



VILLAGE OF PALATINE

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

ZONING BOARD OF APPEALS

MINUTES • AUGUST 14, 2018

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Brent Larson	Commissioner	Present	
Cindy Roth-Wurster	Commissioner	Present	
Jan Wood	Commissioner	Present	
Jerry Luszczak	Commissioner	Present	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jul 24, 2018 7:00 PM

Mr. McGinn made a motion to approve the minutes of July 24, 2018; seconded by Mr. Luszczak

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Theodore McGinn, Commissioner
SECONDER:	Jerry Luszczak, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Dittrich, Pirog

III. PUBLIC HEARING

1. 1204 E Dundee Road

Sworn in staff Ms. Lyn Bremanis

Notice was published in the Daily Herald on July 30, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioner Mr. Eddie Santiago, 1172 Lancaster Avenue Elk Grove Village, IL

Mr. Santiago stated he wants to open a pizza place with no sides, pasta or dinners. He stressed just pizza slices for lunch and dinner geared toward high school kids from Palatine. He stated the hours will be 10am-10pm Monday through Sunday. Mr. Santiago restated it will be straight pizzas.

Mr. Cavanaugh asked if they would have delivery.
Mr. Santiago answered yes.

Ms. Wood asked if they will have sit down service.
Mr. Santiago answered no.

Ms. Wood asked if they operate another restaurant.
Mr. Santiago answered yes Vinni's Pizza.

Ms. Wood asked if this will be the same idea as Vinni's.
Mr. Santiago answered yes without the kitchen. He explained he wants to do the same business as he does with Fremd and Harper now with Palatine High School.

Ms. Wood asked how long you have owned the business.
Mr. Santiago stated his uncle owned since 1984 and he bought in 2008.

Ms. Bremanis gave a brief overview referring to the slides.

Ms. Wood asked if there are any concerns with the current operation.
Ms. Bremanis answered no not that we are aware of.

Mr. Cavanaugh asked why dine in was crossed out on the application.

Ms. Bremanis explained originally he had a counter in the plans but they would have been required to have bathrooms so they removed that part.

Mr. Santiago explained they were going to just have a counter no stools but since they would need bathrooms so they removed from the plans

STAFF RECOMMENDATION:

The proposed use of the property as a restaurant would occupy a vacant tenant space and maintain the mixture of retail, office and service uses within the building. Since the restaurant would be carry-out only, Staff does not have any present parking concerns. Therefore, Staff recommends approval of the Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the floor plan submitted by the petitioner on 6/26/18 and the floor plan submitted by the petitioner on 7/17/18 except as such plans may be changed to conform to Village Codes and Ordinances.

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

Mr. Cavanaugh made a motion to approve subject staff's conditions; seconded by Mr. Larson

Mr. Cavanaugh stated it is a good use for the center. He stated there is other food there and there will be no parking impact since it is all carry out so it meets the standards

Ms. Wood stated she is familiar since it is right by her house. She stated they have always operated in a manner consistent with Public Health Safety and Welfare and this makes sense for this location

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on Tuesday, September 4, 2018.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Brent Larson, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczyk, McGinn, Cavanaugh, Dittrich, Pirog

2. 754 W. Euclid Avenue

Notice was published in the Daily Herald on July 30, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioner Mr. Radhishini Chamakura, Indi Fresh, 754 W. Euclid Avenue, Palatine, IL

Mr. Chamakura stated they will be providing healthy hearty Indian food for takeout and deliveries. He stated the operation would be primarily 9am-9pm. Mr. Chamakura stated it will be 100% delivery and takeout with no dine in space.

Ms. Bremanis pointed out all submitted paperwork has a seating plan.

Mr. Chamakura explained they made the changes to their business plan after the application was submitted. He stated initially they planned to go with the 16 seating dine in but their business model changed so they are doing takeout and delivery.

Discussion on whether the Petitioner wants to go forward with take-out only or with seating so they are open to add down the road.

Mr. Chamakura discussed with his partner and decided to keep the seating plan as proposed.

Ms. Wood clarified they are initially only having delivery and takeout but will leave it open in case you want to add seating.

Mr. Chamakura answered yes so they don't have to go through the whole process again. He stated it will be an Indian takeout with future sit down possibility. He stated he lives in Palatine and feels a great Indian takeout restaurant would be a great value to the community.

Mr. Cavanaugh asked if they have any restaurant experience.

Mr. Chamakura answered no this will be his first venture.

Ms. Wood asked if there is any concern with parking if you have seating down the line.

Mr. Chamakura answered he does not know because visibly sees a lot of parking. He stated he can't foresee a parking issue.

Ms. Wood asked about the square footage.

Mr. Chamakura answered 1,200 square feet.

Ms. Wood asked what the max seating they would have.

Mr. Chamakura answered 16. He explained they would not be dining so it would be fast.

Ms. Bremanis gave a brief overview explaining it is part of a planned development that follows the B2 uses which requires a restaurant to have a Special Use. She stated they will have no alcohol, their hours are 10am-9pm Monday-Sunday with 3 full time employees. Ms. Bremanis stated they will have carryout and takeout with limited seating. She pointed out she had 24 seats listed but clarified it will be 16 but the parking variation will remain the same. She spoke to the location of Crunch Fitness and how staff has no parking concerns as it relates. She stated Community Services, Environmental Health and Fire Prevention have reviewed and have no issues.

STAFF RECOMMENDATION:

The proposed use of the property as a restaurant would occupy a vacant tenant space and maintain the mixture of retail, office and service uses within the shopping center. While a parking variation is required based upon the assembly use parking for Crunch Fitness, the proposed restaurant will have 24 seats and the location will not conflict the parking demands elsewhere in the center. Finally, the parking variation associated with Crunch Fitness was based upon the maximum occupancy of their tenant space and not necessarily the parking needs for the use. Therefore, Staff recommends approval of the Special Use and Variation, subject to the following conditions:

1. The Special Use and Variation shall substantially conform to the business plan and the floor plan submitted by the petitioner on 6/12/18 except as such plans may be changed to conform to Village Codes and Ordinances.

Ms. Wood asked what business used to be in there

Ms. Bremanis answered she is not sure

Mr. Chamakura stated it used to be a Chinese takeout

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

Mr. Dittrich made a motion to approve subject staff's conditions; seconded by Ms. Roth-Wurster

Mr. Dittrich stated the petitioner did a nice job explaining the value added from a Indian restaurant in Palatine since he himself goes to surrounding towns. He stated he used to live near regency and has no concern with the parking. He stated the location is really good for restaurants.

Ms. Roth-Wurster agreed with Mr. Dittrich. She stated there was a restaurant there before and with takeout option and the Crunch fitness coming in she thinks this use will do well.

Ms. Wood stated the prior business had a similar business since not too many people dined in. She stated when Crunch comes in it will be busier but there was always parking when Dominick's was there so there shouldn't be any problems with parking. She stated she thinks it is great and a welcome addition to the town.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on September 4, 2018.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	James Dittrich, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczyk, McGinn, Cavanaugh, Dittrich, Pirog

3. 25 W. Wilson Street

Notice was published in the Daily Herald on July 30, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use & Variation
2. Proof of Ownership
3. Plat of Survey
4. Business Plan
5. Floor Plan
6. Illinois Bone & Joint Parking Assessment 8-9-18
7. Public Notice

Mr. McGinn recused himself due to his law firm's relations to the Petitioner.

Sworn in Ms. Rachel Robert, Attorney with the law firm of Day, Robert ,and Morrison, 300 E. 5th Ave Suite 365 Naperville representing the Illinois Bone & Joint Institute, LLC.

She stated her partner Christina Morrison will be running the slide show.

Ms. Roberts stated the applicants are IBJI and the landlord from the Providence Center 110 N. Brockway Street Suite 320

Ms. Roberts gave a brief overview of the request referring to the slide show presentation. She stated they are seeking a Special Use to permit a medical office use (physical therapy clinic). She spoke to the space they are proposing to rent at 25 W. Wilson Street Suite C referring to the location map on the slide. She stated the location on the first floor at the corner of Wilson and Bothwell. Ms. Roberts stated the space is roughly 2,965 square feet. She stated the space has been vacant since 2006 when the Providence building opened up. She stated they are zoned B-2 in the PUD of the Providence that was approved back in 2004. Ms. Roberts spoke to the parking being Village controlled and referred to tenant mix slide to show the breakdown. Ms. Roberts spoke to the team that will speak in support of the application. She stated the first being Ms. Rachel Irwin, Director of Rehabilitation with the IBJI. She stated Ms. Irwin will give an overview of the IBJI operation. Ms. Roberts stated the second person who will testify will be a parking consultant from KLOA, Mr. Luay Aboona, 110 N. Brockway Street, prepared parking study that was included in the packet

Sworn in Ms. Katherine Irwin, Director of Rehabilitation for IBJI, 900 Rand Road, Suite 300 Des Plaines, IL

Ms. Irwin gave a brief overview of Illinois Bone and Joint Institute, which includes orthopedic surgeons, occupational therapists, athletic trainers, physician's assistants, and a medical team who help restore people's lives back after muscular skeletal injuries. She spoke to their business model which includes an open communication between their medical staff. Ms. Irwin spoke to the locations of their outpatient clinics and the services and programs they provide. She explained the reason they chose Palatine was based on a zip code search of

where their patients travel from. She stressed the importance of having locations convenient to their patients. She spoke to the benefits their patients receive with the systems being tied together and how their doctors prefer their patients to be seen by their therapist to ensure the proper speed of treatment. She spoke to their recent expansion to Schaumburg and how the community has been great and active. Ms. Irwin spoke to the proposed hours of operation referring to the slide. She pointed out the slight change to the hours on Friday being 6:30am-5:30pm instead of the 7:30pm close on the application. Ms. Irwin spoke to the estimated patient volume referring to the slide to show the difference between 3 clinicians and 6 clinicians. She spoke to the building layout and floor plan referring to the slide. She referred to the slide to show examples of their wall and window sign samples pointing out they are not flashy. Ms. Irwin spoke to parking and how many patients who have had surgery may come in with walkers, knee scooters, crutches or wheel chairs so would like to request a handicap spot near the building. She pointed out getting out of a car in a normal spot with these is troublesome. She spoke to the available lots with handicap parking in the area and expressed concern for their elderly patients who are cautious crossing the road.

Ms. Wood asked if the handicap parking is a separate issue that will need to be worked out with staff.

Ms. Bremanis answered yes explaining the Village is aware they want this request and will work with them between now and the Village Council meeting.

Sworn in Mr. Luay Aboona, KLOA traffic and parking consultant, 9575 W. Higgins Road Rosemont, IL

Mr. Aboona spoke to the parking study that was conducted to determine the public parking availability in the vicinity of the site. He referred the Public Parking near Subject Property slide. Mr. Aboona spoke to the study area explaining it included the on street parking in front of the site along Wilson Street and in close proximity along Bothwell Street as well as Lots E, D, and C. He stated they surveyed spaces on a weekday from 9am-5pm to try to capture the peak. Mr. Aboona pointed out the lots that become public after 5:00pm so the parking in the area becomes more available. He spoke to the survey which showed a total of 195 parking spaces on street and 116 off-street parking spaces along with the vicinity parking having a total of 94 parking space on and off street parking. Mr. Aboona stated the survey showed the peak is at 5:00pm when 65% of those spaces are occupied which leave 33 parking spaces available and more during the day. He spoke to the Village's requirements being 10 parking spaces and pointed out according to their study there are plenty of parking spaces to accommodate.

Mr. Pirog asked how many days did they survey the area.
Mr. Aboona answered one day.

Ms. Wood asked what day.
Mr. Aboona answered Wednesday, August 1st.

Mr. Aboona stated Staff did their own study that focused on lunch time and around 5:00pm and the data came back slightly higher around 1:00pm and about the same at 5:00pm.

Mr. Cavanaugh asked who did this study.

Mr. Aboona answered the Palatine Staff. He stated the numbers were pretty consistent and pointed out the peak is later in the day which is primarily driven by the restaurants in the area. He pointed out the parking becomes open to the public and the demand from IBJI is tapering off.

Mr. Aboona referred to the Parking Surplus Slide explaining they have erred on the conservative side with their numbers. He explained the parking report conclusion projects adequate parking supply within the immediate vicinity of the site to accommodate the code required number of parking spaces.

Ms. Wood clarified the parking requirement are based on a 1 per 300 square feet.

Ms. Bremanis answered yes.

Ms. Wood asked if any uses would require less.

Ms. Bremanis answered no not per Code.

Ms. Robert spoke to the legal aspect of the parking explaining the Providence was approved in 2004 as a Planned Development. She pointed out at that time 65 parking spaces were to be dedicated for 1st floor commercial space. She stated they are asking for 10 spaces and the first legal argument was the spaces were dedicated to that space. Ms. Robert referred to the Historical Commercial Parking Dedication slides showing 65 parking spaces were dedicated in Ordinance #018-04. She spoke to the Special Use standards pointing out only #2 and #3 apply to their use. Ms. Robert referred to the slide of IBJI Special Use Standard Responses. She stated she believes this is a win-win to get that vacant space filled.

Ms. Irwin want to sign a 10-year lease and will be investing close to a half million dollars to build this out. She stated they are not coming and leaving in a few years. She stated it shows their dedication to make this project work.

Mr. Cavanaugh asked how many spaces would be lost to make the handicap spots.

Ms. Bremanis explained this had been brought to staff's attention 2 days ago. She stated the Village would like to keep as many spaces as possible so this will be a policy decision for Village Council.

Ms. Robert explained they are looking for 1-2 parking spaces tops, which would equal a net loss of approximately 1 parking spot.

Ms. Bremanis spoke to the existing employee parking referring to the slide showing existing parking areas and where downtown employees parking is encouraged. She spoke to the dedicated 65 parking spaces pointing out after reviewing the current list of uses it would require 121 parking spaces. Ms.

Bremanis spoke to staff's parking count and how they compared to KLOA. Ms. Bremanis stated Community Services, Engineering and Fire Prevention all reviewed and had no concerns.

Mr. Cavanaugh referred to the slide and asked if the green highlighted area is for customers as well.

Ms. Bremanis explained it is mixed parking with the majority being 3-hour parking but they can access those spaces longer if they have their employee parking hanger.

Mr. Cavanaugh asked how many are in there.

Ms. Bremanis explained they are throughout the downtown area this is just the closest to the proposed space.

Ms. Wood spoke to parking and how other uses could require more parking.

Ms. Bremanis explained any use would require a waiver for downtown parking regulation.

Mr. Cavanaugh clarified this may be one of the lowest parking variation spots versus a 2,500 square foot restaurant that would require more.

Ms. Bremanis answered yes but retail may be lower.

Mr. Cavanaugh questioned a 2,500 square foot retail space.

Ms. Bremanis explained it may not be the heaviest use but can't say it is the lowest.

Discussion on comparison of parking.

Sworn in Mr. Charles Hass, 110 N. Brockway Street, Representing the co-applicant for the Providence building

Mr. Hass stated he is in support of the Illinois and Bone Institute to occupy the space. He stated he has had the pleasure of working in the downtown Palatine area and has seen all the traffic studies and agrees with those findings.

Sworn in Mr. Peter Larson, 911 E. Glencoe Road, Palatine, IL

Mr. Larson stated he has been a resident for 34 years and both he and his wife are patients with IBJI. He stated it would be very convenient for people in Palatine who use those physicians to have a facility associated with IBJI.

Sworn in Ms. Debbie Ranieri, on behalf of Salon MMM, 49 N. Bothell Street Palatine, IL

Ms. Ranieri stated they are the salon that is right next door to the proposed IBJI location. She stated they love that there will be a ton of traffic but are concerned about parking. She spoke to their daily staff and client count and how at any given time their clients are walking at least 2 blocks. Ms. Ranieri stated it would be cumbersome between the two businesses.

Mr. Cavanaugh asked where the salon employees park.

Debbie explained they park along Wilson Street, which was dedicated to them since there was no one else there. She pointed out there is a lot across the

street, but it has limited spaces between the bars and restaurants.

Mr. Dittrich asked what the salon peak hours are.

Debbie stated they are open 10am-9pm Monday-Thursday, Friday until 7pm and Saturday until 5pm.

Mr. Dittrich asked when the salon's busiest time is.

Debbie explained Tues-Thurs are the busiest and Saturdays.

STAFF RECOMMENDATION:

IBJI currently operates in multiple locations across the Chicagoland area and are proposing to expand into Palatine. Medical office uses typically have a more intensive parking utilization and demand, due to the patient scheduling and queuing. While the required parking for this use is based on 1 parking space/300 square feet, Staff has concerns about the parking requirements for the existing uses in the Providence building and the demand for the shared parking resources within the area. Additionally, Staff has noted to the Petitioner the lack of immediately accessible handicap parking spaces, directly proximate to the tenant space. Therefore, Staff recommends action at the discretion for the proposed Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the floor plan and business plan submitted by the Petitioner on 04/16/2016, except as such plans may be changed to conform to Village Codes and Ordinances.
2. Pursuant to the business plan, the permanent staffing of physical therapists at this office shall not exceed 3, unless a Special Use Amendment is applied for and granted.
3. All employees of Illinois Bone and Joint shall enroll in and utilize the designated downtown employee parking areas.

Mr. Cavanaugh asked if the board needs to add a condition on the handicap parking.

Ms. Bremanis answered no that will be handled in a different place.

Ms. Irwin stated they are not a typical medical office since they schedule on the half hour.

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

Mr. Dittrich made a motion to approve subject staff's conditions; seconded by Mr. Larson

Mr. Dittrich stated it was a thorough presentation, their reputation seems to be unassailable, and they had testimony from clients supporting it. He stated the parking will always be an issue with downtown Palatine and since the space has never been filled there is no way to judge what that impact may be. Mr. Dittrich

stated they demonstrated it would be operated in a manner consistent with Public Health Safety and Welfare so he moves to approve.

Mr. Cavanaugh stated the parking issue tends to be a bigger issue but a space of this size it will be hard to find an easier use for parking purposes. He pointed out a restaurant would need 3 times as much parking.

Mr. Pirog agreed with Mr. Cavanaugh stating most other uses would require more parking but believes this will only add to the parking problem. He stated the space is vacant and it's not meant to be empty so this is a good compromise for the facility.

Ms. Wood stated this will add to the parking demand but you want people in the downtown area getting services. She stated it has been for 13 years and you don't know if or when something else could come in. Ms. Wood stated it may be a little less but is willing to take a chance to get a tenant in there. She stated a much worse tenant could come in so she is in favor of it.

Ms. Roth-Wurster stated the standards have been met pointing out 13 years ago when the lower level was developed it was meant for retail and restaurants. She spoke to the trend of retail being taken over by medical or health club. She stated they have a good business plan and how they would be a positive for Palatine. Ms. Roth-Wurster spoke to the need for handicap parking not only for the elderly and how it should not make that huge of an impact taking 2 parking space instead of 1 parking space. She stated she is in downtown Palatine a lot and sometimes parking is an issue but not a huge problem. She spoke to other towns where parking is more of an issue. Mr. Roth-Wurster stated it is a good problem to have that there are more people in the town using services and stated she would approve this.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0-1. This item will tentatively go to Village Council on Tuesday, September 4, 2018.

RESULT:	RECOMMENDED TO APPROVE [7 TO 0]
AYES:	Larson, Roth-Wurster, Wood, Luszczak, Cavanaugh, Dittrich, Pirog
RECUSED:	McGinn

IV. COMMUNICATIONS

Ms. Bremanis stated the special use for massage at 473 W Northwest Hwy was approved

She stated the 2 restaurants have been continued to the August 28th meeting with an additional 3 items on the agenda as well

V. ADJOURNMENT

1. Motion to Adjourn

Mr. Dittrich made a motion to adjourn; seconded by Ms. Roth-Wurster.

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	James Dittrich, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Dittrich, Pirog

