



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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ZONING BOARD OF APPEALS

MINUTES • JULY 24, 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 Luszcza	Commissioner	Absent	
Theodore McGinn	Commissioner	Absent	
Kevin Cavanaugh	Commissioner	Absent	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

Staff present: Ms. Lyn Bremanis and Ms. Katie Romack

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Jul 10, 2018 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James Dittrich, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Dittrich, Pirog
ABSENT:	Luszcza, McGinn, Cavanaugh

III. PUBLIC HEARING

1. 473 W. Northwest Highway

Notice was published in the Daily Herald on July 9, 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 staff: Mr. Vyverberg and Ms. Katie Romack

Sworn in petitioner: Ms. Takyung Celli landlord of 473 W Northwest Hwy and Ms. Song Fei Dou renter

Ms. Dou stated she would like to rent space to move her business of almost 4 years from their Rand road location. She explained it will be a Chinese foot spa. She stated her old space was too small for their many customers and wants to move to 473 W Northwest Hwy because it is bigger. She explained there will be no change to the business plan and will include foot, body, and Chinese massage.

Ms. Wood asked if they were the same owners and operators of the Rand location.

Ms. Dou answered Yes

Ms. Wood clarified they are moving their business to the new location.

Ms. Dou explained they are changing the name because she is Chinese and in Chinese a new space and new name is for new beginning. She further explained they want to do more foot massage not just the body. She stated it is a different name but will be the same owner and staff.

Ms. Wood asked if they have chair massage

Ms. Dou stated no explaining the old space was too small. She referred to the slide to show the floor plan.

Mr. Vyverberg gave a brief background on the business explaining the owner had a special use for the old location which has been transferred to a new owner. He stated this is the same owner/operator looking to open at 473 W Northwest Hwy.

Ms. Dou explained the old space was one room that fit 6 sofas and the new space will allow for 9 sofas. She further explained it will be one big room with no private rooms.

Ms. Wood asked if there were any concerns with the business on Rand Rd.

Mr. Vyverberg stated not in relation to the operation of the Special Use.

Mr. Vyverberg gave a brief summary of the request explaining the square footage of the property is approx. 1,040 sqft. He spoke to the parking requirements for the center and how it meets code. He explained our Zoning Ordinance requires massage uses to get a Special Use for approval.

Ms. Roth-Wurster asked about employee parking in the back.

Mr. Vyverberg stated any agreement would be between the landlord and the tenant. He pointed out there is a 6ft fence in the rear that separates the center from the residential townhomes to the south.

STAFF RECOMMENDATION:

The proposed use of the property as physical and health service providing foot massage would occupy a vacant tenant space and should not have a negative impact on the surrounding uses and properties. Although this would be a new location, the Petitioner previously operated this type business within Palatine for the past 4 years and currently has two licensed therapists. Therefore, Staff recommends approval of the Special Use, subject to the following condition:

1. The Special Use shall substantially conform to the business and the floor plan submitted by the Petitioner, Song Fei Dou, on 06/08/2018, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The business shall operate in compliance with the State of Illinois massage licensing act.

Ms. Wood asked for the standards of the Special use slide.

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.

DELIBERATIONS:

Mr. Dittrich stated the business has already been operating for 4 years and are just moving locations. He pointed out staff has no issues with them performing in a manner that is consistent with public health, safety and welfare so will vote to approve.

Ms. Wood stated there is nothing indicating the Special Use will have a negative impact on the value of the property.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on August 6, 2018.

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

2. 3 E. Northwest Highway

The discussion for this item is included under the minutes for 23-25 E. Northwest Highway.

This item was continued to August 28th.

RESULT:	CONTINUED [4 TO 1]
MOVER:	Cindy Roth-Wurster, Commissioner
SECONDER:	Brent Larson, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Pirog
NAYS:	Dittrich
ABSENT:	Luszczak, McGinn, Cavanaugh

3. 23-25 E. Northwest Highway

Notice was published in the Daily Herald on July 9, 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. Floor Plan
5. Interior Elevations
6. Business Plan
7. Menu
8. Public Notice

Sworn in Mr. Ray Okigawa - 4811 Emerson #112 Palatine, IL - real estate broker for the Palatine retail center

Mr. Okigawa explained the petitioner is not present because their headquarters is in a suburb of LA.

Ms. Wood asked if they are temporarily in LA.

Mr. Okigawa explained that is where their headquarters is so this would be a new location. He stated they currently have a location in Arlington Heights in the Mitsuwa shopping center.

Ms. Wood asked who Tsukasa Hatsukade is.

Mr. Okigawa explained he is the manager for the petitioner.

Ms. Wood clarified he is the manager for this location.

Mr. Okigawa answered he believes so.

Ms. Wood asked if he is present today.

Mr. Okigawa answered no.

Mr. Okigawa gave a brief overview of the request explaining they would like to open a Japanese ramen restaurant at 23-25 E. Northwest Highway and a Japanese curry restaurant at 3 E. Northwest Highway. He stated the president came to see the 23-25 location and liked the center so he wanted to open the curry restaurant within the same shopping center as well. Mr. Okigawa stated Palatine requires a Special Use for all restaurants so they applied for the Special Use.

Ms. Wood asked how many locations they have with similar restaurants.

Mr. Okigawa stated they have 1 in Arlington Heights, 1 in L.A and approximately 60-70 in Japan.

Ms. Wood stated she is familiar with the Arlington Heights location and asked

what peak hours will be.

Mr. Okigawa stated lunch would be 11:30-1:30 am and evenings 7 pm to close.

Ms. Wood asked if Mr. Okigawa is familiar with the Arlington Heights location.

Mr. Okigawa answered kind of.

Ms. Wood asked about the square footage of the Arlington Heights location.

Mr. Okigawa explained it is in a food court and is unsure how far back it goes.

Ms. Wood asked if it will be mostly sit down and if they were asking for a liquor license.

Mr. Okigawa answered yes.

Mr. Larson asked about parking variation and if it will be a problem for the center

Mr. Okigawa stated the lot is rarely full. He spoke to Quest parking and how they have a lot on the west side of Plum Grove Road.

Ms. Wood asked if he has looked at lot during lunch hours when school is in session.

Mr. Okigawa stated during the school year he has not noticed more cars parked in the lot. He pointed out you will see a line in the back when they pick up their children but they are not parked.

Ms. Wood asked if the petitioner has a projection of how many people they plan to serve per hour.

Mr. Okigawa stated he has not seen or heard that.

Ms. Romack gave brief overview of the request for the Japanese curry restaurant at 3 E. Northwest Highway stating there will 35 seats total and would require 19 parking spaces. She stated the proposed hours of operation are 11:00 AM to 10:00 PM. and will have 8 employees. Ms. Romack stated the space is approximately 1,900 square feet. She gave a brief overview of the restaurant at 23-25 E. Northwest Highway stating it is the larger of the 2 restaurants with 68 seats, and would require 28 parking spaces. She stated it will have the same hours of operation and 15 employees. Ms. Romack stated it is approximately 2,800 square feet. She explained for both restaurants the peak hours are between 6-8pm. Ms. Romack explained the parking analysis referring to the slide and spoke Quest's parking agreements. She referred to the slides to show existing conditions of the tenant spaces, the center and the additional parking across the road. Ms. Romack clarified the variation was added to 23-25 E. Northwest Highway but it account for the other restaurant as well.

Ms. Roth-Wurster asked if staff is considering the restaurants together because it is under the same ownership.

Ms. Romack explained it is the same petitioner and same center so made sense to go over together but pointed out votes will be taken separately. She stated the Variation can be amended if one of the restaurants is denied.

Ms. Roth-Wurster asked if there is an agreement for Quest's offsite parking.

Ms. Romack stated there is no official agreement but explained there is an unofficial agreement for both Quest Academy and the center to both park in the lot across Plum Grove Road.

Mr. Okigawa explained the center is owned by an entity which is owned by Quest so they own the west campus lot as well.

Ms. Wood spoke to the peak hours' pointing out the business plan expects them to be in the evening. She stated she sees them being during lunch for a business like this especially since there is not another place to eat in that center. She asked staff if they had more information on this.

Ms. Romack stated she does not.

Mr. Okigawa stated in his experience with Japanese restaurants during lunch people come and eat and go. He further explained Japanese business men tend to linger in the evening.

Mr. Pirog asked to what extent Quest uses the parking lot.

Ms. Romack stated she is unsure but to her understanding there is a lot of drop-off and some tenant space on the end that they use as well.

Mr. Pirog asked if they see an increased danger with an overcrowded parking lot.

Ms. Romack stated she can't answer that.

Mr. Okigawa explained the leases stating the employees are to park in the south parking lot, which is where the cars line up to pick up students.

Ms. Wood spoke to the busy times with Quest being in the morning and during special events.

Sworn in:

Ms. Eileen Hoffman 457 E. Comfort Lane

Ms. Cara Churak 10 E. Comfort Lane

Mr. Doug Sloan 26 E. Comfort Lane

Mr. Sloan stated him and a group of neighbors have several concerns. He stated he has lived in the house for 21 years and Quest has been getting larger. He stated the alley is completely full at time of pick up. He stated the kids go back there. Mr. Sloan expressed concern with the garbage since it is not maintained now. He stated they have questioned the overflowing garbage for years to no avail. He stated the fence is a mess so when they look out their back doors they look at cars. Mr. Sloan expressed concern with people parking in the alley to pick up their food. He stated he has suggested for years an 8 foot tall fence like behind grocery stores. He expressed his concern for the kids with the extra traffic. He spoke to the liquor license and asked what that would mean to them. He expressed concern with Japanese men hanging in the alley at night. Mr. Sloan stated he is not against the restaurant itself if it is run properly.

Ms. Hoffman asked if the liquor license was to serve at the tables or if there will be a bar area. She asked about food delivery times and pointed out if done in the

morning it could be a problem with Quest drop off.

Mr. Sloan asked if there would be time restrictions like grocery store deliveries.

Mr. Vyverberg explained there is a truck delivery ordinance that is Village wide.

Mr. Sloan asked if that will that be adhered to. He stated the Quest janitors roll down their garbage at 2:00 am. Mr. Sloan presented pictures of existing conditions. Mr. Sloan asked for clarification on where people will park. He referred to the aerial pointing out the walkway that gives access from the alley to the door. He asked if there is anything that can be done to prevent this. He asked again about the possibility of an 8 foot tall fence because it backs to residential.

Ms. Romack stated there could be an additional condition that will recommend the fence to be fixed and brought up to code.

Mr. Sloan asked what code is.

Mr. Pirog asked what size is the current fence.

Mr. Sloan answered 6 feet tall and it is falling apart. He spoke to the pictures submitted of the fence and stated people look over the fence into their homes.

Ms. Wood asked what the height requirement for commercial properties abutting a residential is.

Ms. Romack answered no more than 6 feet tall.

Mr. Sloan asked why there is an 8 foot tall fence proposed by Ace Hardware.

Ms. Wood asked staff why Jewel's or Mariano's fences are higher.

Mr. Vyverberg explained the fence by Jewel was approved as part of the planned development and as part of the approval must be replaced every 10 years. He pointed out this center is also part of a planned development. Mr. Vyverberg stated he appreciates the residents bringing the issues with garbage and noise from the janitors to the Village's attention. He stated in regards to the fence it is a planned development so if approved by Village Council there are requirements for it to have appropriate fencing and screening so that can be a component that will need to be addressed.

Mr. Sloan spoke to food deliveries and the noise associated.

Ms. Wood asked about the spacing between the fence and the residential properties

Mr. Sloan answered approximately 12 feet. He stated there is a utility easement and the fence is approximately 8 feet from that easement.

Mr. Pirog asked if they ever called the Village to complain.

Mr. Sloan stated he has spoken to Brad Helms but are not getting anywhere. He stated he has considered speaking to an attorney because it is devaluing their homes. He asked why not just fix it and allow an 8 foot tall fence to prevent the noise and having to look at it all day. Mr. Sloan stated they told Ms. Hoffman they would replace the fence but instead they replace one board every 2 months when the whole fence is shot.

Mr. Larson clarified the parking across Plum Grove is used for Quest staff and the parking for the restaurants is intended to be in the main parking lot.

Ms. Romack answered yes.

Mr. Sloan asked how they will know where to park. He asked will there be signs.

Ms. Roth-Wurster clarified the landlord is Quest Academy.

Ms. Hoffman explained they have been told the school can't own because of sales tax so it is run by a management company.

Mr. Sloan stated the management company gives us the run around and that's when you can even get ahold of them.

Ms. Hoffman expressed concern with there being enough room behind the building for all the employees since the lot are not always available. She spoke to the garbage enclosures and how a restaurant will generate a lot more garbage. She asked how they will accommodate their employees parking and a larger garbage receptacle.

Ms. Churak stated she lives directly behind the larger restaurant that is being proposed. She expressed concern with the food mess with the animals pulling everything out. She referred to the pictures submitted pointing out the lids are never closed. She asked how the dumpster would be enlarged to accommodate a restaurant and if they will add doors to fully enclosed like other restaurants. She spoke to the dumpster diving due to the resale shop throwing out items. Ms. Churak further explained where the restaurant is going used to be Quest academy daycare/preschool, which threw out a lot of food that animals then dragged into her yard and made her pets sick. She pointed out the garbage enclosure was not sufficient for a daycare nor a restaurant. She spoke to a storage box that has been there for 9 months and messenger trucks that are parked there that do not belong to any businesses in the center.

Ms. Wood asked about the messenger trucks.

Ms. Churak stated the trucks in the picture have been there close to a year.

Ms. Wood asked if there is more than the one truck.

Ms. Churak stated there are 2 at a time that are right behind her house. She spoke to the storage boxes in the pictures submitted that have been there close to 9 months.

Ms. Wood asked if the concern is just too much.

Ms. Churak stated when the preschool was there the dumpster was not sufficient but there are a lot of businesses that are no longer there so the garbage has gone down. She stated it is a great place in Palatine to dump your spring cleaning so it needs to be secured because it is a dumping ground.

Discussion on people dumping garbage.

Ms. Romack stated staff recommends continuing this matter to look into the issues brought to our attention.

Ms. Wood asked if the other restaurant needs to be open and continued as well.

Mr. Vyverberg pointed out some of these issues are not specifically related to the special use. He stated if residents see people dumping garbage at 2:00am they should call 911. Mr. Vyverberg stated if the Village is unaware of these violations in the alley they can't do anything about it so appreciates them bringing these issues to their attention. Mr. Vyverberg stated staff was not aware the petitioner would not be present for the meeting and since the board had some question related to the operation it would be beneficial to have them present.

Ms. Wood asked if we should allow more residents to speak or to close the hearing now.

Mr. Vyverberg stated that is up to the board but if they are here and want to get on the record that is fine with staff.

Sworn in Ms. Katherine Tipper 444 N. Comfort Lane

Ms. Tipper stated it is a quiet neighborhood and is concerned that the restaurants will be open 7 nights a week until 10pm. She stated she can appreciate Friday and Saturday but don't want to be a late destination during the week. She expressed the same concerns with parking and would like signs in back saying for employees only that have some sort of consequence if they do park there as well as some direction that parking across the way is allowed. Ms. Tipper spoke to the walkway and how it is convenient. She stated the center is partially vacant and is concerned what will happen with parking if it fills up. She pointed out the bank in space above is underutilized and maybe they can utilize that space.

Ms. Romack explained the process when a use is proposed. She spoke to the parking requirements and the special use process. Ms. Romack stated in this case they have accounted for all parking even for the vacant spaces referring to the parking calculation slide.

Ms. Tipper stated she would like them to plan ahead for them to be busy. She stated the lot floods when it rains heavily.

Mr. Sloan stated it is a low area.

Ms. Tipper wants to plan for success.

Mr. Pirog asked about parking calculations and if the vacant spaces were opened by restaurants the requirements would go up.

Ms. Romack answered yes and they would have to come back for another variation.

Mr. Okigawa addressed the residents' concerns. He stated he was not aware of the dumpster being full and will have to speak with property manager to see what the issue is. He spoke to the garbage dumping and how it is hard to patrol but pointed out there are signs saying no dumping security camera in use. Mr. Okigawa stated they just received notice about the fence. He stated the fence cost will be approximately \$15,000-\$20,000 and the center doesn't generate that much profit to replace the entire fence. He pointed out they need to get the tenants in to pay for the fence. He stated they are trying to replace portions at a

time to get it done in a year or two. Mr. Okigawa stated the storage box was supposed to be temporary so will speak to the tenant about getting it out of there.

Mr. Pirog asked about food deliveries and if there will be takeout.

Mr. Okigawa stated the deliveries would not be during lunch or dinner so probably in the morning. He explained the leases state the employees have to park in the south lot which will not leave too many spaces left for customers.

Ms. Wood clarified he is the real estate broker for the management company that the owner uses.

Mr. Okigawa explained his company not only leases it but also manages it.

Ms. Wood asked if this is continued will it be to a specific date.

Ms. Romack answered approximately one month from today so August 28.

Mr. Vyverberg pointed out the petitioner will be contacted to ensure they or a representative will be available for that meeting. He spoke to the issues that will need to be addresses including the possibility of larger garbage receptacles and if that will affect the parking requirements. Mr. Vyverberg stated they will also need to gather more information on the flow of traffic from Quest Academy. He stated the code enforcements issues will be handled separately not related to the use.

Ms. Wood asked if staff will follow up.

Mr. Vyverberg explained the code enforcement will be tracked separately outside of the special use and variation request. He stated staff will contact the petitioner to set up a meeting prior to bringing this back to the ZBA to ensure the necessary information is available to communicate for the petitioner.

Ms. Wood asked if there would be discussion on the possibility of replacing the fence with an 8 foot tall fence. She asked if that would require another variation.

Mr. Vyverberg pointed out the center is part of a Planned Unit Development so has some latitude in regulations. He stated they will need to go out and get a physical look at it and see if they can add in as a minor amendment.

Ms. Wood asked for a motion to continue to August 28, 2018.

Ms. Roth-Wurster made a motion to continue; seconded by Mr. Larson.

DELIBERATIONS:

Mr. Dittrich pointed out the hearing was for petitions for restaurants filing a space owned by Quest Academy. He pointed out the issues with the fence and dumpster are Quest issues sounds like all issues are with Quest. He stated he has never noticed the parking in back. He stated this lot is always vacant so doesn't understand how parking can be a concern. He spoke to property value and how vacancies and lot flooding affects it. Mr. Dittrich stated he does not want go back through this again in a month when the arguments have already been heard.

Ms. Roth-Wurster stated there were issues brought up even before the neighbors testified. She stated she felt the right representation for this request should have been present to clear up some questions so she felt the need to continue even before the objections began. Ms. Roth-Wurster stated the objections are related to the property and staff has a lot to do to clear up so continuing is the right thing for all parties involved.

Mr. Dittrich agreed but stated bringing up issues that don't pertain to the item on the agenda and forcing a continuation is no better.

Ms. Wood stated having a restaurant will generate more issues with noise and garbage and parking and these issues do pertain to the restaurants.

RESULT:	CONTINUED [4 TO 1]
MOVER:	John Pirog, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Pirog
NAYS:	Dittrich
ABSENT:	Luszczak, McGinn, Cavanaugh

IV. COMMUNICATIONS

The next meeting is scheduled for Tuesday, August 28th.

V. ADJOURNMENT