



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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PLAN COMMISSION MINUTES • SEPTEMBER 18, 2018

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Present	
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Present	
Patrick Noonan	Plan Commissioner	Present	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Absent	
Rodney Bettenhausen	Plan Commissioner	Absent	
Robert Kolososki	Plan Commissioner	Absent	
Stephen Fedota	Plan Commissioner	Present	

Staff present: Mr. Ben Vyverberg

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Aug 21, 2018 7:00 PM

Ms. Williams made a motion to accept the minutes of August 21, 2018; seconded by Mr. Hansen.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Conrad Hansen, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Fedota
ABSENT:	Friedman, Bettenhausen, Kolososki

2. Plan Commission - Regular Meeting - Sep 5, 2018 7:00 PM

Mr. Hansen made a motion to accept the minutes of September 5,2018; seconded by Mr. Fedota.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Conrad Hansen, Plan Commissioner
SECONDER:	Stephen Fedota, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Fedota
ABSENT:	Friedman, Bettenhausen, Kolososki

III. PUBLIC HEARING

1. 824 W. Gilbert Road

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on September 3, 2018 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Public Notice
2. Petition for Hearing
3. Proof of Ownership
4. Plat of Survey
5. Engineering and Subdivision Plans

Sworn in Petitioner: Michael & Desiree Groenland 824 W Gilbert

Mr. Groenland stated they started this endeavor a few months ago. He stated they spoke to Palatine to make sure everything was done right and the way Palatine wanted it so no problems would come up. Mr. Groenland stated his engineer also spoke to Palatine to ensure what they did would flow through the meetings. He stated the setback was submitted as part of the proposed application and plans, with Palatine ahead of time.

Mrs. Groenland explained their intention is to subdivide because it is $\frac{3}{4}$ of an acre. She pointed out looking at the surrounding areas all the lots would be more in uniform. Mrs. Groenland stated there are still 3 lots that are still large so they would like to subdivide so a house can be built in the back facing Kathleen like other homes that have been built.

Chairman Dwyer clarified in order to subdivide a variation for a 27ft. rear yard setbacks on both lots was proposed.

Mrs. Groenland answered yes and explained it is because their house was built between the two existing houses, so it is setback further. She stated the variance is to allow a smaller yard than what is normally permitted.

Mr. Hansen asked which departments were consulted

Mr. Groenland stated the Planning and Zoning department

Mr. Fedota asked if there are structures along the Kathleen side of property.

Mr. Groenland answered yes stating they are sheds

Mr. Fedota asked if they would they be removed

Mr. Groenland answered yes

Mrs. Groenland stated the property is under contract subject to this approval.

Sworn in Staff: Mr. Ben Vyverberg

Mr. Vyverberg gave a brief overview of request referring to the aerial of the subdivision pointing out there are 2 lots that have not been subdivided. He referred to the zoning map of the area stating it historically was an area of larger deeper lots that have been subdivided over time most being rezoned to R2 with the exception of Kelsey Court that is zoned R2 but has an underlined zoning of Planned Development. He spoke to the petitioner's application departmental review and stated from a Zoning subdivision there are subdivisions that are by-right meaning they meet the bulk standards, lot dimension, lot width setbacks. Mr. Vyverberg pointed out this request does not meet those standards pointing out they do not meet the lot depth so they are seeing a variation for that. He referred to the existing slide explaining due to the position of the existing home being setback approx. 81ft. which impacts the ability to subdivide in a by-right circumstance. Mr. Vyverberg explained they need a lot depth variation and special uses for setback reductions in the rear yard.

He referred to the engineering slide and the GIS aerial showing the utility locations on Kathleen. Mr. Vyverberg stated Kathleen is presently substandard to the Village standard being that it was developed when the code contemplated the installation of half streets, which are no longer allowed in the subdivision ordinance. He referred to the Engineering slide showing the proposed utility connections. Mr. Vyverberg referred to the Plat of Subdivision slide stating the proposal would create a circumstance where both lots don't meet the R2 requirements. He stated the setback of the existing home is driving the request. Mr. Vyverberg spoke to other lots in the area that have been able to achieve subdivisions more closely in compliance with Village code because they had a narrower setback fronting on Gilbert. He spoke to the grading conditions in the area. He spoke to the public improvements associated with the subdivision and how because Kathleen is substandard the lot at present they would have to do both a right of way dedication and a road way completion on the southern half of Kathleen. Mr. Vyverberg stated they would be dedicating 30ft. of right of way and improving the streets to Village standards.

Chairman Dwyer asked if that would be improving it or money in lieu of improvements since there is nothing on either side of it.

Mr. Vyverberg stated this point has already been discussed in Public Works and with the Village Engineer. He referred to the aerial pointing out the subject lot is already fully extended into what would be the right of way for Kathleen which is also true of the lot to the west. He stated the lot to the east has been subdivided and the right of way has already been dedicated with a deed restriction imposed upon the property requiring the improvements. Mr. Vyverberg stated if the Subject Petition is approved, it may be a cash in lieu and the Village taking ownership and recording a recapture to the lot to the east. He stated there is no petition under consideration for the lot to the west and no direction from Village Council otherwise, so his comments are only about the subject lot. Mr. Vyverberg stated he would think the Village would take ownership of the improvements to this lot and the lot to the east and do it concurrently with the ability to record a recapture.

Chairman Dwyer asked if Kathleen Lane is dedicated full width except for the 2 lots at 826 and 824.

Mr. Vyverberg stated that is correct explaining the subject lot at 824 and the lot to the west has no dedication. He stated the lot to the east went through a subdivision in 2006 where the right of way has been dedicated and the property has been subdivided and a deed restriction has been recoded against the property memorializing the required payment for improvements. He stated just this lot and the lot to the west has not dedicated the right of way but pointed out that will be a condition of the petitioner's application moving forward.

Mr. Vyverberg stated he could not take a picture of the rear of the property because there is fencing. He went through the slides showing pictures of the home at 824 W Gilbert, and the subdivisions on Kathleen including Stonefield, Stone Valley.

Mr. Hansen asked what the purpose of the easements

Mr. Vyverberg stated they are utility and drainage easements

Mr. Vyverberg continued to go through the slides showing the subdivisions on Kathleen including Hays, and Broxburn. He stated the reason he is bringing up these circumstances as they relate to rear yard easements is related to the drainage and utility easement that continues east through the subdivisions and comes out at Kathleen. Mr. Vyverberg repeated the petitioners' subdivision is not a by-rite subdivision. He spoke to the petitioner's comments on working with staff to ensure there were no issues and explained staff attempt to give input relative to what the code requirements are. Mr. Vyverberg spoke to staff's recommendations explaining they looked at easement dedication from the other subdivisions and the lot depths that were previously approved.

Sworn in Mr. Scott Brady 850 W Kathleen

Mr. Brady spoke to making it a full street in front of the house and asked how far back off the street would the house be.

Mr. Vyverberg referred to the Engineering slide to show the grey highlighted area being the right of way dedication where the curb lines would be. He stated there is a 30ft. dedication already installed on the north side of Kathleen. He stated on the southern side of Kathleen the right of way dedication is 30ft. and shown in grey which would include a sidewalk. Mr. Vyverberg stated the road way width from curb to curb is required to be a minimum of 28ft. He stated the proposed house would be setback 30ft. which is the minimum setback requirement for the R2 district.

Mr. Brady asked how that compares to other homes on that side of the street

Mr. Vyverberg explained referring to the slides to show the other homes in the other subdivisions are setback a minimum of 30ft

Mr. Brady clarified the 30 ft. is from the curb

Mr. Vyverberg explained typically after the sidewalk there is an additional 1ft of

right of way and then the property line starts. He spoke to the parkway and the 30ft. building setback.

Mr. Brady asked how big the parkway would be.

Mr. Vyverberg explained the parkway is approx. 10ft and then sidewalk and then the 30 ft setback for the home.

Mr. Brady asked if it would be approx. 40ft. from the street.

Mr. Vyverberg explained the calculations of right of way and road way.

Mr. Brady asked how far from the curb to the front of the house.

Mr. Vyverberg explained the calculations which include 14ft. on southern half, 5ft. sidewalk and a 10ft parkway. He referred to the slide to show the consistency between this property and the neighboring property.

Mr. Brady pointed out the area behind Kathleen is a flood zone

Mr. Vyverberg stated he had a conversation with the Public Works department and there are some things presently in review. He stated there has been contact with the Village Engineer and the Public Works Department and to his understanding there are additional refinements that are proposed to be made

Mr. Brady stated the water gets very close to the electrical box. He stated the more building we are doing the more water they are getting.

Sworn in Mr. Frank Kneller 812 W Gilbert

Mr. Kneller spoke to the curve staff stated would be put in. He asked if it will create a problem with the first 2 houses on the south side of Kathleen. He stated if the curve to the west continues it will not match up to the first part of Kathleen.

Mr. Vyverberg asked which property he was describing.

Mr. Kneller referred to the slide stating there is very little parkway so would not be congruent.

Chairman Dwyer stated there will be a jog at 827 W Kathleen Ln and there is nothing that can be done about that.

Mr. Vyverberg explained that subdivision was approved in 1993 without the ability to understand the development patterns in the neighborhood to the west. He stated with the right of way that has presently been dedicated associated with Stonefield Subdivision there is not an ability to widen or adjust. He spoke to the lots to the west including Stone Valley and the subject property stating they have the ability to review the parkway and make sure it aligns in the most appropriate manner that it can be. Mr. Vyverberg stated making adjustments to the hard corner is not possible.

Mr. Kneller clarified they don't want to gradually align

Chairman Dwyer stated it would be gradual explaining it would not be a turn rather just a little jog

Mr. Brady asked about staff's previous comment on "additional refinements" and what they are.

Mr. Vyverberg stated he had a discussion with the Public Works Director who summarized the concerns of the neighborhood. He stated the Public Works department has been out meeting with the neighbors. He stated he is unsure if there is a final concurrence with the Village as what would be the most appropriate method of improvement. Mr. Vyverberg stated he was not at these meetings so doesn't want to speak out of term on these measures. He stated for the Plan Commissions benefit to his understanding there were some concerns raised and Public Works has been out evaluating those and they are in the process determining what the appropriate resolution will be and in consideration of the appropriate engineering adjustments necessary, as determined by the Village.

Sworn in Ms. Lisa Fermanis 862 Kathleen Ln.

Ms. Fermanis reiterated the flooding issue and asked if the north side of the proposed lot will drain toward Kathleen.

Mr. Vyverberg answered yes explaining the engineering plans contemplate connecting to the storm sewer inlet. He spoke to the ridgeline in the grading being down the idle of the property so the southern part of the property goes to the south and the northern part flows to the north.

Ms. Fermanis stated they currently have a drainage problem with the Broxburn Subdivision and another new home that was built because all of the water drains towards them.

Chairman Dwyer agreed this should be addressed, but pointed out the correct forum for this is the Village Council and the Public Works Department.

Ms. Fermanis spoke to safety concern with the addition of these new homes. She stated there are quite a few cars and kids on the street. She referred to the aerial slide pointing out the fence of the lot directly to the west that jogs out to Kathleen and blocks vision. Ms. Fermanis stated there has been an issue with parking as well. She stated she understands money is being set aside for when the other lots get built to align the street but she pointed out they may never get built.

Chairman Dwyer stated that is why the Village doesn't allow half streets anymore.

Discussion on the design of the street and the ability and challenges to make it align.

Mr. Hansen asked Ms. Fermanis if she would prefer the lot not be subdivided and the wood fence remain rather than try to get the street to a full street.

Ms. Fermanis stated she is all for new construction but the jog in the road is a serious safety factor. She spoke to the lot to the west, which has a fence and large garage stating they will not be selling the back of their lot anytime soon. She restated her concern with the jog due to Broxburn.

Chairman Dwyer pointed out the difficulty is in property ownership explaining the Village does not own the right of way for these two lots.
Discussion on solution and ability to widen.

Ms. Fermanis restated the drainage and water issue has not been resolved yet.

Mr. Hansen spoke to Ms. Fermanis's comment about the one lot that has large garage on Kathleen
Ms. Fermanis stated the house sits on Gilbert directly to the left of the proposed lot. She referred to the aerial to show the location of the garage on the top right corner of the property.

Mr. Hansen asked how you start to make the street from a substandard half street to a standard full street unless you start somewhere.
Ms. Fermanis agreed with Mr. Hansen. She stated she just wants the safety hazards to be known.

Chairman Dwyer asked if the fence being discussed is on the Kathleen side of 826 W Gilbert.
Ms. Fermanis stated it is the lot directly to the west of the subject property.

Chairman Dwyer asked how far the fence is from the pavement
Ms. Fermanis stated approx. 3ft.

Chairman Dwyer asked staff about the code requirements for distances of fences from the street.
Mr. Vyverberg explained the fence was existing circumstance when the half street for Kathleen was put in. He stated if someone wants to put in a new fence they would have to meet the code requirements and get a permit.
Chairman Dwyer clarified this fence was there before the property was annexed.

Mr. Groenland clarified as part of the agreement they put that fence up when they did that half street.
Mr. Hansen asked who the "they" are.

Mr. Groenland stated it was the builder. He explained it was part of the deal in order for them put a street in their backyard they had to install a fence though it has been replaced over the years.
Mr. Vyverberg clarified code recognizes if there is an existing fence you are allowed to replace it in the same location without regards to setback or landscaping.

Mr. Fedota clarified the engineering plan does not change the drainage plan of the existing north end of the lot.
Mr. Vyverberg answered yes. He stated if this is recommended for approval the final engineering plans will have to be revised in a manner acceptable by the Village Engineer. He stated the present plans shows the drainage will continue to drain to the north and the other half to the south.

Mr. Fedota clarified there is no change just the impervious area that is created by building on it.

Mr. Vyverberg stated they will have to make a connection to the existing storm sewer, with the appropriate pipe size to accommodate.

Mr. Fedota asked if there is sufficient space between the existing structure on the property and the proposed building to maintain a utility drainage easement.

Mr. Vyverberg stated dimensionally there is 54ft. that separates the homes and they are seeking setback reductions for the existing lot as well as for the proposed lot both being at 27ft. so there is the ability to do so. He further explained he will speak to the other art of the question on the final recommendation.

STAFF RECOMMENDATIONS:

The Subdivision from one lot into two lots, proposed lot area and rezoning to R-2, are consistent with the development patterns in this area. Nevertheless, the proposed lot depth of 107 feet for Lot 2 is not only substandard to the minimum Subdivision Ordinance requirement (110 feet), but is also insufficient to accomplish the necessary rear yard easement continuation for this area. As evident on the recent surrounding subdivision, the minimum acceptable lot depth should be 120 feet. This will allow the Village to accomplish the necessary rear yard easements for a potential public infrastructure improvement in the future. Additionally, the existing front yard setback (81 feet) for the home at 824 W. Gilbert Road is requiring both the requested rear yard setback reductions and the shallow lot depth for Lot 2. Staff does not typically recommend setback reductions for vacant lots and development plans.

Even if the proposed plans were revised to comply with the 120 foot lot depth, this is not a component of the Petitioner's request. Staff cannot support the proposed lot depth variation and ultimately the requested Subdivision configuration. Therefore recommends not to approve the request.

1. The development plans shall be revised in a manner acceptable to the Village Engineer and Director of Planning and Zoning, from the initial engineering plans prepared by Spies and Associates initially dated 06/02/2018, except as such plans may be revised to conform to Village Codes and Ordinances.
2. A Public Improvement letter of credit or appropriate security shall be submitted in a manner acceptable to the Village Engineer.
3. 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.
4. The Final Plat of Subdivision shall be revised in a manner acceptable to the Village Engineer, submitted on Mylar for Village review. These revisions shall include a minimum lot depth of 120 feet for Lot 2 and the appropriate easement revisions to include a 10-foot rear yard (5 feet on each lot) easement.

5. A Subdivision Improvement Agreement shall be submitted.
6. Recording fees in the amount of \$300 shall be submitted.
7. The Engineer's Cost Estimate shall be revised in a manner acceptable to the Village Engineer.
8. Parkway trees shall be planted across the frontage at a spacing no greater than 40' on center in a manner acceptable to the Director of Planning and Zoning.

Mr. Hansen asked if the structure at 824 W Gilbert was not there could this large lot be subdivided into 2 lots with buildings with backyards that meet code.

Mr. Vyverberg answered yes without question. He stated staff understands what the petitioner is seeking to do and with regard to the improvements presently in place the petition is the best attempt to address some of the questions, raised but that is not what the petitioner is asking to do.

Mr. Groenland stated his biggest concern is frustration. He stated when they started this endeavor their goal was not to spend a penny before they knew Palatine was going to okay what their engineer was going to draw up. He stated until 2 weeks ago when the game changed and they wanted 120 foot lot, instead of 107 feet and that was after they spent almost \$10,000 with an engineer. Mr. Groenland stated if he agrees to these changes he will have to pay the engineer to reengineer to the new specks. He stated the 120ft. lot will then leave him with 13 feet in his yard, which would make them cut their back porch down to be within 13 feet from the lot line. Mr. Groenland restated if he had known this when he started he would not even be here today but now he has spent \$10000 out of pocket that he will have to walk away from because he cannot live with a 13 foot backyard.

Chairman Dwyer stated it is unlikely the Village would allow a subdivision with a 13ft. rear yard setback so would have to move the house.

Mr. Groenland restated he would have had no problem if Palatine said we couldn't do this for them to change the game after all the money is spent is just wrong.

Chairman Dwyer stated he can't speak to that, but assured Mr. Groenland it is part of the record.

Mr. Groenland asked if he has any leg to stand on or does he just walk away

Chairman Dwyer stated he can't answer that.

Mr. Vyverberg stated he appreciates what the petitioner is speaking about but staff attempts to give technical recommendations based on the current circumstances and what's being proposed. He stated if the question on most appropriate setbacks is asked of the Village the response would be to attempt to try to achieve the greatest setback you can between the two properties and the two houses. He stated he can't speak to why an easement was not contemplated in conjunction with working with their engineer. He stated he agrees with both the plan commissions and the residents comments that the ability to redevelop these lots in this circumstance is challenging. Mr. Vyverberg stated he is not sure what the appropriate planning solution would be, but from a

staffs perspective what's being proposed is not the best solution though he doesn't have a better suggestion.

Mr. Groenland stated he has no problems with that and even respects it but wishes he would have known before he spent the money and time.

Mr. Hansen asked Mr. Groenland if he can comply with the 8 conditions

Mr. Groenland stated he can't comply with the 120 because that leaves him with no yard

Chairman Dwyer stated that condition is impossible to comply with the house in its existing location.

Mrs. Groenland stated this is their fourth time in their 42 year history they have come before the board with the same issues and this board keeps putting half streets in the Village of Palatine. She stated when they moved into their house there were only 4 houses on Gilbert. She spoke to the homes being built and how they had to pay for the streets, sidewalks and the gutters because Palatine allowed the builders of Hunting Ridge put in a half street. Mrs. Groenland stated because it was dangerous the people on Gilbert had to put in that street. She spoke to when Kathleen was put in they begged the board not to do and now they are asking for a variance and now they are sticking to what's on paper. She asked if these things are on the books how did the development on Brockway and Colfax go through with 5 houses with no easement what so ever.

Chairman Dwyer stated he can't address that question and the other instances were approved many years ago. He stated Council listened because half streets are no longer allowed.

Mrs. Groenland stated they are before the board asking for a variance to be able to subdivide.

Chairman Dwyer stated it is a huge variance

Mrs. Groenland referred to the first two lots off of Kathleen

Chairman Dwyer stated they were built years ago

Mr. Groenland stated he wishes he had this information before he started and would not have spent all that money.

Chairman Dwyer stated he cannot comment on that. He stated the answer is they cannot comply with the one condition.

Ms. Williams made a motion to close the public hearing; seconded by Mr. Noonan

DISCUSSION:

Chairman Dwyer stated this is the only way the property can be subdivided with the house standing but it goes against the Village ordinances and codes.

Mr. Fedota stated it puts the existing building right up on the property line.

Mr. Noonan stated he feels bad for them. He stated it is a shame because when

a builder moves the home back to have a long driveway this is the consequence.

Mr. Fedota asked if this was approved and the existing structure at a later point would be torn down could a new structure be built on the same footprint or would the Village require a more appropriate setback.

Mr. Vyverberg explained the nonconforming building section of the zoning ordinance indicates a nonconforming structure that falls into disrepair you are allowed to repair it as long as repairs don't exceed 50% of the value. He further explained in the case that the home is demolished it would have to meet the current code requirements for the R2 district.

Mr. Noonan made a motion to deny; Seconded by Mr. Fedota

Chairman Dwyer summarized that this request has not met the standards and was denied unanimously by a vote of 5-0. This item will tentatively go to the Community and Economic Development Committee of the Village Council on October 8, 2018.

RESULT:	RECOMMEND TO DENY [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Stephen Fedota, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Fedota
ABSENT:	Friedman, Bettenhausen, Kolososki

IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion to Adjourn

Mr. Williams made a motion to adjourn; seconded by Mr. Noonan.

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Patrick Noonan, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Fedota
ABSENT:	Friedman, Bettenhausen, Kolososki

