



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 10, 2024

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

II. MEETING MINUTES

1. Planning and Zoning Commission - Regular Meeting - Aug 13, 2024 7:00 PM

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

III. PUBLIC HEARING

1. 501 S. Brighton Lane

SU-0000120-2024 - 501 S. Brighton Lane

Notice was published in the Journal & Topics on August 22, 2024 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Special Use Application**
2. **Proof of Ownership**
3. **Plat of Survey - Site Plan**
4. **Fence Elevation**
5. **Public Notice**

Background:

The Subject Property is zoned R-1A and is part of the Whytecliff at Palatine subdivision. The property is a corner lot and contains a single-family residence. The Petitioner is proposing to construct a 6-foot tall vinyl fence in their rear side yard, which runs parallel W. Whytecliff Road. Therefore, the Petitioner is requesting to permit a fence to be set back 31 feet from the side property line abutting a street instead of the minimum required 35 feet.

Sworn in petitioner: Jacob Von Holt - 501 S. Brighton Lane

Mr. Von Holt explains that they have young children and their home is situated on a corner next to Whytecliff Rd at the top of a hill. He notes that there is no stop sign at the intersection, and cars tend to drive through the area at high speeds. For the safety of his children, he would like to install a fence that runs along the house line. Previously, there were overgrown bushes along the back of the property that have since been removed. He believes the fence will enhance both safety and the aesthetics of the property.

Chairman Wood notes that the proposed fence line at 31 feet aligns with the house and inquires how it would align at 35 feet.

Mr. Von Holt explains that if the fence were moved to 35 feet, it would end up in front of the dining room windows and the ComEd electrical box. Additionally, this adjustment would significantly reduce the size of the backyard due to the presence of a tree.

Commissioner Friedman inquires if the neighbors are in support of the request.

Mr. Von Holt confirms that the neighbors have been notified, and there are no concerns or objections.

Commissioner Kolososki asks if the fence will be built over the easement.

Mr. Von Holt clarifies that the fence will be placed in front of the easement, not on it.

Commissioner Schubert inquires if the fence will follow the curvature of the road. Mr. Bradshaw adds that based on the dimensions, there is some flexibility, and as long as the 31-foot setback from the side property line is maintained, there should be no issue.

Commissioner Fedota asks if there are any other short set back situations in the area.

Mr. Von Holt states that he is not aware of any.

Commissioner Bettenhausen asks if a 4' or 5' foot fence was considered.

Mr. Von Holt explains that a 6' fence was chosen to provide safety, privacy and to help reduce noise.

Mr. Bradshaw explains that the neighbor at 2107 Whytecliff has a 30-foot yard setback, which is closer to the street than the required 35-foot setback for a side yard abutting the street in the R-1A district. Ultimately, the fence location requested by the Petitioner would not exceed the building line of the adjacent property to the south.

Commissioner Roth-Wurster asks if there are any similar situations in the neighborhood.

Mr. Bradshaw states this is a unique circumstance.

STAFF RECOMMENDATION:

The Petitioner is proposing to construct a 6-foot tall vinyl fence off of the rear building line of their existing single-family residence. The proposed fence will maintain the existing distance between the side of the house and the side property line abutting the street. With that in mind, the fence should not destroy the existing vista in the area, nor should the new fence have a negative impact on the surrounding property values. 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 plans submitted by the Petitioner, Jacob Von Holt, 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 Noonan.

DISCUSSION:

Commissioner Noonan expresses his support for the proposal.

Commissioner Cavanaugh agrees, stating that the fence provides privacy and

protection for the family and meets the necessary standards.

Commissioner Fedota comments that, considering the sightline from the neighbor to the southeast, the alignment of the fence with the front of their house, and the setback of the neighbor's house, this serves as a good example of why this special use should be considered.

Chairman Wood agrees, stating that the alignment makes sense and will improve the overall appearance. She adds that it is consistent with public health, safety, and welfare, and will not have a negative impact.

Commissioner Roth-Wurster concurs, stating the request is logical.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 9-0. This item will tentatively go to Village Council on Monday, September 16th, 2024.

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

2. 217 N. Benton Street

VAR-000119-2024 - 217 N. Benton Street

Notice was published in the Journal & Topics on August 22, 2024 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. **Objection Letter - P. Diaz**
6. **Public Notice**

Chairman Wood notes there is an exhibit #7 add for additional objection letter from an anonymous neighbor citing preexisting property knowledge, pulling up cars past gate, using the garage, and questioning the hardship claim.

Mr. Bradshaw provides Background on the request:

The Subject Property is zoned R-2 Single-Family, and is within the Joel Woods Subdivision. The property is approximately 8,760 square feet and consists of a single-family residence with a one-car detached-garage. The Petitioner is proposing to expand the existing non-conforming driveway width by 2 feet, increasing from the existing 7.69-foot non-conforming driveway to a 10-foot-wide driveway. Therefore, the Petitioner is requesting a variation to permit a residential driveway to be set back 0.25 feet from the side property line instead of the minimum required 2 feet.

Chairman Wood asks Mr. Bradshaw if the gravel at the driveway is non-conforming.

Mr. Bradshaw states that the gravel to the left of the driveway seems to be a remnant of the old driveway and shows an image from 1998 that shows the gravel and is an existing condition. However, there is no formal documentation, such as a Plat of Survey, showing the old gravel driveway.

Sworn in petitioner: Charles Rowley - 217 N. Benton Street

Mr. Rowley explains that he intends to extend the driveway by 2 feet in width along its 65-foot length and replace the current limestone rock with concrete. He notes that the driveway is non-conforming, creating daily challenges, and emphasizes that they use the driveway to park their vehicles, as they have done since purchasing the house. The addition of concrete, he argues, would not only improve the functionality but also enhance the aesthetics of the property.

Mr. Rowley presents photo examples of nearby homes at 216, 208, and 202 N Benton, all of which have similar driveway setups, and expresses his desire to mirror his neighbors. He highlights that removing the gravel and adding concrete would make the driveway safer for his children and comply with the current code,

ultimately increasing the property's curb appeal and value.

Commissioner Cavanaugh inquires about the reason for not using the garage for parking.

Mr. Rowley explains that the garage is too small to accommodate an SUV, and the vehicles barely fit through the existing gate. He further clarifies that the garage is a one-car structure, and they primarily use it for storage.

Chairman Wood asks about the size of garage.

Mr. Bradshaw responds that the garage measures 12 feet by 20 feet.

Commissioner Kolososki asks if Mr. Rowley owns the fence that would be adjacent to the proposed concrete.

Mr. Rowley states the fence in question is his neighbors and the fence behind the gate is his.

Chairman Wood asks why Mr. Rowley doesn't park behind the gate.

Mr. Rowley explains that parking behind the gate is a safety issue and that the space only accommodates one car on the existing concrete pad.

Commissioner Cavanaugh asks if the gravel continues all the way to the garage.

Mr. Rowley replies that the gravel stops at the gate, but has limestone rock used for the garbage cans.

Commissioner Schubert asks if the rear door to the house is utilized as main entrance.

Mr. Rowley confirms that it is.

Commissioner Kolososki asks how snow removal is managed.

Mr. Rowley states it can be complicated in a big snow storm but he pushes it out towards the street.

Chairman Wood asks what the additional 2 feet will provide.

Mr. Rowley responds that it will enhance curb appeal, improve convenience, and add value to the property.

Commissioner Fedota asks if the driveway is at a higher elevation compared to the neighboring properties.

Mr. Bradshaw responds that the engineering review has been completed and there are no concerns regarding the elevation.

Commissioner Kolososki asks if the request will impact the impervious surface percentage.

Mr. Bradshaw responds that with the additional 2 feet, the impervious surface will be at 38% of the total lot area, which is well below the maximum allowed of 45%.

Commissioner Fedota asks if adding the 2 feet to the other side of the driveway was considered.

Mr. Rowley replies that he decided it was best to remove the existing limestone

rock. He notes that parking on the current side makes it difficult to open the passenger doors, as it is too close to the house.

Chairman Wood asks once more why the garage or driveway is not used for parking.

Mr. Rowley explains that his current parking setup is more functional for his family, and the gate tends to freeze in the winter. He also emphasizes that the gate is important for safety, as it helps protect his children and pets.

Commissioner Friedman suggests that removing the gate and installing a fence along the right side of the driveway might be an alternative solution.

Commissioner Bettenhausen asks why, after 10 years, the request for the driveway expansion is being made now.

Mr. Rowley explains that they intended to make the changes at the time of the addition but that didn't happen and felt now is the right time to proceed.

Commissioner Bettenhausen inquires if pavers were considered as an alternative.

Mr. Rowley responds that he is open to using pavers but notes that weeds would still be an issue and he prefers to match the existing driveway material.

Commissioner Kolososki asks if Mr. Rowley has obtained bids for the work.

Mr. Rowley confirms that he has.

Commissioner Noonan asks if the bushes visible in the picture will be removed.

Mr. Rowley states that the bushes will remain, as they provide privacy.

Mr. Bradshaw notes that the property was granted a variation in 2018 for a front porch canopy that encroaches 6 feet into the front yard. He provides examples from 208 and 216 N Benton Street, which are similar non-conforming driveways.

Commissioner Friedman inquires about an anonymous letter that has been submitted, expressing concern about the origin of the letter. He notes that the letter likely comes from a neighbor or resident.

Mr. Bradshaw confirms that the letter represents another resident's concerns regarding the case.

Patricia Diaz - 223 N Benton Street.

Ms. Diaz, a homeowner who shares a property line with the petitioner, expresses strong opposition to the request. She refers to her letter, which addresses the ordinance O-14.03 Attachment A. Ms. Diaz argues that expanding into the setback area is merely a matter of convenience and does not meet the criteria for a variation. She contends that the issues faced by the petitioner are self-created, specifically pointing out that the gate is the primary challenge and could be resolved by removing it. She emphasizes that single-lane driveways are common and that the petitioner's situation is not unique. According to Ms. Diaz, the requested variation is not necessary for a reasonable return on the property. She reads from her submitted letter of objection to support her claims.

Chairman Wood asks if paving the driveway will cause the cars to be any closer to the property line than they already are.

Ms. Diaz responds by stating that the ordinance specifies that parking in the setback is not permitted. The discussion then shifts to the specifics of the setback regulations.

Commissioner Kolososki asks if there has been any damage to the fence.

Ms. Diaz replies that she has not taken pictures, as doing so would require her to trespass on the property.

Commissioner Friedman inquires whether there is any evidence to support a claim that the proposed changes would negatively impact the value of her property.

Ms. Diaz responds that the absence of a setback would not be a selling point, but she has not had her property appraised to confirm this.

Resident: Cathy Cortez - 141 S. Fremont

Ms. Cortez, the sister of Ms. Diaz, addresses the committee, noting that while the petitioner and staff refer to surrounding properties with similar conditions, she points out that the property at 208 N. Benton Street does not have a setback issue and that the fence is within the property line. She argues that the village's facts are incorrect and requests that this information be removed from consideration and excluded from the report to the village, so the decision is made based on accurate information.

Chairman Wood clarifies that the statement regarding similar conditions is based on observations and staff reports, rather than definitive evidence.

Mr. Rowley reiterates that he is present to discuss the requested variance and provides photos of the existing fence, affirming that the fence has never been damaged. He emphasizes that the focus of the discussion should remain on the variance request and not on the condition of the fence.

Commissioner Bettenhausen asks if the new concrete will allow the passenger door to be opened.

Mr. Rowley states that it would allow all doors to be open but the cars still need to be repositioned.

Chairman Wood adds Exhibit #9 to the record, which includes a picture of the current fence.

Commissioner Noonan asks if there are any bylaws in village policy regarding parking.

Mr. Bradshaw responds that vehicles must be parked on improved, dust-free surfaces, which is not currently the case. The petitioner is currently using the area for maneuvering rather than as a standard parking space.

Commissioner Shubert asks why the existing condition of parking on gravel is an issue if it has been in place for some time.

Mr. Bradshaw explains that there is no building permit or plat of survey that shows this condition, and they only have historical photos as evidence. He further notes that the gravel does not qualify as an existing driveway according to the village's standards, as there is no official documentation to support it.

STAFF RECOMMENDATION:

The Petitioner is proposing to expand the existing driveway to better accommodate their personal vehicles, for parking and maneuvering, and to expand a non-conforming narrow driveway. The existing driveway is existing non-conforming to the current zoning ordinance requirement for residential driveway width. Staff notes that any expansion of the current 7.69-foot-wide driveway would necessitate encroachment into the required setback from the side property line, due to the constructed setback of the existing home.

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 Variation shall substantially conform to the site plan submitted by the Petitioner, Charles Rowley, 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 Schubert.

DISCUSSION:

Commissioner Shubert states that the decision involves two aspects: the existing condition and the safety of the family. He believes that additional investigation into the existing condition would be beneficial but ultimately supports the request, emphasizing that the primary concern is the safety and functionality for the family.

Commissioner Kolososki states that updating to meet today's code is important, noting that living conditions and needs have changed over the years. He supports the request for the additional 2 feet, seeing it as a positive improvement.

Commissioner Roth-Wurster inquires whether the petitioner can demonstrate that the property would still yield a reasonable return under the current conditions. She notes that the house is sellable and questions whether the petitioner's situation is unique enough to warrant a variance. She also inquired about any affects to drainage or stormwater and is concerned about how the addition might affect the character of the neighborhood and the neighboring properties. She suggests considering alternatives like pavers and ensuring that any changes will not negatively impact the neighboring fence or the neighbor's property.

Chairman Wood suggests that the neighbors prefer maintaining the 2' setback and recommends exploring alternatives for the petitioner, such as using the existing concrete pad or garage. She acknowledges that the current driveway is

non-conforming and that paving it correctly would enhance its appearance compared to gravel. She also notes that any improvements should address potential flooding concerns and believes that the request is justified by the unique circumstances, with no significant negative impact expected.

Commissioner Fedota raises an additional issue regarding the extension to a 0-foot lot line, noting that this would require the framing for the concrete expansion to encroach into the setback area.

Commissioner Friedman suggests that metal plates could be used, which might address the issue.

Commissioner Fedota points out that removing the gate and installing the fence laterally could be a solution. He expresses concerns that extending the driveway might still impede access for garbage totes and prevent doors from opening properly. He questions whether the extension meets all the necessary standards. Commissioner Cavanaugh notes that the unique circumstance is the gate and suggests that removing it might be the best solution. He also mentions considering a parallel fence option from the house to the existing detached-garage.

Commissioner Friedman argues that the current driveway is substandard. He points out that a standard parking stall is 9 feet wide, whereas the existing driveway is almost 1.5 feet narrower. If the driveway had been built to standard width, it would have encroached on the side yard setback. From both a functional and safety perspective, he believes that a properly wide driveway is more important than the 2-foot setback. He would favor a properly width driveway over strictly adhering to the setback.

Chairman Wood summarized that this request has met the standards and was approved by a vote of 5-4. This item will tentatively go to Village Council on Monday, October 7th, 2024.

RESULT:	RECOMMEND TO APPROVE [5 TO 4]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Tim Schubert, Commissioner
AYES:	Noonan, Friedman, Wood, Kolososki, Schubert
NAYS:	Roth-Wurster, Bettenhausen, Cavanaugh, Fedota

3. 1101 E. Dundee Road

SU-000118-2024 - 1101 E. Dundee Road

Notice was published in the Journal & Topics on August 22, 2024 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. **Proof of Ownership**
2. **Site Plan - Wendy's**
3. **Eng Plans**
4. **Palatine Wendy's Preliminary floorplan and elevations**
5. **Wendy's elevation rendering**
6. **Wendy's front elevation**
7. **2022 Planned Development Amendment & Special Use - ordinance**
8. **Public Notice**

Background:

In 2022, the Village granted a Planned Development Amendment and Special Use for a multi-tenant building, with a drive-through. Due to MWRD requirements and further evaluation of the initial multi-tenant development, the Petitioner altered their plans to the current proposal for a standalone restaurant. The Petitioner proposes to redevelop the former Famous Dave's restaurant and construct an approximately 2,300 square foot Wendy's restaurant and drive-through (east side of the building). Therefore, the Petitioner is seeking approval for a Special Use for a restaurant with a drive-thru.

Sworn in petitioner: Bonnie Simon - 107 Oakton Street, McHenry, IL

Ms. Simon states that this would be a new Wendy's location featuring a brand new, state-of-the-art G&G building. It will be a 40-seat establishment and she provides a rendering of the proposed building. The location will include a drive-thru window and a walk-up window for digital orders. Additionally, there will be an outdoor patio, with the entire facility designed to be fully digital and modernized.

Commissioner Cavanaugh asks if this new Wendy's location will replace any existing locations in Palatine.

Ms. Simon confirms that this will be an additional location, not a replacement. She also mentions that there are future plans to update the downtown Wendy's location to the new building standards.

Ms. Simon further states that the new location will serve breakfast starting at 5:30 AM, with the drive-thru open until 2 AM, and the dining room closing at 10 PM.

Commissioner Friedman inquires if the site design is standard for Wendy's new prototype.

Ms. Simon confirms that the design goes through brand approval before proceeding with any other approvals and that it conforms to all village requirements.

Commissioner Friedman asks about the parking lot on the west side of the building, specifically whether the 90-degree parking operates as one-way or two-way.

Ms. Simon clarifies that it is two-way and explains that the drive-thru area was designed with a pass-through to ensure smooth traffic flow. She adds that they considered both delivery and garbage truck access while planning the parking lot flow.

Commissioner Kolososki inquires if the retention basin is new.

Ms. Simon confirms that it is.

Mr. Bradshaw adds that the retention basin is a requirement of the Metropolitan Water Reclamation District (MWRD), covering 0.84 acres, and will maintain a 5-6 foot grade depth. He further notes that engineering has reviewed the plans, and they have been conditionally approved.

Commissioner Fedota asks if there is a requirement for a bypass lane in the drive-thru. Mr. Bradshaw confirms that it is required and provided.

Ms. Simon concurs, noting that drivers can exit the drive-thru lane if needed.

Mr. Bradshaw adds more details, explaining that the site is well over the parking requirements. There are 25 interior seats and 20 seasonal exterior seats on the north side of the building, with a total of 46 parking spaces, though only 23 are required. The drive-thru has escape lanes and 7 stacking spaces. He also explains the cross-access agreement and its conditions, noting that 10 spaces in the lot are designated for Northwest Community Hospital.

Commissioner Kolososki suggests that since the site is so over-parked, some of the extra parking spots could be allocated to landscaping.

Commissioner Ruth-Wurster raises a concern about only having two handicapped parking spots, questioning if that is sufficient.

Mr. Bradshaw responds that this issue would be addressed during the permit review. Ms. Simon adds that it hasn't been an issue at other locations.

Mr. Bradshaw further notes that a final landscaping plan is a condition of approval and will be thoroughly reviewed and addressed accordingly.

STAFF RECOMMENDATION:

The proposed restaurant and drive-through is consistent with the surrounding uses and developments, within both the Park Place outlots and the surrounding Dundee Road corridor developments. The proposed site plan and drive-through exceed the Village's minimum zoning requirements. Additionally, the proposed detention basin would address a required MWRD existing circumstance, and would also provide separation and greenspace from the surrounding impervious parking lots. Therefore, Staff recommends approval of the proposed Special Use,

subject to the prosed conditions:

1. The Special Use shall substantially conform to the site plan and elevations prepared by Wertzberger Architects, dated March 2024, and engineering plans prepared by WMA Ltd., dated July 2024, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The signage shall be revised in a manner acceptable to the Director of Planning and Zoning and in compliance with the Park Place Planned Development Ordinance requirements.
3. The final landscaping plan shall be submitted in a manner acceptable to the Director of Planning and Zoning, in conjunction with the building permit application.
4. IDOT and MWRD permits are required.
5. The Special Use shall be granted to Hamra Gateway LLC, in conjunction with the operation of restaurant with drive-through.

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

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

DISCUSSION:

Commissioner Kolososki comments that the new Wendy's will be a great improvement for the area and a positive addition to the community.

Commissioner Fedota notes the consistency of operations in the area, stating that the proposed restaurant aligns well with similar land uses, especially given the site's history as a restaurant location.

Commissioner Roth-Wurster expresses that the standards for approval have been met and warmly welcomes Wendy's to Palatine.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 9-0. This item will tentatively go to Village Council on Monday, September 16th, 2024.

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

IV. COMMUNICATIONS

V. ADJOURNMENT

VI. STAFF REPORTS