



MEETING AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, APRIL 19, 2023

6:30 P.M.

MEMORIAL HALL – MEMORIAL BUILDING

19 East Chicago Avenue, Hinsdale, IL

(Tentative & Subject to Change)

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - a) March 15, 2023
4. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT
 - a) V-01-23, 2 Salt Creek Lane, Mouse Motors
5. RECEIPT OF APPEARANCES
6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE
7. PRE-HEARING AND AGENDA SETTING
8. PUBLIC HEARING
9. NEW BUSINESS
10. OLD BUSINESS
11. ADJOURNMENT

The Village of Hinsdale is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact the ADA Coordinator Andrianna Peterson at **630-789-7005** promptly to allow the Village of Hinsdale to make reasonable accommodations for those persons.

www.villageofhinsdale.org

VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
March 15, 2023

Member Giltner called the regularly scheduled meeting of the Zoning Board of Appeals to order on Wednesday, March 15, 2023 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

1. ROLL CALL

Present: Members Gary Moberly, Gannon O'Brien, Keith Giltner, Tom Murphy, Leslie Lee, and John Podliska. Chairman Neiman attended the meeting electronically.

Absent: None

Also Present: Director of Community Development/Building Commissioner Robb McGinnis

Due to Chairman Neiman attending the meeting virtually, Member Podliska made a motion, seconded by Member Moberly, to **appoint Member Giltner as Chairman Pro Tem**. The **motion carried** with a unanimous voice vote.

2. APPROVAL OF MINUTES

a) February 15, 2022

Member Moberly moved, seconded by Member Murphy, to **approve the minutes of February 15, 2022** as amended to correct the typo on page two (2), line two (2).

AYES: Members Moberly, O'Brien, Giltner, Murphy, Lee, and Chairman Neiman

NAYS: None

ABSTAIN: Member Podliska

ABSENT: None

Motion carried.

3. APPROVAL OF FINAL DECISIONS OR FINDINGS OF FACT - None

4. RECEIPT OF APPEARANCES – The court reporter administered the oath to all persons intending to speak at the scheduled public hearing (s).

5. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE – None

6. PRE-HEARING AND AGENDA SETTING - None

1 **7. PUBLIC HEARING**

2 **a) V-01-23, 2 Salt Creek Lane, Mouse Motors**

3
4 Please refer to **Attachment 1** for the transcript for Public Hearing Case V-01-23

5
6 Chairman Pro-Tem Giltner opened the public hearing.

7
8 Staus Shkurti, attorney for the applicant, provided background on the need for
9 relief from parking requirements in order to construct a new luxury automotive
10 dealership, specifically a reduction of 73 spaces. Mr. Shkurti stated that the
11 indoor and outdoor parking included in the site plan exceeded what would be
12 needed for projected sales due to the large amount of on-line sales,
13 appointment based in-person sales, and truck haulers used for vehicle service.
14 Mr. Shkurti discussed the conformity of the property and each of the variance
15 standards. He explained that the business practices utilized and sales
16 projections support a very low intensity dealership and believed all the of the
17 variation standards to support a reduction of required parking spaces are
18 satisfied.

19
20 For the purpose of clarification of this case and future cases, it was stated that
21 the unique nature of this business model was driving the variance request, not
22 the age of the code. Discussion followed that included an estimate of the
23 number of indoor spaces utilized daily, details of the on-line sales process, and
24 the plan for overflow parking, if needed, would be addressed with indoor stalls
25 and the second business location.

26
27 To address the concerns of the Members, staff stated that specific language
28 would be included in the ordinance related to this variation application to protect
29 the Village interests if/when the property would be vacated by Mouse Motors.
30 Mr. McGinnis shared that the language generated by the Village attorney would
31 include the phrase "intensity of use" which is already part of the code. It was
32 explained that if the "intensity of use" changes in the future, the Village would
33 have the opportunity to re-evaluate. Approval of the variance application would
34 not be directly related to the automobile brand or the property ownership.

35
36 A motion was made by Member Podliska, seconded by Member O'Brien, to
37 **close the public hearing. The motion carried** with a unanimous voice vote.

38
39 **DELIBERATIONS**

40 Discussion followed by members that included the unique nature of the business
41 model being a good fit for this particular location and that it would enhance the
42 area. Comments also included the appreciation for a detailed, informative
43 presentation of the application that included thoughtful considerations.
44 Members were in favor of the approval of the request provided it included
45 language to address any change to "the intensity of use" negatively affecting the
46 area.

Member Podliska made a motion, seconded by member Murphy, to recommend the approval of the variation based upon the intensity of use and the business model presented by the applicant. The motion carried by a roll call vote as follows:

AYES: Members Moberly, O'Brien, Giltner, Murphy, Lee, Podliska, and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: None

8. OLD BUSINESS

9. NEW BUSINESS

10. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Giltner made a motion to **adjourn the Zoning Board of Appeals of February 15, 2023**. Member Moberly seconded the motion. Motion carried by a unanimous voice vote.

The meeting adjourned at 7:10 p.m.

Jennifer Spires

Approved: _____

STATE OF ILLINOIS)
)
 COUNTY OF DU PAGE) ss:

BEFORE THE HINSDALE ZONING BOARD OF APPEALS

In the Matter of:)
)
 V-01-23,)
 2 Salt Creek Lane.)
)

REPORT OF PROCEEDINGS had and testimony
 taken at the hearing of the above-entitled
 matter before the Hinsdale Zoning Board of
 Appeals, at 19 East Chicago Avenue, Hinsdale,
 Illinois, on the 15th day of March, A.D. 2023,
 at the hour of 6:30 p.m.

BOARD MEMBERS PRESENT:

MR. ROBERT NEIMAN, Chairman,
 (Speakerphone);

MR. KEITH GILTNER, Pro Tem Chairman;

MR. GANNON O'BRIEN, Member;

MR. GARY MOBERLY, Member;

MR. TOM MURPHY, Member;

MS. LESLIE LEE, Member;

JOHN PODLISKA, Member.

<p style="text-align: right;">2</p> <p>1 ALSO PRESENT:</p> <p>2 MR. ROBERT MCGINNIS, Director of</p> <p>3 Community Development;</p> <p>4 MR. ANASTAS SHKURTI, Attorney for</p> <p>5 Petitioner;</p> <p>6 MR. MIKE MARZANO, Dealer/Developer;</p> <p>7 MR. JERRY MORTIER, Architect for</p> <p>8 Petitioner.</p> <hr/> <p>9 CHAIRMAN GILTNER: Call to order the</p> <p>06:32PM 10 meeting for the Zoning Board of Appeals for</p> <p>11 March 15, 2023.</p> <p>12 Can I have a roll call, please.</p> <p>13 MR. MCGINNIS: Sure.</p> <p>14 Member Moberly?</p> <p>15 MR. MOBERLY: Here.</p> <p>16 MR. MCGINNIS: Member O'Brien?</p> <p>17 MR. O'BRIEN: Here.</p> <p>18 MR. MCGINNIS: Member Giltner?</p> <p>19 MR. GILTNER: Here.</p> <p>06:33PM 20 MR. MCGINNIS: Member Murphy?</p> <p>21 MR. MURPHY: Here.</p> <p>22 MR. MCGINNIS: Member Lee?</p>	<p style="text-align: right;">4</p> <p>1 I saw one typo, the property and where test</p> <p>2 drives would be conducted. So there's just --</p> <p>3 It's not necessary.</p> <p>4 Anyone else?</p> <p>5 Is there a motion to approve the</p> <p>6 minutes?</p> <p>7 MR. MOBERLY: Motion to approve as</p> <p>8 amended.</p> <p>9 MR. MURPHY: Second.</p> <p>06:34PM 10 CHAIRMAN GILTNER: All those in favor?</p> <p>11 (All aye.)</p> <p>12 MR. PODLISKA: I have to abstain.</p> <p>13 Because I was not at the meeting last time, so I</p> <p>14 abstain.</p> <p>15 CHAIRMAN GILTNER: We'll do a roll</p> <p>16 call.</p> <p>17 MR. MCGINNIS: Member Moberly?</p> <p>18 MR. MOBERLY: Yes.</p> <p>19 MR. MCGINNIS: Member O'Brien?</p> <p>20 MR. O'BRIEN: Yes.</p> <p>21 MR. MCGINNIS: Member Giltner?</p> <p>22 CHAIRMAN GILTNER: Yes.</p>
<p style="text-align: right;">3</p> <p>1 MS. LEE: Here.</p> <p>2 MR. MCGINNIS: Member Podliska?</p> <p>3 MR. PODLISKA: Here.</p> <p>4 MR. MCGINNIS: Chairman Neiman?</p> <p>5 CHAIRMAN NEIMAN: Here.</p> <p>6 CHAIRMAN GILTNER: Since Chairman</p> <p>7 Neiman is remote, is there a motion to appoint</p> <p>8 me to pro tem -- Chair Pro Tem.</p> <p>9 MR. PODLISKA: So moved.</p> <p>06:33PM 10 MR. MOBERLY: Second.</p> <p>11 CHAIRMAN GILTNER: All those in favor</p> <p>12 say aye.</p> <p>13 (All aye.)</p> <p>14 Any opposed?</p> <p>15 (No response.)</p> <p>16 Motion carries.</p> <p>17 MR. MCGINNIS: Thank you.</p> <p>18 CHAIRMAN GILTNER: Okay. So first on</p> <p>19 our agenda is approval of minutes for the</p> <p>06:33PM 20 February 15th meeting. Any comments or</p> <p>21 corrections?</p> <p>22 I apologize. Second page, Line 2,</p>	<p style="text-align: right;">5</p> <p>1 MR. MCGINNIS: Member Murphy?</p> <p>2 MR. MURPHY: Yes.</p> <p>3 MR. MCGINNIS: Member Lee?</p> <p>4 MS. LEE: Yes.</p> <p>5 MR. MCGINNIS: Member Podliska?</p> <p>6 MR. PODLISKA: Abstain.</p> <p>7 MR. MCGINNIS: And Chairman Neiman?</p> <p>8 CHAIRMAN NEIMAN: Yes.</p> <p>9 MR. MCGINNIS: Thank you.</p> <p>06:35PM 10 CHAIRMAN GILTNER: Next item on the</p> <p>11 agenda is approval of final decisions or</p> <p>12 findings of fact. We have none.</p> <p>13 Next is receipt of appearances.</p> <p>14 This is where we swear in anyone who would like</p> <p>15 to speak at the public hearing.</p> <p>16 Please stand and raise your right</p> <p>17 hand.</p> <p>18 (Witnesses sworn en masse.)</p> <p>19 Next on the agenda is receipt of</p> <p>06:35PM 20 requests, motions, pleadings, or requests to</p> <p>21 make public comment of a general nature. I see</p> <p>22 no one here for that.</p>

1 There are no pre-hearings or
2 attendance settings.

3 So next up is the public hearing,
4 so V-01-23, 2 Salt Creek Lane.

5 So for the public hearing, whoever
6 is going to speak, just give a summary. And
7 then what we'd like to have you do is just walk
8 through, at a high level, the stand- -- how you
9 meet the standards for variation, and then some
10 questions, most likely.

06:36PM

11 MR. SHKURTI: Good evening. Thank you,
12 again, for having us. My name is Anastas
13 Shkurti. I'm a partner with Robbins DiMonte.
14 Thank you to Robert for putting together the
15 application and allowing us to present it to
16 you.

17 We handed out, also, a printout of
18 the PowerPoint. I know we have some issues
19 sometimes going through it with the screens and
20 sometimes it's even hard for you to read because
21 of how large the pages are and how sometimes
22 they get minimized when we jump through the

06:36PM

1 screens.

2 On December 22, the applicant
3 purchased a 2.2-acre site at 2 Salt Creek Lane,
4 and wants to develop it into a luxury car
5 dealership and flagship for greater Chicago. If
6 approved, this project will become the largest
7 luxury dealership in North America and it will
8 place Hinsdale on the international racing map
9 and we are super excited to bring the project
10 here.

06:37PM

11 To that end, on March 8th, 2023,
12 following a public hearing held on February 8th,
13 2023, the applicant received by a vote of six in
14 favor and zero against findings of fact and
15 recommendations of the Hinsdale Plan Commission
16 and through the village president and board of
17 trustees to approve a map amendment to rezone
18 the subject property from O-3 general office
19 district to the B-3 general business district;
20 and also to approve the exterior appearance and
21 site plan review application as submitted.

06:37PM

22 We are here today because the

1 applicant also needs a variation for the parking
2 requirements set forth in Section 9-104 of the
3 Village Code, Subsection J-1. The specific
4 request is for a reduction of 73 parking spaces.

5 The site plan consists of a
6 two-story building with a net area of about
7 32,619 square feet. The site plan provides for
8 46 exterior parking stalls, which are full-size
9 parking stalls. And for the net square foot
10 area that we just mentioned, the Village Code
11 requires the project to have 119 full-size
12 parking stalls. So this creates a deficiency of
13 73.

06:38PM

14 However, in addition to the 46
15 exterior stalls, the site plan also provides for
16 65 indoor parking stalls and they are broken up
17 19 for the 2 showrooms. There will be showrooms
18 on both the first and second story. There's 12
19 stalls for the service area, which is in the
20 first floor. And then 34 more stalls in the
21 parking facility on the second floor, which is
22 more towards the back of the proposed facility.

06:38PM

1 So this -- So these 65 indoor parking stalls,
2 together with the 46 exterior stalls, are more
3 than enough to fulfill all parking needs for all
4 projected vehicle inventory, both for sale and
5 for service.

6 As a matter of fact, our projection
7 shows that the 65 indoor parking stalls alone
8 are enough parking for all projected vehicle
9 inventory for both sale and for service, and
10 that is because McLaren Chicago has a
11 significantly lower intensity use than a typical
12 car dealership.

06:39PM

13 The last two slides of the
14 PowerPoint presentation that we handed out,
15 actually, do provide charts and figures for
16 historical trends and future projections. And
17 as you go through those numbers, please, bear in
18 mind, that about 80 percent of vehicle sales for
19 McLaren Chicago occur online, and about 90 to
20 95 percent of all service business needs are
21 handled by a vehicle hauler.

06:40PM

22 The loading truck bay is separate

<p style="text-align: right;">10</p> <p>1 for the -- from the 46 other parking spaces, and</p> <p>2 it has its own bay. And because of these</p> <p>3 statistics we just cited, there will be low</p> <p>4 customer walk-in traffic, both due to the price</p> <p>5 point and because so much of our sales are</p> <p>6 handled online and so much of our service is</p> <p>7 handled by the hauler.</p> <p>8 The service and showroom areas will</p> <p>9 largely be by appointment and vehicles for</p> <p>06:40PM 10 service appointments will be primarily picked up</p> <p>11 from the customers' locations and brought to the</p> <p>12 site for repair, which means that the 46 other</p> <p>13 parking spaces will be primarily there for</p> <p>14 customers, visitors, and occasional employee</p> <p>15 parking.</p> <p>16 At this point, I think, as it was</p> <p>17 recommended, we should go through the variance</p> <p>18 standards with you to address those and if at</p> <p>19 any point you have any questions, either I or</p> <p>06:41PM 20 the architect, I should say, together with the</p> <p>21 operations president, we're all here to address</p> <p>22 anything you have.</p>	<p style="text-align: right;">12</p> <p>1 large influx of service cars being dropped off</p> <p>2 by the customers and we don't have the window</p> <p>3 shopping or simple browsing of the inventory in</p> <p>4 the parking lot; most of the sales occur online.</p> <p>5 As a result, the code itself does</p> <p>6 not adequately address the specific use that</p> <p>7 McLaren Chicago proposes. It's the strict</p> <p>8 interpretation of such dated language in the</p> <p>9 code that creates the deficiency. The available</p> <p>06:42PM 10 111 parking spaces between the 46 that are</p> <p>11 outside and the 65 stalls that are provided</p> <p>12 inside, will more than suffice for the</p> <p>13 dealership's needs for the present and for the</p> <p>14 future.</p> <p>15 Daily operations are very low</p> <p>16 intensity and these stalls are sufficient. At</p> <p>17 most, the dealership will see about three</p> <p>18 customers each day and about three in-person</p> <p>19 customer pick-ups or drop-offs in the service</p> <p>06:43PM 20 location each month.</p> <p>21 And then we have, at any given</p> <p>22 time, about eight to ten employees. And</p>
<p style="text-align: right;">11</p> <p>1 The first category in the</p> <p>2 application standards is the conformity of the</p> <p>3 proposed variance with the village's</p> <p>4 comprehensive plan and the official map. And,</p> <p>5 as we stated in the application, the approval of</p> <p>6 the variance will conform with the village</p> <p>7 comprehensive plan and with the official map and</p> <p>8 the zoning code for several reasons.</p> <p>9 First, the code already permits new</p> <p>06:41PM 10 car dealerships along Ogden Avenue in the B-3</p> <p>11 general business district and we already</p> <p>12 received the recommendation from plan commission</p> <p>13 to rezone the property to B-3 general business</p> <p>14 district.</p> <p>15 The use proposed by McLaren Chicago</p> <p>16 does not demand the off-street parking amount</p> <p>17 required by the code. The code is, you know, a</p> <p>18 little bit dated. The business model proposed</p> <p>19 and the use proposed are advanced in the sense</p> <p>06:42PM 20 that most of the sales and services are handled</p> <p>21 primarily by the business online or through</p> <p>22 their own service department. We don't have a</p>	<p style="text-align: right;">13</p> <p>1 together with the two to three employees, at any</p> <p>2 given point, we're looking at anywhere between</p> <p>3 10 to 15 maximum parking spaces outdoor</p> <p>4 required. So the 46 that are provided more than</p> <p>5 fulfill that need.</p> <p>6 All vehicles for sale and for</p> <p>7 service are always parked indoors. You won't</p> <p>8 see the inventory parked outside, except for the</p> <p>9 occasional test drive and the parking spaces are</p> <p>06:43PM 10 sufficient for that.</p> <p>11 Basically the projections that we</p> <p>12 provided you, we're looking at about 20 total</p> <p>13 new and used car sales per month and that</p> <p>14 includes the online sales. You know, there is</p> <p>15 an exceptional low intensity that this use</p> <p>16 allows or provides for.</p> <p>17 The square footage of the facility</p> <p>18 is to provide for the 34 indoor parking spaces</p> <p>19 on the second story affects and creates a larger</p> <p>06:44PM 20 parking deficiency and should be a mitigating</p> <p>21 factor.</p> <p>22 So those are just some general</p>

1 items for discussion for purpose of conformity.
 2 If we're looking at specifically to the
 3 standards, the first one is the unique physical
 4 condition of the property. The subject site is
 5 unique and is exceptional for several reasons.

6 First, it's part of the office park
 7 of Hinsdale and all lots in that subdivision
 8 are -- were currently office, all three, and
 9 currently our lot is there as well, but we
 10 received a recommendation for the map amendment.

06:44PM

11 But everything south of Ogden Avenue is
 12 business, it's all commercial.

13 So despite this unique exposure
 14 that the lot has right at the corner of Salt
 15 Creek Lane and Ogden Avenue, the building has
 16 been vacant for, like, about 11 years, since the
 17 demolition of the existing building.

18 The market we have indicates that
 19 that lot specifically, because of its size,
 20 being that it's one of the smaller lots, I think
 21 it's the second smallest in the subdivision,
 22 together with the 100-foot setback that it has

06:45PM

1 parking variance.

2 And on its part, McLaren proposes
 3 an attractive use that will benefit the
 4 community as a whole, will benefit the village
 5 financially because it will generate sales tax
 6 revenue as compared to an office use that does
 7 not. It will be a quiet development. It will
 8 be a very attractive development. I believe the
 9 acquisition and build-out costs are already
 10 north of \$12 million.

06:47PM

11 And this is not merely a special
 12 privilege. We're not looking for something that
 13 goes above and beyond what the owner is
 14 entitled. This is merely what the owner needs
 15 to make full use of this site that has been
 16 vacant for about 11 years.

17 The next factor, code and plan
 18 purposes, the variation would not result in a
 19 use that would not be in harmony with the
 20 general and specific purposes of the code.

06:47PM

21 As a matter of fact, it will fit
 22 very well with what's happening around there in

1 from Ogden Avenue, together with the fact that
 2 any building that will be erected there will
 3 have to deal at some point to the variance --
 4 parking variance. Those are all unique
 5 conditions that necessitate and require and
 6 should be mitigating factors for purposes of the
 7 granting of the variance.

8 The second factor, these are not
 9 self-created. The owner did not create this
 10 condition. The size of the lot, that was part
 11 of the original 2002 ordinance that established
 12 the office park. The lot is very small. Any
 13 other structure or any other use, whether it's
 14 O-3 or B-3, will trigger some sort of a parking
 15 variance requirement.

06:48PM

16 And it's for that reason that we
 17 believe the third requirement is also satisfied,
 18 because by virtue of the economic reality where
 19 this site has not been used for over 11 years
 20 productively, any owner would be denied
 21 substantial rights because we just cannot make
 22 any good economic use of it without some sort of

06:48PM

1 the area. We have several car dealerships.
 2 Ferrari is there. I believe Continental. There
 3 are several dealerships there. They are all
 4 listed in our application. And our use will
 5 complement those for that purpose.

6 The essential character of the
 7 area, again, no negative impact on public
 8 welfare. It will not injure the enjoyment, use,
 9 or development or value of any of the
 10 properties. It's the opposite. It will augment
 11 those.

06:48PM

12 I believe that once this project
 13 becomes reality, it will be an attraction in
 14 Hinsdale. It will be like a little jewel. It
 15 will probably be featured on the Chamber of
 16 Commerce publications bringing and highlighting
 17 the development of Ogden Avenue.

18 And then there will be zero impact
 19 on supply of light or air to the properties.

06:48PM

20 The building will remain within the height both
 21 standard of 30 feet elevation. There is ample
 22 space between the proposed building and the

<p style="text-align: center;">18</p> <p>1 neighboring buildings; and our building will be 2 one of the shortest buildings, I should say, in 3 the neighborhood, because some of the other ones 4 they exceed 30 feet high. 5 There will be minimum congestion in 6 the public streets as a result of this use 7 because of how low key and how low intensity use 8 McLaren Chicago brings in to the site. As we 9 said, two to three customers per day at the 06:49PM 10 most. And any other proposed use, especially if 11 it's an office use, certainly would generate 12 more traffic than what we propose. 13 No undue increase in danger of 14 flood or fire. The building will be state-of- 15 the-art, all of the building and engineering 16 requirements will be satisfied. The architect 17 here can testify more to that. 18 There will be no undue burden on 19 public utilities or facilities. We are 06:49PM 20 proposing to improve some of those and certainly 21 no danger to the public health or safety. I 22 believe that one of our concerns has been to</p>	<p style="text-align: center;">20</p> <p>1 Mr. Marzano and Mr. Mortier, who can speak up 2 more on the project and address any concerns 3 that you have. 4 CHAIRMAN GILTNER: Thank you. Any 5 questions for the applicant? 6 MR. MOBERLY: I have one. First of 7 all, I'm in support of the overall proposition. 8 I think it's very well done. 9 You referenced a couple of times 06:51PM 10 the age of the code is driving the variance. I 11 don't want to leave that hanging because I don't 12 want other applicants to say, oh, well, gee, the 13 code is old, so we are going to get a variance. 14 You have a very, very unique 15 business model here with just a few people 16 coming in and out each day. Most of your sales 17 are online. It's not -- the age of the code 18 that's driving this. It's the uniqueness of 19 your business proposition that's driving the 06:52PM 20 need for the variance, in my humble opinion. 21 MR. SHKURTI: Correct. And the fact 22 that all our inventory is parked indoors affects</p>
<p style="text-align: center;">19</p> <p>1 limit any test drives only through Ogden to the 2 freeway, 294. There will be no new test drives 3 of any sort in the office park. 4 And believe it or not, this is the 5 best-case scenario for the village. There is no 6 other way that that space can be productively, 7 effectively, and commercially be placed in use 8 without having some sort of a variance. 9 Any other attempt to try to make to 06:50PM 10 change the building will be, you know, futile at 11 this point because everyone else in the village, 12 the site, the plan commission likes the project, 13 they approved it as it was submitted. 14 The fact that the variance, simply 15 because it's such a large number, 73, I think is 16 a moot point, primarily because the 46 other 17 parking spaces will more than suffice for the 18 foreseeable future and all inventory will be 19 parked inside. 06:51PM 20 So, you know, with that brief 21 summary, I would like to open the floor to 22 questions or comments whether to me or</p>	<p style="text-align: center;">21</p> <p>1 the scale. 2 MR. MOBERLY: I just wanted to clarify 3 that for the benefit of others who may be 4 listening and getting great ideas about the age 5 of the code gives them carte blanche for 6 something; otherwise, great presentation. I'm 7 in support of this. 8 MR. O'BRIEN: So of the 34 parking 9 spaces that you have inside the garage, the 06:52PM 10 interior stalls, what percent of those are 11 generally utilized by inventory on any given 12 day, is it -- 13 MR. MARZANO: It will be a mix between 14 -- 15 CHAIRMAN GILTNER: Can you step up to 16 the microphone. 17 MR. MARZANO: Sorry. We have got -- on 18 this issue, we've got 19 listed for the showroom 19 and then 34 for the garage, you know, above. So 06:52PM 20 I think between the showroom and the garage 21 storage, you know, that's all going to be mainly 22 used and new inventory, and then the service</p>

1 area. I think we have it on the plans that the
2 service area is going to be used for just cars
3 being serviced. So that's all --

4 MR. O'BRIEN: I guess I'm curious to
5 know -- can you put your name in the record.

6 MR. MARZANO: Mike Marzano. Sorry.

7 MR. O'BRIEN: I guess I was just
8 asking, of the 34 garage spaces used for
9 inventory, how many of those are being utilized

06:53PM 10 on a given day? What percentage -- I mean, will
11 they all be entirely filled with cars every day?

12 MR. MARZANO: I think, primary --

13 MR. O'BRIEN: Does it depend on your
14 online sales and everything else?

15 MR. MARZANO: It kind of depends,
16 especially on the McLaren allocations. I think
17 what we have seen and what we're forecasting, I
18 think 20 to -- I think 20 to 30 is the number,
19 so, you know, a decent chunk of it, but it will
06:53PM 20 vary. It will definitely vary.

21 MS. LEE: Can I clarify just a question
22 about the online sales?

1 MR. MARZANO: Yep.

2 MS. LEE: So when you say a huge chunk
3 of your business is online, can you actually
4 purchase one of these cars without coming to the
5 showroom?

6 MR. MARZANO: Yeah. So we're using the
7 online term. I was scared of using that a
8 little bit. I would say, like, over the air. A
9 lot of these cars are ordered, even from people
06:54PM 10 who live within the state. So they are being
11 delivered in the state. It's just not your
12 traditional sale of someone coming in and buying
13 a car. Some of this order process might take a
14 year. So it's someone phoning or e-mailing,
15 ordering the car, and then, ultimately, you
16 know, we're delivering the car through the
17 dealership in most cases, especially for those
18 who live in the state. Yeah, it's kind of an
19 over-the-air sale, I would say, is another word.

06:54PM 20 MS. LEE: Technically, there's no need
21 for them to come to your space to purchase the
22 car?

1 MR. MARZANO: Not necessarily. I think
2 the building will probably attract people that
3 want to take delivery in the McLaren showroom
4 but, yeah, I mean, it's -- Yeah.

5 The in-state sales I think people
6 will want to come and whatever. But as of now,
7 we usually send it or deliver it by truck.

8 MS. LEE: Do you guys have a plan if
9 you do ever exceed your parking situation? I
06:55PM 10 would imagine there's going to be a lot of
11 interest early on when you open. You know,
12 you're going to draw a lot of people from
13 Hinsdale and the surrounding neighborhoods. And
14 when people find out about you, they are
15 probably going to start driving to see what it's
16 all about. So if you -- On a Saturday, if you
17 have a lot more traffic than expected, what
18 would your plan be to do with these cars of
19 people coming to visit?

06:55PM 20 MR. MARZANO: I think the approach --
21 We're approaching this in a way that the parking
22 lot is completely for anyone that drives up and

1 we're not ever -- we have never been in that
2 scenario before, just because I think we're
3 providing enough indoor parking to kind of just
4 alleviate -- like, the 46 are going to be for
5 people to come and see the place.

6 In the event -- I know we have
7 talked about previously for future growth.
8 We're keeping a warehouse in the western side of
9 the city. So if there was any overflow for
06:56PM 10 inventory or even vehicle service, the car's
11 down for awhile, we'll move stuff back that way.

12 MR. PODLISKA: I see from the minutes
13 that there was a question raised last time about
14 what the affect would be were this dealership to
15 abandon the property at some point. Has
16 something been worked out on that?

17 Because if we recommend granting
18 this variance, and then somebody else takes over
19 the property at some point, is there some way to
06:56PM 20 do this so that this is -- we're approving it as
21 to this business in these unique circumstances,
22 as opposed to recommending a variance that's

<p style="text-align: center;">26</p> <p>1 going to be assigned to that property even later 2 on if some other kind of business comes in? 3 MR. MCGINNIS: We anticipated that, 4 given that automobile dealers are a permitted 5 use in that district. The village attorney is 6 working on language to insert in the approving 7 ordinance that's amenable to both parties and 8 protects the village's interest in that future 9 use. 06:57PM 10 MS. LEE: So would we need to grant the 11 variance assuming that that -- Would we need to 12 put any language in? 13 MR. MCGINNIS: So I think it's 14 important to have something in the findings and 15 recommendations. But this is going to move on 16 to the board of trustees as a recommendation 17 given that it's so far beyond what the ZBA has 18 final authority over. 19 MR. PODLISKA: We could limit our 06:57PM 20 recommendations to say we're recommending this 21 only as to this particular business and -- with 22 the understanding that there will be some</p>	<p style="text-align: center;">28</p> <p>1 limitation on your recommendation. But you can 2 discuss that internally and decide how that 3 would be approached. 4 Because, eventually, there will be 5 one ordinance approved by the village board of 6 trustees that should have enough sufficient 7 guarantees so that your concerns are addressed. 8 MR. MCGINNIS: There will be an 9 ordinance for this variation specifically. 06:59PM 10 MR. PODLISKA: Well, that's fine. But 11 we probably still want to -- When we make our 12 decision, we want our decision to reflect our 13 view that this should be limited to this 14 particular business, this particular kind of 15 business, not a general recommendation to change 16 the -- to vary the standards for this piece of 17 property, regardless of who might own it and 18 what kind of business might take over at some 19 other later date. 06:59PM 20 MR. MOBERLY: So we're specifying 21 McLaren as the brand? You all may decide to 22 sell to another family, as long as McLaren stays</p>
<p style="text-align: center;">27</p> <p>1 provision for how that variance would be dealt 2 with if the property were to be taken over by a 3 different owner or a different business. 4 MR. SHKURTI: You know, my comment to 5 that -- And I think we're working and Robb is 6 correct that there is ongoing work on that. The 7 limitation language will focus on the intensity 8 of the use, rather than on the ownership 9 necessarily or the franchise. We're looking at 06:58PM 10 ceilings in terms of how much on-site sales. 11 The use intensity is the key here. 12 Because that's what you guys are concerned 13 about. You're not concerned about, you know, 14 which brand or which owner or which entity is 15 the operating entity, as long as it's not 16 becoming a burden on the community. And that 17 will depend on the level of intensity, the use 18 intensity. So that is the language that we're 19 working towards. 06:58PM 20 So I believe that our understanding 21 is that any limitation will appear on the final 22 version of the ordinance, rather than as a</p>	<p style="text-align: center;">29</p> <p>1 as the brand. And I don't think the village 2 would have a big concern with that. But I think 3 -- I have driven Hondas for years, so I'll use 4 this as an example. I'm not certain we would be 5 as excited about it if Honda wanted to purchase 6 that site and put a mini-Honda dealership there. 7 MR. MARZANO: I think that was Anastas' 8 point about intensity. You know, Honda, Lexus, 9 all these brands would have zero interest in 07:00PM 10 this property. It's just not big enough for 11 their operations and exactly what our case that 12 we're making is that we're not that business. 13 You know, we wouldn't want to wed 14 our name to McLaren I don't think by any 15 stretch. It is an exotic brand and, obviously, 16 it's a big piece of this. But if McLaren went 17 out of business, I don't want to still own the 18 land and not be able to do it. 19 MR. PODLISKA: I think it's the 07:00PM 20 business model, rather than the plan. 21 CHAIRMAN GILTNER: I share the same 22 concern. I think it was maybe Bob or myself</p>

1 where it was brought up in the last meeting. I
2 don't know if -- Personally, I don't know if
3 we're in the position to, you know, put the
4 qualifiers or the limitations as much as maybe
5 the village attorney.

6 So maybe one idea is we make some
7 reference to the fact that we understand that
8 there is some limitation language that's being
9 worked out and we would expect that to be part
10 of this -- or that's part of -- that's

07:01PM

11 conditional to this variance being recommended
12 to the village board. Otherwise, I think we can
13 probably go back and forth and try to come up
14 with language but that's exactly what I
15 understand that the village is doing.

16 I think the spirit is -- from what
17 I understand, is that it will allow sort of the
18 normal protections and process that McLaren had
19 to go through if there was a significant
20 deviation from the business model, that that
21 would trigger sort of a return to the process
22 and that would satisfy me. So -- I mean, it's

07:01PM

1 up to us to decide what kind of language we want
2 to include, but one thought is we keep it
3 general and point to the work that's already
4 being done at the board level.

5 MR. McGINNIS: If I may, I think
6 intensity of use is actually a really good way
7 to frame that. Our code addresses that now.
8 When we've got a change of use or a change of
9 use intensity in other areas, like using the B-2
10 as an example, that was specifically raised.

07:02PM

11 I think it's important that those
12 concerns are included in the findings for the
13 board. But to try and go beyond that, I
14 understand your comment, Member Moberly, but if
15 not McLaren, you've some other real --

16 MR. MOBERLY: Rolls-Royce or Bugatti.

17 MR. McGINNIS: There are other brands
18 out there that may end up with a similar model.
19 A Lexus dealer is never going to be interested
20 in that site because they are never going to be
21 able to -- operationally, they are never going
22 to be able to make it work.

07:02PM

1 CHAIRMAN GILTNER: It would have to be
2 a car dealership, correct, that this is a map
3 amendment specifically for car dealerships?

4 MR. McGINNIS: So our code is kind of
5 unique in that new automobile dealerships are a
6 permitted use in the B-3. If they were a
7 special use in the B-3, this would be a nonissue
8 because you can tie whatever conditions you
9 wanted to it. It's just a little unique in the

07:03PM

10 specific example. Certainly, if there was a
11 change of use, you know, down the road, we would
12 have an opportunity to reevaluate everything.

13 MR. O'BRIEN: Or change zoning to the
14 site.

15 MR. McGINNIS: We're throwing a target
16 at a pretty small bull's eye, you know, in order
17 to get another user if and when McLaren ever
18 left that sold just that sort of product.

19 MR. MURPHY: But if somebody -- If some
20 other dealer, like a Lexus dealer, made a really
21 bad decision and decided to buy this, would they
22 be able to just rely on the variance because

07:03PM

1 they are a permitted use in the B-3?

2 MR. McGINNIS: That's why we're working
3 on language to include in the ordinance.

4 MR. MURPHY: So if the --

5 MR. McGINNIS: Because you could argue
6 it.

7 MR. MURPHY: Right. That's why I was
8 wondering how that was going to be accomplished.
9 So the intensity of the use -- So you would

07:04PM

10 contemplate something that if the intensity of
11 use changed, that would be --

12 MR. McGINNIS: Give us an opportunity
13 to reevaluate that new use.

14 MR. MURPHY: That would be adopted by
15 the board of trustees?

16 MR. McGINNIS: Right.

17 MR. PODLISKA: So if we make reference
18 to the intensity of use reflected by this
19 business model, would that do it? Simply to
20 reflect that in recommending this, we're
21 recommending it in that context?

07:04PM

22 MR. McGINNIS: I don't want to speak on

<p style="text-align: center;">34</p> <p>1 behalf of Michael Marrs or Anastas, but it 2 seemed to me that that was in line with what you 3 guys were contemplating. 4 MR. SHKURTI: Well, certainly the use 5 intensity is what we're going for. Then I 6 believe the village attorney is waiting for the 7 results of this discussion here today before 8 they can attune and propose language to us, 9 which we will then take. 07:05PM 10 But the initial conversations have 11 been that it is not necessarily the ownership or 12 the brand, it is the intensity of the use and 13 the village will have a way to determine that 14 because this is a sales tax paying and 15 generating business. So there will be money 16 coming. 17 It's not necessarily the number of 18 sales per se because so much of the sales occur 19 online. It is the sales occurring onsite 07:05PM 20 because that is when you have to have inventory, 21 you have to have customers, you need to attract 22 customers to come and see the inventory and make</p>	<p style="text-align: center;">36</p> <p>1 CHAIRMAN GILTNER: Right. What I 2 heard, too, is that the village attorney is 3 waiting for the results of this meeting, too, so 4 he wants to, I think, give us an opportunity to 5 be as specific as we feel comfortable. At 6 least, to me, it sounds like the way, you know, 7 that you just described that, seems in line with 8 our authority and could be attached without 9 necessarily throwing off this entire process. 07:07PM 10 MR. PODLISKA: Right. 11 MR. SHKURTI: Yeah. I mean, my only 12 concern is that the drafting process involved 13 talking back and forth between the parties. And 14 the village attorney, I believe, wants to review 15 your comments and recommendations that you 16 propose, but I don't think that the 17 recommendations today need to go as far as 18 pinpointing the exact language that the attorney 19 should pick up and run with. I think it's up to 07:07PM 20 them to determine that and then for us to 21 accommodate, as long as you make a 22 recommendation that contains a general condition</p>
<p style="text-align: center;">35</p> <p>1 a decision on the spot. So we'll have to work 2 towards that with the business model certainly 3 in mind, but not necessarily the brand or the 4 ownership as the conditions for the granting of 5 the variance. 6 MR. PODLISKA: So that that phrase, the 7 intensity of the use reflected by the business 8 model, seemed to cover exactly what we're 9 talking about, right? 07:06PM 10 MR. SHKURTI: If you want to recommend 11 that, that could be acceptable, as long as we'll 12 have the opportunity to then discuss what that 13 is further upstream both with the village and 14 the attorney and the trustees. 15 MR. PODLISKA: It sounds like there's 16 no question that you would. I'm just concerned 17 that we not write this as a blank check to grant 18 a variance that would apply to anybody on that 19 location. And this phrase would seem to limit 07:06PM 20 it in a sufficiently general way that doesn't 21 affect what the actual terminology that the 22 village attorney would use later on.</p>	<p style="text-align: center;">37</p> <p>1 or concern, I should say, that, you know, this 2 variance is not carte blanche, but it has to 3 have some limitations specifically tied to the 4 use intensity, I think that will be acceptable 5 for us to move on and continue the discussions 6 with the village attorney and with the rest. 7 CHAIRMAN GILTNER: So it's not up to us 8 to decide what sort of language. To me, it 9 sounds like -- To me, it makes sense to include 07:08PM 10 some version of that. 11 Bob, do you agree? 12 CHAIRMAN NEIMAN: I do, Keith. And if 13 I could take a moment to make some further 14 comments on, first, why I agree the board 15 members' suggestion that there be some kind of 16 limitation as to the amount of usage that's in 17 keeping with this specific proposal, and we can 18 leave -- The language of that, it seems to me -- 19 We can arrive at something in our recommendation 07:09PM 20 and then, perhaps, ask that Michael Marrs, the 21 village attorney, refine our suggestion in a way 22 that the applicant will have a chance to comment</p>

1 on and -- when the applicant goes before the
2 board of trustees.

3 I think the board members who have
4 raised this possibility have raised an excellent
5 point. Let me put a little more color and
6 comment on how I came to support the idea that
7 we recommend that the board of trustees approve
8 the variance because I struggled with this
9 for -- I went back and forth on this one for a
10 while. And let me explain why I was persuaded
11 to support it.

12 As I think I mentioned at the last
13 meeting, I came to be involved with the zoning
14 board very indirectly when I was widely in
15 opposition to the Hinsdale Club, which was a
16 proposal that all of these office buildings be
17 knocked down back in 2006, 2007, whenever it
18 was, and a 16-story hotel and three 11-story
19 condos and a strip mall be built all along the
20 north end of Ogden.

21 I was widely opposed to it because,
22 as I have mentioned to a couple of you already,

1 the idea of seeing a lot of car dealerships on
2 the north side of Ogden or a Jewel or something
3 like that reminded me of the scene in "It's a
4 Wonderful Life" when Jimmy Stewart runs down the
5 street of Pottersville and it's what used to be
6 a charming, quaint village with the Bailey
7 Brothers Building and Loan was suddenly a bunch
8 of bars and restaurants and strip clubs.

9 I know that's an extreme view but
10 that's, in my mind, what the Hinsdale Club
11 proposal was about. So I had a visceral
12 negative reaction to see anything commercial
13 going on the north side of Ogden because of that
14 history.

15 Why was I persuaded to support
16 this? Apparently, the board of trustees has had
17 a few other builders approach them and say, oh,
18 we could bring -- if you let us convert this lot
19 on the north side of Ogden to something in
20 retail, rather than an office building, we can
21 build a Starbucks there or a Walgreens. And the
22 board of trustees rejected those proposals out

1 of hand because of the volume of traffic that it
2 would create and how that would alter the area
3 in a profound way. Those ideas never got off
4 the ground.

5 The reason that this one got off
6 the ground was because it wouldn't increase the
7 traffic and the volume and profoundly change the
8 area in a way because, as the applicant said,
9 there's two car dealerships across the street,
10 so what's the big deal? And I get that.

11 But I do support the idea of
12 including in our recommendation some language
13 that restricts the use of this building to a
14 business that would not have significantly
15 greater traffic density than this one does so as
16 not to fundamentally alter the area. And I'm
17 just going to have to cross my fingers and hope
18 that the rest of the office building owners
19 don't try to sell their lots and convince the
20 village in the future to convert it into
21 Pottersville. I'm done now.

22 MR. MOBERLY: Well, thank you for

1 saving us, Mr. Chair.

2 The one thing that might make you
3 feel better, I happen to catch the plan
4 commission last week, because I have nothing
5 else to do with my life, and the owner of
6 several of those offices is in the process of
7 modernizing, updating, upgrading, changing the
8 windows and the doors and various things to
9 several of those buildings over there off Spring
10 Road and Tower Drive, and the neighbors to the
11 north and east of this one, I guess. So it
12 sounds like he's investing in the area and
13 doesn't seem like he's looking to dump them.

14 The only thing more recession proof
15 than a high-end automotive is medical office, as
16 we all know, and we're all getting older -- or
17 most of us are. I mean, I think that's all
18 pretty much medical office back there, which is
19 probably a pretty good business model to me in
20 these days. So I'm not too worried about that
21 happening. Anything can happen, as we all know,
22 but my concerns were a little bit allayed by

<p style="text-align: right;">42</p> <p>1 seeing that the owner of that property is doing</p> <p>2 something to make improvements and repairs to</p> <p>3 it.</p> <p>4 CHAIRMAN GILTNER: So we're into the</p> <p>5 discussion period, but are there any questions</p> <p>6 for the applicant before we move on?</p> <p>7 (No response.)</p> <p>8 Thank you.</p> <p>9 Is there a motion to close the</p> <p>07:15PM 10 public hearing?</p> <p>11 MR. PODLISKA: So moved.</p> <p>12 MR. MOBERLY: Second.</p> <p>13 CHAIRMAN GILTNER: All those in favor</p> <p>14 say aye.</p> <p>15 (All aye.)</p> <p>16 Opposed?</p> <p>17 (No response.)</p> <p>18 Motion carried.</p> <p>19 MR. MOBERLY: We like voting</p> <p>07:15PM 20 individually. We don't like this "aye"</p> <p>21 business.</p> <p>22</p>	<p style="text-align: right;">44</p> <p>STATE OF ILLINOIS)</p> <p style="text-align: center;">) ss:</p> <p>COUNTY OF DU PAGE)</p> <p>I, KRISTI LANDOLINA, Certified Shorthand Reporter, Registered Professional Reporter, Notary Public in and for the County DuPage, State of Illinois, do hereby certify that previous to the commencement of the examination and testimony of the various witnesses herein, they were duly sworn by me to testify the truth in relation to the matters pertaining hereto; that the testimony given by said witnesses was reduced to writing by means of shorthand and thereafter transcribed into typewritten form; and that the foregoing is a true, correct and complete transcript of my shorthand notes so taken aforesaid.</p> <p>IN TESTIMONY WHEREOF I have hereunto set my hand and affix my electronic signature this 23rd day of March, A.D. 2023.</p> <p style="text-align: right;">/s/ Kristi Landolina KRISTI LANDOLINA C.S.R. No. 84-4611 Notary Public, DuPage County</p>
<p style="text-align: right;">43</p> <p>1 (WHICH, were all of the</p> <p>2 proceedings had, evidence</p> <p>3 offered or received in the</p> <p>4 above entitled cause.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	

\$	6	20:17, 21:4 agenda [3] - 3:19, 5:11, 5:19 agree [2] - 37:11, 37:14 air [3] - 17:19, 23:8, 23:19 allayed [1] - 41:22 alleviate [1] - 25:4 allocations [1] - 22:16 allow [1] - 30:17 allowing [1] - 6:15 allows [1] - 13:16 alone [1] - 9:7 ALSO [1] - 2:1 alter [2] - 40:2, 40:16 amenable [1] - 26:7 amended [1] - 4:8 amendment [3] - 7:17, 14:10, 32:3 America [1] - 7:7 amount [2] - 11:16, 37:16 ample [1] - 17:21 Anastas [2] - 6:12, 34:1 ANASTAS [1] - 2:3 Anastas' [1] - 29:7 anticipated [1] - 26:3 apologize [1] - 3:22 APPEALS [1] - 1:3 Appeals [2] - 1:11, 2:10 appear [1] - 27:21 appearance [1] - 7:20 appearances [1] - 5:13 applicant [8] - 7:2, 7:13, 8:1, 20:5, 37:22, 38:1, 40:8, 42:6 applicants [1] - 20:12 application [5] - 6:15, 7:21, 11:2, 11:5, 17:4 apply [1] - 35:18 appoint [1] - 3:7 appointment [1] - 10:9 appointments [1] - 10:10 approach [2] - 24:20, 39:17 approached [1] - 28:3 approaching [1] - 24:21 approval [3] - 3:19,	5:11, 11:5 approve [5] - 4:5, 4:7, 7:17, 7:20, 38:7 approved [3] - 7:6, 19:13, 28:5 approving [2] - 25:20, 26:6 architect [2] - 10:20, 18:16 Architect [1] - 2:6 area [11] - 8:6, 8:10, 8:19, 17:1, 17:7, 22:1, 22:2, 40:2, 40:8, 40:16, 41:12 areas [2] - 10:8, 31:9 argue [1] - 33:5 arrive [1] - 37:19 art [1] - 18:15 assigned [1] - 26:1 assuming [1] - 26:11 attached [1] - 36:8 attempt [1] - 19:9 attendance [1] - 6:2 Attorney [1] - 2:3 attorney [10] - 26:5, 30:5, 34:6, 35:14, 35:22, 36:2, 36:14, 36:18, 37:6, 37:21 attract [2] - 24:2, 34:21 attraction [1] - 17:13 attractive [2] - 16:3, 16:8 attune [1] - 34:8 augment [1] - 17:10 authority [2] - 26:18, 36:8 automobile [2] - 26:4, 32:5 automotive [1] - 41:15 available [1] - 12:9 Avenue [6] - 1:11, 11:10, 14:11, 14:15, 15:1, 17:17 awhile [1] - 25:11 aye [6] - 3:12, 3:13, 4:11, 42:14, 42:15, 42:20	bay [2] - 9:22, 10:2 bear [1] - 9:17 become [1] - 7:6 becomes [1] - 17:13 becoming [1] - 27:16 BEFORE [1] - 1:3 behalf [1] - 34:1 benefit [3] - 16:3, 16:4, 21:3 best [1] - 19:5 best-case [1] - 19:5 better [1] - 41:3 between [6] - 12:10, 13:2, 17:22, 21:13, 21:20, 36:13 beyond [3] - 16:13, 26:17, 31:13 big [4] - 29:2, 29:10, 29:16, 40:10 bit [3] - 11:18, 23:8, 41:22 blanche [2] - 21:5, 37:2 blank [1] - 35:17 BOARD [2] - 1:3, 1:14 board [14] - 7:16, 26:16, 28:5, 30:12, 31:4, 31:13, 33:15, 37:14, 38:2, 38:3, 38:7, 38:14, 39:16, 39:22 Board [2] - 1:10, 2:10 Bob [2] - 29:22, 37:11 brand [6] - 27:14, 28:21, 29:1, 29:15, 34:12, 35:3 brands [2] - 29:9, 31:17 brief [1] - 19:20 bring [2] - 7:9, 39:18 bringing [1] - 17:16 brings [1] - 18:8 broken [1] - 8:16 Brothers [1] - 39:7 brought [2] - 10:11, 30:1 browsing [1] - 12:3 Bugatti [1] - 31:16 build [2] - 16:9, 39:21 build-out [1] - 16:9 builders [1] - 39:17 building [14] - 8:6, 14:15, 14:17, 15:2, 17:20, 17:22, 18:1, 18:14, 18:15, 19:10, 24:2, 39:20, 40:13,
\$12 [1] - 16:10	65 [4] - 8:16, 9:1, 9:7, 12:11 6:30 [1] - 1:13			
/				
/s [1] - 43:20	7			
1	73 [3] - 8:4, 8:13, 19:15			
10 [1] - 13:3 100-foot [1] - 14:22 11 [3] - 14:16, 15:19, 16:16 11-story [1] - 38:18 111 [1] - 12:10 119 [1] - 8:11 12 [1] - 8:18 15 [2] - 2:11, 13:3 15th [2] - 1:12, 3:20 16-story [1] - 38:18 19 [3] - 1:11, 8:17, 21:18	8 80 [1] - 9:18 84-4611 [1] - 43:21 8th [2] - 7:11, 7:12			
	9			
	9-104 [1] - 8:2 90 [1] - 9:19 95 [1] - 9:20			
2	A			
2 [5] - 1:6, 3:22, 6:4, 7:3, 8:17 2.2-acre [1] - 7:3 20 [3] - 13:12, 22:18 2002 [1] - 15:11 2006 [1] - 38:17 2007 [1] - 38:17 2023 [5] - 1:12, 2:11, 7:11, 7:13, 43:19 22 [1] - 7:2 23rd [1] - 43:19 294 [1] - 19:2	A.D [2] - 1:12, 43:19 abandon [1] - 25:15 able [4] - 29:18, 31:21, 31:22, 32:22 above-entitled [1] - 1:9 abstain [3] - 4:12, 4:14, 5:6 acceptable [2] - 35:11, 37:4 accommodate [1] - 36:21 accomplished [1] - 33:8 acquisition [1] - 16:9 actual [1] - 35:21 addition [1] - 8:14 address [4] - 10:18, 10:21, 12:6, 20:2 addressed [1] - 28:7 addresses [1] - 31:7 adequately [1] - 12:6 adopted [1] - 33:14 advanced [1] - 11:19 affect [2] - 25:14, 35:21 affects [2] - 13:19, 20:22 affix [1] - 43:18 aforesaid [1] - 43:16 age [3] - 20:10,			
3				
30 [3] - 17:21, 18:4, 22:18 32,619 [1] - 8:7 34 [5] - 8:20, 13:18, 21:8, 21:19, 22:8				
4				
46 [9] - 8:8, 8:14, 9:2, 10:1, 10:12, 12:10, 13:4, 19:16, 25:4				

<p>40:18 Building [1] - 39:7 buildings [4] - 18:1, 18:2, 38:16, 41:9 built [1] - 38:19 bull's [1] - 32:16 bunch [1] - 39:7 burden [2] - 18:18, 27:16 business [28] - 7:19, 9:20, 11:11, 11:13, 11:18, 11:21, 14:12, 20:15, 20:19, 23:3, 25:21, 26:2, 26:21, 27:3, 28:14, 28:15, 28:18, 29:12, 29:17, 29:20, 30:20, 33:19, 34:15, 35:2, 35:7, 40:14, 41:19, 42:21 buy [1] - 32:21 buying [1] - 23:12</p>	<p>42:13 chairman [1] - 3:4 Chamber [1] - 17:15 chance [1] - 37:22 change [7] - 19:10, 28:15, 31:8, 32:11, 32:13, 40:7 changed [1] - 33:11 changing [1] - 41:7 character [1] - 17:6 charming [1] - 39:6 charts [1] - 9:15 check [1] - 35:17 Chicago [7] - 1:11, 7:5, 9:10, 9:19, 11:15, 12:7, 18:8 chunk [2] - 22:19, 23:2 circumstances [1] - 25:21 cited [1] - 10:3 city [1] - 25:9 clarify [2] - 21:2, 22:21 close [1] - 42:9 Club [2] - 38:15, 39:10 clubs [1] - 39:8 Code [2] - 8:3, 8:10 code [14] - 11:8, 11:9, 11:17, 12:5, 12:9, 16:17, 16:20, 20:10, 20:13, 20:17, 21:5, 31:7, 32:4 color [1] - 38:5 comfortable [1] - 36:5 coming [5] - 20:16, 23:4, 23:12, 24:19, 34:16 commencement [1] - 43:7 comment [5] - 5:21, 27:4, 31:14, 37:22, 38:6 comments [4] - 3:20, 19:22, 36:15, 37:14 Commerce [1] - 17:16 commercial [2] - 14:12, 39:12 commercially [1] - 19:7 commission [3] - 11:12, 19:12, 41:4 Commission [1] - 7:15 community [2] - 16:4, 27:16 Community [1] - 2:2</p>	<p>compared [1] - 16:6 complement [1] - 17:5 complete [1] - 43:15 completely [1] - 24:22 comprehensive [2] - 11:4, 11:7 concern [4] - 29:2, 29:22, 36:12, 37:1 concerned [3] - 27:12, 27:13, 35:16 concerns [5] - 18:22, 20:2, 28:7, 31:12, 41:22 condition [3] - 14:4, 15:10, 36:22 conditional [1] - 30:11 conditions [3] - 15:5, 32:8, 35:4 condos [1] - 38:19 conducted [1] - 4:2 conform [1] - 11:6 conformity [2] - 11:2, 14:1 congestion [1] - 18:5 consists [1] - 8:5 contains [1] - 36:22 contemplate [1] - 33:10 contemplating [1] - 34:3 context [1] - 33:21 Continental [1] - 17:2 continue [1] - 37:5 conversations [1] - 34:10 convert [2] - 39:18, 40:20 convince [1] - 40:19 corner [1] - 14:14 correct [4] - 20:21, 27:6, 32:2, 43:15 corrections [1] - 3:21 costs [1] - 16:9 County [2] - 43:5, 43:21 COUNTY [2] - 1:2, 43:2 couple [2] - 20:9, 38:22 cover [1] - 35:8 create [2] - 15:9, 40:2 created [1] - 15:9 creates [3] - 8:12, 12:9, 13:19</p>	<p>Creek [4] - 1:6, 6:4, 7:3, 14:15 cross [1] - 40:17 curious [1] - 22:4 customer [2] - 10:4, 12:19 customers [6] - 10:14, 12:2, 12:18, 18:9, 34:21, 34:22 customers' [1] - 10:11</p> <p>D</p> <p>daily [1] - 12:15 danger [2] - 18:13, 18:21 date [1] - 28:19 dated [2] - 11:18, 12:8 days [1] - 41:20 deal [2] - 15:3, 40:10 dealer [3] - 31:19, 32:20 Dealer/Developer [1] - 2:5 dealers [1] - 26:4 dealership [8] - 7:5, 7:7, 9:12, 12:17, 23:17, 25:14, 29:6, 32:2 dealership's [1] - 12:13 dealerships [7] - 11:10, 17:1, 17:3, 32:3, 32:5, 39:1, 40:9 dealt [1] - 27:1 December [1] - 7:2 decent [1] - 22:19 decide [4] - 28:2, 28:21, 31:1, 37:8 decided [1] - 32:21 decision [4] - 28:12, 32:21, 35:1 decisions [1] - 5:11 deficiency [3] - 8:12, 12:9, 13:20 definitely [1] - 22:20 deliver [1] - 24:7 delivered [1] - 23:11 delivering [1] - 23:16 delivery [1] - 24:3 demand [1] - 11:16 demolition [1] - 14:17 denied [1] - 15:20 density [1] - 40:15 department [1] - 11:22</p>	<p>described [1] - 36:7 despite [1] - 14:13 determine [2] - 34:13, 36:20 develop [1] - 7:4 development [4] - 16:7, 16:8, 17:9, 17:17 Development [1] - 2:2 deviation [1] - 30:20 different [2] - 27:3 DiMonte [1] - 6:13 Director [1] - 2:2 discuss [2] - 28:2, 35:12 discussion [3] - 14:1, 34:7, 42:5 discussions [1] - 37:5 district [5] - 7:19, 11:11, 11:14, 26:5 done [3] - 20:8, 31:4, 40:21 doors [1] - 41:8 down [4] - 25:11, 32:11, 38:17, 39:4 drafting [1] - 36:12 draw [1] - 24:12 drive [1] - 13:9 Drive [1] - 41:10 driven [1] - 29:3 drives [4] - 4:2, 19:1, 19:2, 24:22 driving [4] - 20:10, 20:18, 20:19, 24:15 drop [1] - 12:19 drop-offs [1] - 12:19 dropped [1] - 12:1 DU [2] - 1:2, 43:2 due [1] - 10:4 duly [1] - 43:9 dump [1] - 41:13 DuPage [2] - 43:6, 43:21</p> <p>E</p> <p>e-mailing [1] - 23:14 early [1] - 24:11 east [1] - 41:11 East [1] - 1:11 economic [2] - 15:18, 15:22 effectively [1] - 19:7 eight [1] - 12:22 either [1] - 10:19 electronic [1] - 43:18 elevation [1] - 17:21</p>
--	---	---	--	--

<p>employee [1] - 10:14 employees [2] - 12:22, 13:1 en [1] - 5:18 end [4] - 7:11, 31:18, 38:20, 41:15 engineering [1] - 18:15 enjoyment [1] - 17:8 entire [1] - 36:9 entirely [1] - 22:11 entitled [2] - 1:9, 16:14 entity [2] - 27:14, 27:15 erected [1] - 15:2 especially [3] - 18:10, 22:16, 23:17 essential [1] - 17:6 established [1] - 15:11 evening [1] - 6:11 event [1] - 25:6 eventually [1] - 28:4 exact [1] - 36:18 exactly [3] - 29:11, 30:14, 35:8 examination [1] - 43:8 example [3] - 29:4, 31:10, 32:10 exceed [2] - 18:4, 24:9 excellent [1] - 38:4 except [1] - 13:8 exceptional [2] - 13:15, 14:5 excited [2] - 7:9, 29:5 existing [1] - 14:17 exotic [1] - 29:15 expect [1] - 30:9 expected [1] - 24:17 explain [1] - 38:10 exposure [1] - 14:13 exterior [4] - 7:20, 8:8, 8:15, 9:2 extreme [1] - 39:9 eye [1] - 32:16</p>	<p>15:8, 16:17 factors [1] - 15:6 family [1] - 28:22 far [2] - 26:17, 36:17 favor [4] - 3:11, 4:10, 7:14, 42:13 featured [1] - 17:15 February [2] - 3:20, 7:12 feet [3] - 8:7, 17:21, 18:4 Ferrari [1] - 17:2 few [2] - 20:15, 39:17 figures [1] - 9:15 filled [1] - 22:11 final [3] - 5:11, 26:18, 27:21 financially [1] - 16:5 findings [4] - 5:12, 7:14, 26:14, 31:12 fine [1] - 28:10 fingers [1] - 40:17 fire [1] - 18:14 first [9] - 3:18, 8:18, 8:20, 11:1, 11:9, 14:3, 14:6, 20:6, 37:14 fit [1] - 16:21 flagship [1] - 7:5 flood [1] - 18:14 floor [3] - 8:20, 8:21, 19:21 focus [1] - 27:7 following [1] - 7:12 foot [1] - 8:9 footage [1] - 13:17 forecasting [1] - 22:17 foregoing [1] - 43:14 foreseeable [1] - 19:18 form [1] - 43:14 forth [4] - 8:2, 30:13, 36:13, 38:9 frame [1] - 31:7 franchise [1] - 27:9 freeway [1] - 19:2 fulfill [2] - 9:3, 13:5 full [3] - 8:8, 8:11, 16:15 full-size [2] - 8:8, 8:11 fundamentally [1] - 40:16 futile [1] - 19:10 future [6] - 9:16, 12:14, 19:18, 25:7, 26:8, 40:20</p>	<p>G</p> <p>GANNON [1] - 1:17 garage [4] - 21:9, 21:19, 21:20, 22:8 GARY [1] - 1:18 gee [1] - 20:12 general [11] - 5:21, 7:18, 7:19, 11:11, 11:13, 13:22, 16:20, 28:15, 31:3, 35:20, 36:22 generally [1] - 21:11 generate [2] - 16:5, 18:11 generating [1] - 34:15 Giltner [2] - 2:18, 4:21 GILTNER [18] - 1:16, 2:9, 2:19, 3:6, 3:11, 3:18, 4:10, 4:15, 4:22, 5:10, 20:4, 21:15, 29:21, 32:1, 36:1, 37:7, 42:4, 42:13 given [7] - 12:21, 13:2, 21:11, 22:10, 26:4, 26:17, 43:11 grant [2] - 26:10, 35:17 granting [3] - 15:7, 25:17, 35:4 great [2] - 21:4, 21:6 greater [2] - 7:5, 40:15 ground [2] - 40:4, 40:6 growth [1] - 25:7 guarantees [1] - 28:7 guess [3] - 22:4, 22:7, 41:11 guys [3] - 24:8, 27:12, 34:3</p>	<p>heard [1] - 36:2 hearing [6] - 1:9, 5:15, 6:3, 6:5, 7:12, 42:10 hearings [1] - 6:1 height [1] - 17:20 held [1] - 7:12 hereby [1] - 43:6 herein [1] - 43:9 hereto [1] - 43:11 hereunto [1] - 43:18 high [3] - 6:8, 18:4, 41:15 high-end [1] - 41:15 highlighting [1] - 17:16 HINSDALE [1] - 1:3 Hinsdale [9] - 1:10, 1:11, 7:8, 7:15, 14:7, 17:14, 24:13, 38:15, 39:10 historical [1] - 9:16 history [1] - 39:14 Honda [3] - 29:5, 29:6, 29:8 Hondas [1] - 29:3 hope [1] - 40:17 hotel [1] - 38:18 hour [1] - 1:13 huge [1] - 23:2 humble [1] - 20:20</p>	<p>indicates [1] - 14:18 indirectly [1] - 38:14 individually [1] - 42:20 indoor [5] - 8:16, 9:1, 9:7, 13:18, 25:3 indoors [2] - 13:7, 20:22 influx [1] - 12:1 initial [1] - 34:10 injure [1] - 17:8 insert [1] - 26:6 inside [3] - 12:12, 19:19, 21:9 intensity [18] - 9:11, 12:16, 13:15, 18:7, 27:7, 27:11, 27:17, 27:18, 29:8, 31:6, 31:9, 33:9, 33:10, 33:18, 34:5, 34:12, 35:7, 37:4 interest [3] - 24:11, 26:8, 29:9 interested [1] - 31:19 interior [1] - 21:10 internally [1] - 28:2 international [1] - 7:8 interpretation [1] - 12:8 inventory [12] - 9:4, 9:9, 12:3, 13:8, 19:18, 20:22, 21:11, 21:22, 22:9, 25:10, 34:20, 34:22 investing [1] - 41:12 involved [2] - 36:12, 38:13 issue [1] - 21:18 issues [1] - 6:18 item [1] - 5:10 items [1] - 14:1 itself [1] - 12:5</p>
<p>F</p> <p>facilities [1] - 18:19 facility [3] - 8:21, 8:22, 13:17 fact [8] - 5:12, 7:14, 9:6, 15:1, 16:21, 19:14, 20:21, 30:7 factor [3] - 13:21,</p>		<p>H</p> <p>hand [3] - 5:17, 40:1, 43:18 handed [2] - 6:17, 9:14 handled [4] - 9:21, 10:6, 10:7, 11:20 hanging [1] - 20:11 hard [1] - 6:20 harmony [1] - 16:19 hauler [2] - 9:21, 10:7 health [1] - 18:21</p>	<p>I</p> <p>idea [4] - 30:6, 38:6, 39:1, 40:11 ideas [2] - 21:4, 40:3 ILLINOIS [2] - 1:1, 43:1 Illinois [2] - 1:12, 43:6 imagine [1] - 24:10 impact [2] - 17:7, 17:18 important [2] - 26:14, 31:11 improve [1] - 18:20 improvements [1] - 42:2 IN [1] - 43:17 in-person [1] - 12:18 in-state [1] - 24:5 include [3] - 31:2, 33:3, 37:9 included [1] - 31:12 includes [1] - 13:14 including [1] - 40:12 increase [2] - 18:13, 40:6</p>	<p>J</p> <p>J-1 [1] - 8:3 JERRY [1] - 2:6 Jewel [1] - 17:14 Jewel [1] - 39:2 Jimmy [1] - 39:4 JOHN [1] - 1:21 jump [1] - 6:22</p> <p>K</p> <p>keep [1] - 31:2 keeping [2] - 25:8,</p>

37:17 Keith [1] - 37:12 KEITH [1] - 1:16 key [2] - 18:7, 27:11 kind [9] - 22:15, 23:18, 25:3, 26:2, 28:14, 28:18, 31:1, 32:4, 37:15 knocked [1] - 38:17 KRISTI [2] - 43:3, 43:20 Kristi [1] - 43:20	limited [1] - 28:13 Line [1] - 3:22 line [2] - 34:2, 36:7 listed [2] - 17:4, 21:18 listening [1] - 21:4 live [2] - 23:10, 23:18 loading [1] - 9:22 Loan [1] - 39:7 location [2] - 12:20, 35:19 locations [1] - 10:11 looking [6] - 13:2, 13:12, 14:2, 16:12, 27:9, 41:13 low [5] - 10:3, 12:15, 13:15, 18:7 lower [1] - 9:11 luxury [2] - 7:4, 7:7	31:15, 32:17 mean [5] - 22:10, 24:4, 30:22, 36:11, 41:17 means [2] - 10:12, 43:12 medical [2] - 41:15, 41:18 meet [1] - 6:9 meeting [6] - 2:10, 3:20, 4:13, 30:1, 36:3, 38:13 Member [6] - 1:17, 1:18, 1:19, 1:20, 1:21, 31:14 member [12] - 2:14, 2:16, 2:18, 2:20, 2:22, 3:2, 4:17, 4:19, 4:21, 5:1, 5:3, 5:5 members [1] - 38:3 MEMBERS [1] - 1:14 members' [1] - 37:15 mentioned [3] - 8:10, 38:12, 38:22 merely [2] - 16:11, 16:14 Michael [2] - 34:1, 37:20 microphone [1] - 21:16 might [4] - 23:13, 28:17, 28:18, 41:2 MIKE [1] - 2:5 mike [1] - 22:6 million [1] - 16:10 mind [3] - 9:18, 35:3, 39:10 mini [1] - 29:6 mini-Honda [1] - 29:6 minimized [1] - 6:22 minimum [1] - 18:5 minutes [3] - 3:19, 4:6, 25:12 mitigating [2] - 13:20, 15:6 mix [1] - 21:13 MOBERLY [12] - 1:18, 2:15, 3:10, 4:7, 4:18, 20:6, 21:2, 28:20, 31:16, 40:22, 42:12, 42:19 Moberly [3] - 2:14, 4:17, 31:14 model [9] - 11:18, 20:15, 29:20, 30:20, 31:18, 33:19, 35:2, 35:8, 41:19 modernizing [1] - 41:7	moment [1] - 37:13 money [1] - 34:15 month [2] - 12:20, 13:13 moot [1] - 19:16 MORTIER [1] - 2:6 Mortier [1] - 20:1 most [8] - 6:10, 11:20, 12:4, 12:17, 18:10, 20:16, 23:17, 41:17 motion [6] - 3:7, 3:16, 4:5, 4:7, 42:9, 42:18 motions [1] - 5:20 move [4] - 25:11, 26:15, 37:5, 42:6 moved [2] - 3:9, 42:11 MR [92] - 1:15, 1:16, 1:17, 1:18, 1:19, 2:2, 2:3, 2:5, 2:6, 2:13, 2:15, 2:16, 2:17, 2:18, 2:19, 2:20, 2:21, 2:22, 3:2, 3:3, 3:4, 3:9, 3:10, 3:17, 4:7, 4:9, 4:12, 4:17, 4:18, 4:19, 4:20, 4:21, 5:1, 5:2, 5:3, 5:5, 5:6, 5:7, 5:9, 6:11, 20:6, 20:21, 21:2, 21:8, 21:13, 21:17, 22:4, 22:6, 22:7, 22:12, 22:13, 22:15, 23:1, 23:6, 24:1, 24:20, 25:12, 26:3, 26:13, 26:19, 27:4, 28:8, 28:10, 28:20, 29:7, 29:19, 31:5, 31:16, 31:17, 32:4, 32:13, 32:15, 32:19, 33:2, 33:4, 33:5, 33:7, 33:12, 33:14, 33:16, 33:17, 33:22, 34:4, 35:6, 35:10, 35:15, 36:10, 36:11, 40:22, 42:11, 42:12, 42:19 MS [8] - 1:20, 3:1, 5:4, 22:21, 23:2, 23:20, 24:8, 26:10 Murphy [2] - 2:20, 5:1 MURPHY [8] - 1:19, 2:21, 4:9, 5:2, 32:19, 33:4, 33:7, 33:14	nature [1] - 5:21 necessarily [6] - 24:1, 27:9, 34:11, 34:17, 35:3, 36:9 necessary [1] - 4:3 necessitate [1] - 15:5 need [7] - 13:5, 20:20, 23:20, 26:10, 26:11, 34:21, 36:17 needs [5] - 8:1, 9:3, 9:20, 12:13, 16:14 negative [2] - 17:7, 39:12 neighborhood [1] - 18:3 neighborhoods [1] - 24:13 neighboring [1] - 18:1 neighbors [1] - 41:10 Neiman [3] - 3:4, 3:7, 5:7 NEIMAN [4] - 1:15, 3:5, 5:8, 37:12 net [2] - 8:6, 8:9 never [5] - 25:1, 31:19, 31:20, 31:21, 40:3 new [6] - 11:9, 13:13, 19:2, 21:22, 32:5, 33:13 next [5] - 5:10, 5:13, 5:19, 6:3, 16:17 none [1] - 5:12 nonissue [1] - 32:7 normal [1] - 30:18 north [6] - 16:10, 38:20, 39:2, 39:13, 39:19, 41:11 North [1] - 7:7 Notary [2] - 43:5, 43:21 notes [1] - 43:16 nothing [1] - 41:4 number [3] - 19:15, 22:18, 34:17 numbers [1] - 9:17
L				
land [1] - 29:18 LANDOLINA [2] - 43:3, 43:20 Landolina [1] - 43:20 Lane [4] - 1:6, 6:4, 7:3, 14:15 language [14] - 12:8, 26:6, 26:12, 27:7, 27:18, 30:8, 30:14, 31:1, 33:3, 34:8, 36:18, 37:8, 37:18, 40:12 large [3] - 6:21, 12:1, 19:15 largely [1] - 10:9 larger [1] - 13:19 largest [1] - 7:6 last [6] - 4:13, 9:13, 25:13, 30:1, 38:12, 41:4 least [1] - 36:6 leave [2] - 20:11, 37:18 Lee [2] - 2:22, 5:3 LEE [8] - 1:20, 3:1, 5:4, 22:21, 23:2, 23:20, 24:8, 26:10 left [1] - 32:18 LESLIE [1] - 1:20 level [3] - 6:8, 27:17, 31:4 Lexus [3] - 29:8, 31:19, 32:20 Life [1] - 39:4 life [1] - 41:5 light [1] - 17:19 likely [1] - 6:10 limit [3] - 19:1, 26:19, 35:19 limitation [5] - 27:7, 27:21, 28:1, 30:8, 37:16 limitations [2] - 30:4, 37:3	M			
mailing [1] - 23:14 mall [1] - 38:19 map [6] - 7:8, 7:17, 11:4, 11:7, 14:10, 32:2 March [4] - 1:12, 2:11, 7:11, 43:19 market [1] - 14:18 Marrs [2] - 34:1, 37:20 Marzano [2] - 20:1, 22:6 MARZANO [11] - 2:5, 21:13, 21:17, 22:6, 22:12, 22:15, 23:1, 23:6, 24:1, 24:20, 29:7 masse [1] - 5:18 Matter [1] - 1:4 matter [3] - 1:10, 9:6, 16:21 matters [1] - 43:10 maximum [1] - 13:3 McGINNIS [29] - 2:2, 2:13, 2:16, 2:18, 2:20, 2:22, 3:2, 3:4, 3:17, 4:17, 4:19, 4:21, 5:1, 5:3, 5:5, 5:7, 5:9, 26:3, 26:13, 28:8, 31:5, 31:17, 32:4, 32:15, 33:2, 33:5, 33:12, 33:16, 33:22 McLaren [15] - 9:10, 9:19, 11:15, 12:7, 16:2, 18:8, 22:16, 24:3, 28:21, 28:22, 29:14, 29:16, 30:18,	N			
O				
O'Brien [2] - 2:16, 4:19 O'BRIEN [8] - 1:17, 2:17, 4:20, 21:8, 22:4, 22:7, 22:13, 32:13 O-3 [2] - 7:18, 15:14 obviously [1] - 29:15				

<p>occasional [2] - 10:14, 13:9</p> <p>occur [3] - 9:19, 12:4, 34:18</p> <p>occurring [1] - 34:19</p> <p>OF [6] - 1:1, 1:2, 1:3, 1:8, 43:1, 43:2</p> <p>off-street [1] - 11:16</p> <p>office [12] - 7:18, 14:6, 14:8, 15:12, 16:6, 18:11, 19:3, 38:16, 39:20, 40:18, 41:15, 41:18</p> <p>offices [1] - 41:6</p> <p>official [2] - 11:4, 11:7</p> <p>offs [1] - 12:19</p> <p>Ogden [10] - 11:10, 14:11, 14:15, 15:1, 17:17, 19:1, 38:20, 39:2, 39:13, 39:19</p> <p>old [1] - 20:13</p> <p>older [1] - 41:16</p> <p>on-site [1] - 27:10</p> <p>once [1] - 17:12</p> <p>one [16] - 4:1, 5:22, 14:3, 14:20, 18:2, 18:22, 20:6, 23:4, 28:5, 30:6, 31:2, 38:9, 40:5, 40:15, 41:2, 41:11</p> <p>ones [1] - 18:3</p> <p>ongoing [1] - 27:6</p> <p>online [11] - 9:19, 10:6, 11:21, 12:4, 13:14, 20:17, 22:14, 22:22, 23:3, 23:7, 34:19</p> <p>onsite [1] - 34:19</p> <p>open [2] - 19:21, 24:11</p> <p>operating [1] - 27:15</p> <p>operationally [1] - 31:21</p> <p>operations [3] - 10:21, 12:15, 29:11</p> <p>opinion [1] - 20:20</p> <p>opportunity [4] - 32:12, 33:12, 35:12, 36:4</p> <p>opposed [4] - 3:14, 25:22, 38:21, 42:16</p> <p>opposite [1] - 17:10</p> <p>opposition [1] - 38:15</p> <p>order [3] - 2:9, 23:13, 32:16</p> <p>ordered [1] - 23:9</p> <p>ordering [1] - 23:15</p> <p>ordinance [6] -</p>	<p>15:11, 26:7, 27:22, 28:5, 28:9, 33:3</p> <p>original [1] - 15:11</p> <p>otherwise [2] - 21:6, 30:12</p> <p>outdoor [1] - 13:3</p> <p>outside [2] - 12:11, 13:8</p> <p>over-the-air [1] - 23:19</p> <p>overall [1] - 20:7</p> <p>overflow [1] - 25:9</p> <p>own [4] - 10:2, 11:22, 28:17, 29:17</p> <p>owner [8] - 15:9, 15:20, 16:13, 16:14, 27:3, 27:14, 41:5, 42:1</p> <p>owners [1] - 40:18</p> <p>ownership [3] - 27:8, 34:11, 35:4</p>	<p>22:10</p> <p>perhaps [1] - 37:20</p> <p>period [1] - 42:5</p> <p>permits [1] - 11:9</p> <p>permitted [3] - 26:4, 32:6, 33:1</p> <p>person [1] - 12:18</p> <p>Personally [1] - 30:2</p> <p>persuaded [2] - 38:10, 39:15</p> <p>pertaining [1] - 43:11</p> <p>Petitioner [2] - 2:4, 2:6</p> <p>phoning [1] - 23:14</p> <p>phrase [2] - 35:6, 35:19</p> <p>physical [1] - 14:3</p> <p>pick [2] - 12:19, 36:19</p> <p>pick-ups [1] - 12:19</p> <p>picked [1] - 10:10</p> <p>piece [2] - 28:16, 29:16</p> <p>pinpointing [1] - 36:18</p> <p>place [2] - 7:8, 25:5</p> <p>placed [1] - 19:7</p> <p>Plan [1] - 7:15</p> <p>plan [13] - 7:21, 8:5, 8:7, 8:15, 11:4, 11:7, 11:12, 16:17, 19:12, 24:8, 24:18, 29:20, 41:3</p> <p>plans [1] - 22:1</p> <p>pleadings [1] - 5:20</p> <p>PODLISKA [14] - 1:21, 3:3, 3:9, 4:12, 5:6, 25:12, 26:19, 28:10, 29:19, 33:17, 35:6, 35:15, 36:10, 42:11</p> <p>Podliska [2] - 3:2, 5:5</p> <p>point [12] - 10:5, 10:16, 10:19, 13:2, 15:3, 19:11, 19:16, 25:15, 25:19, 29:8, 31:3, 38:5</p> <p>position [1] - 30:3</p> <p>possibility [1] - 38:4</p> <p>Pottersville [2] - 39:5, 40:21</p> <p>PowerPoint [2] - 6:18, 9:14</p> <p>pre [1] - 6:1</p> <p>pre-hearings [1] - 6:1</p> <p>PRESENT [2] - 1:14, 2:1</p>	<p>present [2] - 6:15, 12:13</p> <p>presentation [2] - 9:14, 21:6</p> <p>president [2] - 7:16, 10:21</p> <p>pretty [3] - 32:16, 41:18, 41:19</p> <p>previous [1] - 43:7</p> <p>previously [1] - 25:7</p> <p>price [1] - 10:4</p> <p>primarily [4] - 10:10, 10:13, 11:21, 19:16</p> <p>primary [1] - 22:12</p> <p>printout [1] - 6:17</p> <p>privilege [1] - 16:12</p> <p>Pro [2] - 1:16, 3:8</p> <p>pro [1] - 3:8</p> <p>PROCEEDINGS [1] - 1:8</p> <p>process [6] - 23:13, 30:18, 30:21, 36:9, 36:12, 41:6</p> <p>product [1] - 32:18</p> <p>productively [2] - 15:20, 19:6</p> <p>Professional [1] - 43:4</p> <p>profound [1] - 40:3</p> <p>profoundly [1] - 40:7</p> <p>project [6] - 7:6, 7:9, 8:11, 17:12, 19:12, 20:2</p> <p>projected [2] - 9:4, 9:8</p> <p>projection [1] - 9:6</p> <p>projections [2] - 9:16, 13:11</p> <p>proof [1] - 41:14</p> <p>properties [2] - 17:10, 17:19</p> <p>property [11] - 4:1, 7:18, 11:13, 14:4, 25:15, 25:19, 26:1, 27:2, 28:17, 29:10, 42:1</p> <p>proposal [3] - 37:17, 38:16, 39:11</p> <p>proposals [1] - 39:22</p> <p>propose [3] - 18:12, 34:8, 36:16</p> <p>proposed [7] - 8:22, 11:3, 11:15, 11:18, 11:19, 17:22, 18:10</p> <p>proposes [2] - 12:7, 16:2</p> <p>proposing [1] - 18:20</p> <p>proposition [2] - 20:7, 20:19</p>	<p>protections [1] - 30:18</p> <p>protects [1] - 26:8</p> <p>provide [2] - 9:15, 13:18</p> <p>provided [3] - 12:11, 13:4, 13:12</p> <p>provides [3] - 8:7, 8:15, 13:16</p> <p>providing [1] - 25:3</p> <p>provision [1] - 27:1</p> <p>Public [2] - 43:5, 43:21</p> <p>public [10] - 5:15, 5:21, 6:3, 6:5, 7:12, 17:7, 18:6, 18:19, 18:21, 42:10</p> <p>publications [1] - 17:16</p> <p>purchase [3] - 23:4, 23:21, 29:5</p> <p>purchased [1] - 7:3</p> <p>purpose [2] - 14:1, 17:5</p> <p>purposes [3] - 15:6, 16:18, 16:20</p> <p>put [5] - 22:5, 26:12, 29:6, 30:3, 38:5</p> <p>putting [1] - 6:14</p>
P				
<p>p.m [1] - 1:13</p> <p>page [1] - 3:22</p> <p>PAGE [2] - 1:2, 43:2</p> <p>pages [1] - 6:21</p> <p>park [3] - 14:6, 15:12, 19:3</p> <p>parked [4] - 13:7, 13:8, 19:19, 20:22</p> <p>parking [29] - 8:1, 8:4, 8:8, 8:9, 8:12, 8:16, 8:21, 9:1, 9:3, 9:7, 9:8, 10:1, 10:13, 10:15, 11:16, 12:4, 12:10, 13:3, 13:9, 13:18, 13:20, 15:4, 15:14, 16:1, 19:17, 21:8, 24:9, 24:21, 25:3</p> <p>part [5] - 14:6, 15:10, 16:2, 30:9, 30:10</p> <p>particular [3] - 26:21, 28:14</p> <p>parties [2] - 26:7, 36:13</p> <p>partner [1] - 6:13</p> <p>paying [1] - 34:14</p> <p>people [8] - 20:15, 23:9, 24:2, 24:5, 24:12, 24:14, 24:19, 25:5</p> <p>per [3] - 13:13, 18:9, 34:18</p> <p>percent [3] - 9:18, 9:20, 21:10</p> <p>percentage [1] -</p>				
Q				
<p>quaint [1] - 39:6</p> <p>qualifiers [1] - 30:4</p> <p>questions [5] - 6:10, 10:19, 19:22, 20:5, 42:5</p> <p>quiet [1] - 16:7</p>				
R				
<p>racing [1] - 7:8</p> <p>raise [1] - 5:16</p> <p>raised [4] - 25:13, 31:10, 38:4</p> <p>rather [4] - 27:8, 27:22, 29:20, 39:20</p> <p>reaction [1] - 39:12</p> <p>read [1] - 6:20</p> <p>real [1] - 31:15</p> <p>reality [2] - 15:18, 17:13</p> <p>really [2] - 31:6, 32:20</p> <p>reason [2] - 15:16, 40:5</p> <p>reasons [2] - 11:8, 14:5</p>				

<p>receipt [2] - 5:13, 5:19</p> <p>received [3] - 7:13, 11:12, 14:10</p> <p>recession [1] - 41:14</p> <p>recommend [3] - 25:17, 35:10, 38:7</p> <p>recommendation [8] - 11:12, 14:10, 26:16, 28:1, 28:15, 36:22, 37:19, 40:12</p> <p>recommendations [5] - 7:15, 26:15, 26:20, 36:15, 36:17</p> <p>recommended [2] - 10:17, 30:11</p> <p>recommending [4] - 25:22, 26:20, 33:20, 33:21</p> <p>record [1] - 22:5</p> <p>reduced [1] - 43:12</p> <p>reduction [1] - 8:4</p> <p>reevaluate [2] - 32:12, 33:13</p> <p>reference [2] - 30:7, 33:17</p> <p>referenced [1] - 20:9</p> <p>refine [1] - 37:21</p> <p>reflect [2] - 28:12, 33:20</p> <p>reflected [2] - 33:18, 35:7</p> <p>regardless [1] - 28:17</p> <p>Registered [1] - 43:4</p> <p>rejected [1] - 39:22</p> <p>relation [1] - 43:10</p> <p>rely [1] - 32:22</p> <p>remain [1] - 17:20</p> <p>reminded [1] - 39:3</p> <p>remote [1] - 3:7</p> <p>repair [1] - 10:12</p> <p>repairs [1] - 42:2</p> <p>REPORT [1] - 1:8</p> <p>Reporter [2] - 43:4, 43:5</p> <p>request [1] - 8:4</p> <p>requests [2] - 5:20</p> <p>require [1] - 15:5</p> <p>required [2] - 11:17, 13:4</p> <p>requirement [2] - 15:15, 15:17</p> <p>requirements [2] - 8:2, 18:16</p> <p>requires [1] - 8:11</p> <p>response [3] - 3:15, 42:7, 42:17</p> <p>rest [2] - 37:6, 40:18</p> <p>restaurants [1] -</p>	<p>39:8</p> <p>restricts [1] - 40:13</p> <p>result [3] - 12:5, 16:18, 18:6</p> <p>results [2] - 34:7, 36:3</p> <p>retail [1] - 39:20</p> <p>return [1] - 30:21</p> <p>revenue [1] - 16:6</p> <p>review [2] - 7:21, 36:14</p> <p>rezone [2] - 7:17, 11:13</p> <p>rights [1] - 15:21</p> <p>road [1] - 32:11</p> <p>Road [1] - 41:10</p> <p>Robb [1] - 27:5</p> <p>Robbins [1] - 6:13</p> <p>ROBERT [2] - 1:15, 2:2</p> <p>Robert [1] - 6:14</p> <p>roll [2] - 2:12, 4:15</p> <p>Rolls [1] - 31:16</p> <p>Rolls-Royce [1] - 31:16</p> <p>Royce [1] - 31:16</p> <p>run [1] - 36:19</p> <p>runs [1] - 39:4</p>	<p>42:12</p> <p>Section [1] - 8:2</p> <p>see [8] - 5:21, 12:17, 13:8, 24:15, 25:5, 25:12, 34:22, 39:12</p> <p>seeing [2] - 39:1, 42:1</p> <p>seem [2] - 35:19, 41:13</p> <p>self [1] - 15:9</p> <p>self-created [1] - 15:9</p> <p>sell [2] - 28:22, 40:19</p> <p>send [1] - 24:7</p> <p>sense [2] - 11:19, 37:9</p> <p>separate [1] - 9:22</p> <p>service [14] - 8:19, 9:5, 9:9, 9:20, 10:6, 10:8, 10:10, 11:22, 12:1, 12:19, 13:7, 21:22, 22:2, 25:10</p> <p>served [1] - 22:3</p> <p>services [1] - 11:20</p> <p>set [2] - 8:2, 43:18</p> <p>setback [1] - 14:22</p> <p>settings [1] - 6:2</p> <p>several [6] - 11:8, 14:5, 17:1, 17:3, 41:6, 41:9</p> <p>share [1] - 29:21</p> <p>SHKURTI [7] - 2:3, 6:11, 20:21, 27:4, 34:4, 35:10, 36:11</p> <p>Shkurti [1] - 6:13</p> <p>shopping [1] - 12:3</p> <p>shortest [1] - 18:2</p> <p>Shorthand [1] - 43:4</p> <p>shorthand [2] - 43:13, 43:16</p> <p>showroom [5] - 10:8, 21:18, 21:20, 23:5, 24:3</p> <p>showrooms [2] - 8:17</p> <p>shows [1] - 9:7</p> <p>side [4] - 25:8, 39:2, 39:13, 39:19</p> <p>signature [1] - 43:19</p> <p>significant [1] - 30:19</p> <p>significantly [2] - 9:11, 40:14</p> <p>similar [1] - 31:18</p> <p>simple [1] - 12:3</p> <p>simply [2] - 19:14, 33:19</p> <p>site [15] - 7:3, 7:21, 8:5, 8:7, 8:15, 10:12, 14:4, 15:19, 16:15,</p>	<p>18:8, 19:12, 27:10, 29:6, 31:20, 32:14</p> <p>situation [1] - 24:9</p> <p>six [1] - 7:13</p> <p>size [4] - 8:8, 8:11, 14:19, 15:10</p> <p>slides [1] - 9:13</p> <p>small [2] - 15:12, 32:16</p> <p>smaller [1] - 14:20</p> <p>smallest [1] - 14:21</p> <p>sold [1] - 32:18</p> <p>someone [2] - 23:12, 23:14</p> <p>sometimes [3] - 6:19, 6:20, 6:21</p> <p>sorry [2] - 21:17, 22:6</p> <p>sort [8] - 15:14, 15:22, 19:3, 19:8, 30:17, 30:21, 32:18, 37:8</p> <p>sounds [4] - 35:15, 36:6, 37:9, 41:12</p> <p>south [1] - 14:11</p> <p>space [3] - 17:22, 19:6, 23:21</p> <p>spaces [10] - 8:4, 10:1, 10:13, 12:10, 13:3, 13:9, 13:18, 19:17, 21:9, 22:8</p> <p>Speakerphone [1] - 1:15</p> <p>special [2] - 16:11, 32:7</p> <p>specific [6] - 8:3, 12:6, 16:20, 32:10, 36:5, 37:17</p> <p>specifically [6] - 14:2, 14:19, 28:9, 31:10, 32:3, 37:3</p> <p>specifying [1] - 28:20</p> <p>spirit [1] - 30:16</p> <p>spot [1] - 35:1</p> <p>Spring [1] - 41:9</p> <p>square [3] - 8:7, 8:9, 13:17</p> <p>ss [2] - 1:1, 43:1</p> <p>stalls [13] - 8:8, 8:9, 8:12, 8:15, 8:16, 8:19, 8:20, 9:1, 9:2, 9:7, 12:11, 12:16, 21:10</p> <p>stand [2] - 5:16, 6:8</p> <p>standard [1] - 17:21</p> <p>standards [5] - 6:9, 10:18, 11:2, 14:3, 28:16</p> <p>Starbucks [1] - 39:21</p>	<p>start [1] - 24:15</p> <p>State [1] - 43:6</p> <p>STATE [2] - 1:1, 43:1</p> <p>state [5] - 18:14, 23:10, 23:11, 23:18, 24:5</p> <p>state-of [1] - 18:14</p> <p>statistics [1] - 10:3</p> <p>stays [1] - 28:22</p> <p>step [1] - 21:15</p> <p>Stewart [1] - 39:4</p> <p>still [2] - 28:11, 29:17</p> <p>storage [1] - 21:21</p> <p>story [3] - 8:6, 8:18, 13:19</p> <p>street [3] - 11:16, 39:5, 40:9</p> <p>streets [1] - 18:6</p> <p>stretch [1] - 29:15</p> <p>strict [1] - 12:7</p> <p>strip [2] - 38:19, 39:8</p> <p>structure [1] - 15:13</p> <p>struggled [1] - 38:8</p> <p>stuff [1] - 25:11</p> <p>subdivision [2] - 14:7, 14:21</p> <p>subject [2] - 7:18, 14:4</p> <p>submitted [2] - 7:21, 19:13</p> <p>Subsection [1] - 8:3</p> <p>substantial [1] - 15:21</p> <p>suddenly [1] - 39:7</p> <p>suffice [2] - 12:12, 19:17</p> <p>sufficient [3] - 12:16, 13:10, 28:6</p> <p>sufficiently [1] - 35:20</p> <p>suggestion [2] - 37:15, 37:21</p> <p>summary [2] - 6:6, 19:21</p> <p>super [1] - 7:9</p> <p>supply [1] - 17:19</p> <p>support [6] - 20:7, 21:7, 38:6, 38:11, 39:15, 40:11</p> <p>surrounding [1] - 24:13</p> <p>swear [1] - 5:14</p> <p>sworn [2] - 5:18, 43:9</p>
S				
<p>safety [1] - 18:21</p> <p>sale [5] - 9:4, 9:9, 13:6, 23:12, 23:19</p> <p>sales [16] - 9:18, 10:5, 11:20, 12:4, 13:13, 13:14, 16:5, 20:16, 22:14, 22:22, 24:5, 27:10, 34:14, 34:18, 34:19</p> <p>Salt [4] - 1:6, 6:4, 7:3, 14:14</p> <p>satisfied [2] - 15:17, 18:16</p> <p>satisfy [1] - 30:22</p> <p>Saturday [1] - 24:16</p> <p>saving [1] - 41:1</p> <p>saw [1] - 4:1</p> <p>scale [1] - 21:1</p> <p>scared [1] - 23:7</p> <p>scenario [2] - 19:5, 25:2</p> <p>scene [1] - 39:3</p> <p>screens [2] - 6:19, 7:1</p> <p>se [1] - 34:18</p> <p>second [9] - 3:10, 3:22, 4:9, 8:18, 8:21, 13:19, 14:21, 15:8,</p>				
T				
<p>target [1] - 32:15</p> <p>tax [2] - 16:5, 34:14</p>				

technically [1] - 23:20 tem [1] - 3:8 Tem [2] - 1:16, 3:8 ten [1] - 12:22 term [1] - 23:7 terminology [1] - 35:21 terms [1] - 27:10 test [4] - 4:1, 13:9, 19:1, 19:2 testify [2] - 18:17, 43:10 TESTIMONY [1] - 43:17 testimony [3] - 1:8, 43:8, 43:11 THE [1] - 1:3 the-art [1] - 18:15 thereafter [1] - 43:13 third [1] - 15:17 three [6] - 12:17, 12:18, 13:1, 14:8, 18:9, 38:18 throwing [2] - 32:15, 36:9 tie [1] - 32:8 tied [1] - 37:3 today [3] - 7:22, 34:7, 36:17 together [6] - 6:14, 9:2, 10:20, 13:1, 14:22, 15:1 TOM [1] - 1:19 total [1] - 13:12 towards [3] - 8:22, 27:19, 35:2 Tower [1] - 41:10 traditional [1] - 23:12 traffic [6] - 10:4, 18:12, 24:17, 40:1, 40:7, 40:15 transcribed [1] - 43:13 transcript [1] - 43:15 trends [1] - 9:16 trigger [2] - 15:14, 30:21 truck [2] - 9:22, 24:7 true [1] - 43:15 trustees [9] - 7:17, 26:16, 28:6, 33:15, 35:14, 38:2, 38:7, 39:16, 39:22 truth [1] - 43:10 try [4] - 19:9, 30:13, 31:13, 40:19 two [5] - 8:6, 9:13, 13:1, 18:9, 40:9	two-story [1] - 8:6 typewritten [1] - 43:14 typical [1] - 9:11 typo [1] - 4:1	village [21] - 7:16, 11:6, 16:4, 19:5, 19:11, 26:5, 28:5, 29:1, 30:5, 30:12, 30:15, 34:6, 34:13, 35:13, 35:22, 36:2, 36:14, 37:6, 37:21, 39:6, 40:20 Village [2] - 8:3, 8:10 village's [2] - 11:3, 26:8 virtue [1] - 15:18 visceral [1] - 39:11 visit [1] - 24:19 visitors [1] - 10:14 volume [2] - 40:1, 40:7 vote [1] - 7:13 voting [1] - 42:19	Z ZBA [1] - 26:17 zero [3] - 7:14, 17:18, 29:9 zoning [3] - 11:8, 32:13, 38:13 ZONING [1] - 1:3 Zoning [2] - 1:10, 2:10
	U	ultimately [1] - 23:15 undue [2] - 18:13, 18:18 unique [8] - 14:3, 14:5, 14:13, 15:4, 20:14, 25:21, 32:5, 32:9 uniqueness [1] - 20:18 up [13] - 6:3, 8:16, 10:10, 20:1, 21:15, 24:22, 30:1, 30:13, 31:1, 31:18, 36:19, 37:7 updating [1] - 41:7 upgrading [1] - 41:7 ups [1] - 12:19 upstream [1] - 35:13 usage [1] - 37:16 user [1] - 32:17 utilities [1] - 18:19 utilized [2] - 21:11, 22:9	
	V	V-01-23 [2] - 1:5, 6:4 vacant [2] - 14:16, 16:16 value [1] - 17:9 variance [23] - 10:17, 11:3, 11:6, 15:3, 15:4, 15:7, 15:15, 16:1, 19:8, 19:14, 20:10, 20:13, 20:20, 25:18, 25:22, 26:11, 27:1, 30:11, 32:22, 35:5, 35:18, 37:2, 38:8 variation [4] - 6:9, 8:1, 16:18, 28:9 various [2] - 41:8, 43:8 vary [3] - 22:20, 28:16 vehicle [5] - 9:4, 9:8, 9:18, 9:21, 25:10 vehicles [2] - 10:9, 13:6 version [2] - 27:22, 37:10 view [2] - 28:13, 39:9	
	W	waiting [2] - 34:6, 36:3 Walgreens [1] - 39:21 walk [2] - 6:7, 10:4 walk-in [1] - 10:4 wants [3] - 7:4, 36:4, 36:14 warehouse [1] - 25:8 wed [1] - 29:13 week [1] - 41:4 welfare [1] - 17:8 western [1] - 25:8 WHEREOF [1] - 43:17 whole [1] - 16:4 widely [2] - 38:14, 38:21 window [1] - 12:2 windows [1] - 41:8 witnesses [3] - 5:18, 43:9, 43:12 Wonderful [1] - 39:4 wondering [1] - 33:8 word [1] - 23:19 worried [1] - 41:20 write [1] - 35:17 writing [1] - 43:12	
	Y	year [1] - 23:14 years [4] - 14:16, 15:19, 16:16, 29:3	

STATE OF ILLINOIS)
) ss:
 COUNTY OF DU PAGE)

DISCUSSION OF THE HINSDALE
 ZONING BOARD OF APPEALS

In the Matter of:)
)
 V-01-23,)
 2 Salt Creek Lane.)
)

REPORT OF DISCUSSION had in the
 above-entitled matter before the Hinsdale
 Zoning Board of Appeals, at 19 East Chicago
 Avenue, Hinsdale, Illinois, on the 15th day of
 March, A.D. 2023, at the hour of 6:30 p.m.

BOARD MEMBERS PRESENT:

MR. ROBERT NEIMAN, Chairman,
 (Speakerphone);

MR. KEITH GILTNER, Pro Tem Chairman;

MR. GANNON O'BRIEN, Member;

MR. GARY MOBERLY, Member;

MR. TOM MURPHY, Member;

MS. LESLIE LEE, Member;

JOHN PODLISKA, Member.

1 ALSO PRESENT:

2 MR. ROBERT MCGINNIS, Director of
Community Development;

3 MR. ANASTAS SHKURTI, Attorney for
4 Petitioner;

5 MR. MIKE MARZANO, Dealer/Developer;

6 MR. JERRY MORTIER, Architect for
7 Petitioner.

8

9 CHAIRMAN GILTNER: Would anyone like to
10 start the discussion? We have already had
11 discussion.

12 MR. MOBERLY: I have already tipped my
13 hand 45 minutes ago.

14 I think this is a good-looking
15 building. The hardship is it's a small -- I'm
16 surprised it's 2.2 acres. It seems much smaller
17 than that. It's hard to imagine what else could
18 possibly go on this building. I have been here
19 30 years. I cannot even remember what office
20 building was there or what it looked like. It
21 must not have been very nice because it was
22 knocked down.

1 But I think this is kind of a
2 win-win. That's an overused term, but a win-win
3 for the village. It's a good looking building.
4 Also, as I drive, I go to Jewel once or twice a
5 month and I see all of those car dealers, even
6 the high-end ones, like, BMW, Mercedes, and Audi
7 out there along with acres and acres of cars
8 parked in front with the hideous lights at night
9 and I just think -- I like the idea of the fact
10 this is indoors and it's a building that will
11 complement and enhance the office park, rather
12 than just being acres and -- I don't really mind
13 the Range Rover. Most of those are on the side.
14 And then the Ferrari I think has just a few cars
15 in the front. But it's just acres and acres of
16 cars along Ogden Avenue there in Westmont and
17 Downers Grove or whatever it is. It's just
18 not -- It's what changes the character of the
19 area and, to me, this does not change the
20 character of the area, it will enhance the area.
21 That's my two cents.

22 CHAIRMAN GILTNER: Anyone else?

1 MR. MURPHY: I'm also supporting the
2 building. The only reservation I had is that
3 one we talked about. I think it's been fully
4 addressed.

5 I think, Gary, the lot looks a lot
6 smaller because there's a lot of parking and
7 concrete. If you look, you know, the empty
8 space will only be about half of what the real
9 parcel is.

10 MR. MOBERLY: Okay. That's fair.

11 MR. MURPHY: It does seem small but
12 there's a bunch of parking that will come out
13 when they redo the -- when they redo the
14 building.

15 MR. MOBERLY: Okay.

16 CHAIRMAN GILTNER: So you're in favor
17 provided there's some language that we
18 discussed?

19 MR. MURPHY: Yes, I'm in favor provided
20 that we address the variation we're talking
21 about. If the intensity of use gets increased
22 substantially, we want -- We would recommend

1 that the board of trustees maintain in the
2 ordinance the ability to readdress that.
3 I guess that's part of the issue.
4 It doesn't matter what we do here on this in a
5 way because whether the variance gets granted is
6 up to the board of trustees, as well as the
7 provisions in the ordinance that they asked for.

8 CHAIRMAN GILTNER: Correct. Although,
9 if there are not four affirmative votes, then it
10 doesn't go on.

11 MR. MURPHY: I get it. I get it.

12 MR. MOBERLY: How do we define
13 intensity of use? That's the hard part. Let's
14 say you guys sell 40 cars a month instead of
15 20 cars a month. That's technically -- I still
16 don't think that's a big problem but it's just
17 how do you -- How many cars is too many cars?

18 MR. MURPHY: That's up to the board.

19 MR. PODLISKA: That's for them to
20 decide with the village attorney. I think after
21 we have expressed our view that that's a
22 consideration, that's a condition of our

1 approval of the recommendation for the
2 variation.
3 MR. MURPHY: We can't grant this
4 variance with that exception. So we, really,
5 just have to say we're generally in favor -- we
6 are in favor of the variance and we would
7 recommend that the trustees approve the variance
8 but with the exact conditions that we talked
9 about.

10 MR. MOBERLY: Okay.

11 CHAIRMAN GILTNER: Right. I think
12 there's a risk. We don't want to handcuff the
13 discussions with some restrictive language but,
14 yet, we also want to make sure we have also
15 raised this concern and we want it to be sort of
16 considered as part of the process and it sounds
17 like it has.

18 MR. MURPHY: Yeah. It's not coming up
19 for the first time.

20 CHAIRMAN GILTNER: Yes. So we're
21 reinforcing that.

22 MR. MCGINNIS: Chairman, if I could,

1 that concern -- they are keenly aware of that
2 concern. In fact, I spoke with Trustee
3 Stifflear today that specifically wanted to make
4 sure that there was something in the findings
5 and recommendations in this regard.

6 MR. MURPHY: In our findings and
7 recommendations?

8 MR. MCGINNIS: Yes.

9 MR. MURPHY: Okay.

10 MS. LEE: I'm in favor as well. I
11 think it will be a really nice addition to the
12 neighborhood. I think if your projected
13 traffic, I guess I would say, for the property
14 is accurate, I don't think the amount of spaces
15 that you're providing will cause any issue, and
16 I don't think that the building itself will
17 really cause much of a noticeable increase in
18 traffic in the neighborhood either.

19 I would also be in favor of
20 including some language as it relates to
21 intensity of use. And I don't know if we want
22 to say based on these projected scenarios, if we

1 want to get that specific with it, or if we just
2 want to say, you know, please consider this as a
3 detail.

4 CHAIRMAN GILTNER: Okay.

5 MR. MURPHY: I would probably leave
6 that to the board. Maybe if it's entirely
7 possible that they can do double the amount of
8 traffic that they are talking about and still
9 nobody would even notice.

10 MS. LEE: Correct. Correct.

11 MR. MURPHY: We really don't know. We
12 need somebody who has got a lot better expertise
13 on that than we have.

14 MR. PODLISKA: But we're simply
15 reflecting the presentation that's been made to
16 us, the intensity of use represented by this
17 business model that's been the process of
18 application.

19 We're agreeing that the intensity
20 of use, based upon this business model, warrants
21 a recommendation that the variation be approved.
22 It basically just sums up the entire

1 presentation that's been made to us, and these
2 are the reasons why this is unique to the
3 circumstances and you ought to approve it.

4 CHAIRMAN GILTNER: So does that not
5 address -- So is that talking about any future
6 change of use or are you just talking about we
7 approve -- we recommend the approval of this
8 variation based on the intensity of use that's
9 been presented in the packet?

10 MR. PODLISKA: I think that would do it
11 because that suggests or implies that if there's
12 some different kind of use proposed for this
13 property, that our recommendation wouldn't be to
14 grant a variation that would apply to that. And
15 it opens up -- It leaves open the opportunity
16 for the board and for the village attorney to
17 draft the specific language that reflects that.

18 CHAIRMAN GILTNER: Gannon, did you have
19 anything?

20 MR. O'BRIEN: No. I think it's a great
21 plan. You guys did your homework and provided
22 us with a very detailed, you know, backup to the

1 application.

2 To everyone else's point, I think
3 it's going to be a great addition to the village
4 and I'm over there on Ogden Avenue all the time
5 and it would be nice to look at a nice building
6 over there and the fact that you guys thought
7 enough to include the interior parking for your
8 inventory. And from a safety concern, and also
9 from an aesthetic point of view, it's very well
10 done.

11 CHAIRMAN GILTNER: So is there a motion
12 someone wants to put forward? We can still have
13 discussion once the motion is on the table, but
14 just if we're -- Does anyone have any other
15 comments?

16 MS. LEE: I just have one, really,
17 question for Robb.

18 The zoning category that this
19 property is located in, what are the other
20 permitted types of uses? I mean, an office
21 building, obviously, which it would be -- the
22 parking wouldn't work in that scenario very well

1 either. What else could go there?

2 MR. McGINNIS: So B-3 is a general
3 business category. There are pages and pages of
4 permitted uses. I would hate to just start --

5 MS. LEE: So you could put a restaurant
6 there if you wanted?

7 MR. McGINNIS: Yes, you could.

8 MS. LEE: Okay. That's what I was
9 trying to understand. Thank you.

10 MR. McGINNIS: But, again, that would
11 be easy to address, right, because it's a change
12 in use.

13 MS. LEE: Right.

14 MR. McGINNIS: So we would have an
15 opportunity then to revisit that intensity of
16 use.

17 CHAIRMAN GILTNER: It sounds like the
18 tricky part is if it continues with this type of
19 use but maybe there's a change in intensity that
20 occurs as a result. Because if there's any
21 other sort of significant change in the use of
22 the property, then it goes through this same

1 process.

2 MR. McGINNIS: Correct.

3 MS. LEE: So if, you know, ten years
4 down the line, one of the existing car
5 dealerships on the other side of Ogden wanted to
6 purchase this building and use it as an
7 additional site for the selling of their --

8 MR. McGINNIS: That's the larger
9 concern. Spot on.

10 CHAIRMAN GILTNER: Because then you're
11 kind of splitting hairs, is it -- you know, will
12 it be the same intensity.

13 MS. LEE: It's, obviously, going to be
14 a higher use, you know if it's anything that's
15 not a \$250,000 and up car.

16 CHAIRMAN GILTNER: Right. Is Ferrari
17 across the street?

18 MR. MOBERLY: Yeah, Ferrari is about
19 the same.

20 CHAIRMAN GILTNER: Right. So that's --
21 That's precisely what the village attorney and
22 the board is concerned about from the beginning

1 and that's why there's this discussion to have
2 some language.

3 MR. McGINNIS: Correct.

4 CHAIRMAN GILTNER: So I think that's
5 what we want to factor in to do our
6 recommendation, however we decide to do that.

7 MR. PODLISKA: With a general phrase
8 that shows that that's our concern and that
9 we're moving this on to them with the
10 recommendation to grant the variation based upon
11 a consideration of this intensity of use and the
12 business model that's been presented to us.
13 That leaves it to them.

14 MS. LEE: You said it perfectly.

15 MR. O'BRIEN: Repeat that then.

16 CHAIRMAN GILTNER: Are we still -- Is
17 there a motion that someone wants to put
18 forward?

19 MR. MOBERLY: I motion that John make
20 the motion.

21 MR. PODLISKA: I move that we recommend
22 the granting of the variation with the

1 consideration of the -- I move that we recommend
2 granting the variation based upon the intensity
3 of use reflected by the business model as
4 presented in these hearings.

5 MR. MURPHY: Conditioned on intensity
6 of use. Can we recommend the ordinance include
7 conditions that would be triggered by a
8 substantial increase in the intensity of use,
9 right. Or say based on. Based on just means
10 this is what went into our decision. It isn't
11 really limiting anything. If we want the board
12 to put restrictions in their ordinance. I think
13 that's what we should say. And that's what
14 we're talking about, right?

15 CHAIRMAN GILTNER: Right. So maybe --

16 MR. O'BRIEN: Our granting isn't
17 conditional on that, correct?

18 CHAIRMAN GILTNER: Sorry?

19 MR. O'BRIEN: Our granting of the
20 variance is not conditional on that?

21 MR. MURPHY: It's not conditional but
22 it's our recommendation that when they grant the

1 variance, that they include restrictions related
2 to the intensity of use.

3 CHAIRMAN GILTNER: Right. So maybe we
4 can say what you just said and then just append
5 to that to say and that any change of -- or --

6 MR. McGINNIS: Increase in use
7 intensity.

8 CHAIRMAN GILTNER: What's that?

9 MR. McGINNIS: Increase in use
10 intensity.

11 CHAIRMAN GILTNER: Or the intensity of
12 use is considered with any change of -- well --
13 I guess what I'm saying is -- I think we can
14 include what you're saying but then add to that,
15 and that for future -- for future property uses
16 that we assume that the village is working
17 through limitation language with this buyer or
18 something like that.

19 So it's not just specifically for
20 this application, but it's something -- I think
21 that's what you're saying, Tom, that it's some
22 reference to the fact that in the future we're

1 assuming that there's going to be some
2 protections and then that's what we understand
3 the village attorney is working through with
4 this buyer.

5 MR. MOBERLY: How is that enforced? Is
6 somebody going to be out there with a counter or
7 something auditing? I'm talking like five years
8 down the road.

9 MR. McGINNIS: These are very good
10 questions. I don't know what that looks like.

11 MR. MOBERLY: I don't think it's a bad
12 thing. If they sell twice as many cars as they
13 think, it's a good thing. I'm sure you guys
14 think it's a good thing.

15 MR. McGINNIS: Arguably, anyone coming
16 in, if and when McLaren ever outgrew the space
17 say, would have to come in for an occupancy
18 permit. So there are systems in place that
19 would afford us an opportunity to reevaluate
20 that new occupant going there.

21 MR. MOBERLY: Okay.

22 CHAIRMAN GILTNER: Is everyone

1 comfortable with starting with John, what you
2 just proposed, but maybe looking at some
3 additional language that -- you know, that sort
4 of further qualifies it or references the fact
5 that there's work being done to limit -- you
6 know, limitation language that's being worked
7 on?

8 Gannon, did you have something?

9 MR. O'BRIEN: Yeah. I guess language
10 to the effect of, you know, a motion to grant
11 approval of the variance as submitted. The
12 variance application as submitted with
13 recommendation to the board, that language be
14 included in the granting ordinance that this
15 variation be reviewed upon any future users'
16 increase in use intensity.

17 CHAIRMAN GILTNER: Can you read it
18 again?

19 MR. O'BRIEN: I can try. The first
20 part is recommending to the board that language
21 be included in the granting ordinance.

22 MR. PODLISKA: I would rather that it

1 reflect our view rather than our recommendation
 2 as to what language they should use.
 3 MR. O'BRIEN: Right.
 4 MR. PODLISKA: I think we can keep it
 5 more general than that if we simply say that
 6 we're recommending the granting of the variation
 7 based upon the intensity of use and the business
 8 model as presented by the applicant.
 9 CHAIRMAN GILTNER: So that it doesn't
 10 hamper any discussions between the village, we
 11 have stated our decision is based on the
 12 intensity of use today.
 13 MR. O'BRIEN: Specific to this user.
 14 CHAIRMAN GILTNER: It would still go
 15 on -- The village attorney is still going to do
 16 their work and that we have made it clear --
 17 MR. PODLISKA: Left it open to them.
 18 CHAIRMAN GILTNER: -- and our
 19 recommendation is based on that. I think -- For
 20 me, that seems acceptable.
 21 MR. MURPHY: Did the board -- Does that
 22 sound like what they are asking the board for --

1 MR. PODLISKA: No. You have the motion
 2 pending.
 3 CHAIRMAN GILTNER: You can discuss
 4 after the motion.
 5 MR. PODLISKA: We're good.
 6 CHAIRMAN GILTNER: Bob, you good to
 7 vote?
 8 CHAIRMAN NEIMAN: I am.
 9 CHAIRMAN GILTNER: Okay. Roll call,
 10 please.
 11 MR. MCGINNIS: Member Moberly?
 12 MR. MOBERLY: Yes.
 13 MR. MCGINNIS: Member O'Brien?
 14 MR. O'BRIEN: Yes.
 15 MR. MCGINNIS: Member Giltner?
 16 CHAIRMAN GILTNER: Yes.
 17 MR. MCGINNIS: Member Murphy?
 18 MR. MURPHY: Yes.
 19 MR. MCGINNIS: Member Lee?
 20 MS. LEE: Yes.
 21 MR. MCGINNIS: Member Podliska?
 22 MR. PODLISKA: Yes.

1 MR. MCGINNIS: Yes.
 2 MR. MURPHY: -- or more specific.
 3 MR. MCGINNIS: I think that your
 4 concerns have been conveyed.
 5 MR. MURPHY: I thought you were saying
 6 that they wanted our recommendation to
 7 specifically recommend an intensity of use
 8 limitation in the ordinance.
 9 MR. MCGINNIS: I think what Member
 10 Podliska put forth covers it.
 11 MR. PODLISKA: Okay.
 12 CHAIRMAN GILTNER: It's clear that it's
 13 based on the intensity of use and any change.
 14 MR. PODLISKA: Okay. So try it one
 15 more time.
 16 I move to recommend approval of the
 17 variation based upon the intensity of use and
 18 the business model as presented by the
 19 applicant.
 20 MR. O'BRIEN: Second.
 21 CHAIRMAN GILTNER: Any further
 22 discussion?

1 MR. MCGINNIS: Chairman Neiman?
 2 CHAIRMAN NEIMAN: Yes.
 3 CHAIRMAN GILTNER: Thank you.
 4 Next on the agenda is new business.
 5 Any new business? Old business?
 6 (No response.)
 7 Is there a motion to adjourn?
 8 MR. PODLISKA: So moved.
 9 CHAIRMAN GILTNER: All those in favor
 10 say aye.
 11 (All aye.)
 12 Any opposed.
 13 (No response.)
 14 Motion carries. Thank you.
 15 (WHICH, were all of the
 16 discussions had in the
 17 above-entitled cause.)
 18
 19
 20
 21
 22

STATE OF ILLINOIS)
) ss:
COUNTY OF DU PAGE)

I, KRISTI LANDOLINA, Certified
Shorthand Reporter, Registered Professional
Reporter, Notary Public in and for the County
DuPage, State of Illinois, do hereby certify
that the discussions of the Zoning Board of
Appeals was reduced to writing by means of
shorthand and thereafter transcribed into
typewritten form; and that the foregoing is a
true, correct and complete transcript of my
shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have
hereunto set my hand and affix my electronic
signature this 23rd day of March, A.D. 2023.

/s/ Kristi Landolina
KRISTI LANDOLINA
C.S.R. No. 84-4611
Notary Public, DuPage County

\$	address [3] - 4:20, 9:5, 11:11	BMW [1] - 3:6	character [2] - 3:18, 3:20	18:11
\$250,000 [1] - 12:15	addressed [1] - 4:4	BOARD [2] - 1:3, 1:14	Chicago [1] - 1:10	define [1] - 5:12
/	adjourn [1] - 21:7	board [11] - 5:1, 5:6, 5:18, 8:6, 9:16, 12:22, 14:11, 17:13, 17:20, 18:21, 18:22	circumstances [1] - 9:3	detail [1] - 8:3
/s [1] - 22:16	aesthetic [1] - 10:9	Board [2] - 1:10, 22:7	clear [2] - 18:16, 19:12	detailed [1] - 9:22
1	affix [1] - 22:14	bob [1] - 20:6	comfortable [1] - 17:1	Development [1] - 2:2
15th [1] - 1:11	afford [1] - 16:19	building [11] - 2:15, 2:18, 2:20, 3:3, 3:10, 4:2, 4:14, 7:16, 10:5, 10:21, 12:6	coming [2] - 6:18, 16:15	different [1] - 9:12
19 [1] - 1:10	aforesaid [1] - 22:12	bunch [1] - 4:12	comments [1] - 10:15	Director [1] - 2:2
2	agenda [1] - 21:4	business [10] - 8:17, 8:20, 11:3, 13:12, 14:3, 18:7, 19:18, 21:4, 21:5	Community [1] - 2:2	discuss [1] - 20:3
2 [1] - 1:6	ago [1] - 2:13	buyer [2] - 15:17, 16:4	complement [1] - 3:11	discussed [1] - 4:18
2.2 [1] - 2:16	agreeing [1] - 8:19	C	complete [1] - 22:11	DISCUSSION [2] - 1:3, 1:8
20 [1] - 5:15	ALSO [1] - 2:1	C.S.R [1] - 22:17	concern [6] - 6:15, 7:1, 7:2, 10:8, 12:9, 13:8	discussion [5] - 2:10, 2:11, 10:13, 13:1, 19:22
2023 [2] - 1:12, 22:15	amount [2] - 7:14, 8:7	cannot [1] - 2:19	concerns [1] - 19:4	discussions [4] - 6:13, 18:10, 21:16, 22:7
23rd [1] - 22:15	ANASTAS [1] - 2:3	car [3] - 3:5, 12:4, 12:15	concrete [1] - 4:7	done [2] - 10:10, 17:5
3	APPEALS [1] - 1:3	carries [1] - 21:14	condition [1] - 5:22	double [1] - 8:7
2 [1] - 1:6	Appeals [2] - 1:10, 22:8	cars [8] - 3:7, 3:14, 3:16, 5:14, 5:15, 5:17, 16:12	conditional [3] - 14:17, 14:20, 14:21	down [3] - 2:22, 12:4, 16:8
2.2 [1] - 2:16	append [1] - 15:4	category [2] - 10:18, 11:3	conditioned [1] - 14:5	Downers [1] - 3:17
20 [1] - 5:15	applicant [2] - 18:8, 19:19	cents [1] - 3:21	conditions [2] - 6:8, 14:7	draft [1] - 9:17
2023 [2] - 1:12, 22:15	application [4] - 8:18, 10:1, 15:20, 17:12	Certified [1] - 22:3	consider [1] - 8:2	drive [1] - 3:4
23rd [1] - 22:15	apply [1] - 9:14	certify [1] - 22:6	consideration [3] - 5:22, 13:11, 14:1	DU [2] - 1:2, 22:2
3	approval [4] - 6:1, 9:7, 17:11, 19:16	chairman [2] - 6:22, 21:1	considered [2] - 6:16, 15:12	DuPage [2] - 22:6, 22:17
30 [1] - 2:19	approve [3] - 6:7, 9:3, 9:7	CHAIRMAN [36] - 2:9, 3:22, 4:16, 5:8, 6:11, 6:20, 8:4, 9:4, 9:18, 10:11, 11:17, 12:10, 12:16, 12:20, 13:4, 13:16, 14:15, 14:18, 15:3, 15:8, 15:11, 16:22, 17:17, 18:9, 18:14, 18:18, 19:12, 19:21, 20:3, 20:6, 20:8, 20:9, 20:16, 21:2, 21:3, 21:9	continues [1] - 11:18	East [1] - 1:10
4	approved [1] - 8:21	Chairman [2] - 1:15, 1:16	conveyed [1] - 19:4	easy [1] - 11:11
40 [1] - 5:14	Architect [1] - 2:6	change [8] - 3:19, 9:6, 11:11, 11:19, 11:21, 15:5, 15:12, 19:13	correct [7] - 5:8, 8:10, 12:2, 13:3, 14:17, 22:11	effect [1] - 17:10
45 [1] - 2:13	area [3] - 3:19, 3:20	changes [1] - 3:18	counter [1] - 16:6	either [2] - 7:18, 11:1
6	arguably [1] - 16:15		COUNTY [2] - 1:2, 22:2	electronic [1] - 22:14
6	assume [1] - 15:16		County [2] - 22:5, 22:17	empty [1] - 4:7
6:30 [1] - 1:12	assuming [1] - 16:1		covers [1] - 19:10	end [1] - 3:6
8	attorney [5] - 5:20, 9:16, 12:21, 16:3, 18:15		Creek [1] - 1:6	enforced [1] - 16:5
84-4611 [1] - 22:17	Attorney [1] - 2:3			enhance [2] - 3:11, 3:20
A	Audi [1] - 3:6			entire [1] - 8:22
A.D [2] - 1:12, 22:15	auditing [1] - 16:7			entirely [1] - 8:6
ability [1] - 5:2	Avenue [3] - 1:11, 3:16, 10:4			entitled [2] - 1:9, 21:17
above-entitled [2] - 1:9, 21:17	aware [1] - 7:1			exact [1] - 6:8
acceptable [1] - 18:20	aye [2] - 21:10, 21:11			exception [1] - 6:4
accurate [1] - 7:14	B			existing [1] - 12:4
acres [6] - 2:16, 3:7, 3:12, 3:15	B-3 [1] - 11:2			expertise [1] - 8:12
add [1] - 15:14	backup [1] - 9:22			expressed [1] - 5:21
addition [2] - 7:11, 10:3	bad [1] - 16:11			F
additional [2] - 12:7, 17:3	based [12] - 7:22, 8:20, 9:8, 13:10, 14:2, 14:9, 18:7, 18:11, 18:19, 19:13, 19:17			fact [5] - 3:9, 7:2, 10:6, 15:22, 17:4
	beginning [1] - 12:22			factor [1] - 13:5
	better [1] - 8:12			fair [1] - 4:10
	between [1] - 18:10			
	big [1] - 5:16			

favor [7] - 4:16, 4:19, 6:5, 6:6, 7:10, 7:19, 21:9 Ferrari [3] - 3:14, 12:16, 12:18 few [1] - 3:14 findings [2] - 7:4, 7:6 first [2] - 6:19, 17:19 five [1] - 16:7 foregoing [1] - 22:10 form [1] - 22:10 forth [1] - 19:10 forward [2] - 10:12, 13:18 four [1] - 5:9 front [2] - 3:8, 3:15 fully [1] - 4:3 future [5] - 9:5, 15:15, 15:22, 17:15	H	J	M	8:5, 8:11, 8:14, 9:10, 9:20, 11:2, 11:7, 11:10, 11:14, 12:2, 12:8, 12:18, 13:3, 13:7, 13:15, 13:19, 13:21, 14:5, 14:16, 14:19, 14:21, 15:6, 15:9, 16:5, 16:9, 16:11, 16:15, 16:21, 17:9, 17:19, 17:22, 18:3, 18:4, 18:13, 18:17, 18:21, 19:1, 19:2, 19:3, 19:5, 19:9, 19:11, 19:14, 19:20, 20:1, 20:5, 20:11, 20:12, 20:13, 20:14, 20:15, 20:17, 20:18, 20:19, 20:21, 20:22, 21:1, 21:8 MS [11] - 1:20, 7:10, 8:10, 10:16, 11:5, 11:8, 11:13, 12:3, 12:13, 13:14, 20:20 Murphy [1] - 20:17 MURPHY [18] - 1:19, 4:1, 4:11, 4:19, 5:11, 5:18, 6:3, 6:18, 7:6, 7:9, 8:5, 8:11, 14:5, 14:21, 18:21, 19:2, 19:5, 20:18 must [1] - 2:21
				maintain [1] - 5:1 March [2] - 1:12, 22:15 MARZANO [1] - 2:5 Matter [1] - 1:4 matter [2] - 1:9, 5:4 McGINNIS [24] - 2:2, 6:22, 7:8, 11:2, 11:7, 11:10, 11:14, 12:2, 12:8, 13:3, 15:6, 15:9, 16:9, 16:15, 19:1, 19:3, 19:9, 20:11, 20:13, 20:15, 20:17, 20:19, 20:21, 21:1 McLaren [1] - 16:16 mean [1] - 10:20 means [2] - 14:9, 22:8 Member [6] - 1:17, 1:18, 1:19, 1:20, 1:21, 19:9 member [6] - 20:11, 20:13, 20:15, 20:17, 20:19, 20:21 MEMBERS [1] - 1:14 Mercedes [1] - 3:6 MIKE [1] - 2:5 mind [1] - 3:12 minutes [1] - 2:13 Moberly [1] - 20:11 MOBERLY [12] - 1:18, 2:12, 4:10, 4:15, 5:12, 6:10, 12:18, 13:19, 16:5, 16:11, 16:21, 20:12 model [6] - 8:17, 8:20, 13:12, 14:3, 18:8, 19:18 month [3] - 3:5, 5:14, 5:15 MORTIER [1] - 2:6 Most [1] - 3:13 motion [10] - 10:11, 10:13, 13:17, 13:19, 13:20, 17:10, 20:1, 20:4, 21:7, 21:14 move [3] - 13:21, 14:1, 19:16 moved [1] - 21:8 moving [1] - 13:9 MR [84] - 1:15, 1:16, 1:17, 1:18, 1:19, 2:2, 2:3, 2:5, 2:6, 2:12, 4:1, 4:10, 4:11, 4:15, 4:19, 5:11, 5:12, 5:18, 5:19, 6:3, 6:10, 6:18, 6:22, 7:6, 7:8, 7:9,
				need [1] - 8:12 neighborhood [2] - 7:12, 7:18 NEIMAN [3] - 1:15, 20:8, 21:2 Neiman [1] - 21:1 new [3] - 16:20, 21:4, 21:5 next [1] - 21:4 nice [4] - 2:21, 7:11, 10:5 night [1] - 3:8 nobody [1] - 8:9 Notary [2] - 22:5, 22:17 notes [1] - 22:12 notice [1] - 8:9 noticeable [1] - 7:17
G	I	L	O	O'BRIEN [11] - 1:17, 9:20, 13:15, 14:16, 14:19, 17:9, 17:19, 18:3, 18:13, 19:20,
				LANDOLINA [2] - 22:3, 22:16 Landolina [1] - 22:16 Lane [1] - 1:6 language [12] - 4:17, 6:13, 7:20, 9:17, 13:2, 15:17, 17:3, 17:6, 17:9, 17:13, 17:20, 18:2 larger [1] - 12:8 leave [1] - 8:5 leaves [2] - 9:15, 13:13 Lee [1] - 20:19 LEE [11] - 1:20, 7:10, 8:10, 10:16, 11:5, 11:8, 11:13, 12:3, 12:13, 13:14, 20:20 left [1] - 18:17 LESLIE [1] - 1:20 lights [1] - 3:8 limit [1] - 17:5 limitation [3] - 15:17, 17:6, 19:8 limiting [1] - 14:11 line [1] - 12:4 located [1] - 10:19 look [2] - 4:7, 10:5 looked [1] - 2:20 looking [3] - 2:14, 3:3, 17:2 looks [2] - 4:5, 16:10
				favor [7] - 4:16, 4:19, 6:5, 6:6, 7:10, 7:19, 21:9 Ferrari [3] - 3:14, 12:16, 12:18 few [1] - 3:14 findings [2] - 7:4, 7:6 first [2] - 6:19, 17:19 five [1] - 16:7 foregoing [1] - 22:10 form [1] - 22:10 forth [1] - 19:10 forward [2] - 10:12, 13:18 four [1] - 5:9 front [2] - 3:8, 3:15 fully [1] - 4:3 future [5] - 9:5, 15:15, 15:22, 17:15
G	I	L	O	hair [1] - 12:11 half [1] - 4:8 hamper [1] - 18:10 hand [2] - 2:13, 22:14 handcuff [1] - 6:12 hard [2] - 2:17, 5:13 hardship [1] - 2:15 hate [1] - 11:4 hearings [1] - 14:4 hereby [1] - 22:6 hereunto [1] - 22:14 hideous [1] - 3:8 high [1] - 3:6 high-end [1] - 3:6 higher [1] - 12:14 HINSDALE [1] - 1:3 Hinsdale [2] - 1:9, 1:11 homework [1] - 9:21 hour [1] - 1:12
				idea [1] - 3:9 ILLINOIS [2] - 1:1, 22:1 Illinois [2] - 1:11, 22:6 imagine [1] - 2:17 implies [1] - 9:11 IN [1] - 22:13 include [4] - 10:7, 14:6, 15:1, 15:14 included [2] - 17:14, 17:21 including [1] - 7:20 increase [5] - 7:17, 14:8, 15:6, 15:9, 17:16 increased [1] - 4:21 indoors [1] - 3:10 instead [1] - 5:14 intensity [23] - 4:21, 5:13, 7:21, 8:16, 8:19, 9:8, 11:15, 11:19, 12:12, 13:11, 14:2, 14:5, 14:8, 15:2, 15:7, 15:10, 15:11, 17:16, 18:7, 18:12, 19:7, 19:13, 19:17 interior [1] - 10:7 inventory [1] - 10:8 issue [2] - 5:3, 7:15 itself [1] - 7:16
				GANNON [1] - 1:17 Gannon [2] - 9:18, 17:8 GARY [1] - 1:18 Gary [1] - 4:5 general [3] - 11:2, 13:7, 18:5 generally [1] - 6:5 Giltner [1] - 20:15 GILTNER [35] - 1:16, 2:9, 3:22, 4:16, 5:8, 6:11, 6:20, 8:4, 9:4, 9:18, 10:11, 11:17, 12:10, 12:16, 12:20, 13:4, 13:16, 14:15, 14:18, 15:3, 15:8, 15:11, 16:22, 17:17, 18:9, 18:14, 18:18, 19:12, 19:21, 20:3, 20:6, 20:9, 20:16, 21:3, 21:9 good-looking [1] - 2:14 grant [5] - 6:3, 9:14, 13:10, 14:22, 17:10 granted [1] - 5:5 granting [7] - 13:22, 14:2, 14:16, 14:19, 17:14, 17:21, 18:6 great [2] - 9:20, 10:3 Grove [1] - 3:17 guess [4] - 5:3, 7:13, 15:13, 17:9 guys [4] - 5:14, 9:21, 10:6, 16:13

20:14 O'Brien [1] - 20:13 obviously [2] - 10:21, 12:13 occupancy [1] - 16:17 occupant [1] - 16:20 occurs [1] - 11:20 OF [7] - 1:1, 1:2, 1:3, 1:3, 1:8, 22:1, 22:2 office [3] - 2:19, 3:11, 10:20 Ogden [3] - 3:16, 10:4, 12:5 old [1] - 21:5 once [2] - 3:4, 10:13 one [4] - 4:3, 10:16, 12:4, 19:14 ones [1] - 3:6 open [2] - 9:15, 18:17 opens [1] - 9:15 opportunity [3] - 9:15, 11:15, 16:19 opposed [1] - 21:12 ordinance [7] - 5:2, 5:7, 14:6, 14:12, 17:14, 17:21, 19:8 ought [1] - 9:3 outgrew [1] - 16:16 overused [1] - 3:2	13:7, 13:21, 17:22, 18:4, 18:17, 19:11, 19:14, 20:1, 20:5, 20:22, 21:8 point [2] - 10:2, 10:9 possible [1] - 8:7 possibly [1] - 2:18 precisely [1] - 12:21 PRESENT [2] - 1:14, 2:1 presentation [2] - 8:15, 9:1 presented [5] - 9:9, 13:12, 14:4, 18:8, 19:18 Pro [1] - 1:16 problem [1] - 5:16 process [3] - 6:16, 8:17, 12:1 Professional [1] - 22:4 projected [2] - 7:12, 7:22 property [5] - 7:13, 9:13, 10:19, 11:22, 15:15 proposed [2] - 9:12, 17:2 protections [1] - 16:2 provided [3] - 4:17, 4:19, 9:21 providing [1] - 7:15 provisions [1] - 5:7 Public [2] - 22:5, 22:17 purchase [1] - 12:6 put [5] - 10:12, 11:5, 13:17, 14:12, 19:10	recommend [8] - 4:22, 6:7, 9:7, 13:21, 14:1, 14:6, 19:7, 19:16 recommendation [10] - 6:1, 8:21, 9:13, 13:6, 13:10, 14:22, 17:13, 18:1, 18:19, 19:6 recommendations [2] - 7:5, 7:7 recommending [2] - 17:20, 18:6 redo [2] - 4:13 reduced [1] - 22:8 reevaluate [1] - 16:19 reference [1] - 15:22 references [1] - 17:4 reflect [1] - 18:1 reflected [1] - 14:3 reflecting [1] - 8:15 reflects [1] - 9:17 regard [1] - 7:5 Registered [1] - 22:4 reinforcing [1] - 6:21 related [1] - 15:1 relates [1] - 7:20 remember [1] - 2:19 repeat [1] - 13:15 REPORT [1] - 1:8 Reporter [2] - 22:4, 22:5 represented [1] - 8:16 reservation [1] - 4:2 response [2] - 21:6, 21:13 restaurant [1] - 11:5 restrictions [2] - 14:12, 15:1 restrictive [1] - 6:13 result [1] - 11:20 reviewed [1] - 17:15 revisit [1] - 11:15 risk [1] - 6:12 road [1] - 16:8 Robb [1] - 10:17 ROBERT [2] - 1:15, 2:2 roll [1] - 20:9 Rover [1] - 3:13	second [1] - 19:20 see [1] - 3:5 seem [1] - 4:11 sell [2] - 5:14, 16:12 selling [1] - 12:7 set [1] - 22:14 SHKURTI [1] - 2:3 Shorthand [1] - 22:4 shorthand [2] - 22:9, 22:12 shows [1] - 13:8 side [2] - 3:13, 12:5 signature [1] - 22:15 significant [1] - 11:21 simply [2] - 8:14, 18:5 site [1] - 12:7 small [2] - 2:15, 4:11 smaller [2] - 2:16, 4:6 someone [2] - 10:12, 13:17 sorry [1] - 14:18 sort [3] - 6:15, 11:21, 17:3 sound [1] - 18:22 sounds [2] - 6:16, 11:17 space [2] - 4:8, 16:16 spaces [1] - 7:14 Speakerphone [1] - 1:15 specific [4] - 8:1, 9:17, 18:13, 19:2, 15:19, 19:7 specifically [3] - 7:3, 15:19, 19:7 splitting [1] - 12:11 spot [1] - 12:9 ss [2] - 1:1, 22:1 start [2] - 2:10, 11:4 starting [1] - 17:1 STATE [2] - 1:1, 22:1 State [1] - 22:6 Stifflear [1] - 7:3 still [6] - 5:15, 8:8, 10:12, 13:16, 18:14, 18:15 street [1] - 12:17 submitted [2] - 17:11, 17:12 substantial [1] - 14:8 substantially [1] - 4:22 suggests [1] - 9:11 sums [1] - 8:22 supporting [1] - 4:1 surprised [1] - 2:16 systems [1] - 16:18	T table [1] - 10:13 technically [1] - 5:15 Tem [1] - 1:16 ten [1] - 12:3 term [1] - 3:2 TESTIMONY [1] - 22:13 THE [1] - 1:3 thereafter [1] - 22:9 tipped [1] - 2:12 today [2] - 7:3, 18:12 Tom [1] - 15:21 TOM [1] - 1:19 traffic [3] - 7:13, 7:18, 8:8 transcribed [1] - 22:9 transcript [1] - 22:11 tricky [1] - 11:18 triggered [1] - 14:7 true [1] - 22:11 Trustee [1] - 7:2 trustees [3] - 5:1, 5:6, 6:7 try [2] - 17:19, 19:14 trying [1] - 11:9 twice [2] - 3:4, 16:12 two [1] - 3:21 type [1] - 11:18 types [1] - 10:20 typewritten [1] - 22:10	
P p.m [1] - 1:12 packet [1] - 9:9 PAGE [2] - 1:2, 22:2 pages [2] - 11:3 parcel [1] - 4:9 park [1] - 3:11 parked [1] - 3:8 parking [4] - 4:6, 4:12, 10:7, 10:22 part [5] - 5:3, 5:13, 6:16, 11:18, 17:20 pending [1] - 20:2 perfectly [1] - 13:14 permit [1] - 16:18 permitted [2] - 10:20, 11:4 Petitioner [2] - 2:4, 2:6 phrase [1] - 13:7 place [1] - 16:18 plan [1] - 9:21 Podliska [2] - 19:10, 20:21 PODLISKA [15] - 1:21, 5:19, 8:14, 9:10,	Q qualifies [1] - 17:4 questions [1] - 16:10	R raised [1] - 6:15 Range [1] - 3:13 rather [3] - 3:11, 17:22, 18:1 read [1] - 17:17 readdress [1] - 5:2 real [1] - 4:8 really [7] - 3:12, 6:4, 7:11, 7:17, 8:11, 10:16, 14:11 reasons [1] - 9:2	S safety [1] - 10:8 Salt [1] - 1:6 scenario [1] - 10:22 scenarios [1] - 7:22		U unique [1] - 9:2 up [6] - 5:6, 5:18, 6:18, 8:22, 9:15, 12:15 user [1] - 18:13 users' [1] - 17:15 uses [3] - 10:20, 11:4, 15:15
				V V-01-23 [1] - 1:5 variance [8] - 5:5, 6:4, 6:6, 6:7, 14:20, 15:1, 17:11, 17:12 variation [11] - 4:20, 6:2, 8:21, 9:8, 9:14, 13:10, 13:22, 14:2, 17:15, 18:6, 19:17 view [3] - 5:21, 10:9,	

18:1
village [9] - 3:3, 5:20,
9:16, 10:3, 12:21,
15:16, 16:3, 18:10,
18:15
vote [1] - 20:7
votes [1] - 5:9

W

wants [2] - 10:12,
13:17
warrants [1] - 8:20
Westmont [1] - 3:16
WHEREOF [1] -
22:13
WHICH [1] - 21:15
win [4] - 3:2
win-win [2] - 3:2
writing [1] - 22:8

Y

years [3] - 2:19,
12:3, 16:7

Z

ZONING [1] - 1:3
zoning [1] - 10:18
Zoning [2] - 1:10,
22:7

4a,

**FINDINGS OF FACT AND RECOMMENDATION OF THE
VILLAGE OF HINSDALE ZONING BOARD OF APPEALS TO
THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES**

ZONING CASE NO: V-01-23

PETITIONER: Mouse Motors Inc. d/b/a Mouse Automotive Inc.

APPLICATION: For a Variation from the Zoning Code of the Village of Hinsdale ("Zoning Code") relative to parking at 2 Salt Creek Lane, Hinsdale, Illinois.

MEETING HELD: A Public Hearing was held on Wednesday, March 15, 2023 at 6:30 p.m. in Memorial Hall, in the Memorial Building, 19 East Chicago Avenue, Hinsdale, Illinois, pursuant to a notice published in The Hinsdalean on February 23, 2023.

PROPERTY: The subject property is commonly known as 2 Salt Creek Lane, Hinsdale, Illinois (the "Property") and is legally described in **Exhibit A** attached hereto and made a part hereof.

SUMMARY OF REQUEST: The Village of Hinsdale has received a request from Mouse Motors Inc. d/b/a Mouse Automotive Inc. (the "Applicant") for a variation from the parking requirements for the luxury auto dealership proposed to be developed on the Property at 2 Salt Creek Lane (the "Application"). A copy of the Application is attached hereto as **Exhibit B** and made a part hereof.

This Property is presently located in the O-3 General Office Zoning District, but the Applicant has a pending concurrent application on file with the Village to rezone the Property to B-3 General Business District. Site plan and exterior appearance plans for the Property are also pending with the Village.

The specific variation requested by Applicant is to subsection 9-104(J) of the Zoning Code of the Village of Hinsdale ("Zoning Code") over which the Village President and Board of Trustees, upon a recommendation from the Zoning Board of Appeals of the Village of Hinsdale ("ZBA") has final authority:

- A variation to subsection 9-104(J) of the Zoning Code to allow for 46 outdoor parking spaces on the Subject Property for the proposed luxury automotive dealership instead of the 119 spaces required by the Zoning Code, a reduction of 73 spaces.

This request is hereafter referred to as the "Requested Variation."

On March 15, 2023, following the conclusion of the public hearing on this matter, the ZBA recommended approval of the Requested Variation to the Village President and

Board of Trustees of the Village based on the intensity of use and business model as presented, on a vote of seven (7) in favor, zero (0) opposed, and zero (0) absent.

PUBLIC HEARING: At the public hearing on the Requested Variation, Attorney Anastas Shkurti and Dealer/Developer Mike Marzano testified as representatives of the Applicant on the Requested Variation.

Mr. Shkurti explained that the Applicant, through an affiliated entity, had purchased the 2.2-acre Property with the intent to develop it into a luxury auto dealership. If approved, it will be the largest luxury dealership in North America.

The Applicant has received a favorable vote from the Plan Commission on its request to rezone the Property from its present O-3 General Office Zoning District designation to a B-3 General Business District designation, and on its proposed exterior appearance and site plans.

The site plan consists of a two-story building with a net area of about 32,619 square feet and provides for 46 exterior full-size parking stalls. The Zoning Code requires a total of 119 full-size parking stalls, and the proposal is therefore deficient by a total of 73 parking stalls. The site plan also provides for 65 indoor parking spaces inclusive of spaces in two (2) showrooms (19 total spaces), a service area (12 spaces) and an indoor parking facility on the second floor (34 spaces). The Applicant believes the combined indoor and outdoor parking stalls will provide more than enough parking for all projected vehicle inventory, sales and service. The adequacy of the proposed parking is premised on the fact that the dealer will have a significantly lower intensity of use than a typical auto dealership. About 80% of vehicle sales occur online, and about 90 to 95% of all service business needs are handled by a vehicle hauler. The loading truck bay is separate from the proposed parking. Low customer walk-in traffic is anticipated, both due to the price point and because so many of the total sales are handled online and so much of the service is handled by the hauler. Only about three (3) in-person customer visits are anticipated to occur on an average day, with even fewer in-person service visits, and about eight (8) to ten (10) employees on site. Service and showroom areas will be largely by appointment. Vehicles for service appointments will be primarily picked up from the customers' locations and brought to the site for repair, meaning the 46 exterior parking spaces will primarily exist for customers, visitors and occasional employee parking.

Mr. Shkurti then described how, in the opinion of the Applicant, each of the standards applicable to the Proposed Variation were met in this case.

Members of the ZBA asked various questions and clarified, among other things, that all vehicle inventory would all be parked indoors in the showroom and second floor parking facility, in some cases vehicles will be ordered and delivered without the customer ever coming to the Property, and that the Applicant was open to and understood the need for language in the approving Ordinance that would limit the applicability of the variation to future uses that had a similarly low intensity of use as the luxury dealership proposed

here. Following additional discussion concerning the limitations on future use, and there being no further questions or members of the public wishing to speak on the application, the Public Hearing was closed.

Members discussed the Requested Variation. Members generally favored this particular use, but expressed their ongoing concerns about how to limit future uses that may be higher in intensity. A motion to recommend approval of the Requested Variation based on the intensity of use and business model as presented was made by Member Podliska and seconded by Member O'Brien. The motion was premised on the understanding of the Members that the Applicant and counsel for the Village were working through proposed language for inclusion in the approving Ordinance that would limit the applicability of the variation to uses of similarly low intensity to the use proposed by the Applicant.

AYES: Members Moberly, O'Brien, Giltner, Murphy, Lee, Podliska and Chairman Neiman

NAYS: None

ABSTAIN: None

ABSENT: None

FINDINGS: The following are the Findings of the ZBA relative to the Requested Variation:

1. *General Standard: Carrying out the strict letter of the provisions of the Zoning Code would create a particular hardship or a practical difficulty, based on satisfaction of the standards below:*

2. *Unique Physical Condition: The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.* The Property has been vacant for approximately eleven (11) years. The smallish size of the lot and space available for parking limits the potential commercial uses and parking of the Property, as does the required 100-foot setback from Ogden Avenue and the present of an existing access drive for use by an adjacent property, and those were found by the Board to make this Property unique as compared to other lots on the north side of Ogden Avenue.

3. *Not Self-Created: The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner*

prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of the Zoning Code, for which no compensation was paid. The need for the Requested Variation is not self-created. The ZBA finds this standard to have been met.

4. Denied Substantial Rights: The carrying out of the strict letter of the provisions from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision. The Applicant's business model and its correspondingly low intensity of use is unique to this type of luxury auto dealership and the Applicant's business model. In this case, requiring the Applicant to conform to the parking provisions of the Zoning Code for a traditional auto dealership would limit the ability of the Applicant to, among other things, make a commercially viable use of the Property.

5. Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation. The ability to provide parking commiserate with the proposed low intensity of use of this luxury auto dealership is not a special privilege. The ZBA finds this standard to have been met.

6. Code And Plan Purposes: The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which the Zoning Code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan. The ZBA found this standard to have been met as to the Requested Variation. The Zoning Code permits auto dealerships in the B-3 General Business Zoning District to which the Property is proposed to be rezoned. The parking standards in the Zoning Code are targeted at traditional automobile dealerships with large inventories on-site, patrons regularly visiting the service center, and numerous customers visiting the property to browse the inventory, none of which are present in the proposal here, where sales are handled primarily on-line, service is handled primarily through trucks bringing cars to and from the Property for service, and a minimal amount of customers visiting the Property for sales purposes.

7. Essential Character Of The Area: The variation would not result in a use or development on the subject property that:

(a) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or (b) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or (c) would substantially increase congestion in the public streets due to traffic or parking; or (d) would unduly increase

the danger of flood or fire; or (e) would unduly tax public utilities and facilities in the area; or (f) would endanger the public health or safety.

The granting of the Variation recommended for approval here, with the use intensity limitations anticipated to be included in any approving Ordinance by the Board of Trustees, will allow the redevelopment of the Property with an attractive building, and commercially viable low intensity use that will complement the area. Traffic impacts will be minimal and necessary utilities are or will be provided. The Requested Variation as recommended for approval will not endanger the public health or safety.

8. *No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.* The ZBA finds this standard has been met as to the Requested Variation recommended for approval.

RECOMMENDATION:

Based on the Findings set forth above, the ZBA, by a vote of seven (7) in favor and zero (0) opposed, recommends to the President and Board of Trustees that the following Requested Variation relative to parking at the Property, located following its rezoning in the B-3 General Business Zoning District at 2 Salt Creek Lane, be GRANTED:

- **A variation to subsection 9-104(J) of the Zoning Code to allow for 46 outdoor parking spaces on the Subject Property for the proposed luxury automotive dealership instead of the 119 spaces required by the Zoning Code, a reduction of 73 spaces. The recommendation was premised on the understanding of the Members that the Applicant and counsel for the Village were working through proposed language for inclusion in the approving Ordinance that would limit the applicability of the variation to uses of similarly low intensity to the use proposed by the Applicant.**

Signed: _____
Robert Neiman, Chair
Zoning Board of Appeals
Village of Hinsdale

Date: _____

EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

PARCEL 1: LOT 7 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2022, AS DOCUMENT R2002-243817, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: NON-EXCLUSIVE PERPETUAL EASEMENTS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY AGREEMENT RECORDED JUNE 11, 1973 AS DOCUMENT R73-33823 AS AMENDED BY DOCUMENTS R73-35331, R81-2365 AND R2001-197280, DESCRIBED IN RIDER DESCRIPTIONS 2, 4 AND 6 ATTACHED THERETO, AND BY EASEMENT GRANT RECORDED JANUARY 18, 1989 AS DOCUMENT R89-006821 AS AMENDED BY DOCUMENT R89-072896, AND AS CREATED BY EASEMENT GRANT RECORDED JUNE 20, 1989 AS DOCUMENT R89-07897, DESCRIBED AS EXHIBITS C1 THROUGH C5 ATTACHED THERETO, AND ALSO AS CREATED BY LICENSE AGREEMENT RECORDED JUNE 11, 1973 AS DOCUMENT R73-33822, AS SUPPLEMENTED BY SUPPLEMENTAL DECLARATION OF LICENSE RECORDED AS DOCUMENT R77-117083 AND SUPPLEMENTAL DECLARATION OF LICENSE RECORDED AS DOCUMENT R79-107322, FOR THE PURPOSES OF INGRESS AND EGRESS OVER, UPON, AND ACROSS EASEMENT PREMISES.

PARCEL 3: A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY DECLARATION OF EASEMENTS AND OPERATING COVENANTS RECORDED MAY 29, 2003, AS DOCUMENT R2003-200111, AND RE-RECORDED JANUARY 10, 2006 AS DOCUMENT R2006-0005825 AND AMENDED BY AMENDMENT RECORDED FEBRUARY 27, 2012 AS DOCUMENT R2012-024784 FOR THE PURPOSE OF VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS UPON THE ROADWAYS; REPAIR, REPLACEMENT AND RENEWAL OF UTILITY IMPROVEMENTS; RETENTION, DETENTION AND DRAINAGE OF WATER; AND OVER COMMON IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO THE CLOCK TOWER, SIDEWALKS, LANDSCAPED AREAS AND POND FOR PEDESTRIAN INGRESS, EGRESS, ACCESS AND FOR PASSIVE RECREATIONAL PURPOSES OVER THE FOLLOWING DESCRIBED LAND: LOTS 1,2,3,4,6,7,8,9 AND 10 IN OFFICE PARK OF HINSDALE, BEING A SUBDIVISION OF PART OF SECTION 36, TOWNSHIP 39 NORTH, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 2002, AS DOCUMENT E2002-243817, IN DUPAGE COUNTY ILLINOIS.

Commonly Known As: 2 Salt Creek Lane, Hinsdale IL, 60521
PIN: 09-01-207-012