



PLANNING AND ZONING COMMISSION

SEPTEMBER 9, 2025 AT 7:00 PM

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

AGENDA

REGULAR MEETING

7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Planning and Zoning Commission — Regular Meeting — August 26, 2025

IV. PUBLIC HEARING

- A. 204 S Ashland Avenue

- 1. To be continued to the September 23, 2025 Planning and Zoning Commission Meeting

- B. 255 N. Bothwell Street -

- 1. Variation to allow the total lot coverage to be 55%, instead of the maximum allowable 45%

- C. 1480 W. Poplar Street

- 1. Special Use to permit a fence in a front yard

V. PUBLIC COMMENT

VI. ADJOURNMENT



PLANNING AND ZONING COMMISSION

AUGUST 26, 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
- III. APPROVAL OF MINUTES

- A. Draft Planning & Zoning Commission meeting minutes: 8-12-2025

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

IV. PUBLIC HEARING

- A. 1280 E. Dundee Road

- 1. Special Use Amendment to the Special Use Ordinance #O-91-23 to permit changes to the live entertainment business plan and restaurant floorplan

SU-000028-2023 – 1280 E Dundee Rd

Notice was published in the Journal & Topics on August 7th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

- 1. Application
 - 2. Floor Plan

3. Security Plan
4. Plat of Survey
5. Real Estate Disclosure
6. Public Notice

Background:

Ms. Bremanis provides background and states the Subject Property is zoned "B-2", Shopping Center District, and is occupied by Aragvi restaurant. In 2023, the Petitioners received Special Uses for a restaurant, with liquor service, and live entertainment. The current uses within the commercial plaza consist of restaurant, retail, service uses. The Petitioner is proposing a special use amendment to recognize an area for dancing, adjacent to the live entertainment stage. The Petitioner is requesting a Special Use Amendment to Ordinance #O-91-23 to permit changes to the live entertainment business plan and restaurant floorplan

Sworn in petitioner: Oleg Gurevich – 1280 E Dundee Rd – Agent for Aragvi Restaurant

Mr. Gurevich, agent for Aragvi Restaurant, stated that the business has operated for 18 months without issues. He explained that while the restaurant offers live entertainment and music, it is not a nightclub. He noted that dancing is optional and typically occurs when patrons hear a favorite song. He emphasized that tables are not moved and that dancing is a cultural activity enjoyed by their patrons.

Chairman Wood asked if there have been any security problems.

Ms. Bremanis stated that she was not aware of any.

Ms. Bremanis presented a picture of the area and floor plan, explaining where the music and proposed dance area would be located.

Commissioner Roth-Wurster asked if there would be any changes to the floor plan.

Chairman Wood asked if the hours would remain the same.

Mr. Gurevich confirmed there would be no changes to the floor plan and the hours would remain the same.

Chairman Wood asked how much square footage would be used.

Mr. Gurevich stated the dance area would be approximately 150 square feet.

Commissioner Bettenhausen questions a door shown on the plan.

Mr. Gurevich states it is an employee door only.

Ms. Bremanis provided additional information, noting that this is a small venue with a DJ, and there would be no change to the overall use or business hours, only the addition of a small dance area with the live entertainment.

Commissioner Friedman asked if there was an egress door.

Ms. Bremanis stated that Fire Prevention reviewed the plans and had no issues.

STAFF RECOMMENDATION:

The Petitioner continues to operate the restaurant and live entertainment components of the Special Use, restaurant and retail center. Procedurally, the area for dancing was not included in the initial live entertainment special use business plan. Staff does not object to this area's occasional use for dancing, in conjunction with the music played on the stage. Therefore, Staff recommends approval subject to the following conditions:

1. All other conditions of Special Use #O-91-23 shall remain in place.
2. The Special Use Amendment shall substantially conform to the business plans and floorplan amendment, prepared by the Petitioner, except as such plans may be changed to conform to Village Codes and Ordinances.
3. The final security plan shall be submitted in a manner acceptable to the Police Chief and Director of Planning and Zoning.

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

Commissioner Roth-Wurster made a motion to approve subject staff's conditions; seconded by Commissioner Noonan.

DISCUSSION:

Commissioner Roth-Wurster stated the standards were met and that the request would maintain public health, safety, and welfare.

Commissioner Fedota stated there were no security problems and noted the requested activity occurs naturally.

Chairman Wood stated there would be no negative impact, and the area requested was very small. Is in approval of the request.

Chairman Wood summarized that this request met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to the Village Council on September 15th, 2025

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

B. 310 N. Brockway Street

1. Variation to permit an accessory structure to be set back 7 feet from the existing principal structure, instead of the minimum required 10 feet.

VAR-000201-2025 – 310 N Brockway St.

Notice was published in the Journal & Topics on August 7th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Application**
2. **Proof of Ownership**
3. **Plans**
4. **Bartlett Tree Letter**
5. **Ordinance O-24-17**
6. **Public Notice**

Background:

The Subject Property is zoned R-2 and is improved with a single-family residence on a 14,630 square foot lot. In 2017, the property was granted a Special Use to allow a reduced front yard setback of 20 feet, in lieu of the minimum required 30 feet, and a reduced side yard setback of 11 feet, in lieu of the minimum required 20 feet (#O-2417). The Petitioner is now requesting zoning relief to construct a detached single-car garage, which would be located approximately 7 feet from the primary residence. The Petitioner is requesting:

1. Variation to permit an accessory structure to be located 7 feet from the primary structure instead of the minimum required 10 feet.

Sworn in petitioner: Andrew Venamore – 602 Academy Drive - Northbrook, IL – Builder representing the homeowners.

Mr. Venamore explained the proposal to build a single-car detached garage in the rear yard, 16' wide by 22' long, with a second-floor storage area. The intent is to match the architecture and windows of the existing home. The garage is planned at the end of the existing concrete driveway to maintain the property's appearance and neighborhood character.

A zoning variation is requested to allow a 7' separation between the principal structure and accessory building, rather than the required 10'. The original intent was a 10' separation, but the existing 36" silver maple tree prevented this. An arborist advised the garage should be set back 15' from the tree base to preserve its health, which pushed the garage closer to the home. The arborist's letter is included in the application packet. Measures will be taken to protect the tree before, during, and after construction, as the owners wish to preserve it.

Commissioner Kolososki asked what materials would be used for the garage foundation.

Mr. Venamore stated it will be a floating slab, suitable for the small structure given the grade drop-off to the backyard.

Chairman Wood asked if this would be a second garage, as the property already has an attached garage.

Mr. Venamore confirmed, stating both garages would be used for cars and storage.

Commissioner Kolososki asked how access would be provided to the second floor.

Mr. Venamore replied stairs will be located at the northwest corner.

Chairman Wood asked about storage space.

Mr. Venamore estimated approximately 200 square feet.

Commissioner Fedota asked about the alignment of the garage ridge compared to the house.

Mr. Venamore explained the existing house ridge is 22 feet high and the new garage ridge will sit lower than the north gable.

Chairman Wood asked staff to explain the purpose of the 10-foot requirement.

Ms. Bremanis stated that it is unknown why the setbacks were originally established, the 10-foot may have been for visual reasons. This code may be reviewed in future ordinance updates.

Mr. Venamore added that building code only requires fire-rated construction if structures are closer than 5 feet. This request meets building safety code but requires zoning relief.

Commissioner Friedman asked if the 7-foot measurement was taken from wall to wall or roof overhang.

Mr. Venamore confirmed it is foundation to foundation.

Commissioner Bettenhausen noted the survey and building elevations do not match and need to be corrected.

Mr. Venamore acknowledged the error and will correct it.

Commissioner Kolososki asked whether the recommendation to push the garage back came from a landscaper.

Mr. Venamore clarified it came from the arborist.

Ms. Bremanis confirmed the garage height meets code and complies with building and lot coverage requirements.

Commissioner Fedota asked if utilities other than electric were planned.

Mr. Venamore confirmed no other utilities are proposed.

STAFF RECOMMENDATION:

The net effect to the requested relief is internal to the property. Since the house and garage meet all other setback requirements and will meet building code, the proposed addition should not impact the surrounding property owners or alter the essential character of the neighborhood. Additionally, the Subject Property is surrounded on the northern and southern side by multi-family uses, which should not be impacted by the proposed garage or requested relief. Therefore, staff recommends approval of the Variation, subject to the following conditions:

1. The Variation shall substantially conform to the plans prepared by Heartland Garage Builders, submitted 7/28/2025 and attached hereto as Exhibit 'A', except where revisions are necessary to comply with Village Codes and Ordinances.

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

Commissioner Noonan Made a motion to approve subject to staff's conditions; seconded by Commissioner Friedman.

DISCUSSION:

Commissioner Kolososki stated that it is a good project for the homeowner, noting the importance of keeping the tree alive.

Chairman Wood stated that while the intent was to maintain the 10-foot separation, further information showed that it would be harmful to the tree. She emphasized the value and importance of preserving the tree, noting this as a unique situation. She found the request to be reasonable and meeting the standards.

Commissioner Roth-Wurster stated that this is a unique and reasonable request. She added that the plight of the owner is due to the unique circumstances related to the location of the tree, and she complimented the plan as a nice design.

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 September 2nd, 2025.

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

C. 35 N. Ashland Avenue

1. Variation to construct a detached garage with a 3 foot side yard setback, instead of the minimum required 5-foot setback and with a 6-foot setback from the principal structure, instead of the minimum required 10 feet.

C. 35 N. Ashland Avenue

1. Variation to permit a detached garage with a 3-foot side yard setback, instead of the minimum required 5-foot setback and with a 6-foot setback from the principal structure, instead of the minimum required 10-feet.

VAR - 000202-2025 - 35 N. Ashland Avenue

Notice of this item was published in the Palatine Journal and Topics on August 7, 2025, and also mailed to the required property owners.

Petitioner's Exhibits:

- 1. Variation application**
- 2. Proof of ownership/real estate disclosure**
- 3. Plat of Survey**
- 4. Site Plan**
- 5. Architectural Plans**
- 6. Public notice**

BACKGROUND:

The Subject Property is zoned "R-2" Single Family Residential and is approximately 11,340 square feet in area. The property currently consists of a single-family residence with an *attached* garage in the side yard. The structure is considered legally non-conforming as the existing garage is set back 1.6 feet from the side lot line. The existing garage will be replaced by a *detached* garage. The Petitioner is proposing to build a detached garage that encroaches upon the required minimum side yard setback, and, minimum setback from the principal structure. Therefore, the petitioner is requesting the following:

- 1. Variation to permit an accessory structure to be set back 3 feet from the side lot line, instead of the required 5-foot setback.**
- 2. Variation to permit an accessory structure to be set back 6 feet from the principal structure, instead of the required 10-foot setback.**

Sworn in the Petitioner's representative, Jeff Maki - The Garage Builder - 25849 Cresthill Drive, Barrington, IL.

Mr. Maki is the garage builder associated with this project. The property currently includes a single-family residential home and garage, which are both attached through a foyer. He indicated that he believes tha the initial garage and home were not attached, with the connecting foyer added at a later date. The foyer does not include any frost protection for the foundation. The plan is to remove the foyer

connection and demolish the existing garage and replace it with a detached garage of a similar size. The new garage would provide a 3-foot side yard setback, which still requires relief, but is an increase from the existing 1.5-foot side yard setback.

The new garage would provide a 6.8-foot setback from the principal structure, which also requires a variation from the minimum required 10-foot setback. The garage would also include a 1-hour fire rated 5/8 inch drywall.

Commissioner Kolososki inquired about the fire-rated drywall.

Mr. Maki confirmed its inclusion on the interior and exterior walls on the plans.

Mr. Fedota asked about any fire rating modifications to the home. Mr. Maki indicated that no additional fire rating measures would be included for the home.

Mr. Bettenhausen asked if there were any water or drainage issues associated with the home. Mr. Maki indicated that water pools near the garage and within the 1.5-foot setback, but that the new garage would have the grade flow away from the garage and into the rear yard.

Mr. Fedota inquired about the proposed building materials. Mr. Maki confirmed the material to be vinyl siding.

Ms. Bremanis confirmed that the lot and building coverage are within the ordinance limitations, as is the height of the garage. She also spoke to the unique challenge to the 60-foot lot width, which is substandard to the R-2 requirements and impacts the ability to locate a detached garage, with the existing home in place.

Mr. Fedota asked about the driveway replacement material and the contemplated driveway expansion. Ms. Bremanis replied that the driveway replacement and expansion complies with the code requirements.

There were no public comments on this project.

Ms. Bremanis summarized the Staff recommendation. The petitioner is requesting to locate the detached garage near its original location due to the construction burdens and in order to maintain the property design. The proposed detached garage is consistent with the design of the surrounding residential properties. She also noted that the side yard setback is increasing to 3 feet from the existing 1.5-foot setback.

Therefore, Staff recommends approval of the Variation, subject to the following conditions:

1. The Variation shall substantially conform to the plans prepared by Polena Engineering, submitted 7/29/2025, and attached hereto as Exhibit 'A', except where revisions are necessary to comply with Village Codes and Ordinances.

There were no further questions and the Public Hearing was closed.

Commissioner Schubert made a motion to approve the variations, subject to Staff's proposed condition. Seconded by Commissioner Noonan.

Discussion:

Commissioner Schubert indicated that this was a garage replacement and would be a nice addition to the home. He further indicated that it will be a nice renovation and meets the standards.

The Planning and Zoning Commission unanimously (8-0) recommended this Petition, and it is tentatively scheduled for the Tuesday, September 2, 2025, Village Council meeting.

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

- D. 5 vacant lots south of W. Rosiland Road and north of W. Ruhl Road (720 & 684 W. Ruhl Road and 1808, 15 & 17 W. Rosiland Road).
1. Preliminary/Final Planned Development to permit a 4-lot single-family residential development.
 2. Preliminary and Final Plat of Subdivision for a 4-lot single-family residential subdivision.

PFSUB-000013-2025 – Ruhl Rd.

Notice was published in the Journal & Topics on August 7th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Application**
2. **Proof of Ownership**
3. **Plat of Survey**
4. **Plat of Subdivision**
5. **Site Plan**
6. **Final Engineering Plans**
7. **Tree Preservation Plan**
8. **Landscape Plan**
9. **Architectural Plans**
10. **Public Notice**

Background:

The properties were annexed in 2002 and consist of 5 lots, totaling approximately 202,687 square feet (4.65 acres). In 2015, a Final Planned Development, Subdivision, and Rezoning were approved for a 13-lot subdivision. While the project never moved forward, the properties, per Code, were rezoned to Planned Development. The residential lots surrounding the subject properties are also zoned Planned Development, as part of the Dunhaven Woods Subdivision (East and South) and generally follow the R-2 standards. The Petitioner is requesting a Preliminary and Final Planned Development and Preliminary and Final Subdivision for 4 lots to construct 3 homes. The Petitioner is requesting: Preliminary/Final Planned Development to permit a 4-lot Single-family Residential Development. The Subject Property is zoned: Planned Development.

Sworn in petitioner: Thomas McCabe – Smith Lasalle 10102 Pacific Ave, Franklin Park – Civil Engineer for project

Mr. McCabe explained that the family currently lives in the area. The petitioner purchased the property a couple of years ago with the intent of building houses for her family while maintaining the trees on the property. He provided a Plat of Subdivision and described how the lots will be divided. He stated that the houses and lots are large and fit in with the neighborhood. Detention will be provided in both the front and back while maintaining the natural grade to preserve as many trees as possible.

Chairman Wood asked about trees on Lot 4.

Mr. McCabe stated that many trees are being preserved on Lot 4.

Mr. McCabe added that Lots 1 and 3 will be built as quickly as possible, and all lots are owned by the petitioner.

Chairman Wood clarified that Lot 4 is not being developed at this time.

Mr. McCabe confirmed this.

Mr. McCabe explained that detention will be located at the south end of Lot 3, with additional detention located behind Lots 1 and 2.

Commissioner Schubert asked about the common driveway between the three lots, who would manage it, and how maintenance would be handled if one of the properties is sold.

Mr. McCabe stated that the covenants require an association to be created for the four lots, and access easements are in place to serve all the properties.

Ms. Bremanis stated that the easements will need to be extended on the plat before final approval.

Commissioner Bettenhausen asked if the HOA would be responsible for maintaining the retention.

Mr. McCabe confirmed it would.

Chairman Wood questioned the Tree Preservation Plan and requested clarification.

Ms. Bremanis stated that trees shown in green on the plan will remain, while trees marked with a red X will be removed.

Commissioner Roth-Wurster asked about tree removal.

Mr. McCabe stated that an arborist examined the site and identified the trees that needed to be removed.

Commissioner Friedman asked why setback lines are not depicted on Lot 4 when the plat goes on record.

Ms. Bremanis stated that Lot 4 would be required to follow the R1 setbacks.

Commissioner Bettenhausen noted that the retaining walls are shown differently on the landscape plan compared to the grading plan.

Mr. McCabe explained that the grading plan was developed as an overall drainage plan to show water movement and grading. The arborist later detailed the walls for each lot, and the building permits will reflect the actual wall locations.

Ms. Bremanis stated that all utilities exist in the roadway and will not need to be extended into the public right-of-way. Drainage flows into Lot 3 and then into a sanitary line on Ruhl and Rosalind. Engineering has approved the engineering and stormwater plans. Landscaping plans show additional trees and shrubbery, and she provided elevations of the homes to be built on each lot, along with additional photos of the existing area.

Sworn in Resident: Natalie King, 737 W. Ruhl Road

Ms. King stated that she lives directly across the street. She expressed concern about the flooding where Ruhl and Rosalind come together and explained that water issues already exist in the area. She asked how the project will impact the neighborhood and questioned the watershed.

Mr. McCabe stated that the site is highest in the middle and drains into three ponds.

He explained that originally the water was not detained, but with the construction of three houses, water will be captured, detained, and then released. This will improve drainage from the property. He noted that the runoff today is greater than what it will be in the future once detention is in place.

STAFF RECOMMENDATION:

The proposed development conforms all of the restrictions of the R-1 district and to the Subdivision Regulations and the proposed density is well below the maximum allowable density in the R-1 district. It also complies with the recommendations of the comprehensive Page 115 of 184 plan. Therefore, Staff recommends approval of the proposal subject to the following conditions:

1. The development shall substantially conform to the Plat of Subdivision prepared by Reginal Land Services and the Engineering Plans prepared by Smith LaSalle, dated 5/29/2025 last revised 07/11/2025, except as such plans may be revised to conform to Village Codes and Ordinances.
2. All future residences shall follow the Village's R-1 Standards.
3. A Public Improvement letter of credit or appropriate security deposit shall be submitted in a manner acceptable to the Village Engineer.
4. Review fees in the amount of 1.5% of the total project improvement costs (as defined in the Village Code) shall be submitted in a manner acceptable to the Village Engineer.
5. A Planned Development letter of credit shall be submitted in a manner acceptable to the Director of Planning and Zoning.
6. The Final Plat of Subdivision shall be submitted on Mylar with the required signatures and significantly conform to the Plat of Subdivision prepared by Reginal Land Services.
7. A Subdivision Improvement Agreement shall be submitted in a manner acceptable to the Village Attorney.
8. Recording fees in the amount of \$300 shall be submitted.
9. The Final Engineering Plans and Final Engineer's Cost Estimate shall be revised in a manner acceptable to the Village Engineer.
10. A construction management plan, indicated the proposed material delivery routes and contractor parking areas, shall be submitted in a manner acceptable to the Village Engineer/Director of Planning and Zoning, as part of the site development/building permit review process.
11. A MWRD permit shall be submitted.

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

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

DISCUSSION:

Commissioner Friedman stated that a lot of work has gone into the design with significant investment in improvements. He noted that the objectives from Planning & Zoning were carefully considered and addressed within the site plan, particularly setbacks and drainage. He commented that the development feels like a resort and is a unique solution for the property.

Commissioner Roth-Wurster stated that it is a well thought out plan for the homes and engineering, with an emphasis on tree preservation. She expressed full support for the project.

Commissioner Kosoloski asked who will oversee construction management and emphasized the need for qualified management for this project.

Chairman Wood agreed that this is a good fit for the property.

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 September 15th, 2025.

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

E. 1170 E. Dundee Road

1. Special use to operate a restaurant and bar

SU-000188-2025 – 1170 E Dundee Rd

Notice was published in the Journal & Topics on August 7th, 2025 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application
2. Proof of Ownership
3. Plat of Survey
4. Floor Plan
5. Business Plan
6. Security Plan
7. Ordinance O-77-09

8. Public Notice

Background:

The Subject Property is zoned "B-1", Shopping Center District, and is located within the Laredo Plaza re-subdivision (Plaza Rosita). Current uses within the commercial plaza consist of restaurant, service, and retail uses. The Petitioner is proposing to operate a restaurant, with bar services. The Petitioner is requesting a Special Use to permit a restaurant and bar.

Sworn in petitioner: Bohdan Stakhura, 701 S Wells St., Chicago, IL – Owner
Mr. Stakhura explained he plans to open a restaurant/bar with billiards and snooker tables. He noted that the snooker tables are unique and will be imported for the venture. He added the facility will also include a kitchen serving bar-style food and alcohol.

Chairman Wood asked what percentage of the restaurant will be designated for billiards, snooker, and dining.

Mr. Stakhura responded that 70–80% of the facility will be devoted to billiards and snooker tables, with the remainder used for the restaurant.

Chairman Wood asked if he has any experience in business management.

Mr. Stakhura replied that he is currently a truck driver.

Commissioner Fedota asked if he has prior experience running this type of business.

Mr. Stakhura stated he previously operated a billiards hall in Ukraine and also plays the sport himself.

Commissioner Schubert asked if there will be any outdoor seating.

Mr. Stakhura responded there will not.

Chairman Wood asked if the back entrance will be used for public access.

Mr. Stakhura explained it is not a public entrance and will be used only for food deliveries, with customers entering and exiting only through the main entrance except in emergencies.

Chairman Wood noted the back area borders residential properties and expressed concern that dumpsters or gatherings there could disturb neighbors.

Mr. Stakhura acknowledged the concern and assured it will be addressed.

Commissioner Fedota asked if a security plan will be in place.

Ms. Bremanis explained that such uses require a security plan as part of the special use application and confirmed that one was submitted.

Mr. Stakhura stated he would comply with whatever requirements the Village sets for security.

Ms. Bremanis clarified that a private security company is not required but that a plan

has been coordinated with the police department to address any issues.

Commissioner Roth-Wurster asked if tournaments and open play will be offered.

Mr. Stakhura responded they would likely host Snooker tournaments once a month, with billiards tournaments scheduled Monday through Friday from 6:00–10:00 p.m.

Commissioner Fedota questioned parking availability at this location.

Ms. Bremanis noted that a parking variation for the property is already in place and will remain.

Commissioner Schubert asked about the entry fees.

Mr. Stakhura stated the typical fee is \$20–\$40, with prize packages determined by sponsors.

STAFF RECOMMENDATION:

The Petitioner is proposing to operate a restaurant and bar in the Laredo Plaza re-subdivision retail center. The business plan includes late-night hours billiard tournaments as an accessory use. To address these conditions, the petitioner has provided staff with a security plan. Staff does not anticipate the required parking of the proposed use to have a negative impact on existing parking conditions. While other uses within the Village have pool tables as accessories within the primary restaurant/bar uses, the proposed use and tournament activities would be unique to the subject tenant space. As a result, Staff recommends action at the discretion of the Special Use request to the Planning and Zoning Commission. If the Planning and Zoning Commission recommends to approve the request, Staff would recommend the following conditions:

1. The Special Use shall substantially conform to the plans prepared by the Petitioner, dated 06/20/2025, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The final security plan shall be submitted in a manner acceptable to the Police Chief and Director of Planning and Zoning.
3. Prior to the hosting of the first tournament, the Petitioner and any proposed security representative shall provide the final proposed security and operations' plan in a manner acceptable to the Police Department.
4. Security shall be provided through 30 minutes past closing the closing time and during all tournament events.
5. Per the business plan, the facilities proposed hours are listed below: a. Sunday–Thursday: 11 AM – 12 AM b. Friday–Saturday: 11 AM – 2 AM
6. The Village of Palatine shall conduct a 6-month review of the business operations. Based upon the results, Staff reserves the right to propose additional Special Use conditions to the Village Council for the proposed business.

Commissioner Friedman asks about security, noting it is required 30 minutes past closing and during tournaments, but there is no specific start time defined in the recommendation. He asks if staff is comfortable without a specific start hour.

Ms. Bremanis states it will be addressed in the final security plan in a manner acceptable to the Chief and staff.

Commissioner Schubert asks about the 6-month review and wonders if it could instead be a 4-month review.

Chairman Wood clarifies that the review could be conducted at any time if necessary.

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

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

DISCUSSION:

Commissioner Fedota states it is a good use of space with no significant competition and commends the entrepreneurial spirit of the petitioner.

Commissioner Roth-Wurster states it is a good idea, supports the tournaments, and feels it will be good to have this use in the area. Notes it is a good space and encourages being a good neighbor.

Chairman Wood states it sounds like a good idea and that security has been addressed.

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 September 15th, 2025.

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

V. PUBLIC COMMENT

VI. ADJOURNMENT



**VILLAGE OF PALATINE
PLANNING AND ZONING COMMISSION**

204 S. Ashland Avenue
September 9, 2025

This item will be continued to the September 23, 2025 Planning and Zoning Commission Meeting to further clarify a Public Notice omission. A new notice will be completed for this Petition.



**VILLAGE OF PALATINE
PLANNING AND ZONING COMMISSION**

255 N. Bothwell Street - Variation
September 9, 2025

TO: Palatine Planning and Zoning Commission
Jan Wood, Chair

FROM: Ben Vyverberg

PETITIONER: Norm and Merry Ellen Malcolm

PLAN NUMBER: VAR-000208-2025

BACKGROUND:

The Subject Property is zoned R-2, Single-family District and the lot area is 8,712 SF. The property is currently improved with a single-family residential home and detached garage in the rear yard.

The Petitioners are seeking Variation to exceed the maximum lot coverage in the R-2 district. The current lot coverage exists at approximately 53%. The Petitioner would like to add a deck to the rear of the home. As part of the plan to add the deck, the Petitioners also intend to remove certain impervious surfaces, including a set of concrete steps and approximately 42-foot deep sidewalk, leading east into the rear yard. With the exception of the total coverage relief, the deck would comply with all of the other zoning and setback requirements of the code. The deck is approximately 240 square feet and would lead from the rear of the home onto a landing/stairs into the rear of the yard. Therefore, the Petitioner is requesting:

- 1. Variation to permit the total lot coverage to be 55%, instead of the maximum allowable 45%.**

The Subject Property are currently zoned: R-2 Single Family Residential District.

Surrounding Zoning/Uses:

North	R-2 Single-family residential district
South:	R-2 Single-family residential district
East:	R-2 Single-family residential district
West:	R-2 Single-family residential district

KEY ISSUES:

- The Petitioners would like to make improvements to their existing home and add a deck on the east side of the home, which would transition into the rear yard. As an

existing circumstance, the property maintains a lot coverage of 53% and is legally non-conforming.

- In addition to proposed deck, the Petitioners also intend to remove an existing 42-foot deep sidewalk into the rear yard and a section of concrete steps on the south side of the home.
- The platting of the lots in this area of the Village date from 1877 through 1903 and are among the earliest subdivisions in Palatine. As a result, the subject property and the vast majority of lots in these neighborhoods are substandard for the current lot widths and area.
- The Petitioners also noted that all of the surrounding lots have similar improvements and those properties are of similar size.
- The Village Engineer reviewed the proposed plans and does not have any concerns about the proposed improvements. Additionally, there are no issues of stormwater management problems or localized flooding instances or flooding complaints in this area.

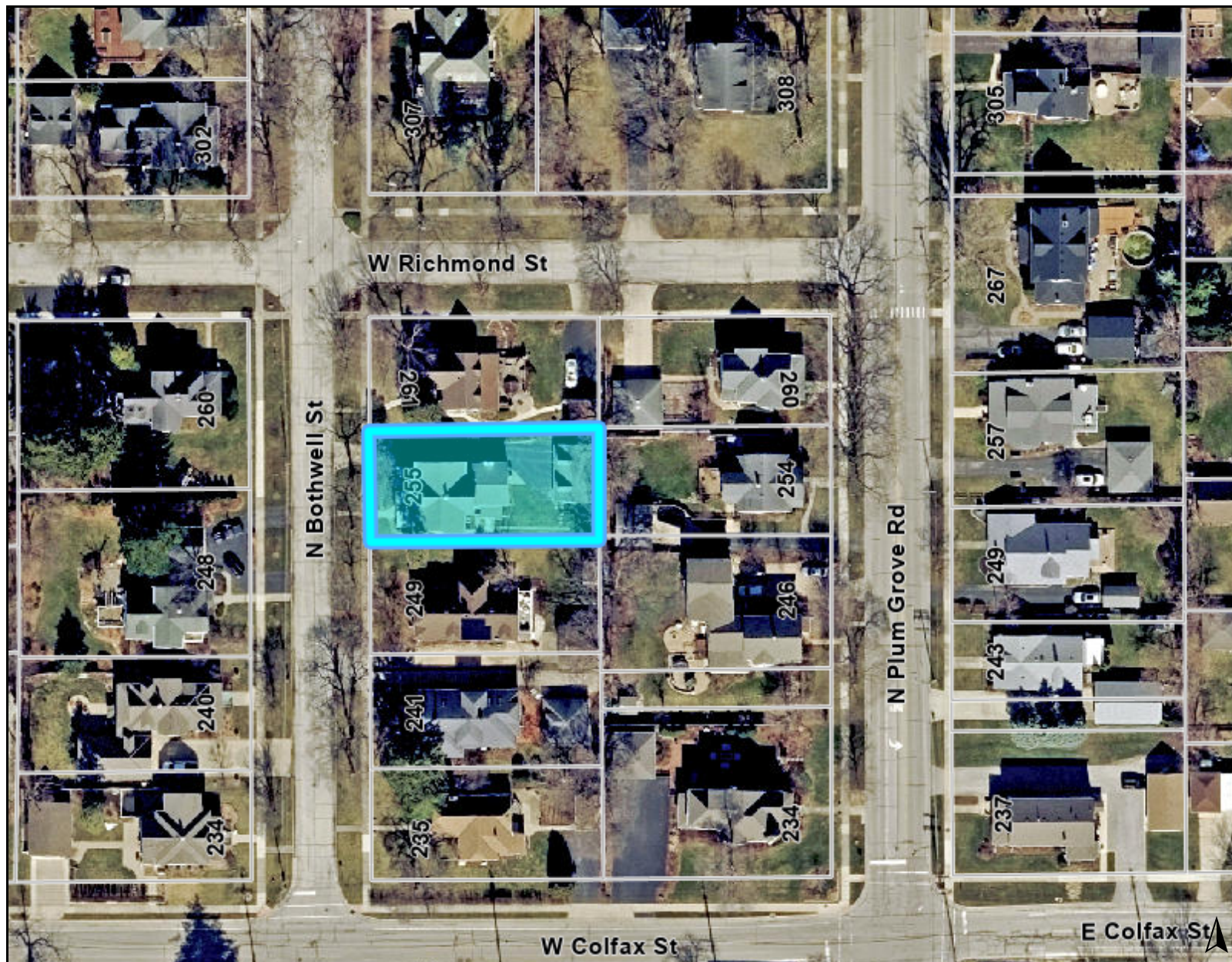
STANDARDS FOR A VARIATION: Standards for a Variation are found in Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; that the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

STAFF RECOMMENDATION:

As an existing circumstance, the home exceeds the maximum lot coverage in the R-2 zoning district. This is in large part due to the narrower lot size, detached garage, and existing improvements. Although the Petitioners are proposing to add a new deck to the rear of the home, there will also be existing impervious areas removed from the property. The proposed improvements should not impact the surrounding properties or alter the essential character of the neighborhood'

Therefore, staff recommends approval of the Variation, subject to the following conditions:

1. The Variation shall substantially conform to the site and deck plans, including the impervious surface removal, prepared by the Petitioners, and attached hereto as Exhibit 'A', except where revisions are necessary to comply with Village Codes and Ordinances.



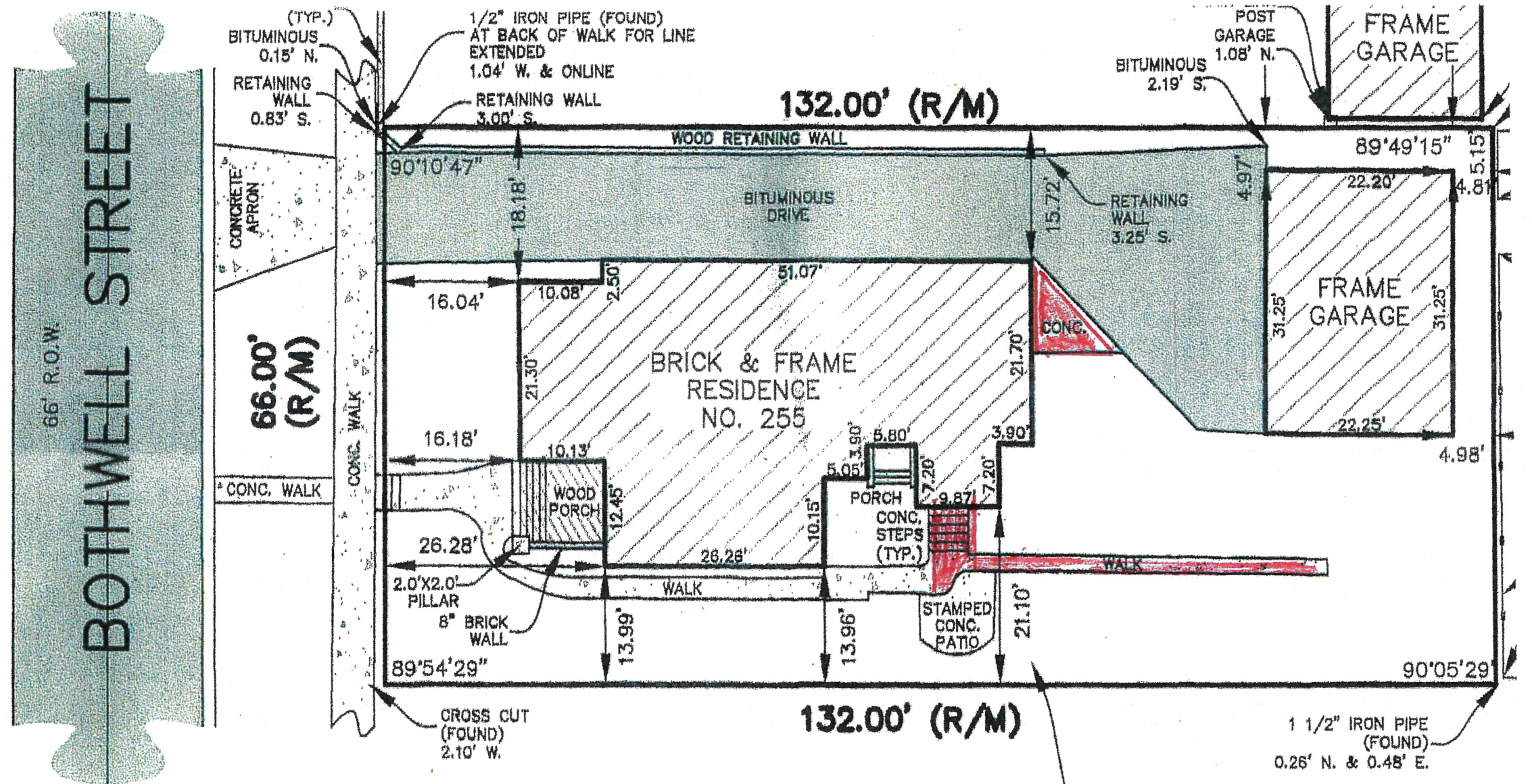
Legend

0 150 300
ft

Print Date: 9/5/2025

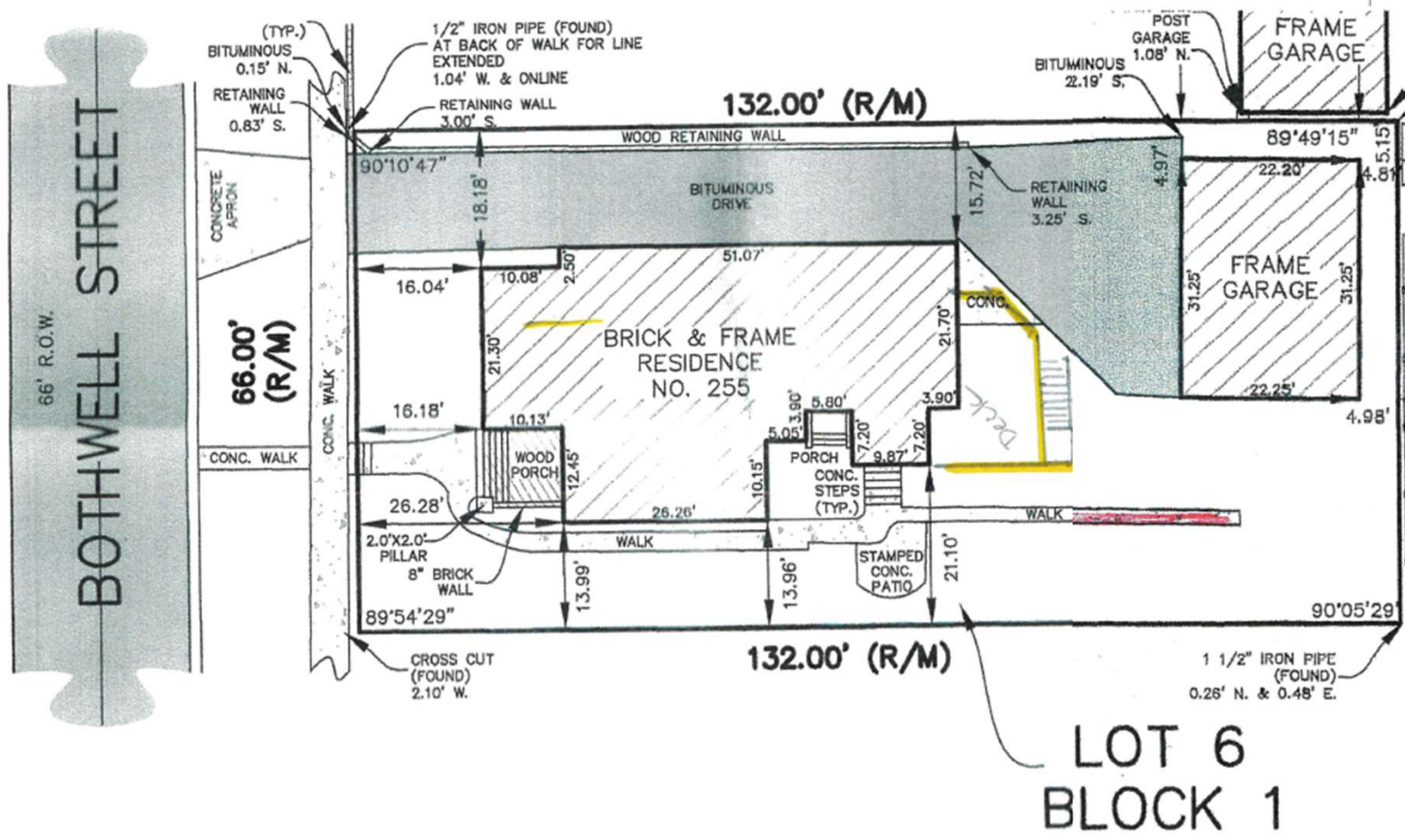
Notes

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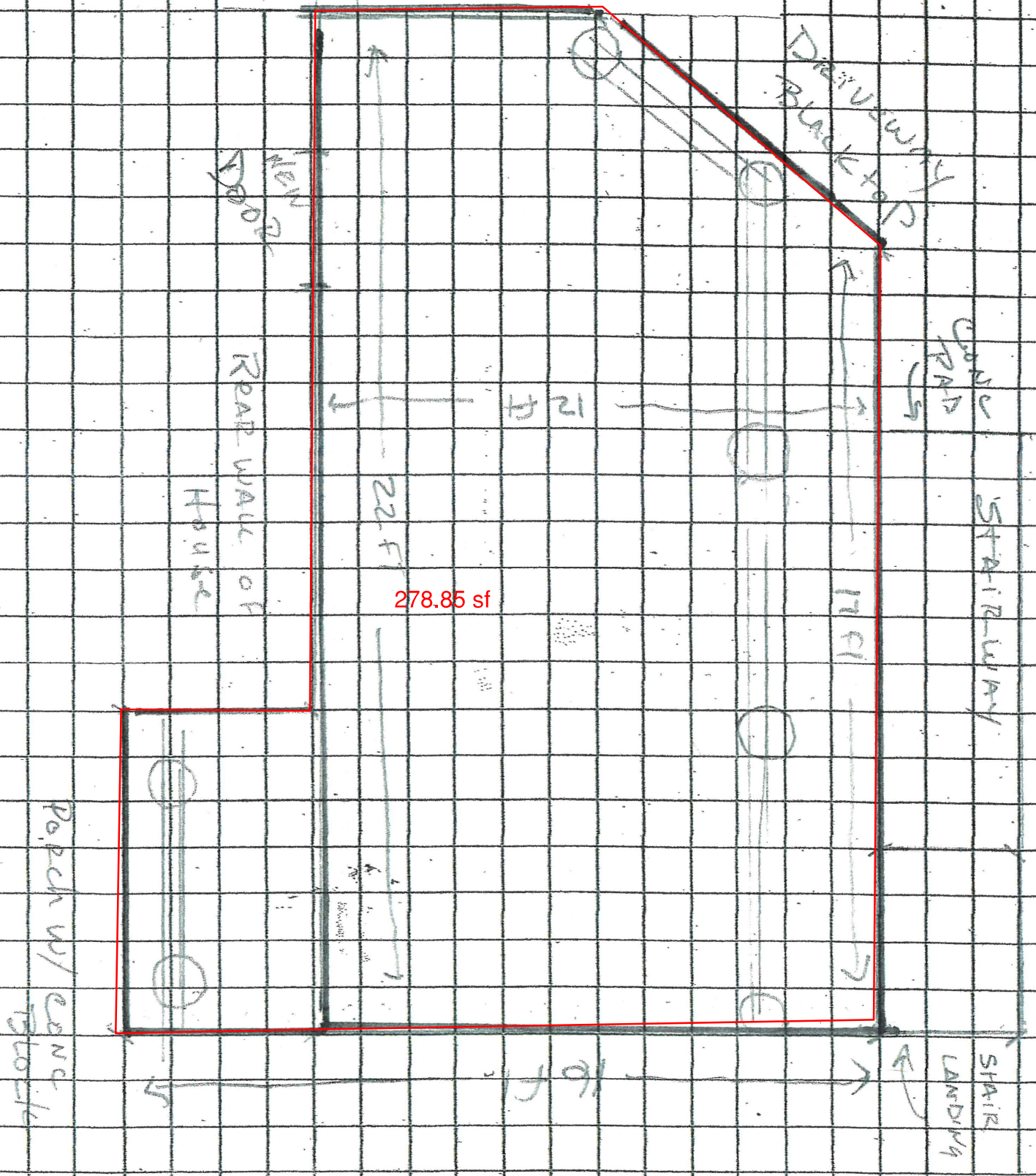


HARD SURFACE
to be removed in Red

LOT 6
BLOCK 1



Proposed Deck
255 N. Bothwell
MALCOLM Residence
1 square = 1 ft



Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.03 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Special Use only, you do not need to answer these items.***

1. That the property cannot yield a reasonable return if used only under the conditions allowed by the regulations governing the zoning district in which it is located

Our house was built in 1870 and sits on a small lot. We have already agreed to remove some of the hard lot surfaces.

2. That the plight of the owner is due to unique circumstances

This lot is already in excess of the lot coverage standard.

3. That the variation, if granted, will not alter the essential character of the locality

This project will in no way alter the neighborhood character. The two adjacent lot have similar decks already.

4. In order to supplement the above standards, the Zoning Board of Appeals may also consider the following:

- a. The particular surroundings, shape, or topographical conditions of the property
- b. A unique hardship for the property not generally applicable to other properties in the same zoning district
- c. The request is not based on a desire to make more money out of the property
- d. The petitioner has not created the alleged hardship for the property
- e. The request will not be detrimental to the public welfare or other properties in the neighborhood
- f. The request will not impair the supply of light and air to adjacent properties, substantially increase the danger of fire, endanger the public safety, or substantially diminish or impair neighboring property values

PUBLIC NOTICE

A Public Hearing will be held before the Village of Palatine Planning and Zoning Commission on Tuesday September 9, 2025 at 7 PM, in the Village Council Chambers in Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Variation to permit the total lot coverage to be 55%, instead of the maximum allowable 45%

The property is commonly known as 255 N. Bothwell Street.

The Petitioner is proposing to construct a new deck of approximately 278 square feet on the east side of the existing home. As part of the application, the Petitioner is also proposing to remove impervious surfaces existing in the side and rear yards. As an existing condition, the property maintains a lot coverage of 53%

The above petition has been filed by Norm Malcolm, and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: VAR-000208
-2025 VILLAGE OF PALATINE

Jan Wood, Chair
Palatine Planning and Zoning Commission

DATED: This 21st day of August 2025

CERTIFICATE OF PUBLICATION

DES PLAINES JOURNAL, INC., a corporation organized and existing under and by virtue of the laws of the State of Illinois, does hereby CERTIFY that it is the publisher of the:

Journal & Topics Newspapers
AKA Des Plaines Journal, Inc.
622 Graceland Ave.
Des Plaines, IL 60016-4556

and that said newspaper(s) is a secular newspaper of general circulation and has been published weekly in the

(Village) (Town) (City) (Township) of PALATINE 255 N. BOTHWELL ST.



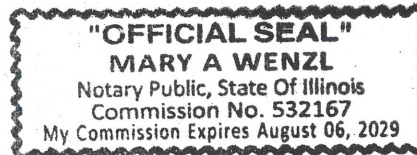
County of COOK

and State of Illinois, continuously for more than one year prior to date of the first publication of the notice attached hereto, and that said newspaper(s) complies with the requirements of Paragraphs 5 and 10, Chapter 100, of the Illinois Revised Statutes.

Further, that the notice, of which the attached is a true copy, was published ONE times in the said newspaper(s), namely once each week for ONE successive week(s) and that the first publication of said notice was made on the 21ST day of AUGUST, A.D. 2025, and the last publication thereof was made on the 21ST day of AUGUST, A.D. 2025.

Your Legal appeared in
the following Journal & Topics
Newspapers
(Des Plaines Journal, Inc.)

- ☐ Des Plaines Journal
- ☐ Elk Grove Village Journal
- ☐ Mt. Prospect Journal
- ☐ Niles Journal
- ☐ Park Ridge-Golf Mill Journal
- ☐ Prospect Heights Journal
- ☐ Rosemont Journal
- ☐ Arlington Heights Topics
- ☐ Buffalo Grove Topics
- ☒ Palatine Topics
- ☐ Rolling Meadows Topics
- ☐ Wheeling Topics
- ☐ Suburban Journal
- ☐ Northwest Journal
- ☐ Glenview Journal



Mary A. Wenzl

IN WITNESS WHEREOF, THE DES PLAINES JOURNAL, INC., has caused this certificate to be signed and its corporate seal affixed hereto at Des Plaines, Illinois this 21ST day of AUGUST, A.D., 2025.

By Todd Wessell

President

Title of Corporate Officer

County of Cook
State of Illinois

Subscribed and sworn to before me this 21ST day of AUGUST, A.D., 2025.

My commission expires the 6TH day of AUGUST, A.D., 2029.



**VILLAGE OF PALATINE
PLANNING AND ZONING COMMISSION**

1480 W. Poplar Street – Special Use

August 12, 2025

TO: Palatine Planning and Zoning Commission
Jan Wood, Chair

FROM: Ben Vyverberg

PETITIONER: Victor Baranovici (owner)

PLAN NUMBER: SU-000125-2024

ADDRESS: 1480 W. Poplar Street

BACKGROUND:

The Petitioner is seeking Special Use approval for a 5-foot tall open-style aluminum fence along the east side of the property. Therefore, the petitioner is requesting:

Special Use to permit a fence in a front yard.

Surrounding Zoning/Uses:

North	"R-2", Single Family Residential District (Frank E. Merrill & Co.'s Greater Palatine)
South:	"P", Planned Development District (Cornell Lake Apartments) / Union Pacific Northwest Rail Right-of-Way
East:	"R-2", Single Family Residential District (Frank E. Merrill & Co.'s Greater Palatine)
West:	"R-2", Single Family Residential District (Frank E. Merrill & Co.'s Greater Palatine)

KEY ISSUES:

- The Subject Property is zoned Planned Development and developed as single-family residential home in Clearwater Subdivision. The Subject Lots are approximately 30,900 square feet (23,600 square feet without the portion of the lot within Clearwater Lake) and located on the east side of Clearwater Lake. The Petitioner owns both Lots 1 and 2 in the Clearwater Subdivision. The Subject Property contains one single-family residence.
- The Petitioner is proposing a 5-foot tall open-style aluminum fence around the front and side yards of the property. The Clearwater Planned Development does not permit fences to be installed in the rear yards (west side of the property along the lake) of Lots 1 through 4.

- In May of 2023, the Petitioner pursued zoning relief to allow for the installation of a 6-foot tall solid fence and gate at their driveway along the east side of their property. Staff recommended denial of the request, but clarified that Staff would support the request if the fence were an open/wrought iron-style fence. The PZC recommended approval (5-2), conditioned upon an that the fence be changed to an open/wrought iron style. The Petitioner never moved forward to the Village Council. The Petitioner revised the plans and returned to the Planning and Zoning Commission in October 2024, where the fencing plan was recommended for approval with an 8-1 vote. The Petitioner has since re-applied and again proposed an open metal 5-foot tall open-style fence is 5-foot tall, open-style, and does includes a gate across the private drive and within the subject property.
- The Petitioner's proposal to install a 5-foot tall open-style metal fence, along the front property line of the subject property, requires the following:

Special Use to permit a fence in the front yard of the subject property.

- The proposed fence would abut the rear yards of the properties along N. Palos Avenue. The previous site plan fence contemplated the fence on the shared property line and ended north of the private drive, accessing the subject property. The current plans move the fence by approximately 2 feet toward the subject home and away from the Palos Avenue homes.
- At the October 22, 2024 PZC meeting, there were various questions and concerns raised regarding fill in the floodplain and zoning compliance questions for the parking of certain vehicles at the property. Subsequent to the October 2024 Public Hearing, Planning and Zoning and the Village Engineer inspected the property and met with the Petitioner, onsite, on several occasions. In addition to reviewing the various Code-related questions, with the Petitioner, the Village Engineer review the concerns raised and the initial engineering plans and determined there were not any violations of the engineering requirements for the Subdivision or impact to the floodplain.
- In response to questions raised at the previous PZC meeting, the Petitioner has revised the fencing site plan to move the fence approximately 2 feet to the west to further avoid any existing tree or utility conflicts. Additionally, the revised fence also includes a gate connecting the 2 sections of the fencing, within the boundaries of the private property and across the driveway.
- The proposed fence plan abuts the rear yards of the properties along N. Palos Avenue. Said fence will be located on the shared property line and will end just north of the private drive that accesses the subject property.

STANDARDS FOR SPECIAL USE: Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2), (3), and (5) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected and will not cause substantial injury to the value of other property in the neighborhood in which it is located. The Petitioners have attempted to address the required standards.

Standards for fencing as special use: With respect to front yard fencing and fencing in a rear yard/side yard abutting a street, the following additional standards must be met:

- a. Will meet the following aesthetic criteria:
 - i. Will not destroy existing vistas in the area;
 - ii. Will enhance the appearance of the homes and the streets in the area; and,
 - iii. Will not detract from the overall appearance of the community; or
- b. The fencing is found to be necessary to protect private property or the safety of the inhabitants of the property.

STAFF RECOMMENDATION:

The Petitioner has amended the most recent request and proposed to move the fence approximately 2 feet from the lot line. This dimension would avoid the potential for utility conflicts and also should not interfere with any existing landscaping along the shared lot line. The final proposed gate location will have to be submitted in a manner acceptable to the Fire Marshal. Therefore, Staff recommends approval of the proposed Special Use for a fence in the front yard, subject to the following conditions:

1. The Special Use shall substantially conform to the Site Plan and Fence Elevation submitted by the Petitioner, Victor Baranovici, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The final fencing site plan and fencing location shall be revised in a manner acceptable to the Director of Planning and Zoning and in compliance with the Planned Development Ordinance (#O-46-02) requirements, including tree preservation and landscaping for Clearwater subdivision.
3. The final gate and its manual open operations' plan shall be submitted in a manner acceptable to the Fire Marshall. The manual open gate shall not be locked to allow for emergency service access.
4. The proposed fencing shall not be located in the rear yard, nor extend beyond the existing rear building line for the residence, of the subject property.
5. A Hold Harmless shall be submitted in a manner acceptable to the Village Engineer, and shall be recorded with the property. The Village shall have no responsibility to replace the fence.



0 150 300
ft

Print Date: 9/20/2024

Notes

Cook County Aerial 2023

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SPECIAL USE APPLICATION

Department of Planning & Zoning

200 E. Wood Street • Palatine, IL • 60067-5339
Telephone: (847) 359-9047 • Fax (847) 963-6247

Petitioner Name

Victor Baranovici

Business Name (if applicable)

Subject Property Address

1480 W Poplar St, Palatine IL 60067

Please provide a description of your proposed request:

The attached site plan is what I am proposing, and acknowledge that the proposed fence will not extend beyond the rear building line of the house.
I confirm dimensions for fencing lines that run east-west along the south property line of Lot 1 & the north property line of Lot 2.
The Dimensions: 5 Feet high Metal Blade Fence

Petitioner Justification

Special Uses shall not be granted except on findings based upon the evidence in each specific case. Please address the following standards as these will be used in considering the specific relief you are seeking.

That use deemed necessary for the public convenience at that location. Explain:

This fence must be installed for my family safety

The use is designed, located, and proposed to be operated that the public health, safety, welfare will be protected. Explain:

Yes, the designed, located, and proposed to be operated that the public health, safety, welfare will be protected

The use will not cause substantial injury to nearby property values. Explain:

It will not cause substantial injury to nearby property values. Based on the properties locations, the fence will only increase the value of every property.

In order to supplement the above standards, the Planning and Zoning Commission may also consider the following:

With respect to front yard fencing and fencing in a rear yard/side yard abutting a street, the following additional standards must be met:

a. Will meet the following aesthetic criteria:

- i. Will not destroy existing vistas in the area;
- ii. Will enhance the appearance of the homes and the streets in the area; and
- iii. Will not detract from the overall appearance of the community; or

b. The fencing is found to be necessary to protect private property or the safety of the inhabitants of the property.

--

Proposed 5-foot tall open-style fence
fence not to be installed in the rear yard,
past the rear building line of the existing
residence.

**** Revised fence**
Location approximately
21 inches west (toward
house) of property line
from the initially
proposed location.

Initially proposed fence location.

310 feet of 5-foot tall open-
style metal/aluminum fence.
Fence would be installed on
property line.



5-foot tall open-style
metal/aluminum fence

Automated gate

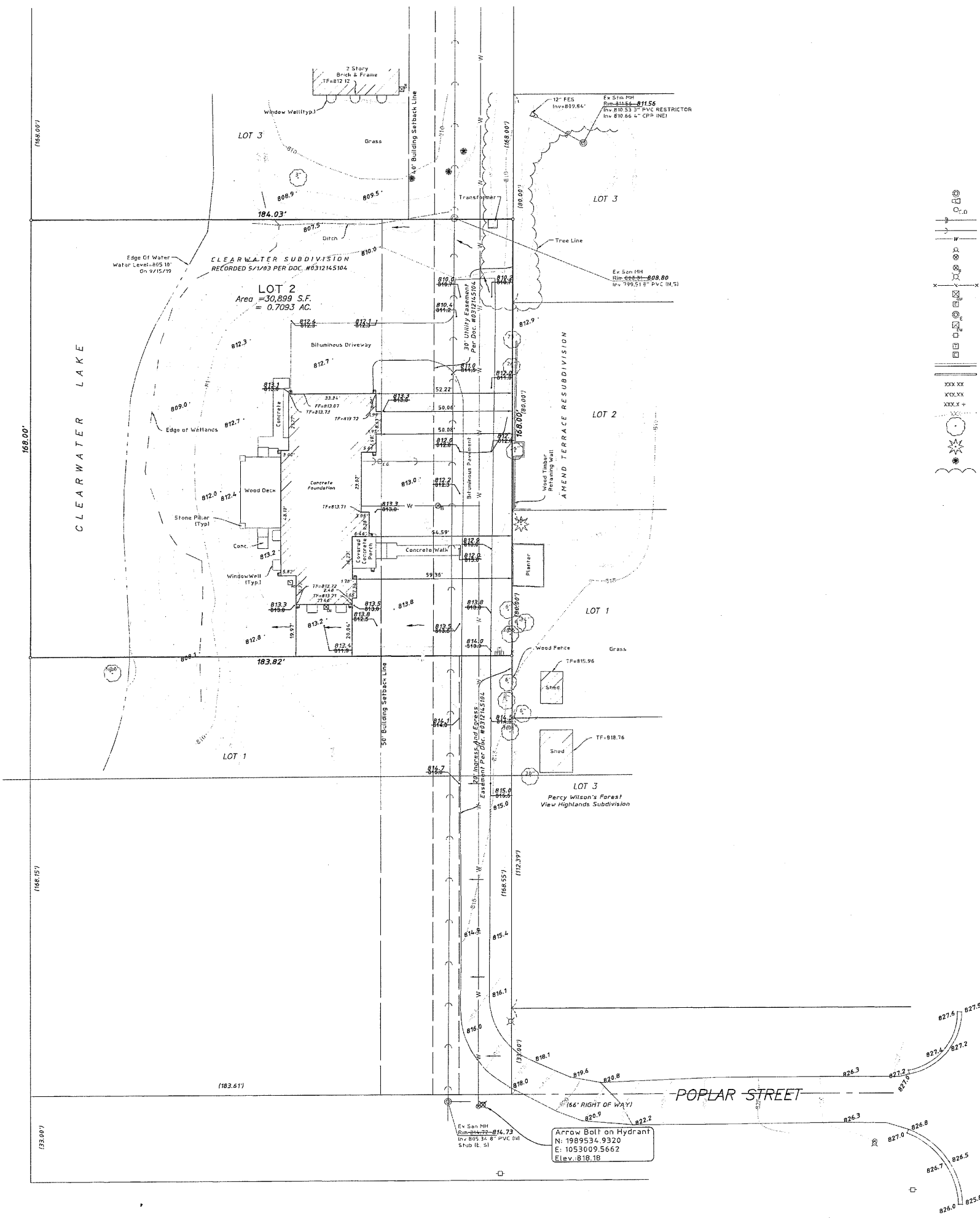
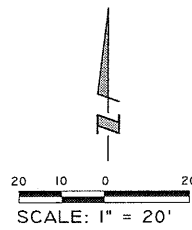
Proposed fence to end west of existing fire
hydrant, to not block Fire Department Access.



AS-BUILT SURVEY

OF

LOT 2 IN CLEARWATER SUBDIVISION, BEING A RESUBDIVISION OF LOTS 4.6.6 AND THE NORTH HALF OF LOT 1 IN BLOCK 18 IN PERCY WILSON'S FOREST VIEW HIGHLANDS, A SUBDIVISION IN THE WEST HALF OF SECTION 9, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, IN THE VILLAGE OF PALATINE, COOK COUNTY, ILLINOIS.



- LEGEND
- Manhole
 - Flared End Section
 - Clean Out
 - Storm Sewer
 - Sanitary Sewer
 - Water Main
 - Fire Hydrant
 - Valve Box
 - B-Box
 - Light Pole
 - Fence
 - Gas Meter
 - Electric Pedestal
 - Electric Manhole
 - Electric Meter
 - Utility Pole
 - Telephone Pedestal
 - Cable TV Pedestal
 - Curb & Gutter
 - Retaining Wall
 - Pavement Elevation
 - Sidewalk Elevation
 - Ground Elevation
 - Contour Line
 - Deciduous Tree
 - Coniferous Tree
 - Bush
 - Brushline

- Notes:
- Field work was completed on September 28, 2020.
 - This is not a boundary survey as defined by the Illinois Department of Professional Regulations. The boundary shown hereon is in reference to Boundary and Topographic Survey prepared by WT Group LLC, dated September 20, 2019 as Project No. S-1 as provided by the client. Haeger Engineering makes no representation to the accuracy of the boundary shown on said plat of survey. Haeger Engineering has located various existing features detailed on said plat of survey to ensure location shown hereon is an accurate representation of the information provided by the client for the construction of this foundation.
 - Foundation dimensions shown are to outside of the foundation walls.
 - Foundation tie dimensions are normal or radial to property lines.
 - A title commitment policy was not provided for this survey. This property may be subject to easements and/or restrictions not provided to the surveyor prior to the completion of this survey.
 - For additional information please refer to the Boundary and Topographic Survey prepared by WT Group LLC, dated September 20, 2019 as Project No. S-1.



FINISH GRADE ELEVATIONS
The as-built finished grade elevations shown on this plat are substantially in conformance with the approved grading plan.

September 30, 2020

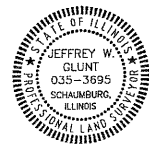
000.0 As-Built Elevation
712 Proposed Contour

SITE BENCHMARK:
ARROW BOLT ON HYDRANT LOCATED AT THE SOUTHEAST CORNER OF LOT 1 NEAR ENTRANCE.

ELEVATION = 818.18 (NAVD88)

State of Illinois)
County of Cook)
SS:
We hereby certify that we have surveyed the above described property, and the plat hereon drawn is a correct representation of said survey. Dimensions are shown in feet and decimal parts thereof, and are corrected to a temperature of 68° F. This professional service conforms to the current Illinois minimum standards for a topographic survey.

Schaumburg, Illinois September 30, 2020
By: [Signature]
Illinois Professional Land Surveyor No. 3695



HAEGER ENGINEERING
consulting engineers land surveyors
100 East State Parkway, Schaumburg, IL 60173
Tel: 847.394.6400 Fax: 847.394.6080
Illinois Professional Design Firm License No. 184-003152
www.haegerengineering.com

Orderd By: BENCHMARK CONSTRUCTION
Order No: 18207

EXPIRES 11-30-20

2. 1480 W. Poplar Street

SU-000125-2024 - 1480 W. Poplar St

Notice was published in the Journal & Topics on October 3rd, 2024 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

- . **Special Use Application**
- . **Proof of Ownership**
- . **Plat of Survey**
- . **Site Plan**
- . **Fence Elevation**
- . **O-46-02 PUD**
- . **PZC Minutes - May 23, 2023**
- . **Public Notice**

Background:

The Subject Property is zoned Planned Development and developed as single-family residential home in Clearwater Subdivision. The Subject Lots are approximately 30,900 square feet (23,600 square feet without the portion of the lot within Clearwater Lake) and located on the east side of Clearwater Lake. The Petitioner is the property owner of both Lots 1 and 2 in the Clearwater Subdivision. The Subject Property contains one single-family residence.

In May of 2023, the Petitioner pursued zoning relief to allow for the installation of a 6-foot tall solid fence and gate at their driveway along the east side of their property. Staff recommended denial of the request, but indicated we could support the request if the fence were changed to an open/wrought iron-style fence (thus providing the Petitioner's desired security, but lessened the impact to the vistas in the area). The Planning and Zoning Commission recommend approval (5-2), with a condition that the fence be changed to an open/wrought iron style. The Petitioner never moved forward to the Village Council. The Petitioner has since re-applied and the proposed open metal fence is 5-foot tall, open-style, and does not include a gate across the private drive. The Petitioner's proposal to install a 5-foot tall open-style metal fence, along the front property line of the subject property, requires a Special Use to permit a fence in the front yard of the subject property.

Sworn in petitioner: Victor Baranovici - 1480 W Poplar St.

Mr. Baranovici expressed concerns about safety due to traffic (2-3 cars daily) and people walking in the driveway. He highlighted issues with privacy and incidents of trespassing. He states he has numerous police reports to validate the incidents.

He further states that he has spent over \$25,000 on improvements to his lots and

wishes to build a 5' tall open style metal fence along the front property line to deter unwanted activity on his property.

Commissioner Schubert inquired whether Mr. Barnavoci had posted any signage indicating that the area is a private drive.

Mr. Barnavoci confirmed that he has installed signage; however, it is often ignored. He described the ongoing issue of cars entering his property and using the grassy area to turn around once they realize the drive is not a thoroughfare. Additionally, pedestrians on foot or bicycles frequently access his property to reach the lake and retention pond, which he finds unsafe for his family.

Mr. Barnavoci expressed his frustration, emphasizing that he wants to feel safe in his surroundings. He highlighted the significant investment he has made in maintaining his property, taking pride in its appearance. While he acknowledged that some neighbors are unhappy with his request for the fence, he firmly maintains that his concerns are rooted in safety and that he does not intend to obstruct their view of the area.

Chairman Wood asks if he is the owner of both lots.

Mr. Barnavoci confirms that he is.

Commissioner Kolososki suggested that speed bumps on the driveway might deter speeding cars, a concern echoed by Mr. Baranovici. However, Mr. Baranovici expressed doubt about the effectiveness of this option, indicating he does not believe it would adequately address the issue.

Commissioner Cavanaugh inquired whether installing a gate at the front of the driveway could be a viable option. In response, Mr. Baranovici clarified that adding a gate is not an option at this time. He emphasized that he is currently seeking approval for the fence and prefers to address one issue at a time. Additionally, he mentioned the financial implications of installing a gate, which would complicate the matter further.

Commissioner Fedota commented that a gate would help alleviate safety concerns and asked if Mr. Baranovici had considered installing flanking fences on each side. Mr. Baranovici acknowledged that a gate would enhance safety but noted that it would not deter pedestrians from entering his property. He expressed that while neighbors are upset about the potential obstruction of their access to the pond, his primary concern is preventing people from walking through his property. The proposed fence will provide additional safety and privacy.

Mr. Vyverberg explains the original vision for the subdivision and the restrictions in place, particularly regarding the prohibition of fences in the rear yards of Lots 1 through 4. He outlines the fence location and emphasizes that the proposed fence would provide additional safety and privacy for the properties. Addressing Chairman Wood's question about whether the planned development requirements could be amended, Mr. Vyverberg states that while it could be possible, the precautions and restrictions were established to ensure consistency and should be maintained in perpetuity to uphold the original intentions for the

subdivision.

Sworn In Resident: Symon Arnold 1048 N Palos

Mr. Arnold shares his concerns, emphasizing that he has been involved in this process multiple times and has witnessed several changes over the years. He points out that conditions set for the driveway as part of the original planned development have gradually been altered. Initially, the driveway was only supposed to extend a certain distance, but that has changed. Additionally, the privacy screen along the property line, which was originally intended to provide coverage with arborvitaes, failed to achieve its purpose because the plants died. Symon explains that when the driveway was built, the topsoil was destroyed, affecting the growth of the privacy screen.

He also highlights his concerns regarding the proposed 6-foot solid fence, particularly its location. He questions whether the property line, which runs through the site, will affect the placement of the fence and whether it might damage existing trees. Mr. Arnold is also concerned about who will maintain the privacy screening, which was part of the original request.

Having lived on the property for 24 years, Mr. Arnold states that while he hasn't seen crowds of people using his property, the people he does observe running up and down the driveway are typically service workers. He mentions cars being parked in the area and suggests that installing a gate to prevent people from accessing the driveway might be a solution. However, he adds that while a gate could be placed, people would still be able to walk around it, as the public right-of-way extends all the way to the lake. He believes that there has been ample time to address these issues and criticizes the HOA for preventing the development from reaching the wood line, further exacerbating the situation.

Commissioner Roth-Wurster asks for clarification regarding the public right of way. Mr. Arnold explains the access to the pond, pointing out the existing conditions of the property.

Commissioner Roth-Wurster then inquires if the pond is a private lake.

Mr. Arnold clarifies that the pond is not private; rather, it is a retention pond maintained by the Homeowners Association (HOA).

Commissioner Kolososki asks Mr. Arnold if the developer indicated at the time of his purchase that the area would not be obscured.

Mr. Arnold responds that there was no home on the property at the time, and the property was undevelopable. However, the petitioner brought in a significant amount of backfill and eventually built the home.

Commissioner Friedman points out that the detention structure is private property and is not intended to be used as a public right of way or for public enjoyment.

Mr. Baranovici adds that there is no public access to the water and emphasizes that the retention pond is not an attractive area, noting that it is filled with algae, weeds, and emits an unpleasant odor.

Commissioner Friedman requests clarification from staff regarding the landscaping requirements.

Mr. Vyverberg confirms that the requirements have been communicated to the

petitioner and mentions that some mature trees were preserved during the original development. He notes that the original arborvitae have died, and Mr. Baranovici is aware of his obligation to restore the landscaping.

Commissioner Fedota asks who would be responsible for enforcing these requirements. Mr. Vyverberg responds that enforcement would fall under the Village's jurisdiction.

Sworn In Resident: Kriss Lindell - 1059 N. Palos

Mr. Lindell attempts to bring up other violations by the petitioner, specifically mentioning concerns about the parking of a camper and the location of garbage cans.

Chairman Wood responds by stating that the current issue at hand is regarding the fence and that other matters will not be addressed during this discussion.

Sworn in Resident: Mike Nocella - 1038 Palos

Mr. Nocella, who resides east of the petitioner's property and has lived there for 24 years, shares some historical context about the area. He mentions that the landscaping on the petitioner's property has not been maintained over time. However, he notes that he hasn't experienced any issues or concerns regarding people accessing the property. Mr. Nocella expresses that he has no objections to the fence request.

Resident Mr. Arnold returns to the podium and expresses his objection to the proposed fence, emphasizing that fences are not permitted at the property line according to the existing regulations.

Mr. Baranovici returns to the podium and emphasizes his responsibility as the property owner for the landscaping. He explains that the original landscaping has died off due to the conditions on the property and that replacing the trees will cost approximately \$20,000. He questions the difference between installing a fence and planting trees, expressing his frustration with the ongoing complaints from his neighbors.

Sworn in Resident: Shirley Nocella - 1038 Palos

States her concerns regarding the installation of the fence.

STAFF RECOMMENDATION:

The Petitioner is proposing to construct a 5-foot tall open-style metal fence to enclose the property on three sides, with the fourth being the lake to the west. The Petitioner has indicated that the fence will help deter trespasser issues and coyotes on the subject property. Although the proposed fence may help to alleviate the Petitioner's safety concerns, the fence could have an impact on the existing vistas in the neighborhood. Clearwater Subdivision is a unique 6-lot residential Planned Development, with 4 of the lots (including the Subject Property) receiving access through a private driveway. These 4 lots were developed around the existing detention basin to the west. The Petitioner indicates that instances of trespassing and vehicles incorrectly using the private drive and coming to the home have occurred. Staff notes that there is private drive signage in the right-of-way along W. Poplar Drive, prior to it turning into the private drive.

Although the portion of the proposed fence across the subject property's front lot line would be permissible, were it installed on the properties directly to the east

(along the rear lot lines), the proposed 5-foot open-style fence is being installed along the periphery of the Subject Property's front lot line. Staff's initial concerns regarding the significant visual impacts of a solid 6-foot tall fence were lessened due to the revised fencing elevation plan and the removal of the gate across the private drive entrance.

Ultimately, as the Petitioner has amended his original request to meet the condition set by the Planning and Zoning Commission, Staff recommends approval of the proposed Special Use for a fence in the front yard, subject to the following conditions:

1. The Special Use shall substantially conform to the Site Plan and Fence Elevation submitted by the Petitioner, Victor Baranovici, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The final fencing site plan and fencing location shall be revised in a manner acceptable to the Director of Planning and Zoning and in compliance with the Planned Development Ordinance (#O-46-02) requirements, including tree preservation and landscaping for Clearwater subdivision.
3. The proposed fencing shall not be located in the rear yard, nor extend beyond the existing rear building line for the residence, of the subject property.
4. A Hold Harmless shall be submitted in a manner acceptable to the Village Engineer, and shall be recorded with the property. The Village shall have no responsibility to replace the fence.

Mr. Irno raises concerns about the staff's intentions regarding the proposed fence's location. In response, Mr. Vyverberg refers to a picture depicting the existing conditions and clarifies that the envisioned fence line will be straight and aligned with the trees, avoiding any zigzag patterns. He reiterates that the responsibility for meeting landscaping requirements falls on the current owner and that proper maintenance of these landscaping features will be essential.

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

Commissioner Cavanaugh made a motion to approve subject staff's conditions; seconded by Commissioner Schubert.

DISCUSSION:

Commissioner Kolososki expresses his support for the fence, suggesting that adding a gate would enhance its utility. He acknowledges that the petitioner has returned with a similar request and has adhered to the recommended design, indicating his overall favor for the proposal.

Commissioner Roth-Wurster emphasizes that the request aligns with the standards for the special use, ensuring public health, safety, and welfare for both

the community and the petitioner's family. She acknowledges the neighbors' desire for access to the lake, noting the potential challenges in reaching it. While expressing her understanding of the neighbors' concerns, she argues that the proposed open-style fence meets the necessary standards and serves to protect the petitioner's property. She suggests that the installation of signage and lighting near the shoreline may not be appropriate.

Commissioner Fedota expresses his concerns about the proposed 5-foot fence, particularly its lack of a gate and the fact that it doesn't extend further. He believes that this design will not effectively address the issues raised by the neighbors. As a result, he is not in favor of the request for the fence.

Commissioner Friedman highlights the challenge of enforcing no trespassing since property lines are often not visibly marked, existing only as lines on paper. He argues that the proposed fence will help clearly establish the property line, thereby enhancing the owner's ability to deter trespassers and improve privacy.

Chairman Wood supports the request, emphasizing that it provides the owner with a clearly defined property line. She acknowledges that the petitioner has addressed his concerns and followed the proper process, including paying the fee for the special use. Chairman Wood believes that the proposed wrought iron fence will not detract from the value of either the owner's property or the surrounding properties. She notes that while the original request for a solid fence may have been understandably rejected, the wrought iron design is aesthetically pleasing and will help reduce trespassing, enhancing the safety and security for the petitioner. Overall, she concludes that the standards for approval have been met.

Chairman Wood summarized that this request has met the standards and was approved by a vote of 8-1. This item will tentatively go to Village Council on Monday, November 4th, 2024.

Mr. Vyverberg clarified that if, based upon any required follow up and review from the questions raised this will not to be ready for Village Council review on November 4,

RESULT:	RECOMMEND TO APPROVE [8 TO 1]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Tim Schubert, Commissioner
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Kolososki, Cavanaugh, Schubert
NAYS:	Fedota



0312145102

Eugene "Gene" Moore Fee: \$86.00

Cook County Recorder of Deeds

Date: 05/01/2003 02:18 PM Pg: 1 of 32

ORDINANCE NO. 0-46-02

**ORDINANCE GRANTING FINAL PLANNED DEVELOPMENT APPROVAL
100 POPLAR LANE AND 1080 PALOS AVENUE
CLEARWATER SUBDIVISION**

**Published in pamphlet form by authority of the
Mayor and Village Council of the Village of Palatine
On April 8, 2002**

ORDINANCE NO. 0-46-02

**AN ORDINANCE
GRANTING FINAL PLANNED DEVELOPMENT APPROVAL
100 POPLAR LANE AND 1080 PALOS AVENUE – CLEARWATER SUBDIVISION**

WHEREAS, upon petition of owners of said property, hearings were held by the Plan Commission of the Village of Palatine on March 5, 2002 in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, and said Plan Commission having made its findings in a report to the Mayor and Village Council of the Village of Palatine regarding a request for a Rezoning and Final Plat of Subdivision.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power:

SECTION 1: That final approval of a Planned Development is hereby granted pursuant to Section 13.05 of the Palatine Zoning Ordinance for the real estate described as follows, to wit:

Being a re-subdivision of Lots 4, 5, 6 and the North half of Lot 1 in Block 16 in Percy Wilson's Forest View Highlands, a subdivision in the West half of Section 9, Township 42 North, Range 10 East of the Third Principal Meridian, according to the plat thereof, recorded July 23, 1926, as Document No. 9349772, in Cook County, Illinois

commonly known as the Northeast corner of Poplar and unimproved Portage Avenue, commonly known as 100 Poplar Lane and 1080 Palos Avenue.

SECTION 2: That final approval of a Planned Development is hereby granted to the

above described property pursuant to Section 13.05 of the Palatine Zoning Ordinance, subject to the following conditions:

1. The subdivision shall substantially conform to the plat of subdivision by Precision Land Surveyors, dated 11/2/00, and to the engineering plans, tree preservation and landscape plans by George McCarty, dated 6/2/01, last revised 9/14/01, except as such plans may be changed to conform to Village Codes and Ordinances and the following conditions:
2. The driveway maintenance agreement between lots 1 & 2 and lots 3 & 4 shall be revised in a manner acceptable to the Village Attorney. The prospective homeowners of these lots shall sign the agreement acknowledging that they are aware of the restrictions prior to the issuance of the certificate of occupancy.
3. A covenant shall be added to the final plat indicating that no fill, fences, sheds or other structures can be installed in the rear yards of Lots 1 through 4.
4. The agreement with the Ethan's Glen HOA shall be submitted prior to the start of construction.
5. The following permits are required: MWRD & IEPA
6. The development shall be subject to the Village's Anti-Monotony Code..
7. All house elevations facing a public street or private drive, including the east elevations of lots 2 & 3 shall be constructed with at least 50% brick. No vinyl or aluminum siding shall be permitted on these elevations. Any house design not adhering to this condition may be constructed if approved by the Village Council.
8. Any house that is not constructed by the petitioner shall be subject to Village Council review and approval prior to the issuance of a building permit.
9. The proposed homes for lots 1-4 shall maintain a minimum rear yard setback of 40' from the proposed high water line.
10. The diameter of the new stormsewer along Winnetka Street from the east side of Palos Avenue to the outfall shall be 27 inches. The location of the replacement culvert under Palos Avenue shall be at the direction of the Village Engineer and shall not interfere with any existing utilities.
11. The petitioner shall submit a letter of credit in the amount of \$50,000 and in a form acceptable to the Village Engineer to ensure completion of the planned development.

SECTION 3: That the petition for preliminary and final planned development, a

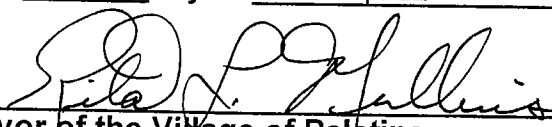
copy of the public notice, and the minutes of the Plan Commission Meeting reporting on this petition be attached hereto and form a part of this ordinance.

SECTION 4: This ordinance shall be in full force and effect upon passage and approval as provided by law.

PASSED: This 8th day of April, 2002

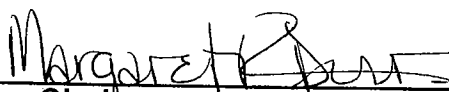
AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

APPROVED by me this 8th day of April, 2002



Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this 8th day of
April, 2002



Village Clerk

BEING A RE-SUBDIVISION OF LOTS 4, 5, 6, AND THE NORTH HALF OF LOT 1 IN BLOCK 16 IN PERCY WILSON'S FOREST VIEW HIGHLANDS, A SUBDIVISION IN THE WEST HALF OF SECTION 9, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JULY 23, 1926 AS DOCUMENT NO. 9349772, IN COOK COUNTY, ILLINOIS.

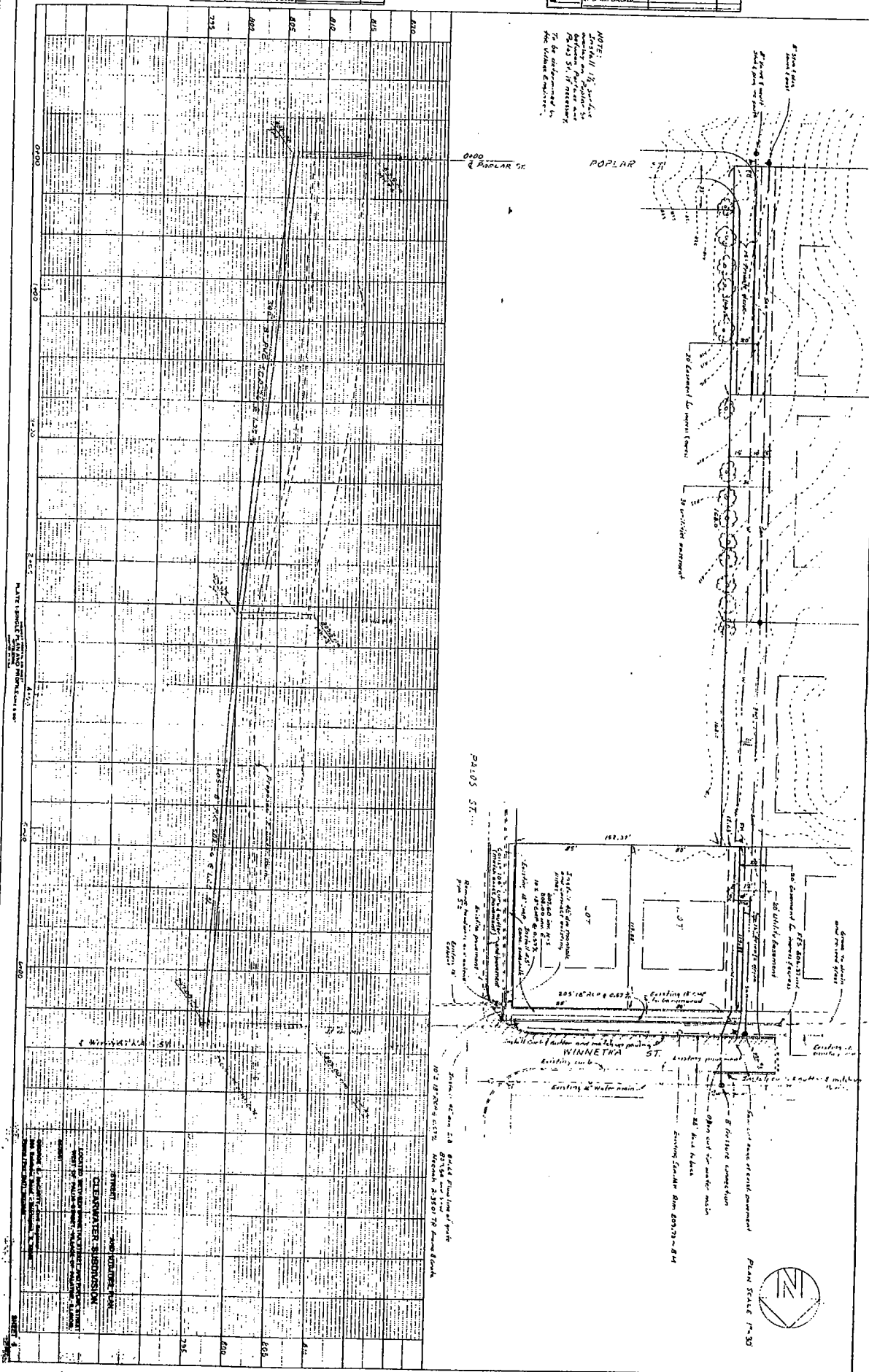


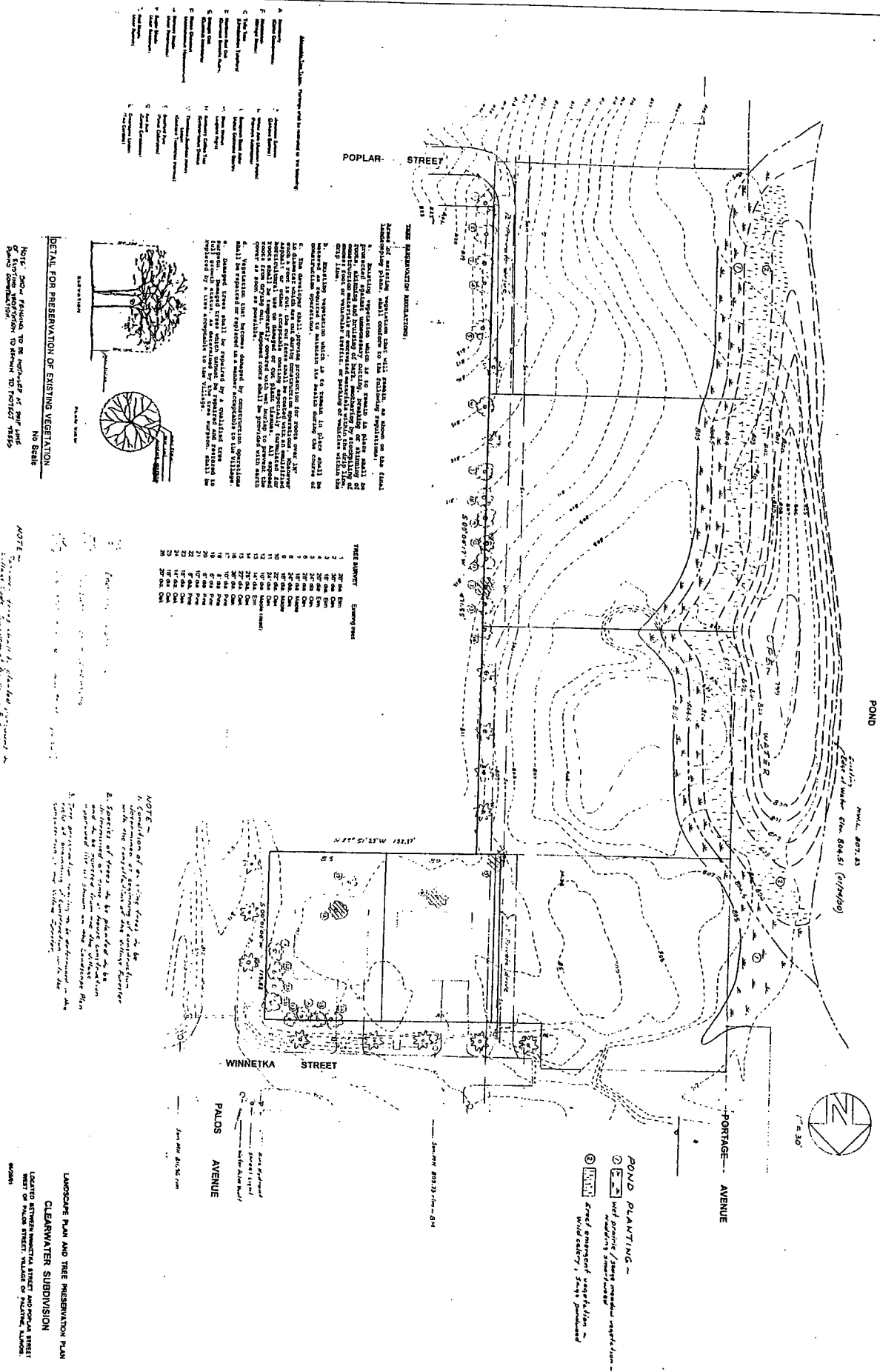
HUMMEL'S CLEARWATER SUBDIVISION
PALATINE, IL.
ORDER NO.: P 001102-4D
DATE: 11/02/00
SCALE: 1" = 30'
SHEET: 1 OF 2

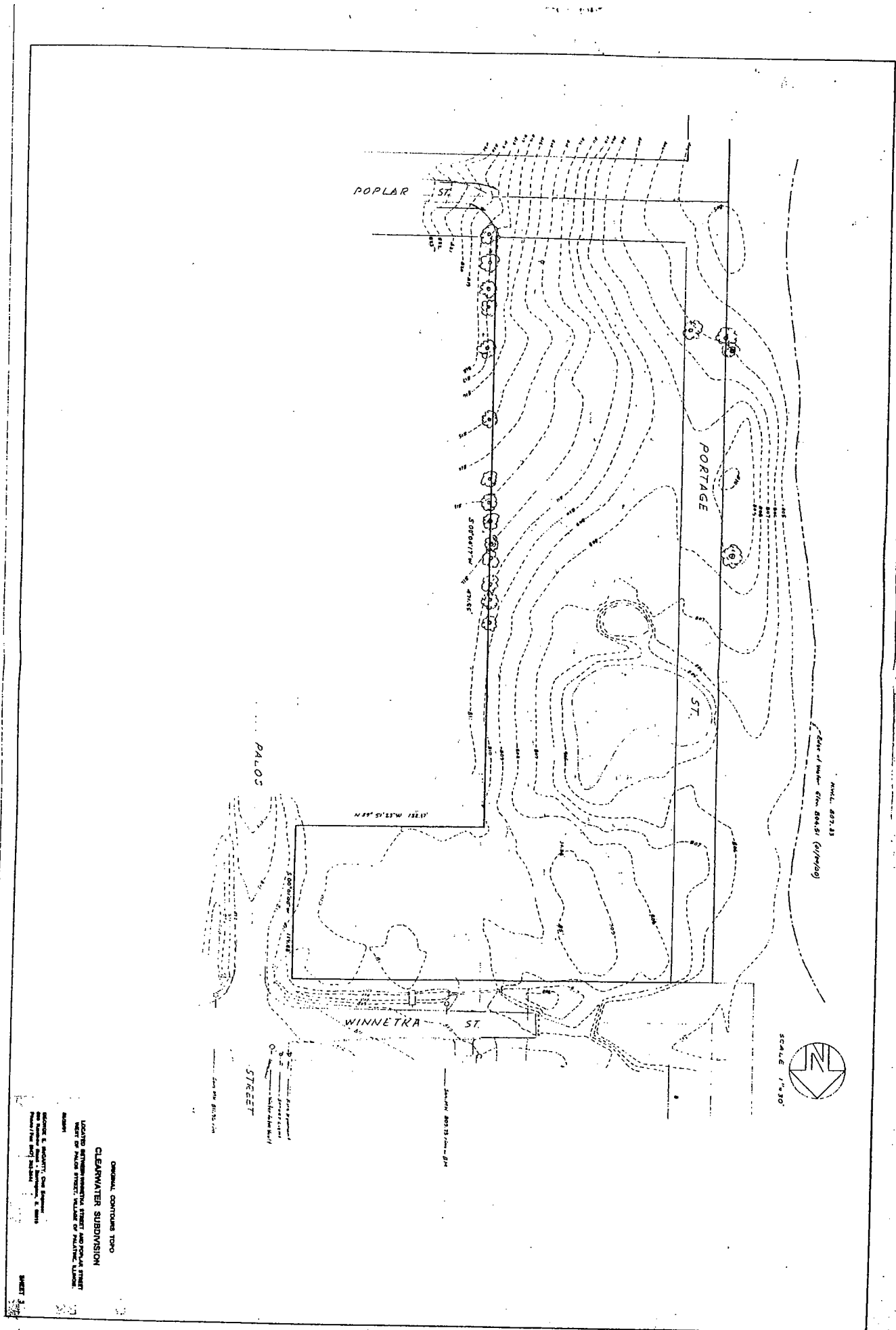
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PROJECT: [blank]			
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DATE: [blank]			
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PLAN	DATE	BY	CHK
PROJECT: [blank]			
DESIGNER: [blank]			
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NOTE: 11' 11" surface
existing profile is
shown. Profile is
to be determined by
the following conditions:







DRIVEWAY MAINTENANCE **AGREEMENT**

Parties to the Agreement:

The parties to this agreement shall be the owners of Lot 1 and Lot 2 in Clearwater Subdivision in Palatine, Illinois.

Location of the 12' Private Driveway:

The location of the 12' private driveway shall be determined based on the approved Clearwater Subdivision engineering plans located at the Village of Palatine.

Permitted Use:

The only permitted use for the 12' private driveway is for access to and from both Lot 1 and Lot 2 in Clearwater Subdivision in Palatine, Illinois.

Maintenance:

The Lot 1 property owner shall be required to maintain the 12' private driveway from the end of Poplar Street to the end of the Lot 1 private driveway. The Lot 2 property owner shall be required to maintain the 12' private driveway from the end of the Lot 1 private driveway to the south Lot 2 property line. Should the Lot 2 property owner not maintain the 12' private driveway, then the Lot 1 property owner shall be permitted, but not required, to maintain the balance of the 12' private driveway. The Lot 1 property owner shall be required to maintain any landscaping located in the 20' easement for ingress and egress.

PETITIONER'S EXHIBIT

9

MEMORANDUM

DATE : April 10, 2000
TO : David Fieldman
FROM : Mike Danecki *MD*
SUBJECT : N/W Side Study Area

PREVIOUS DRAINAGE STUDIES

In 1987, the Village required the developer of the Morgan's Gate Subdivision to perform a storm water management study for the drainage area tributary to the Morgan's Gate/Ethan's Glen detention basin. The reason for the study was that the area west of Countryside and between Northwest Highway and Dundee Road was new to development and new to the Village. Very little was known about the drainage of this area other than it could be potentially troublesome. The study was quite extensive in its identification of the major and minor watersheds, the natural storage areas and their existing capacities and finally the primary and overflow drainage routes. Specific recommendations regarding drainage improvements within the watershed were primarily targeted towards the Morgan's Gate detention basin and outlet pipes, but the report did provide some recommendations concerning future developments in the watershed. This study has been used as a reference and guide for all developments in the area subsequent to Morgan's Gate.

ELEMENTS OF THE STUDY

The major watershed in this area consists of approximately 226-acres. The entire area drains to the Morgan's Gate/Ethan's Glen detention basin which is the lowest part of the watershed. This basin then discharges under Northwest Highway and the railroad tracks to a series of private ponds and public storm sewers within the Village of Inverness before ultimately discharging into Salt Creek in Inverness.

This watershed consists of 16 sub-watersheds, each consisting of unique and individual discharge points to the next downstream sub-watershed and all currently have some existing natural depressional stormwater storage basins. The understanding of how these sub-watershed operate is important to the protection of the subsequent downstream sub-watersheds and ultimately to the Morgan's Gate/Ethan's Glen basin. Upsetting the balance between these sub-watersheds could place an undue burden on the downstream basins possibly resulting in additional flooding hazards. The sixteen sub-watersheds provide 140 acre-feet of natural stormwater storage; 57.3 acre-feet is within the Morgan's Gate/Ethan's Glen basin. The large lake behind the Sikh Temple provides 52.8 acre-feet. The other 30 acre-feet of storage is scattered throughout the other 14 sub-watersheds. An important conclusion of the 1987 study was that it is critical that all existing natural stormwater

basins can be made to function hydraulically, they do present some significant problems of their own. For one when they are a part of a very small development, land that can be devoted to a detention basin may not be available on the site. As a result they are often located in rear or side yards. If adequate room is not reserved for a useable backyard, the lot can be unreasonably encumbered by the detention basin and the property owners more likely to compromise or eliminate the basin. Because of this, when backyard detention is necessary, we have been requiring that it be located in an easement identified on the plat for stormwater detention purposes restricting what can be placed or done in that area. Also we have been requiring the detention basin be located sufficiently back from the house so that there is still a backyard of sufficient size for normal usage. This hopefully should reduce the likelihood of elimination or alteration of the basin. Additionally, the amount of water needed to be stored for very small developments is very small itself. Because of these reasons, stormwater detention is often waived for small projects. However where existing drainage in a certain area is already sensitive, or the cumulative effect of waiving detention where many small developments are a possibility, regional basin may be a better alternative. In this way land can be more efficiently utilized and duplicate storm sewer or drainage systems eliminated.

REGIONAL BASINS FOR THE ENTIRE WATERSHED

One may initially think that providing one regional basin for the entire 226-acre watershed would be the most efficient. The location of this single basin would have to be the Morgan's Gate/Ethan's Glen basin as it is the lowest point. However, this would place undue burden on this basin and the surrounding area and do little to provide flood control for the upstream sub-watersheds. As part of continued development of the area, storm sewers would be installed and ditches and drain tiles improved. Stormwater from the upstream areas of the watershed would reach the Morgan's Gate/Ethan's Glen basin much faster. During heavy rain events, the runoff would tend to flash and overland flow routing become more frequent as the drainage system becomes overwhelmed unless very large storm sewer pipes are installed. The real protection from stormwater detention is to downstream properties as a result of controlling the rate of water that they receive.

More flood protection can be provided by a series of detention basins throughout the watershed. For example, each of the sixteen sub-watershed could have a detention basin that collects and controls the runoff before discharging it to the next basin. Some of the smaller sub-watersheds could be combined. Siting of the detention basins is dependent on several variables. These include but are not limited to;

- a) Availability of the land. Property owners may not be willing to sell or the site may have homes or other structures on it.
- b) Topography of the area. Detention basins are usually located in the lowest part of the drainage area that they are serving.
- c) Suitability and capacity of the downstream storm or drainage system. Detention basins may be necessary because the receiving storm sewers may be able of conveying a limited amount of water.

- d) Location of wetlands or other natural features. There are several wetlands in this area. Three are significant enough that they will probably warrant preservation. Two of these are entirely or partially on the Sikh Temple property. The other is located east of Hummingbird Park and just south of North Street. Though wetlands provide natural stormwater detention, the Corps of Engineers sometimes do not want wetlands to be used as detention for developments. This is because the quality of the water and the fluctuation of the water depths during storm events are not conducive to the health of the wetlands. This usually applies to wetlands that are of significant size or of higher quality. Small and lesser quality wetland can usually be modified or eliminated. It appears that the three significant wetlands may potentially have Corps limitations on modifications and at a minimum will have to remain.

The attached exhibit indicates some possible sites for regional detention basins. There are twelve potential locations scattered throughout the watershed. Two additional ones within the planning study area but outside the watershed are also identified on the exhibit. The locations were based upon a survey of the watershed and utilizing the siting constraints listed above. The size and configuration of the basins as shown are only for illustrative purposes. The only exception is the availability of the land. Four existing detention basins or natural storage areas are identified as potential candidates for expansion. These are;

- 1) The Morgan's Gate/Ethan's Glen basin which could be expanded to serve potential development areas immediately to the east.
- 2) The Cedar Grove detention basin at the corner of Portage Avenue and Glencoe Street. This would service potential development area bounded by Portage on the west, Palos on the east, Glencoe on the south and slightly north of North Street. This was recommended to the developer of the proposed subdivision along the west side of Palos north of Glencoe. The developer stated he contacted the owner of the needed property and he was not willing to sell. As such this project is proposed with its own detention system.
- 3) The large lake located north of the Sikh Temple. This is within a potential development pod suitable for a larger scale development.
- 4) The natural storage areas located north of the North Street right-of-way between Deer and Grove. These are also within a potential development pod and they could be enhanced or combined depending upon a development plan.

There is another potential basin location that could be considered as an expansion of an existing one. This is located on the east side of Palos immediately across the street from the Edgewater Glen Basin. This new basin would serve the northern half of the block bounded by Palos, Deer, Winnetka and Glencoe. The Edgewater Glen basin is not capable of expansion because it was maxed out providing compensatory storage for a natural storage area that was on the site and its own detention requirements. These two basins would essentially act as one hydraulically.

REGIONAL BASIN FOR THE SPECIFIC STUDY AREA

The staff was directed to look at the regional basin concept for the area in vicinity of the proposed 3-lot Deer Avenue Subdivision at the southeast corner of Deer and Winnetka. A more detailed study was performed of this area. The specific study area based upon the sub-watershed is roughly the two blocks between Palos, Park, Poplar and Winnetka; and the southern portion of the block between Palos, Deer, Winnetka and Glencoe. This is an area that is most likely to redevelop by subdividing the larger existing lots into two or three lots. Besides the Deer Avenue Subdivision, there are two other similar projects pending within this sub area. This area consists is 12.78 acres in area. Besides its own drainage it also passes the drainage from 65.4 upstream acres or slightly less than 30% of the entire watershed. This includes the drainage from the two lakes on the Sikh Temple property. The passage of this water from the upstream areas are primarily through culverts under Winnetka, Deer and Palos and the ditch along the south side of Winnetka Avenue. It ultimately discharges into the Morgan's Gate/Ethan's Glen basin. Because of the undersized culverts and the condition of the ditch, overtopping of the roads at Deer and Winnetka occurs occasionally in heavy rains. Improvements to the culverts and the downstream ditch were recommended and required as part the Deer Avenue Subdivision project. This project proposed to provide its own storm water detention within the corner side yard of the lot abutting Winnetka Street. This was essentially utilizing and expanding the existing natural storage that occurs within the ditch line.

DETENTION BASIN DESIGN

Future development within this 12.78 acre area could likely be served by a regional detention basin. The best location topographically appears to be the vacant 0.84-acre lot at the southwest corner of Winnetka and Deer. This lot currently provides natural storage for the area and by the recommendations of the 1987 study should be preserved. It can be modified and enhanced to provide stormwater detention for development in the area. Based upon full development of the 12.78 acres, 1.50 acre-feet of detention will have to be provided. This is in addition to preserving the existing 1.53 acre-feet of natural storage in the area. A land survey was performed on the vacant lot as well as the downstream drainage ditch and culvert since those elevations will dictate how much storage can physically be provided on the site. Additional information that will dictate the detention basin design is the overflow elevation for the upstream basin. Currently this overflow route occurs over the intersection of Deer and Winnetka. As stated previously, these overflow routes cannot be eliminated or significantly raised without resulting in increasing the flooding potential upstream. Therefore the existing pavement elevation of Winnetka Street between Palos and Deer must be maintained close to its current elevation. This sets the maximum high water level that can be achieved in the detention basin. High water elevations in the basin higher than that become part of the overflow from the upstream watershed. With the outfall elevation and the high water elevation set, the maximum depth of water accumulation in the basin would be 2-1/2 feet. The maximum storage volume that could be obtained on the 0.84-acre lot would be under 2.0 acre-feet. The basin would have to have a permanent pool of water on the bottom (grassed bottom basins must have a slope to drain thereby reducing storage volume). This property also rises 9-feet from the north to the

south. Therefore to obtain any storage on the south half of the property, deep cuts (10-feet) and steep slopes need to be provided. As a result it would be necessary to locate the detention basin across the northern 90-feet of this lot as well as the lot to the west located at the southeast corner of Palos and Winnetka. The southern portions of these properties could be subdivided in possibly two lots each. This would provide a detention basin of about 1.5 acre-feet of storage, enough to compensate the 12.78 acre watershed for redevelopment but does not address preserving the existing natural storage areas within the watershed. Each potential development where there is natural storage would need to preserve it or the proposed regional basin would need to encompass the northern 180-feet of both lots. Again we run into the steep side slopes along the south side of the basin and the remaining 60-feet of each lot would not be sufficient for a standard single family lot. In effect both lots would need to be purchased.

DETENTION BASIN COSTS

The costs to construct the regional basin would entail;

- 1) Land purchase costs.
- 2) Design engineering costs.
- 3) Possible demolition and site preparation.
- 4) Basin construction costs.
- 5) Storm sewers or other offsite drainage improvements.

In talking with a local real estate agent, he stated that a current rough estimate of land costs is about \$75,000 per potential new lot in an unimproved state. Each of these lots have the potential to be subdivided into three new lots without any zoning variations. This is assuming that there are no limitations on the property that would make subdivision into 3-lots each difficult. Therefore each lot would have a minimum purchase price of \$225,000. The lot at the southwest corner of Winnetka and Deer is vacant and appears to be owned by the adjacent church as it is listed as tax-exempt. The lot at the southeast corner of Palos and Winnetka currently has a single family home on it. The purchase price of this property may be higher than \$225,000.

REGIONAL 1.5 acre-foot BASIN PROVIDING DETENTION FOR NEW DEVELOPMENT ONLY

<u>ITEM</u>	<u>COST</u>
1) Land Purchase	\$225,000
2) Design Engineering	\$ 10,000
3) Basin Construction Costs	\$ 40,000
4) Stormsewer to enclose ditch along Winnetka	<u>\$ 12,000</u>
TOTAL	\$287,000

REGIONAL 3.0 acre-foot BASIN FOR ALL DETENTION REQUIREMENTS

<u>ITEM</u>	<u>COST</u>
1) Land Purchase	\$475,000
2) Demolition/well abandonment/septic removal	\$ 20,000
3) Design Engineering	\$ 12,000
4) Basin Construction Costs	\$ 70,000
5) Stormsewer to enclose ditch along Winnetka	<u>\$ 12,000</u>
TOTAL	\$589,000

FUNDING

Construction of the regional basin could be funded in two ways. The first would be that the Village purchase the land and construct the basin with a recapture against all possible development within the watershed. The second would be that the first developer purchase the land and construct the basin with a recapture going to him. Because drainage is sensitive in this area I would not recommend delaying construction of the basin while development proceeds.

OWNERSHIP

Ownership and future maintenance of the basin will need to be by an agency that can insure continued maintenance. Because the land will probably be removed from private ownership, a government agency would likely have to have control. The Palatine Park District has previously expressed that they are not interested in ownership and maintenance of detention areas including those that could provide active park recreation purposes, so the Village of Palatine would be the logical agency. The Village currently owns and maintains some detention basins but this is a fraction of the total number of detention basins in the Village.

V:\CD\PZREVIEW\NWDRAINS.WPD

plan commission
march 5, 2002

Report of Public Hearing – Docket P-02-14 – 100 Poplar ln & 1080 Palos ave..

The notice of public hearing was read by the chairman. The petitioner in Docket P-02-14, Hummel Construction Company, seeks preliminary and final approval of a plat of subdivision for six single family lots to be known as Clearwater Subdivision, rezoning from R1 to R2, and vacation of portions of the 66 feet of the Winnetka st. right-of-way, the east 33 feet of the Portage st. right-of-way, and the north 33 feet of the Poplar st. right-of-way for 3.15 acres at 100 Poplar ln. and 1080 Palos ave.

The following petitioner's exhibits were introduced:

1. Petition for rezoning
2. Palatine Real Estate Interest Disclosure Form
3. Affidavit
4. Title Insurance Policy (lot #1 and north 120 feet of lot #6)
5. Title Insurance Policy (lots #4, #5, and #6, except the north 120 feet of lot #6)
6. Plat of Subdivision
7. Engineering/Landscape/Tree Preservation plans revised 1/24/02
8. Plat of Vacation
9. Maintenance Agreement
10. Sample House Styles
11. Sub-area plan
12. Plan Commission Minutes – 3/6/01

Rick Draffkorn, partner in Hummel Construction Co., and Robert Hummel of Hummel Construction Co., were sworn in.

Draffkorn said the plan commission reviewed a similar request eight months ago. Since that time, the number of lots has been reduced from eight to six. Lot sizes are substantially larger than those required in the R2 zone by the village (24,000 to 30,000 square feet for four lots), he added, so he is seeking R2 dimensions for two lots on Winnetka.

Stilling described surrounded uses and zones and gave analysis of the request.

north	single family	R2
south	single family	R1
east	single family	R1 and R2
west	planned development	P

The property is currently unimproved. Recently two homes were demolished. Proposed lots #1, #2, and #3 would face east. A private driveway connecting to the existing Poplar st. right-of-way to the south would provide access to lots #1 and #2. A private drive from Winnetka would access lots #3 and #4. Both private drives would be 12 feet wide. The existing Winnetka st. would serve lots #5 and #6. Both Winnetka st. and Poplar st. would remain public. The Palatine Subdivision code requires all lots not in planned developments to front onto an existing public right-of-way. Therefore a variance would be required for lots #1-#4.

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Water and sewer would be provided to each lot by connecting to existing watermains and sanitary sewers located in the Winnetka st. right-of-way. Storm water would be managed by enlarging the existing Ethan's Glen retention pond and providing a combination of stormwater detention and compensatory storage. The reason compensatory storage is needed is that the elevations of the water are in the floodplain. The petitioner has been working with the Ethan's Glen Homeowners association to allow for improvements.

Proposed edge of water would be 804.5, and top of foundation for the proposed homes would be 811.5. Grading will be done so stormwater will be directed into the pond. The village engineer has reviewed and approved preliminary grading and drainage plans. The village council approved a stormwater drainage plan for this entire northwest subarea in 2000. The plan did consider this parcel as part of the study. Lots #1-#4 would have portions of the water from the pond in their backyards.

Thirteen of 22 trees on site would be saved. Six new trees would be planted along the private driveways. In addition, sidewalk and parkway trees would be installed along the Winnetka st. and Palos st. frontages. Both Winnetka and Palos would be improved to village standards with curb and gutter. The petitioner requests street vacations as listed in the public notice.

All persons who wished to address the petition were sworn in.

Jim Heavey, 1138 Deer, spoke about many storm water engineering issues, stating the line in Winnetka is too small to handle storm water for the eight block neighborhood funneling into this site. He suggested the use of an elliptical pipe from Deer and Winnetka to the pond abutting these lots. He stated that the proposal for a culvert across the street is off line. He recommended the village prepare for future development by placing the culvert in line. Commissioner Laymon recommended that Heavey discuss these engineering issues with the village engineer.

Stilling reminded the plan commission that a very complex engineering study was done for this area. a year ago in response to issues raised then by Heavey. Draffkorn added that he is upsizing the culvert from 12 inches to 24 inches to handle upstream water at the recommendation of the village engineer.

José Ortiz, 1008 N. Palos ave., said this plan looks better than the previous plan. He would like fencing on the driveways. He is concerned about where guests will park.

Symon Arno, 1048 N. Palos, said he prefers this density. He doesn't like front yards of this subdivision fronting existing rear yards. He feels these homes would be accessed from Poplar. He also objects to bringing storm water retention closer to existing homes. He is also concerned about the relationship of foundation heights, to those already in the neighborhood.

Stilling said foundation lines are set as they are, because the basements are walkout.

Draffkorn said the pond level is 804. The old 100 year flood plain is 808 with an agreement by former builders that foundation heights would be 3 feet higher than that. Hence the 811 foundation line.

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Arno said the new foundations would create a dam situation that scares existing homeowners.

Mrs. Williams said she would like five houses, even though lots #4, #5, and #6 mirror those across the street. She objects to rear yards being adjacent to existing homes' front yards. "Why not orient the fronts of the proposed homes to the retention pond?" she asked.

McPherson said he has concerns with private drives, their location. "I just don't like the private drive idea," he said. "Could the middle homes be oriented toward the pond?"

Hansen expressed concerns about guest parking. Draffkorn said the driveway apron for the three-car garages would be large enough to accommodate guest parking. Otherwise, guests could park on Poplar.

Stilling reminded the plan commission that the proposal conforms to the subarea plan for storm water management.

Dory McPherson, 1058 Palos ave., said she is concerned about drainage. Her foundation is 811. She does not want to become an inadvertent retention area. Stilling responded that a swale is being created to carry water north.

Arno said some trees shown on the plan are not on the petitioner's property. Stilling said he counted only those that were.

Mike Nocella, 1038 Palos ave., said the developer could construct a retaining wall to control water so the road could be put where the retention pond is. He thinks garages should be sideloading. In response to the petitioner's statement that people wouldn't buy \$500,000+ homes with garages in the rear, Nocella said that Kimball Hill is putting garages in the rear of \$750,000 homes being built now at the Glenview Naval Air Station.

Jeff LaGreca, 1058 N. Palos, asked who would build the homes. What building materials would be used? What would they cost? Draffkorn said Hummel would build the houses that would be priced in the \$500,000 to \$650,000 range. He added that all options for driveway placement, roadways, and house locations have been studied during the past two years.

LaGreca said he would like the open feeling of the area to remain. He showed how houses could be relocated to give all lake views and eliminate private drives.

Ortiz said the alternative to this development would be a church, and he couldn't live with a church parking lot.

Staff Recommendation

Staff recommends approval of the subdivision, rezoning, and vacation, subject to the following conditions:

1. The subdivision shall substantially conform to the plat of subdivision by Precision Land Surveyors, dated 11/2/00, and to the engineering plans, tree preservation and landscape plans

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by George McCarty, dated 6/2/01, last revised 9/14/01, except as such plans may be changed to conform to Village Codes and Ordinances and the following conditions:

2. A letter of credit and 10 percent cash bond, to ensure the completion of the public improvements in a form and amount acceptable to the Village Engineer shall be submitted prior to the start of construction.
3. The driveway maintenance agreement between lots 1 & 2 and lots 3 & 4 shall be revised in a manner acceptable to the Village Attorney. The prospective homeowners of these lots shall sign the agreement acknowledging that they are aware of the restrictions prior to the issuance of the certificate of occupancy. It shall restrict parking in the easement.
4. A covenant shall be added to the final plat indicating that no fill, fences, sheds, or other structures can be installed in the rear yards of Lots 1 through 4.
5. The agreement with the Ethan's Glen HOA shall be submitted prior to the start of construction.
6. The following permits are required: MWRD & IEPA
7. The development shall be subject to the Village's Anti-Monotony Code..
8. All house elevations facing a public street or private drive, including the east elevations of lots 2 & 3 shall be constructed with at least 50 percent brick. No vinyl or aluminum siding shall be permitted on these elevations. Any house design not adhering to this condition may be constructed if approved by the Village Council.
9. Any house that is not constructed by the petitioner shall be subject to Village Council review and approval prior to the issuance of a building permit.
10. The proposed homes for lots 1-4 shall maintain a minimum rear yard setback of 40 feet from the proposed high water line.

Adjacent homeowners were told they could build structures in their rear yards so long as they met the requirements of village ordinances.

Draffkorn said he is able to comply with all staff conditions.

The public hearing was closed at 10:45 p.m.

During discussion, commissioners made the following observations:

Laymon said he does not like front yards facing rear yards. He would prefer driveways on the other side of the houses.

Miller said it is possible to do anything with a piece of land and put driveways and streets in any location. But the preferences of the plan commission would probably not be cost effective for the four homes here.

McPherson said he wants the developer to find a way to have normal access rather than private drives.

Smith said he still doesn't like driveways in the backyards of adjacent landowners.

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Miller said he feels more landscaping would be preferable to fencing, especially since there are currently trees on the lot line, and a swale is going to be added . He feels it is better to keep a fence out of the mix.

RECOMMENDATION

Mrs. Williams moved, McPherson seconded that the plan commission recommend to the village council that it deny the request of the petitioner in Docket P-02-14, Hummel Construction Company, who seeks preliminary and final approval of a plat of subdivision for six single family lots to be known as Clearwater Subdivision, rezoning from R1 to R2, and vacation of portions of the 66 feet of the Winnetka st. right-of-way, the east 33 feet of the Portage st. right-of-way, and the north 33 feet of the Poplar st. right-of-way for 3.15 acres at 100 Poplar Ln. and 1080 Palos ave.

During discussion Mrs. Williams said she feels this still isn't the right plan for this land. "The use is correct, but the design isn't," she said.

Those voting aye: Smith, Mrs. Williams, Kolar, Miller, McPherson
Those voting nay: Laymon, Hansen, Dwyer, Terry

The motion carried.

Hansen concurred that this is a difficult parcel to develop. The marketplace will determine what is built, he said.

Dwyer, Hansen, Terry, and Laymon said they concur with staff conditions.

After communications, the meeting was adjourned at 11:15 p.m.

Natalie Meyer McKenzie
secretary

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CHAIRMAN JEZIERSKI CALLED TO ORDER THE MEETING OF THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE AT 8:04 P.M.

1. CONSIDER A RESOLUTION GRANTING FINAL SUBDIVISION APPROVAL, EVERGREEN SUBDIVISION, 86 E. ILLINOIS (COFFARO) DISTRICT 2.

Councilman Kostka move to recommend approval of the Preliminary and Final Plat of Subdivision, subject to several conditions, 2nd by Councilman Wagner. The motion passed 7-0.

2. VACANT THREE LOTS NORTH OF GLENCOE ROAD, SOUTH OF PALATINE ROAD AND EAST OF HARRISON AVENUE (KRAML SUBDIVISION) (NEWPORT HOMES) DISTRICT 1
 - A. CONSIDER AN ORDINANCE GRANTING FINAL PLANNED DEVELOPMENT APPROVAL
 - B. CONSIDER A RESOLUTION GRANTING FINAL SUBDIVISION APPROVAL
 - C. CONSIDER AN ORDINANCE REZONING FROM R-1 TO P
 - D. CONSIDER AN ORDINANCE VACATING THE NORTHERN PORTION OF THE EXISTING HARRISON AVENUE RIGHT-OF-WAY

Councilman Wagner moved to recommend approval of the Final Planned Development, Final Subdivision, Rezoning from R-1 to P, and vacating of a right-of-way, 2nd by Councilman Wilson. The motion passed 7-0.

3. CONSIDER A MOTION APPROVING THE PRELIMINARY PLANNED DEVELOPMENT FOR AN EIGHT LOT SINGLE FAMILY SUBDIVISION NORTH OF POPLAR STREET, SOUTH OF WINNETKA (CLEARWATER SUBDIVISION) (HUMMEL CONSTRUCTION COMPANY) DISTRICT 1.

Councilman Varroney moved to recommend approving the preliminary planned development, 2nd by Councilman Kostka.

M. Cassady stated that the petitioner wishes to construct an eight-(8) lot single family subdivision. The subdivision would be serviced by a 25' wide private drive (ending in a hammerhead) and the existing Winnetka Street. An alternative plan with the private drive located on the west side is not feasible due to the floodplain. Attached is an exhibit showing the rear yard setback from the proposed private street to the existing five (5) homes along Palos. This development plan was included in the northwest sub-area plan. During the Public Hearing, 10 residents expressed concern about the private drive in the rear yard, drainage, the rear of the existing homes facing the front of the proposed homes, street lights, wetlands and tree preservation. The Plan Commission voted 5-1 to recommend denial. Staff recommends approval to the Preliminary Planned Development, subject to several conditions.

Rick Draffkorn, Hummel Construction, provided an overview of the development and suggested the installation of driveway lighting instead of regular streetlights and increased buffering between the street and the rear of the homes.

Councilman Varroney expressed concern with the current designs and does not support the proposal.

Councilman Kostka expressed concern with the transition between the rear of the homes and the private drive.

Councilman Solberg suggested that the width of the private drive to be narrowed to increase the distance between the rear of the homes and the drive.

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Bob Hummel, the petitioner, stated that they will be conducting a number of improvement in the area including increasing the capacity of the detention pond and flood control. Mr. Hummel stated that he has the opportunity to build several single-family homes with the current design without any offsite improvements.

Stan Gillin, President of Ethan Glen, stated that they have a written agreement regarding the improvement to the lake.

Jose Ortiz, 1008 Palos Ave, expressed concern about the private drive and opposes the proposal.

Jeff LaGreca and Laurie McPherson, 1048 Palos, expressed concern with the elevation of the homes, flooding, construction, the number of homes, the height of the homes.

Mike Nocella, 1038 Palos, express concern with the private drive in his rear yard, policing of the private drive, and construction of the homes.

Jim Heavy, 1138 Deer Rd, express concern with the layout and on site storage of the water.

Sharon Pottinger, 1048 Palos, expressed concern with the number of homes, retaining wall and tree preservation.

Mr. Hummel stated that flood control will improve, the elevation will be similar to the neighborhood and trees along the property line will not be disturbed.

The Committee suggested to Mr. Hummel examine moving the road to the west end of the property and examine the type of variation required to make the development work.

Councilman Wagner moved to table, 2nd by Councilman Wilson. The motion passed 7-0.

4. CONSIDER A MOTION APPROVING HOUSE ELEVATIONS FOR A NEW HOUSE AT 15 W. WASHINGTON (MILLER) DISTRICT 6.

Councilman Kostka moved to recommend approval of the house elevations, subject to the conditions that all elevations be constructed with cement-based siding or cedar siding, 2nd by Councilman Varroney. The motion passed 7-0.

5. CONSIDER A MOTION APPROVING HOUSE ELEVATIONS FOR NEW HOUSES AT 340 AND 346 W. SLADE (MILLER) DISTRICT 6.

Councilman Kostka moved to recommend approval of the house elevations, subject to the conditions that all elevations be constructed with cement-based siding or cedar siding, 2nd by Councilman Varroney. The motion passed 7-0.

6. PROPERTY LOCATED ON THE SOUTH SIDE OF DUNDEE ROAD, WEST OF QUENTIN ROAD (ASPEN WOODS SUBDIVISION) (LAKEWOOD HOMES) DISTRICT 3

- A. CONSIDER AN ORDINANCE GRANTING FINAL PLANNED DEVELOPMENT APPROVAL
- B. CONSIDER AN ORDINANCE REZONING FROM R-2 TO P
- C. CONSIDER A RESOLUTION GRANTING FINAL SUBDIVISION APPROVAL

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The motion to recommend approving the Hazardous Sidewalk Replacement Program passed 5-0.

Vice-Chairman Solberg adjourned the Infrastructure & Environment Committee Meeting at 7:54 p.m., without any objections.

CHAIRMAN WILSON CALLED TO ORDER THE MEETING OF THE POLICE POLICY & CODE SERVICES COMMITTEE AT 7:54 P.M.

1. CONSIDER AN ORDINANCE GRANTING A SPECIAL USE FOR A REAR YARD SETBACK REDUCTION TO PERMIT AN ADDITION, 25 W. ALDRIDGE AVENUE (LEE) DISTRICT 2.

Councilman Jezierski moved to recommend an ordinance granting a Special Use for a rear yard setback, subject to several conditions, 2nd by Councilman Kostka. The motion passed 5-0.

Chairman Wilson adjourned the Police Policy & Code Services Committee Meeting at 7:55 p.m., without any objections.

CHAIRMAN JEZIERSKI CALLED TO ORDER THE MEETING OF THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE AT 7:55 P.M.

1. PROPERTY AT 1591 W. DUNDEE ROAD AND TWO VACANT LOTS EAST OF GREENVIEW AND NORTH OF NORTH STREET (ASPEN MEADOWS) (ASPEN HOMES) DISTRICT 1
 - A. CONSIDER AN ORDINANCE GRANTING FINAL PLANNED DEVELOPMENT APPROVAL
 - B. CONSIDER AN ORDINANCE REZONING FROM R-1 TO P
 - C. CONSIDER A RESOLUTION GRANTING FINAL SUBDIVISION APPROVAL
 - D. CONSIDER ORDINANCES VACATING PUBLIC STREETS AND RIGHT-OF-WAY
 - I. ORDINANCE VACATING THE NORTH THREE FEET OF THE NORTH STREET RIGHT-OF-WAY
 - II. ORDINANCE VACATING THE ENTIRE SOUTHERN PORTION OF GREENVIEW, INCLUDING THE SOUTH 10 FEET OF THE ADJACENT PUBLIC ALLEY

Jerry Pindeski, petitioner's representative, stated he was present to answer any questions.

Councilman Kostka moved to recommend granting Final Plan Development approval, 2nd Councilman Wilson. The motion passed 5-0.

Councilman Kostka moved to recommend an ordinance rezoning for R-1 to P, 2nd Mayor Mullins. The motion passed 5-0.

Councilman Kostka moved to recommend granting Final Subdivision approval, 2nd Mayor Mullins. The motion passed 5-0.

Councilman Kostka moved to recommend ordinances vacating public streets and right-of-ways, 2nd Mayor Mullins. The motion passed 5-0.

2. CONSIDER A MOTION APPROVING THE PRELIMINARY PLANNED DEVELOPMENT FOR AN EIGHT LOT SINGLE FAMILY SUBDIVISION NORTH OF POPLAR STREET, SOUTH OF WINNETKA (CLEARWATER SUBDIVISION) (HUMMEL CONSTRUCTION COMPANY) DISTRICT 1.

8. Any house that is not constructed by the petitioner shall receive village council approval.
9. All house elevations fronting on a public street shall be constructed with at least 50 percent brick. No vinyl or aluminum siding shall be permitted on these elevations. Any house design not adhering to this condition may be constructed if approved by the village council.
10. Prior to the issuance of the certificate of occupancy for lots #10 and #15, the seller shall submit written certification signed by the purchasers acknowledging that they are aware of the detention basin located in the rear yard of each lot, identified on the final plat of subdivision as "stormwater detention easement." The certification shall state that the homeowners acknowledge and understand that the detention area cannot be regraded, filled in, or improved with any structures.
11. Fences, sheds, or similar structures shall not be constructed in any side yard easement that would restrict access to the detention basins. The required language shall be added to the plat of subdivision.

Pinderski said his client is able to comply with staff conditions.

RECOMMENDATION

Kolar moved, Mrs. Williams seconded that the plan commission recommend to the village council that it approve the final planned development for a 15-lot single family development at 1591 W. Dundee rd. and two vacant lots east of Greenview and north of North st. Said approval shall be contingent upon petitioner's compliance with 11 staff conditions listed above.

Unanimously carried.

Report of Public Hearing – Docket P-01-10 – Clearwater Subdivision

Notice of public hearing was read by the acting chairman. The petitioner in Docket P-01-10, Hummel Construction Company, seeks approval of a preliminary PUD for an 8-lot single family subdivision to be known as Clearwater Subdivision; rezoning from R1 to P after final PUD approval; vacation of portions of the 66-foot of Winnetka st. right-of-way, the east 33 feet of the Portage st. right-of-way; the north 33 feet of the Poplar st. right-of-way for 3.15 acres at 100 Poplar Ln. and 1080 Palos ave.

The following petitioner's exhibits were entered into the record:

1. Petition for Preliminary Planned Development
2. Palatine Real Estate Interest Disclosure Form
3. Affidavit
4. Title Insurance Policy – lot #1 and north 120 feet of lot #6
5. Title Insurance Policy – lots #4, #5, and #6, (except the north 120 feet of lot #6.)
6. Engineering Plans, Plat of Subdivision, and Landscape/Tree Preservations Plans revised 1/22/01
7. Photographs of sample house styles

Rick Draffkorn, Partner in Hummel Construction Co., and Robert Hummel of Hummel Construction Co., were sworn in.

Draffkorn gave information about the request stating that the two single family homes on the site had been condemned and subsequently razed. This developer proposes to build three lots that would be accessed off Winnetka and five lots that would be accessed from a new private street to be built off Poplar. Average lots size is 1/3 acre, he said, with sizes ranging between 9,500 square feet to three-quarters of an acre. The price range would be \$450,000 to \$500,000.

PETITIONER'S EXHIBIT

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He said the developer has worked with the Ethan's Glen townhome association, and that lots #1-6 would actually be part of the Ethan's Glen Homeowners Association for purposes of pond maintenance since the pond would be shared by both developments. He said an overflow structure on hwy. 14 would regular the water level in the basin to keep the level even. Lots #1-3 are higher, he said, so the storm water flow is from south to north. Draffkorn added that 809 is the height of foundation which is well above the height of a 100-year storm.

Chris Stilling was sworn in. He described surrounding uses and zones and gave background on the parcel.

north	single family	R2
south	single family	R1
east	single family	R1 & R2
west	planned development	P

The proposed 25-foot wide private street would end in a hammerhead turnaround, Stilling said. The fire department has reviewed and approved preliminary plans. Lots #6-8 as well as an existing home would be served by Winnetka st. which would end at proposed lot #6. The proposed development would meet and exceed minimum design standards for the R2 zone.

Water and sewer would be provided to each lot by connecting to existing watermain and sanitary sewers in Winnetka st. Storm water would be managed by improving the existing Ethan's Glen retention pond to provide detention and compensatory storage. Grading will be done so storm water will be directed into the pond. The village engineer has reviewed and approved the preliminary grading and drainage plans. Lots #1-6 would have water from the pond in their backyards.

Sidewalk and parkway trees would be installed along the Winnetka st. and Palos frontages. Both those streets would be improved to village standards with curb and gutter. The petitioner seeks the vacation of the north 33 feet of the Poplar st. right-of-way, the western portion of the 66 feet of the Winnetka street right-of-way allowing the petitioner to have the southern 33 feet, and all of the 33 feet of the Portage st. right-of-way.

A tree survey shows 22 trees on site, of which the developer plans to save 14. A landscape plan shows that 26 new trees would be planted, 18 of which would be sited along the new private street.

Stilling said the Homeowners Association would be responsible for maintaining the private street. The private street would not meet Village right-of-way requirements.

All persons wishing to speak to the request were sworn in.

José Ortiz, 1008 N. Palos ave., said the main issue for him is the private street for lots #1-5. The street will be in his backyard, he said, showing that his home abuts lots #2 and #3. The proposal is changing the whole neighborhood, he added. He said the road should go where Portage is presently dedicated. He presented pictures showing water within 30 feet of his backyard.

Jim Heavey, 1138 Deer, at Deer and Winnetka, said that intersection was often underwater until village maintenance alleviated flooding somewhat. Drainage is slow in the area, he said, indicating it is his opinion that the pond won't be sufficient to stop flooding. He said that all proposed lots were full of water in 1996. How much is being dredged? he asked, noting that it appears that quite a bit of back filling will be done.

Hummel said that all elevations have been reviewed and approved by the village engineer. His building is well above flood lines. He said the amount he proposes to dredge the pond will be more than adequate to cover what backfilling is proposed. He pointed out that Portage may not be developed, because it is in a wetland. Concerning damage to existing and proposed trees from the construction of the private road, he said the road is a safe distance from the trees.

2. A letter of credit to ensure the completion of the public improvements in the amount of \$100,000 and in a form acceptable to the village shall be submitted prior to the start of construction.
3. A letter of credit and 10 percent cash bond to ensure the completion of the public improvements in a form and amount acceptable to the village engineer shall be submitted prior the start of construction.
4. The development shall adhere to the bulk and setback requirements of the R2 district.
5. Details of the modification of the outfall from the large lake are to be submitted at final planned development review.
6. A covenant shall be added to the final plat that no fill, fences, sheds, or other structures, can be installed in the rear yards of lots #1-6.
7. An amendment to the Ethan's Glen Declarations shall be submitted.
8. The Declarations for Clearwater shall be submitted in a recordable form and revised in a manner acceptable to the village attorney.
9. MWRD, IEPA, and COE permits are required.
10. The development shall be subject to the village's anti-monotony code.
11. The final landscape plan and tree preservation plan shall be revised in a manner acceptable to the village forester.
12. The final engineering plan shall be revised to show curb and gutter on the remaining section of Winnetka st. as determined by the village engineer.
13. The final engineering plan shall be revised to show Poplar st. to Palos ave. being improved to village standards. An overlay may be necessary, depending on its condition as determined by the village engineer.
14. All house elevations fronting on a public street shall be constructed with at least 50 percent brick. No vinyl or aluminum siding shall be permitted on these elevations. Any house design not adhering to this condition may be constructed if approved by the village council.
15. Any house that is not constructed by the petitioner shall receive village council review and approval prior to the issuance of a building permit.
16. All conditions of the final planned development shall apply.
17. No parking shall be permitted in the hammerhead. The plans shall be revised to reflect this condition.

Hummel said he had designed the streets without curb for aesthetic reasons. He said he is able to comply with staff conditions.

The public hearing closed at 9:50 p.m.

Commissioners made the following observations during discussion:

McPherson said he size of the retention pond has caused the loss of Portage street access at a normal location. Stilling noted that Portage was platted as a 33-foot street, so it was substandard to begin with. McPherson said the development doesn't seem reasonable for the area.

Mrs. Williams said:

- She would like access between lots #6 and #7.
- She doesn't like double frontage lots.
- This development should be wholly a part or not part of the Ethan's Glen Homeowners Association. Permitting it to be a part for just issues relating to the detention pond would be setting a bad precedent, she feels.
- Permitting this development would be setting a bad development trend, she said. Hummel knew from the beginning that this was a difficult development.

Both Smith and Kolar concur with Mrs. Williams. Smith added that he sees potential future problems. He opposes a road in people's backyards.

Kolar said he dislikes the plan based on what it will do to the adjacent homeowners.

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Hansen said he realizes that Portage is never going to be improved. He pointed out that double frontage lots exist near Fremd High school and on Roselle rd. He would oppose standard street lighting. He feels the development could work.

RECOMMENDATION

Mrs. Williams moved, McPherson seconded that the plan commission recommend to the village council that it deny the request of the petitioner in Docket P-01-10, Hummel Construction Company, who seeks approval of a preliminary PUD for an 8-lot single family subdivision to be known as Clearwater Subdivision; rezoning from R1 to P after final PUD approval; vacation of portions of the 66-feet of Winnetka st. right-of-way, the east 33 feet of the Portage st. right-of-way; the north 33 feet of the Poplar st. right-of-way for 3.15 acres at 100 Poplar Ln. and 1080 Palos ave.

Those voting aye: McPherson, Kolar, Smith, Williams, Miller
Those voting nay: Hansen

The motion carried.

Report of Public Hearing -- Docket P-01-11 -- Aspen Woods

The notice of public hearing was read by the acting chairman. The petitioner in Docket P-01-11, Lakewood Homes, Inc., seeks preliminary and final approval for a model home and single family development to be known as Lakewood Glen and rezoning from R2 to P for 5.71 acres south of Dundee and west of Quentin rd.

The following petitioner's exhibits were introduced:

1. Petition for Preliminary and Final Planned Development (one step)
2. Palatine Real Estate Interest Disclosure Form
3. Title Insurance Policy
4. Land Title Survey
5. Plat of Subdivision
6. Master Plan
7. Landscape Plan and Plantings List
8. Architectural Plans and Elevations for lot #10 dated 3/20/00
9. Details for proposed fence

Stilling gave background on the proposal which was approved as a 16-lot single family development in the R2 zone in 1994. The original developer, Aspen Homes, sold the development to Lakewood Homes which has been operating a model home community. Last year Lakewood applied for a plat of consolidation for lots #8-10. The plan commission held the public hearing on July 18 and recommended approval. The village council committee of the whole tabled this item to allow staff and the developer to revise the proposal. Since then the village has amended the zoning ordinance to require all model homes to receive a special use. Hence the petitioner seeks preliminary and final planned development for a model home and a single family development and rezoning from R2 to P.

The developer seeks to consolidate three lots (#8, #9, and #10) into two lots, both larger than 9,000 square feet, to accommodate a larger model home he will be offering. Lots #1-5 and #16 would be resubdivided to create an outlot along Dundee rd. The homeowners association would be responsible for owning and maintaining the outlot and landscaping. The developer now proposes to put the detention basin, originally part of lots #1 and #16 into outlot A so it can be owned and maintained by the association. Lots #1-4 would have front and rear yard setbacks of 25 feet because of the additional outlot created for landscaping. Lot #5 would have a corner side yard setback of 15 feet. The remaining 15 feet is part of the newly created outlot. The zoning ordinance requires a 30-foot setback from all state and county roads.

PUBLIC NOTICE

A Public Hearing will be held before the Village of Palatine Planning and Zoning Commission on August, 12, 2025 at 7 PM, in the Village Council Chambers in Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Special Use to permit a fence in the front yard of the subject property.

The property is commonly known as 1480 W. Poplar Street.

The Petitioner has revised the initially proposed fencing plan and is now proposing to install a 5-foot tall open-style aluminum fence along the front property line of the subject property. The proposed fence would be located approximately 18 inches west of the front/eastern property line and would end north of the private drive for the subject property, which also abuts the vacant lot directly south of the home at 1480 W. Poplar Street. Both lots are owned by the Petitioner and function as one zoning lot.

The above petition has been filed by the Petitioner, Victor Baranovici, and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: SU-000125-2024

VILLAGE OF PALATINE

Jan Wood, Chair
Palatine Planning and Zoning Commission

DATED: This 24th day of July 2025

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Journal & Topics Newspapers
AKA Des Plaines Journal, Inc.
622 Graceland Ave.
Des Plaines, IL 60016-4556

and that said newspaper(s) is a secular newspaper of general circulation and has been published weekly in the

(Village) (Town) (City) (Township) of PALATINE 1480 W. POPLAR ST.



County of COOK

and State of Illinois, continuously for more than one year prior to date of the first publication of the notice attached hereto, and that said newspaper(s) complies with the requirements of Paragraphs 5 and 10, Chapter 100, of the Illinois Revised Statutes.

Further, that the notice, of which the attached is a true copy, was published ONE times in the said newspaper(s), namely once each week for ONE successive week(s) and that the first publication of said notice was made on the 24TH day of JULY, A.D. 2025, and the last publication thereof was made on the 24TH day of JULY, A.D. 2025.

Your Legal appeared in
the following Journal & Topics
Newspapers
(Des Plaines Journal, Inc.)

- ☐ Des Plaines Journal
- ☐ Elk Grove Village Journal
- ☐ Mt. Prospect Journal
- ☐ Niles Journal
- ☒ Park Ridge-Golf Mill Journal
- ☐ Prospect Heights Journal
- ☐ Rosemont Journal
- ☐ Arlington Heights Topics
- ☐ Buffalo Grove Topics
- ☒ Palatine Topics
- ☐ Rolling Meadows Topics
- ☐ Wheeling Topics
- ☐ Suburban Journal
- ☐ Northwest Journal
- ☐ Glenview Journal

IN WITNESS WHEREOF, THE **DES PLAINES JOURNAL, INC.**, has caused this certificate to be signed and its corporate seal affixed hereto at Des Plaines, Illinois this 24TH day of JULY, A.D., 2025.

By Todd W. Small

President

Title of Corporate Officer

County of Cook
State of Illinois

Subscribed and sworn to before me this 24TH day of JULY, A.D., 2025.

My commission expires the 15TH day of JULY, A.D., 2025.