



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 • SEPTEMBER 26, 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	
Jerry Luszczak	Commissioner	Absent	
Rodney Bettenhausen	Commissioner	Present	
Robert Kolososki	Commissioner	Absent	
Kevin Cavanaugh	Commissioner	Absent	
Stephen Fedota	Commissioner	Present	

II. MEETING MINUTES

1. Planning and Zoning Commission - Regular Meeting - Sep 12, 2023 7:00 PM

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

III. PUBLIC HEARING

1. 519 S. Consumers Avenue

2. 488 W. Center Road

SU-000070-2023 - 488 W. Center Road

Notice was published in the Journal & Topics on September 7th, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

- 1.) Variation Application
- 2.) Proof of Ownership
- 3.) Plat of Survey
- 4.) Site Plan
- 5.) Fence Elevation
- 6.) Public Notice

Mr. Bradshaw provided a brief overview and states that the petitioner is proposing to construct a new 8-foot-tall woven wire fence along the western lot line of the property. The new fence would replace an existing 8-foot wire fence.

Sworn in petitioner: Margaret (Peggy) Simonsen, 488 W. Center Road, owner Ms. Simonsen explains that her property is a few houses over from the Deer Grove Forest Preserve property. The deer have inundated her property and eaten their way through her yard. She states that there was a small 4-foot fence on the west side of the property and has since been extended to 8 feet high. She provides an illustration of the existing conditions and explains how deer are entering her property. She explains that she is an active member of The Citizens of Conservation in Barrington. She plants vegetation that deer normally would not eat but has found that they still eat through her prized plants. The deer can easily jump a 6-foot fence and would only be deterred if it were a full panel fence since they will not jump it if they can't see through it. Ms. Simonsen provides a photo showing the view of her property from the front of the house. She states the property is densely wooded and the requested fence can't be seen from the street. She also states that the surrounding neighbors have no issues with her request to install an 8-foot woven wire fence.

Chairman Wood asks if the deer population has increased since she purchased the property.

Ms. Simonsen states that it has and further explains that the deer population was at approximately 8 deer per square mile when she purchased the property and is now at 80 deer per square mile.

Chairman Wood questions her experience with native plants.

Ms. Simonsen explains she has gained knowledge through her work with conservationist groups, and states it is a hobby.

Chairman Wood asks for the property size.
Ms. Simonsen states it is on 1 acre.

Commissioner Bettenhausen asks if deer repellent is an option.
Ms. Simonsen states she has used gallons of deer repellent. It also needs to be reapplied after rainfall and does not deter the deer. Certain native plants are more appealing to deer.

Commissioner Fedota asks if she could replant her yard with deer resistant plants as the deer are native to the area. He further states it seems that she is fighting a natural progression and notes that there are certain plants that are deer resistant.
Ms. Simonsen is aware of those plants but the deer population is dense and those plants do not deter enough to keep them from eating other plants in the yard.

Further discussion regarding deer vs. fence.

Mr. Bradshaw provides a site analysis and states that the property was annexed into the Village in 2004, is zoned R-1 and is just over 1 acre in size. The fence and structures were existing. He states that the proposed fence would be set back 80' from the property line and explains that the adjacent neighbors on W. Creekwood Dr. have an existing non-conforming fence that exceeds the maximum permitted fence height of 6 feet. He notes that Community Services reviewed and stated that the property does not abut commercial or industrial use and maximum residential fence height should be adhered to. He also states that Engineering reviewed and stated that the need for an 8-foot livestock style fence is not justified within the village.

Chairman Wood clarifies that the request is to approve an 8-foot fence and that a 7-foot fence is not being pursued at this time.
Ms. Simonsen states she would be open to 7-foot tall fence if 8-foot is not approved.

Sworn in Resident: Tim Stowe - 514 W. Center Road
Mr. Stowe is in support of the proposed 8-foot fence and has no issues with the request. He confirms that the deer population has multiplied quickly and states that he has witnessed as many as 15 deer at a time on his property. He believes it is a reasonable request.

Chairman Wood asks for confirmation on the existing height of the fence.
Mr. Bradshaw states that with modifications it is approximately 8-foot tall.

Commissioner Friedman asks if there is a downside to have a 6-foot wood fence.
Mr. Stowe states he'd rather have the open fence. The stockade-style wood fence would be noticeable and would take away from the densely wooded

appearance.

STAFF RECOMMENDATION:

The Petitioner is proposing to replace an old wire fence with a new 8-foot woven wire fence. The existing fence has been constructed over the years with iron posts, wire fencing, and rope. While Staff understands the request to have a taller than permitted fence to aid in deterring deer from entering the Subject Property, residential fences exceeding 6 feet in height have typically only been approved on properties abutting commercial or industrial zoning districts.

Staff's review of the surrounding area identified other properties in the surrounding neighborhood with comparable fencing that exceed the maximum permitted 6 feet. However, all of the existing non-conforming fences identified were constructed prior to annexation or the application of the current Zoning Ordinance. With that said, the proposed fence should not alter the character of the area, but Staff concluded that the unique location of the property does not warrant a fence to exceed the maximum permitted height.

Therefore, Staff recommends denial of the proposed Variation. If the Planning and Zoning Commission recommends approval of the Variation, Staff recommends the following condition:

1. The Variation shall substantially conform to the Fence Elevation and Site Plan submitted by the Petitioner, Margaret Simonsen, except as such plans may be changed to conform to the Village Codes and Ordinances.

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

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

DELIBERATIONS:

Commissioner Friedman states the fence is not enclosing the property and recognizes that the deer population is destructive to the land. This is a worthy application for a variance to meet the owners needs and protect the property.

Chairman Wood states that although it does not abut a commercial or industrial property a variation request is reasonable for the Petitioner's situation. She states the property is large, has an existing 8-foot non-conforming fence, it is not visible from street, and meets reasonable standards in her opinion.

Commissioner Ruth-Wurster believes it meets the standards and states that this is a highly unique circumstance. She states she is familiar with the area and

understands how deer travel to familiar areas that provide food. She further states that the Petitioner is knowledgeable and agrees that this is a unique situation.

Commissioner Fedota has difficulty in approving this request. He states that not only are the plants native but the deer are also native to this area. He states it is the essence of the property and is the natural setting for the area.

Chairman Wood summarized that this request has met the standards and was approved by a vote of 5-1. This item will tentatively go to Village Council on Monday, October 9, 2023.

RESULT:	RECOMMEND TO APPROVE [5 TO 1]
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen
NAYS:	Fedota
ABSENT:	Luszczak, Kolososki, Cavanaugh

3. 315 E. Northwest Highway

SU-000068-2023 - 315 E. Northwest Highway

Notice was published in the Journal & Topics on September 7th, 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. Floor Plan
5. Business Plan
6. Public Notice

Mr. Bradshaw provided a brief overview and states that the petitioner is proposing to relocate an existing physical therapy clinic currently operating within Palatine to the subject property. Request is for a Special Use to permit a medical office (physical therapy clinic) at the subject property.

Sworn in petitioner: Lisa Fischer - 235 W. Northwest Highway - Director and owner of practice.

Ms. Fischer states that she has been operating her business in Palatine at another location for the past four and a half years. Her lease is expiring and she would like to stay within Palatine. The new space is larger and accommodates her business needs. The clinic employees 5 staff members and can have up to 15 patients at any given time. The hours for the clinic would be Monday-Thursday 7AM - 7PM, Friday 7AM - 5PM and Saturday by appointment only. She presents the floor plan which she states is basic and simple with a nice open gym area.

Chairman Wood asks what the square footage of her current space is compared to the new location.

Ms. Fischer states her current space is approximately 3000 square feet and the new space is 4000 square feet.

Commissioner Bettenhausen asks what her anticipated opening date would be.

Ms. Fischer states her current lease expires on 1/31/24. She would move to the new space upon approval of the Special Use and the new space being built out.

Mr. Bradshaw provides information regarding the proposed new location which is in the Scher's Subdivision, Palatine Plaza. The space was most recently occupied by Play It Again Sports and surrounding tenants include Dollar Tree, Ace Hardware and Planet Fitness. The petition is to relocate the existing business to the new location. Team Rehab is a network of therapist-owned outpatient physical therapy clinics with 133 locations. Parking at the property

currently has a variation to allow 562 parking spaces instead of the minimum required of 604. The proposed medical office would not change the parking requirement for the shopping center.

Commissioner Fedota notes that there is an existing medical office in this shopping center and asks if parking has been an issue.

Mr. Bradshaw states Staff is not aware of any parking issues for the center.

STAFF RECOMMENDATION:

The Petitioner is proposing to relocate an existing physical therapy clinic within Palatine to the subject property. The required parking with the proposed use would not change and the existing parking Variation for the shopping center is still valid. Furthermore, Staff has not received any complaints regarding parking at the center as a whole. Overall, there is a considerable mix of uses within the shopping center and the proposed physical therapy use should not cause substantial injury to the value of the other properties in the surrounding area. Therefore, Staff recommends approval of the proposed Special Use subject to the following condition:

1. The Special Use shall substantially conform the to the Floor Plan and Business Plan submitted by the Petitioner, Lisa Fischer, Team Rehabilitation, except as such plans may be changed to conform to Village Codes and Ordinances.

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

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

DELIBERATIONS:

Commissioner Fedota states the request meets the standards and has no issues.

Chairman Wood states this request meets public safety, health and welfare. The business has operated for the past four years with no issues. She states that the plaza has a lot of parking and notes that seasonally there may be less space but it has not been an issue. The business would not require a large demand for parking and states it meets the standards for special use.

Commissioner Bettenhausen states that he appreciates that the business would like to remain in Palatine.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on Monday, October 9th, 2023.

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

IV. COMMUNICATIONS

85 W Fair Oaks Ct was approved at Village Council

766 E Dundee was approved at Village Council

37 N Plum Grove Rd is scheduled to go to council next Monday 10/2/23

V. ADJOURNMENT