



VILLAGE OF PALATINE

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

MINUTES • SEPTEMBER 12, 2023

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Patrick Noonan	Commissioner	Absent	
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	Present	
Kevin Cavanaugh	Commissioner	Present	
Stephen Fedota	Commissioner	Present	

II. MEETING MINUTES

1. Planning and Zoning Commission - Regular Meeting - Aug 22, 2023 7:00 PM

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

III. PUBLIC HEARING

1. 85 W. Fair Oaks Court

SU-000061-2023 - 85 W. Fair Oaks Court

Notice was published in the Journal & Topics on August 24th, 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
5. Fence Elevation
6. Public Notice

Mr. Vyverberg provided a brief overview and states this is a single family home zoned R-2 single-family residential. The petitioner is proposing to install a 4-foot-tall picket fence set back approximately 5 feet from the side property line that abuts S. Brockway Street.

Sworn in petitioner: Brandon Burr - 85 W. Fair Oaks Court, owner

Mr. Burr states he recently purchased his home. He explains he has small dogs and would like the fence for safety reason. The fence would not be too high and would not obstruct the view.

Commissioner Bettenhausen asks if the trees that are in place would be removed.

Mr. Burr states the trees have already been removed.

Commissioner Roth-Wurster asks if the neighbors had any issues.

Mr. Burr states they have discussed and have had favorable feedback. One neighbor stated concerns regarding height and obstructing the view. The 4-foot-tall picket fence accommodates that request.

Mr. Vyverberg states the petitioner has summarized the request. The relief is to install a fence on a side property line abutting S. Brockway Street. He further explains that the fence would be set back 5' from the side property line. All departments have reviewed and no issues were identified.

STAFF RECOMMENDATION:

The Petitioner is proposing to enclose their rear and side yard abutting S.

Brockway Street with a 4-foot-tall picket fence. The proposed fence will be set back 5 feet from the side property line. In addition to the 5-foot setback, there is a considerable parkway that is approximately 18 feet wide, which provides the proposed fence a greater set back from the street. Ultimately, as there were no line-of-sight issues identified by Staff, and due to the proposed fence will roughly lining up with the existing non-conforming split rail fence in the front yard of the adjacent property, the proposal should not cause substantial injury to the value of other properties in the surrounding neighborhood. Therefore, Staff recommends approval of the Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the site plan and fence elevation plan submitted by the Petitioner, Brandon Burr, 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 Cavanaugh Made a motion to approve subject staff's conditions; seconded by Commissioner Roth-Wurster.

DELIBERATIONS:

Commissioner Cavanaugh states he has no issue. It is a proper fence for this yard. Only issue would be line of site but the style of the fence addresses the issue.

Commissioner Roth-Wurster agrees and states the standards have been met.

Chairman Wood states that the standards have been met. It is a reasonable request with a nice style fence. Petitioner has made modifications to the fence per neighbor's requests and has done a good job at being a good neighbor.

Commissioner Friedman states the end result will have better visibility than the previous evergreen trees.

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, September 18th, 2023.

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

2. 766 E. Dundee Road

FPD-000066-2023 - 766 E. Dundee Rd.

Notice was published in the Journal & Topics on August 2th, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application 766 E Dundee Rd
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Sign Elevation
6. Planned Development Amendment Ordinance #O-60-10
7. Dundee Point Planned Development Ordinance #O-151-04
8. Public Notice

Mr. Vyverberg provided a brief overview and states that the petitioner is proposing to maintain an existing freestanding sign and convert it from a single use to a multi-tenant sign.

Sworn in petitioner: Steve Haramaras - 3741 N Lakewood Ave.- Chicago, IL - Part owner of property being discussed tonight.

Mr. Haramaras states that the sign in question is existing. Originally, the sign was approved for Verizon. Verizon is no longer a tenant and he is requesting to modify the sign from a single use sign to a 3-tenant sign. He refers to an elevation showing a before and after example of the request.

Chairman Wood asks how it was determined which tenants would appear on the sign.

Mr. Haramaras states it accommodates the three tenants closer to that end of the property.

Mr. Vyverberg provides information on the original approval of the Monument sign for Verizon. He states that there was an original condition that if Verizon was to leave, the sign would be removed. He further explains that the sign code for unified centers between 2 and 5 acres would allow 2 freestanding signs up to 100 square feet if the property were zoned B-2. This property is zoned B-2. There are 2 signs on the property and they mirror each other.

Chairman Wood asks if the sign could allow a 4th tenant.

Mr. Vyverberg states that they are limited by the square footage of the sign - added tenants would have to remain within the current size. In the future if they requested to subdivide the sign further it would need to be reviewed. Ultimately, if they stayed within the square footage, it would be possible.

Chairman Freidman asks if future changes could be avoided by adding language to the current action to allow more flexibility to avoid future meetings for changes to the sign.

Chairman Fedota clarifies that the approval tonight is for a 3-tenant sign. Any changes would need to be addressed in a future meeting.

Mr. Vyverberg states that is correct and adding language to tonight's request is not an option at this time.

Chairman Freidman asks if the fonts and panel color need to match.

Mr. Vyverberg states it does not. Code was amended in the B-2 District to not require color matching or font matching.

STAFF RECOMMENDATION:

In 2010 this sign was approved as a Planned Development Amendment to allow the construction of this sign for Verizon, with a condition that it would be removed if Verizon vacated the site. The Petitioner proposes to maintain the existing monument sign; currently a single-tenant sign, with a conversion to a multi-tenant sign.

The subject property is unique as there are two separate multi-tenant buildings on a single lot. The proposed amendment would allow for visibility of the uses in the easterly building, before the right-in only entrance off of Dundee Road. Additionally, if the lot were zoned B-2, the subject monument sign would be permitted, as the lot exceeds 2 acres. Therefore, Staff recommends approval of the Planned Development Amendment subject to the following conditions:

1. The subject multi-tenant sign shall significantly conform the sign plans prepared by TFA Signs dated 4/12/23, 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 Cavanaugh Made a motion to approve subject staff's conditions; seconded by Commissioner Bettenhausen.

DELIBERATIONS:

Commissioner Kolososki states every business need advertisement and this would benefit the tenants.

Chairman Wood states it is a nice sign but notes that it is unusual that only 3 tenants have accommodations to the sign and others tenants do not.

Chairman Roth-Wurster states it meets the standards. Signs have been in place for over a dozen years. It addresses a navigational issue and deems the tenants.

Chairman Fedota states it follows larger buildings that have their name on the

building and smaller businesses that are also tenants have no signage.

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, September 18th,2023.

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

3. 37 N. Plum Grove Road

PPD-000006-2023 - 37 N. Plum Grove Rd.

Notice was published in the Journal & Topics on August 24th, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. ENG Plan - 5351 Preliminary Engineering
2. Preliminary Plat
3. Architectural Plans 1-6
4. 37 N - Preliminary & Final Subdivision Application
5. Plat of Survey
6. Preliminary Planned Development Application
7. Planned Development Ordinance #O-36-2010
8. Public Notice
9. Letter from Resident at 59 N Plum Grove Rd.

Mr. Vyverberg provided background information and states this request is requesting a Preliminary Planned Development to construct 5 new single-family residences on 5 new lots at 37 N. Plum Grove Rd. He provides background on previous uses and states that the Palatine Township offices occupied this location until they moved to their current location. It was then occupied by a social service agency and finally a financial service office. The property was sold and the building has since been demolished.

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

Mr. Rose states he is seeking to develop and improve this location with 5 single family homes. The homes are designed to fit in with the neighborhood and will be between 2000 - 2500 sq ft in size. He further explains that the homes will each have a 2-car garage that will be accessed through a 16-foot shared driveway. The shared drive would exit onto Plum Grove Rd which will only allow a right-hand turn. Each home will have a front porch, interior patios and privacy fences. He states buyers of the property will not be looking for large lots and rather would be looking for low property maintenance. The properties would be governed by an HOA. He references similar lots in the neighborhood and states many are comparable to the proposed front and corner side yard setbacks. Mr. Rose points out the surrounding properties and feels the proposed development fair minded and will fit nicely in this area.

Commissioner Bettenhausen asks how snow will be removed.

Mr. Rose refers to the site plan and states there is a considerable amount of space for snow removal between driveways. He also points out an area that separates the properties that could be available for snow removal.

Commissioner Cavanaugh questions the reason for 5 homes on this property versus 4.

Mr. Rose states that as a developer he works to maximize the property and feels that 5 will fit the property well. He points out condo buildings across the street and believes it fits with the style of the neighborhood.

Commissioner Kolososki asks what is the measurements of the impervious surface.

Sworn in Project Engineer: Timothy Spies - 534 W. Campus Dr. - Arlington Hts, IL

Mr. Spies provides information regarding impervious surfaces. He states that the property is roughly a half-acre and the proposed impervious coverage is slightly less than that. States it goes from 6/10th of an acre down to .46.

Commissioner Kolososki asks what that measurement would be if one house were to be eliminated.

Mr. Spies states it would be reduced by 20%.

Chairman Wood states her concern regarding lot coverage and believes the lot coverage will exceed the normal standards.

Mr. Vyverberg explains lot coverage for standard single-family homes. He explains that this request is not considered a standard R-2, as it is under an umbrella of a planned development.

Commissioner Bettenhausen questions the patio location on lot 5.

Mr. Rose states it was turned per the homeowner's request at 24 E. Slade. He requested that patio be turned as to not face his property.

Commissioner Bettenhausen points out the tight turn on lot 5 at the east garage area and states it appears not to have enough room to back up and exit.

Mr. Rose agrees and states it would be addressed during final plans.

Commissioner Roth-Wurster asks if the entrance to the homes would be at the patio area or through the garage.

Mr. Rose states they would enter through the garage as there is no side entrance. The intent was to provide an attached garage vs. detached which would provide easy access to the home.

Commissioner Friedman refers to the site plan and states at lot 1 there is a 17.5' dimension noted at driveway leading to garage. He asks if that is the full depth of the driveway.

Mr. Rose clarifies.

Commissioner Friedman states it seems shallow and tight for people to be parked outside of their garage.

Mr. Rose states that the setbacks along Slade Street hold and the depth of the home is a fixed number. There are three items to work with which is the depth of the driveway, the width of the shared driveway and distance to edge of property. He states the plan was to provide a buffer at the lot line for landscaping and at the same time provide a reasonable shared driveway.

Commissioner Friedman states he does not see front sidewalks on the plan.

Mr. Rose states that the sidewalks are already in place and they would be re-formed.

Commissioner Friedman clarifies he is referring to the front walk from the house to the public sidewalk.

Mr. Rose states that those would be provided during construction.

Chairman Wood also states her concern regarding the tight parking situation.

Mr. Rose states he anticipates prospective homeowners would be older and have smaller cars or younger families starting out that may not have larger cars. A perspective buyer with larger families or cars may opt not to buy at this location.

Commissioner Fedota questions the patio renderings and requests clarification.

Mr. Rose states that patios will come close to the property line.

Commissioner Fedota asks if there will be sidewalk egress from the patio.

Mr. Rose states there will not be sidewalks to the patio.

Commissioner Kolososki asks if the Fire Department has reviewed the site plan.

Mr. Vyverberg states it has been reviewed and meets the setback requirements for the Fire Department.

Commissioner Friedman asks if the village looks at the development for visitor parking solutions.

Mr. Vyverberg states that they review parking and notes that because there is public parking allowed on the streets, they do not feel parking will be an issue.

Commissioner Cavanaugh asks if the developer has talked to residents north of the proposed property.

Mr. Rose states they had a brief discussion and her concern was the condition of the overgrown lot line. The concern would be addressed during development.

Mr. Vyverberg provides further information regarding the property and the proposed development. He presents an aerial overview of the property and surrounding properties. He explains existing uses in the area and based on surrounding properties, the setbacks for this property are not out of character. He provides information regarding engineering which has not been finalized but retention and new storm sewers has been discussed. He further reviews lot sizes, setbacks, elevations and floor plans.

Commissioner Cavanaugh asks if they took into consideration that the driveway

exit is at Plum Grove Road where it goes down to one lane.

Mr. Vyverberg states it will be a right out only and does not have traffic concerns based upon the access.

Resident - Paul Rutkowski 19 E. Slade

Mr. Rutkowski questions setbacks and would like to clarify where it is being measured from. He states his house is setback 11' from the sidewalk.

Mr. Vyverberg states the set back is 15' from the property line. Measurement starts at 1' back from existing sidewalk which is 1' foot of right away and 15' back from there.

Mr. Rutkowski confirmed that the houses would not be constructed at or near the public sidewalk.

Mr. Vyverberg confirms that the homes would be set back 15' from the sidewalk.

Commissioner Cavanaugh asks the resident if he is favorable with the suggested development.

He indicated that he is happy with the proposed development. He would prefer four homes versus five, but he is comfortable with the proposed five.

Resident -Robert Peterson - 9 E. Slade Street

Mr. Peterson states his concern regarding the additional parking and traffic on Slade Street. He explains that traffic during rush hour increases on Slade Street and the added residents would bring further traffic. He also notes that street parking during peak hours could be an added danger. He believes that the property with four homes would be a better fit, but is comfortable with the proposed five, although it seems condensed.

Chairman Wood - reads a letter of concern from resident Achstatter.

STAFF RECOMMENDATION:

As previously noted, the subject and surrounding properties present a myriad of differing setbacks, lot sizes, and densities. Many of the surrounding lots have shallow and substandard front yard setbacks, with several having narrower and substandard lot sizes.

The single-family land use and proposed architectural style are comparable those of the single-family surrounding properties. While all of the surrounding lots to the north, south, and east maintain an R-2 zoning designation, there are several non-single-family lands uses directly across from the proposed development. One of the results of differing lot sizes, widths, setbacks, and density inconsistencies, is a non-uniform development pattern, other than the underlying R-2 zoning designation.

The 8-story, with penthouse, Providence building is directly across Plum Grove Road from the Subject Property.

The lack of unified development pattern and direct access and proximity to the Central Business District, railroad, and multi-family developments, ultimately

present a policy question for the Planning and Zoning Commission to review and the Village Council to determine. Therefore, Staff recommends action at the Planning and Zoning Commission discretion.

Staff would recommended approval for a 4-lot development proposal.

If the Planning and Zoning Commission recommends approval, Staff recommends the following conditions:

1. The final engineering plan shall be submitted and revised in a manner acceptable to the Village Engineer.
2. The final plat of subdivision and the required easements and easement language shall be revised in a manner acceptable to the Village Engineer.
3. The 36" proposed storm sewer is shown connecting to the sanitary sewer this will need to be revised.
4. A homeowner's association and declarations shall be required to be submitted in a manner acceptable to the Village.
5. Blanket easement rights shall be granted to the Village of Palatine for access to the common areas.
6. An Engineers Estimate of Probable Cost shall be submitted in a manner acceptable to the Village Engineer. Review fees, based upon the finally accepted EEOPC, shall be submitted in a manner acceptable to the Village Engineer.
7. The Final landscaping and screening plan shall be submitted and revised in a manner acceptable to the Director of Planning and Zoning. This would include a final fencing plat for the interior patios and the other fencing plan for the development.
8. A Planned Development Letter of Credit in the amount of \$60,000 (Per Code, \$10,000 per lot) and a Public Improvement Letter of Credit in the amount of 115% of the full amount of the Public Improvement Cost, in a manner acceptable to the Village Engineer. A Subdivision Improvement Agreement shall be submitted in a manner acceptable to the Village Attorney and Director of Planning and Zoning.
9. A construction management plan shall be submitted in a manner acceptable to Village and shall outline the proposed development schedule and identify the material delivery routes and proposed parking areas for the contractors, in conjunction with the building permit application.

Chairman Wood questions whether the board could approve a four-home request.

Mr. Vyverberg states that is not an option- approval must be for the item before the commission.

Mr. Friedman confirms that the request is for five homes and therefore the vote will reflect approval or denial of the request presented tonight.

Commissioner Cavanaugh asks if the Village Council could approve four.

Mr. Vyverberg states they could not, with the current plan and information submitted.

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

Commissioner Cavanaugh Made a motion to approve subject staff's conditions; seconded by Commissioner Friedman. Motion failed by a vote of 4-3. Motion was made by Commissioner Cavanaugh to Deny; seconded by Commissioner Friedman. Motion to Deny was approved by a vote of 4-3

DELIBERATIONS:

Commissioner Cavanaugh states he believes four would be a better fit for the property and is still on the fence to allow five.

Commissioner Kolososki states the developer has put a lot of time and effort into his plan and believes that five does not work. The concept is OK but does not work for this location and feels the effort falls short.

Commissioner Friedman states that suggesting four is not a solution as the developer will provide plans for four that will reflect the same square footage as the proposed five. He states that this a fair plan for this location. He believes it is a better solution then a town home development and refers to the busy condos directly across the street. He states that this development works for this location.

Commissioner Roth-Wurster agrees that it is a dense location and states that as long as it is constructed well, four or five has no bearing on her decision.

Chairman Wood states it is a nice plan, homes are nice. Five seems too crowded and seems too dense for the property. Feels it does not contribute to the area with the proposed five.

Commissioner Fedota states land use for this property could be townhomes or condos and states he would like to see more land between the properties.

Commissioner Bettenhausen believes that five homes is too dense for this site. He states that maximizing the foot print for four homes would be a better solution and would like them to find a balance.

Chairman Wood summarized that the motion to approve has failed by a vote of 4-3.

A motion to deny carries by a vote of 4-3

This matter will go to Village Council on Monday, October 2nd, 2023.

RESULT:	RECOMMEND TO DENY [4 TO 3]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Eric Friedman, Vice Chairperson
AYES:	Wood, Bettenhausen, Kolososki, Cavanaugh
NAYS:	Roth-Wurster, Friedman, Fedota
ABSENT:	Noonan, Luszczak

IV. COMMUNICATIONS

3 Items are on schedule for September 26th although one may be continued.

V. ADJOURNMENT