

1 All right. So I think then that given the
2 group -- the majority vote was for the groups to
3 present, I think the first group is Eileen
4 Gamberdino.

5 Ms. Gamberdino, are you ready to put on
6 your --

7 MR. BOYLE: Excuse me, Chairman. As we
8 discussed, Judge Curry was going to go first.

9 MR. FREEMAN: I'm sorry. Judge Curry is in the
10 audience. Judge Curry would like to speak first
11 and then he has to leave.

12 Judge Curry, do we need to bring a
13 microphone to you? We will bring a microphone to
14 you.

15 MEMBER OF THE AUDIENCE: I will bring a
16 microphone to you.

17 RICHARD CURRY: Can I do this from my chair?

18 MR. FREEMAN: Yes, yes. You can grab a
19 microphone and do it from the chair.

20 RICHARD CURRY: Thank you for this courtesy,
21 Mr. Chairman. My name is Richard L. Curry. I live
22 at 1767 Mission Hills Road, and I am a 36-year
23 resident of the Mission Hills PUD.

24 I'm a retired Circuit Court judge. I was
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1 first admitted to the practice of law in Illinois
2 in 1955. I joined the Department of Law in the
3 City of Chicago in 1956. I was first assistant
4 corporation counsel in 1964 and then corporation
5 counsel from 1970 to 1974. At that time, I was
6 elected judge of the Circuit Court assigned to
7 Chancery in 1979 and was the presiding judge of
8 chancery from 1990 to 1994.

9 With all humility, I think I'm qualified
10 to speak to this matter.

11 I've noticed that no witness mentioned the
12 fact that the PUD, the Mission Hills PUD is
13 composed of 144 acres and has, since its inception,
14 been surrounded by a chain link fence. No one has
15 ever considered or thought of the fact that it was
16 indeed separable or severable acreage.

17 The golf course division from the
18 residential is distinguishable. You cannot walk
19 anyplace in Mission Hills and know whether you're
20 on a golf course unless you are at one of the tees
21 or at one of the greens and know whether you are on
22 the fairway or on common grounds or whether you are
23 on some other kind of property. The lines are
24 indistinguishable and the new Applicant has done

1 nothing to show the present owners where their line
2 interjects with the remaining Mission Hills
3 housing. Not a thing.

4 There has been no attempt here to identify
5 the housing development's dependents from the very
6 beginning on the presence of the golf course.
7 Without the golf course, simply stated, if you go
8 back and look at your own records, you will see
9 there never would have been a PUD if there was not
10 a golf course involved, an 18 hole golf course.

11 The Applicant here is asking you to do the
12 undoable. At the end of these proceedings, Red
13 Seal will ask you to bail out their grossly
14 insufficient application by making findings of fact
15 which will require you to ignore facts. Facts are
16 stubborn things. They carry great weight and when
17 they are on your own letterhead, they are made
18 undeniable. And here are some of those facts.

19 There is no document, no ordinance, no
20 letter, no meeting transcript to support a denial
21 of the golf course's inclusion within the original
22 144 acre Mission Hills PUD. On the contrary, there
23 are documents on this Board's letterhead which
24 provide the history and the quid pro quo for the

1 approval of the 1971 PUD. They are, I would
2 submit, what I call my Exhibit 1. I hope that
3 doesn't interfere with your numbering system. But
4 my Exhibit No. 1 is the Zoning Board of Appeals
5 December 8th, 1971, letter, authorizing the
6 developer to, "decrease the number..." -- no. I'm
7 sorry. That letter December 8, 1971, is this
8 Board's findings and recommendations to approve the
9 Mission Hills PUD. That recommendation was later
10 concurred by the Cook County Board, and that was
11 the ordinance which created the Mission Hills PUD.

12 The other letter is your letter of January
13 12, 1977. There the Zoning Board of Appeals
14 authorized Eugene Corley, the developer, to
15 decrease the number of units being built, "within
16 your planned development." Each of these letters
17 reference the same 1971 docket number and show
18 their inner relation one to the other.

19 The second fact that they will have to
20 have you ignore is that there is no legal support,
21 no legal theory that supports a time lapsed
22 expiration for a fully executed PUD or its open
23 space. This is a fully executed PUD by your own
24 present day definitions and that is because a

1 building permit was issued pursuant to your
2 1971 ordinance.

3 There is no doubt that Red Seal's plan
4 eliminates 44 acres of open space, six fairways,
5 and nine holes from a decades old golf course that
6 was the quid pro quo for the intertwined housing
7 development. So universal is the identity of those
8 144 acres that even Red Seal's own experts identify
9 what they are reporting on when they say, "the site
10 is located on the Mission Hills planning
11 development." That's from your fiscal impact plan
12 by SPA. And your MAI appraiser, Mr. O'Brien,
13 states in his report that the primary land use is
14 in the Mission Hills planned unit development.

15 We couldn't say it -- from our side, we
16 couldn't say it better. That's exactly what it is.
17 The primary land use for the Red Seal proposal here
18 is on land which is primarily the Mission Hills
19 planned unit development.

20 Unable to discredit or escape from those
21 facts, the Applicant ignores them and asks you to
22 do the undoable. They ask you to find that their
23 proofs satisfy each of the 27 standards required by
24 the County zoning code. There are 15 standards for
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1 a planned unit development, six for variations, six
2 more for special uses, and that is why I say it's
3 undoable. And here are just a few examples.

4 First I ask you to find that there is a
5 need in the area. The need in the area comes from
6 Section 9.510A and Section 9.52C, No. 15. They
7 say -- those sections require you to find that
8 there is a need for 137 Northbrook home
9 -- 137 Northbrook homes in the 500,000 to 880 price
10 range. Now, we know there is no shortage of wants,
11 but there is certainly no proof presented or even
12 contended that there is any need for the proposed
13 units.

14 Red Seal apparently has never learned what
15 every parent teaches and that is there is a
16 difference between needs and wants.

17 A zoning change to satisfy the
18 housekeeping wants of the wealthy is not in the
19 public interest nor is it in the public interest to
20 satisfy the owner's speculator. And that is what
21 these owners are. They are speculators. They are
22 not owners of golf course property, ladies and
23 gentlemen, they are speculators. They want their
24 wants in this proposition. They want their

1 windfall profit. You heard Mr. O'Brien testify
2 that they have paid 1 million dollars for the piece
3 of property and they would to convert it into an
4 800 million -- an 8 million dollar property when
5 they sell out to Red Seal.

6 Red Seal has some wants also. They want a
7 high end development, so that they might realize,
8 after you have flipped it for them, the profit that
9 goes with it. So this proposition is really about
10 wants and not as to needs.

11 I have an exhibit that came to me in the
12 Tribune the other day and it's a 95-page brochure,
13 slick brochure by Caldwell Banker and I'd like to
14 offer it into evidence. It's what they call the
15 summer 2014 edition of a magazine they call "The
16 View." 98 pages of which are -- nine homes are
17 demonstrated per page. There's 98 pages in the
18 brochure. There are nine homes per page and no
19 page with less than four homes. All of the -- all
20 of them range in the price between 4 million and
21 600,000. On the North Shore, they have 48 pages,
22 Pages 25 to 73, many of them in Northbrook,
23 Glenview, and Deerfield, Winnetka, and Glencoe.
24 Further out north they have seven pages, Pages 75

1 to 81. In Chicago, they have 18 pages.

2 So it shows you that the affluent house
3 shopper has ample choices from which to pick and
4 more than one broker. Caldwell Banker isn't the
5 only one in the business out here in this manner.
6 The notion that more choices in this price range
7 are needed is absolutely nonsense.

8 They ask you to find that 44 acres of
9 streets, roofs, driveways, and patios somehow
10 provide more open space as Paragraph 14 of 9.5.10A
11 requires you to find. When they ask you to do
12 that, they are asking you to be silly.

13 They ask you to ignore the evidence of
14 present day flooding on their proposed sites, and
15 they relying on wishful thinking that the plan will
16 not make things worse. Does anyone think that
17 wishful thinking is a substitution for fact
18 finding?

19 If they need more proofs than the photos
20 which will be presented by other colleagues today,
21 I can tell you about the horrors of 4 feet of golf
22 course runoff water in my own basement and that of
23 each of my T-3 neighbors. That was in August of
24 1987.

1 They ask you to ignore common knowledge
2 and even common sense in order to make findings
3 that a golf view, park view, and overlooking trees
4 and shrubs and open space view does not enhance the
5 value of hundreds of Mission Hills units or, for
6 that matter, real estate generally.

7 The view of Central Park is a major asset
8 in selling of real estate in New York just as the
9 view over Lincoln Park is a major asset in selling
10 real estate in downtown Chicago.

11 Recent articles have indicated that those
12 factors are arranged between 20 and 30 percent of a
13 value increase and now Red Seal wants you to
14 conclude that there will be no loss of property
15 value to the unit owners who view this golf course.
16 That simply does not make sense.

17 They ask you to deny the very existence of
18 a Mission Hills PUD. As a matter of fact, they
19 ignore it completely in their presentation. It's
20 as though there is none and they don't have to
21 overcome it. They don't have to overcome it
22 because they think that the comprehensive zoning
23 change in 2001, I think that was the date he said,
24 that that comprehensive change then rewrites the

1 entire book. There is no such thing in law as a
2 legal nonconforming use. There is no such thing as
3 grandfathering. There is no such thing as vested
4 rights. No, no. None of those count anymore.
5 What we have is a comprehensive plan which wipes a
6 clean slate of everything that the past county
7 boards and zoning officials have embraced.

8 This is a really truly unique housing
9 development, Mission Hills is. Instead of trying
10 to deface it with graffiti, as Red Seal is trying
11 to do, they should be embracing it. The Cook
12 County Board should be standing proud of what they
13 achieved in 1971 and say, look, 40 years later
14 nothing has changed. There are no changed
15 circumstances here. This is exactly as we built
16 it. This is exactly as we planned it. This is
17 exactly what we hoped for and this is exactly what
18 we got 43 years later. And yet you are
19 entertaining today a proposition to deface it.

20 That is simply not in the public interest
21 and I will be interested to see any kind of a
22 dialogue or written presentation which will make
23 the fact that it is somehow in the public interest.

24 They are asking you gentlemen to flip the

1 zoning, so that a windfall profit may fall in the
2 lap of a real estate speculator and his group and
3 so the developer can have some more what he
4 considers virgin property to develop. This is not
5 virgin property. This is not farmland. This is
6 not wild open space. This has been committed to
7 open space because it was the quid pro quo for the
8 1971 buildings that are there today.

9 There would be no density as was
10 represented by Mr. O'Brien. If it were not for the
11 open space, the language in your own -- as your
12 predecessor's analysis of fighting recommendations
13 indicate clearly that the drainage was direct
14 -- was and is directly related to the water holes
15 of the golf course. They are going to dry up the
16 water holes of the golf course and relocate them.

17 They want to make the new pond which is on
18 the west -- the east side of the present building
19 right up to my doorstep practically. There is no
20 water there now. Some years ago I had plenty of
21 water in my basement. They want to bring all the
22 rainwater, they want to bring all of the runoff and
23 put it in what they call a pond. I know what a
24 pond is. A pond is a threat every day to the peace

1 and tranquility of my property.

2 I'd ask you for leave to supplement my
3 remarks with more specific remarks as it relates to
4 the interplay between the present Cook County code
5 and what is being offered here today. And I ask
6 you to receive my exhibits into evidence since I
7 have been sworn.

8 Thank you very much for your kind
9 courtesy.

10 MR. FREEMAN: Thank you, Judge. We will
11 receive your exhibits and enter them into the
12 record. Mr. Boyle has them I see. We appreciate
13 your remarks today.

14 So I would like to point out that that was
15 20 minutes, which was great. Mr. Banks, I request
16 respectfully you waive your right to rebut each
17 resident's statements and save it to the end if you
18 want to make prepared remarks in response.

19 Are you comfortable with that?

20 MR. BANKS: I am comfortable with that.

21 MEMBER OF THE AUDIENCE: We didn't get that.

22 MR. FREEMAN: Okay. I don't think that the
23 audience quite understands what I just did.

24 What I did is I asked Mr. Banks to be

1 patient and not have an opportunity to then respond
2 to each person, so that all of you can speak first.

3 And so Mr. Banks and all of his experts
4 that are standing by, they have all agreed to wait
5 until everyone here has had their say and then he
6 will address what is said. So I thank you,
7 Mr. Banks.

8 MR. BANKS: You're welcome.

9 MR. FREEMAN: Ms. Gamberdino, would you like to
10 approach and say a few words? And, Ms. Gamberdino,
11 how long do you think you will take? Judge Curry
12 took 20 minutes. If we all have 20 minutes, we
13 won't get out of here.

14 Thank you, Ms. Gamberdino.

15 MS. GAMBERDINO: Hello.

16 MR. FREEMAN: Hello.

17 MS. GAMBERDINO: Thank you, Chairman, for
18 allowing me to speak.

19 And thank you, Judge Curry. That was a
20 beautiful presentation and it was very heartfelt.

21 As Secretary of Citation Lake Lake Lot
22 Owner's Association, please know that Citation Lake
23 is located immediately south of the subject
24 property on the south side of Techny Road. The