



VILLAGE OF PALATINE

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

PLANNING AND ZONING COMMISSION

MINUTES • OCTOBER 10, 2023

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	Absent	

II. MEETING MINUTES

1. Planning and Zoning Commission - Regular Meeting - Sep 26, 2023 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Eric Friedman, Vice Chairperson
SECONDER:	Patrick Noonan, Commissioner
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Kolososki, Cavanaugh
ABSENT:	Fedota

III. PUBLIC HEARING

1. 52 W. Colfax Street

FPD-000059-2023 - 52 W. Colfax Street

Notice was published in the Journal & Topics on September 21st, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Update Brockway Street Elevation
2. Revised Final
3. Olms Engineering Plans
4. Colfax Plan
5. Landscaping Plans
6. 52 W Colfax Conditions
7. Public Notice

Mr. Vyverberg provides background on this request and states that the Preliminary Planned Development for a 3-lot single-family residential development was approved by Village Council in May of 2023. The initial plan was revised from 4 single family residential lots to 3. Petitioner is requesting Final Planned Development for 3- single family homes, Preliminary and Final Plat of Subdivision and Rezoning from R-3 multi-family to Planned Development.

Sworn in petitioner: Greg Rose - 47 N. Bothwell St., Palatine, IL

Mr. Rose provides background on the site and states he is seeking to improve 52 W Colfax with 3 new homes, approximately 2500 square feet each. He states they will not be boxy in appearance and the floor plans feature a first-floor primary suite and will be 2 story homes either on a slab or with a basement. The homes will face Brockway and will feature covered porches which will simulate the neighborhood's existing conditions. Mr. Rose states that potential buyers would be seeking low property maintenance and an HOA would provide services for the shared drive and lawn maintenance. He states there would be ample space for patios, driveways and a generous shared driveway. He further states that he believes the proposal is fair minded and will be good for the property that is in need of an update.

Commissioner Cavanaugh requested to see the aerial view of the property and asks if there is a fence on the North side. He questions where snow would be pushed.

Mr. Rose refers to the engineering plan and states there is room between driveways for snow removal and snow would not be pushed onto Colfax St.

Chairman Wood notes that the homes would have 2-car garages and asks if

there is also room for 2 additional cars to park in front of the garages.

Mr. Rose states there would be 17' of driveway, but notes that larger cars may stick out. He doesn't anticipate larger cars.

Chairman Wood requests property size for this project.

Mr. Vyverberg states it is approximately .6 acres.

Commissioner Friedman asks how waste management will be handled.

Mr. Rose states that although it is not shown on the plans, it will be incorporated by the HOA. There will be a concrete pad at the end of the driveway for residents to place their cans on refuse days.

Commissioner Bettenhausen asks if there is clean out access to the storm sewer.

Mr. Rose states there is no clean out to the gutter.

Commissioner Bettenhausen asks if it would be possible.

Mr. Rose states that if the village engineer would require, they would comply.

Chairman Wood questions the zoning.

Mr. Vyverberg refers to the zoning map of surrounding properties.

Chairman Wood asks what the set back is for R3.

Mr. Vyverberg provides set back information and states all homes maintain a 15-foot front yard setback from Brockway Street. He provides further setback information for each of the lots.

Commissioner Kolososki asks if there are plans to add any fencing.

Mr. Rose states there is no fencing. They will be adding landscaping at the front of the property. There is no planned landscaping between properties. He states that the existing fence belongs to the neighbor to the east.

Resident: Mr. Bob Logan - 240 N. Bothwell St.

Mr. Logan has resided in his home for the past 20 years. His view from the backyard will now be the back of 3 garages. He states that he has a concern with overflow parking and reiterates that he is unhappy with his backyard view. He also sites that the patio is set back 20 feet in from the lot line.

Mr. Vyverberg clarifies the set back of the patios.

Mr. Logan also states that there are no other properties in the area with a shared driveway and states that the development will look like townhomes.

STAFF RECOMMENDATION:

The proposed architectural and engineering plans comply with the Preliminary Planned Development approval. The 3-lot subdivision and rezoning are also consistent with the initial approvals granted. Therefore, Staff recommends

approval of the Final Planned Development, Preliminary and Final Plat of Subdivision, and Rezoning to Planned Development, subject to the following conditions:

1. The Final Engineering Plans shall be submitted in a manner acceptable to the Village Engineer.
2. The Final Landscaping and screening Plan shall be revised in a manner acceptable to the Director of Planning and Zoning.
3. The drafted HOA declarations shall be revised in a manner acceptable to the Village Attorney.
4. In conjunction with the building permit application, construction management plan shall be submitted in a manner acceptable to Village and shall outline the proposed development schedule, identify the material delivery routes, and proposed parking areas for the contractors.

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

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

DELIBERATIONS:

Commissioner Friedman states that the plan is a good use of the property and further states that the planned development to construct houses around a shared driveway seem appropriate.

Commissioner Koloski refers to the development across the street and believes that development was not a good fit for the neighborhood and neither is this one.

Chairman Wood states that this would be a good fit with the surrounding neighborhood. It would be nice if it were set back a bit further in the front but notes that would affect the parking in the back. She notes that Palatine is known for their single-family homes, but also offers many multi-family options.

Commissioner Roth-Wurster states that downtown Palatine has a variety of home choices and believes the petitioner has a good solution for this property. She further states that she believes there is a need for this type of housing.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-1. This item will tentatively go to Village Council on Monday, November 6th.

RESULT:	RECOMMEND TO APPROVE [6 TO 1]
MOVER:	Eric Friedman, Vice Chairperson
SECONDER:	Rodney Bettenhausen, Commissioner
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Cavanaugh
NAYS:	Kolososki
ABSENT:	Fedota

2. 600 N. First Bank Drive Unit C

SU-000053-2023 600 N. First Bank Drive

Notice was published in the Journal & Topics on September 21st, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Special Use Application**
2. **Proof of Ownership**
3. **Plat of Survey**
4. **Site Plan & Floor Plan**
5. **Business Plan**
6. **Public Notice**

Mr. Vyverberg states the petitioner is proposing to open a new Montessori School within the lower-level tenant space on the subject property. The school would include an approximately 3,500 square foot outdoor play area south of the building. The existing parking stalls would be reconfigured to make space for said outdoor play area.

The request is also to allow for the addition of an outdoor play are, a variation to permit 90-degree angle parking spaces at 18 feet deep instead of the minimum required of 19', a variation to permit two-way cross aisle widths at 21.6 feet instead of the minimum 24 feet and a variation to permit 51 parking spaces instead of the minimum required 67 spaces.

Sworn in petitioner: Mallory Miller - 600 N. 1st Bank Drive

Ms. Miller states that she is a resident of palatine and owner of Grow Music Academy which is located within this building. They've occupied the space for the past 5 years and are continuing to expand. They would like to open a partnering Montessori school at the ground floor of the building that they are currently in. Their mission is to improve educational opportunities for children. She explains that AMI Montessori schools are a unique set of schools that hold true to the standards of the accrediting body. They would be the 4th AMI Montessori school located in the suburbs of Chicago. She states they would bring value to the village and residents of Palatine. The location of the school is important. AMI programs need to be at a walkable location for children for "going outs". Children write proposals for the trips and prepare shopping lists for supplies and explore the locality. The school finds that in order for children to reach their full potential they need to experience the world. The location is essential since she already runs the Music School and it would be a hardship financially and logistically to move both operations. She refers to the site plan and states that although not shown, there would be a one-way circular drive for drop off and pick up. She states that she has spoken to tenants within the building and they support the proposed plan.

Chairman Wood asks what age the children would the school serve.

Ms. Miller states that initially the school would be enrolling children ages 3-12 years, but future plans are to serve children up to age 14 and toddlers.

Chairman Wood questions the outdoor learning area and play area.

Ms. Miller states that Montessori schools' connection to nature is really important. There would be a small outdoor classroom attached to each of the classrooms which would allow for freedom of movement for the children and the outdoor play area would be for recess time during the day.

Chairman Wood refers to daycare facilities in the area and notes that the play areas are normally off to the side and site's various locations with these conditions. Has concerns that the outdoor area is between a parking lot and building.

Ms. Miller states they have protection around the fencing and plan to use granite boulders as barriers for protection. She sites daycare locations that have a similar situation and refers to a recently opened daycare on Dundee Road which has a fenced in play area with bollards to protect the area.

Chairman Wood states the situation is unique as the location is near office buildings and parking lots.

Ms. Miller states that utilizing the space and adapting to the new need would be a benefit to the landlord.

Chairman Wood inquires what the traffic for the Music School currently is and what is anticipated for the Montessori School.

Ms. Miller states the music school starts lessons after 3:30 and traffic is not an issue. The Montessori school would be a drop off, pick up situation and does not anticipate traffic issues.

Chairman Wood asks if there would be special events such as musical programs or open house that would affect the parking.

Ms. Miller states the special events are currently off site and on Sundays. The new space would provide a gym space to allow for special events but they would normally be held on Sundays.

Commissioner Kolososki inquires whether there will be a one-way driving situation for pickups and drop offs.

Ms. Miller states that there would be a one way.

Commission Kolososki asks if the play area will be an all-grass area.

Ms. Miller states that some of it will be paved and refers to the drawing. The rest of the area will be grass.

Commissioner Bettenhausen asks if the stones will be manufactured or natural stone.

Ms. Miller states they will be a natural stone.

Commissioner Bettenhausen asks if they will be secured by their own weight.

Ms. Miller confirms that they would be.

Chairman Wood asks for the student count initially and the future plan.

Ms. Miller states that they would start with approximately 18 children but are hoping to eventually serve 95 children. She states that most families have multiple children and notes that they do not expect 95 cars for drop off and pick-ups.

Chairman Wood asks how many staff would be employed.

Ms. Miller states there would be a maximum of 10.

Commissioner Friedman notes that there are many letters of support. There are 2 letters from tenants within the building. Are there any other tenants?

Ms. Miller states there is one more Chiropractic firm that has also provided a letter of support those are the only tenants in the building aside from her Music Academy.

Chairman Wood asks if she is aware of the parking requirements for the other tenants in the building.

Ms. Miller notes that parking is not utilized too much by the other tenants.

Chairman Wood asks if there is a plan if parking is an issue.

Ms. Miller states they may contact surrounding property owners if need be but anticipates that this would not be an issue.

Mr. Vyverberg provides further information and states that the subject property is zoned B-1 zoning district which is the shopping center district for the village. The existing building is under 20000 sq ft and the tenant space the petitioner is requesting to occupy is 6700 sq feet. Total required parking is calculated at 1 per 300. The space would require 67 spaces and requires the variation for the 51 spaces. He states that it is not unusual for a daycare to request a parking variation. He further states that fire prevention will review a life safety calculation and determine the maximum capacity and that determines the parking requirements. He also states that the outdoor area is approx. 3600 square feet and is directly across from the library property. It's set back 23' from North Court and is a 4' wrought iron fence and has discussed the granite blocking. Has discussed safety requirements with the petitioner. He also states that the façade is not changing except for the outdoor area. He provides outdoor elevations for the proposed project and floor plan elevations.

Chairman Wood asks if the outdoor play area is completely fenced in.

Mr. Vyverberg states that it is a 4' tall outdoor fence and is enclosed.

Commissioner Friedman asks if the proposed basketball goal placement within the playground area would be safe or better placed in a controlled environment.

Mr. Vyverberg agrees that the low height of the fence and the parking to the side is that the best location - Staff did not focus on that but and does not disagree

with the concern.

Commissioner Friedman refers to the parking layout and states there are variance requests for the depth of the stalls and the drive aisles serving the substandard stalls. He states that shorter stalls are not troublesome if there is adequate drive aisles width or a narrow drive aisle width works if you have full depth stalls. The request is compressing both. Has there been a discussion with engineering to encourage one-way traffic?

Mr. Vyverberg states that his analysis is correct. It ultimately would reduce the variation request and reduce the number of stalls. The petitioner wanted to keep the parking there available and seek the variance.

Commissioner Friedman states that he doesn't see a variation for the stall width. Stalls are shown at a width of 8.4 and asks if they aren't normally 9'. He notes that it seems to be a tight fit. The width raises concern because at that width the surrounding cars are at risk for door dings.

Chairman Wood asks if there could be a change to the 4' fence.

Mr. Vyverberg states that the fence could be requested up to a 6' fence. He states the petitioner can speak to as why they chose 4'.

Commissioner Bettenhausen questions the one-way traffic in the parking lot area.

Mr. Vyverberg states that it is proposed as one way at the circle drop off area.

Commissioner Friedman asks for clarification on the one-way parking area.

Ms. Miller states that the plan was to have one-way traffic to be marked with arrows or signage. She further states the 4' fence was a design choice. They are DCFS exempt and does not need to meet DCFS licensing standards. The 4' fence would be enough to contain children 3-12 years old. She also states that the basketball hoop is not a necessity and can be removed from the plan if needed.

Commissioner Friedman asks if one-way traffic would be permanent. Have you looked at angled parking?

Ms. Miller states that it would be discussed with the landlord and doesn't see an issue if it were to be a permanent one way.

Commissioner Friedman asks if she has a projection of the number of students that would be using the playground at any given time.

Ms. Miller states that it may be 40-50 children at one time.

Commissioner Roth-Wurster inquires what licenses would the facility required.

Ms. Miller states that since they are exempt, they have no requirements. They all have 1st aid training and as an accredited-premier school most staff would have full Montessori diplomas which is usually equivalent to a Master's degree.

Commissioner Cavanaugh asks to clarify the DCFS Exemption.

Ms. Miller states that schools with children above 3 years old and are accredited schools apply for DCFS license exemptions.

Resident - Roy Watier -675 N, North Ct

Owns multiple building within this park. Concern regarding 4' fence. States that they have tenants in surrounding building that are professional and noise may be an issue. He also states the basketball hoop is a concern. Has an issue with traffic and wonders if it will impact their locations.

Chairman Wood asks where his building is located in regards to the school.

He refers to the site plan and provides his location.

Chairman Wood asks if he is aware of any concerns from his tenants.

Mr. Watier states he has not had any tenant concerns regarding the school.

Resident -Gerald Cote - 644 N. Newkirk

Has lived in Palatine since 1985. Has grandkids in the area that are excited to enroll in this school.

Resident - Megan Rothenberg - 237 N. Benton

Has 4 children and also looking forward to the opening of the Montessori School.

Resident - Laura Cohen 555 N. Clark Dr.

Also has 4 children and supports the mission of her school.

Resident - Danielle Canonigo - 2374 N. Mosley

Has a 4-year-old daughter and supports the Montessori School.

Chairman Wood notes additional letters of support.

STAFF RECOMMENDATION:

The Petitioner is proposing to open a Montessori school in the ground unit of the existing building on the subject property. The subject Planned Development was initially implemented to primarily be an office park. A Montessori school with an outdoor play area would be out of character with the surrounding business office setting as said play area would be located between two surface parking lots. The Petitioner has worked with Staff to increase the play area's setback from N. North Court to be approximately 23 feet, which helps alleviate Staff's line-of-sight concerns. Nonetheless, there was a minor amendment to the existing Planned Development in 2008 that permitted an outdoor play area for the Learning Loft daycare. With that said, the proposed use should not cause substantial injury to the value of other properties in the surrounding neighborhood.

The reconfiguration of the parking lot, north of the existing building, would further reduce the total number of spaces for an already under-parked property.

However, Staff is not aware of any complaints or issues with the current parking situation, and the reconfiguration should still provide adequate parking to all tenants within the building.

Therefore, Staff recommends action at the discretion of the Planning and Zoning Commission. If the Planning and Zoning Commission recommends approval, Staff recommends the following conditions:

1. The Special Use and Variation shall substantially conform to the Site Plan, Business Plan, and Floor Plan submitted by the Petitioner, Mallory Miller, except as such plans may be change to conform to Village Codes and Ordinances.
2. Any final traffic directional signage or pavement markings for a one-way drive aisle, or pick-up and drop-off locations, shall be submitted in a manner acceptable to the Village Engineer.
3. The fencing and bollard plan, enclosing the proposed outdoor play area, shall be submitted in a manner acceptable to the Director of Planning and Zoning.

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

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

DELIBERATIONS:

Commissioner Kolososki states that he supports the plan and believes it will be well received. He states it is a good use of the space.

Commissioner Cavanaugh states it would be an acceptable use of the space but has issues with the play area. If done properly and the petitioner is open to changes, it would be doable.

Commissioner Friedman states it is a nice use of the space. He notes that there are challenges faced with the open office building spaces in general in our society. There are fewer uses that require conventional office space. This use will be well received by the community and is also a need within the community. He supports the use and outdoor play area. He further states that he is not in favor of the parking lot design. He'd like to take the special use and planned development amendment vote separate before they vote on the parking use.

Commissioner Wood states the parking area and outdoor area needs to be worked on. She is in favor of the use but states it needs work.

Chairman Wood summarized that this request has met the standards and was approved by a vote of 4-3. This item will tentatively go to Village

Council on Monday, November 6th, 2023.

RESULT:	RECOMMEND TO APPROVE [4 TO 3]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Robert Kolososki, Commissioner
AYES:	Roth-Wurster, Bettenhausen, Kolososki, Cavanaugh
NAYS:	Noonan, Friedman, Wood
ABSENT:	Fedota

3. 519 S. Consumers Avenue

ZON-00001-2023 - 519 S. Consumers Ave

Notice was published in the Journal & Topics on September 21st, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Rezoning Application**
2. **Proof of Ownership**
3. **Plat of Survey**
4. **Site Plan**
5. **Floor Plans**
6. **Elevation**
7. **Plat of Vacation**
8. **Business Plan**
9. **Public Notice**

Ms. Bremanis provides background on this project and states the petitioner is proposing to expand the existing building for a new ice arena. The request is to rezone from B-1 Shopping Center District to B-2 General Business District. The request is also for a special use to permit an indoor sports and recreational facility and the Vacation of the S. Consumers Avenue 60-foot right of way and cul-de-sac located at the northern end of S. Consumers Avenue and directly west/southwest of the building and property. The right of way square footage to be vacated is approximately 13,504 square feet.

Sworn in petitioner: Fred Hector - Owners Representative for Orbit Ice Rink - 519 S. Consumer Ave.

Mr. Hector states they have an existing Hockey rink at 615 S Consumers Ave. Orbit has purchased the old paintball facility and is proposing to construct a new facility. Requesting a special use permit and to rezone from B-1 to B-2. 615 Consumers Ave. would be used as the girl's facility and the boys would be moving to the 519 building. Mr. Hector explains that it is a AAA program with eight teams. Practices would be held Monday thru Thursday with games Friday thru Sunday. It is a traveling team and not all games would be at this facility. He states that staff suggested the vacation which would allow for a cul-de-sac. He has met with the fire department and received the fire truck specifications. His architect drawings reflect the allowance for emergency vehicle access and was approved by the fire department. He further states they would have an indoor training facility. They have reworked the parking lot and have it now including more parking spaces then required. Mr. Hector states they have a good relationship with the soccer facility and share parking if needed. He has spoken to neighbors and their only concerns were the possible removal of the large row of trees. The trees are not being removed but they would be cleaning the area of

weeds and brush and stated they are planning on adding additional trees. He explained that they would be installing a Chill Unit at the southwest corner of the building and refers to the site plan to show the location. He does not anticipate any noise issues from the Chill unit or the Zamboni.

Chairman Wood asks if the teams are from the Palatine area.

Mr. Hector explains that the teams are between 8-16 years old and each team consists of 20 players. They come from as far as Rockford and other parts of the state. This is a AAA team and these players are considered the best in the state of Illinois. They play teams in St. Louis, Detroit, Minnesota, Michigan and Canada and most move on to Junior Leagues and a handful will go pro.

Commissioner Kolososki inquires whether there would be seating for viewing the games.

Mr. Hector states there would be. Normally the parents and grandparents attend the games. Draw from local community is not an issue as they normally don't follow this league.

Chairman Wood asks if he anticipates any parking issues.

Mr. Hector states that parking would not be an issue. He states that most games are held on Saturday and Sunday.

Commissioner Friedman asks for clarification on the proposed addition at the back of the building that faces the single-family homes. The elevation seems to be very short. Are the finished floors lower?

Mr. Hector states the building is 4.5' in ground - its below grade. You walk down 4 steps to get into building. There is an existing bump off the back of the building that they're keeping and will be used for locker room and storage. They are within the setbacks and height requirements.

Chairman Wood asks if parking lot will be repaired.

Mr. Hector states that they are working with post office as there is an area that is all post office land and refers to the aerial view. He notes the natural drainage flow and will redo the existing parking lot. They would be adding storms and everything would be pitched back for the natural flow. He states that the drainage needs to be cleaned out which would help with the natural flow.

Ms. Bremanis states that the B-1 Zoning does not contemplate this use. B-2 would allow this to be a special use and is consistent with all the other uses on Consumers Ave.

She provides an outline of the existing building with additions and setbacks which exceed what is required and shows the compressor located in the SW corner. She further states that green space will be added to parking lot area and existing trees will be maintained. Petitioner will be adding 13,800 square feet and will be a total of 44,000 + square feet. She states the hours will be 6am to 12am daily. The parking will consist of 176 spaces and 132 required. Parking exceeds

requirements and they also state that they will meet all signage requirements. Full building permits and food permits will be required.

STAFF RECOMMENDATION:

Through the initially approved Special Use in 1972, the S. Consumers Avenue corridor was specifically populated with sports and recreation related uses. Soccer City, Orbit Ice Arena, and Salt Creek Park District all anchor this corridor. The subject property was formerly used as a bowling alley and then paintball park. The rezoning request from B-1 Shopping Center District to B-2 General Business District further aligns the rest of the properties on Consumers zoned B-2. In addition, the Plat of Vacation was contemplated as a condition of the previous Special Use and was reviewed by the Village Engineer.

Per the B-2 use list, an indoor sports and recreational facility requires a Special Use. The proposed use is an expansion of the existing Orbit Ice Arena and is consistent with the other uses along Consumers Avenue. The Petitioners will also be expanding the existing footprint and reconfiguring the parking lot. All expansions meet zoning code and exceed the required parking requirements. Staff ultimately concludes that the proposed use should not cause injury to the value of other properties in the surrounding neighborhood.

Therefore, Staff recommends approval of the Rezoning, Vacation and Special Use subject to the following conditions:

1. The Special Uses shall substantially conform to the Business Plan and Site Plan Submitted by the Petitioner except as such plans may be changed to conform with Village Codes and Ordinances.
2. The Plat of Vacation shall be submitted in a manner acceptable to the Director of Planning and Zoning and the Village Engineer.
3. The final landscaping and screening plan shall be revised in a manner acceptable to the Director of Planning and Zoning.

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.

DELIBERATIONS:

Commissioner Roth-Wurster states she believes it will be a good use of the property and meets the standards and will not impact other properties in the neighborhood. Petitioner has shown he has run a successful business.

Chairman Wood states it will improve the property and believes it will be a good use.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on Monday, November 6th, 2023.

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

4. 746 S. Vermont Street

SU-00041-2023 - 746 S. Vermont St

Notice was published in the Journal & Topics on September 21st, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Special Use Application**
2. **Proof of Ownership**
3. **Plat of Survey**
4. **Plans**
5. **Business Plan**
6. **Public Notice**

Ms. Bremanis provides an overview of the request and states that the petitioner is altering its existing operations and has requested approval for an Alternative Education Facility. It will include expanding the existing parking lot to the west, reducing the existing buffer area on the west side and adding a patio to the east. Special Use to permit an Alternative Education Facility, Variation to permit a patio in the required front yard, Variation to permit a dumpster and parking lot to be closer than 5' to the lot line and Variation to permit to allow a property to not provide the required 50-foot-wide buffer zone.

Sworn in petitioner: Sheila Lullo - Coordinator of Special Projects at Clearbrook and Robert Flubacker, architect for project.

Ms. Lullo states the building has been used primarily as a sheltered workshop for adults with disabilities. This use has been faded out as most of the adults have found jobs within the community. The building is a legacy building and is in need of renovation.

Mr. Flubacker further states that there are two aspects of the project. The interior of the building would be refreshed with new paint, finishes, lighting and they would reorganize the space to fit the current needs. This would be Phase 1 of a 2-phase project. He states that they looked at traffic circulation around the building. Currently there is a dead-end parking lot on the north side of the building that is used for pick up and drop off of clients of the facility. They arrive in Clearbrook Vans or parents or caregivers drop off and a limited number of pace bus drop offs. There is no turn around at the end of that parking lot. It is a congested area and accidents are frequent. Loading and unloading is a process and is not typical as clients are sometimes wheelchair bound. Part of proposal that would enhance the property is an access road at the west end. It would encroach on a 50' landscape buffer which he thought did not apply in this instance and reads the ordinance regarding landscape buffers in the

manufacturing area. He presents a colored zoning exhibit which Chairman Wood has marked as Exhibit 7. Mr. Flubacker further discusses the ordinance. He states the landscape buffer should not apply to this situation because they are not butting up to any residential properties. Mr. Flubacker states they would be enhancing the landscaping and would be an improvement to the existing. He states there are 10 trees in total and his plan would save 5 out of the 10 trees. The landscaping would be enhanced along the boundary line to create more of screen than what currently exists. He further states that the new drive would enhance the traffic flow. They are working to create a central drop off point and explains how the driveway would be utilized. He then provides information on the intended patio at the east side of the building. It is meant to be a relaxation area for the clients and would be fence in with a 3' iron fence with a screen in front of it. They would also be creating a dumpster area. Mr. Flubacker moves on to explain they are also requesting a special use to allow alternative adult education in the building.

Commissioner Kolososki states that the parking is tight and questions if it would be wide enough.

Mr. Flubacker states it would be 3' wider than standard parking.

Commissioner Ruth-Wurster questions where the drop off would be located.

Mr. Flubacker clarifies and refers to the site plan to explain.

Chairman Wood asks what the landscape plan is at the patio.

Mr. Flubacker states there would be an iron fence and hedges would screen the fence at the patio area.

Chairman Wood requests further clarification regarding the buffer.

Mr. Flubacker presents the area map and explains the buffer.

Sworn In: Don Frick - VP of Operations at Clearbrook 746 S. Vermont

Mr. Frick states he's had conversations with the Ukrainian Church and states they've had a good relationship throughout the years and share parking when needed. The church is in favor of their request and states it would also enhance their property.

He states that the new patio area would benefit the clients. It is in a shaded area and is safer.

Commissioner Friedman questions the ADA parking at the facility. He points out the staff entry and points out that there are no ADA parking stalls at the new entry point.

Mr. Flubacker states that there are minimal handicapped vehicles that park there during the day. Drop off for handicap clients is done at the curb at the front door area. They do not utilize any handicap parking spaces.

Commissioner Bettenhausen questions the safety of the patio area.

Mr. Flubacker states that a barrier with rocks or boulders could be put in place for added safety.

Ms. Bremanis provides a site analysis of the property which includes hours of operation, background of current operations, zoning, elevations, landscaping information, floor plans, site plan showing dumpster location. Engineering and Fire prevention had no issues. Community development had sited the buffer area and patio area is not something that staff could support.

Mr. Vyverberg clarifies the landscaping buffer ordinance and further explains the requirements.

Commissioner Friedman ask Mr. Vyverberg for clarification as to where the boundary is for the residential land.

Mr. Vyverberg provides further clarification.

Commissioner Cavanaugh notes that there isn't any compliance to the ordinance to the properties to the north.

Mr. Vyverberg agrees that code enforcement is an issue and working with the business districts to comply with the code.

Mr. Cavanaugh asks if this property could be rezoned.

Mr. Vyverberg states the property was built for manufacturer use.

Mr. Flubacker refers to the landscape buffer ordinance and points out that every business on the strip would need to have a buffer. He also understands that a patio is not a common element for the manufacturing district. He finds it ironic that they are requesting but is not being used as a manufacturing facility.

STAFF RECOMMENDATION:

Clearbrook has been at this location for over 20 years. Its' operations have evolved over time and what initially began as a light manufacturing use transitioned to meet its current operational needs. As outlined in the application, state laws have changed how the services at this location would function, and in order to address the clients' needs Clearbrook has transitioned into a use that the Zoning Ordinance would consider as an Alternative Education, thus requiring a Special Use. Staff does not object to the operational changes and recommends approval of the Special Use for Clearbrook.

For their operational needs, the current traffic flow is not efficient with the existing parking lot configuration. The Petitioners are requesting to relocate the van parking, currently along Illinois Avenue, to the west side of the building and to add a drive aisle, which would allow traffic to flow through the site. This addition significantly encroaches into the required 50-foot buffer, which is maintained along the rear yards of the properties on the west side of Vermont Street abutting

the adjacent residential district. This is not relief that Staff can support.

Per the proposed site plan, at its narrowest point, the required buffer is reduced to under 10 feet (NOTE - this dimension includes a previously vacated section of unimproved right-of-way, which will be reaffirmed when the Special Uses and Variations are reviewed by the Village Council). The proposed landscaping plans include additional trees and planting to attempt to offset the narrowing of the buffer area. Staff questions if this enough to offset the loss of the buffer area and existing green space in the front yard. Staff acknowledges that the Petitioners have attempted to provide a more workable traffic solution in order to better serve their clients. Ultimately, the proposed reduced buffer area and 0-foot setback variation for the dumpster indicative of the property limitations.

Lastly, regarding the relocation of the existing outdoor area to the proposed patio in the front yard; patios are not contemplated in the Manufacturing district, which is out of character with the industrial corridor of S. Vermont Street and not contemplated in the zoning ordinance. Therefore, Staff recommends denial of the Variations. If the Planning and Zoning Commission recommend approval, Staff recommends the following conditions:

1. The Special Use and Variations shall substantially conform to the Site Plan and Business Plan submitted by the Petitioner, Robert Flubacker, Clearbrook, except as such plans may be changed to conform to Village Codes and Ordinances.
2. A final landscaping and screening plan shall be submitted in a manner acceptable to the Director of Planning and Zoning.

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

Commissioner Cavanaugh made a motion to approve both the Special Use and Variations subject staff's conditions; seconded by Commissioner Friedman.

DELIBERATIONS:

Commissioner Kolososki is confused by the 250' border and states it does not butt up to residential land and wonders why a buffer would be required.

Chairman Wood states the variation requests are acceptable, the dumpster request is acceptable but the patio is a tough one. She states the 50' buffer seems to be confusing.

Chairman Roth-Wurster states that after picking it apart she feels that they do meet the standards.

Chairman Wood summarized that this request for both Special Use and Variations failed by a vote of 4-3.

Commissioner Cavanaugh made a motion to approve the Special Use subject staff's conditions; seconded by Commissioner Roth-Wurster.

Special Use to permit an Alternative Education Facility was approved unanimously subject staff conditions with a vote of 7-0.

Vote Approved by: Cavanaugh/Bettenhausen/Kolososki/Roth-Wurster/Wood/Friedman/Noonan

Commissioner Noonan made a motion to approve the Variation for the patio in front yard subject staff's conditions; seconded by Commissioner Friedman.

Variation to permit a patio in the front yard was approved with a vote of 4-3
Approve: Kolososki/Wood/Friedman/Noon
Deny: Cavanaugh/Bettenhausen/Roth-Wurster

Commissioner Noonan made a motion to approve the Variation for the dumpster not meeting the setback requirements subject staff's conditions; seconded by Commissioner Bettenhausen.

Variation to permit a dumpster and parking lot to be closer than 5' to a lot line was approved with a vote of 7-0.
Approve: Cavanaugh/Bettenhausen/Kolososki/Roth-Wurster/Wood/Friedman/Noonan

Commissioner Noonan made a motion to approve the Variation to not provide the required 50 foot buffer subject staff's conditions; seconded by Commissioner Friedman.

Variation to permit a property to not provide the required 50'W Buffer Zone as required by ordinance was with a vote of 5-2
Approve: Bettenhausen/Kolososki/Wood/Freidman/Noonan
Deny: Cavanaugh/Roth-Wurster

This item will tentatively go to Village Council on Monday, November 6th, 2023.

RESULT:	RECOMMEND TO APPROVE [UNANIMOUS]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Kolososki, Cavanaugh
ABSENT:	Fedota

IV. COMMUNICATIONS

488 W. Center Rd - 8' Fence was approved

Physical Therapy Business - Team Rehabilitation - request to relocate to Palatine Plaza at 315 E Northwest Highway was approved.

Circular Driveway at Grove Ave was denied

V. ADJOURNMENT