



# VILLAGE OF PALATINE

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

## PLAN COMMISSION MINUTES • JUNE 21, 2022

Village Hall - Council Chambers

Regular Meeting

7:00 PM

### I. CALL TO ORDER

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

### II. APPROVAL OF MINUTES

#### 1. Plan Commission - Regular Meeting - Jun 7, 2022 7:00 PM

<b>RESULT:</b>	<b>ACCEPTED AS AMENDED [UNANIMOUS]</b>
<b>AYES:</b>	Dwyer, Noonan, Williams, Friedman, Kolososki
<b>ABSENT:</b>	Bettenhausen, Fedota

### III. PUBLIC HEARING

1. 1025 and 1037 W. Kenilworth Avenue

Case 20-10

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on June 6, 2022 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Application
2. Project Narrative
3. Plat of Survey
4. Plat of Subdivision
5. 1025 & 1037 Engineering Plans
6. Letter of Objection
7. Public Notice
8. Letter of Objection #2
9. Letter of Objection #3

**Sworn in Petitioners:**

**Mr. George Borawski**

**Will Hepburn, P.E., Civil Engineer III - Bono Consulting Civil Engineers**

Mr. Borawski states his request is to subdivide 2 lots off of Middleton Avenue. Lots are currently 60,000 sq. ft. and he is requesting to divide into (4) 15,000 sq. ft. lots.

Mr. Hepburn states that they plan to provide public improvements along Middleton Ave by extending the sanitary and watermains and adding sidewalk, new pavement and curb and gutter where required.

Ms. Bremanis explains that the 2 current lots are zoned R1. The petitioner is seeking to rezone the Subject Property from R-1 to Planned Development and to subdivide the lots into four separate lots. An illustration of the existing property is presented. She explains that subdividing the property would add 2 lots to the south, both 75 feet in width and 204 linear feet long. She provides comparison information for surrounding properties with similar conditions. She states that the new proposed lots meet the R2 standards and provides lot measurements. She gives information on the existing utility and storm line locations and explains that they are proposing to extend the water line to the south down Middleton Avenue. Photos of the existing lots are presented and she provides illustrations to explain the area. She states that sidewalks would be installed along Middleton and trees planted in the parkway as part of the proposed plan.

Mr. Friedman questions if we have records of areas that have been annexed into Palatine prior to subdivision or similar plan development agreements with the

county.

Ms. Bremanis states there may have been lots subdivided prior to being annexed into Palatine and there would not be record on file with the Village.

Mr. Dwyer states it could be confusing that the zoning is for Planned Development opposed to R1 or R2 since this is a residential area.

Ms. Bremanis states it is for consistency on how we process subdivisions and maintaining the large size lots and setbacks.

Mr. Vyverberg restated that this is consistent to how these subdivisions had been processed in the past. He also states that the architectural plans have to meet the monotony code that didn't exist in 2002/2003. In addition the maintenance of the bioswales would be required as part of the MWRD and Subdivision approval.

Mr. Dwyer asked about one of the objector letters being that the interior lots would not have access if subdivided. Mr. Dwyer stated he did not see how they could create access for these interior lots.

Ms. Bremanis stated that is correct.

Mr. Dwyer refers to the letters of opposition that have been received from residents. He states that they oppose the request and ask that the large lots remain as is.

Resident: Mr. Jim Hall - 245 S Clyde is sworn in.

Mr. Hall refers to Current Zoning Map and states that he and his wife are opposed to this subdivision request. He provides background on the purchase of his property and states that the large lots were appealing to him which led him to the purchase of his property. States that he has invested an enormous amount of money to bring water and sewer to the area that he will never recoup. He states that Mr. Borawoski's request is an opportunity for him to make a profit and states that this opportunity is not available to the owners of the middle properties as only the corner lots can be subdivided. He is completely opposed and requests the area remain as is.

Mr. Friedman comments that the subdivision does not impact the lots in the area. He asks how this will impact him specifically.

Mr. Hall states that the privacy and distance from neighbors along with the large lot size was the reason he purchased his property. It will also add population to the small subdivision and feels the request will change the character of the neighborhood.

Resident - Ed DiPaolo - 1051 W Kenilworth was sworn in.

Mr. De Pala stated he is opposed to the subdivision request and submitted a letter of objection. His main objection is changing the lot sizes of the properties, the large property lots are the appeal of the neighborhood. His second objection is that he would not be able to subdivide his lot since it is interior. In addition, Middleton is a substandard street.

Mr. Friedman asks if the redevelopment would include improving Middleton Dr.  
Ms. Bremanis states that it is.

Resident - Arturo Santano - 247 S Middleton -

He states he is friendly with Mr. Borawski and has no personal conflict with him but has concerns with this petition. He states that subdividing the property would potentially have a house next to his which changes the appeal of his property and way of life. He also is concerned that the construction traffic using the existing narrow road into the subdivision would be a hazard. The road barely allows 2 passing cars currently and construction traffic would only create further complications.

Mr. Friedman asked about the existing tree line that appears to buffer the yard.  
Mr. Santano stated those are right on the lot line.

Mr. Dwyer asks Mr. Hepburn if the timing and changes to Middleton will be improved to meet the village standards for a residential street.

Mr. Hepburn states it would meet the standards but are limited to right of way with the circle drive.

Mr. Dwyer asks how it would meet standards without encroaching on the circle driveway in the right of way.

Ms. Bremanis provides measurements and states it will be improved but will not meet village standards. In regards to the narrow road concern during construction, she states that a Construction Management Plan is part of the conditions.

Discussion ensues regarding water conditions.

Ms. Bremanis states that sanitary sewer would connect to the existing services in the S. Middleton Avenue right-of-way. Water service would connect to the new water main. She explains how the storm water drains currently and states the proposed plan would not significantly alter the drain pattern.

Resident - Mr. Hall states the water flow is a concern.

Resident - Mr. Arturo states there is a high water table next to the wetlands. Currently, the water ponds at his driveway during heavy rains.

Petitioner - Mr. Borawski states that the detention area existed when the Clyde extension was built.

#### **STAFF RECOMMENDATION:**

While some of the immediately adjacent properties remain R-1 zoning with larger lots, the proposal is consistent with recent developments immediately northwest, northeast and east of the Subject Property. Therefore, Staff recommends approval of the proposal, subject to the following conditions:

1. The development shall substantially conform to the Plat of Subdivision prepared by Murry and Moody, LTD. and the Engineering Plans prepared by Bono

Consulting Civil Engineers., dated 11/22/2019 last revised 06/01/2022, except as such plans may be revised to conform to Village Codes and Ordinances.

2. All future residences shall follow the Village's R-2 Standards.
3. A Public Improvement letter of credit or appropriate security deposit shall be submitted in a manner acceptable to the Village Engineer.
4. Review fees in the amount of 1.5% of the total project improvement costs (as defined in the Village Code) shall be submitted in a manner acceptable to the Village Engineer.
5. A Planned Development letter of credit shall be submitted in a manner acceptable to the Director of Planning and Zoning.
6. The Final Plat of Subdivision shall be submitted on Mylar with the required signatures and significantly conform to the Plat of Subdivision prepared by Murry and Moody, LTD.
7. A Subdivision Improvement Agreement shall be submitted in a manner acceptable to the Village Attorney.
8. Recording fees in the amount of \$300 shall be submitted.
9. The Final Engineering Plans and Final Engineer's Cost Estimate shall be revised in a manner acceptable to the Village Engineer.
10. Cash-in-lieu of detention shall be submitted in a manner acceptable to the Village Engineer.
11. A construction management plan, indicated the proposed material delivery routes and contractor parking areas, shall be submitted to the Village Engineer.
12. A MWRD permit shall be submitted.

**Mr. Noonan made a motion to close the public hearing.**

**DISCUSSION:**

Mr. Kolososki is not opposed to the petitioner's request and states that the area invites subdivision.

Mr. Noonan asks when the Sub lot at Clyde and Kenilworth was completed and the zoning map is referenced showing dates of previous sub divisions.

Mr. Dwyer states that request for sub dividing of lots that have been requested in the past did not have the same level of objection and states that he is not in favor of the subdivision.

Mr. Noonan has concerns regarding the street not meeting the village standards.

Mr. Friedman states individual homeowners in the neighborhood that enjoy their large property would still have their large property. He states that the proposed subdivision of these properties are in line with what is in the area.

Mr. Dwyer states that it would change the character of the adjoining properties.

**Mr. Friedman made a motion to approve subject staff's conditions; 2<sup>nd</sup> by Mr. Kolososki**

**Commissioner Dwyer summarized the request was accepted by a vote of 3-2. This will tentatively go to Village council on Monday August 8<sup>th</sup>, 2022.**

<b>RESULT:</b>	<b>RECOMMENDED TO APPROVE [3 TO 2]</b>
<b>MOVER:</b>	Eric Friedman, Plan Commissioner
<b>SECONDER:</b>	Robert Kolososki, Plan Commissioner
<b>AYES:</b>	Williams, Friedman, Kolososki
<b>NAYS:</b>	Dwyer, Noonan
<b>ABSENT:</b>	Bettenhausen, Fedota

## 2. 2240-2296 N. Rand Road

Case 22-24

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on June 6, 2022 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Missner Group - Engineer Plans
2. Missner Group - Architect Plans
3. Missner Group - Plat of Subdivision
4. Missner Group - Landscape Plan
5. Site Plan
6. Arch Site Plan - Additional Parking Exhibit
7. KLOA Rand Rd Traffic Study
8. Photometric Lighting Plan
9. PF PD Application
10. Rezoning Application
11. PF Subdivision Application
12. Alta Survey 2234-2240 Rand Rd
13. 2296 N Rand Rd - Alta Survey
14. Public Notice

**Sworn in Petitioners:****Lawrence M. Freedman - Law Offices Ash, Anos, Freedman & Logan, LLC****Cody Balogh - The Missner Group****Edward Adler - The Missner Group****Charles Swanson - Ware Malcomb****Brett Duffy, P.E. - Spaceco, Inc.****Luay R. Aboona, PE, PTOE - KLOA**

Commissioner Friedman states for the record that he has a working relationship with members of the Petitioner team, but that relationship will not affect his ability objectively review the request.

Commissioner Noonan also states for the record that he has a working relationship with members of the Petitioner team and confirmed the same.

Mr. Freedman - Authorized Agent and Attorney introduces Mr. Edward Adler of The Missner Group.

Petitioner, Mr. Adler, provides background information on their company and states that they are a developer of property, 3<sup>rd</sup> Generation, 75 year old company. He explains that they are a General Contractor and Real Estate Developers. They have been involved in Industrial Real Estate for approximately 45 years whether investing or developing. They are infill developers and don't typically buy farm land. Typically building buildings in the 80,000 to 250,000 sq.

ft. range. Their operation has expanded into NW Indiana and Merrillville, IN. The location within Palatine was attractive as an infill location because of proximity to Highway 53 and O'Hare airport.

Architect - Charles Swanson - Director of Architecture with Ware Malcomb Architects

Mr. Swanson talks about current conditions and is proposing a Class A, modern office/warehouse distribution facility. He presents a proposed site plan showing a rendering of the building with parking spaces. He states parking spaces will meet the requirements for the space. He further explains that truck parking would be at the back of the lot and the proposed office building would be an attractive structure from street view. He states that it would be a significant improvement to the existing conditions.

Mr. Vyverberg provides insight to the proposed Planned Development and states that the petitioner plans to consolidate the existing 7 parcels into one consolidated lot and develop a new warehouse/distribution center with associated office uses. He provides information on the surrounding properties and states it is zoned B5. He provides information on the existing utilities and states that the Village Engineer's review indicated that a new sidewalk would be required along Rand Road. The Petitioner provided a Traffic Impact Study and talks about the parking demands which anticipates 10% of the building being occupied with office use and the balance for warehouse/distribution. He provides information from the developer as to the anticipated tenant that they are targeting which could be food use/distribution or light assembly use.

Mr. Friedman asks if the staff review considers this a development opportunity as one of the entry faces into Palatine. He questions whether constructing a building so close to the roadway without a way to screen it is the vision of Palatine. He would like to make sure we get it right for this corridor project.

Mr. Vyverberg states that the site plan complies with all the B5 standards and states the height requirement is also being met. The review considered what the underlying zoning allows and whether it is dissimilar to the surrounding properties and refers to the UPS building as a reference.

Mr. Friedman states that the scale of the UPS facility is not seen at street level. He states that there are buildings that surround the facility that provide screening. The structure is not visible unless you drove in.

Mr. Dwyer requests to see an elevation of what it would look like.

Mr. Swanson provides elevations of the Planned Development. He states that the design is attractive which would rent out well with the type of tenant they are hoping to attract. He states that the building complies with all setbacks.

Mr. Friedman states it is a beautiful facility that would look great along the I-55 corridor but has concerns whether it fits the vision of Palatine.

Mr. Swanson provides elevations showing the overview of the project site, aerial view and site elevation.

**STAFF RECOMMENDATION:**

The Subject Property was annexed into the Village in 2007 from unincorporated Cook County. The proposed redevelopment will continue the redevelopment patterns along Rand Road and the contemplated warehouse/distribution/light industrial uses is not inconsistent with the surrounding developments. With the existing roadway systems along Rand and Lake Cook Roads, the proposed development has the necessary capacity to operate. Therefore, Staff recommends approval of the Preliminary and Final Planned Development, Preliminary and Final Plat of Subdivision, and Rezoning to Planned Development, subject to the following conditions:

Preliminary and Final Planned Development:

1. **The development shall substantially conform to the engineering plans by Spaceco., INC., dated March 22, 2022, as revised, the architectural plans by Ware Malcomb, date April 3, 2022, as revised, the KLOA Traffic Study, and the landscaping plans by Kathryn Talty, dated January 28, 2022, except as such plans may be changed to conform to Village Codes and Ordinances.**
2. **Uses and signage shall be governed by the Manufacturing District use lists in the Village of Palatine Zoning Ordinance (note - this includes all of the required performance standards). Sign plans shall follow the Manufacturing district sign regulations.**
3. **As a component of the Final Planned Development, a Planned Development letter of credit shall be submitted in a manner acceptable to the Director of Planning and Zoning and Village Engineer.**
4. **The final engineering plans shall be revised in a manner acceptable to the Village Engineer.**
5. **The final landscape plans shall be subject to the review and approval of the Director of Planning and Zoning and shall include addition shrub plantings along the Rand Road frontage, adjacent to the parking lot.**
6. **The final photometric and lighting plan shall be revised in a manner acceptable to the Village Engineer. Light shields shall be required for any lights proximate to residential properties, at the determination of the Village Engineer. This may include a 25-foot mounting height for exterior lights, in order to reduce the glare, at the direction of the Village Engineer.**
7. **The final traffic directional signage plan shall be submitted in a manner acceptable to the Village Engineer.**

8. **Cross access easements, declarations and a Reciprocal Easement Agreement for the entire property governing the maintenance of access points, stormwater areas and any other common areas shall be submitted in a manner acceptable to the Village Attorney and Village Engineer. This could include a cross access easement for the property directly north of the Subject Property, if that property were to redevelop in the future, if requested by the Village of Palatine.**
9. **The final dumpster locations and required screening materials shall be submitted in compliance with Village Code. The screening shall be constructed of durable materials similar to those of the building and shall have solid (opaque) walls and doors. The final locations could also require the submission of a revised auto-turn, in a manner acceptable to the Director of Fire Prevention.**
10. **As a condition of the Final Planned Development and pursuant to the project narrative, the Petitioner shall submit the proposed business and operations' plans (identified tenants) for Staff review for compliance with the manufacturing use list and standards.**
10. **If, at the determination of the Village, the proposed tenant composition (% of office uses) increases or the Village of Palatine determines that there is a significant parking demand deficiency, based upon the required parking needs, the trailer parking directly east of the detention basin shall be converted to auto parking stalls, or a portion thereof, as noted on Ware Malcomb Concept Site Plan ("Scheme 9"), depicting up to 30 additional parking spaces.**

Preliminary and Final Plat of Subdivision:

1. **The Final Engineering plans shall substantially conform to the engineering plans by Spaceco., INC., dated March 22, 2022, except as such plans shall be changed to conform with Village Codes and Ordinances and in a manner acceptable to the Village Engineer.**
2. **The Final Engineering Plans shall be revised in a manner acceptable to the Village Engineer.**
3. **The Final Plat of Subdivision shall be revised in a manner acceptable to the Village Engineer and submitted on a Mylar, with all required signatures.**
4. **Recording fees in an amount of \$600 shall be submitted.**
5. **The Final Plan Review fees in the amount of 1.5% of total project improvement costs shall be submitted in a manner acceptable to the Village Engineer.**
6. **A Public Improvement Letter of Credit shall be submitted to ensure the completion of all public improvements, as defined within the Village Code, for an amount of 115% of the approved EEOC, along with a cash bond of**

**10% for the required one-year maintenance period in a manner acceptable to the Village Engineer.**

- 6. The EEOPC shall be revised in a manner acceptable to the Village Engineer.**
- 7. The Petitioners shall submit a Subdivision Improvement Agreement in a manner acceptable to the Village Attorney.**
- 8. The cross-access easement, declarations, and reciprocal easement agreement regarding the maintenance of the access points, storm water areas, or any other required common areas shall be submitted in a manner acceptable to the Village Attorney and Village Engineer.**
- 9. All extra-agency permits (e.g. IDOT, MWRD, etc.) shall be submitted in a manner acceptable to the Village Engineer.**

**Mr. Noonan made a motion to close the public hearing.**

**DISCUSSION:**

Mr. Kolososki states the proposed plan may be tall, but fits with the Rand Road vision and the gateway to Palatine.

Mr. Friedman states it is a lot of building for a busy road. He indicated that he feels that aggregating all of the properties together and putting a massive building doesn't feel like the intent is being met for that district.

Mr. Friedman inquired how staff reviewed the proposal given that these parcels represent a gateway into the Village. With this level of investment, this building will be here for some time.

Mr. Vyverberg noted that as the proposal complies with both the B-5 and Manufacturing district requirements and were the proposed uses permitted, only site plan review would be required. One of the underlying balances of the staff review is what is allowed within the given zoning district and that the architectural materials have been approved on other recent projects.

Mr. Friedman commented upon the scope of the UPS property and noted its setback.

Mr. Noonan inquired about the height of the Hyundai building.

Mr. Friedman commented on the prevalence of these type of distribution buildings.

The architect commented on the large amount of glazing on the building. The speculative nature of the building requires an 18-month lead time for the pre-cast materials. The windows, color of the panels, and materials will work to distinguish the building as a Class A building.

The architect commented that berming is typically provided for screening of the loading docks, which would not apply here. The building would be 36 feet clear height. There are 156 auto parking spaces, with 140 installed initially and 16 additional parking spaces on the north side of the building.

Mr. Dwyer inquired if the Missner Group is the owner or contract purchaser.

They are the contract purchaser.

Mr. Kolososki commented that the location is appropriate, given the proximity to Route 53.

Mr. Friedman commented on the massing of the building, which may be too much.

Discussion about the Algonquin Road development and this proposal would be better were it smaller.

**Mr. Noonan made a motion to approve subject staff's conditions; 2<sup>nd</sup> by Mr. Kolososki**

**Commissioner Dwyer summarized the request was accepted by a vote of 4-1. This will tentatively go to Village council on Monday July 11<sup>th</sup>, 2022.**

**Communication:**

Ben states that the Text Amendments have not gone to the Village Council and is tentative for July 11<sup>th</sup> or the first meeting in August.

Mr. Dwyer states public notices refer to file # and the package refers to it as case #. Inquires if both should refer to the same reference.

<b>RESULT:</b>	<b>RECOMMENDED TO APPROVE [4 TO 1]</b>
<b>MOVER:</b>	Patrick Noonan, Plan Commissioner
<b>SECONDER:</b>	Robert Kolososki, Plan Commissioner
<b>AYES:</b>	Dwyer, Noonan, Williams, Kolososki
<b>NAYS:</b>	Friedman
<b>ABSENT:</b>	Bettenhausen, Fedota

**IV. COMMUNICATIONS**

**V. ADJOURNMENT**