



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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PLANNING AND ZONING COMMISSION

MINUTES • OCTOBER 22, 2024

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Patrick Noonan	Commissioner	Present	
Cindy Roth-Wurster	Commissioner	Present	
Eric Friedman	Vice Chairperson	Present	
Jan Wood	Chairperson	Present	
Rodney Bettenhausen	Commissioner	Present	
Robert Kolososki	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
Stephen Fedota	Commissioner	Present	
Tim Schubert	Commissioner	Present	

II. MEETING MINUTES

1. Planning and Zoning Commission - Regular Meeting - Oct 8, 2024 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Patrick Noonan, Commissioner
SECONDER:	Stephen Fedota, Commissioner
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Kolososki, Cavanaugh, Fedota, Schubert

III. PUBLIC HEARING

1. 274 and 286 W. Michigan Avenue

FPD-000132-2024 - Estates at Arcadia

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

Petitioner's Exhibits:

- . **Exhibit - Estates at Arcadia Plat of Subdivision V1**
- . **Exhibit - Estates at Arcadia Engineering V1**
- . **Architectural Plans Example - Permit - Rev 7**
- . **Architectural Plans Example - Permit - Rev 8**
- . **Architectural Plans Example - Edwards 267**
- . **Architectural Plans Example - 356**
- . **Previous Planned Development approval (2022)**
- . **Public Notice**

Background:

Mr. Vyverberg provided the introduction and background for the proposed Planned Development, Subdivision, and Vacation, which are directly similar to the previously approved 6 single family residential subdivision.

Sworn in petitioner: Greg Rose - GWR builders 47 N. Bothwell Street, Palatine

Mr. Rose stated that the 2 current lots are 100 feet by 600 feet each (approximately 2.85 acres) and currently zoned R-1 single-family. Six single-family residential lots are proposed for the subdivision and includes extending Prestwick Street, with two lots on the north side, two on the south, and two facing Michigan Avenue. A detention basin area is planned on the north side of lots 1 & 2, with an access road to the detention pond.

Commissioner Cavanaugh asks if the HOA will be responsible for the drainage area.

Mr. Rose states they would be.

Commissioner Friedman inquired about the HOA's responsibility regarding the detention area.

Mr. Rose clarified that it will not be a typical HOA. All of the owners benefiting from the volume control will be responsible its maintenance and updates.

Chairman Wood asked if all 6 lots would be under the HOA.

Mr. Rose confirmed.

Commissioner Fedota inquired about design differences compared to the previous plan.

Mr. Rose noted there are minor tweaks including the detention basin on the north side of lots 1 and 2, as opposed to an outlot in the previous approval.

Commissioner Kolososki asked if there would be sidewalks installed.

Mr. Rose confirmed there would be.

Questions about fencing around the swale were discussed.

Mr. Rose stated it would not be fenced except possibly on the north side of the depression.

Commissioner Friedman raised concerns about potential safety issues related to open areas without fencing.

Mr. Vyverberg provided additional information about fencing in the other subdivision in this area and that the open wrought-iron style fencing was previously required for areas around the detention basin from the Village Council approvals.

Commissioner Kolososki expressed questions about the traffic management plan, emphasizing it should be in place before development begins.

Chairman Wood asked if an HOA could inspect outlots and detention areas.

Mr. Vyverberg confirmed that the village enforces maintenance plans and this would be a private improvement serving the subject 6 lots, pursuant to the engineering plans.

Commissioner Kolososki inquired about the potential for a pool on lot 5, to which Mr. Vyverberg clarified that it would depend on existing utilities and lot coverage.

Mr. Tim Spies (Petitioner's engineer) confirmed that the vacated area is within an easement for all 33 feet of the vacated area.

STAFF RECOMMENDATION:

Mr. Vyverberg confirmed that the Subject property was approved on 2 separate occasions for a 6-lot subdivision and currently maintains a Planned Development zoning designation. The proposed 6-lot subdivision completes the recommendations of the Michigan Avenue Sub Area Plan and also connects the Subject Property with the 2 surrounding subdivisions - Arcadia and Arcadia West Subdivisions, in compliance with the previously approved Planned Developments. All 6 lots also comply with the R-1B zoning district requirements and bulk standards.

Therefore, Staff recommends approval of the proposed Preliminary and Final Plat of Subdivision, Preliminary and Final Planned Development, and Vacation, subject to the following conditions:

1. The development shall substantially conform to the engineering plans prepared by Spies and Associates Inc. dated 09/26/24, except as such plans may be changed to conform to Village Codes and Regulations.
2. All future residences shall follow the Village's R-1B zoning district standards.
3. Within the Subject Property, no privacy fencing shall be permitted abutting the detention basin or the access easement to the detention basin. All fencing shall be of an open wrought iron style fencing in these areas.
4. If required by the Village, a Homeowners Association shall be created for the maintenance of the detention area and the access easement. It shall include conditions related to the fencing restrictions outlined in condition number 3 of this ordinance and maintenance of the landscape plan attached to the engineering plans. It shall also include a requirement to perform a maintenance inspection for the detention outlot the earlier of every 5 years or at an interval required by MWRD. The HOA Declarations must be approved by the Village Attorney prior to the recording of the Plat of Subdivision or the issuance of any permits.
5. The final engineering plans and plat of subdivision and plat of vacation shall be revised in a manner acceptable to the Village Engineer and submitted on Mylar, with recording fees in the amount of \$500.
6. A Planned Development letter of credit in amount of \$60,000 (\$10,000 per lot, per Article 14 of the Zoning Ordinance) shall be submitted.
7. A Public Improvement letter of credit in the amount of \$571,325.75 (or other Village Engineer approved amount based upon any accepted changes to the EEOC) shall be submitted in a manner acceptable to the Village Engineer.
8. Review fees, based upon the finally accepted EEOC, shall be submitted in a manner acceptable to the Village Engineer.
9. A construction traffic management plan shall be submitted in a manner acceptable to the Directors of Public Works and Planning and Zoning. This traffic management plan shall outline the proposed development schedule and identify the material delivery routes and proposed parking areas for the contractors, prior to the construction of Prestwick Street. A component of this plan shall also include an initial notification, by standard mail, to the residents on the south side of W. Michigan Avenue (263, 271, 285, 301, 325, 335, 351, and 357), once the initially proposed site development schedule is known.
10. All extra agency permits shall be submitted, in a manner acceptable to the Village Engineer.

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

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

DISCUSSION:

Commissioner Kolososki mentioned the subdivision is congested, but meets criteria for development.

Commissioner Friedman noted it is the last piece of the master plan and transitions zoning nicely.

Commissioner Fedota noted an omission in the packet regarding lot sizes.

Chairman Wood emphasized there are no special setbacks or conditions required.

Commissioner Roth-Wurster visited the site and expressed that it looks like it will fit well.

Commissioner Fedota raised concerns about subdividing large lots into six houses

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 9-0. This item will tentatively go to Village Council on Monday, November 4, 2024.

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

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

IV. COMMUNICATIONS

V. ADJOURNMENT