9.84
 14 per acre, we're at 11.1. And these numbers are
 15 going to be different than what you heard at
 16 the last hearing for a couple reasons: One is
 17 we've spoken to staff about how we should be
 18 measuring Nicola Court. The second one is
 19 we've obviously got less units. So Nicola
 20 Court per acre is 9.84 and we're at 11.1. It's
 21 about slightly more than a 10 percent
 22 difference, not very much.
 23 But let's look at really
 24 what the main factors of bulk regulations and

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1 density are. What are those? Percentage
 2 impervious surface. Nicola Court is 62 percent
 3 impervious; we're at 45 percent. If my math's
 4 right, it's about 25 percent less.
 5 FAR: Nicola Court floor
 6 area ration, 0.82. What's ours? We've asked
 7 for 0.55, but realistically it's about 0.52
 8 just so we don't make a mistake. So there's
 9 somewhat of a factor, but it is about 40
 10 percent less, 35 to 40 percent less than the
 11 project right nextdoor.
 12 Percent building coverage:
 13 The Nicola Court has building coverage of 34
 14 percent. What's ours? 17.7. It's half.
 15 Maybe 48 percent, but close enough to half. So
 16 to say that the density of our project is so
 17 much greater than the one to the north is
 18 ludicrous. It's disingenuous. It's based on
 19 number of units only. Why do we have more
 20 units? Because we have workforce housing, we
 21 have smaller units. How does that come into
 22 play when you deal with land use? The only
 23 thing that changes -- it doesn't change the
 24 setbacks, it doesn't change green space. The

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1 number of units only does one thing: It
 2 increases traffic; right? 40 units versus 60,
 3 is there any real difference? Not other than
 4 it increases traffic.
 5 You heard from the traffic
 6 engineer, and it was undisputed. No one
 7 contradicted it, no one came in here with
 8 different numbers, all you received was some
 9 anecdotal evidence that it's busy out there,
 10 but the traffic engineer showed how there were
 11 significant gaps and significant safety --
 12 there was enough gaps for significant safety to
 13 be handled. I understand people don't want
 14 more traffic on Medinah Road, but it's built to
 15 handle it. And there's enough spacing to
 16 handle it, especially when you have two
 17 entrances and two exits. And, in fact, there
 18 is going to be 14 percent less traffic than the
 19 traffic engineer said was doable without any
 20 problem. So now we're 14 percent less than
 21 that number.
 22 In reality, when one looks
 23 at all the factors and density and not just
 24 focused on the number of units, this project is

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1 less dense than the project directly to the
2 north.
3 Let's talk about harmony.
4 That was the second thing I grabbed from the
5 recommendation transcript. Given the fact that
6 the project is actually less dense than the
7 project to the north, this development is
8 clearly in harmony with the area, especially
9 when you consider the large box industrial
10 behind it. This is hugely important and cannot
11 be understated. Basic land planning is that
12 this type of use is a great transitional use
13 from industrial to detached single-family
14 housing. No one wants to put single-family
15 housing backing up to industrial staring at a
16 35-, 40-foot high wall. This is the type of
17 use we put in everywhere around this county to
18 segregate the industrial from the single-family
19 homes. Multiple units is a great use, it's a
20 perfect use from a land planning standpoint.
21 And for anyone -- that's why Addison, which is
22 now objecting to this project, the staff --
23 well, sorry, that is why Addison approved a
24 project directly to the north of multi-family

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1 townhomes, because it is a great transitional
2 use. For them now to say that this is -- this
3 development is out of character with that
4 development is disingenuous. Really, the only
5 difference between these two projects is the
6 workforce housing. The only difference.
7 Let's talk about parking.
8 Let's start with what's actually important
9 regarding parking. The County has an
10 Ordinance. That Ordinance would require 150
11 spaces for 60 units. That's the requirement.
12 That's the only requirement in your Ordinance.
13 What are we providing? 182. 20 percent more,
14 and 14 visitor spaces, which I think is more
15 than double what was in the original plan.
16 Remember, these are not huge
17 homes. It's not like I'm going to have a party
18 with 30 people coming over for the Super Bowl;
19 you can't fit 30 people in any of these units.
20 It's not a single-family estate home where
21 we're going to have 50 people showing up at
22 someone's house. Let's talk realistically.
23 This is not a development that's going to have
24 a huge amount of large amounts of visitors.

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1 They're smaller units; hence, the 60. And
2 almost every time they have visitors, the
3 parking spaces in front of the garage will be
4 sufficient. You're not going to have six cars
5 show up at a one-bedroom unit, especially when
6 a lot of these are workforce housing, which
7 means they're smaller. Realistically, the
8 visitor parking spaces are going to have very
9 limited use and will probably never come near
10 capacity.
11 As far as DUDOT and the
12 road, as I said, we've been working with the
13 Bloomingdale Fire Protection and DUDOT to
14 resolve their conflicting desires, and those
15 are not settled now, but obviously as you know,
16 even if this development is approved, that's
17 going to have to get solved, because we're
18 going to need permits from both. And that will
19 be our job.
20 Let's talk about well and
21 septic, that was the fourth thing I heard, or
22 read and heard. County regulations on this are
23 very clear and will be complied with. Denying
24 this development on the basis of being

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1 developed on well and septic is just wrong.
2 To deny or base your denial on that would be
3 legally improper. County has said -- County
4 staff and the County engineering staff looked
5 at this development and said we have no
6 concerns. Those are the people who have to
7 deal with the septic and well. Your Ordinances
8 say well and septic are acceptable, the project
9 will have to comply with those ordinances.
10 That's not something that this Board can
11 overlook.
12 The whole doomsday scenario
13 of this septic system or the well failing is
14 really nothing more than fear mongering. Any
15 system that did fail would have to be repaired
16 by the owner of the real estate. And we're not
17 in the danger in this county anymore of having
18 our wells go dry. Maybe another well would
19 have to be done, that would be at the owner of
20 the real estate. But we now are in a position
21 in DuPage County where approximately 90-plus
22 percent of our water does not come from our
23 wells, it is coming from Lake Michigan due to
24 the DuPage Water Commission. So it's not like,

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1 oh my gosh, a well dried up, we can't find
2 another well. There's a lot of water down
3 there that we're no longer using.
4 Turning to these
5 unincorporated problems, areas that --
6 unincorporated areas that have had problems
7 associated with them have largely been resolved
8 by the County, not the municipality, often
9 through obtaining water from the DuPage Water
10 Commission through the County. That's the fix
11 if, God forbid, something ever happened on
12 water.
13 Probably the most important
14 thing -- well, there is no way a village could
15 be required to take over this project and
16 provide utilities. That's their choice. If
17 they decide to do that, that's up to them. But
18 nothing the County does or anybody else can do
19 could require them to take it over. That's
20 what we've been hearing from Bloomingdale and
21 Addison, oh my gosh, we're going to have to
22 take this. It's not true.
23 Again, probably the most
24 important thing to note on this issue is the

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1 DuPage County's own engineering staff has said,
2 "no objections/concerns with the concept of the
3 petition."
4 Accordingly, every reason
5 that this Board provided for recommending
6 denial of this project has been resolved, or is
7 not valid to start with.
8 Special use standards, let's
9 talk about those quickly. I'm not going to go
10 through them all again, you heard me last time,
11 it's in the record. But I do want to say a
12 couple things: Your staff and the State's
13 Attorney's Office have advised that this is a
14 special use and comes under the normal special
15 use standards in the Zoning Ordinance. As I
16 showed very clearly at the last hearing, we met
17 all those standards and clearly meet them even
18 more today. I'm not going to bore you with a
19 recitation of those.
20 The only two exceptions
21 being sought are height, which is diminimus in
22 the case of floor area ratio. As I already
23 showed you, the floor area ratio is
24 approximately 35, 40 percent less than the one

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1 directly to the north.
2 Plus, as we discussed at the
3 prior hearing, due to the fact that the planned
4 development is a conditional use in R-2 Zoning
5 District, the Living Word decision by the
6 Illinois Supreme Court applies and can only be
7 overcome by clear and convincing evidence.
8 Thompson vs. Cook County Board of Appeals, 96
9 Ill. App. 3d 561 is a First District decision.
10 Treating a PUD, exactly what you have here, a
11 planned development, as a conditional use, and
12 treating it under the same special use
13 standards that are in your Ordinance. You
14 don't get to rewrite the special use standards
15 because it's a planned development. That's not
16 something you have the ability to do. As there
17 was no evidence presented disputing the
18 applicant's presentation at the last hearing,
19 and evidence regarding its compliance with the
20 DuPage County Conditional Use Standards, there
21 can be no finding that the objectors overcame
22 the required clear and convincing standard.
23 I'm going to talk for a
24 minute about a couple of the objections, the

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1 village objections. Stormwater: This is a
2 huge red herring, let's be honest. Everybody
3 in this room knows, the village knows that we
4 have to comply with the DuPage County
5 Stormwater regulations. We can't say, oh my
6 gosh, we're going to make this worse for
7 Bloomingdale's golf course. There is no way
8 County staff is going to let that happen. And
9 for Bloomingdale to make a big issue out of
10 that just shows that they really have nothing
11 else and they're trying to grasp at straws.
12 That is not any way, shape or form a problem
13 for this project. Again, the County
14 engineering staff said they have no objections
15 or concerns. If we can't design the project to
16 meet the stormwater standards, the project is
17 not going to go whether you approve it or not.
18 And as we know, the County has a very thorough
19 process and the staff that makes sure this does
20 not happen. Nothing gets slipped by the
21 Stormwater Department of DuPage County.
22 Anybody who's dealt with them and the umpteen
23 meetings you have on every project and the
24 umpteen submittals knows it's not going to

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1 proceed unless it complies with the Stormwater
 2 Ordinance.
 3 Okay, Addison's objections
 4 as to density: And Bloomingdale makes some of
 5 the same objections, but it's more appropriate
 6 with Addison, I guess. First of all as shown,
 7 the development approved by Addison to the
 8 north is without a doubt denser than the
 9 proposed development.
 10 Second, the history and
 11 manner in which this project proceeded before
 12 the Village of Addison should be considered,
 13 and usually I don't really do this, but I think
 14 it's important in this case because Addison is
 15 putting up such a fight. It's important to
 16 know that the Addison development staff not
 17 only recommended approval of a very similar
 18 project on this site, staff actually encouraged
 19 this type of development, meaning Addison
 20 staff. For political reasons, not for zoning
 21 reasons, that same Board said they did not care
 22 about the Planning Department's recommendations
 23 about the original project. It can only be
 24 assumed the village, again, is ignoring the

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1 zoning standards involved here. The reason
 2 Addison staff supported the project when it was
 3 before the village was that it was in harmony
 4 and consistent with the project directly to the
 5 north and the project directly to the west --
 6 or east, excuse me. I know many of you may be
 7 aware of the current political pressure being
 8 put on at least certain County Board members
 9 regarding this project right now by Addison and
 10 Bloomingdale, but I would strongly ask that you
 11 look at zoning principals here and decide on
 12 those issues alone and let the politics play
 13 themselves out at the County Board level.
 14 CHAIRMAN KARTHOLL: Just for the record,
 15 I'm entirely unaware of any political intrigue
 16 with respect to this case or any other case,
 17 either from the villages or the County.
 18 MR. LUETKEHANS: When one looks at the
 19 zoning issues, this project is an appropriate
 20 use as density for development on this site.
 21 Further, we have reached out to both villages
 22 to try and come up with a compromise. In
 23 response to those requests, the Village of
 24 Bloomingdale never bothered to respond. And

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1 while Addison responded, they failed to come
 2 back with any solutions or compromise, they
 3 just advised us again how much they dislike the
 4 project due to the density and use of private
 5 utilities. Despite the handwriting, the
 6 private utilities do not affect them. No one
 7 can force them or any other municipality to
 8 take over the utilities for the parcel.
 9 As for the density, given
 10 the density of already approved nextdoor, I
 11 wonder whether Addison would be complaining,
 12 other than the fact that the 60 units come with
 13 the concept of workforce housing. Everyone
 14 says we need and want workforce housing, they
 15 just don't seem to want it in their area.
 16 In sum, we meet the
 17 standards of the Zoning Ordinance, we meet the
 18 standards of the Special Use Standards, and
 19 this project is a project that should proceed,
 20 and we ask for your recommendation of approval.
 21 Thank you.
 22 CHAIRMAN KARTHOLL: Just a couple of
 23 clarification questions. You indicated you're
 24 still working with the County Highway

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1 Department with respect to the roadway
 2 entrance?
 3 MR. LUETKEHANS: Yes.
 4 CHAIRMAN KARTHOLL: When do you think
 5 that that will be resolved?
 6 MR. LUETKEHANS: I don't know that that
 7 will be resolved for a while.
 8 CHAIRMAN KARTHOLL: And discussions with
 9 the fire department?
 10 MR. LUETKEHANS: Those have been
 11 resolved.
 12 CHAIRMAN KARTHOLL: What about you
 13 didn't -- I didn't hear anything about some of
 14 the information that I say in the letter
 15 indicating that sprinkler systems are an issue.
 16 The request for extended heights may require
 17 some special water treatment to suppress
 18 possible fire -- I had that letter.
 19 MR. LUETKEHANS: Yeah, we have agreed to
 20 sprinkler and we will do whatever is necessary
 21 for the height. We've told Bloomingdale Fire
 22 Protection District that.
 23 CHAIRMAN KARTHOLL: Okay.
 24 MR. LUETKEHANS: These conversations

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1 have all been occurring in the last three or
 2 four days.
 3 CHAIRMAN KARTHOLL: And I presume --
 4 just to go to utilities, I presume that the
 5 development to the north is serviced by public
 6 well and septic?
 7 MR. LUETKEHANS: Sewer and water, yeah.
 8 CHAIRMAN KARTHOLL: Okay. All right.
 9 I'll just open for questions from any member of
 10 the Board.
 11 Okay, I don't see any
 12 questions. Are you ready, Mr. Luetkehans, for
 13 public comment?
 14 MR. LUETKEHANS: Yes.
 15 CHAIRMAN KARTHOLL: All right. Who in
 16 the audience would like to make a comment or
 17 ask questions about this case? So could you
 18 stand so I can count you and then I'll ask that
 19 you be sworn in. Nine people. All right,
 20 raise your hands and be sworn in.
 21 (Whereupon, the oath was
 22 duly administered by the
 23 Notary.)
 24 CHAIRMAN KARTHOLL: If there's anyone

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1 representing a municipality or other public
 2 entity, I would ask that you go first, if you
 3 would. And then I'll take any attorneys
 4 representing a group, and then I'll go to just
 5 regular folks that are like me, members of the
 6 public. All right.
 7 MR. SCALERA: Good evening, Peter
 8 Scalera with the Village of Bloomingdale. We
 9 have submitted a letter of objection to the
 10 project. That, I believe, is going to be made
 11 part of the record, so I'm not going to
 12 reiterate that. I just wanted to respond to a
 13 couple comments that were made in regards to
 14 concerns that the Village of Bloomingdale has.
 15 First, the impact to -- we
 16 fully trust the DuPage engineering staff;
 17 however, the fact is that the project is being
 18 proposed that the water would be retained
 19 on-site and then passed on along to the Village
 20 of Bloomingdale, which is very different than
 21 the current flow of stormwater, and we believe
 22 it will have a detrimental effect to the
 23 Village of Bloomingdale.
 24 Secondly, a comment was made

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1 that the applicant reached out to the Village
 2 of Bloomingdale and we failed to respond.
 3 I can tell you that is completely false. No
 4 one has ever contacted the Village of
 5 Bloomingdale to set up any kind of meeting with
 6 the Village of Bloomingdale to discuss this
 7 project. So to say that, that is false and I
 8 wanted to at least have you realize that that
 9 wasn't a true statement.
 10 In keeping with the harmony
 11 of the neighborhood, the number of units and
 12 the design of the units are not within the
 13 keeping of the neighborhood and will not be a
 14 harmonious flow from what is currently there to
 15 the north and to the west of that project. The
 16 building materials, the architectural styles
 17 are very different than what is being proposed
 18 and will not match that area and will have a
 19 negative impact to that area.
 20 And then in regards to the
 21 workforce housing, again our point is that we
 22 do not object to workforce housing, but we do
 23 not feel that this is an appropriate location
 24 for that, considering it's nowhere near any

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1 sort of public transportation hub. So to place
 2 workforce housing, shouldn't it be placed in an
 3 area that those individuals would have easy
 4 access to public transportation to get to and
 5 from work?
 6 That is all I have, thank
 7 you.
 8 CHAIRMAN KARTHOLL: Thank you, sir.
 9 Who's next? You, sir.
 10 MR. FORTUNATO: Joseph Fortunato, I'm
 11 the attorney for Natalie Stec and Scott Benz
 12 who live at 5N041 Medinah Road. Their property
 13 is approximately 200 feet to the south of the
 14 proposed improvements.
 15 Counsel for the petitioner
 16 got up and told you -- essentially drew a
 17 picture for you that said this place is going
 18 to be essentially in front of or next to an
 19 industrial park. It is not 200 feet from an
 20 industrial park, there's a much greater
 21 distance, but there's a more significant impact
 22 on my client's property, which is a
 23 single-family residence.
 24 The statements made by

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1 counsel were speculations, especially musings
2 about the future shouldn't be considered
3 evidence. I can muse about the future where
4 with 60 units, if 20 percent of the unit owners
5 have visitors at a particular day with two cars
6 each, you're going to exhaust the amount of
7 parking spaces which were described first at 30
8 spaces, and then at 14 spaces. I don't know
9 what to believe anymore, I keep hearing
10 different things from counsel and different
11 things from his clients. They're unreliable.
12 Let's think about the impact
13 of shoving in an improvement next to -- we talk
14 about next to Nicola Court, but we've got
15 residential properties to the south. There has
16 to be a greater impact on stormwater management
17 and drainage issues, which are already
18 significant at my clients' property. They're
19 only going to be made significantly worse.
20 There was a statement made
21 by counsel at the prior hearing that we got to
22 -- we'll make it better, we have to. Well,
23 that's not evidence, that's musings, that's
24 speculation, and there's been nothing to

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1 support that statement. How could it be any
2 better when you put in improvements on a small
3 parcel this significant this much size? More
4 units, yes, they mean more people, they mean
5 more traffic, they mean more children. There's
6 going to be an impact on the schools, which
7 hasn't been discussed.
8 Medinah Road is supposedly
9 built to handle additional traffic? The
10 British would say that's hogwash, rubbish.
11 It's not built for additional traffic, it's a
12 two-lane blacktop road, and it's going to have
13 a significant impact on traffic.
14 Harmony issues, this is a
15 transitional use? Maybe Nicola Court is a
16 transitional use, but to add more, it's too
17 late to add more to this spot. There's going
18 to be much greater impact by shoving in more
19 improvements that can't be substantiated.
20 And the idea that well and
21 septic failure is a doomsday scenario? That
22 kind of disparaging statement just ignores
23 reality. What happens when the well and septic
24 systems fail, as they inevitably do? Not

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1 might, but inevitably do. The petitioner is
2 not going to be around to take care of it, the
3 petitioner is going to be long gone at this
4 point. I described for you earlier how the
5 petitioner will not have any responsibility for
6 repairs once this is all done, they're going to
7 be gone. There's no privity to contract with the
8 owners, they're going to be responsible on
9 their own. Absentee owners historically, and
10 it's a matter of common sense, don't maintain
11 property to the same standards that residential
12 owners do on their own properties.
13 As far as meeting County
14 requirements is concerned, that may be in a
15 vacuum, but let's think about the fact that we
16 have a substantial impact already on this area,
17 which is only being made worse by allowing
18 additional improvements. Thank you.
19 CHAIRMAN KARTHOLL: Thank you, sir. Do
20 you have a comment, sir? Are you the gentleman
21 from Addison?
22 MR. SCALERA: No, he's not here.
23 CHAIRMAN KARTHOLL: Well, then queue up,
24 folks, and we'll take members of the public.

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1 MR. TIERNEY: My name is James Tierney,
2 I am the resident homeowner at 2406 Nicola
3 Court in Addison. I serve on the Board of the
4 Villa Torino Homeowners' Association, and I'm
5 speaking on the Board's behalf.
6 Villa Torino is adjacent to
7 the north side of the planned development and
8 would be most affected by its construction.
9 Our homeowners are strongly opposed to this
10 development and urge you to reject this
11 petition.
12 The developer seeking a
13 variation to the County Zoning Ordinance
14 allowing building 60 apartment units which
15 would add an estimated 160 residences to our
16 neighborhood. It would also add 120 vehicles
17 to the local traffic.
18 As you know, this Board
19 previously considered and voted unanimously
20 against an almost identical petition and found
21 that this developer had not demonstrated or
22 provided sufficient evidence that the proposed
23 development would not be injurious to our
24 neighborhood. Your findings were explicit,

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1 that the petitioner had not demonstrated that
 2 the proposed development will not diminish
 3 property value, increase traffic congestion,
 4 increase the potential for flood damages, among
 5 other detriments that you found. These same
 6 detriments are still the inevitable effects of
 7 the proposed development now before you, and it
 8 deserves the same findings, conclusions and
 9 recommendations as before.

10 The County Zoning Ordinance
 11 provides that variations to the regulations,
 12 such as requested by the developer in this
 13 instance, may be granted if it will result in
 14 better developments and thus be of greater
 15 benefit both to the occupants of the
 16 development and to the surrounding
 17 neighborhood. The developer has not offered
 18 any evidence as to how this proposed
 19 development will benefit the surrounding
 20 neighborhood. And, in fact, this development
 21 offers no benefits, only detriments to our
 22 neighborhood and properties.

23 And we understand that
 24 DuPage County is eager to establish a workforce

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1 housing program. While we support this effort,
 2 we believe it should be accomplished in
 3 conformance with the County Zoning Ordinance
 4 which protect existing neighborhoods from the
 5 negative impact of large developments such as
 6 this proposal. And that is whether such
 7 developments include workforce housing or not.
 8 We hope there are properties throughout DuPage
 9 County which will accommodate large
 10 developments and include significant workforce
 11 housing while not posing a detriment to
 12 existing neighborhoods as does this proposal.
 13 We urge you to oppose this petition.

14 Thank you.

15 CHAIRMAN KARTHOLL: Thank you, sir.
 16 Next?

17 MR. MEHDA: My name is Sandeep Mehda, I
 18 live at 175 Michigan Court in Bloomingdale
 19 directly opposite.

20 THE COURT REPORTER: Can you spell your
 21 last name, please.

22 MR. MEHDA: Mehda, M-e-h-d-a. A couple
 23 of things I'd like to point out. One is we
 24 heard that this calculation here had been

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1 changed from what it was now last time. So my
 2 question is did you input or provide input on
 3 what changed? So you're entering this into the
 4 record? What is the calculation that's
 5 changed, number one. You mentioned this is a
 6 little more than 10 percent. What changed in
 7 that 10 percent?

8 CHAIRMAN KARTHOLL: It's on the site
 9 plan, sir.

10 MR. MEHDA: Okay. So that is one point.
 11 The second thing we heard liberal use of the
 12 word disingenuous, so what's disingenuous to
 13 ignore completely that Nicola Court is less
 14 than 36 feet, and this development will be 40
 15 feet high.

16 The second point I'd like to
 17 make about the nature of the development is
 18 that it's very, very far away from the
 19 industrial areas at the back. The industrial
 20 areas at the back cannot be seen from the road,
 21 Medinah Road, or from my home. I cannot see a
 22 single trace of any one of those.

23 The third point I'd like to
 24 make is that the whole nature of this and the

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1 strategy, right, the strategy is common with
 2 something that's insane like 70 units, modify
 3 it and come back with something that's merely
 4 outrageous, which is 60 units.

5 So, I'd like you to keep
 6 that in mind. Thank you very much.

7 CHAIRMAN KARTHOLL: Okay, thank you.
 8 Next?

9 MS. PATEL: Good evening, thank you for
 10 listening to me. My name is Mina Patel,
 11 P-a-t-e-l, I live at 179 Michigan Court.
 12 Again, I live right across the street from the
 13 subdivision that's going to be built.

14 I think my concern is around
 15 water. All of our homes across the street have
 16 flooded, and so to say that the subdivision
 17 will never impact us, and the fear of the
 18 stormwater impacting our homes is just, again,
 19 the same word that we keep using is that we're
 20 falsely trying to create something out of
 21 nothing is not true. We are ready -- all the
 22 homes across the street, all of us have
 23 flooded. We have more than two inches of rain
 24 on a regular basis nowadays. So to say that

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1 they're going to store the water and then ship
 2 it to Bloomingdale at some point, it will
 3 impact. Those pipes are right underneath our
 4 homes that will actually send it to the
 5 Bloomingdale Golf Course.
 6 When it snows, there is no
 7 place to put the snow. All that snow in that
 8 subdivision needs to be pulled out and put out
 9 to the main street of Medinah, which will
 10 impact traffic. When that snow is built up to
 11 a certain height, you will not be able to see
 12 around the corner when our subdivision folks
 13 come out to take turns and there will be
 14 accidents; right?
 15 There's no place for the
 16 kids to stand for their school bus. I'm a mom,
 17 and one of the things that I worry about is
 18 those apartments, that's what they are. We
 19 keep calling them homes, apartments, and there
 20 will be kids living there, there will be
 21 birthday parties, and they will want to play
 22 across the street, across the Medinah street
 23 into our subdivision park. My worry is those
 24 kids are going to get hurt. All that traffic

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1 on Medinah will impact those children.
 2 So, at the end of the day,
 3 we're talking about septic, water, snow,
 4 children. And, again, this is the same issue
 5 that we've come back and talked to you about.
 6 I also want to know -- can I
 7 ask a question, sir?
 8 **CHAIRMAN KARTHOLL:** Certainly.
 9 **MS. PATEL:** When you included their
 10 stuff from the last meeting, will you also
 11 include all the homeowners, 100-plus
 12 homeowners, wrote in letters and every time
 13 this gets kicked back, we actually have to go
 14 back to the entire subdivision to get it. So
 15 there are all these letters that have been
 16 written, and I personally have written letters
 17 in both of the meetings that have come before.
 18 **CHAIRMAN KARTHOLL:** The entire record of
 19 the hearing will be made part of this hearing.
 20 Now let me make a distinction. I don't recall
 21 now -- this is a little bizarre technicality,
 22 but I am now taking public comment related to
 23 this hearing. It's my general recollection
 24 that the letters that you are referring to were

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1 public comments related to the requirement to
 2 conduct or to allow public comment pursuant to
 3 the Open Meetings Act. So I don't know if
 4 they're a part of our hearing record or a part
 5 of the minutes to the meeting that we held last
 6 time. I don't know the answer to that. But
 7 you could probably check with the staff to
 8 determine that.
 9 **MS. PATEL:** Okay. Would the staff here
 10 be able to tell us this, or no?
 11 **CHAIRMAN KARTHOLL:** I'm not going to ask
 12 them to do that now, but you can confer with
 13 them after the hearing.
 14 **MS. PATEL:** Also, many of these things
 15 are not being posted prior to these meetings.
 16 One of the things that we agreed on is that
 17 these things would be posted so we, in advance,
 18 could look at all this stuff, and that's not
 19 happening. So, that's the other thing I wanted
 20 to kind of address is that every time we say --
 21 I'm coming in cold, I looked at whatever was
 22 out there, and there was only one piece of
 23 paper, which is that. All these other things
 24 that he gave you, none of us have that.

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1 **CHAIRMAN KARTHOLL:** Well, we didn't
 2 either.
 3 **MS. PATEL:** Yeah, I know, but as
 4 homeowners, we also want to be able to have a
 5 say so in something. How can I come and say
 6 anything if I don't have any of the material
 7 that they're submitting to you? And that was
 8 the same issue last time, right, which you
 9 asked them to say, please, submit things in
 10 advance so the homeowners can come in and look
 11 at it.
 12 **CHAIRMAN KARTHOLL:** Well, I'm not going
 13 to advise you about the solution to that
 14 problem other than to say you have a right to
 15 cross-examine the petitioner with respect to
 16 these exhibits, and you have a right to have
 17 access to the exhibit and then you can make
 18 comment. I'll hold the record in the hearing
 19 open for some period of time so that you can
 20 review these documents at a later date, if you
 21 choose to do so, and then, you know, send us
 22 your responses.
 23 **MS. PATEL:** Okay. All right, thank you.
 24 **CHAIRMAN KARTHOLL:** Thank you. Next?

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1 MR. BAKER: Hello, last name Baker,
 2 first name Thomas. My wife Stephanie and I, we
 3 reside at 358 Carey Court, Bloomington. Our
 4 property backs up to Medinah Road, so we are
 5 just west of Medinah Road.
 6 Traffic: We can hardly sit
 7 outside on our patio there's so much traffic
 8 constantly, and it's a two-lane road, one lane
 9 goes north, one lane goes south. It's not
 10 built for the type of traffic that the proposed
 11 developer is proposing here.
 12 This is maybe my fourth
 13 meeting that I've been to. I keep hearing the
 14 developer refer to this as single-family
 15 housing. As Ms. Patel said, these are
 16 apartments. This is not single-family housing,
 17 these are apartments. This is not in harmony
 18 with the area. There are no apartments
 19 anywhere along Medinah Road from Lake Street to
 20 Army Trail. There are high-end townhouses to
 21 the north. They're not apartments, they're
 22 high-end townhouses. There's residential to
 23 the west, these are very expensive homes.
 24 These are not apartments. There is no harmony

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1 going on with this proposed development.
 2 And as someone else had
 3 mentioned, first we heard 30-some parking
 4 spaces, now we hear 14. So we hear a lot of
 5 inconsistencies, and every time I come to a
 6 meeting, I hear something different. This all
 7 continues to change.
 8 So, in summary, I am totally
 9 opposed to this project, it doesn't meet our
 10 neighborhood, and I'm against it. Thank you.
 11 CHAIRMAN KARTHOLL: Thank you, sir.
 12 Next?
 13 MS. DOMINICIS: Hi, my name is Gail
 14 Dominicis, I reside at 2421 Nicola Court in
 15 Addison.
 16 THE COURT REPORTER: Can you spell your
 17 last name, please.
 18 MS. DOMINICIS: D-o-m-i-n-i-c-i-s. And
 19 normally my husband comes, and this is the
 20 first time I've ever spoke publicly about this,
 21 but just because personally I need to talk
 22 about -- my residence, the front door is the
 23 closest to this property besides these people
 24 here, so I will look out at this development

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1 out of every window and my front door on this.
 2 I also have concerns with
 3 the water because I do see at the northeast
 4 corner of this proposed development, there is a
 5 lot of water collection that goes there. I
 6 have taken many pictures. I have been
 7 concerned about it coming over, I've already
 8 seen erosion. And so for this gentleman to say
 9 that when this project is all said and done
 10 that the owners will take care of it if there's
 11 any problem with that, I don't trust that that
 12 will happen. Based on what I'm seeing right
 13 now, it's contained and it's fine.
 14 Regarding safety, I walk my
 15 dog every day. I have watched the increase of
 16 traffic on Medinah Road. I know that they've
 17 put up speed cameras and lights and there's
 18 been some police presence. There are people
 19 zooming down there. I can barely walk across
 20 the street to go to the neighborhood to get
 21 across the street, at several times during the
 22 day, it's not just busy times. So for that to
 23 be -- that needs to be talked about.
 24 My safety, I'm concerned

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1 about my own personal safety now with all of
 2 this transient apartment situation. And based
 3 on the location of my unit, I am concerned
 4 about that.
 5 So that's all I want to say
 6 is my property is directly affected like
 7 everybody else's, but I am right on the edge if
 8 you want to look up where my property is.
 9 So I deeply oppose this, so
 10 does my husband and all of my neighbors that
 11 have spoke here tonight.
 12 Thank you very much.
 13 CHAIRMAN KARTHOLL: Thank you.
 14 MS. STEC: My name is Natalie Stec. Our
 15 representative Mr. Fortunato spoke for us, but
 16 as a member of the public and homeowner that's
 17 200 feet from the project, I would like to
 18 speak.
 19 CHAIRMAN KARTHOLL: Spell your last
 20 name.
 21 MS. STEC: Sure, thank you. It's
 22 S-t-e-c. I'm at 5N041 Medinah Road, and I
 23 think there was a question that I had that you
 24 can clarify. The exhibits that we had also

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1 previously submitted, all the pictures of the
2 flooding, will be part of the record as well as
3 they were submitted last time?
4 CHAIRMAN KARTHOLL: I think if you
5 submitted them during the hearing in response
6 to the public comments section at the hearing,
7 then they will definitely be part of the
8 record.
9 MS. STEC: Then that's what we did. I'm
10 not going to repeat everything that was kind of
11 already said or what we included in those
12 things, but just a couple things in comment to
13 some of the things that were brought up today.
14 And this is one of the exhibits that we had
15 previously submitted, but there is this
16 assertion that's being made with this well and
17 septic that it's going to be maintained, and
18 Mr. Gray, the owner, it's never really clear
19 who's going to be the long-term owner of this
20 property. The last we knew from the land
21 partners, the land and real estate advisors,
22 these lots are still listed for sale, and
23 they're listed for sale as a potential
24 high-density development. And so part of

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1 what's always been a concern for us, because
2 we've been dealing with this now I think three
3 years, four years, going back through the
4 Addison proceedings since that was brought up
5 today by counsel, the specifics are never
6 really available. And so part of what becomes
7 a concern is that when you say, well, we're
8 proposing 60 units, nobody really knows what
9 those units look like because floor plans have
10 never been offered. And what we've learned in
11 the Addison proceedings is that when floor
12 plans were offered, the floor plans were
13 variable, that although by presentment they
14 looked like two-bedroom units, they could
15 actually be converted to three-bedroom units by
16 adding a closet or by adding a window. So the
17 density issue is an issue because you're
18 talking about 60 units on 44 building plots.
19 But more importantly, who is going to be the
20 owner that takes care of this if there's a
21 failure of the well and septic system, given
22 that he's actively soliciting people to
23 purchase these five lots?
24 One of the other things that

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1 we've heard as well is that, well, if there's
2 any problems, we'll take care of it, we're
3 required to do certain things, we'll have to do
4 what the County tells us to. Well, I think
5 history will tell us in this particular case
6 that's not necessarily true. Up until March
7 19th of 2024, the property taxes on all five of
8 those units had been sold, and it wasn't until
9 March 20th that those taxes were redeemed, and
10 I'm assuming it's because we brought it up at
11 the March 20th meeting. How do you have
12 somebody petitioning before the County on these
13 lots when none of the property taxes have been
14 paid by them?
15 We've also, as the
16 single-family homeowners and the people that
17 live across the way, the county and village
18 ordinances are not complied with. The
19 properties are not maintained, the lawns are
20 not mowed. Weed control is not maintained. It
21 has been, I believe -- I don't know if it was
22 the Village of Addison or the Village of
23 Bloomingdale had a lien on these properties
24 because they had to come out and take care of

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1 them.
2 So, we have evidence of when
3 they say we're going to do what we're told to
4 do and comply, it hasn't happened with the
5 basic thing of mowing some weeds. So, we have
6 grave concerns what happens going forward with
7 a sewer and septic. We know, we're on sewer
8 and septic. We've dealt with issues on either
9 side of us, of neighbors when things don't go
10 well. And while we appreciate that the County
11 is involved and the County has to do it, it's a
12 process that takes time. It's not something
13 that gets remedied overnight. So in the
14 interim, water contamination, there is smell,
15 it is something that the homeowners have to
16 deal with, and we would like for that to be
17 taken into consideration.
18 For the various reasons that
19 we said at the last meeting, for the reasons
20 that are being stated here, we object to this.
21 It is not about workforce housing. I think as
22 we sit here today, we're not even really sure
23 what workforce housing is. But as a homeowner
24 who's been in the community for 14 years, as a

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1 small business owner that has been in the
 2 County of DuPage now for 18 years, we have a
 3 vested interest, and we come here to object not
 4 because we just want to say no to Mr. Gray, but
 5 we want somebody that has a vested interest in
 6 the community as well and somebody who has
 7 heard and listened to the community concerns
 8 and has been a good neighbor. And so far that
 9 has not happened.

10 I appreciate your time,
 11 thank you.

12 CHAIRMAN KARTHOLL: Thank you. And then
 13 the last gentleman?

14 MR. BENZ: Scott Benz, last name
 15 B-e-n-z, I live at 5N041 Medinah Road. I kind
 16 of want to address the Hamilton Business Park
 17 that I hear a lot about and the transition
 18 there. So if I'm on my lot and I would lie a
 19 level on my lot and it would go east, it would
 20 touch the current, what he refers to, as the
 21 big box building. Those building's foundations
 22 are probably 12 feet down from the grade of my
 23 lot. So if the building back there is 35 feet,
 24 it really doesn't look like it's 35 feet

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1 because the foundation of the building starts
 2 down approximately 10 or 12 feet. There's also
 3 a 50-foot barrier approximately of large mature
 4 trees and brush. Three seasons out of the year
 5 we don't even see the building.

6 Also, along expressways
 7 you'll see that they build these big cement
 8 walls that look like a nice brick wall. This
 9 is a solid cement wall back there. What it
 10 does actually is it creates a noise barrier.
 11 We're only a mile from 355, 290, that whole
 12 intersection. Some quiet nights you can hear
 13 that traffic, which that building actually
 14 presents a noise barrier.

15 And most importantly, when
 16 we moved in and we bought the house, we knew
 17 what was there, so it was our choice. If that
 18 would have bothered us, we would have moved on
 19 and got something somewhere else. Just like
 20 the rest of the neighbors, the townhome
 21 complexes, they were all aware of that complex
 22 being there when they decided to purchase their
 23 properties. But now we're going to have an
 24 apartment complex, they have a play on words of

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1 single-family dwelling units, apartments,
 2 workforce, it's hard to really, you know,
 3 distinguish what it really means.

4 I've got a question for you
 5 guys. Has the County come up with a
 6 definition, official definition of workforce
 7 housing yet?

8 CHAIRMAN KARTHOLL: The short answer to
 9 that is no. I don't know what the status is.
 10 I spoke briefly about my opinion of whether we
 11 should consider workforce housing as part of
 12 the rationale for this case or any other case.
 13 Some of the requirements that need to be
 14 included in a workforce housing project are
 15 some continuing oversight or monitoring for
 16 some of the issues that you suggested. I'm
 17 keeping a checklist so that when the County
 18 calls me to ask me what I think about workforce
 19 housing, I've got a long list of suggestions,
 20 but the short answer is ain't nothing
 21 happening.

22 MR. BENZ: Then also talking about
 23 density, I'm not an expert when this comes to
 24 FAR applications or whatever, but I've got a

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1 couple handouts from previous meetings in
 2 Addison one of our attorneys had submitted to
 3 the Village of Addison. And it references Casa
 4 Bella, Villa Torino, and I've got a document I
 5 put together for his proposed 44 building pads.

6 So, Casa Bella talks about
 7 Villa Torino and Nicola Court all the time, but
 8 there is another townhome complex that's to the
 9 north of there. That townhome complex consists
 10 of 5.77 acres. There's 24 units there. That's
 11 4.18 units per acre. That's 10,485 square feet
 12 of land per acre. Now you go on to Nicola
 13 Court/Villa Torino, annexed into Addison May
 14 15th, 2006, roughly 2.54 acres, 19 units, 7.48
 15 units per acre, 5,823 square feet of land per
 16 acre. There's a little bit of question when it
 17 comes to this development because there's one
 18 lot that is zoned R-1 incorporated into
 19 Addison. I'm not 100 percent how that's been
 20 figured in to the equations. My equation here
 21 is I took the property that is going to be
 22 built, the building's 520 feet long, 300 -- I'm
 23 sorry, 520 feet wide, 387 feet long. So, that
 24 roughly comes to 4.62 acres, those 44 building

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1 pads, or they're trying to put 60 dwelling
 2 units on there. So that comes to 9.52 pads per
 3 acre, which is much more dense -- more dense
 4 than Villa Torino, which is 7.48 units.
 5 We want to talk about the
 6 dwelling units, that ends up being 12.98
 7 dwelling units per acre use.
 8 I've got a handout here, if
 9 I could pass out to you guys so you could see
 10 the numbers I talked about.
 11 CHAIRMAN KARTHOLL: Well, that's up to
 12 you. If you want to make it an exhibit, that's
 13 fine. Your testimony presumably reflects
 14 what's in the document, so you can either offer
 15 it as your exhibit or rely on your oral
 16 testimony.
 17 MR. BENZ: It's your choice. I don't
 18 know how this really works. I brought extras.
 19 CHAIRMAN KARTHOLL: If you want to make
 20 it an exhibit, go right ahead. Tell us your
 21 last name again.
 22 MR. BENZ: Benz, B-e-n-z.
 23 CHAIRMAN KARTHOLL: I'll take this as
 24 Benz Hearing Exhibit No. 1. And you're an

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1 objector, so it's Objector Benz Hearing Exhibit
 2 1.
 3 (Whereupon, Objector Benz
 4 Exhibit 1 was marked for
 5 identification.)
 6 MR. BENZ: Thank you.
 7 CHAIRMAN KARTHOLL: Okay, thank you.
 8 That concludes the remarks
 9 from the public in the case. I guess everybody
 10 needs to -- we brought -- well, I mean you
 11 heard the testimony and this is apparently a
 12 reflection of what's in the testimony.
 13 Mr. Luetkehans, do you want
 14 to wrap up?
 15 MR. LUETKEHANS: Yes, I just want to
 16 respond to some of the things that were said.
 17 First of all, Mr. Scalera said they never
 18 received an email from us. On February 16th,
 19 2024 at 3:01 p.m. my client emailed Mayor
 20 Coladipietro and received no response.
 21 You also heard from Mr.
 22 Scalera about the design of the units, building
 23 material and style. As this Board has told me
 24 many times, you are not an architectural review

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1 board and you do not care about the renderings
 2 and what the building looks like from the
 3 outside. That's not your purview.
 4 Inappropriate location
 5 because no public transportation. I can
 6 promise you that there are no train stations
 7 anywhere near unincorporated DuPage County. If
 8 that's our requirement for workforce housing,
 9 might as well throw it out the window. There
 10 is no public -- no train stations other than in
 11 the downtown areas of every city. They grew up
 12 around the train station.
 13 Plus, it doesn't matter
 14 because these are not Section 8 housing, we'll
 15 talk about that in a minute. This is workforce
 16 housing. These are people with jobs; teachers,
 17 educate -- they're educators. They may be
 18 policemen, firemen. These are not people that
 19 are seeking handouts, these are people who we
 20 are trying to get into our -- able to live in
 21 our community who work in our community. These
 22 are people who work in our community.
 23 I heard earlier about, oh,
 24 I'm afraid of my safety. Again, this isn't

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1 Section 8 housing, these aren't transients.
 2 These are people who are living there for a
 3 significant period of time. They're not
 4 renting by the week, they're not renting by the
 5 month and they're not poor. The problem in our
 6 County, and I don't want to get into it, and
 7 throughout this country is that there's not
 8 enough housing. So the housing number has
 9 gotten so expensive, that the guy making
 10 \$40,000.00 a year can't afford to live in our
 11 county. That's what this does.
 12 My daughter is 27, she
 13 couldn't live in this county. She's got a job,
 14 she's been working for five years, she's a
 15 manager in a hotel.
 16 I do admit that I originally
 17 said 14 spaces, this is 30, you can see it on
 18 the drawing. I misspoke from the last hearing.
 19 But it is 30 spaces, visitor parking spaces.
 20 I hesitate to go too far
 21 down this road, but stormwater again.
 22 Everybody on this Board knows, as does the
 23 staff, that we have no choice, as does
 24 Bloomingdale staff, but to make the situation

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1 better. That's the zoning -- that's the
2 Stormwater Ordinance. 0.1 cubic feet, that's
3 the release rate. It has to get better. I
4 know people don't understand it because they
5 don't understand the engineering, but we've
6 been dealing with this for 20 years.
7 Doesn't back up to an
8 industrial building, I heard that. And I
9 apologize, I don't have the Exhibit 4 here on
10 the big drawing, but you saw it the last time
11 and I have a small copy here if anybody wants
12 to see it. Directly behind this building is
13 industrial. Directly behind. I know sometimes
14 you may not be able to see that from six to
15 seven months of the year, but the other four to
16 five you sure can.
17 The other thing that you
18 hear when you live next to industrial, it's not
19 what you see, it's what you hear. This is an
20 industrial with 18-wheelers coming in and out
21 all day long. If anything, this will block
22 that view and block that noise.
23 When development is
24 consistent with other zoning, we heard about

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1 property values, it is assumed the property
2 values are not affected because that
3 development style and type is already there.
4 You heard no evidence of anybody coming in and
5 saying property value -- no actual evidence the
6 property values are actually going to be
7 diminished. We heard a lot of speculation. On
8 the other hand, this is the same type of
9 development as nextdoor. Other than the fact
10 it may be apartments versus townhomes, but
11 let's be honest, the County Zoning Ordinance
12 does not make a distinction from a zoning
13 standpoint of apartments versus townhomes,
14 single-family attached versus single-family.
15 It doesn't happen. It's not there, that's not
16 a consideration.
17 Floor plans are also not a
18 consideration. We don't provide you floor
19 plans, we don't have to provide floor plans.
20 I've done a ton of apartment complexes and
21 floor plans are not what's done at this stage.
22 And I don't think you've ever -- I don't know
23 -- I've never seen an instance where this Board
24 has suggested we need floor plans.

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1 No place for snow? Let's
2 talk about that for a second. Exhibit 22 you
3 will see with this new site plan exactly where
4 all the locations for snow and water are.
5 There are many, many snow locations and they're
6 designated on Exhibit 22. They are not going
7 to go out into Medinah road.
8 CHAIRMAN KARTHOLL: Was this offered at
9 the hearing?
10 MR. LUETKEHANS: This is being offered
11 now in response.
12 CHAIRMAN KARTHOLL: Okay.
13 (Whereupon, Petitioner's
14 Exhibit 22 was marked
15 for identification.)
16 MR. LUETKEHANS: The prior hearing had
17 that issue, or had many of those places and was
18 already in, but I did not know that someone was
19 going to complain about snow, so I am
20 presenting it now.
21 Kids crossing the street to
22 go to a park. Clearly everyone is concerned
23 about child safety, but I've been living in
24 this issue now in Wheaton with the zoo for the

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1 last year and-a-half. Children do not cross
2 busy streets by themselves. We have places
3 throughout this County -- in fact, I just saw a
4 place in Naperville, it's think it's Knob or
5 Knock Park, that has the parking lot on the
6 other side of Mill Street, which as we know is
7 a very large street, very busy street, across
8 the street from the park. So you don't even
9 park at the park when you go to this. And it's
10 a park that has soccer fields, et cetera,
11 baseball. The park -- the main parking is
12 across the street. We are used to crossing
13 streets. We'll put -- that's just something
14 that is required in this world.
15 Not posting stuff. You
16 know, we agreed that we would post expert
17 reports. We posted them before the last
18 meeting. The changes here are very, very
19 minimal, and the only difference between what
20 was posted and what you have in front of you is
21 two feet additional pavement.
22 In sum, the evidence in this
23 case, the actual evidence, the sworn testimony
24 with evidence is that this matter, this

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1 project, complies with your Zoning Ordinance,
2 and we would ask for a recommendation in
3 support to the County Board.
4 Thank you for your time.
5 CHAIRMAN KARTHOLL: Okay, thank you.
6 All right, I'm going to set this matter for a
7 recommendation at our June 6th hearing at 5:30,
8 which we'll conduct in this room. So, June 6th
9 the Board will deliberate about the case once
10 the record is closed. I'm going to hold the
11 record open until May 10 for the additional
12 submittal of information from the petitioner or
13 any member of the public. The reason that I'm
14 doing that is to afford the one lady and any
15 others the right of some effective examination,
16 cross-examination questions, however you want
17 to style it, but you have a right to
18 cross-examine the petitioner with respect to
19 the presentation. To do that in a meaningful
20 way does, indeed, mean that you have to have
21 some reasonable access to the evidence
22 presented during the hearing. Attorneys could
23 look at this and formulate their arguments and
24 questions I think relatively quickly, but those

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1 of you who are non-attorneys might not be quite
2 as familiar. So you are asked to examine this
3 record with the cooperation of the staff and
4 then formulate whatever you need to do in order
5 to complete your information. And I'd like to
6 set May 10 for the deadline for submittal of
7 any of that additional information.
8 So, is that clear? You're
9 the lady that -- sir, do you have a procedural
10 question?
11 UNIDENTIFIED SPEAKER: Yes, I have a
12 question.
13 CHAIRMAN KARTHOLL: Just tell me the
14 question.
15 UNIDENTIFIED SPEAKER: The question is
16 this: When the Village of Addison hearing took
17 place, at that time they recommended a builder
18 for construction that they were planning to
19 use, so my question is are they still planning
20 to use the same company?
21 CHAIRMAN KARTHOLL: Well, I wish you
22 would have asked that -- I have no idea.
23 UNIDENTIFIED SPEAKER: Because that
24 company, when I look it up, has 300-plus

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1 complaints on Better Business Bureau website.
2 CHAIRMAN KARTHOLL: Okay. That may be a
3 Building Department issue, and I don't know
4 what builder they intend to use. Frankly, I
5 don't think it's precisely material to our
6 deliberations about the use of the site and the
7 development of the project.
8 So, with that --
9 UNIDENTIFIED SPEAKER: So may I ask a
10 question? Is it May 10 for us to respond or
11 for them to submit the documents?
12 CHAIRMAN KARTHOLL: The documents are
13 already here, they're in the record, that's why
14 I say you have to confer with the staff, get
15 those documents, get the exhibits that you
16 suggested that you had not seen before the
17 hearing this evening, and then formulate
18 whatever information or additional questions or
19 whatever that you have based on that review.
20 UNIDENTIFIED SPEAKER: I don't think
21 they submitted everything. The one that they
22 just gave you, 22, that document is not on the
23 board.
24 CHAIRMAN KARTHOLL: It's part of the

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1 record. So you've got to talk to the staff
2 people, find out what's in the record, review
3 the record. I think you could probably do some
4 of this online.
5 UNIDENTIFIED SPEAKER: I've gone online
6 to look at all this stuff.
7 CHAIRMAN KARTHOLL: That's the way I
8 understand is it works.
9 So, with that, I think I'm
10 ready to close the hearing for this evening.
11 Thank you all very much, and we'll see you on
12 whatever I said, June 6th.
13 (Which were all the
14 proceedings
15 had and testimony taken in
16 the above-entitled cause.)
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24

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)
3 I, LINDA M. CIOSEK, C.S.R.
4 No. 084-2892, duly qualified and commissioned
5 for the State of Illinois, County of DuPage, do
6 hereby certify that at the request of the DU
7 PAGE COUNTY ZONING BOARD OF APPEALS, subject to
8 the usual terms and conditions of Veritext,
9 reported in shorthand the proceedings had and
10 testimony taken at the public hearing of the
11 above-entitled cause, and that the foregoing
12 transcript is a true, correct and complete
13 report of the testimony so taken at the time
14 and place hereinabove set forth.

15
16
17
18
19
20
21
22 My Commission Expires:
23 July 26, 2026.
24

Linda M. Ciosek

CERTIFIED SHORTHAND REPORTER

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Blakely, Heidi

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Meeting Date:	04/16/24
Meeting:	Zoning Board of Appeals
Name:	Gayle Dominicis
Organization:	
Address:	2421 Nicola Ct Addison, IL 60101
Daytime Phone:	(847) 624-7703
Subject:	Medinah Road Residence
Comment:	I am STRONGLY OPPOSED to this development, for several reasons: 1. My property is next to the proposed location. Out of every window and my front door, I will see this , I am concerned for my right to QUIET ENJOYMENT of my home.

2. Decreased property values , drainage, water and flooding concerns

3 Major concerns for my safety and security due to my home is directly next to this proposed project.

4. Increased traffic on Medinah road , it is already an unsafe road with a large amount of speeding cars that drive way above speed limit.

5. The new proposal of less units makes ZERO difference to my concerns . Thank you for listening to my concerns and all the other concerned homeowners .

Gayle Dominicis

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