



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
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ZONING BOARD OF APPEALS

MINUTES • APRIL 13, 2021

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

Staff Present: Ms. Lyn Bremanis

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Mar 23, 2021 7:00 PM

Mr. Cavanaugh made a motion to approve the minutes of March 23, 2021; seconded by Mr. Dittrich.

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

III. PUBLIC HEARING

1. 434 E. Palatine Road

Notice was published in the Daily Herald on March 29, 2021 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: Ms. Lyn Bremanis

Sworn in the petitioner: Ms. Mary Olszewski 1804 N Arlington Heights Rd

Ms. Olszewski stated they have been in practice for 30 years and have grown out of their current space. She stated they want to move to Palatine and are looking to purchase and renovate 434 E Palatine Rd

Ms. Wood asked if the practice will stay the same as far as patients and staff
Ms. Olszewski answered yes. She went through their business plan explaining the new location gives them more room to increase functions but the flow won't change.

Mr. Pirog asked if they are using the entire building.
Ms. Olszewski answered yes.

Mr. Pirog asked if they plan on developing the whole building.
Ms. Olszewski explained mainly the exterior will be renovated.

Ms. Bremanis gave a brief overview of the request stating the property is zoned B-1 shopping center district where a medical use requires a special use. She spoke to the business plan, proposed hours, and patient intake. She spoke to the parking which is over parked.

Mr. Pirog asked if there is an entrance besides off of Palatine Rd.
Ms. Bremanis explained the entrance is off Linden not Palatine Rd.
Mr. Pirog stated that is good to not turn off Palatine Rd.

Ms. Bremanis stated Community Services, Engineering and Fire Prevention have reviewed and had no issues.

Mr. Cavanaugh referred to the aerial slide and clarified there is no entrance off

Palatine

Ms. Bremanis said no showing entrance.

Ms. Olszewski stated the property was previously a medical facility, being dental and chiropractic for over a few decades.

STAFF RECOMMENDATION:

The Petitioner is proposing to operate a medical (podiatrist) office at the Subject Property. The Subject Property has adequate parking for the proposed use, and the Petitioner is relocating an existing practice. While the building is currently being used for a title company, it was previously used for a medical use. The proposed use 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 Business Plan and Floor Plan submitted by the Petitioner on 3/06/21, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The fence along the north lot line shall be replaced with an eight (8) foot solid fence when it reaches its lifespan.

Ms. Wood asked about the exterior work that is planned.

Ms. Olszewski explained the building will get a face lift to give modern look. She stated the roof is dated so that will be first. She stated they are working with an architect to be more similar to residential area and will add landscaping and repaving of parking lot.

Mr. Pirog asked if in the past when a dental office was operating did people turn off Palatine and confuse the parking lots.

Ms. Bremanis answered that was before her time but knows of no complaints with the current use.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated the building looks like a medical office so it is the right kind of use for space. He stated it was medical previous so just returning to previous use. He pointed out the petitioner wants to make improvements to exterior so neighborhood value won't be effected. Mr. Cavanaugh stated the biggest issue on turning off Palatine Rd and there are no serious health issues.

Mr. Pirog stated it is a great addition and is glad they are moving in.

Ms. Wood stated she is in favor. She pointed out the property is adjacent to residential so there is always a concern with use. She stated this is the perfect

use being the hours are reasonable and they have been established for years so come to Palatine bringing a well-run operation with no negative impact. She stated it will most likely have a positive impact with the proposed repairs and needed updates.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on May 3, 2021.

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

2. 2017 N. Rand Road

Notice was published in the Daily Herald on March 29, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

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

Sworn in petitioner: Mr. Manual Gonzalez 2017 N Rand Rd

Mr. Gonzalez stated he wants to open a shop to mainly working on engines, brakes and exhaust. He stated they want to upkeep community cars to pass emissions. Mr. Gonzalez stated he has been in business for 18 years, operating in Crystal Lake. He stated they are trying to open new shop in Palatine because there are not many shops in that area.

Ms. Wood asked if they are moving or will it be a 2nd location.

Mr. Gonzalez answered it will be a 2nd location.

Ms. Wood asked if the business plan will be the same as Crystal Lake.

Mr. Gonzalez stated in Crystal Lake they do everything involved with repairing vehicles including engines, transmissions, and exhaust.

Ms. Wood asked about noise specifically if they plan on keeping the bays open, and hydraulic equipment.

Mr. Gonzalez stated they may stay open in the summer because of heat. He stated there will be no noise doing repair work. He explained there will be 3 lifts and in the winter the doors will be closed.

Ms. Wood clarified there will be normal noise with repair work.

Mr. Gonzalez answered yes.

Ms. Wood asked about neighboring properties in Crystal Lake.

Mr. Gonzalez answered it is not residential.

Mr. Pirog asked if there are signs on road for business.

Ms. Bremanis answered no not currently.

Mr. Pirog asked if there are plans to add signs.

Mr. Gonzalez answered not yet but eventually.

Ms. Bremanis pointed out they would have to follow the standards.

Ms. Wood asked about the distance to the neighboring residential property.
Ms. Bremanis estimated it is approx. 270-300ft.

Ms. Wood asked for slide to show which direction the bay doors face.
Ms. Bremanis explained the doors face the Harley parking lot.

Mr. Cavanaugh asked what was there before used dealership.
Ms. Bremanis answered she is unsure.

Mr. Cavanaugh asked if there were complaints with the car dealership.
Ms. Bremanis answered no and their business plan included light repairs.

Mr. Cavanaugh asked about issues with fire access by the back of the property and if there will be any restrictions added.
Ms. Bremanis explained the area has to remain open because it is a fire lane including snow removal at all times. She stated there is a condition in the ordinance

Ms. Wood asked what is between the residential area and the property.
Ms. Bremanis stated there is green space with trees.
Ms. Wood clarified trees and a fence.
Ms. Bremanis answered yes pointing out it is not super dense.

Mr. Cavanaugh asked if there are noise issues more shrubbery can be added.
Ms. Bremanis answered yes.

Ms. Wood asked how many cars will be repaired at one time.
Mr. Gonzalez stated approx. 3.

Ms. Bremanis gave a brief overview of the request stating the property is zoned B-5 so requires a special use. She spoke to the hours and staffing. She stated they are adding 2 lifts for a total of 3. She spoke to parking that include 12 parking spaces with back area to stage cars while waiting to be repaired, referring to page 29 of packet.

Mr. Cavanaugh asked if 36 is the limit.
Ms. Bremanis answered no explaining that is what fits there.

Ms. Wood asked about the surrounding area.
Ms. Bremanis spoke the surrounding area consisting of Harley Davidson, previous Hertz, Arlington Toyota, Butera, and Fox Fire Condos.

Mr. Cavanaugh asked if there are regulations that require fenced in area for cars
Ms. Bremanis stated yes from residential which it is.

Ms. Bremanis stated Community Services, Engineering, and Fire Prevention have reviewed and there were no issues.

Sworn in Mr. Michael Schroeder 751 E Whispering Oaks DR

Mr. Schroeder stated he is vice president of Whispering Oaks Condo Association Phase 1. He referred to the aerial showing their home locations. He expressed concerns with noise pollution and possible of drainage and oil coming to their property. Mr. Schroeder stated there had been a lot of litter behind and in the pond.

Mr. Cavanaugh asked if his concerns were from the previous business.
Mr. Schroeder stated no there was no noise issues with the old business.

Mr. Cavanaugh asked if there was noise associated with the light repair they did.
Mr. Schroeder answered no.

Mr. Schroeder stated his concerns are with noise pollution, water pollution and trash that accumulates. He clarified that they would be close at 6.

Ms. Bremanis stated they close at 6 PM Monday -Friday and 3:30 PM on Saturday

Mr. Schroeder stated that is acceptable if normal garage noise.

Ms. Wood asked about the referenced pond.

Ms. Bremanis explained it is a detention area that is dry but in heavy rain it can fill up. She stated there is no outdoor car repair permitted and they have a triple basin that collects all the oil inside the shop area.

Mr. Schroeder stated the pond is usually wet 9 months out of the year with brush around edge and no aeration. He stated they are required to aerate the water on their property and asked if the petitioner would be required to do so.

Ms. Bremanis restated it is a detention area not meant to be a pond. She spoke to the condition to check restrictor valve.

Mr. Schroeder restated it is wet 10 months a year.

Ms. Wood asked if there has been an issue with standing water.

Mr. Schroeder answered yes stating they are concerned about bugs and algae. He referred to the aerial slide and asked about the path along the yellow line and the gate that has a lock. He stated residents use as a foot path to go to Butera

Ms. Bremanis stated there is a condition in the ordinance explaining it is a fire lane which is required and the Fire Department has the key to the lock.

Sworn in Mr. Howard Shao 690 E Whispering Oak

Mr. Shao expressed concern about keeping cars in the fire lane and asked how many cars they plan on keeping there. He expressed concern about the noise in the summer with the garage doors open. Mr. Shao spoke to the area that accumulates water and how it currently has a lot of junk and when filled with water you can see oil in it. He stated when it is windy a lot of trash blows from their property onto theirs. Mr. Shao restated his main concern is noise and pollution.

Mr. Cavanaugh asked if there was garbage when the previous business was in

operation.

Mr. Shao answered yes but unsure how to prevent. He spoke to the detention pond on the Harley property.

Mr. Dittrich asked how recent has seen retention area filled with trash.

Mr. Shao explained when the previous business moved away.

Mr. Dittrich asked if it has since been cleaned

Mr. Shao asked who will clean. He spoke to an RV previously parked there unsure who is still there.

Mr. Schroeder stated the proposed fire lane is too narrow so he does not believe a fire truck can go down it. He referred to the aerial slide to show the area where Rand Grove Village residents go over the fence and down the fire road to go to Butera

Mr. Pirog asked Mr. Shao if he believes the issues are the business' responsibly. Mr. Shao agreed they are not and again expressed concern about noise and pollution

Mr. Pirog recommended to speaking to village about other issues.

Sworn in Mr. Rick Gruber owner of 2017 N Rand Rd owned for 20 years

Mr. Gruber apologized for the used car dealer and explained he refused to have another dealer because they trashed the property. He stated he has since spent thousands on repairs. He stated the detention should be dry and have kept as clean as possible. Mr. Gruber stated he has visited the petitioners' Crystal Lake business which is pristine. He spoke to Harley noise. Mr. Gruber stated the petitioners are good guys trying to open a good business that will do well there. He stated he sees them possibly down the road buying the building. Mr. Gruber stated the foot traffic isn't supposed to be there explaining the Fire Department put the gate in and he maintains the cleanliness.

Discussion on drainage area.

Ms. Wood asked who is responsible for the cleanliness.

Mr. Gruber stated he will monitor to ensure it is maintained.

Ms. Wood asked about the triple basin.

Mr. Gonzalez answered yes explaining it will be cleaned out regularly. He stated he is unsure about the outside trash because repairs won't be done outside. He stated he is aware of the fire lane and the requirements to keep clear for the Fire Department. Mr. Gonzalez stated he does not mind maintaining the drainage area.

Ms. Wood asked about the maintenance to the restrictor.

Mr. Gonzalez stated they will check to make sure not clogged.

Ms. Wood asked how many cars are allowed.

Ms. Bremanis explained there are 12 spots in front for parking and the back area could store up to 36 cars. Ms. Bremanis asked Mr. Gonzalez if they intended on having that many

Mr. Gonzalez answered no.

Ms. Wood asked how many they intend on having.

Mr. Gonzalez explained they maybe will use the 12 spaces. He stated the back area is for employees or cars waiting to be serviced.

Ms. Roth-Wurster asked how disposal of fluids in Crystal Lake.

Mr. Gonzalez explained there is a truck that comes and pumps it out. He explained at his other location the owner send the trucks to pick up but here they will need to run that maintenance.

STAFF RECOMMENDATION:

The Subject Property was approved and previously occupied by a used auto sales facility in 2018; however, that business has ceased operations and is currently vacant. The Rand Road Corridor is a mix of uses including car sales and repair; therefore, the proposed use should not impact the surrounding properties or cause substantial injury to the value of the Rand Road Corridor. Therefore, Staff recommends approval of the proposed Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the site plan and business plan submitted by the Petitioner, Manuel Gonzalez, submitted on 02/11/2021, except as such plans may be changed to conform to Village Codes and Ordinances.
2. A parking lot lighting and photometric plan shall be submitted in a manner acceptable to the Village Engineer, prior to the issuance of a Business License.
3. Restrictions for storm water must be confirmed by an inspection completed by the Village Engineer.
4. Any noise issues that negatively affect the neighboring residential property shall be addressed in manner acceptable to the Director of Planning and Zoning.
5. Easement access shall remain clear, including the loading with snow.

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

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

DELIBERATIONS:

Mr. Dittrich pointed out the previous business did light repairs and the noise was not an issue. He stated allowing for more repairs will not create a substantial issue to neighboring properties. He spoke to the trash concern pointing out the business will want to make the property look good so should be resolved. Mr. Dittrich stated the petitioner has demonstrated they know how to run a business and there are other auto businesses nearby. He pointed out the Harley store makes plenty of noise for both properties.

Ms. Wood stated when businesses open in residential areas a review of parking demand, hours, and lighting must be considered. She stated in this case the location of the doors will minimize the noise and a condition is added to address the possible noise. She pointed out the landlord has done their due diligence and checked out the other location and how they operate. She agreed with Mr. Dittrich and Mr. Pirog that the trash build up is worse due to the property being empty and should be resolved.

Ms. Roth-Wurster stated she appreciates the residents expressing their concerns and all have been addressed or will be addressed in conditions.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on May 3, 2021.

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

IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion to Adjourn

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

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

