VILLAGE OF PALATINE

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

MINUTES ● MAY 28, 2019

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	Absent	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Present	
James Dittrich	Commissioner	Absent	
John Pirog	Commissioner	Present	

Staff present: Ms. Lyn Bremanis

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - May 14, 2019 7:00 PM

   Mr. McGinn made a motion to approve the minutes of May 14, 2019; seconded by Mr. Cavanaugh.

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

III. PUBLIC HEARING

1. 1360 E. Joan Drive

RESULT:	**CONTINUED [UNANIMOUS]**	**Next: 6/11/2019 7:00 PM**
MOVER:	Cindy Roth-Wurster, Commissioner	
SECONDER:	Theodore McGinn, Commissioner	
AYES:	Larson, Roth-Wurster, Wood, McGinn, Cavanaugh, Pirog	
ABSENT:	Luszczak, Dittrich	

2. 270 N. Smith Street

Notice was published in the Daily Herald on May 13, 2019 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. Revised Site Plan
5. Revised Elevations
6. Revised Floor Plan
7. Beck email Objection
8. Public Notice

Sworn in staff: Ms. Lyn Bremanis

Sworn in petitioner Mr. Tommy Palider 5705 W. Newport Ave Chicago, IL - grandson of the owner
Greg 1712 W. King Ave Mount Prospect, IL - friend of family

Mr. Palider explained the house currently has a 13.9-foot setback. He stated since the last meeting they revised the plans. He pointed out the apartment buildings to the north are setback between 23-25 ft. Mr. Palider stated he spoke to a neighbor to the north who had lived there for 25 years who has never had any issues with their house. He stated the new plan is to move the house back to 23.5 feet which puts it right on top of the second set of foundations of the home which is approx. 10 feet back from current setback.
Greg explained they are trying to be in line with the existing apartment buildings. He spoke to the last meeting and how the difference between the townhome owner having to meet code is the townhome owner changed to a multifamily building and required a new foundation. Greg pointed out their plan is to not change the front or block any view explaining the second floor addition will be farther back.
Mr. Palider explained they are going up and were not planning on messing with the foundation to keep the cost down. He stated this is their first flip and have to get approved for additional loan to move the house back. Mr. Palider pointed out there is 70 ft. between their house and the neighbor’s driveway. He spoke to the neighbor’s concerns about the trees blocking views but pointed out the neighbors planted 2 trees at end of their driveway which will block the view as they grow.

Ms. Wood asked if the tree removal is still the plan.
Mr. Palider explained after further discussion the new plan is to take out all the trees in the front.

Mr. McGinn asked if they spoke to the owner to the south.
Mr. Palider answered no

Mr. McGinn asked what the difference in setback on this request vs the previous request.
Mr. Palider stated it is approx. 10 feet.

Ms. Wood asked what would be involved to go back to 30 ft.
Mr. Palider explained it would increase the concrete and foundation work to the front.

Ms. Wood asked if it was moved to 30 ft. would there still be any foundation left.
Mr. Palider explained yes just the sides

Ms. Roth-Wurster asked if they are losing square footage.
Mr. Palider answered no either the same or gaining 30-40 square feet. He explained they had to redesign the entire first floor which will cost more money to relocate the kitchen.

Ms. Bremanis gave a brief overview of the request explaining the property is zoned R-3 being used as a single family residential. She stated the building height, floor ratio and lot coverage meet code. She stated they estimated the neighboring property setbacks and came up with an average of 25.1 ft. referring to aerial slide. Ms. Bremanis stated this would not be out of character with the existing homes. She stated community services and engineering have reviewed again and have no concerns.

Mr. Cavanaugh asked about examples of a single family in a R-3.
Ms. Bremanis stated she does not have one but the front setback is the same as R-2.

STAFF RECOMMENDATION:
The Petitioner is requesting to construct a new addition at the rear of the home as well as a second story addition. The second story addition encroaches in the required front yard setback. The Petitioner has revised the previous plans, which now include the removal of approximately 10 feet of the existing structure to allow for a better line of sight and in response to the discussion during the initial review.

Most of the surrounding properties do not comply with the minimum front yard setback and while the proposed addition should not cause substantial injury to the value of other properties in the neighborhood, it would be located approximately 7 feet closer to the front property line than the neighboring duplex to the south. That property is also zoned R-3 and complies with the required 30-foot setback. Prior to the construction of the duplex in 2010, there was an existing home with an 11-foot front yard setback.

While Staff does not typically support setback reductions for new construction, most of the established front yard setbacks in this area are similar to the proposed setback and the plan intends to reuse a portion of existing foundation.

Therefore, Staff recommends approval of the Special Use, subject to the following condition:

1. The Special Use shall substantially conform to the site plan, elevation plans, and floor plan submitted by the Petitioner's Agent Tommy Palider, on 05/13/2019, as such plans may be changed to conform to Village Codes and Ordinances.

There were no further questions. The public hearing was closed.
Mr. McGinn made a motion to approve subject staff's conditions; seconded by Mr. Larson.

DELIBERATIONS:

Mr. McGinn spoke to the standards and stated the use will be operated in a manner consistent with the public health safety and welfare. He stated the plans are well done and have adjusted the plan to address the concerns previously discussed. Ted pointed out the new plan minimizes the safety concerns.

Mr. Larson agreed with Mr. McGinn. He stated the changes made make the difference to change his vote.

Ms. Roth-Wurster stated it meets the standards. She stated the petitioner has come up with a good solution to address the previously discussed concerns.

Ms. Wood stated she understands the neighbor to south concerns but pointed out it is a different situation. She pointed out the new plan addresses the concern on setback and removing trees will help a lot. She stated it won't have a negative impact.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will go to Village Council on June 10, 2019.

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

3. 934 N. Arrowhead Drive

Notice was published in the Daily Herald on April 29, 2019 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. Site Plan
5. Elevations
6. Public Notice

Sworn in petitioner: Mr. John Deleon 934 N Arrowhead Dr- owner
Mr. Deleon stated they have been living in the home since 2011. He stated they love the area but have found a lot of homes have this type of addition. He explained the addition will be approx. 200 square feet and will give a little more space for his family as well as complement the house. Mr. Deleon pointed his lot is a large corner lot so won't compromise any safety health or welfare to surrounding area. He stated he has shown the plans to the neighbors and they are in favor.

Ms. Wood asked the difference in the footprint of patio vs the addition.
Mr. Deleon explained they are looking to add on 206 square feet.

Ms. Wood asked what the is the square footage of the current patio.
Mr. Deleon explained it is approx. 300 square feet and will be removed during construction.

Mr. McGinn asked he spoke to neighbor at 940 N. Arrowhead.
Mr. Deleon stated he spoke to all neighbors and they are on board.

Mr. McGinn asked if they were concerned about being too close to their property.
Mr. Deleon explained he let them know the northeast and northwest corner doesn't meet setback but the neighbor doesn't have any objections. He stated he thinks it adds more value and more livable space. Mr. Deleon pointed out they have a 1/3 of an acre lot so have the room for it.

Ms. Bremanis gave a brief overview of the request explaining it is zoned R-2 single family with a current setback of 35 feet which is existing non-conforming so any addition would require relief. She stated the addition is one story and meets height requirements and building and lot coverage are at approx. 16 and 20%.

Mr. Cavanaugh asked if the property was annexed or why existing nonconforming
Ms. Bremanis stated it is unknown but pointed out the shape of the lot and how

the home is situated on an angle.

Ms. Bremanis stated community services and engineering have reviewed and had no concerns.

STAFF RECOMMENDATION:

The Petitioner is requesting to build a 207 square foot addition that will further encroach into the required rear yard. This property is unique, as it is irregularly shaped, built on an angle, and is a corner cul de sac lot. Any addition to this area of the home would require relief. The addition should not have a negative impact on the surrounding properties therefore Staff recommends approval of the Special Use subject to the following conditions:

1. The Special Use shall substantially conform to the site plan prepared by Thomas Buckley Architect dated 2/1/19, 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 Ms. Roth-Wurster.

DELIBERATIONS:

Mr. Cavanaugh stated it improves the appearance of the home and will have a positive effect on the neighboring properties. He pointed out there is an existing patio so there is no concern on lot coverage or water issues.

Ms. Roth-Wurster pointed out it is existing non-conforming and quite a few homes in the area with the same type of addition. She also pointed out the petitioner has spoken to the neighbors and have received good feedback. She stated it should not have a negative impact and meets the standards.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will go to Village Council on June 10, 2019.

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

4. 1170 E. Dundee Road

Notice was published in the Daily Herald on May 13, 2019 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioners: Ms. Citlallin Lara and Mr. Jorge Mauricio 631 E North St Itasca, Il

Ms. Lara explained they want to open a banquet hall holding family, corporate and church events. She stated they are not doing any changes to the property and will remain the hours of operation the Village determines for a banquet hall.

Mr. Cavanaugh asked if they had any past experience serving liquor and alcohol.
Ms. Lara stated they had a business in Elgin for 15 years.

Ms. Wood asked if there are any anticipated parking problems asking what the maximum attendance would be.
Ms. Lara stated their maximum is 300 and doesn't see any issues with parking.

Ms. Wood asked what days or hours the maximum sized event would be expected.
Ms. Lara explained most events would be on the weekends in the evening or afternoons.

Ms. Wood asked if security was required at their previous location.
Ms. Lara answered yes stating they will also provide at the proposed location.

Ms. Wood asked if the security was both inside and outside.
Ms. Lara answered yes.
Mr. Mauricio explained it was a larger place with a maximum attendance of 500 so they had a total of 5 security guards inside, 1 at the door, and 1 walking the parking lot.

Ms. Wood asked if the definition of security will be discussed.
Ms. Bremanis stated the petitioners have spoken with the police department and they are all on the same page.

Ms. Bremanis gave a brief overview explaining the property is zoned B-1. She stated the location has previously been 2 other banquet halls. Ms. Bremanis stated they are not changing the floor plan referring to the floor plan slide. She stated it is 7,500 square feet. Ms. Bremanis referred to the slides to show existing conditions and location. She stated the 2 previous banquet halls had the same parking variation and there were no issues that staff is aware of. She stated community services, environmental health, fire prevention and police have all reviewed and any security questions police had were addressed in a May 3rd meeting with the petitioner. Ms. Bremanis stated after the meeting the police support the hours of operation as well as the security plan.

Ms. Wood asked if there is parking in the back.
Mr. Mauricio explained there is no parking in the back explaining the area is for deliveries and for the apartments but there is parking on the sides.

Ms. Wood what is latest they would be open.
Ms. Lara stated they are hoping midnight but the liquor license is to 2 am.
Ms. Bremanis explained they have agreed to hours of operation closing at Friday and Saturdays at 2:00 am and during the week by 1:00 am.

Ms. Wood asked about lighting.
Mr. Mauricio explained there is lighting in the back that is mostly provided by the apartments as well as lighting along the wall. He stated there is lighting in the front but as he understands the plaza plans on redoing the lighting.

Ms. Wood spoke to previous issues with non-guests entering the building asking if there will be anything to prevent this.
Mr. Mauricio explained they would require an invitation to get in.

Ms. Wood asked if they have their max of 300 will there be enough parking.
Ms. Lara answered yes.

Ms. Wood asked staff if any issues with prior owners.
Ms. Bremanis no issues she was aware of.

Discussion on how long the location has been vacant.

STAFF RECOMMENDATION:
The petitioner is requesting approval of a Special Use to allow a banquet facility within the Plaza La Rosita. The tenant space has been used off and on over the past 10 years as a banquet facility. Staff is not aware of any issues or problems that might have occurred in the past related to these uses.

The business owners have significant experience in banquet operations, special events, and restaurant food service, which should coordinate well at this location.

For the previous banquet uses, a Variation was granted for parking. Staff is not aware of any parking concerns or complaints within the shopping center. Parking on the property is adequate for the use and should not conflict with other uses. Also, the varying event times and scheduling should not significantly impact the parking availability for the other uses.

Therefore, due to adequacy of the space and parking along with the experience of the business owners, Staff is recommending approval of the Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the Excellence Banquets business plan, dated April 10, 2019 and the floorplan dated April 2, 2019, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The banquet facility may remain open until 1 AM (Monday thru Friday) and 2 AM (Saturday & Sunday).
3. Security shall be provided until 1AM (Monday-Friday) or 2AM (Saturday-Sunday) or 30 minutes after closing, whichever is later. The security plan must be coordinated with the Police Department and shall be provided for the banquet facility as well as the rest of the shopping center. The petitioner shall make the necessary adjustments to the plan should the Police Department require it including increasing the number of security personnel working an event.
4. Food service including either full multiple course meals, hors d'oeuvres, buffet or smorgasbord will be provided at all events in accordance with the Class H Banquet Hall Liquor License.
5. The facility shall be permitted to hold special events celebrations such as weddings, baptisms, cotillions, quinceneras, social club events, reunions, family events, funeral luncheons, scheduled events or cultural events supporting a non-profit, religious or community organization, or similar events.
6. The live entertainment and liquor service activities are only permitted as accessory activities to the principal use as a banquet service. These uses can only occur in conjunction with a banquet service (identified in condition #5) and pursuant to the applicable liquor license and Village Code requirements.
7. The Village shall conduct a 6-month review of the operations, parking and traffic, after the petitioner receives a Certificate of occupancy.

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

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

<u>DELIBERATIONS:</u>

Mr. Cavanaugh pointed out the location has been a banquet hall and the petitioners have done their due diligence and have a lot of experience in the restaurant business so can operate a facility that will not cause harm to the area. He stated they have done a lot of work with the Village and police to meet the standards.

Mr. McGinn agreed with Mr. Cavanaugh.

Ms. Wood spoke to the prior banquet hall owners and the concerns of noises and disturbances to the neighboring residential properties. She pointed out since there were no issues with prior owners parking is most likely not a problem. She stated she thinks it’s a great use for the location and staff’s conditions will aid in the business operating without a negative impact on the health safety and welfare while serving a great function within the community. Ms. Wood pointed out the petitioner has provided a lot of information indicating they will run a very professional organization and hope it is successful.

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

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

5. 231-233 E. Northwest Highway

Ms. Wood recused herself and Mr. McGinn took over as chairman.

Notice was published in the Daily Herald on May 13, 2019 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. Floor Plan
5. AMITA Business Plan
6. Public Notice

Sworn in petitioner Mr. David Hill Amita Health 25 E Schaumburg Rd

Mr. Hill stated Amita is currently located at 50 E Northwest Hwy just east of the proposed location and have been operating there for 7 years. He explained they are seeking to relocate to a slightly larger retail medical space that would also accommodate more parking. Mr. Hill explained they would offer immediate care, occupational health, physician clinic, and x-ray services.

Mr. Cavanaugh asked if there is anything newly offered that is not currently offered.

Mr. Hill explained it will allow expanded occupational health and therapy which is currently offered just crammed into a small area.

Ms. Bremanis gave a brief summary of request explaining it is proposed to go into Palatine Plaza which is zoned B-2. She referred to the slides to show the proposed and existing floor plans to show the expansion. She pointed out it was previously a healthcare medical use before and is adding 1000 square feet and rearranging the floor plan. Ms. Bremanis went through the existing conditions slides to show location. She spoke to the parking explaining the center is over parked by 70 spaces. She spoke to the proposed hours of operations being Monday-Friday 8 am-8:30 pm. and Saturday -Sunday 9 am-6 pm with a tenant space of approx. 7628 square feet.

Ms. Roth-Wurster asked if both sets of doors are for the proposed property

Ms. Bremanis answered yes but in the floor plan they removed a door

Mr. Cavanaugh asked if fire had an issue.

Ms. Bremanis answered no. She stated community services, engineering and fire prevention reviewed and had no issues.

STAFF RECOMMENDATION:

The Petitioner is requesting to relocate an existing medical office to the proposed tenant space. The space was previously occupied by a medical use. While Petitioner is planning on expanding the space by approximately 1000 square feet the business plan shows the use being similar to the previous tenant. Palatine Plaza is currently over parked by 70 spaces and staff does not believe this use as proposed will create any parking issues. As the proposed use would be occupying a vacant tenant space and maintain a mixture of uses within the development. Therefore, Staff recommends approval of the Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the Business Plan and Floor Plan submitted by the Petitioner on 05/02/19, as such plans may be changed to conform to Village Codes and Ordinances.

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

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

<u>DELIBERATIONS:</u>

Mr. Larson stated it makes sense for the space since it was already a medical use so they are just reusing a space that has been vacant for a while. He pointed out there is no parking concerns and they will be operating in a manner consistent with public health safety and welfare. Mr. Larson stated filling the spot will not have a negative impact on surrounding businesses.

Ms. Roth-Wurster agreed with Mr. Larson and pointed out moving down the street it is a valid reason to expand services and help with the parking.

Mr. McGinn summarized that this request has met the standards and was unanimously approved by a vote of 5-0-1. This item will go to Village Council on June 10, 2019.

RESULT:	**RECOMMENDED TO APPROVE [5 TO 0]**
MOVER:	Brent Larson, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, McGinn, Cavanaugh, Pirog
ABSENT:	Luszczak, Dittrich
RECUSED:	Wood

IV. COMMUNICATIONS

140 W Northwest Highway - Health Club was approved at Village Council.

Next meeting is June 11th and there will be two items.

Mr. McGinn made note that he will not be at the June 11th meeting.

V. ADJOURNMENT

1. Motion to Adjourn

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

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