



PLANNING AND ZONING COMMISSION

JULY 8, 2025 AT 7:00 PM

VILLAGE HALL - COUNCIL CHAMBERS
200 E. WOOD STREET
PALATINE, IL 60067-5339
(847) 359-9050 www.palatine.il.us

MINUTES

REGULAR MEETING

7:00 PM

I. CALL TO ORDER

II. ROLL CALL

PRESENT :	Planning & Zoning Commissioner Jan Wood, Planning & Zoning Commissioner Cindy Roth Wurster, Planning & Zoning Commissioner Tim Schubert, Planning & Zoning Commissioner Kevin Cavanaugh, Planning & Zoning Commissioner Stephen Fedota, Planning & Zoning Commissioner Eric Friedman, Planning & Zoning Commissioner Rodney Bettenhausen, Planning & Zoning Commissioner Robert Kolososki
ABSENT :	Planning & Zoning Commissioner Patrick Noonan
ARRIVED :	

III. APPROVAL OF MINUTES

A. Planning and Zoning Commission Meeting - June 10th 2025 7 PM

RESULT:	APPROVED
MOVER:	Tim Schubert
SECONDER:	Stephen Fedota
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Kevin Cavanaugh, Stephen Fedota, Eric Friedman, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

IV. PUBLIC HEARING

A. 438 N. Clark Road

1. Special Use to approve two rear yard setback reductions

SU-000183-2025 438 N Clark Dr

Notice was published in the Journal & Topics on June 19th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Application**
2. **Plans**
3. **Plat of Survey**
4. **Proof of Ownership**
5. **Public Notice**

Background:

The petitioner is proposing to construct two additions, totaling 503 square feet, to the rear of the existing residence. The additions will be setback at a distance of 31 and 29 feet. The Petitioner is requesting a Special Use Amendment to permit two additions in the rear yard to be setback 31 feet and 29 feet, encroaching on the "R-2" zoning district minimum required 40-foot setback.

Sworn in Petitioner: Randall Warren – 438 N Clark Dr, Palatine – Owner

Mr. Warren states that he and his family purchased the home three years ago after downsizing from their previous residence. However, they have come to realize they may have downsized too much, as they now need additional space. They enjoy their current home and location and believe the best option is to move forward with two proposed additions at the back of the house.

Staff – Mr. Auer provides additional information and states that the request meets R-2 zoning standards for lot coverage limits. He presents elevation drawings and confirms that the proposed construction also complies with height requirements and will maintain more than a 10-foot separation from the existing shed. He notes that the average rear yard setback in the surrounding area is 29.3 feet and that the requested setback is reasonable in comparison to neighboring properties.

Commissioner Roth-Wurster asks if the proposal has been reviewed by Engineering. Mr. Auer confirms that it was reviewed as part of the permit plan review process and that no concerns were identified.

Commissioner Friedman asks whether the overall lot size meets R-2 zoning standards.

Mr. Auer responds that the standard lot size for R-2 zoning is 10,000 square feet. This particular lot measures 9,418 square feet; however, the updated code for R-2 zoning now allows for lots as small as 9,000 square feet.

Commissioner Friedman notes that many properties in the area were granted relief, having been developed prior to annexation into the Village. He comments that general lot standards often result in conditions like this.

STAFF RECOMMENDATION:

The proposed additions are setback at a distance similar to the rear yard setback of nearby residential properties and should not negatively impact the character of the

surrounding area. Furthermore, the proposal does not conflict with the remaining standards of the "R-2" zoning district. Therefore, Staff recommends approval of the proposed Special use, subject to the following conditions:

1. The Special Use and shall substantially conform to the plans prepared by the Petitioner, dated 05/20/2025, except as such plans may be changed to conform to Village Codes and Ordinances.

There were no further questions. The public hearing was closed.

Commissioner Cavanaugh Made a motion to approve subject staff's conditions; seconded by Commissioner Kolososki.

DISCUSSION:

Commissioner Kolososki states that the proposed additions do not overload the lot and are consistent with what is typically found in the area. He considers it a reasonable request.

Commissioner Roth-Wurster states that the request meets the applicable standards.

Commissioner Fedota notes that the property immediately to the west has similar conditions and expresses his support for the request.

Chairman Wood agrees and adds that the request does not affect public safety or welfare. She states that the requested relief from the 30-foot rear yard setback is reasonable and confirms she is in favor.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on July 14th, 2025, or, be administratively approved by the Village Manager as the item was unanimously approved.

RESULT:	APPROVED
MOVER:	Kevin Cavanaugh
SECONDER:	Robert Kolososki
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Kevin Cavanaugh, Stephen Fedota, Eric Friedman, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

B. 934 W. Oxford Court

1. Special Use to permit a fence in a rear yard abutting a street and side lot line of a front yard

Commission chair, Jan Wood, requested the petitioner identify themselves among the audience. No one responded or identified as the petitioner.

Ben Vyverberg, Planning and Zoning Director, requested the application be heard after the remaining items in case the applicant was arriving late.

Vyverberg noted that the Commission may motion to pass the item to revisit the item on a later planning commission hearing date.

The Commission progressed to the next application.

The Commission made a motion to hear the 934 W. Oxford Court application to revisit the item on the August 12th Planning Commission hearing date.

RESULT:	MOTION TO HEAR ITEM ON THE AUGUST 12TH PLANNING COMMISSION HEARING
MOVER:	Stephen Fedota
SECONDER:	Tim Schubert
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Kevin Cavanaugh, Stephen Fedota, Eric Friedman, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

C. 234 N. Plum Grove Road

1. Special Use to permit an accessory structure to exceed 15 feet in height, as measured to the mean height between the eaves and ridges of the roof; and for an accessory structure to be two stories, instead of the maximum allowed one story.

SU-000171-2025 – 234 N Plum Grove Road

Notice was published in the Journal & Topics on June 19th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Application**
2. **Proof of Ownership**
3. **Plat of Survey**
4. **Plan**
5. **Other Garage Examples**
6. **Public Notice**
7. **Photos of Property**

8. **Aerial View from Petitioner**
9. **Village Code O.3.02 Accessory Structures**
10. **Floor Plans for new garage**
11. **Floor Plans of 208 N Benton from 9/9/2000**
12. **Ordinance O-139.00 granted special use for rear yard and side yard set back at 208 N Benton**
13. **Ordinance O-138.00 for same property**

Background:

The Subject Property is zoned R-2 single-family residential and is an existing 19,305 square foot (.44 acres) platted lot at the northwest corner of Plum Grove Road and Colfax Street. It is presently improved with a single-family home and detached garage. The Petitioners are seeking to demolish the existing detached garage and construct a new detached garage. The Petitioner is requesting: Special Use to permit an accessory structure to exceed 15 feet in height, as measured to the mean height between the eaves and ridges of the roof; and for an accessory structure to be two stories, instead of the maximum allowed one story.

Sworn In:

Petitioner/Owner – Steven Fallon, 234 N Plum Grove Rd

Attorney – Jerome W. Pinderski, Jr., Pinderski & Pinderski, Ltd., 115 W Colfax St, Palatine, IL

Mr. Pinderski represents the homeowners, Mr. and Mrs. Fallon. He begins by describing the unique character of the neighborhood and shares photos of the home, highlighting its historic and architectural significance. He states that while the home itself is beautiful, the existing garage is non-descript and out of character. The homeowners are seeking to improve the property by demolishing the current garage and replacing it with a new two-story structure.

The request requires a special use because, although the proposed garage meets all setback requirements, it exceeds the height restriction for accessory structures, reaching a height of 30 feet. Mr. Pinderski presents a Google Earth image of the surrounding properties and emphasizes that the proposed garage would preserve the aesthetic and historical value of the home while providing additional usable space. He explains that many older homes, while large in appearance, lack sufficient internal space. The second floor of the proposed garage would include an art room, exercise room, half bathroom, and a golf simulator. The garage would be built on the same footprint as the existing one but would be two stories high. The goal is to build a structure with a "wow factor" that complements the historic home.

Mr. Pinderski argues that staff's interpretation of the ordinance is overly restrictive. He contends that the ordinance does not clearly define what is appropriate or inappropriate in terms of accessory structures in this context. He references 208 N Benton, a property that received approval in 2000 for a two-story garage through a special use request, and provides a comparison of that approved floor plan to the current proposal. He asserts that if that project was deemed acceptable, this one

should be as well.

He adds that the proposal meets all requirements for public health, safety, and welfare and would not negatively impact surrounding property values. Several other homes in the Village have two-story garages. The homeowner's intent is to build something of high quality that contributes positively to the community.

Mr. Fallon expresses his enthusiasm for owning the property and discusses the improvements already made, including a new roof, restoration of the original Victorian paint colors, and replacement of interior subfloors. He believes the proposed garage will further enhance the property and the neighborhood. He states that he would work with an architect to ensure the new structure fits the character of the home. The current garage does not align with his vision for the property.

Commissioner Kolososki asks about the floor plan of the home and the use of the third floor.

Mr. Fallon states that the third floor includes a bedroom, bathroom, TV viewing area, and attic space.

Commissioner Kolososki asks about the use of the basement.

Mr. Fallon explains that the basement has low ceilings with ductwork and is used for his wife's studio.

Commissioner Kolososki comments that a front elevation showing both the garage and house would have been helpful for visual context.

Mr. Fallon apologizes for the lack of that information.

Chairman Wood notes that the proposed 30-foot height would make this the tallest accessory structure approved in the Village.

Mr. Pinderski responds that although the height is 30 feet, it does not create a visual obstruction. The garage would face Colfax Street, is partially screened by trees, and would not be visible from a distance. He believes the design complements the home. Chairman Wood questions whether the 30-foot height is necessary and expresses concern about the inclusion of a bathroom in the accessory structure, which is not typically permitted. She emphasizes that bathrooms, kitchens, and bedrooms belong in the primary residence, while garages are intended for vehicle storage. She views the height as excessive and questions whether it could be reduced.

Mr. Fallon states that the proposed half bathroom is intended to support the art studio use on the second floor, providing water access without needing to enter the main home. He explains that the art studio is for his wife, who paints and makes jewelry. Chairman Wood asks whether any sales would occur from the garage.

Mr. Fallon confirms that it would be for personal use only, and no sales would be conducted.

Chairman Wood again questions the necessity of a water supply in the garage.

Mr. Pinderski points out that the previously approved garage on Benton Street included a full bathroom.

Mr. Fallon adds that his home dominates the lot, while the garage on Benton is more prominent relative to its property.

Commissioner Kolososki asks why a 10-foot-high second floor would not be sufficient.

Mr. Fallon responds that the additional height is needed to accommodate a golf simulator and a pull-up bar.

Commissioner Friedman asks whether a larger ground-floor footprint could be used instead to accommodate the golf simulator.

Mr. Fallon replies that would require increasing the garage height further.

Commissioner Schubert inquires about a tree near the proposed garage and whether the neighbors have expressed any concerns.

Mr. Fallon states that the tree is on the Colfax side, and that neighbors to the west requested windows in the west elevation so they wouldn't be facing a blank wall. He confirms that feedback from neighbors has been positive.

Chairman Wood asks what benefit the 30-foot height would bring.

Mr. Fallon responds that it would complement the architectural character of the main house.

Commissioner Roth-Wurster asks whether full-scale architectural drawings are available.

Mr. Fallon states that while detailed finish plans are not yet completed, the structural design is finalized.

Commissioner Roth-Wurster asks if there is a way to accomplish the intended use while staying within the code standards.

Mr. Fallon responds that they explored options, but the current first-floor garage design cannot accommodate their full vision.

Commissioner Roth-Wurster notes Mr. Fallon's desire to build something the neighbors would be proud of and asks whether he has discussed the project with them.

Mr. Fallon states he has received only positive feedback and has even offered neighbors a chance to use the golf simulator once completed.

Commissioner Fedota asks whether the roof slope could be reduced or the roofline width adjusted in order to lower the overall height while maintaining interior ceiling height.

Mr. Fallon replies that these options were considered but ultimately, maintaining architectural consistency with the home is a priority, and the roofline design is meant to tie into the existing house.

Commissioner Bettenhausen asks what the peak height of the main house is compared to the proposed 30-foot garage.

Mr. Fallon is unsure but estimates the house peak is approximately 45 feet.

Staff – Mr. Vyverberg provides background on similar approvals. He notes that the property on Benton Street was approved in 2000 at a height of 27 feet, 11 inches. He reviews other oversized garages in the area, stating that many were part of older homes with detached structures that have long been in place.

Chairman Wood reiterates her concerns regarding the inclusion of a bathroom in the accessory structure and the overall proposed height. She emphasizes the importance of how the new structure would fit within the character of the surrounding neighborhood.

Public Comment:

Sworn In:

Martha Bell – 231 N Bothwell St – Neighbor

Ms. Bell states that she lives two houses from the corner, near the proposed location of the new garage on the west elevation. She expresses concern that the structure

will block all morning sunlight to her property and change the character of her home. She notes that a nearby neighbor maintains a large garden that would also be impacted due to reduced sunlight. While she appreciates the design adjustments to the roof slope and the inclusion of windows on the elevation facing her property, she believes the existing garage is not in poor condition and does not warrant demolition. She adds that the proposed garage would negatively impact neighboring properties and deprive them of essential natural light. If the project is approved, she requests that the west elevation not be left as a blank wall, which she refers to as a "billboard" facing her yard.

Sworn In:

Steve Riggs – 249 N Bothwell St – Neighbor

Mr. Riggs comments that the home was built many years ago, before garages were required, and expresses that adding a large garage now for the sake of proportion is not appropriate. He suggests that instead of constructing a sizable new garage, perhaps the petitioner could simply paint the existing garage red to match the house. He believes the scale of the proposed garage is not in keeping with the neighborhood and adds that, regardless of the design, the inclusion of a bathroom raises concerns about future use of the structure.

Mr. Pinderski reiterates that he does not believe the proposed structure is excessive. He notes that the home is larger and sits on a larger lot, and the design of the garage is proportionate and appropriate for the property. He states that the garage would not only complement the residence but also benefit surrounding properties.

He references the previously approved plans for a two-story garage with a bathroom at the Benton Street property, stating that the Village set a precedent for approving such accessory structures and that no changes have been made to the relevant code since that approval. He argues that the inclusion of a bathroom for accessory use is consistent with that precedent.

In addressing concerns about loss of light to neighboring properties, Mr. Pinderski quotes a legal case stating that "no one has a right to light." However, he adds that Mr. Fallon wants to be a good neighbor and is taking the comments seriously. He acknowledges that during the late fall and winter months, the structure may have some impact on sunlight.

STAFF RECOMMENDATION:

While detached garages are common in this area of the Village, the proposed 30-foot height of the garage is dissimilar from the other surrounding properties and, at nearly 16 feet taller than the existing garage height. Additionally, the required building code improvements to accommodate the proposed uses (e.g. a full foundation for the accessory structure; the walls, ceiling, and foundation will have to comply with the Energy Code requirements, structural comments to address with the 2nd floor, water service extension from the principal structure, which may increase the water line service size, separation requirements for the ground floor parking and 2nd floor uses, and HVAC improvements) further separate the proposed structure from an accessory structure. Staff believes that a peak height of 30 feet is excessive for the property and would have a negative impact upon the surrounding properties in this

area. Therefore, Staff recommends denial of the of the proposed Special Use. If the Planning and Zoning Commission recommends approval Staff recommends the following conditions: 1. The Special Use and Variation shall substantially conform to the plans dated 03/27/2025, except as such plans may be changed to conform to Village Codes and Ordinances. 2. If required by the Village Attorney, a deed restriction preventing any habitation or commercial use of the accessory structure shall be submitted in a manner acceptable to the Village Attorney.

There were no further questions. The public hearing was closed.

Commissioner Cavanaugh Made a motion to approve subject staff's conditions; seconded by Commissioner Kolososki

DISCUSSION:

Commissioner Cavanaugh states that although the Benton Street garage was approved in 2000, no accessory structures with plumbing or bathrooms have been approved since then, as the standards have changed. He emphasizes that the issue here is not only the size but also the height of the proposed structure. While it shares similarities with the Benton example, he believes there must be another way to achieve second-floor use within the current height limits. She concludes that the request does not meet the applicable standards.

Commissioner Kolososki states that this is a premium lot with more space than most and believes that makes it a unique situation worth consideration.

Commissioner Schubert comments that while the conceptual design complements the home, it will impact neighboring properties. He feels the design needs additional refinement.

Commissioner Fedota states that the proposed garage is large and that relying on a 20-year-old approval is not valid under today's standards. He appreciates the idea of utilizing the land more effectively and supports additional space, but believes it should be done within current regulations.

Commissioner Roth-Wurster notes she listened carefully and while some aspects of the project work well for the property itself, the fit within the neighborhood as a whole does not. She expresses disappointment that no visual renderings were submitted to show how the structure would relate to the house and neighboring homes.

Commissioner Bettenhausen agrees, stating it would have been helpful to have a simulation or rendering showing the garage in relation to the house and property. He reviewed examples of other two-story garages in Palatine and believes this structure, being on a corner lot, would be highly visible from both Colfax and Plum Grove. He finds the height unnecessarily excessive.

Commissioner Friedman concurs that the proposed height is too tall. He feels the project seems overly ambitious, especially with a tall loft space above a garage. He notes that including a half bathroom raises concerns, as it could easily be converted into a full bathroom and used as living space. He is also concerned about the potential impact on neighboring properties.

Commissioner Kolososki acknowledges that there are likely other ways to achieve the homeowner's goals and believes further work is needed to develop a more compatible design.

Chairman Wood comments that this type of request will likely become more common as property owners look for ways to increase functional space. While she acknowledges the home is iconic and understands the desire to match the architecture, she finds the proposed garage to be "a little too much." She notes it represents a significant leap in size and scale and does not fit within the Village's current standards.

Commissioner Roth-Wurster adds that every petition is reviewed individually, and in this case, the overall concept and its compatibility with the neighborhood leave her struggling to support the request.

Chairman Wood summarized that this request has not met the standards and was denied with a vote of 7-1.

MOTION TO APPROVE - RESULT:	FAILED
MOVER:	Kevin Cavanaugh
SECONDER:	Robert Kolososki
AYES:	Robert Kolososki
NAYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Kevin Cavanaugh, Stephen Fedota, Eric Friedman, Rodney Bettenhausen

MOTION TO DENY - RESULT:	APPROVED
MOVER:	Kevin Cavanaugh
SECONDER:	Stephen Fedota
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Kevin Cavanaugh, Stephen Fedota, Eric Friedman, Rodney Bettenhausen
NAYES:	Robert Kolososki

D. 1572 N. Rand Road

1. Special Use Amendment to permit a site plan change for a restaurant, with a drive-through.
2. Variation to allow a drive aisle to be set back 0 feet instead of the permitted 5 feet from the side yard setbacks.

SU-000190-2025 – 1572 N Rand Rd

Notice was published in the Journal & Topics on June 19th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Application**
2. **Proof of Ownership**
3. **Plat of Survey**
4. **Site Plan**
5. **Landscape Plan**
6. **Floor Plans – Elevations**
7. **Business Plan**
8. **Ordinance O-6-25**
9. **Public Notice**

Background:

In February of this year 7-Brew Coffee was approved for a Special Use. The Petitioner has now come back to revise the site plan to expand the drive thru lanes to allow for additional stacking spaces. The Petitioner is requesting a Special Use Amendment to permit a restaurant with a drive-thru site plan expansion and a Variation to allow a drive aisle to be set back 0 feet instead of the permitted 5 feet from the side yard setbacks.

Sworn in petitioner: Chris George, Who Brew LLC – 2650 N. Southporth, Chicago, IL

Mr. George explains that the request for this location was previously approved in February. Since opening three new local locations, the business has experienced a higher-than-expected customer volume, resulting in longer waiting lines. He is now requesting to increase the drive-through stacking capacity from 24 to 44 vehicles to prevent traffic backup onto Rand Road. The goal is to maximize stacking space to avoid overflow and maintain traffic flow.

Commissioner Friedman asks about the challenges faced at the Lake Zurich location and what queuing space was approved for that site.

Mr. George responds that the Lake Zurich site had a stacking space of 15–20 vehicles. That site featured a single-lane queue that transitioned into a double lane, which caused operational issues. He notes that all new builds are now designed with double lanes throughout to eliminate confusion and streamline order pickup.

Commissioner Kolososki inquires whether the proposed expansion will utilize space initially designated for water detention.

Mr. George confirms that it will and explains that the civil engineer is coordinating with the Village engineer. New civil plans have been submitted and are under review. If the current configuration cannot meet stormwater requirements, the team will pursue underground detention as part of the ongoing design process.

Mr. Vyverberg adds that the billboard previously located on the site has been removed, as required in the original special use approval. Regarding the variation

component, he notes that this is a continuation of an existing condition, with the changes shifting farther west. Staff has no concerns with this adjustment. He also states that landscaping and screening will be required, including fencing. Coordination between the Village engineer and the project's civil engineer is ongoing to develop a viable stormwater solution.

STAFF RECOMMENDATION:

The proposed drive-thru coffee shop, 7-Brew was previously approved in February of this year. The Petitioner is now requesting a new Special Use following the same business operations and location of proposed building with the drive-thru lane extending further into the rear of the property. This change was made to assist in avoiding traffic backup issues along Rand Road. While the additional pavement does extend the existing encroachment into the side yard setback it provides an additional 20 stacking spaces along with landscaping and should not impact the character of the locality. Therefore, Staff recommends approval of the proposed Special Use and Variation, subject to the following conditions:

1. The Special Use and Variation shall substantially conform to the plans prepared by Toth & Associates submitted 03/10/2025, floor plan and elevations prepared by Veritas Architecture and Design dated 8/29/2024 and the business plan submitted by the Petitioner, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The traffic directional signage plan shall be submitted in a manner acceptable to the Village Engineer.
3. The final landscaping plan shall be submitted in a manner acceptable to the Director of Planning and Zoning.
4. A MWRD permit shall be required or a permit determination letter stating that a MWRD permit is not required. Cash in Lieu of Detention fee, as outlined in Section 8.08 of Appendix B of the Village Code of Ordinances, will be required if the MWRD does not mandate detention.
5. IDOT Permit will be required if any work is within the right of way of Rand Road. Commissioner Roth-Wurster asks if there are lighting and sound requirements included as part of the building permit review.

Mr. Vyverberg confirms that is correct.

Commissioner Roth-Wurster then inquires whether any signage will replace the removed billboard.

Mr. Vyverberg responds that there will be no freestanding signs permitted; only building-mounted signage will be allowed.

There were no further questions. The public hearing was closed.

Commissioner Schubert Made a motion to approve subject staff's conditions; seconded by Commissioner Ruth-Wurster.

DISCUSSION:

Commissioner Schubert states that he has visited a similar site in Huntley and believes this will be a great addition to the community. His only concern is potential traffic backup on Rand Road, and he encourages the Village to be prepared for this possibility.

Commissioner Roth-Wurster comments that the request meets the standard for reasonable return. She commends the petitioner for proactively seeking improvements before opening.

Commissioner Friedman agrees that from a business operations standpoint, the proposed changes are logical. However, he expresses concern about the site's proximity to residential properties. Although there were no drive thru speakers, he recommends reviewing the photometric plan to ensure adequate light control.

Commissioner Fedota finds it commendable that the petitioner is taking initiative to address potential issues in advance.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on August 4th, 2025.

RESULT:	APPROVED
MOVER:	Tim Schubert
SECONDER:	Cindy Roth Wurster
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Kevin Cavanaugh, Stephen Fedota, Eric Friedman, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

E. 126-134 S. Northwest Highway

1. Special Use to permit 3 dwelling units, as accessory uses to the ground floor commercial uses; and
2. Variation to permit 6 parking spaces, instead of the minimum required 20 parking spaces.

SU-000130-2025 – 126-134 S. Northwest Highway

Notice was published in the Journal & Topics on June 19th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Application**
2. **Proof of Ownership**
3. **Plans**
4. **Plat of Survey**

5. Public Notice

Background:

The Subject Property is zoned B-2, general business and is currently improved with a 2-story building, which historically had commercial uses on the ground floor and residential units on the second floor. The property has been vacant and unoccupied for some time. Therefore, the Petitioner is requesting: Special Use to permit 3 dwelling units, as accessory uses to the ground floor commercial use; and Variation to permit 6 parking spaces, instead of the minimum required 20 spaces.

Sworn in petitioner:

Nick Ftikas, Attorney – Law Offices of Sam Banks, 221 N LaSalle St, 38th Floor, Chicago, IL

Scott Shalvis, Architect – Architectural Studios, 14421 Oakley Ave, Orland Park, IL

Summary:

Mr. Ftikas explains the petitioner is seeking a special use to re-establish residential use on the second floor of an existing commercial building. The building, currently vacant and in disrepair, would be redeveloped with retail space on the first floor and three residential apartments on the second. As the property is zoned B2, the residential component is considered an accessory use and requires a special use permit.

A companion variation is also requested due to the site's parking deficiency. The irregular, pie-shaped lot was reduced during a previous expansion of Northwest Highway, eliminating parking opportunities in the front. Only six spaces remain behind the building, limiting the ability to meet code-required parking ratios. The petitioner is pursuing a license agreement with the Village for six additional parking spaces along Parallel Street, which would support the retail use. The rear lot parking would be designated for residents.

Mr. Ftikas notes the goal is to return the property to its historic mixed-use character, dating back to the 1950s. The area is a transitional corridor with nearby residential properties, and the project would help meet community housing needs. Chairman Wood inquired about the possibility of using parking along Northwest Highway. Mr. Ftikas responded that this is not a viable option due to traffic conflicts and the area's noncompliance with current code. Mr. Vyverberg added that the Illinois Department of Transportation (IDOT) has jurisdiction over Northwest Highway and would not allow parking that fails to meet dimensional standards. He noted that while parking along Parallel Street falls within the public right-of-way, it is an existing condition and may be addressed through a license agreement with the Village.

Chairman Wood expressed concern about the building's long-vacant status and asked whether the rear parking area would be designated for residential use. Mr. Ftikas confirmed that it would be. She also raised questions about where overflow retail parking would go. In response, Mr. Ftikas explained that the tenant mix would be carefully curated to avoid high-demand parking scenarios.

Commissioner Schubert asked whether the proposal included rooftop patios. Mr. Shalvis confirmed there were none. Chairman Wood followed up by asking if street parking is available. Mr. Vyverberg reiterated the availability of right-of-way parking along Parallel Street and added that the pavement along Northwest Highway would be removed and replaced with landscaping.

Commissioner Kolososki inquired about compliance with ADA and Fair Housing requirements. Mr. Shalvis stated that the number of residential units is below the threshold that would require accessible design. Chairman Wood then asked how many bedrooms each unit would have and whether any tenants had been identified. Mr. Ftikas provided general square footage details but confirmed that no tenants had been secured.

Mr. Vyverberg explained that the property's irregular shape and limited size resulted from the widening of Northwest Highway, which reduced the buildable area at the front of the lot. As part of the redevelopment, existing pavement at the front of the building will be replaced with landscaping.

Commissioner Fedota asked whether safety equipment would be required during construction. Mr. Vyverberg confirmed that this would be reviewed as part of the permitting process in coordination with IDOT and the Village Engineer.

Chairman Wood referenced a nearby property that was denied a similar residential request due to parking limitations and asked how this proposal differs. Mr.

Vyverberg explained that the previous case involved a site that had never had residential use. In contrast, the current proposal seeks to restore an existing condition. Furthermore, any commercial tenant for this location would need to be limited in scale to avoid high parking demand.

Commissioner Cavanaugh asked whether the renovation would include both floors of the building. Mr. Ftikas confirmed that it would.

Sworn In:

Todd Pearson, the owner of JJ Twigs at 150 S Northwest Highway, welcomed reinvestment in the area but voiced concern about parking. He worried that overflow from the redeveloped property could spill into his own parking lot, impacting his business. He suggested that reducing the number of residential units from three to two might help alleviate parking pressure. Commissioner Friedman asked Mr. Pearson how his business manages overflow parking during busy hours. Mr. Pearson later explained that overflow typically uses Parallel Street. He noted that business activity generally takes place during the day, while restaurant traffic peaks in the evening. He also mentioned that his business is working with IDOT to explore reconfiguring its parking lot for better efficiency.

Chairman Wood read an objection letter from Barry Levitas, who raised concerns about the extent of the proposed property improvements and how they might affect JJ Twigs, particularly in terms of available parking for restaurant use.

In response, Mr. Ftikas acknowledged the limitations of the lot and confirmed the applicant's willingness to collaborate with neighboring businesses to manage overflow. He emphasized that the residential component would be limited to three units, thereby minimizing parking impacts. He stated that the rear parking area would be prioritized for residents and the restaurant, and that the applicant would work with Village staff to monitor and manage the site's parking use.

Chairman Wood concluded by noting that the property's configuration prevents it from ever fully complying with parking code. Mr. Vyverberg confirmed that Village staff will monitor future business licenses to ensure compliance and acknowledged the parking challenges while emphasizing that staff remains engaged in working toward practical solutions.

STAFF RECOMMENDATION:

The Subject Property has historically operated as a mixed use building, with ground floor commercial uses and second floor residential uses. With the widening of Northwest Highway, the previous parking in front of the building was diminished and the property and parking were impacted. The lot is bordered on three side by commercially zoned properties, with a detached garage and driveway for a single-family home being located directly west of the building. The renovations and proposed improvements to the building, followed by its reuse as a mixed use building, will assist in eliminating a blighted property and its impact to the surrounding properties. The reuse of the residential properties will restore and improve a use that initially existed, beginning in the 1950's. Through the renovation of the existing ROW parking along Parallel Street and subsequent license agreement for its use and maintenance, an additional 7 parking spaces will be available for the property for a total of 13 spaces. Therefore, Staff recommends approval of the of the proposed Special Use and Variation, subject to the following conditions: 1. The Special Use and Variation shall substantially conform to the plans prepared by Architecture Studio, dated 04/04/2025, floor plan and elevations prepared by the submitted by the Petitioner, except as such plans may be changed to conform to Village Codes and Ordinances. Additionally, the final dumpster enclosure and any required residential refuse location, shall be provided in a manner acceptable to the Village of Palatine. 2. A license agreement, in a manner acceptable to the Village Attorney, will be required for the use of the parking in the Parallel Street right-of-way. 3. Rental licenses shall be required for the apartment units on the 2nd floor. 4. The final pavement removal plan and subsequent freestanding sign pole remove along the east (Northwest Highway) of the building, shall be submitted in a manner acceptable to the Village Engineer and Director of Planning and Zoning. The final Landscaping plan and screening plan shall be submitted in a manner acceptable to the Director of Planning and Zoning. If any extra agency permits are required as part of the proposed improvements, said permits shall be submitted in a manner acceptable to the Village Engineer.

There were no further questions. The public hearing was closed.

Commissioner Cavanaugh Made a motion to approve subject staff's conditions; seconded by Commissioner Kolososki.

DISCUSSION:

Commissioner Cavanaugh stated that he is familiar with the area and noted that the building has been an eyesore for quite some time. He believes this is a good solution and appreciates that the petitioner intends to fill the first floor with an

appropriate use while restoring residential use to the second floor. He believes this meets the standards. While parking remains a concern, he noted that there is room for a potential agreement and overall supports the project. He believes it is the right use and is happy to see the blighted building finally rehabilitated.

Commissioner Kolososki agreed, stating that the building is highly visible when entering the Village and that the proposed improvements would be a significant upgrade.

Chairman Wood commented that this project will be a positive improvement for the area. She supports the inclusion of residential units on the second floor and acknowledged that the retail use will be the more difficult component in terms of parking. However, after reviewing the standards, she believes the request meets the criteria and will not have a negative impact. She noted that it is difficult to get a reasonable return on the property without parking, but the spaces at the back, along with improved site conditions, will contribute to a better use of the property. She concluded that the proposed use will not alter the central character of the locality and that the standards are met.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on August 4th, 2025.

RESULT:	APPROVED
MOVER:	Kevin Cavanaugh
SECONDER:	Robert Kolososki
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Kevin Cavanaugh, Stephen Fedota, Eric Friedman, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

V. PUBLIC COMMENT

Commission Chair Jan Wood opened the public comment portion of the meeting. No public comment was made. Public comment was closed.

VI. ADJOURNMENT

RESULT:	ADJOURN
MOVER:	Cindy Roth Wurster
SECONDER:	Rodney Bettenhausen
AYES:	Jan Wood, Cindy Roth Wurster, Tim Schubert, Kevin Cavanaugh, Stephen Fedota, Eric Friedman, Rodney Bettenhausen, Robert Kolososki
NAYES:	None

