



Village of Bartlett  
Planning and Zoning Commission  
April 4, 2024

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M. Werden, Chair called the meeting to order at 7:00 pm.

**Roll Call**

Present: B. Bucaro, C. Deveaux, J. Kapadoukakis, G. Koziol, J. Miaso, M. Sarwas, J. Battermann,  
M. Werden

Absent: None

Also Present: Kristy Stone, Planning & Development Services Director, Andrew Barna, Associate Planner

**Approval of Minutes**

A motion was made to approve the March 7, 2024 meeting minutes.

Motioned by: B. Bucaro

Seconded by: G. Koziol

**Roll Call**

Ayes: B. Bucaro, C. Deveaux, J. Kapadoukakis, G. Koziol, J. Miaso, M. Sarwas, J. Battermann,  
M. Werden

Nays: None

Abstain: None

The motion carried.

**Public Forum**

**M. Werden** opened the public forum. No one from the public came forward. **M. Werden** closed the public forum.



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**(#24-05) Shelby's – 867 S Route 59**

Special Use Permit – To Serve Beer and Wine

**PUBLIC HEARING**

The following exhibits were presented:

**Exhibit A – Pictures of Signs**

**Exhibit B – Mail Return Receipts**

**Exhibit C – Notification of Publication**

The petitioner's representative, **Bob Klinke**, CFO Illinois Cafe & Service Co LLC 947 Monroe Ave, River Forest, IL came forward and was sworn in by **M. Werden**. **B. Klinke** stated, we are seeking a Special Use Permit to move the current location to a different location in the same shopping center. We have come to an agreement with the landlord to move to that space. **M. Werden** asked if there were any inquiries regarding this request. **A. Barna** no, there were not. **M. Werden** when is the intended move date? **B. Klinke** we would probably start construction around May 1, 2024. I think we would be done by July 4, 2024. **M. Werden** this request would be to maintain what you already have at the current location. **B. Klinke** yes. **J. Battermann** will there be a new sign at the new location or will you just move the existing sign? **B. Klinke** it will be moved to the new location if that sign meets the specifications of the Village.

**M. Werden** opened the public forum. No one from the public came forward.

**C. Deveaux** made a motion to pass along a **positive recommendation** to the Village Board to approve case **(#24-05) Shelby's** for a Special Use Permit to serve beer and wine subject to the findings of fact outlined in the staff report.

**Motioned by: C. Deveaux**

**Seconded by: J. Miaso**

**M. Werden** closed the public hearing portion of the meeting.

**Roll Call**

**Ayes: B. Bucaro, , C. Deveaux, J. Kapadoukakis, G. Koziol, J. Miaso, M. Sarwas, J. Battermann,**

**M. Werden**

**Nays: None**

**The motion carried.**



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**(#24-06) Packing by Design - 1250 Hardt Cir**

Variance – Front Yard

**PUBLIC HEARING**

The following exhibits were presented:

**Exhibit A – Pictures of Signs**

**Exhibit B – Mail Return Receipts**

**Exhibit C – Notification of Publication**

The petitioner, **Carra Scurto** 425 N Martingale Rd, Schaumburg, IL came forward and was sworn in by **M. Werden**. **C. Scurto** stated, we applied for a variance due to the building footings encroaching within the 40' setback. The building's precast wall panels are within the setback. Only the footings are encroaching. **M. Werden** the walls are not encroaching. **C. Scurto** no, they are not. **K. Stone** the building code permits a foundation to encroach up to 6" into the front setback; however, since this is greater than 6", the petitioner needed to apply for a variance. **M. Werden** it is unusual that the building got built before this encroachment was discovered. **A. Barna** the geometry plan was approved in August 2023 for the building permit. The petitioner submitted the spot survey in February 2024. The spot survey showed that the footings were encroaching the setback. **B. Bucaro** did this happen because of the curvature of the street and the way the building is set? I know it is only off a small amount, but why was it not shown on the plan in 2023. **A. Barna** that was not on the geometry plan in 2023. The spot survey was done after the footings were poured and that showed the accurate dimensions of the footings. **K. Stone** the original plan showed the building meeting the 40' setback. **M. Werden** I prefer to look at this as an honest mistake and not something deliberate.

**M. Werden** opened the public forum. No one from the public came forward

**M. Sarwas** made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#24-06) Packing by Design** for a front yard variance subject to the findings of fact outlined in the staff report.

**Motioned by: M. Sarwas**

**Seconded by: J. Miaso**

**M. Werden** closed the public hearing portion of the meeting.

**Roll Call**

**Ayes: B. Bucaro, C. Deveaux, J. Kapadoukakis, G. Koziol, J. Miaso, M. Sarwas, J. Battermann,**

**M. Werden**

**Nays: None**

**The motion carried.**



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**(#23-10) Maryville – SW corner W Bartlett Road & S Devon Ave**

Amendment to the Planned Unit Development (Immaculata)

Preliminary/Final Subdivision

Special Use Permit – Community Residence

Text Amendment

Final Site/PUD Plan

**PUBLIC HEARING**

**The following exhibits were presented:**

**Exhibit A – Pictures of Signs**

**Exhibit B – Mail Return Receipts**

**Exhibit C – Notification of Publication**

**Exhibit D – MAI Appraisal**

The attorney representing the petitioner, **John George** 71 S. Wacker Dr, Chicago, IL came forward and was sworn in by **M. Werden**. **J. George** stated that they are requesting a special use for the property at 775 W. Bartlett Road for an existing building and propose to have 6 young women living there, ages 18 to 21. This property is a 12.7-acre piece of property which is part of the Immaculata planned development. Our property is in Sub -area C south of Bartlett Road, west of Devon, and north of Carillon Road. Carillon Road is not a dedicated road. I will be calling forward Sister Ryan, Executive Director of Maryville Academy who will explain a little bit about Maryville and the reason why they wanted to use this parcel of property as part of their program. I will also be calling on Eveyln Smith, Director of Residential Services who will explain in detail the specifics of this community residence in terms of hours of operation, parking spaces and all of the particular relevant information that you will need. I will also be calling on Sylvester Kerwin, MAI appraiser who Maryville has retained. He has made a report which I have submitted to the Village as an exhibit. That report talks about the compatibility of this proposed use to other uses in the area and the fact that this use does not create an adverse impact on any of the surrounding properties. Lastly, I will be calling on Geri Kelley, the project architect who will go into greater detail about the interior renovations to the building. There will be no exterior renovations. All of the renovations would be to create bedrooms for the young woman that will be living there. I would like to call these witnesses and go through the questions that I have for them and then we will be ready to answer any questions that you might have. Is that acceptable to your mister chairman? **M. Werden** yes.

The petitioner, **Sister Catherine Ryan**, OSF Director, 1150 N River Rd, Des Plaines, came forward and was sworn in by **M. Werden**. **Sr. Ryan** stated I have been associated with Maryville Academy for 20 years and we have been grateful to serve on the campus at 951 W. Bartlett Road, which is just down the road from the site that we are talking about tonight. That is our girl's campus. We have 6 homes there. Those homes serve our young ladies who come to us in need of temporary housing. **J. George** please explain to the committee what programming would take place at the property at 775 W. Bartlett Road. **Sr. Ryan** one of the programs that we have on the Eisenburg Campus serves young ladies with cognitive delay. These young ladies were removed from their homes by the Department of Children and Family Services many years before because they were victims of abuse or neglect so they are in need of continued care. Their legal custodian is DCFS. We provide care for them at that campus until they are



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about 18 years of age. **J. George** is it your position that this proposed project is needed for the continued development of your program? **Sr. Ryan** yes, this would be a next phase program. Our young ladies complete what they need to learn in the group home setting and that is what we have for them at the campus at 951 W Bartlett Road. They then need to move towards an opportunity for more independence. There would be 24 hour, 7 days a week staff, but they would be taking on more responsibility for their own lives and learning more about interaction in the communities that they are going to be moving to when they reach age 21. It is important for these young ladies to actually see the difference between the group home setting that they come from in that program and what they are moving towards as they advance into young adulthood at the ages of 18 to 21 years old. **J. George** asked, why did Maryville choose this particular site? **Sr. Ryan** this home is separate from the campus but close enough that we can call on the resources at the campus. **J. George** do you intend to do any other work on this 12-acre site other than renovating the interior of the existing building? **Sr. Ryan** no, we do not. We initially spoke with Sisters of St. Joseph of St. Francis who own the property. They were very supportive of us purchasing the home. We were not planning to buy the entire piece of property. Then the Sisters came back and said it would help them out since they no longer have offices here in Illinois. Their offices are now in Wisconsin and it would help if the entire property was purchased, but we have no program plans or other plans for the rest of the property. **J. George** is it your understanding that if you ever wanted to do anything further with this property other than what we are talking about tonight, which is providing a community residence for 6 women, ages 18 to 21 that you would have to come back to the Village and seek their approval? **Sr. Ryan** yes.

**Eveyn Smith** Associate Executive Director, Maryville Academy, 951 W Bartlett Rd, Bartlett stated that the residential services that Maryville provides on the Eisenberg Campus are for young ladies for mental health services, schooling, individual group therapy, and social skills as well as visits with family. The building would be used for our Transitional Living Program for young ladies ages 18 to 19 to learn developmental skills, have jobs in the community, and to learn to cook small meals on their own. The hope is for them to then leave this program and go into a Community Intergraded Living Arrangement where they would live in a house with 5 to 6 other individuals, where they can live for the rest of their lives and would do all of those things on their own and would not have 24-hour staffing every day. **J. George** does Maryville have any other CILAs in existing now? **E. Smith** no, Maryville does not. **J. George** do other organization such as your own have other CILAs that they operate in various neighborhoods in the northwest suburbs. **E. Smith** yes. **J. George** will there be 6 girls in this building ages 18 to 21, how many staff will be working at this building, and would you have visitors coming to this building? **E. Smith** yes, there would be 6 girls, ages 18 to 21, we would have 2 staff members there 24 hours a day, 7 days a week, and we would not allow visitors at this facility. We encourage the young ladies to have their visits in the community and we have a dedicated space with a Family Visitation Room where they can have one-on-one visits with family without impeding on other individuals that live in the home. **J. George** would any of these young ladies have cars? **E. Smith** no they would not have cars. Maryville has a minivan for transportation. Also, one of the reasons we like this location is that it is walking distance to things in Bartlett. If they get a job in the community, like at Aldi, they can walk or go to the train station. This site offers use of those conveniences. **J. George** what is the average stay of these young ladies? **E. Smith** the average stay is 9 to 18 months. We work with DHS to move them out into housing. **J. George** would there be on-site schooling taking place at this building? **E. Smith** no, there would not. They would go off-site to school by bus.



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**Sylvester Kerwin, MAI** S. J. Kerwin & Associates, Inc, 775 W North Avenue, River Forest, IL came forward and was sworn in by **M. Werden**. **S. Kerwin** stated that Maryville Academy has retained me to do an analysis of this property. My assignment was to review the proposed application for the community residence and determine if it complies with the findings of fact according to the Village of Bartlett Zoning Ordinance. Essentially, the scope of my work is to inspect the property and surrounding land uses, and to review the Zoning Ordinance. The subject property is on the southwest corner of Bartlett Road that is somewhat long and narrow with about 700 feet of street frontage on the southside of Bartlett Road and about 470 feet along Devon Avenue. The land is improved with an older frame one-story residential building that contains about 3,000 square feet with an unfinished basement, and 7 parking spaces in front of this building. There is another paved area on this parcel that contains parking for about 21 vehicles that is used by the adjoining property for The Oaks. The property is zoned PUD and is in Sub-area C. On the west side of Devon Avenue there is an area that is designated as a storm water management easement for water retention as part of the overall initial PUD in around 2000. The area is not in a flood zone according to the maps. Bartlett Road is a 2-lane road running east and west with sidewalks in front of the subject property. Devon Avenue is a north/south secondary access road similarly improved with curbs. I have gone into some background in my report about how this was developed. The adjacent land uses include The Oaks at 825 Carillon Drive. The Oaks at Bartlett is a nonprofit organization on about a 44-acre campus that was approved and developed in 2002. This senior retirement community provides assisted living, health care services and transitional rehabilitation services. To the north is the Bartlett Hills Golf Club. This club was purchased by the Village in 1978 and is on over 100 acres of land with a renovated clubhouse facility. This land is zoned P-1 (Public Lands District). To the east of the subject property on the southeast corner of Bartlett Road and Devon Avenue at 601 W. Bartlett Road is the Village Church of Bartlett. This nondenominational church is located on a double corner on a 5-acre parcel with frontage along W. Bartlett Road, Devon Avenue and Pond View Lane. This church has been improved with a house of worship for a number of years and is zoned ER-1 and according to their website provides programs in collaboration with the Bartlett Police Department for young people in relation to trying to work with drug-addiction programs. Lastly, to the south is the Ponds of Bartlett Subdivision and the Williams Woods Subdivision. These subdivisions have single-family homes that were developed in the 1970s and 1980s. The price ranges for these homes are \$210,000 in 2012 to more recently at \$425,000 for those homes. Those subdivisions are zoned SR-3 (Suburban Residence). **J. George** asked, if the maintenance agreement is required to be kept and adhered to by Maryville? **S. Kerwin** yes, according to my research, the zoning ordinance and the PUD, there was a requirement to maintain that easement and Carillon Road is being dedicated as a permanent easement along the south end of the parcel. **J. George** the other parking lot which is part of our parcel is used by The Oaks of Bartlett. **S. Kerin** it is my understanding that they have arrangements with staff that works at The Oaks to park there and that would continue. **J. George** other than those recorded easements did you have a chance to look at the Village of Bartlett's 2007 W. Bartlett Road corridor plan? **S. Kerwin** yes, I have and in summary, the future land use to the west of Route 59 and into downtown Bartlett, the south side of W. Bartlett Road will primarily remain the same as existing land uses with the exception of some new residential uses or reuses. In my review, it appears that most of the development west of Route 59 is for higher density; commercial, business, office, and retail. There is a new development, D. R. Horton at the northwest corner of W. Bartlett Road and Route 59.



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**J. George** is this site, in your opinion based on the background and your inspection of the property a site that would be better used for commercial development? **S. Kerwin** after reviewing the plan and looking at the various land uses along Bartlett Road to the east and west my conclusion is, no, this site would not be ideal for commercial or retail development for a number of reasons. This site has narrow road frontage on Bartlett Road and more importantly, any future development would have to work with the retention storm district at the south end of the property as I believe in reading the ordinance, that was put there to help the adjoining property to the west, The Oaks, so that could be very costly. I also considered how uncertain the times are right now for future development with respect to commercial, retail and office. There is an abundant supply of retail space. Most retailers would want to be located along Route 59 since it has greater traffic and more space. There also has been a change since COVID with fewer office needs and people working from home. We have an over supply of office space at the present time. **J. George** based on the report that you have prepared, have you come to a conclusion as to whether or not this proposed use of an existing structure that would only involve interior renovation that would accommodate 6 young ladies, ages 18-21, what is your opinion about whether that would cause any adverse impact on the value of the surrounding properties? **S. Kerwin** no, it would not have any adverse impact upon the general welfare of the surrounding property values. When I look at these proposed uses, I try to find a similar use in the same community or nearby. According to the Village of Bartlett Zoning Ordinance, there are no other community residences uncovered with 1,200 feet of the subject property proposed according to the zoning ordinance. However, I did find 2 properties that provide similar programs for children including the petitioner's existing facility, Maryville as the most logical located to the west of the subject property referred to as the Eisenburg Campus as well as Little City Foundation in nearby Palatine. Little City has been at that location for more than 50 years and provide fully assisted programs for children and adults with autism and other intellectual development disabilities. I provided my appraisal service to Little City in 2012 when they were replacing several of the homes there and built 3 new homes with 8 children per home. There are currently 8 group homes on that property. That development adjoins residential subdivision in Inverness and South Barrington. I found no adverse impact to property values in those subdivisions. I also considered The Oaks at Bartlett which is directly to the west that provides health care services and transitional rehabilitation services. These properties were considered to see if there is any adverse impact on the surrounding properties. First, Maryville, which is the closets has been providing servicing for woman from 18-21 years of age since the early 1990s and that property is in a P-1 (Public Lands District) according to the Village map. There are single-family home subdivisions next to Maryville's property and recent sale prices have ranged from \$340,000 to \$650,000 in the Regency Subdivision, The Oaks and Park Place. **J. George** what is your opinion as to whether or not this proposed use would be compatible with the existing uses and the surrounding area. **S. Kerwin** after considering all of the factors and the findings of fact according the Village of Bartlett Zoning Ordinance, I do conclude that the proposed special use for the location and establishment of a community residence and/or group home within the one-story residence along the corner parcel that would be remodeled on the interior only for the occupancy of 6-9 months would not cause any substantial change in character, welfare or value of other properties within the immediate neighborhood and would comply with the findings of fact.



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**Geri Kelley**, MKB Architects 1918 N Mendell St, Chicago IL stated that the renovations will be fairly minor. There are 5 bedrooms existing and we are enclosing an area to the right of the kitchen to add a 6<sup>th</sup> bedroom. There are 3 bathrooms. One of those bathrooms will be enlarged and made ADA accessible. There are plans to finish the basement as added living space for recreation only. **J. George** is the proposed renovation designed so that the public health, safety and welfare will not be endangered or detrimentally effected by this proposed project? **G. Kelley** yes. **J. George** does this proposed project provide adequate parking, ingress and egress to minimize traffic? **G. Kelley** yes. **J. George** has this proposed renovation been designed in full compliance with the regulations of the Village of Bartlett and the State of Illinois? **G. Kelley** yes, it has.

**J. George** we can answer any questions that the committee might have at this time.

**M. Werden** my concerns with this project are that this is a reversal of what we normally see before this committee. We already have in place a higher density, multifamily zoning that is high quality and very successful. The question is, do we want to approve a lower density special use when we are very limited with other higher density areas within the Village. This property right now would allow another 4-story building for multifamily for retirement or something along those lines and we are being asked basically to trash the master plan that would allow that and have this special use on there. On page 33, number 2, under the site plan application, the last sentence says "*by activating and rehabilitating a vacant building, the landscaping and maintenance of the property will certainly improve and bolster the properties compatibility with the adjacent land uses.*" I think it will tie our hands and not bolster this from the Village of Bartlett standpoint. Also on page 35, number 4, "*The proposed uses conform to the Comprehensive Plan and the general planning policies of the Village for this parcel.*" Obviously, they do not because you are seeking to change that. I am not sure that is in the best interest of Bartlett. If you look at the whole W. Bartlett Road corridor starting east to Berteau Avenue, there are multifamily in the Town Center area, the convent property which used to be the caretakers house and we also have taller buildings at Route 59 and W. Bartlett Road with the Victory Center. I think you are asking us to give something up by not maintaining the zoning that is there right now. We would not be able to expand in the future to have compatible looks. You are not planning to do anything to the exterior of the house, but that is beside the point, at least the house is in good condition. Those are my concerns with the project.

**J. George** the zoning is residential and what we are proposing to do is residential. The 2007 corridor plan that the Village has covering this particular piece of property shows no changes or other proposed uses for this property. It indicates that they would stay the same as they are now and so I think in terms of this being compatible with the underlying zoning and is compatible with your own plans for this particular area, this is compatible with that plan. You have heard testimony tonight from an MAI appraiser indicating what the uses are that surround this site on all sides, which are not commercial and commercial is not allowed. If you are saying it should be used for some other use other than what we are proposing when there are no other uses on the table right now, this use is compatible and complies with all of the regulations of the Village of Bartlett with respect to the criteria that is required for obtaining a special use. We are meeting each of those requirements that are in the code. To say that in years to come this could be something else or you want more taxes from the property and therefore it should not be used for what we are proposing, to me, that could be used for everything





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that comes before you. We can stipulate with respect to you today that this is the only building that will be there and there would not be any additions to the building. This is a special use and a special use can be drafted in such a way that it is particular and if we restrict it that way, any time anyone would want to do anything with this building, they would be required to come back to this committee and seek approval through the same process that we are going through now. This is a transitional use that we are talking about for this building. It can be totally restricted to what we are doing here and there is no threat out there that if the committee approves this that we would come back in 2 years with a huge development that would go on this site because that cannot be done. We all recognize that any type of change to what is there now and what we are proposing would require and mandate that we come back before this committee to seek approval for any change. I want to be very clear that we will agree to any order that is given in this case to restrict exactly what we are talking about tonight. We are proposing exactly what we are talking about tonight and we would do nothing more other than what we talked about in our proposal tonight to all of you.

**M. Werden** you are meticulous about what you are proposing. We already have the higher density without the special use that would allow something more similar right now with multifamily and retirement. I think we would be tying our hands by getting rid of that and only having the small portion with a special use. I am not sure that is in our best interest, but I would be interested to hear comments from the committee. **C. Deveaux** I see a use for a building that has been empty and a good use. **G. Koziol** what are the allowed uses of this property as exists today? **K. Stone** this property was part of a development agreement with its own Planned Development restrictions. Each sub area has its own set of permitted uses that are allowed. Sub-area C allows assisted dwellings, independent living dwellings, skilled care units, townhomes, medical offices, consultant offices, educational institutions that are non-boarding, religious institutions, community center and recreational buildings. Each planned development in the Village has its own set of uses and its own set of bulk requirements.

**J. Kapadoukakis** asked, did the petitioner go to the seller and ask to purchase this property or were the owners seeking a buyer? **Sr. Ryan** we went to the owners, the sisters and said, we see that this building has been empty for some time and we would like to consider the property for our program. The sisters were very happy that we wanted to purchase the property for this use. **J. Kapadoukakis** do you know if there were any other buyers interested in this property? **Sr. Ryan** the sisters have not mentioned any other buyers. They came to us and suggested we buy the entire property. We approached them first. **G. Koziol** when I look at this property, I see a long narrow property and the subject building is at the far north end. What will happen to the rest of the property to the south? Does this special use have an effect on what could happen on that property in the future and will this entire parcel of land be owned by the petitioner requesting the special use? **K. Stone** if we grant this special use, it would be limited to the building that is on that site. It would be up to the property owner to go back before the Village Board for review if they wanted to do something else on that site, but there are no guarantees on what that would be. **J. Battermann** there was as phase 2 in 2005 that was planned. Do we know why that was halted? **K. Stone** I believe it was financial constraints. **G. Koziol** I think this could impose a restriction to what can happen on this property if it is owned by one individual or one organization. Do we lose the right to develop it without them selling? I do not think that would be correct. **J. George** I want you to understand that this is part of a planned development and we are in Sub-area C, which is the narrow piece of property, but all we are proposing is to develop the



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where building is located. The balance of this property, if anyone was to do anything would require them to apply for an amendment to the existing Immaculata development agreement and seek approval from the Village for anything. You would not relinquish any control over this property by allowing us to have a special use for these 6 women on this particular property. You do not relinquish anything at all. If someone is concerned about us adding onto the building or doing anything else with the existing structure, we would stipulate, agree and sign documents indicating that we would do nothing at all to this building other than what we are talking about tonight. The purpose of this special use for this building is to allow Maryville to go forward with the mission that they have to care for these young women who have intellectual disabilities to give them a place to get the necessary vocational training so that they can go out in this world and be productive people. The CLAs (Community Living Intergraded Facilities) that **E. Smith** was talking about are in the suburbs and the city. The purpose of those intergraded facilities is for people with disabilities who are functional, go to work every day at McDonalds or Home Depot in order to make a living to support themselves and have the kind of life that we all wish for people who have that type of disability. That is what we are talking about tonight, to give these 6 young woman in this house the opportunity to have that type of vocational training while living in this house so that they can move on to a better life. When I took on this assignment, I was concerned and raised some of the same questions that this committee has raised tonight, but what we are proposing and the way we restricted it and how we have now met all of the criteria in your code for obtaining a special use, I believe that we have a good program and one that does no harm to the community or the property values and does not do any harm in terms of the other compatible uses in the neighborhood. We have satisfied each and every obligation. The findings set forth stipulate and concur with that. **M. Werden** I do not think anyone is questioning the noble task or intent. My question is, are we tying the Village's hands by allowing a special use to downsize the capability of what goes there on the corner? The campus could certainly be expanded if someone else came along with a proposal for a 4-story building to expand what is on the property right now. That is my concern. **M. Sarwas** when you look at the D R Horton development where they have a huge plat of land, they could choose not to put homes on all of that and only develop part of that property for the next 5 years. It is still their property and the Village could not touch it. It would still be their property and that is a prime piece of property in our Village, but there is not one thing we could do about that and I do not think that is necessarily our place to say what someone can or cannot do with their property. This property has sat empty and for something like Maryville with a very specific reason for this new use to be so close to their existing facility because of their resources, there is a very logical reason for them to be so close to their resources. If they had to move this home 15 miles away, they could not make use of those resources.

**J. George** in response to the chairman's questions, there cannot be another type of nonresidential use on this property because it is not zoned for that. Whoever would want to put another use on this property would have not only have to come in on the Planned Development, but would also have to rezone the property for that type of use because that type of use is not permitted on this property. You cannot put commercial or industrial uses here. **M. Werden** I was referring to something more consistent with the higher density zoning that is allowed now. **K. Stone** office uses are allowed. Community Residences are not currently allowed in this district. The petitioner is asking to amend the Planned Unit Development that was approved as Immaculata to add community residence as a special use. Right now, that is not a permitted use. The residential uses that are allowed are townhomes, assisted and



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skilled living at higher density and office uses per the current zoning. **B. Bucaro** looking at the 2002 original plan and the uses there which are higher density that would be a better benefit to the community than trying to develop what you are not using in piecemeal. You only need a half-acre and we are tying up everything else. The petitioner has no plans to develop the rest of it. I would rather see a higher density with what is already approved; the townhouses, offices, residential assisted living, something that is already approved for the entire parcel. **J. Geroge** this is a large parcel, but everyone needs to recognize that there is a huge storm water and sewer maintenance agreement that runs through this property, which will affect the ability to build on it and everyone is going to be bound by that. No one will be able to do away with that. Any developer that comes along has to understand that they would have to adhere to that. **M. Sarwas** that is if the Sisters sell to a developer that wants to do something like that. It is still the Sisters' property and they want to sell Maryville the whole property. If that is not what we approve that changes their deal. **C. Deveaux** this property has sat empty for quite a while and these are the first people that are actually interested in it. After walking around this property, I cannot see someone wanting to building something on that property. It is awkward. They would have to take down trees to build something there. It does not seem practical for doctor's offices.

**B. Bucaro** what is the acreage of retention and the conservation area of the 12.7 acres? **K. Stone** the original conservation area was recorded with only the document and without the plat of survey to go with it. As part of the subdivision request, we required them to show the easement on the plat of survey so we would guarantee that would show up in future searches. **B. Bucaro** I am trying to get an idea of how much acreage the water detention area the conservation is out of the 12.7 acres. **J. George** the area is about 2 acres. We have also dedicated Carillon Road. **M. Werden** would Carillon Road keep the same footprint. **J. George** yes, it would.

**M. Werden** opened the public hearing.

**Bob Gorski** 709 Bayberry Drive, Bartlett stated, I am not an employee of Maryville Academy, but I am the CFO of a likeminded organization headquartered in Kane County. I am here to express my support for the Maryville case. For the residents who are here thinking that this is going to affect their property value, it has been made clear that is not going to happen and I can tell you that a 4-story, high density would hurt our property values and create traffic issues. Within the proposal, there is a request to provide transitional housing for up to 6 women ages 18-21 who are transferring from State guardianship. Maryville Academy has been in operation for more than 140 years serving children in need. It is part of their mission to provide protection, guidance and support for these children. There is an existing facility at 951 W Bartlett Road that has been there for 30 plus years. Now they are asking for permission to utilize the property at 775 W. Bartlett Road which is less than 1 mile from their current location. The aforementioned young woman that would temporarily reside at that location have intellectual and behavioral health issues. My organization serves a very similar population. Children's services for this population ends at age 18. If you think about your own children turning 18 at least they have options. They can go to college, get meaningful employment and remain home living at home with their parents. When you are under the guardianship of the State, you do not have these options. There is nowhere for them to go. At this age, these women are vulnerable and have no one to turn to. This is a societal issue that I am sure will be on full display tonight. I am convinced that this is more of a lack of understanding of behavioral health issues. The professionals at Maryville Academy understand that



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by teaching life skills there is an opportunity for these women to live a fulfilling life by finding affordable housing and potentially securing employment. The alternative for these women is homelessness and with that, there is the possibility of having to turn to sex, drugs and/or alcohol as a way of navigating life. There will be 24-hour staffing at this facility. Also, I can attest to the fact that maintenance on this building will be held to a higher standard than anything you or I currently face. Because Maryville Academy is funded by the State of Illinois and others, these funders will conduct routine inspections of the property. Corrective action plans are issued for the slightest of infractions. My organization manages 38 group homes in Kane County and Kendall County so I am well aware of these types of corrective action plans. A State Fire Marshal inspection is also required annually. I can tell you that lawns will be mowed, driveways will be plowed and utility bills will be paid. These are not optional like perhaps some of our neighbors might think. We all agree that Bartlett is a great place to live. It is a welcoming town with a great sense of community. Bartlett has coincidentally initiated new branding campaign slogan "You Belong in Bartlett". I would hate for us to have to put an asterisk with that and say, "Except If You Have Intellectual or Health Issues."

**Glenn Stanko** 759 Woodland Court, Bartlett stated I live in one of the cottages in The Oaks development. I did get the major question answered that I had tonight and that was, how much land is being sold to Maryville? Now I know it is 12.7 acres. My personal view is that if this building were to be used as proposed, it would be fine, buffered by yard on each side, but I have concerns about Maryville taking control of all 12.7 acres. I think people at The Oaks would be shocked by that and maybe some of the people who live in Bayberry and south of Carillon Drive. I think the perception might be that it would end up some day like the current Maryville property. I have not driven back there to see it. I have heard from some people that there are a number of group homes and there have been a number of police calls back there. Whether that is valid or not, I do not know. I just think it would be better if this was limited to a very small tract of land where the house sits. I have always heard and everyone in The Oaks believes that the ground lease that The Oaks sits on extends to the entire campus. Maybe someone could answer the question, what happens to the ground lease? Does it not cover this area that is being sold to Maryville? There is supposed to be a 99-year ground lease. I guess someone could say that the parking lot could be used in the future by The Oaks employees and transportation buses, but what would assure that once Maryville owns the property? There is no assurance that Maryville would let The Oaks continue to use that parking lot and if The Oaks could not use that parking lot, parking would be a disaster at The Oaks. My perception is that Carillon Drive is snow plowed in the winter by The Oaks. What happens to that part of Carillon Drive. Who is responsible for plowing that in the winter time and for other maintenance? I have heard talk about Sub-area C and I had a heck of a time figuring out where Sub-area C was on the map from the download. Sub-area C is a large tract of land. I would like to know how many acres are in Sub-area C. Could someone answer that questions? It looks to me like it is more than half of the 12.7 acres. Again, I sympathize with the use that is proposed for this house. I think it would be a good use, but I think to throw in this large tract of land along with it is not in the best interest of the people who live at The Oaks. I cannot figure out why the nonprofit organization that owns The Oaks is not here. I do not know how much they know about this. I do not know if the sisters have told them about it or not. I am surprised that they have not been in the loop. Maybe they have and we just do not know about it.



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**Brian Prus** 226 S Devon Avenue, Bartlett stated, I have compliance concerns for a multi-living space. On the findings of fact, #2, off-street parking, there really is no off-street parking for that residence. There is no parking on Bartlett Road and Devon Avenue is a single lane. I live on Devon Avenue. I am the second house in. Devon Avenue is a major cut-through street. It was mentioned that they will not have cars, but my concern is about growth and things in the future. On the south view picture, the parking lot is right in front with 7 spaces and 1 handicap spot with just a sign. The other concern I have is the driveway. The driveway is about 10 feet long and is very short for coming off of Bartlett Road in that short 10 feet you cross the Bartlett bike path. That is not a sidewalk. That path is used a lot by people in the area. I walk it every day with my dog. There is not a lot of space between the Bartlett path. I was just concerned about the use with vehicles going in and out more frequently. I live right next to this and I do want to see improvement to the building. It has been sitting there for 10 years. I am just not sure this is going to fit well in our community just looking at the findings of fact. I have a question about the maintenance of the property. My backyard is the forest. Who is responsible for the maintenance of that? I have some 50-foot trees leaning towards my house that are actually on this property that have been a concern of mine. It was mentioned multiple times that there are going to be no exterior renovations. The driveway is in the right-hand turn lane and it is not easy to pull into that area. I do not know if it is conducive of compliant with a multi living space.

**Arthur Edenhofer** 756 Bayberry Drive, Bartlett stated that this is my back yard. I look at that 24 hours a day, 7 days a week 365 days a year. I have been there for 33 years. I have a great relationship with the nuns. They love my Christmas lights. I believe that this is going to have a huge impact on the facility that is there. Those old people back there, the ambulances go back there every day and they use the back road to get there. Sometimes I can see the lights in my bedroom at night. So now they are going to have to cut a deal with these guys. If there is an emergency, they are going to go on their property. Also, that is a substantial building. What if there is an emergency? Now all of the sudden the lot line is pushed way up. Those are 2 and 3 story buildings. How are you going to get emergency equipment back there? My concerns are, if there is a fire or an emergency back there, how is the fire department going to get back there? The property line is going to cut right up to the old building. Also, the parking, because my mother goes in and out of there and I see out the back of my house that one parking lot during the day is full and now you are going to eliminate it. I go to see my mom and the other lots are full. Where are these people going to park? I think it is poor planning really. I have one other concern, in 32 years, when I go to work, their current property, I see police cars going in and out. I do not know why, but that is a concern to me. I live right there. I do not live in St. Charles.

**Dan Lakin** 304 Oakmont Drive, Bartlett stated, I have been a nurse for 11 years and I have worked with these disadvantaged young ladies before. My concern is the safety and security of the neighborhoods. I know a lot of these young ladies are on heavy psychological medications. There are a lot of behaviors. There are a lot of outbursts. My worry is that it is so close to downtown Bartlett, between the ages of 18 and 21, that the temptation of going to get drunk could be there. What type of security will these ladies be under? Are the staff counselors or nurses able to dispense medications and monitor side effects let alone the behaviors of these young ladies. With the recent things that have been going on in our neighborhood, we almost had a carjacking not less than a year ago on the other side of the neighborhood where our residents were shot at for chasing after the offenders. What kind of affiliation do these young ladies have with their families? Are they gang related? Where



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do they come from? What kind of element will be coming to visit let along scoping out our neighborhoods? There are a lot of children that run around there. Kids use that hill during the winter to sled down and enjoy. With the church right across the street that is another thing. I understand the need for this and I sympathize. I have worked with these young ladies. They are really disadvantaged. They were thrown a bad deal, but we need to worry about the safety and security of not only them, but also our residents that live around there.

**J. George** with respect to the question about why The Oaks is not here, The Oaks is here. They gave us a letter of authorization to proceed forward with this special use. The sisters own the proprietary lease under The Oaks and they are selling us the property. We have authority from the religious order that owns The Oaks to proceed today.

To answer the question about the parking that is part of The Oaks, there is a temporary easement already in effect granted to The Oaks that we will honor as part of this special use.

There would not be able to be another facility like this built because under your Village Code, you prohibit the distances where you cannot have another facility like this. There is a 1,200-foot restriction that needs to be adhered to before there can be another facility like this.

The 7 parking spaces in front of the building comply with the Village Code with respect to parking required for a facility such as this.

With respect to the issue about safety, we have indicated that the ladies that will be staying here would be going into town with staff. If they got a job at Home Depot or any of the local groceries stores that would just be a normal thing that exists in the developmental disability world. When we have people who are functional and can have jobs, they live in this world and use transportation back and forth and that would be adhered to. There probably would be transportation from Maryville to take these ladies to and from work back to this facility. I think the idea that there would be a high crime incident as a result of this would be something that would not occur.

I think what is important whenever you apply before a Village authority seeking a special use, you have to look at what the Village standards and requirements are. We have met each of the criteria. This is a 12.7-acre property and everyone agrees that the mission is a wonderful mission, but we are concerned about the number of acres that are leftover. Anyone who appears before this committee asking for zoning relief or any type of relief, there are a number of cases where the people that own the property are not developing that entire site. In our case, we are very specific with the special use and nothing can happen other than what we are talking about without coming back to the Village. The Village has the absolute right and authority to restrict anything that can go on this property other than what we are talking about tonight. We are asking you to review the findings set forth in the application and that have been gone through by the testimony tonight to support our special use. This is something that is really needed by Maryville to help these women out as they go forward with their lives. I do not think we are harming the Village of Bartlett or the surrounding properties values or the uses in the neighborhood in an away. We respectfully ask for approval for this special use and we thank you for your time.



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**M. Sarwas** asked, what type of staff in the home would be monitoring the women. **E. Smith** the staff would be considered transitional counselors that have special training to work with individuals with intellectual disabilities. We will also have a job coach as part of the staff. **M. Sarwas** if any of these women were on medication is the staff trained in dispensing those medications? **E. Smith** yes and we will also have a nurse working between the Eisenberg Campus and the house.

**C. Deveaux** asked, if the residents wanted to have visitors, would those visitors not be allowed at this location and would have to meet at the Eisenberg Campus? **E. Smith** yes, we have a specific area for families to come to visit that is much larger. We try not to have visits in the home because that is where other individuals live and that would impede on their space, so we want them to have private time in another location. A lot of them go out to eat as well. **M. Werden** that is very good foresight.

**M. Sarwas** is there anything with the purchase of this land that would impede the roads from being traveled by emergency vehicles no matter who owns the land? Are the roads Village roads? **K. Stone** these are not publicly dedicated roads, they are private roads with ingress and egress that gives emergency access.

**B. Bucaro** asked, could you give us details on the 99-year ground lease? **J. George** there is a 99-year ground lease which is owned by the nuns. I have not read that yet or looked at the declaration of condominiums, but theoretically, after 99 years, it goes back to the nuns. I have not reviewed the document. **B. Bucaro** I am a bit dismayed that the management of The Oaks is not here. I understand that you are representing the buyer and the seller, which is a little dicey in my opinion. **J. George** I am not representing the seller. I have a letter of authorization from the seller authorizing us to proceed with the application for the special use. I do not represent the seller at all. **B. Bucaro** the gentleman who lives in the cottages made the comment that maybe the residents there do not know about this. Would they have received a mailing for this? **K. Stone** only if they have separate PIN. The notices go to the tax payer and not necessarily the individual residents. **B. Bucaro** it leaves me uneasy that the seller is not here and that since The Oaks is the big property right there, this could affect them and we cannot ask them any questions.

**J. George** the owners of the property, which are the nuns, know what is going on. They have given us a letter of authority. The tenants that live in that building whether or not they all know about it; I do not know. There was a posting of the public hearing on Bartlett Road, on Devon and Carillon Avenue right next to the residential community. We definitely have complied with all of the proper notice and with obtaining the necessary authorization from the owner of the property. We have complied fully. Whatever interest anybody living at The Oaks that is subordinate to the owner of the property.

**J. Kapadoukakis** the nuns own The Oaks and the property is leased. I agree, they are in control of the decisions that can be made for the property. I would like to know if the management company had anything to say about them using the parking lot. I drive past that property all the time and that lot is full.



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**B. Bucaro** the 99-year lease has me concerned. Right now, the nuns are leasing the entire property to the management of The Oaks and now they are going to allow you to get in on the 12.7 acres. How does that effect the other lessee?

**J. George** the owner's, the nuns, have control of this property. They have done a propriety lease for a portion of this PD to The Oaks, but they own the rest of it and as they own it, they can do as they see fit or allow other uses to go on the property they own if it meets with the requirements of the Village and proper notice is giving and they give the authorization to do it. **M. Werden** they approve of the uses and it would be less care for them to parcel off 12 acres. I do not think it is an issue. **J. George** they have the right to do what they wish with their property. They have a lease for part of the property for the parking and they are honoring the lease. We are not taking away any parking.

**G. Stanko** stated that I was a lawyer before I retired and I did a lot of land use planning. Clare Oaks used to be the corporation and at some point, that was changed and The Oaks at Bartlett who are now the current nonprofit corporation that manages this. We do know that there is a 99-year ground lease. I have never seen it. I have always been under the impression that it covers the entire campus, maybe it does not, but if J. George has not look at that ground lease, maybe he should because we might find out that the Sisters are proposing to sell property that is encumbered by that 99-year ground lease. Maybe they have done their homework. I do not know, but again, I think that is as major issue and to say that there is a letter of authorization from the seller, I understand that, the seller has obviously given them the authority to proceed with these applications that have been made to the Village, but do they have a letter of authorization from The Oaks at Bartlett who may have superior rights on at least part of this tract of land. I do not know about a temporary easement for parking. I do not know if the sisters gave The Oaks, previously Clare Oaks a temporary easement for that parking lot. I do not think that would happen if the whole campus was subject to the 99-year ground lease. I think that is critical. Let us find out how much the 99-year ground lease that The Oaks currently holds, if it is an encumbrance on this land and to what extent it covers.

**K. Stone** that would be a private matter that the Village would not be involved in. If there are private easements or agreements they are not reviewed by the Village and not required to be submitted to the Village. We just need the property owner's permission.

**J. George** as I understand it, the proprietary lease referred to covers The Oaks and does not cover this piece of property at all. I would be glad to furnish that information if you need it so that you can have clarification.

**K. Stone** I do want to clarify that there are 5 requests before you. There has been a lot of emphasis on the special use, but there are 5 requests; the amendment to the planned unit development to allow a community residence as a special use in Sub-area C. They are also requesting preliminary final subdivision, a special use permit if that text amendment to the planned unit development is approved to grant a special use permit for the community residence for the existing building, a text amendment to slightly modify our definition of community residence to cover the potential residents and site plan review for the small parking lot that is part of the existing building. **M. Werden** do these requests need to be voted on separately or can they be voted on all together? **K. Stone** if you are going to have the





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same vote for each request, you can vote with one motion, but if there are going to be different votes it should be split up.

**B. Bucaro** made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#23-10) Maryville** to for an Amendment to the Planned Unit Development (Immaculata), Preliminary/Final Subdivision, Special Use Permit for a Community Residence, Text Amendment and Final Site/PUD Plan subject to the conditions and findings of fact outlined and conditions in the staff report.

**Motioned by: B. Bucaro**  
**Seconded by: M. Sarwas**

**M. Werden** closed the public hearing portion of the meeting.

**Roll Call**

**Ayes: C. Deveaux, J. Kapadoukakis, G. Koziol, M. Sarwas, J. Battermann,**  
**Nays: J. Miaso, B. Bucaro, M. Werden**

**The motion carried.**



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**Old Business/ New Business**

**K. Stone** I do not think that we will have a meeting next month.

**M. Werden** asked if there was a motion to adjourn.

**Motioned by: C. Deveaux**

**Seconded by: J. Miaso**

**Motion passed by unanimous voice vote.**

**The meeting was adjourned at 9:00 pm.**