



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
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PLANNING AND ZONING COMMISSION

MINUTES • JUNE 11, 2024

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

II. MEETING MINUTES

1. Planning and Zoning Commission - Regular Meeting - May 14, 2024 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Roth-Wurster, Friedman, Wood, Bettenhausen, Kolososki, Cavanaugh, Fedota
ABSENT:	Noonan, Schubert

III. PUBLIC HEARING

1. 1227 W. Kenilworth Avenue

SU-000111-2024 - 1227 W. Kenilworth Avenue

Notice was published in the Journal & Topics on May 23th, 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**
4. **Site Plan**
5. **Fence Elevation**
6. **Public Notice**

Background: The Subject Property is zoned R-1A single-family residential and is part of the Cambridge of Palatine Subdivision. The property contains a single-family residence, with a deck and a frame shed in the rear yard. The subject property is a corner lot with the required front yard abutting W. Kenilworth Avenue to the north. The rear yard of the property directly abuts the front yard of the adjacent property to the south, 224 S. Hampton Court.

The Petitioner is proposing to construct a 5-foot tall open-style aluminum fence set back approximately 10 feet from the subject property's side property line abutting S. Hampton Court. Therefore, the Petitioner is requesting:

Special Use to permit a fence to be set back 10 feet from the side property line abutting a street, instead of the minimum required 35 feet.

Sworn in petitioner: Nicholas Wiskirchen - 1227 W. Kenilworth Ave. (owner)
Mr. Wiskirchen explains his proposal to install a fence around the property line. He states that he intends to extend the fence 22 feet off the east end of the house to just behind the shrubbery. The purpose of the fence is to contain his dog and children, thereby providing a safe environment for them.

Commissioner Bettenhausen asks for clarification on the triangular area shown on the drawing.

Mr. Wiskirchen states that the electrical boxes are in that area. The area gets wet due to drainage from sump pumps. He states that the fence company recommended installing the fence in a way that allows access to the utility boxes.

Chairman Wood asks if he is aware of any similar corner lot properties with fences.

Mr. Wiskirchen replies that he is not aware of any similar properties in the

vicinity, although there are corner lots with similar fences. He mentions that he chose a 5-foot wrought iron fence with a flat top to avoid impeding sight lines. Chairman Wood acknowledges that the fence selection was based on enclosing the property without affecting the line of sight.

Mr. Wiskirchen confirms this, adding that he aims to keep the fence open and aesthetically pleasing.

Commissioner Friedman states the site plan shows the fence at a specific location. What is the reason for this location?

Mr. Wiskirchen explains that he initially considered extending the fence up to 30 feet from the corner but decided against it to avoid obstructing the sight line. By placing the fence 22 feet out, the neighbor will still have a clear view of the neighborhood.

Commissioner Cavanaugh questions if neighbors are aware and approve of the project.

Mr. Wiskirchen states they have talked to the neighbors and have positive input.

Mr. Vyverberg states this is a unique property that is on an angle. He describes the setback situation, noting the presence of an unimproved parkway. He added that there are no future plans for roadway improvement in this area.

Commissioner Fedota asks if there are sidewalks in the area or are contemplated for sidewalks.

Mr. Vyverberg states that this area is not contemplated for sidewalks.

Mr. Friedman asks if there was intended sidewalks would there be an issue with the fence.

Mr. Vyverberg states that there is usually a minimum of a 5' parkway and a 5' sidewalk. The 30' setback would be diminished to 20' setback. But since there is no intentions for a sidewalk staff does not have any issues.

Mr. Friedman further clarifies that the documents show the house is on a 30' minimum setback - actual positioning at 32' but zoning ordinance has the fence at 35' in the same area that the building is allowed at 30'.

Mr. Vyverberg states that is correct and there are areas of non-conformity. There may be some nuance with regard to placement. The current zoning R-1A would require a 35' setback. The house was built substandard and non-conforming and he is not sure if there was relief granted for the subdivision.

STAFF RECOMMENDATION:

The Petitioner is proposing to construct an open-style fence that encroaches into the required side yard abutting the street. Although the subject property's rear side yard abuts the front yard of the adjacent property to the south, Staff notes that the driveway of said adjacent property is approximately 45 feet from the shared property line with the subject property, and with the proposed fence being

an open-style, no issues with line-of-sight were identified.

Additionally, there is substantial parkway of approximately 20 feet, between the subject side property line and the back of the curb along S. Hampton Court, which further decreases the effect the fence could have on the existing vista in the area. 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, Nicholas Wiskirchen, 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 Ruth-Wurster.

Discussion:

Commissioner Cavanaugh commends the petitioner for effectively addressing the standards and congratulates him on the upcoming new addition to his family. He acknowledges that the property is unique and highlights the absence of sidewalks as a distinguishing factor from normal requests. He concludes that the request meets the standards, and he expresses his support for it.

Commissioner Kolososki states the fence style is perfect for the neighborhood. In favor of the request.

Commissioner Roth-Wurster praises the fence style chosen by the petitioner, noting its appropriateness for the property. She acknowledges the concern regarding sightlines on corner lots but expresses confidence that the proposed fence will effectively serve its purpose of containing the petitioner's dog and children within the property. Additionally, she asserts that the fence will not have any adverse effects on the neighborhood.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on Monday, June 17th, 2024.

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

2. 916 E. Northwest Highway

SU-000103-2024 - 916 E. Northwest Highway

Notice was published in the Journal & Topics on May 23th, 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**
4. **Floor Plan**
5. **Business Plan**
6. **Public Notice**

Mr. Vyverberg provides background and states the petitioner is seeking a special use for medical use for a Physical Therapy clinic at the subject property

Sworn in petitioner: Emil Guintu - 415 W. Golf Rd - Suite 512, Arlington Heights, IL - one of the owners of RehabMaxx.

Mr. Guintu introduces his company, stating that they specialize in providing home physical therapy services for home health agencies. He explains that their primary practice involves visiting patients at their homes or at assisted living facilities. Additionally, they establish partnerships with facilities and set up clinics within them.

The new clinic would serve patients from The Grand, a neighboring senior living facility, as well as the surrounding community. Mr. Guintu mentions that they currently have space within The Grand facility, and the new location is connected to it. This setup allows residents to access the clinic through the facility, providing them with a safe and convenient access to their services.

Chairman Wood confirms with Mr. Guintu that their company is currently located within The Grand, to which Mr. Guintu confirms the accuracy of this statement.

Chairman Wood asks if there are any additional services offered.

Mr. Guintu states it would be primarily physical and speech therapy.

Commissioner Roth-Wurster asks if he has other locations or mostly home health.

Mr. Guintu states it has been mostly home health. He explains they have partnered with 3 other assisted care locations and next steps would be the clinics to provide therapy for the community and the assisted living patients.

Commissioner Roth-Wurster asks how many employees would be at this location.

Mr. Guintu states there would be a (1) Director of Rehab, (2) Physical Therapist, (1) PT Assistant, (1) Occupational Therapist with (1) assistant, and (1) speech

therapist.

Commissioner Fedota notes the footprint of the space and states the space seems to be limited.

Mr. Guintu responds by stating that they plan to maximize the utilization of the space through scheduling. He reassures that they do not anticipate having all patients present at the clinic simultaneously. Additionally, they will continue to provide services to patients within their homes or assisted living spaces as needed.

Chairman Wood expresses concern about the potential volume of patients, noting that 25 to 30 patients a day seems like a lot for this location, and asks how they would accommodate this demand.

Mr. Guintu responds by explaining that the location would be equipped with necessary equipment and primarily utilized for physical therapy services. He anticipates that they would be able to manage the therapy and patient needs effectively through their scheduling process, ensuring that there is enough room to accommodate the expected volume of patients.

Chairman Fedota asks if the existing waiting area would remain.

Mr. Guintu states it may be used for therapy equipment.

Commissioner Roth-Wurster asks if the assisted living facility, The Grand, has any therapy equipment.

Mr. Guintu states they do and also have a pool.

Commissioner Freidman inquires if the door on the floor plan is the door the patients would use.

Mr. Guintu states that is correct.

Commissioner Friedman asks if the door would be ADA accessibility. Not sure if the existing door would have to be addressed.

Mr. Vyverberg states that there is an architectural plan submitted as part of the building permit and is in review.

Commissioner Friedman asks if there will be a proposed layout submitted and will it be available for the upcoming Village Council meeting.

Mr. Guintu explains what the intent will be but unsure as to whether there will be proposed layout drawings with all equipment.

Mr. Vyverberg provides further information and explains the property is part of the Willow Creek planned development approved in 1966 and follow the B-2 guidelines. Petitioner has the opportunity to take upon a new tenant space. It was previously a medical office approved in 2011. Parking requirements do not change with the subject use. Hours will be M-F 8am - 6pm and will provide services to The Grand and community.

The previous use of the space as a medical facility and the proposed use as a

physical therapy clinic are considered similar uses.

Chairman Wood notes that the previous medical office has been vacant for over 6 months. She asks if it had been vacant for less than 6 months, would it have been required to be replaced with the same type of medical office.

Mr. Vyverberg responds that it would be at the discretion of the Village. He explains that if there were changes to the floor plan, the Village would likely request to go through the process again. He mentions that it could have been possible to transfer the special use from Party A to Party B, but this was not feasible due to the tenant space being vacant for more than 6 months.

Commissioner Fedota asks what other operations are in the plaza.

Mr. Vyverberg states there is a pharmacy and 6500 square feet of accessory commercial space for The Grand and an vacant tenant space.

STAFF RECOMMENDATION:

The proposed medical office will operate within a retail space most recently occupied by another medical office, which received a Special Use to in 2017. As the business has already operated within The Grand, as an accessory use, the use should continue to be compatible with the surrounding uses. The medical therapy clinic will not increase the parking requirement and Staff does not have any operational concerns with the proposed use. Therefore, Staff recommends approval of the 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, Emil Guintu, Rehab Maxx LLC, except as such plans may be changed to conform to the Village Code and Ordinances

Chairman Wood asks if the floor plan is being changed.

Mr. Vyverberg states that there will be a wall removed but the overall space is not changing. If the detailed site plan was submitted with the building permit, they will be provided at the Village Council meeting.

Chairman Wood encourages the petitioner to provide a more detailed floor plan.

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

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

Discussion:

Commissioner Cavanaugh expresses his support for the proposal, deeming it a logical use of the space. He notes that the space was formerly a medical clinic and believes it would be ideal for the residents of The Grand. Additionally, he highlights that the proposal is cost-effective for the petitioner and meets the standards necessary for their operations.

Commissioner Fedota states that the expansion of the practice into the community serves as a valuable community service, benefiting both the

community at large and the residents of The Grand.

Chairman Wood states it is a positive move.

Commissioner Roth-Wurster states that offering the service to the residents of The Grand and the public is a beneficial use of the space.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on Monday, June 17th, 2024.

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

3. Amendment to the Village of Palatine's current 2011 Comprehensive Plan and Future Land Use recommendations for the Dundee Road Sub Area

2011 Comprehensive Plan and Future Land Use for Dundee Road Sub Area

Notice was published in the Journal & Topics on May 23th, 2024

Petitioner's Exhibits:

1. **Comp Plan Related Amendment**
2. **Public Notice**

Mr. Vyverberg explains that this proposal involves an amendment to the current comprehensive plan, which was approved by the Village Council in 2011. He notes that the Village Council has initiated the process of considering a new Tax Increment Finance (TIF) district along the Dundee Road corridor. Staff and consultants are reviewing some of the land use recommendations in the comprehensive plan to ensure both currency and flexibility. He highlights that the 2011 plan, which did not consider the possibility of a TIF district, which will now allow staff to review the current land use recommendations.

Mr. Vyverberg explains that there are two key components to the amendment: Future Land Use Map and the Dundee Road Sub Area recommendations. The existing land use designates the northern portion for continued business use and the southern portion for office use, with a retention pond, serving as open space. The proposal suggests changing the land use to a mixed-use designation that includes commercial office, light industrial, and distribution. He clarifies that the land use map serves as a guide and does not eliminate any of the required steps for zoning approval. The underlying zoning district will determine what is appropriate and any required process of review and approval will still go before the Planning and Zoning commission and the Village Council.

Mr. Vyverberg continues to explain that the 2011 comprehensive plan outlines several sub-areas, including the Dundee Road corridor stretching from Hicks Road to the west and Route 53 to the east. The comprehensive plan for this sub-area recommends commercial and retail uses along the Dundee Road corridor. Additionally, properties east of Kennedy Drive, north of Dundee Road, and west of IL Route 53 present a unique opportunity due to their combined size. With this in mind, a potential mix of commercial, office, light industrial, and/or distribution uses could be appropriate.

He notes that the northern parcel was not included in the Dundee Road Sub Area plan, as it does not front on Dundee Road. Mr. Vyverberg highlights the boundaries for the proposed TIF district, which were initiated by the Village in 2023. This proposal will be reviewed before the Village Council in a July meeting. Staff sees this as an opportunity to provide more flexibility for review in the current recommendations.

Mr. Vyverberg explains that the term "light industrial" generally refers to uses that involve light assembly, manufacturing, or processing operations that are conducted on a smaller scale. He emphasizes that the Village does not own any of the properties in question.

He further clarifies that the amendment is aimed at providing flexibility in land use, allowing for a broader range of potential developments that could come before the Village for consideration. For instance, if a proposal for a light assembly facility were presented, this designation would enable the Village to contemplate and review such a use.

Commissioner Fedota asks about the utility of reclassifying the retention basin into the mixed-use category, questioning if it's due to the availability of underground storage and whether this reclassification would make the entire property more flexible.

Mr. Vyverberg responds by clarifying that no specific engineering studies were conducted for this review. He explains that the property was initially developed in unincorporated Cook County and later annexed into the village. The stormwater management was mandated by the Metropolitan Water Reclamation District (MWRD). If a potential developer were to propose an alternative solution to the retention basin, it could be considered. This reclassification provides the flexibility to explore such alternatives and potentially enhance the utility of the property for various uses.

Commissioner Fedota notes that recreational or park use is not contemplated.

Mr. Vyverberg states that is correct - it is not contemplated for that type of use and was only classified as open space because of the existing of the detention pond.

Commissioner Fedota asks who owns that property.

Mr. Vyverberg states it is privately owned.

Commissioner Roth-Wurster wonders if the property could be considered for housing.

Mr. Vyverberg responds that commercial and retail would be the first recommended uses for this property, as these uses are consistent the current recommendations with what surrounds it. He explains that if someone were to contemplate a residential use, it would be inconsistent with the previous comprehensive plan and the proposed amendments. The current business land use is not being changed, but expanded

Chairman Wood notes that the only residential use indicated in the current comprehensive plan is on Hicks Road, and this is not the area being discussed. The focus remains on commercial, office, light industrial, and distribution uses for the properties east of Kennedy Drive, north of Dundee Road, and west of IL Route 53.

Commissioner Friedman clarifies that "mixed use" encompasses multiple potential uses. He asks if the comprehensive plan's designation of mixed use provides a broader opportunity for various types of uses to potentially occupy the property or if it intentionally recommends multiple specific uses for the property.

Mr. Vyverberg confirms that the Future Land Use Map's purpose is to consider the overall land use for the lots. The recommendation is for a mix of light industrial, commercial, and/or distribution uses, providing flexibility for future

development while aligning with the village's goals and policies.

STAFF RECOMMENDATION:

Staff is recommending amendments to the 2011 Comprehensive Plan to provide additional flexibility in coordination with the consideration of a new TIF District along the Dundee Road corridor. Therefore, Staff recommends approval of the Amendments to the Comprehensive Plan, as identified, and further outlined on the attached exhibit.

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

Commissioner Cavanaugh Made a motion to approve subject staff's conditions; seconded by Commissioner Kolososki.

Discussion:

Commissioner Kolososki supports the staff's approach, noting that designating the area as a TIF district is a positive step. He believes that providing a little incentive through the TIF could encourage development and attract interest in the area.

Chairman Wood emphasizes that the designated area for the TIF district represents a substantial piece of land. She highlights the potential benefits of creating more development opportunities, particularly given its proximity to major expressways. She also underscores the current need for development in the area.

Commissioner Roth-Wurster expresses her view that the area has experienced a decline in recent years. She sees expanding the TIF district in this location as a positive incentive to encourage new development and revitalization.

Commissioner Friedman asks if the motion should be amended and remove the condition, as there are no conditions to the recommendation.

Commissioners Kavanaugh and Kolososki accepted that amendment and motioned and seconded to approve staff recommendation regarding the amendment.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on June 17, 2024.

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

IV. COMMUNICATIONS

V. ADJOURNMENT