VILLAGE OF PALATINE

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

VILLAGE COUNCIL & COMMITTEE OF THE WHOLE

AGENDA

APRIL 12, 2021

Regular Meeting **7:00 PM**

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. APPROVAL OF MINUTES

1. Village Council & Committee of the Whole - Regular Meeting - April 5, 2021

IV. MAYOR'S REPORT

1. Resolution of Appreciation - Harry Spila, Community Services Director
2. As Submitted

V. RECESS TO THE COMMITTEE OF THE WHOLE

VI. COMMITTEE OF THE WHOLE

A. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

DOUG MYSLINSKI, CHAIRMAN

1. Consider an Ordinance Granting a Minor Planned Development Amendment Palatine Centre - Quest Academy 3-47 E. Northwest Highway (Council District: Six)
2. As Submitted

B. POLICE POLICY & CODE SERVICES COMMITTEE

GREG SOLBERG, CHAIRMAN

1. Consider an Ordinance Granting a Special Use for a Unique Use at 2200 N. Rand Road (Council District: One)
2. Consider an Ordinance Granting a Special Use for a Medical (Dental) Office at 220 N. Smith Street - Unit #120 (Council District: Six)

3. Consider an Ordinance Granting a Special Use to Allow a Maximum of Eight Suites for Massage and Chiropractic Services at 220 N. Smith Street - Unit #117 (Council District: Six)

4. Consider an Ordinance Granting a Special Use and Variations for a Detached Garage at 308 S. Benton Street (Council District: Two)

5. Consider an Ordinance Granting Text Amendments to the Village of Palatine Zoning Ordinance, Article 3, Section 3.02 (Specific Definitions) and Article 11, Sections 11.03 (d) (B-2 Special Uses) and 11.06 (e) (B-5 District Special Uses)

6. As Submitted

C. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE

SCOTT LAMERAND, CHAIRMAN

1. Consider a Request for the Waiver of the Village's Sound Amplification Ordinance for First United Methodist Church at 123 N. Plum Grove Road (Council District: Six)

2. As Submitted

D. INFRASTRUCTURE & ENVIRONMENT COMMITTEE

BRAD HELMS, CHAIRMAN

1. Consider a Motion to Award a Contract for the Village of Palatine's 2021 Sidewalk Replacement Program - CDBG

2. As Submitted

E. BUSINESS FINANCE & BUDGET COMMITTEE

KOLLIN KOZLOWSKI, CHAIRMAN

1. As Submitted

F. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE

TIM MILLAR, CHAIRMAN

1. As Submitted

VII. RECONVENE THE VILLAGE COUNCIL MEETING

VIII.CONSENT AGENDA

All items are considered to be routine by the Village Council and will be enacted by one motion, with waiver of first reading. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Consider an Ordinance Granting a Minor Planned Development Amendment Palatine Centre - Quest Academy 3-47 E. Northwest Highway (Council District: Six)

2. Consider an Ordinance Granting a Special Use for a Unique Use at 2200 N. Rand Road (Council District: One)

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IX. REPORTS OF STANDING COMMITTEE

A. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE

SCOTT LAMERAND, CHAIRMAN

1. As Submitted

B. BUSINESS FINANCE & BUDGET COMMITTEE

KOLLIN KOZLOWSKI, CHAIRMAN

1. As Submitted

C. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

DOUG MYSLINSKI, CHAIRMAN

1. As Submitted

D. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE

TIM MILLAR, CHAIRMAN

1. As Submitted

E. INFRASTRUCTURE & ENVIRONMENT COMMITTEE

BRAD HELMS, CHAIRMAN

1. As Submitted

F. POLICE POLICY & CODE SERVICES COMMITTEE

GREG SOLBERG, CHAIRMAN

1. Consider an Ordinance Granting a Special Use and Variations for a Detached Garage at 308 S. Benton Street (Council District: Two)

2. As Submitted

X. REPORTS OF THE VILLAGE OFFICERS

A. VILLAGE MANAGER

1. As Submitted

B. VILLAGE CLERK

1. As Submitted

C. VILLAGE ATTORNEY

1. As Submitted

XI. CLOSED SESSION AS REQUIRED

XII. RECOGNITION OF AUDIENCE

XIII. ADJOURNMENT

VILLAGE OF PALATINE

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VILLAGE COUNCIL & COMMITTEE OF THE WHOLE

MINUTES

APRIL 5, 2021

Regular Meeting **7:00 PM**

Minutes Acceptance: Minutes of Apr 5, 2021 7:00 PM (APPROVAL OF MINUTES)

I. ROLL CALL – Time: 7:00 PM

Attendee Name	Title	Status	Arrived
Jim Schwantz	Mayor	Present	
Tim Millar	District 1 Councilman	Present	
Scott Lamerand	District 2 Councilman	Present	
Doug Myslinski	District 3 Councilman	Present	
Greg Solberg	District 4 Councilman	Present	
Kollin Kozlowski	District 5 Councilman	Present	
Brad Helms	District 6 Councilman	Present	

Also Present:
Village Clerk Marg Duer, Village Manager Reid Ottesen, Deputy Village Manager Mike Jacobs, Village Attorney Nicolas Standiford, Director of Planning & Zoning Ben Vyverberg, Director of Public Works Matt Barry, Fire Chief Scott Andersen, IT Director Larry Schroth, Director of Finance Paul Mehring, Director of Community Services Harry Spila, Director of Human Resources Pam Jackson and Police Chief Dave Daigle

II. PLEDGE TO THE FLAG – Time: 7:00 PM

Mayor Schwantz invited everyone to stand and join him in the Pledge to the Flag.

III. APPROVAL OF MINUTES – Time: 7:00 PM

1. Village Council & Committee of the Whole - Regular Meeting - March 15, 2021 - **Accepted**

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Doug Myslinski, District 3 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

IV. MAYOR'S REPORT – Time: 7:00 PM

1. Proclamation - Arbor Day, April 30, 2021 -

   Mayor Schwantz proclaimed Friday, April 30, as the official Arbor Day, 2021 in

the Village of Palatine, to be celebrated with the planting of a tree at Falcon Park.

2. As Submitted **-**

Mayor Schwantz announced that candidates' signs must be removed from the parkways within 24 hours of the Polls closing at 7:00 PM Tuesday.

V. RECESS TO THE COMMITTEE OF THE WHOLE – Time: 7:01 AM

Recess to Committee of the Whole **- Motion Carried by Voice Vote**

RESULT:	**MOTION CARRIED BY VOICE VOTE [UNANIMOUS]**
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Scott Lamerand, District 2 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

VI. COMMITTEE OF THE WHOLE

A. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE – Time: 7:01 PM

DOUG MYSLINSKI, CHAIRMAN

1. 200 - 350 E. Daniels Road, 200 S. Hicks Road, and 1 S. Sellstrom Drive (Council District: Six):

Motion was to approve A and B

Planning & Zoning Director Ben Vyverberg reported that after receiving Preliminary Approval in December 2020, to redevelop the former Weber Stephen's 25-acre location with two new warehouse distribution buildings totaling over 400,000 square feet, interior truck docks, and associated surface parking lots, the Petitioner is requesting Final Planned Development, Preliminary and Final Plat of Subdivision; Vacation of S. Sellstrom Drive, and the Rezoning from Manufacturing to Planned Development. Final Landscaping Plans were amended to include additional plantings and screening along the north and west property line. The proposed storm water management plans will greatly improve the flooding issues in the area. The W. Helen Road traffic evaluation includes pavement marking recommendations, radar speed limit signs, and larger speed limit signs along W. Helen Road. As part of the Planned Development, the Midwest Industrial Funds will coordinate with the Village to implement the recommendations of this Traffic Addendum to the Village's standards. The Plan Commission voted unanimously to approve the requested development and Staff concurs. Staff recommends approval of the Resolution.

Vyverberg added that Midwest Industrial Funds, Inc. is also seeking approval of a Resolution of Support for the filing of a 6B Cook County Tax Classification application for the properties located at 200 - 350 E. Daniels Road, 200 S. Hicks Road, and 1 Sellstrom Drive. The Petitioner anticipates the proposed

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redevelopment will result in a total investment of over $40,000,000, create 250 new jobs and generate an estimated $15,486,584 in total taxes over the life of the Class 6b Tax Incentive.

RESULT:	**ADOPTED BY ROLL CALL [UNANIMOUS]**
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Greg Solberg, District 4 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

A. Consider Ordinances Granting Final Planned Development, Rezoning from Manufacturing to Planned Development, and Vacation of Sellstrom Drive and a Resolution Granting Preliminary & Final Subdivision all for the Proposed Redevelopment of the Properties at 200 - 350 E. Daniels Road, 200 S. Hicks Road, and 1 S. Sellstrom Drive **- Approved** (Council District: Six)

B. Consider a Resolution of Support for the Filing of a 6B Cook County Tax Classification Application for the Property Located at 200 - 350 E. Daniels Road, 200 S. Hicks Road, and 1 Sellstrom Drive **- Approved** (Council District: Six)

2. As Submitted **-**

Nothing was submitted.

B. INFRASTRUCTURE & ENVIRONMENT COMMITTEE – Time: 7:03 PM

BRAD HELMS, CHAIRMAN

1. Consider a Motion to Extend the Contract for the Village's Landscape Maintenance Program **- Approved by Voice Vote**

Village Manager Reid Ottesen reported that staff recommends approval of the Landscape Maintenance Program contract with Brian Edward Landscaping, with no increase in rates, for 2021 and 2022.

RESULT:	**APPROVED BY VOICE VOTE [UNANIMOUS]**
MOVER:	Tim Millar, District 1 Councilman
SECONDER:	Jim Schwantz, Mayor
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

2. Consider an Ordinance Authorizing the Village Manager to Dispose of Excess Vehicles and Equipment **- Motion Carried by Voice Vote**

Village Manager Reid Ottesen recommended the Village Council authorize the disposal of excess vehicles and equipment, noting that there are mechanisms in place to secure the best rates and a report on equipment sale proceeds is prepared at year end.

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RESULT:	**MOTION CARRIED BY VOICE VOTE [UNANIMOUS]**
MOVER:	Doug Myslinski, District 3 Councilman
SECONDER:	Scott Lamerand, District 2 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

3. As Submitted **-**

   Nothing was submitted.

C. BUSINESS FINANCE & BUDGET COMMITTEE – Time: 7:05 PM

KOLLIN KOZLOWSKI, CHAIRMAN

1. Consider an Ordinance Amending the Village of Palatine's CY 2020 Budget (4th Quarter Budget Adjustments) **- Motion Carried by Voice Vote**

   Finance Director Paul Mehring reported the Department of Finance & Operations continues to monitor Village fiscal activities through quarterly budget reviews to identify potential problem areas and take corrective action at an early stage. The 4th Quarter Budget Adjustments are made up of: $8,961,757 (Budget Decrease), $20,058,545 (Budget Increase Using New Revenue Offsets), and $1,219,331 (Budget Increase Appropriating Reserves). With these changes, the total Village-Wide 2020 budget will be increased in the amount of $12,319,119. Staff recommends that the Village Council approve the 4th Quarter Budget Adjustments.

RESULT:	**MOTION CARRIED BY VOICE VOTE [UNANIMOUS]**
MOVER:	Jim Schwantz, Mayor
SECONDER:	Greg Solberg, District 4 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

2. Consider an Ordinance Amending the Village of Palatine's CY 2021 Budget (1st Quarter Budget Adjustments) **- Motion Carried by Voice Vote**

   Finance Director Paul Mehring reported the Department of Finance & Operations continues to monitor Village fiscal activities through quarterly budget reviews to identify potential problem areas and take corrective action at an early stage. The 1st Quarter Budget Adjustments are made up of: $8,961,757 (Budget Increase), $889,168 (Budget Increase Using New Revenue Offsets), and $11,480 (Budget Increase Using Reserves). With these changes, the total Village-Wide 2021 budget will be increased in the amount of $9,862,405. Staff recommends that the Village Council approve the 1st Quarter Budget Adjustments.

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RESULT:	**MOTION CARRIED BY VOICE VOTE [UNANIMOUS]**
MOVER:	Jim Schwantz, Mayor
SECONDER:	Doug Myslinski, District 3 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

3. Consider an Ordinance Declaring Surplus Revenue in the Village of Palatine Rand Corridor TIF District Special Tax Allocation Fund **- Motion Carried by Voice Vote**

   Finance Director Paul Mehring reported the Village established the Rand Corridor TIF District in 2003. As of December 31, 2020, the Finance Department calculated a "surplus" in the Rand Corridor TIF District of $2,250,000 (the second consecutive year of that amount). Staff is recommending the declaration of surplus for distribution to the affected taxing districts. Staff recommends approval of an Ordinance Declaring Surplus Revenue in the Village of Palatine Rand Corridor TIF District Special Tax Allocation Fund.

   In response to Councilman Kozlowski, Mehring stated Palatine's portion is 12% or $273,000.

RESULT:	**MOTION CARRIED BY VOICE VOTE [UNANIMOUS]**
MOVER:	Jim Schwantz, Mayor
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

4. As Submitted **-**

   Nothing was submitted.

D. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE – Time: 7:08 PM

SCOTT LAMERAND, CHAIRMAN

1. As Submitted **-**

   Nothing was submitted.

E. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE – Time: 7:08 PM

TIM MILLAR, CHAIRMAN

1. As Submitted **-**

   Nothing was submitted.

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F. POLICE POLICY & CODE SERVICES COMMITTEE – Time: 7:09 PM

GREG SOLBERG, CHAIRMAN

1. As Submitted **-**

   Nothing was submitted.

VII. RECONVENE THE VILLAGE COUNCIL MEETING – Time: 7:09 PM

Reconvene the Village Council Meeting **- Motion Carried by Voice Vote**

RESULT:	**MOTION CARRIED BY VOICE VOTE [UNANIMOUS]**
MOVER:	Tim Millar, District 1 Councilman
SECONDER:	Kollin Kozlowski, District 5 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

VIII.CONSENT AGENDA

All items are considered to be routine by the Village Council and will be enacted by one motion, with waiver of first reading. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

RESULT:	**ADOPTED BY ROLL CALL [UNANIMOUS]**
MOVER:	Scott Lamerand, District 2 Councilman
SECONDER:	Kollin Kozlowski, District 5 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

1. Consider a Motion to approve Warrant #7 **- Approved**

2. Consider Ordinances Granting Final Planned Development, Rezoning from Manufacturing to Planned Development, and Vacation of Sellstrom Drive and a Resolution Granting Preliminary & Final Subdivision all for the Proposed Redevelopment of the Properties at 200 - 350 E. Daniels Road, 200 S. Hicks Road, and 1 S. Sellstrom Drive **- Approved** (Council District: Six)

   Resolution # R-5-21 Granting Preliminary & Final Subdivision
   Ordinance # O-29-21 Granting Final Planned Development
   Ordinance # O-30-21 Granting Vacation of Sellstrom Drive
   Ordinance # O-31-21 Granting Rezoning

3. Consider a Resolution of Support for the Filing of a 6B Cook County Tax Classification Application for the Property Located at 200 - 350 E. Daniels Road, 200 S. Hicks Road, and 1 Sellstrom Drive **- Adopted by Roll Call** (Council District: Six)

Minutes Acceptance: Minutes of Apr 5, 2021 7:00 PM (APPROVAL OF MINUTES)

Resolution #R-6-21

4. Consider a Motion to Extend the Contract for the Village's Landscape Maintenance Program **- Approved**

5. Consider an Ordinance Authorizing the Village Manager to Dispose of Excess Vehicles and Equipment **- Approved**

   Ordinance #O-32-21

6. Consider an Ordinance Amending the Village of Palatine's CY 2020 Budget (4th Quarter Budget Adjustments) **- Approved**

   Ordinance #O-33-21

7. Consider an Ordinance Amending the Village of Palatine's CY 2021 Budget (1st Quarter Budget Adjustments) **- Approved**

   Ordinance #O-34-21

8. Consider an Ordinance Declaring Surplus Revenue in the Village of Palatine Rand Corridor TIF District Special Tax Allocation Fund **- Approved**

   Ordinance #O-35-21

9. Motion to Accept and Place on File the Village of Palatine's First Quarter 2021 Financial Report **- Approved**

10. Consider a Resolution Reducing the Ayreshire Planned Development Security Deposit **- Adopted by Roll Call** (Council District: Three)

    Resolution #R-7-21

IX. REPORTS OF STANDING COMMITTEE – Time: 7:09 PM

A. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE – Time: 7:09 PM

SCOTT LAMERAND, CHAIRMAN

1. As Submitted **-**

   No Report

B. BUSINESS FINANCE & BUDGET COMMITTEE – Time: 7:09 PM

KOLLIN KOZLOWSKI, CHAIRMAN

1. As Submitted **-**

   No Report

Minutes Acceptance: Minutes of Apr 5, 2021 7:00 PM (APPROVAL OF MINUTES)

C. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE – Time: 7:09 PM

DOUG MYSLINSKI, CHAIRMAN

1. As Submitted **-**

   No Report

D. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE – Time: 7:09 PM

TIM MILLAR, CHAIRMAN

1. As Submitted **-**

   No Report

E. INFRASTRUCTURE & ENVIRONMENT COMMITTEE – Time: 7:10 PM

BRAD HELMS, CHAIRMAN

1. As Submitted **-**

   No Report

F. POLICE POLICY & CODE SERVICES COMMITTEE – Time: 7:10 PM

GREG SOLBERG, CHAIRMAN

1. As Submitted **-**

   No Report

X. REPORTS OF THE VILLAGE OFFICERS

A. VILLAGE MANAGER

1. As Submitted **-**

   No Report

B. VILLAGE CLERK

1. April 6, 2021 Consolidated Election **-**

   Clerk Duer reported The Consolidated Election Day is tomorrow Tuesday, April 6, 2021. Polls open 6 AM - 7 PM. Registered voters will vote at their home precincts. Non-registered voters can register to vote on Election Day at their home precinct (polling place) by presenting two forms of identification with one showing the voter's current address.

   Go to CookCountyClerk.com to find your precinct polling place.

Minutes Acceptance: Minutes of Apr 5, 2021 7:00 PM (APPROVAL OF MINUTES)

2. As Submitted **-**

No Report

C. VILLAGE ATTORNEY – Time: 7:10 PM

1. As Submitted **-**

No Report

XI. CLOSED SESSION AS REQUIRED – Time: 7:10 PM

No Closed Session requested.

XII. RECOGNITION OF AUDIENCE – Time: 7:11 PM

Jim Pilafas, 716 Mart Court, described water issues in his area causing excessive activation of his sump pump. The Village Manager will address the issue after receipt of Mr. Pilafas' water test reports.

Councilman Helms confirmed that Pilafas believes water is coming from the nearby water tank.

XIII. ADJOURNMENT – Time: 7:19 PM

Adjourn the Village Council Meeting **- Motion Carried by Voice Vote**

RESULT:	**MOTION CARRIED BY VOICE VOTE [UNANIMOUS]**
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Kollin Kozlowski, District 5 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

SUBMITTED BY:

Margaret R. Duer
Village Clerk

Minutes Acceptance: Minutes of Apr 5, 2021 7:00 PM (APPROVAL OF MINUTES)

Resolution of Appreciation - Harry Spila, Community Services Director

BACKGROUND: Harry Spila has served the residents and businesses of Palatine since 1999 when he began his employment with the Village of Palatine as the Community Services Director. Harry was the first director of this newly established Department and has provided strong leadership and consistency for the past 20+ years. Harry will be retiring from the Village on April 16, 2021.

A Resolution of Appreciation is being presented this evening expressing the Village's thanks and appreciation and wishing him continued success and best wishes as he moves onward to new opportunities.

ATTACHMENTS:

- Harry Spila Resolution

RESOLUTION NO. R-__-21

RESOLUTION OF APPRECIATION FOR HARRY SPILA, DIRECTOR OF COMMUNITY SERVICES

WHEREAS, the Village of Palatine has always sought to obtain the highest degree of professionalism and expertise in every employee of the Village; and

WHEREAS, on November 1, 1999, Harry Spila began his career with the Village of Palatine in a newly created Community Services Department; and

WHEREAS, a few of Harry's accomplishments include tackling the challenges of the annual construction cycle, playing a significant role in the construction of a new Police Headquarters, renovation of the Palatine Village Hall, creating and implementing the Village's Bicycle Transportation Plan, as well as regularly conquering local golf courses; and

WHEREAS, Harry is admired for his dedication, loyalty and expertise in serving the Village of Palatine and leaves behind a group of colleagues who hold him in the highest regard, both personally and professionally; and

WHEREAS, the Village of Palatine, on behalf of its citizens, desires to acknowledge its indebtedness and gratitude to Harry Spila for his 21 years of service to the Village of Palatine and the entire Palatine community.

NOW, **THEREFORE**, **BE IT RESOLVED**, that the Mayor and Village Council of the Village of Palatine extends their appreciation to Harry Spila for his efforts, commends him for a job well done, and wishes him and his wife, Mary, the best in the years to come.

DATED: April 12, 2021

_____

Jim Schwantz, Mayor

ATTEST:

_____

Margaret R. Duer, Village Clerk

Attachment: Harry Spila Resolution (Resolution - Harry Spila)

Consider an Ordinance Granting a Minor Planned Development Amendment Palatine Centre - Quest Academy 3-47 E. Northwest Highway

BACKGROUND:

Quest Academy owns and operates the adjacent Palatine Centre shopping center (3-47 E. Northwest Highway). Palatine Centre functions through an Amended Planned Development Ordinance, which regulates both the uses and Quest's Occupancy within the center. As part of that Ordinance, Quest's occupancy is limited within the shopping center and there is a condition that requires Village Council review, prior to the submission of an application for tax exemption status. Quest has indicated to the Village that they will be applying for a property tax exemption for their occupancy within the center. Therefore, the Petitioner is requesting:

A Minor Planned Development to Planned Development Ordinance #O-120-11, regarding the application for tax exempt status requirements

KEY ISSUES:

- The Petitioner, Quest Academy, is seeking the ability to apply for a property tax exemption for some of the retail center. Condition J of the operative Planned Development for the shopping center requires Village Council review and approval to do so.
    - Condition J - Prior to any application for tax exempt status for any or a part of the Retail Tenant Space by Quest and/or the owner of the Retail Tenant Space, Quest and/or the owner of the Retail Tenant Space shall seek Village Council review and approval

- Through discussions with Quest, the Village indicated its obligation to provide all services to Quest and the remainder of the center regardless of tax status. As such, maintaining the portion of the property tax that would otherwise come to the Village is critical to fund and maintain Village services protecting the public health, safety, and welfare of the community and the tenants at the property.
- While the review and approval of any application for tax exempt status at the shopping center is a policy question for the Village Council, Staff indicated to the Petitioner that the required Village services funded through the property taxes for the center are essential. As such, Quest has indicated that it intends to make payment in lieu of taxes for what would be the Village portion of the tax bill, had there been no exemption.
- In order for the Village Council to evaluate Quest’s request, Staff is recommended the following language be included as part of a Minor Planned Development Amendment:

- Quest and/or the owner of the Retail Tenant Space agree to pay the portion of the real estate tax bill being exempted that would otherwise be due and attributable to the Village of Palatine had no exemption been applied. The Village shall be responsible for providing said calculation in September of each year and provide Quest with an invoice for payment that provides the details of the calculation. This invoice shall constitute a payment in lieu of taxes (PILOT). Said PILOT shall be to provide compensation to the Village of Palatine for the delivery of services otherwise funded through the property tax levy. The PILOT payment shall be due and fully paid no later than November 1st of each calendar year.

ALTERNATIVES:

1. Approve a minor amendment to the Palatine Centre Planned Development Ordinance #O-120-11.

2. Do not approve a minor amendment to Palatine Centre Planned Development Ordinance #O-120-11.

RECOMMENDATION:
Staff recommends action at the Village Council's discretion for the Minor Amendment to Planned Development Ordinance #O-120-11.

ACTION REQUIRED:
A motion to approve the Minor Amendment to Planned Development Ordinance #O-120-11.

ATTACHMENTS:

- Palatine Centre - Quest Academy - ArcReader Document - VOP_GISViewer
- ORD - Quest Minor Planned Development Amendment
- Palatine Centre Plat of Survey
- Quest Academy - Palatine Centre - Planned Development Ordinance
- Quest Letter

Village of Palatine GIS Viewer

Attachment: Palatine Centre - Quest Academy - ArcReader Document - VOP_GISViewer (Minor Amendment Palatine Centre - Quest Academy 3-

Attachment: ORD - Quest Minor Planned Development Amendment (Minor Amendment Palatine Centre - Quest Academy 3-47 E. Northwest

ORDINANCE NO. _____

AN ORDINANCE GRANTING
A MINOR AMENDMENT PLANNED DEVELOPMENT FOR ORDINANCE #O-120-11
APPROVAL FOR PALATINE CENTRE 3-47 E. NORTHWEST HIGHWAY

WHEREAS, pursuant to the Village Council review at the April 12, 2021 Village Council meeting, and in accordance with the applicable provisions of the Village Code, the Committee has reported their findings on a proposal for a Minor Planned Development Amendment regarding the tax exempt status application requirements, pursuant to Section 13.07 (d) of the Village of Palatine Zoning Ordinance, as more fully described in the revisions overview and transmittal letter attached hereto, on the following legally described property, as also identified on the attached Plat of Survey:

The South 286.42 feet (except the east 183 feet and except the west 50 feet thereof) of that part of the West 40 rods lying south of the road and North of the South 40 rods of the Northwest Quarter of Section 14, Township 42 North, Range 10 East of the Third Principal Meridian in Cook County, Illinois.

Commonly known as 3-47 E. Northwest Highway – Palatine Centre shopping center (PIN# 02-14-101-018) and PIN# 02-14-101-023).

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power:

SECTION 1: That Minor Planned Development Amendment regarding the tax exempt status application requirements, pursuant to Section 13.07 (d) of the Village of Palatine Zoning Ordinance is hereby granted, subject to the following conditions:

1. Quest and/or the owner of the Retail Tenant Space agree to pay the portion of the real estate tax bill being exempted that would otherwise be due and attributable to the Village of Palatine had no exemption been applied. The Village shall be responsible for providing said calculation in September of each year and provide Quest with an invoice for payment that provides the details of the calculation. This invoice shall constitute a payment in lieu of taxes (PILOT). Said PILOT shall be to provide compensation to the Village of Palatine for the delivery of services otherwise funded through the property tax levy. The PILOT payment shall be due and fully paid no later than November 1st of each calendar year.
2. All other conditions and requirements of Ordinance #O-120-11, as amended, shall remain in full force and effect.

SECTION 2: This ordinance shall be in full force and effect upon passage and approval as provided by law.

PASSED: This ____day of _____, 2021

AYES:_____ NAYS:_____ ABSENT:_____ PASS:_____

APPROVED by me this _____day of _____, 2021

_____
Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk

this _____day of _____, 2021

_____
Village Clerk

Attachment: ORD - Quest Minor Planned Development Amendment (Minor Amendment Palatine Centre - Quest Academy 3-47 E. Northwest

EXHIBIT 'A'

ALTA/ACSM LAND TITLE SURVEY

BY

GENTILE AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

THE SOUTH 286.41 FEET (EXCEPT THE EAST 183.0 FEET EXCEPT THE WEST 50.0 FEET THEREOF) OF THAT PART OF THE WEST 40 RODS LYING SOUTH OF ROAD AND NORTH OF THE SOUTH 40 RODS OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

CONTAINING: 123,919.23 SQ. FT. (2.84 ACRES)

PROPERTY COMMONLY KNOWN AS: 3-47 E. NORTHWEST HIGHWAY, PALATINE, ILLINOIS.

PLUM GROVE ROAD

EXCEPTION (THE W. 50' OF THAT PART OF THE W. 40 RODS OF THE NW 1/4 OF SEC. 14-42-10)

E. LINE OF THE W. 50' OF THE W. 40 RODS (660') OF THE NW 1/4 OF SEC. 14-42-10

W. LINE OF THE NW 1/4 OF SEC. 14-42-10

POINT 287' N. OF THE S. LINE OF SUBJECT PROP. PER EXH. "A" PER DOC. 25480253 & DOC. 25616942

FOUND IRON PIPE 0.09' W. & 0.03' S.

GRAPHIC SCALE

1 inch = 20 ft.

BASE SCALE: 1 INCH = 20 FEET
DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF
ORDERED BY: GENTILE AND ASSOCIATES, INC.
SURVEYED BY: 4-2-13
DRAWN BY: VAF/AWG
CHECKED BY: FJG/JFG

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE BEFORE DAMAGE OCCURS. THIS PLAT DOES NOT PURPORT TO SHOW EASEMENTS OR OTHER RESTRICTIONS AND CONDITIONS AS REFER TO YOUR ABSTRACT, DEED, CONTRACT AND ZONING ORDINANCE.

ORDER NO. 10-20002

NORTH LINE OF COMFORT LANE

LOT 16 IN PLUM GROVE TERRACE

LOT 17 IN PLUM GROVE TERRACE

LOT 18 IN PLUM GROVE TERRACE

LOT 15 IN PLUM GROVE TERRACE

LOT 14 IN PLUM GROVE TERRACE

N. LINE OF THE S. 40 RODS OF THE NW 1/4 OF SEC. 14-42-10 (660' NORTH OF THE SOUTH LINE OF THE NW 1/4 SEC. 14-42-10)

N. LINE OF PLUM GROVE TERRACE SUBDIVISION IN SW 1/4 OF THE S/W 1/4 OF THE NW 1/4 OF SEC. 14-42-10 (N. LINE OF SW 1/4 OF NW 1/4 OF SEC. 14-42-10)

EAST LINE OF EASEMENT TO COMM-ED AND PEOPLES GAS PER DOC. 2914784 AND THE WEST LINE OF THE EASEMENT CAN NOT BE PLOTTED WITH ACCURACY

10' WIDE EASEMENT TO NW-COR PER DOC. 2914784 (APPROX. LOC) (SAID E. & W. EASEMENT LINES ARE DISCERNABLE OR MARKED IN FIELD)

POINT BEING 42.0' E. & 10.0' S. OF NW COR. OF PROP. (MEAS. & CALC. PER DOC. 25616942 & DOC. 25615942)

DEED=286.41'

MEAS.= 286.43' N 00°46'33" W

MEAS.= 432.78' N 89°57'24" E

MEAS.= 432.84'

DEED=+/-54'

DEED= +/-40'

MEAS.= 286.42' S 00°43'41" E

PLAT AREA

THE W. LINE OF THE E. 183' OF THAT PART OF THE W. 40 RODS OF THE NW 1/4 OF SEC. 14-42-10

EXCEPTION (THE E. 183' OF THAT PART OF THE W. 40 RODS OF THE NW 1/4 OF SEC. 14-42-10)

EAST LINE OF THE EAST 436' (EXC. S. 183') OF PT. OF W. 40 RODS LY. S. OF RD. & N. OF S. 40 RODS OF NW1/4 14-42-10

WEST LINE OF THE EAST 436' (EXC. S. 183') OF PT. OF W. 40 RODS LY. S. OF RD. & N. OF S. 40 RODS OF NW1/4 14-42-10

N. LINE OF THE S. 286.41' OF THAT PART LYING N. OF THE S. 40 ROD OF THE NW 1/4 OF SEC. 14-42-10

EASEMENT TO COMMONWEALTH EDISON PER DOC. 25480253 & DOC. 25615942

AUTOMOBILE PARKING EASEMENT PER DOC. 22449658 & DOC. 22287934

SET IRON ROD AT CORNER

SET IRON ROD AT CORNER

HIGH RISE STORY BRICK BUILDING

5 STORY BRICK BUILDING

CONCRETE RAMP

CONCRETE PAD

BRIDGE CONNECTION

ASPHALT

CONCRETE

WALK

PLANTER

METAL FENCE

WOOD FENCE

CHAIN LINK FENCE

BACK OF CURB

FACE OF WALL

6 REGULAR PARKING STALLS

8 REGULAR PARKING STALLS

10 REGULAR PARKING STALLS

12 REGULAR PARKING STALLS

9 REGULAR PARKING STALLS

3 REGULAR PARKING STALLS

GAP 2.00'

70.34'

84.10'

163.00'

54.40'

45.59'

45.02'

74.00'

65.00'

50.00'

33.00'

69.00'

RAD.=25.00'
CHD.=36.83'

REC.=103.38'

FOUND IRON PIPE 0.10' W. & 0.21' N.

FLARED END SECTION

STATE OF ILLINOIS) COUNTY OF DUPAGE) S.S.

TO:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 8, 9, 10, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE "A" THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF ILLINOIS, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

GIVEN UNDER MY HAND AND SEAL THIS 17TH DAY OF NOVEMBER, A.D. 20 13

SIGNED:

FRANK J. GENTILE
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2781
MY LICENSE EXPIRES NOVEMBER 30, 2013
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.002270

NOTES:

1. UPON INSPECTION OF FLOOD INSURANCE MAP NO. 17031C0015J, EFFECTIVE DATE AUGUST 19, 2008, THE SUBJECT PROPERTY SHOWN HEREON LIES WITH ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOOD).

HERETOFORE DEDICATED PER DOC. NO. 16280437

BENTON STREET

HERETOFORE DEDICATED

33.00' PER DOC. NO. 94876722

LEGEND

- TREE WITH TRUNK DIAM. SIZE
- UTILITY POLE
- LIGHT STANDARD
- SIGN POST
- FIRE HYDRANT
- WATER SERVICE SHUTOFF VALVE
- WATER VALVE VAULT
- CLOSED COVER DRAINAGE STRUCTURE
- OPEN COVER DRAINAGE STRUCTURE
- CURB INLET/CATCH BASIN
- SANITARY SEWER MANHOLE
- GAS SERVICE SHUTOFF VALVE
- WATER SHUTOFF VALVE BOX & COVER

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

ORDINANCE NO. 0-120-11

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ORDINANCE #0-80-72, AS AMENDED PALATINE CENTRE SHOPPING CENTRE 3-47 E. NORTHWEST HIGHWAY QUEST ACADEMY (CASE NO. 11-17)

Published in pamphlet form by authority of the
Mayor and Village Council of the Village of Palatine
on October 10, 2011

ORDINANCE NO. 0-120-11

AN ORDINANCE AMENDING
PLANNED DEVELOPMENT ORDINANCE #0-80-72, AS AMENDED
PALATINE CENTRE SHOPPING CENTRE
3-47 E. NORTHWEST HIGHWAY QUEST ACADEMY (CASE NO. 11-17)

WHEREAS, upon petition of owners of said property, hearings were held by the Village of Palatine on September 20, 2011 in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, and said Plan Commission having made its findings in a report to the Mayor and Village Council of the Village of Palatine regarding a request for a Planned Development Amendment to Planned Development Ordinance #O-80-72, as amended, to permit a change in the approved use list for the shopping center, on the following legally described property:

> The South 286.41 feet (Except the East 183 feet and except the west 50 feet thereof) of that part of the West 40 rods lying South of road and North of the South 40 rods of the Northwest Quarter of Section 14, Township 42 North, Range 10 East of the Third Principle Meridian in Cook County, Illinois.
>
> commonly known as Palatine Centre Shopping Center 3 – 47 E. Northwest Hwy. (PINs 02-14-101-018 & 02-14-101-023)

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Illinois acting in the exercise of their home rule power:

SECTION 1: That an Amendment to Planned Development Ordinance #O-80-72, as amended, to permit a change in the approved use list for the Palatine Centre use list, is hereby granted, subject to the following conditions:

1) The development shall substantially conform to the Survey prepared by Gentile and Associates. Inc. November 2010 attached hereto as Exhibit 'A' except as such plan may be changed to conform to Village Codes and Ordinances.
2) The Palatine Centre use list shall be updated to include those uses outlined in the B-2 Zoning District.
3) Excepting Quest's existing tenancy in Palatine Centre, which is presently on file with the Village Clerk, any future expansion into Palatine Centre by Quest shall be subject to the following terms and conditions:

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

a) Quest, or its affiliates or any other private school uses, shall not occupy more than 50% of the total square footage of Retail Tenant Space in Palatine Centre for any use. Retail Tenant Space shall be the building space located between 3 E. Northwest Highway and 47 E. Northwest Highway ("Retail Tenant Space"). Per the rent roll provided by the current property owner, the total net square footage of Retail Tenant Space is 37,321 s.f.

b) Student uses shall be strictly limited to the building directly west of the existing Quest School (23 E. through 47 E. Northwest Highway) (herein referred to as the "East Building"), and shall not occur in the western building (3-19 E. Northwest Highway) (herein referred to as the "West Building"), as more particularly shown on the site plan attached hereto as Exhibit A. Quest's existing use of the East Building includes an office and band use at 43 - 45 E. Northwest Highway and a pre-school use at 23 - 25 E. Northwest Highway. With respect to future expansions by Quest:

i) any non-student use (for example, without limitation, storage, office, faculty lounge, etc.) proposed by Quest may be located in any Retail Tenant Space regardless of whether such non-student use is contiguous to any other then existing Quest use;

ii) any new student use proposed by Quest in the East Building which, together with any other then existing student use by Quest, does not exceed 35% of all Retail Tenant Space (with the foregoing percentage calculated as a fraction, the numerator of which will be the total square footage of all student uses by Quest in the East Building and the denominator of which will be the total square footage of all Retail Tenant Space) shall be contiguous in either direction to any then existing school use in the East Building; and

iii) any new student use by Quest in the East Building which, together with any other then existing student use by Quest, exceeds 35% of all Retail Tenant Space (with such percentage calculated in the same manner provided in Item 3(b)(ii) above), in addition to any other applicable conditions herein, shall require Quest to relocate its student uses in the East Building to the easternmost portion of the East Building such that Quest's student use occupies at least 2 of 43, 45 and 47 E. Northwest Highway, and that Quest's student uses after such relocation are contiguous to one another.

iv) Any request for relief from the relocation requirement of this Ordinance shall be made directly to the Village Council.

c) Any expansion by Quest to the Retail Tenant Space shall be limited to classroom, storage, or administrative offices and not include any assembly

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

areas. Further, the expansion into any Retail Tenant Space shall not be to add assembly area to the existing school building.

d) Due to the increased parking requirements, any proposed assembly occupancy, regardless of whether it is in the existing school building or part of the 50% portion of the Retail Tenant Space, shall require a Planned Development Amendment approved by the Village Council.

e) Prior to the application for a building permit, if required, or any actual expansion into the Retail Tenant Space, as permitted regardless of whether it is within the 50% allowable space, Quest or its affiliates shall send written notice to the Village Manager of its intent to further expand.

f) At such point as Quest's occupancy reaches 35% of the Retail Tenant Space, Quest, in addition to any other required documents and plans, shall provide a traffic management and parking plans and any other information as requested by the Village Manager prior to any further expansion to the 50% threshold. Said plan shall outline and address the traffic flows within the parking and drop-off areas and specify the safe routes for orderly pick up and drop off points for students and faculty. The plan shall also identify required parking demands for any expanded use beyond the 35% occupancy level. The purpose of this plan is to ensure that the other tenants and surrounding properties are not adversely impacted by Quest's traffic activities. The Village Manager shall review and either approve the plans or have the right to impose any conditions deemed appropriate prior to any expansion beyond 35% of the Retail Tenant Space but not more than 50% of the Retail Tenant Space.

g) As requested, Quest or its representatives, shall provide a current tenant and occupancy listing to the Village Manager, to ensure compliance with the Planned Development ordinance requirements.

h) At such time, if ever, as Quest Academy's enrollment at the Retail Tenant Space including adjacent facilities exceeds 336 students, no Retail Tenant Space in addition to that then used for school uses shall be permitted for school use. For purposes of this Ordinance "school use" shall mean any use by an enrolled student of Quest Academy or faculty or volunteers of Quest Academy.

i) Any and all other provisions of the Village Code of Ordinances including but not limited to the life safety provisions and building code regulations will remain in full force and effect and are not impacted by this PUD Amendment.

j) Prior to any application for tax exempt status for any or a part of the Retail Tenant Space by Quest and/or the owner of the Retail Tenant Space, Quest

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

and/or the owner of the Retail Tenant Space shall seek Village Council review and approval. The Village reserves the right to impose additional conditions in the event of any such application.

SECTION 2: The petition, a copy of the public notice and minutes of the Plan Commission are attached hereto and form a part hereof.

SECTION 3: This Ordinance shall be in full force and effect from and after is passage and approval as provided by law.

PASSED: This 10 day of October, 2011

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

APPROVED by me this 10 day of October, 2011

Mayor of the Village of Palatine
Pro Tem

ATTESTED and FILED in the office of the Village Clerk
this 10 day of October, 2011

Village Clerk

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

ALTA/ACSM LAND TITLE SURVEY

BY

GENTILE AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

THE SOUTH 286.41 FEET (EXCEPT THE EAST 183.0 FEET EXCEPT THE WEST 50.0 FEET THEREOF) OF THAT PART OF THE WEST 40 RODS LYING SOUTH OF ROAD AND NORTH OF THE SOUTH 40 RODS OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

CONTAINING: 123,919.23 SQ. FT. (2.84 ACRES)

PROPERTY COMMONLY KNOWN AS: 3-47 E. NORTHWEST HIGHWAY, PALATINE, ILLINOIS.

EXHIBIT 'A'

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

Exhibit A

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

Requested Amendments - Quest School

1. Amend Planned Development Ordinance 0-80-72 as follows:

A. Add to the list of Permitted Uses:

Private school and accessory offices
Any use now or hereafter a Permitted Use under the Village's B-2 zoning district
Day care facility
Pre-school center
Early childhood development center
Art studio
Martial arts school
After school recreational and/or educational facility
Fitness center
Fitness equipment sales and service
Spa, day
Offices, brokers
Dental laboratory
Educational materials store
Acting school
Electronics store, sales and/or service, hardware and/or software
Sandwich Shop
Offices, not-for-profit organizations
Café

B. Add to the list of Special Uses:

Unique or new uses, provided that the use complies with the intent of the Village's B-2 zoning district
Any use not a Permitted Use now or hereafter a Special Use under the Village's B-2 zoning district

2. Amend Planned Development Ordinance 0-25-83 (Plum Grove Office Park) as follows:

A. Approve site plan for affected property

B. Add to the list of Permitted Uses:

Private school
Ball field, with or without accessory electronic scoreboard and bleachers
Hard surface play area, which may include basketball, handball, tennis and/or other athletic courts
Outdoor school "classrooms"

EXHIBIT 'B'

Outdoor school assembly
Garden
Refreshment stand, accessory to other Permitted Uses
Enclosed equipment storage, accessory to other Permitted Uses
Non-accessory off-street parking

EXHIBIT 'B'

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

Quest Academy

March 17, 2011

Statement of Proposed Land Use

In its current configuration, Quest Academy is "land-locked." It has hardly any opportunities to accommodate student learning needs that require outdoor space, and limited opportunities to expand. To address this situation, Quest Academy is a party to a pair of contracts to acquire parcels of land in the immediate vicinity of the school. This document describes the parcels of land involved, and the school's intended uses of those spaces as currently envisioned.

One contract involves land which is currently undeveloped. The land consists of three parcels, which are described in detail in documents elsewhere in this submittal. In layman's terms, it is the undeveloped space just south of Northwest Highway, bounded by Plum Grove on the east and Brockway on the west. For the purposes of this document, this land will be referred to as the "Green Space".

The second contract involves land immediately adjacent to Quest Academy ("Quest") which has been developed into a retail strip-center – herein referred to as the "Retail Plaza." This parcel is also detailed in documents elsewhere in this submittal.

Following is a brief summary of our intended uses of these two areas.

Green Space

Quest is interested in developing the 3.68 acre Green Space parcels of land as outdoor education space designed to meet the needs of our a) Physical Education/Athletics department; b) our Science department; and c) community events.

Physical Education/Athletics: First and foremost, we propose an athletic field to accommodate both physical education classes during school hours and athletic events that would not last beyond daylight hours. This athletic field would be designed as a soccer field, but may also be used for alternative sports such as football, baseball, field hockey, field and track, or lacrosse during school hours (8:00 a.m. – 3:30 p.m.) as part of our Physical Education curriculum. The field would be used for interscholastic athletic competition during after school hours (3:30 p.m. – dusk) and occasionally on weekends. To support this usage, Quest may place an electronic scoreboard at the edge of the athletic field.

In a black-topped area on the eastern portion of the parcel, Quest would place a reduced-scale black-top basketball court to be used during school hours as part of our Physical Education program, and parking spaces to accommodate players' families/spectators, as well as serve as overflow for regular school events (up to 86 spaces).

To support these uses, we propose the construction of a field house to accommodate restrooms, storage space for athletic and science equipment, and a snack bar.

Science Outdoor Education: Quest believes its academic program can be substantially enhanced with outdoor educational opportunities. We plan the eventual inclusion of up to ten gardening areas to teach our students about botany, as well as a pavilion or amphitheatre space to assemble science classes and teach botany. This space could hold up to 50 persons.

Community Events: Quest also anticipates occasional use of the entire parcel for school community events such as a field day, and the possible partnering with the Palatine Parks & Recreation Department and other local civic organizations to share our space. This may result in occasional weekend use.

Other considerations: To better control the space and improve safety for students, Quest proposes striping a pedestrian zone across Plum Grove Road with installation of a yellow caution light that may be activated by Quest Academy staff when students are crossing Plum Grove Road, fencing and/or appropriate landscaping around the entire parcel, and walkways originating from the parking lot to the outdoor science education area and athletic field and track.

Retail Plaza

Quest is interested in acquiring the adjacent retail plaza for two reasons. First, it believes that, with the resources of the Quest community, the retail center can be turned into a much-more viable retailing center than it currently has become. As owners of the facility, the Quest community can be involved in bringing new businesses to the center, and helping to ensure their success once there. The improvement in the long-term profitability and public image of the center would bring substantial benefits to Quest.

Second, Quest believes it is in its long-term interest to ensure that, should the need arise, Quest can expand its academic facilities near to its current site. Proximity offers the best chance for a seamless, high quality expansion if the need develops in the future.

Quest recognizes, however, that piecemeal expansion of its academic program into the current plaza could jeopardize the creation of a vibrant, successful retail operation. Accordingly, it does not seek the immediate ability to expand into any additional store-fronts than it currently rents in the plaza. It may, however, utilize some of the non-retailing office space in the southwest corner of the plaza if empty space becomes available. Over the longer term, Quest might occupy up to two additional store-fronts once the retail performance of the plaza has been improved and, in its judgment, Quest's use of additional space would not jeopardize this improved retail performance. Someday, if sustained demand arises, Quest would be in a position to re-develop the entire parcel as an expansion of the school.

The Quest community looks forward to working with the Village of Palatine on the use of these spaces in ways that better the community, and we welcome your feedback in these matters.

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

ORDINANCE NO. O-15-93

AN ORDINANCE
AMENDING SPECIAL USE ORDINANCE O-80-72
THE PALATINE CENTER 3-47 E. NORTHWEST HWY.

WHEREAS, Ordinance O-80-72 granted a Special Use for a Planned Development; and

WHEREAS, Ordinance O-97-81 amended Ordinance O-80-72 as to the list of permitted uses; and

WHEREAS, hearings were held by the Plan Commission of the Village of Palatine on February 3, 1993 in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, and said Plan Commission, having made its findings in a written report to the President and Board of Trustees of the Village of Palatine, on a petition to amend the aforesaid special use to add "Catering-Delicatessen" to the list of Permitted Uses, for property legally described as follows:

> Of the South 286.41 feet (except the East 183.0 feet and except the West 50.0 feet thereof) of that part of the West 40 rods lying South of road and North of the South 40 rods of the Northwest Quarter of Section 14, Township 42 North, Range 10 East of the Third Principal meridian in Cook County, Illinois.
>
> Commonly known as 3 to 47 E. Northwest Highway (Palatine Center)

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Palatine, Illinois, acting in the exercise of their home rule power:

SECTION 1: That Ordinance O-80-72, as amended by Ordinance O-97-81, be amended by revising the list of Permitted Uses for the shopping center or retail business portion of the Planned Development to include "Catering-Delicatessen" as indicated on the list of Permitted Uses attached hereto as Exhibit "A" and made a part hereof.

SECTION 2: That the petition for amendment of the special use, a copy of the public notice, and the report of the Plan Commission reporting on this petition be attached hereto and form a part of this ordinance.

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

SECTION 3: All other provisions of said Ordinance, as amended, shall remain in full force and effect. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This 23rd day of February, 1993

AYES: 4 NAYS: 0 ABSENT: 1 PASS: 1

APPROVED by me this 23rd day of February, 1993

President of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this 23rd day of February, 1993

Village Clerk

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

PERMITTED USES:

Retail Business Uses:

Antique shops
Appliance stores
Art galleries
Art Supply Stores
Bicycle sales and repair shops
Book and stationery stores
Business machine sales & svce.
Camera and photographic supply stores
Candy and confectionery stores
Carpet and rug stores
Catering-Delicatessen; which may include consumption of food on the premises with no more than 4 tables and 16 chairs and open no later than 11:00 P.M., any day of the week.
China and glassware stores
Coin, philatelic, stamp, and numismatic stores
Drapery stores
Drug stores and pharmacies
Dry goods stores
Electrical and household appliance stores
Florist shops and conservatories
Financial Institutions
Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use
Furrier shops, including the incidental storage and conditioning of furs
Gift shops
Haberdasheries
Hardware stores
Hearing aid stores
Hobby shops
Jewelry stores
Leather goods and luggage store
Linoleum and tile stores
Millinery shops
Musical instrument sales and repair
Notions stores
Office supply stores
Optician sales; retail
Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles
Orthopedic brace and limb fitting and assembly
Package liquor stores
Paint and wallpaper stores
Picture framing; when conducted for on-premise retail trade
Phonograph record, tape, and sheet music stores
Radio and television sales
School supply stores
Shoe stores
Sporting goods stores
Taxidermists
Tobacco shops
Toy stores
Trading stamp stores
Wearing apparel shops

Service Uses:

Artists' studios
Barber shops
Beauty parlors
Clothes-pressing establishments
Currency exchanges
Interior Decorating studios, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
Locksmith shops
Photographic studios
Radio service and repair shops
Recording studios
Shoe, clothing, and hat repair stores
Tailor and dress-making shops
Telegraph offices
Television service and repair shops
Ticket agencies; amusement
Travel agencies and bureaus and transportation ticket offices (no Bus Depot)

Religious Institutions:

Religious reading rooms

SPECIAL USES:

Ice Cream stores
Medical Laboratories

Office Uses:

Accounting, auditing, and bookkeeping offices
Architect's offices
Attorney and law offices
Chamber of commerce
Chiropodist's office
Chiropractor's offices
Dental clinic
Dentist's offices
Detective agencies
Doctor's, Surgeon's and/or physician's offices
Employment agencies
Engineer's offices
Insurance agencies
Land surveyor's offices
Landscape architectural services
Medical Clinics
Merchant's associations
Optician's office
Osteopath's office
Political organization offices
Real estate offices
Secretarial services
Security and commodity brokers

Public Buildings:

Public Library (limited to 16,300 sq. ft. per floor)

EXHIBIT "A"

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

Attachment: Quest Academy - Palatine Centre - Planned Development Ordinance (Minor Amendment Palatine Centre - Quest Academy 3-47 E.

QuestAcademy

500 North Benton
Palatine, Illinois 60067
847.202.8035
847.202.8085 fax
www.questacademy.org

VILLAGE MANAGER
NOV 30 2020
VILLAGE OF PALATINE

November 23, 2020

Mr. Reid Ottesen, Village Manager
Village of Palatine
200 East Wood Street
Palatine, IL 60067

Dear Reid,

Quest Academy is a not-for-profit organization that has provided a rigorous and fulfilling educationa experience for gifted children in the Village of Palatine and beyond. We've had a positive relationship with th Village since our inception and have worked with the Village to further the educational goals of the school, whethe by developing a museum on the campus or acquiring a green space for students to get out of the classroom an enjoy the outdoors. In connection with the development of the Quest campus, Quest, as sole member of Palatin Retail Center LLC, acquired an adjacent retail center located at 3-47 E. Northwest Highway, Palatine, Illinois (PIN 02-14-101-023-0000) with the aim of turning around the shopping center and fostering a vibrant atmosphere fo students and their parents. While such a turnaround was never guaranteed, Quest undertook the investment wit the understanding that ownership of this neighboring parcel would allow Quest to expand the school should it s desire—which it has since done in the interim.

The COVID-19 pandemic has wreaked havoc at every level of society, and Quest has not been spared Operations at the shopping center have been particularly hard-hit, with a number of tenants being unable to pa rent due to government "shelter-in-place" orders along with other restrictions limiting gatherings in restaurant The two largest tenants (outside of Quest) were restaurants that have been unable to pay rent since the pandemi started and do not face brighter prospects with Governor Pritzker's latest order banning indoor dining. Anothe large tenant has fallen behind on rent and will only renew its lease if it can pay a much lower rent. While th pandemic has severely cut into revenues at the shopping center, it has accelerated a downturn that is affecting a similarly situated properties in the Northwest Suburbs of Chicago. The best available data from our propert manager has indicated that vacancy rates in the area have already crept up by 17% over the last year, and this doe not include spaces that are in the process of eviction, being marketed for sublease or otherwise at risk of evictio due to nonpayment of rent. The future of these properties is clearly headed toward increased vacancies an decreased market rents.

These losses come on the heels of an onerous tax assessment that vastly overestimated the value of th shopping center even prior to the pandemic. Based on the property's current net operating income and discussion with bankers, the value of the shopping center is worth approximately $1,300,000. Nevertheless, the property required to pay real estate taxes in excess of $180,000 annually. Coupled with the legal fees that Quest is sti paying from a pre-pandemic tax appeal to an even more egregious assessment, Quest will be paying more tha 15% of the property value on an *annual basis* in taxes. With the pandemic ravaging rent revenue, this figu represents almost fifty percent (50%) of the annual revenue of the shopping center. When the costs of our capit structure, operations and general upkeep are considered, the shopping center cannot be sustainable without change in tax burden.

Attachment: Quest Letter (Minor Amendment Palatine Centre - Quest Academy 3-47 E. Northwest Highway)

The COVID-19 pandemic has also led to an increased need for space to operate Quest, in order to accommodate in-class learning with the necessary safety protocols mandated for proper social distancing. To best achieve these goals, Quest needs to take advantage of the unleased space that has been made available in the shopping center. However, Amendment 0-120-11 to Planned Development Ordinance 0-80-72 (attached hereto, the "Amendment") contains restrictions that severely curtail Quest's ability to so—limiting Quest's use of the shopping center at only 35% for student uses and 50% for any related educational use. Quest would not be able to educate the number of students it currently maintains had it not been allowed to expand into the shopping center, but in order to continue that mission, it is imperative that Quest be allowed to expand again to safely accommodate its students. Quest has been operating out of the shopping center for close to a decade and has proven that it can safely and efficiently operate out of this space. We do not expect any safety issues with the use of additional space in the center.

While the Amendment prevents Quest's ability to provide facilities for proper social distancing, it also requires Quest to obtain the consent of the Village prior to applying for the educational exemption from real estate taxes. In order to ease the dual challenges posed by COVID-19 and its tax burden, Quest would like to pursue a tax exemption for the portion of the shopping center that is used for educational purposes—an exemption Quest believes it is fully entitled to. Prior to pursuing such tax exemption with Cook County, Quest would petition the Village to rescind the Amendment.

The restrictions therein may have been acceptable for Quest Academy in the early stages of its ownership of the shopping center, but due to the pandemic, such restrictions are now ill-suited and pose a major impediment to the current and future operations of the property. As the pandemic wears on, the inability to expand into the shopping center jeopardizes Quest's ability to provide a safe, socially distanced, in-class education for its students. Coupled with the economic burdens of over taxation and a declining retail market, there is a need to enable Quest to utilize the available space, and reduce the tax burden as we have explained.

Quest would propose that the Amendment be rescinded such that Quest could more freely use the shopping center for educational purposes, while at the same time working with Cook County to ensure that Quest receives the partial tax exemption it is entitled to. We recognize that such an exemption would reduce the tax base of the Village, but this is the only path to long term viability for the center, and safe operation of Quest.

We'd kindly ask that you consider our request and can make ourselves available to discuss this matter in greater detail at your convenience.

Sincerely,

Curtis Maas

Chairman of the Board of Trustees

Luke Praxmarer

President of Palatine Retail Center, LLC

Attachment: Quest Letter (Minor Amendment Palatine Centre - Quest Academy 3-47 E. Northwest Highway)

Consider an Ordinance Granting a Special Use for a Unique Use at 2200 N. Rand Road

BACKGROUND:
The Petitioner, Northwest Trucks INC. (Northwest Trucks), currently operates at 2120 N. Rand Road and maintains an existing Special Use. Northwest Trucks has a contract to acquire the property at 2200 N. Rand Road and is seeking to expand their business accordingly. Therefore, the Petitioner is requesting approval of the following:

Special Use for a Unique Use to allow truck and trailer sales, truck and trailer parts' sales, common and contract carrier, truck and trailer repairs, and related uses.

KEY ISSUES:

- The Subject Property is zoned B-5 (Rand Road/Route 12 properties) and is improved with an approximately 17,000 square foot commercial building/parking lot. The lot is approximately 2.75 acres. The B-5 district's legislative intent is to provide intensive retail or wholesale sales, with appeal on a regional basis.

- Northwest Trucks' current uses and operations are not identified as permitted or special uses within the Zoning Ordinance. Therefore the zoning ordinance indicates that a Special Use for a Unique Use is the appropriate review process. The Zoning Ordinance defines *unique use* as: A use not otherwise listed as a Permitted Use or Special Use within any zoning district. (Ord. 0-72-07, §3, 5/14/07; Ord. 0-85-12, §2, 6/18/12)

- Northwest Trucks operates a full service truck dealership and includes truck and trailer repair, sales, part sales, service, and common and contract carrier for class 6-8 commercial and municipal trucks.

- The Subject Property was previously occupied by Suburban Harley Davidson, prior to its redevelopment at 2015 N. Rand Road as City Limits Harley Davidson. Since that time, the Subject Property contained various commercial uses including a temporary auto sales use, Rumi Maki Boxing and Martial Arts School, and a Top Notch Auto repair location. Rumi Maki has relocated, but the auto repair use remains (4,000 square feet) and will continue its operations with Northwest Trucks. As the proposed Special Use is for the entire property, Northwest Trucks could expand into that area in the future, if the current plans change moving forward.

- A parking analysis was completed as part of the Special Use review and is summarized below:

2200 N. Rand Road	
Building square footage:	16,959 square feet
NW Trucks	12,917 square feet
:RETAIL	7,137 square feet; 1/300 square feet

	= 23.79 (24) spaces
:WAREHOUSE	5,780 square feet; 1/1000 square feet = 5.78 (6) spaces
Top Notch Auto (tenant #2)	4,042 square feet; 1/300 square feet = 13.47 spaces (13 spaces)
Total required parking spaces:	43 spaces
Total provided:	89 spaces (+46 spaces)

- The site has two separate access points. There is a full access curb cut onto Rand Road and a secondary access onto an IDOT controlled access road. The Petitioner is working with a civil engineer and ultimately IDOT to determine if access between the properties could occur. This road also provides UPS access to Rand Road.

- The business plan indicates that Northwest Trucks is presently operating at its maximum functional capacity, within its parts storage and counter sales areas. The expansion into the 2200 N. Rand Road will allow Northwest Trucks to increase the parts inventory and also expand the parts fulfillment abilities.

- Presently, Northwest Trucks has about 30 parts and service employees. With the expansion into the 2200 N. Rand Road building, the business will be able to expand their parts' inventory by approximately 12,000 square feet. The expansion will also provide for the ability add a parts accessory showroom and increase additional truck sales' offices and a conference room.

- Northwest Trucks' service area includes companies and municipalities throughout the Chicago region. The proposed hours of operation would be similar to their existing parts' department, which operates from 7 AM through 12 AM, Monday through Friday and 7 AM through 4 PM Saturday and Sunday.

- The property is fully developed and all of the required engineering improvements and utility access are available to the subject property. As part of the proposed expansion, the Petitioner intends to connect to Village water. Also, portions of the existing parking lot are in disrepair and the planned upgrades include repaving and restriping the entire parking lot. The plans also include repainting of the existing building and an interior remodel the building through a building permit review and new attached signage for Northwest Trucks.

- Also, the interior space would be retrofitted to accommodate new offices and a parts storage area. The planned uses do not include truck repair at this time, as the existing building height and clearance area do not afford the space to complete these activities. The proposed Special Use Ordinance includes truck

repair, if in the future such building modifications are completed. Per Code, these activities are required to be completed wholly within the building.

- The Petitioner does plan to add fencing and a gate to the southern side of the property to segment and screen the vehicle storage in the future. Nevertheless, if the Special Use is approved, vehicles for sale may be displayed on the property, excepting those in disrepair.

- The Petitioner would occupy a vacant building previously used for motorcycle sales, repairs, and parts distribution and has operated for thirty-two years within the Village. Staff does not have any concerns with the existing or proposed business operations. The vehicle and parts' sales uses are directly comparable to many of the other sales tax producing uses along the Rand Road corridor.

ALTERNATIVES:

1. Approve the Special Use for a Unique Use to allow Northwest Trucks INC. to expand their operations into in the property at 2200 N. Rand Road.
2. Do not approve a Special Use for a Unique Use to allow Northwest Trucks INC. to expand their operations into in the property at 2200 N. Rand Road.

RECOMMENDATION:

Public Hearing:	Plan Commission - April 6 2021
Residents testifying:	None.
Vote:	The Plan Commission voted unanimously to approve the requested development and Staff concurs.

ACTION REQUIRED:

A motion to approve a Special Use for a Unique Use for Northwest Trucks INC. at 2200 N. Rand Road.

ATTACHMENTS:

- Aerial Map
- ORD - Special Use -2200 N. Rand Road
- EXHIBIT - Plat of Survey
- EXHIBIT - Revised floorplan
- EXHIBIT- Northwest Trucks INC - business plan
- Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989
- 2200 N Rand Road - Special Use application
- DRAFT MINUTES April 6th Plan Commission meeting
- Public Notice

Village of Palatine GIS Viewer

Attachment: Aerial Map (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE FOR A UNIQUE USE AT 2200 N. RAND ROAD

WHEREAS, upon petition of owners of said property, a public hearing was held by the Plan Commission on April 6, 2021 in accordance with the Zoning Ordinance of the Village of Palatine, in such cases made and provided, and said Plan Commission having made its findings in a report to the Mayor and Village Council of the Village of Palatine regarding a request for a Special Use to permit a unique use to allow for truck and trailer sales, truck and trailer parts' sales, common and contract carrier, truck and trailer repairs, and related uses, pursuant to Section 11.06 (e)(27) of the Palatine Zoning Ordinance, on the following legally described property and Plat of Survey attached as an Exhibit:

The East 400 feet of the North quarter of the East 1/2 of Lot 1 of the Northwest Quarter of Section 2, Township 42 North, Range 10, East of the Third Principal Meridian, in Cook County, Illinois

commonly known as 2200 N. Rand Road (PIN# 02-02-104-002)

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power that:

SECTION 1: A Special Use to permit a unique use to allow for truck and trailer sales, truck and trailer parts' sales, common and contract carrier, truck and trailer repairs, and related uses, pursuant to Section 11.06 (e)(27) of the Palatine

Attachment: ORD - Special Use -2200 N. Rand Road (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

Zoning Ordinance is hereby granted, subject to the following condition(s):

1. **The Special Use shall substantially conform to the business plan, site plan, and floor plan submitted by the Petitioner, Northwest Trucks INC., except as such plans may be changed to conform to Village Codes and Ordinances.**

SECTION 2: **That a copy of the public notice be attached hereto and form a part of this ordinance.**

SECTION 3: **That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.**

PASSED: This _____day of _____, 2021

AYES:_____ NAYS:_____ ABSENT:_____ PASS:_____

APPROVED by me this _____day of _____, 2021

_____
Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this _____day of _____, 2021

_____
Village Clerk

Attachment: ORD - Special Use -2200 N. Rand Road (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

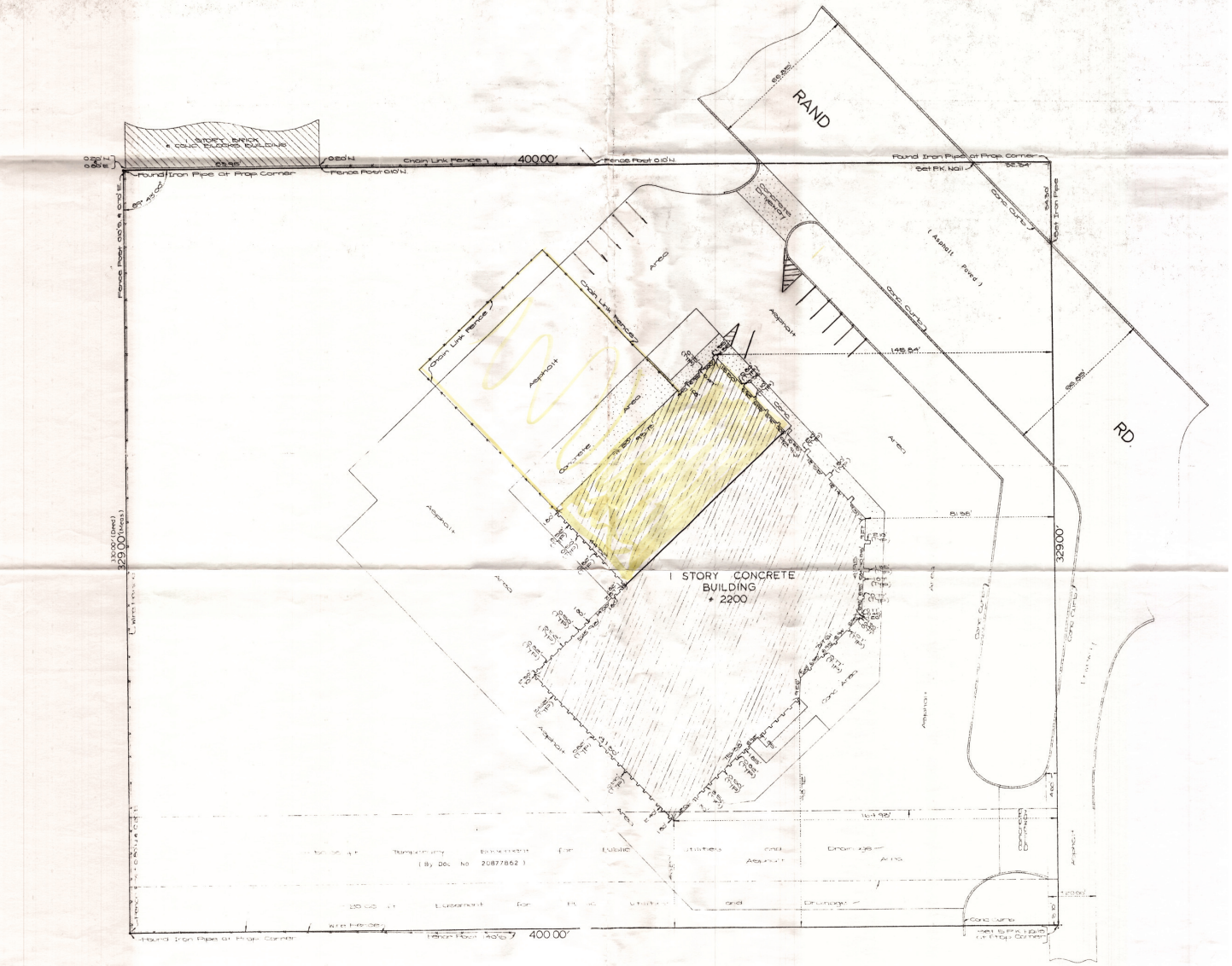
6.B.1.c

PROFESSIONALS ASSOCIATED
Property – Condo – Mortgage Surveys
1510 Old Deerfield Rd., Highland Park, Illinois 60035
Tel. 831-1200

PLAT OF SURVEY

OF

THE EAST 400.00 FEET OF THE NORTH QUARTER OF THE EAST 1/2 OF LOT 1 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



* CHECK # IN BOX MEANS THAT SURVEY HAS BEEN MADE FOR USE IN CONNECTION WITH A REAL ESTATE OR MORTGAGE LOAN TRANSACTION AND IS NOT TO BE USED FOR CONSTRUCTION.

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

Order No. 89-04063-D

Scale: 1 Inch = 20 feet

Date: March 14, 1989

Ordered by: JOSEPH D. PALMISANO, P.C. Attorneys at Law

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

State of Illinois } s.s.
County of Lake }

We, PROFESSIONALS ASSOCIATED, do hereby certify that we have located the building on the above property.

R. Peskin
REG. ILL. Land Surveyor

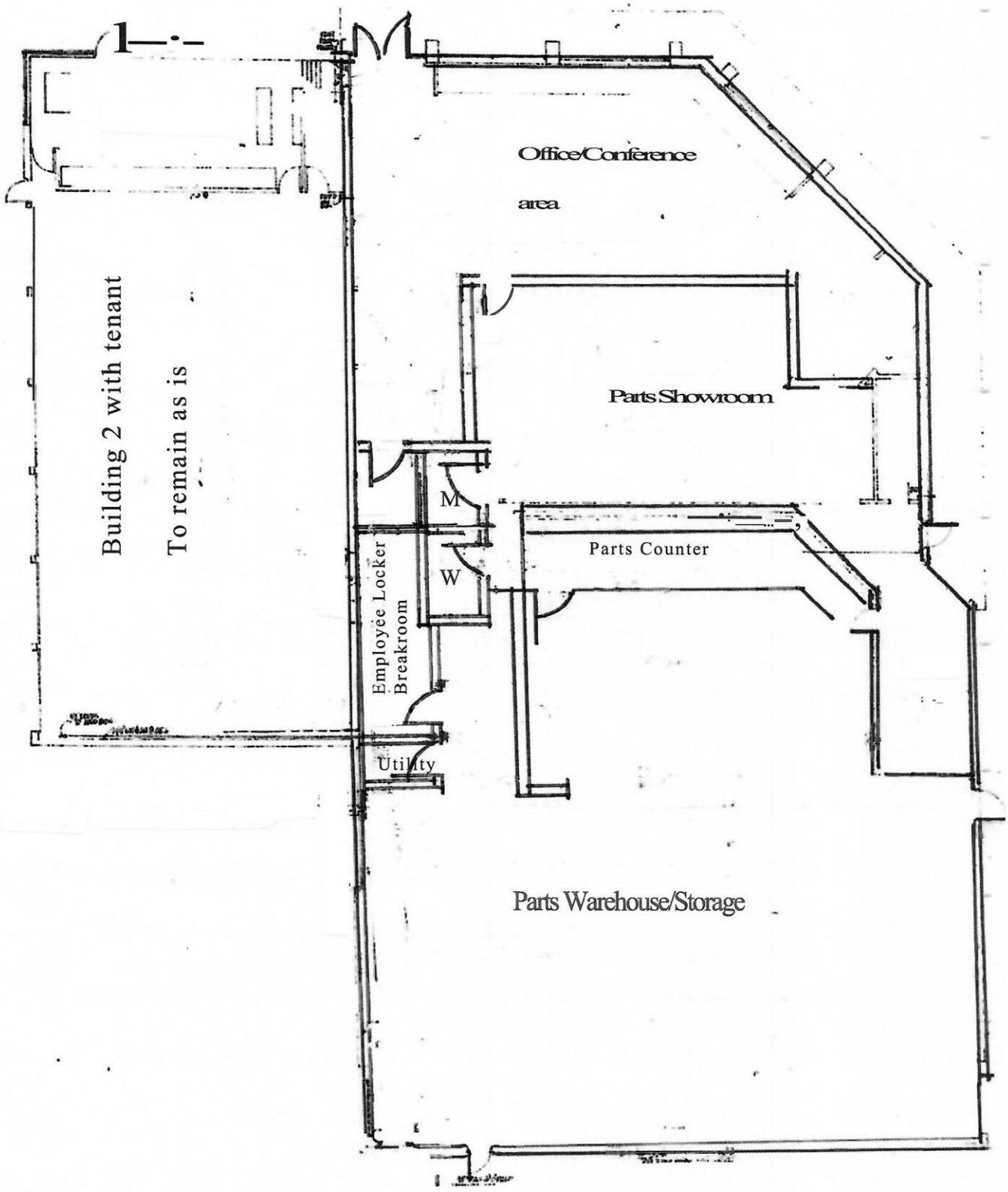
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois } s.s.
County of Lake }

We, PROFESSIONAL ASSOCIATED, do hereby certify that we have surveyed the above described property and that the plat here drawn is a correct representation of said survey.

R. Peskin
REG. ILL. Land Surveyor

Attachment: EXHIBIT - Plat of Survey (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)



Attachment: EXHIBIT - Revised floorplan (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

NORTHWEST TRUCKS INC.
2120 Rand Road • Palatine, IL 60074
847-991-0900 • FAX 847-991-9768

January 2021

Re: Business Plan

Proposed Property: 2200 N. Rand Rd., Palatine, IL.

Northwest Trucks, Inc. (NWT) is located at 2120 Rand Rd., Palatine, IL. 60074, corner of Rand Rd. and Hicks Rd. We operate a full-service truck dealership which includes parts sales, service sales and new/used truck sales for class 6, 7 and 8 commercial and municipal trucks. The facility was built in 1984 with an addition added in 1992 to help with continued growth in our business. NWT employs about 30 parts and service personnel, with parts and service sales roughly $13,000,000 annually. We sell between 150 and 200 tucks annually with truck sales around $20,000,000 annually. Our customer base for all services includes several companies and municipalities throughout the Chicagoland area. Our offices are open from 7:00AM – 5:00PM Monday thru Friday and 9:00AM – 12:00PM Saturday with parts and service hours 7:00AM – Midnight Monday thru Friday and 7:00AM – 4:00PM Saturday and Sunday.

NWT currently is operating at maximum capacity for our current facility in respect to our parts storage and counter sales areas. We have no more office space to add sales personnel workstations and currently have no conference room areas. Our plan to purchase the property adjacent to us at 2200 N. Rand Rd., would benefit us the community and would utilize a current empty unused building in Palatine. This addition to our current operation would allow us to expand our operation in the following manner:

- Increase parts inventory square footage by almost 12,000 square feet
- Room to increase parts sales counter and add sales personnel
- Add a small parts accessory showroom
- Room to add additional truck sales offices and staff with conference room

The proposed facility use to be a motorcycle dealership that had a service department, parts department with a parts sales counter, small accessory showroom area and some offices. The building is ideal for us to utilize it almost in the same manner minus the service area; this area would be used for parts storage instead. With the ability to increase inventory we will have the ability to sell to a larger base of truck operators and hopefully give these companies in the surrounding areas a place to fulfill more of their parts and accessory needs without having to purchase elsewhere. We feel that this Additional parts store could increase parts sales by around $2.5-$3 million a year. Planned hours of operations would be the same as current parts department hours.

Attachment: EXHIBIT- Northwest Trucks INC - business plan (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

Currently there is a tenant in the north end of the building utilizing about 4000 square feet for automotive repair and used car sales. The building is subdivided with a block wall with separate entrances for this tenant. Currently the plan would be to keep the tenant leasing the space.

Kurt R. Kassulat,
President

Attachment: EXHIBIT- Northwest Trucks INC - business plan (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

ORDINANCE NO. 0-34-89

AN ORDINANCE
GRANTING A SPECIAL USE FOR TRAILER AND TRUCK SALES,
COMMON AND CONTRACT CARRIER, TRUCK AND TRAILER REPAIRS
AND RELATED USES AS A UNIQUE USE
2120 RAND ROAD

WHEREAS, pursuant to a petition and public hearing, held on March 13, 1989, of which public notice was given as required by law, the President and Board of Trustees of the Village of Palatine in accordance with the Municipal Code of the Village of Palatine, in such case made and provided, has held such public hearing regarding a proposal to grant a special use for trailer and truck sales, common and contract carrier, truck and trailer repairs and related uses as a Unique Use on the following legally described property:

See Legal Description - Exhibit "A" attached hereto.

commonly known as 2120 Rand Road (hereinafter sometimes called the "subject property")

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power, that:

SECTION 1: A Special Use for trailer and truck sales, common and contract carrier, truck and trailer repairs and related uses as a Unique Use is hereby granted soley to Northwest Trucks, Inc., and is not assignable.

SECTION 2: That the petition for amendment, a copy of the public notice and the Public Hearing Minutes be attached hereto and form a part of this ordinance.

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

SECTION 3: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This 27 day of March, 1989

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

APPROVED by me this 27 day of March, 1989

Frank R. Munch
President of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this 27 day of March, 1989

Rita L. Gullo
Village Clerk

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

LEGAL DESCRIPTION:

That part of the East 1/2 of Section 2, Township 42 North, Range 10 East of the 3rd Principal Meridian lying Southwesterly of the Southwesterly right of way line of Rand Road and lying Westerly of the Westerly right of way line of Hicks Road, excepting therefrom the West 33.0 feet thereof and except those parts thereof conveyed by trustees deed recorded as Document No. 23283510, Cook County, Illinois.

also described as

That part of the East 1/2 of Section 2, Township 42 North, Range 10 East of the 3rd Principal Meridian (except the West 33.0 feet thereof), lying Southwesterly of the Southwest right of way line of Rand Road and lying Westerly of the Westerly right of way line of Hicks Road as said roads are dedicated by Document No. 11200340, except those parts thereof bounded and described as follows: Beginning at the point of intersection of the West line of Hicks Road as dedicated by Document No. 11200340 and the East line of Hicks Road (Keys Road) by Township prescription dated February 12, 1884; thence North along said East line of Hicks Road (Keys Road), 200.0 feet to a point; thence Southeasterly to a point, said point being on the West line of Hicks Road as dedicated by Document No. 11200340 and 190.0 feet (as measured along said West line of Hicks Road) from the point of beginning; thence Southwesterly along said West line to the point of beginning and also except that part described as beginning at the point of intersection of the West line of Rand Road as dedicated by Document No. 11200340 and the East line of Hicks Road (Keys Road) by Township prescription dated February 12, 1884; thence South along said East line of Hicks Road (Keys Road) 40.0 feet to a point; thence Northeasterly to a point, said point being on the West line of Rand Road as dedicated by Document 11200340 and 40.0 feet (as measured along said West line of Rand Road) from the point of beginning; thence Northwesterly along said West line to the point of beginning, all in Cook County, Illinois.

EXHIBIT A

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

DEPT. OF COMMUNITY DEVELOPMENT
VILLAGE OF PALATINE

PETITION FOR HEARING

LEAVE BLANK
Zoning Docket # _____
Property recorded in Torrens _____
Filing fee $ _____

PLEASE CHECK APPLICABLE PROCEEDING:

__X__ Rezoning __X__ Special Use _____ Variation _____ Planned Development

PLEASE PRINT OR TYPE IN INK

1. Name of Petitioner(s): RICHARD A. KASSULAT
   Address: 2120 RAND RD. PALATINE, IL 60074
   City, State, Zip
   Telephone No: _____ Business Telephone No: 991-0900
2. Authorized Agent of petitioner (if different):
   Name: _____
   Address: _____
   City, State, Zip
   Telephone No: _____
3. Property interest of Petitioner(s) OWNER
   Owner, Lessee, Contract Purchaser
4. Address of the property for which this application is being filed.
   2120 RAND RD. Palatine, Illinois 60074
5. All existing land uses on the property are:
   TRUCK LEASING, SALES AND REPAIRS
6. The proposed use(s) on the property, if this petition is approved is (are):
   TRUCK LEASING, SALES AND REPAIRS
7. Current zoning of property in question: C-8 INTENSIVE COMMERCIAL DISTRICT (COOK COUNTY)
8. State the specific action requested. Cite ordinance numbers and distances where applicable. (Examples: Variation from Section 5.02 Variation to permit a four (4) foot side yard, or zoning change to B-1 Shopping Center District, etc.). APPROVAL OF ANNEXATION AGREEMENT REZONING FROM R-1 TO B-5 HIGHWAY BUSINESS DISTRICT, AND SPECIAL USE FOR TRAILER & TRUCK SALES, COMMON & CONTRACT CARRIER, TRUCK AND TRAILER REPAIRS, AND ALL OTHER USES REQUIRED TO OPERATE ABOVE NAMED BUSINESS.
9. The applicant's signature below indicates that the information contained in this application and on any accompanying documents is true and correct to the best of his (her) knowledge.

5/31/88
Date

Richard A. Kassulat

SUBSCRIBED and SWORN to before me this 31 day of May, 1988.

Carol D. Seifert
Notary Public

" OFFICIAL SEAL "
CAROL D. SEIFERT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 1/12/92

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

VILLAGE OF PALATINE

REAL ESTATE INTEREST DISCLOSURE FORM

(Please check applicable proceeding)

X Annexation	X Rezoning	X Special Use
Variation	Condemnation	X Other ANNEXATION AGREEMENT

1. Name of Disclosing Party (individual, business firm, partnership, corporation, etc.)

   RICHARD A. KASSULAT

2. Address of Disclosing Party

   2120 RAND RD.
   PALATINE, ILLINOIS 60074

3. Brief description of the petition
   APPROVAL OF ANNEXATION AGREEMENT REZONING FROM R-1 TO B-5 HIGHWAY BUSINESS DISTRICT, AND SPECIAL USE FOR TRAILER & TRUCK SALES, COMMON & CONTRACT CARRIER , TRUCK AND TRAILER REPAIRS, AND ALL OTHER USES REQUIRED TO OPERATE ABOVE NAMED BUSINESS.

4. Common street address of real estate or general description

   2120 RAND RD.
   PALATINE, ILLINOIS 60074

5. Legal description of real estate

   SEE ATTACHED LEGAL DESCRIPTION.

5a. PLEASE PROVIDE PROOF AS TO WHETHER OR NOT THIS PROPERTY IS REGISTERED UNDER TORRENS ACT.

6. The name, address, legal nature, and extent of interests of any persons deriving an interest from or through the disclosing or filing party

	Name	Address	Legal Nature and Extent of Interest
(a)	~~RICHARD A. KASSULAT~~	~~2120 RAND RD. PALATINE, IL~~	BENEFICIARY
(b)	INGRID KASSULAT	2120 RAND RD. PALATINE, IL	BENEFICIARY
(c)	KASSULAT ENTERPRISES NORTHWEST TRUCKS,INC.	2120 RAND RD. PALATINE, IL	TENANTS
(d)	MID-STATES TRUCK LEASING CO.,INC. WHEELING TRANSPORTATION CO.		

(If additional space is required, please use reverse side or attach rider)

7. "I swear (or affirm) that there are no other persons deriving any interest from or through me or from or through any other person or entities above set forth in the property which is the subject of the contract or application for which I am filing this disclosure notice whom I have not disclosed. I understand that if there are any changes in the interest disclosed in this disclosure notice during the terms of the subject contract or before the Village has taken final action on the matter for which this disclosure notice is filed, I shall file a subsequent disclosure notice disclosing such changes."

Richard A. Kassulat
Signature of Disclosing Party

SUBSCRIBED and SWORN to before me this 31 day of May, 1988.

Carol D. Seifert
Notary Public

" OFFICIAL SEAL "
CAROL D. SEIFERT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 1/12/92

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT

RICHARD A. KASSULAT (an individual or the _____ of _____)
title or office name of firm or corporation

being first duly sworn, on oath, deposes and says:

1. RICHARD A. KASSULAT has filed with the Village of Palatine, concurrently herewith, a petition for _____* APPROVAL OF ANNEXATION AGREEMENT REZONING FROM R-1 TO B-5 HIGHWAY BUSINESS DISTRICT, AND SPECIAL USE FOR TRAILER & TRUCK SALES, COMMON & CONTRACT CARRIER, TRUCK AND TRAILER REPAIRS, AND ALL OTHER USES REQUIRED TO OPERATE ABOVE NAMED BUSINESS. with respect to the property located at 2120 RAND RD. PALATINE, IL 60074.

2. Affiant is the _____ of _____ (for corporations, firms or partnerships only).
title
name of firm or corporation

3. Affiant has received and examined a true copy of Sec. 2-442 of the Village of Palatine Code of Ordinances entitled "Disclosure statements and conflict of interest disclaimers."

4. Affiant understands said Section of the Code of Ordinances and states that he (or his corporation) has not retained, nor will be represented by, any person in violation of said Section.

Richard A. Kassulat

SUBSCRIBED and SWORN to before me this 31 day of May, 19 88.

Carol D. Seifert
Notary Public

" OFFICIAL SEAL "
CAROL D. SEIFERT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 1/12/92

*state the purpose of the petition, i.e., rezoning, variation, zoning change, special use, planned development, etc.

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

LEGAL DESCRIPTION:

That part of the East 1/2 of Section 2, Township 42 North, Range 10 East of the 3rd Principal Meridian lying Southwesterly of the Southwesterly right of way line of Rand Road and lying Westerly of the Westerly right of way line of Hicks Road, excepting therefrom the West 33.0 feet thereof and except those parts thereof conveyed by trustees deed recorded as Document No. 23283510, Cook County, Illinois.

also described as

That part of the East 1/2 of Section 2, Township 42 North, Range 10 East of the 3rd Principal Meridian (except the West 33.0 feet thereof), lying Southwesterly of the Southwest right of way line of Rand Road and lying Westerly of the Westerly right of way line of Hicks Road as said roads are dedicated by Document No. 11200340, except those parts thereof bounded and described as follows: Beginning at the point of intersection of the West line of Hicks Road as dedicated by Document No. 11200340 and the East line of Hicks Road (Keys Road) by Township prescription dated February 12, 1884; thence North along said East line of Hicks Road (Keys Road), 200.0 feet to a point; thence Southeasterly to a point, said point being on the West line of Hicks Road as dedicated by Document No. 11200340 and 190.0 feet (as measured along said West line of Hicks Road) from the point of beginning; thence Southwesterly along said West line to the point of beginning and also except that part described as beginning at the point of intersection of the West line of Rand Road as dedicated by Document No. 11200340 and the East line of Hicks Road (Keys Road) by Township prescription dated February 12, 1884; thence South along said East line of Hicks Road (Keys Road) 40.0 feet to a point; thence Northeasterly to a point, said point being on the West line of Rand Road as dedicated by Document 11200340 and 40.0 feet (as measured along said West line of Rand Road) from the point of beginning; thence Northwesterly along said West line to the point of beginning, all in Cook County, Illinois.

EXHIBIT A

Northwest Trucks

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

FOR: Administration FROM: Community Development DPK DATE: 3/6/89

X ORDINANCE
___ RESOLUTION
___ MOTION
___ PUBLIC HEARING
___ DISCUSSION ONLY

DESCRIPTION: Consider an Ordinance granting a Special Use for trailer and truck sales and leasing, common and contract carrier, truck and trailer repair, and related uses, all as a Unique Use, for Northwest Trucks, Inc. (Kassulat). DISTRICT (after annexation) 3

COMMITTEE ACTION: UNANIMOUS APPROVAL DATE: 3/6/89

BACKGROUND: Northwest Trucks Inc. is located at the southwest corner of Hicks Road and Rand Road, adjacent to the UPS property. The business sells and leases semi trucks and trailers. They are also the base for a contract and common carrier trucking operation, as well as performing service and repairs on trucks and trailers. The property consists of 4.2 acres and is contiguous to the Village via its west and southeast property lines.

DISCUSSION: The Annexation Agreement calls for annexation and rezoning to "B-5" Highway Business District. It also grants a Special Use for trailer and truck sales, common and contract carrier, truck and trailer repairs, and related uses as a Unique Use. The Agreement also accepts any non-conforming buildings, uses, and signs, and includes a proposal to construct an addition to the building as an attachment to the Agreement. The owner is permitted to continue use of the well on the subject property and will continue to be responsible for the maintenance of the sanitary sewer line from the subject property to the MSD Interceptor in Hicks Road. The owner agrees to grant an easement to the Village to construct any future utility extensions across the property. The owner also agrees to utilize the scavenger company under contract to the Village. The Annexation Ordinance, rezoning to "B-5" and granting of the Special Use are separate itmes on tonight's agenda.

ALTERNATIVES:
1. Approve the Ordinance granting a Special Use for the requested Unique Use .
2. Do not approve the Ordinance.

RECOMMENDATION OR CONCLUSION: Staff recommends that the Special Use Ordinance be approved. The use meets the standards required for the granting of a Special Use. The annexation and rezoning of this property conforms to Village policy regarding annexation of adjacent commercial properties. The required public hearing on the Annexation Agreement, rezoning, and Special Use has been scheduled for the Village Board meeting on March 13, 1989 at 7:30 PM.

BUDGET IMPACT: $6,300 estimated annual Village real estate tax revenue; $120,000 estimated annual Village sales tax revenue.

ACTION REQUIRED: Motion to recommend approval of the Ordinance granting a Special Use for Northwest Trucks, Inc., subject to the results of the March 13th public hearing.

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

RPK

PUBLIC NOTICE

A public hearing will be held before the Palatine Village Board on Monday, March 13, 1989, at 7:30 PM, in the Palatine Community Center, 200 East Wood Street, regarding a proposed Annexation Agreement and a proposal to rezone property from "R-1" Single Family to "B-5" Highway Business District, after annexation,and to grant a Special Use for trailer and truck sales, common and contract carrier, truck and trailer repairs and related uses as a Unique Use. The property is legally described as follows:

SEE EXHIBIT A (Attached)

The property is commonly known as 2120 Rand Road (Northwest Trucks, Inc.)

The above petition has been filed by the LaSalle National Bank as Trustee under Trust No. 110476, and is available for examination in the office of the Village Clerk, 200 East Wood Street.

ZONING DOCKET: P-89-18

VILLAGE OF PALATINE

Michael D. Kadlecik
Village Manager

DATED: This 25th day of February, 1989.

HAND DELIVERED: Steve Long 2/23/89

ev

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

That part of the east 1/2 of Section 2, Township 42 North, Range 10 east of the third principal meridian (except the west 30 feet thereof), lying southwesterly of the south west right of way line of Rand Road and lying westerly of the westerly right of way line of Hicks Road in Cook County, Illinois.

Except:

Those parts of the east 1/2 of Section 2, Township 42 North, Range 10 East of the Third Principal Meridian (except the west 33 feet thereof) lying southwesterly of southwest right of way of Rand Road as dedicated by document 11200340 bounded and described as follows:
Beginning at the point of intersection of the west line of Hicks Road as dedicated by document 11200340 and the east line of Hicks Road (Keys Road) by township prescription dated February 12, 1884, thence north along said east line of Hicks Road (Keys Road) 200 feet to a point; thence southeasterly to a point said point being on the west line of Hicks Road as dedicated by document 11200340 and 190 feet (as measured along said west line of Hicks Road) from the point of beginning; thence southwesterly along said west line to the point of beginning, all in Cook County, Illinois and beginning at the point of intersection of the west line of Rand Road as dedicated by document 11200340 and the east line oif Hicks Road (Keys Road) by township prescription dated February 12, 1884 thence south along said east line of Hicks Road (Keys Road) 40 feet to a point; thence northeasterly to a point said point being on the west line of Rand Road as dedicated by document 11200340 and 40 feet (as measured along said west line of Rand Road) from the point of beginning; thence northwesterly along said west line to the point of beginning, all in Cook County, Illinois,

Attachment: Northwest Trucks INC - 2120 N Rand Road - existing Special Use - 1989 (2200 N. Rand Road - Special Use - Unique Use - Northwest

VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street · Palatine, IL · 60067-5339
Telephone: (847) 359-9047 · Fax (847) 963-6247

CONTACT INFORMATION WORKSHEET

PETITIONER(S)	**Business Name (If applicable)**
Kurt Kassulat	Northwest Trucks, Inc.
Address	City/State/Zip Code
2120 Rand Rd.,	Palatine, IL 60074
Telephone	Fax
847-991-0900	847-991-9756
Email	
kkassulat@northwestfreightliner.com	
Subject Property Address	
2200 N. Rand Rd., Palatine, IL 60074	
AUTHORIZED AGENT (if applicable)	**Business Name (if applicable)**
Address	City/State/Zip Code
Telephone	Fax
Email	

Attachment: 2200 N Rand Road - Special Use application (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

VILLAGE OF PALATINE

SPECIAL USE

Required Materials

- ☐ Filing Fee of $ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

This would allow addition ability to provide more variety and increased supply of parts to the surrounding communities.

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

This property has been used in the past as a dealership in the past and there would be no change that would cause any negative safety or health to the public in the area.

3. The use will not cause substantial injury to nearby property values

Property is currently and has been vacant for some time, so full utilization with proper maintenance and upkeep to the property would do nothing but help surrounding property values.

4. With respect to live entertainment uses, the use shall not:
   a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
   b. Impose undue health, sanitation or safety burdens on the village
   c. Create excessive demands on the Village of Palatine Police Department
   d. Be of a nature otherwise prohibited by law or village ordinance
5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

Attachment: 2200 N Rand Road - Special Use application (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

DRAFT MINUTES

Village of Palatine – Plan Commission

Tuesday, April 6, 2021

Attendance:

Present: Chair Dwyer, Commissioner Bettenhausen, Commissioner Hansen, Commissioner Friedman, Commissioner Noonan, and Commissioner Williams.

Absent: Commissioner Kolososki and Commissioner Fedota

PUBLIC HEARING

1. 2200 N. Rand Road – **Recommended to approve**

   Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on March 22, 2021 and mailed to the surrounding property owners.

   The following Petitioner's exhibits were introduced:

   1. Public Notice
   2. Application for Special Use
   3. Proof of ownership
   4. Plan of Survey
   5. Business plan

   Sworn in Kurt Kassulat – President Northwest Trucks INC.

   Mr. Kassulat indicated that Northwest Trucks has been part of Palatine since 1989 and their facility was built in 1984. The Village's zoning did not include our business truck sales and uses, so an addendum was made to include our business and truck sales, repair, trailer sales, and part's sales. The business has grown in the Village over the last 30 years and the building next door became available, which was the old Suburban Harley Davidson dealership. We believe that this will benefit our business to have more parts' inventory and allow shared offices to have their own office areas.

   We intend to clean up the business. This would be beneficial to our business and the Village.

   Chairman Dwyer inquired as to the planned improvements.

   Mr. Kassulat indicated that the exterior of the building would be repainted to appear more uniform to our building. The parking lot would be repaved and restriped. The existing bathrooms would be renovated to be ADA compliant and any other compliance issues would be addressed. The inside of the building is

Attachment: DRAFT MINUTES April 6th Plan Commission meeting (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

open and empty and the back area would be warehouse and storage. The building was built in the 1970's. There would be subdivided offices in the front.

Mr. Friedman inquired about the benefit to connect access between the two building and inquired as to whether Northwest Trucks was exploring such a connection to traverse back and forth.

Mr. Kassulat indicated that half of the roadway is part of that property. They have engaged engineers to review both the vacation status and whether IDOT would vacate the road and extending the culvert to allow cross access and eliminate going onto Route 12.

He also indicated that Northwest Trucks does not use Rand Road, particularly after IDOT extended the median.

Mr. Bettenhausen inquired as to whether everything would be paved and whether there would also be new signage.

Mr. Kassulat indicated that everything that is presently paved would be repaved as it is in disrepair.

Sworn in Staff.

Mr. Vyverberg indicated that the Special Use was approved in 1989, in conjunction with the annexation agreement and rezoning of the property. Northwest Trucks Inc.'s current uses and operations are not identified as permitted or special uses in the B-5 District or within the Zoning Ordinance, therefore the zoning ordinance proscribes that a Special Use for a Unique Use is the appropriate review process.

Mr. Vyverberg indicated that the Subject Property is zoned B-5 and is approximately 2.75 acres. It is located along the Rand Road corridor and improved with an approximately 17,000 square foot one-story building. Northwest Trucks INC. operates a full service truck dealership and includes truck and trailer repair, sales, part sales, service, and common and contract carrier for class 6-8 commercial and municipal trucks.

The property is fully developed and all of the required engineering improvements and utility accesses are available. There is an existing tenant – Top Notch Auto and they intend to remain in place.

The existing uses and required parking summarized the available and required parking. The site is over parked by 46 parking spaces, with 43 being required and 89 being provided on the property.

Chairman Dwyer inquired about the ADA compliant parking.

Attachment: DRAFT MINUTES April 6th Plan Commission meeting (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

Mr. Vyverberg indicated that that would be reviewed and analyzed at the time of application for the parking lot repavement and restriping.

Mr. Kassulat also indicated that they will address any compliance issue and intend to connect to the Village water system.

Mr. Vyverberg presented the Staff recommendation indicating that the Petitioner would occupy a vacant building previously used for motorcycle sales, repairs, and parts distribution and has a thirty-two year operational history within the Village, Staff does not have any concerns with the existing or proposed business operations. The vehicle and parts' sales uses are directly comparable to many of the other sales tax producing uses along the Rand Road corridor. Also, the adjacency of the existing business will likely provide operational efficiencies. Therefore, Staff recommends approval of the Special Use, subject to the following condition:

1. **The Special Use shall substantially conform to the business plan, site plan, and floor plan submitted by the Petitioner, Northwest Trucks INC., except as such plans may be changed to conform to Village Codes and Ordinances.**

Mr. Hansen asked the Petitioner if he can and will meet all of Staff's recommended conditions.

Mr. Kassulat indicate an intention to comply with the condition.

Mr. Noonan made a motion to close the Public Hearing, seconded by Mr. Hansen. The motion was unanimously approved.

Mr. Noonan recommended to approve the proposed Special Use, subject to Staff's recommended condition, seconded by Mr. Hansen.

The motion was unanimously approved.

Chairman Dwyer summarized that the request me the standards and was unanimously approved. This item will tentatively go to the Community and Economic Development Committee of the Village Council on April 12, 2020.

Attachment: DRAFT MINUTES April 6th Plan Commission meeting (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

PUBLIC NOTICE
A public hearing will be held before the Palatine Plan Commission on Tuesday, April 6, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
Special Use to permit a unique use for truck and trailer sales, truck and trailer parts' sales, common and contract carrier, truck and trailer repairs, and related uses, pursuant to Section 11.06 (e) (27) of the Palatine Zoning Ordinance.
The property is commonly known as 2200 N. Rand Road (02-02-104-002).
The Petitioner is proposing to expand various aspects of Northwest Trucks Inc., into the existing building at 2200 N. Rand Road.
The above petition has been filed by Kurt Kassulat (Northwest Trucks Inc. 2120 N. Rand Road - (www.northwestfreightliner.com/) and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 21-07 VILLAGE OF PALATINE
Dennis Dwyer, Chair
Palatine Plan Commission
DATED: This 22nd day of March, 2021
Published in Daily Herald March 22, 2021 (4560467)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs

Daily Herald

Corporation organized and existing under and by virtue of the laws o the State of Illinois, DOES HEREBY CERTIFY that it is the publish of the **Northwest Suburbs DAILY HERALD**. That said **Northwest Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of: Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Gr Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates,Inverness, Melrose Park,Morton Gro Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg,Schiller Park, South Barrington, Streamwoo Wheeling, Wilmette

County(ies) of Cook
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is general circulation throughout said Village(s), County(ies) and State.

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notic as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a copy, was published 03/22/2021
in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, th authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Paula Ballon
Designee of the Publisher and Officer of the Daily Herald

Control # 4560467

Attachment: Public Notice (2200 N. Rand Road - Special Use - Unique Use - Northwest Trucks)

Consider an Ordinance Granting a Special Use for a Medical (Dental) Office at 220 N. Smith Street - Unit #120

BACKGROUND:

The Petitioner is proposing to relocate a dental office to the Gateway Center. Therefore, the Petitioner is requesting approval of the following:

Special Use to permit a medical (dental) office.

KEY ISSUES:

- The Subject Property, zoned Planned Development, contains the Gateway Center. The Gateway Center Planned Development Ordinance (#O-54-01) indicates that the uses follow the B-2 use lists
- The Petitioner proposed to operate a dental office specializing in orthodontics. The practice is currently located at 600 N. North Court in Palatine, but would relocate the office to the Gateway Center.
- The subject tenant space is approximately 2,161 square feet. The proposed hours of operation are Monday - Friday from 7 AM to 6 PM.
- There will be 5 employees working at any one time.
- The average number of patients per hour is 3.
- Based on the square footage, 7 parking spaces are required for this use. There will be 5 parking spaces allocated to the practice for employees in the adjacent parking garage. Hamilton Partners also controls 378 total parking spaces, within the parking garage.
- Additionally, there are sixty eight 3-hour maximum parking spaces reserved for office and retail visitors on the 1st floor of the parking garage.

ALTERNATIVES:

1. Approve the Special Use to permit a medical (dental) office.
2. Do not approve the Special Use to permit a medical (dental) office.

RECOMMENDATION:

Public Hearing**:**	ZBA meeting on March 23, 2021
Residents testifying:	None.
Vote:	The ZBA voted unanimously to approve the Special Use for a dental office and Staff concurs.

ACTION REQUIRED:

A motion to approve the ordinance granting a special use to permit a dental office at 220 N Smith Street Unit 120.

ATTACHMENTS:

- Aerial map
- SU ORD - 220 N Smith - #120
- EXHIBIT - Business Plan
- EXHIBIT - Floor Plan
- Application
- Plat of Survey
- Draft ZBA Minutes
- Public Notice

220 N Smith Street Unit #120

Attachment: Aerial map (220 N Smith Street - Unit #120 - SU Medical)

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE TO PERMIT A MEDICAL (DENTAL) OFFICE
220 N. SMITH STREET #120

WHEREAS, pursuant to a petition and public hearing on March 23, 2021, of which public notice was given as required by law, the Zoning Board of Appeals of the Village of Palatine, in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, has held such public hearing and reported their findings relative to a request for a Special Use to permit a medical (dental) office, pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance, on the following legally described property:

ALL OF LOT 1 AND LOT 2 (EXCEPT THE SOUTH 60.0 FEET THEREOF, MEASURED ON WEST LINE) IN BLOCK 20 IN A. T. MCINTOSH AND COMPANY'S PLUM GROVE ROAD DEVELOPMENT, BEING A SUBDIVISION IN THE WEST ¼ OF SECTION 23 AND THE EAST ½ OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

commonly known as 220 N. Smith Street (PIN# 02-15-400-054-0000)

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power that:

SECTION 1: A Special Use to permit a medical (dental) office, pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance, is hereby granted, subject to the following condition(s):

1. The Special Use shall substantially conform to the Business Plan

Attachment: SU ORD - 220 N Smith - #120 (220 N Smith Street - Unit #120 - SU Medical)

submitted by the Petitioner on 2/23/21 and the Floor Plan prepared by Apex Design Build dated 1/15/21, except as such plans may be changed to conform to Village Codes and Ordinances.

SECTION 2: **That a copy of the public notice and the report of the hearing be attached hereto and form a part of this ordinance.**

SECTION 3: **That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.**

PASSED: This _____day of _____, 2021

AYES:_____ NAYS:_____ ABSENT:_____ PASS:_____

APPROVED by me this _____day of _____, 2021

_____
Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this _____day of _____, 2021

_____
Village Clerk

Attachment: SU ORD - 220 N Smith - #120 (220 N Smith Street - Unit #120 - SU Medical)

VERBIC ORTHODONTICS

Confident smiles that last a lifetime

MARTY VERBIC, DDS, MS

INNOVATIVE CAPABILITIES FOR GREATER COMFORT, FEWER OFFICE VISITS & SHORTER TREATMENT TIME:

- Damon® System of self-ligating braces
- Invisalign provider

THE CONVENIENCES YOU DESERVE:

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- Flexible payment options, including zero-interest financing for 36 months
- Lifetime guarantee
- Satisfaction guarantee

Village of Palatine

Department of Planning & Zoning

200 E. Wood St.

Palatine, IL 60067

02/23/2021

RE: Business Plan

To Whom it may concern:

I plan to operate an orthodontic practice at 220 N. Smith Street, Suite 120, which is 2161 square feet. I am relocating from 600 N. North Court, Suite 220. There will be six orthodontic adjustment chairs in the clinical area and a reception area with seating for 10 people. There will be an average of 3 patients at any time. There will be five employees working on the premises and 5 parking spaces have been allotted in the building's parking garage in their designated employee only parking area. The hours of operation will be Monday-Friday 7:00am to 6:00pm.

Sincerely,

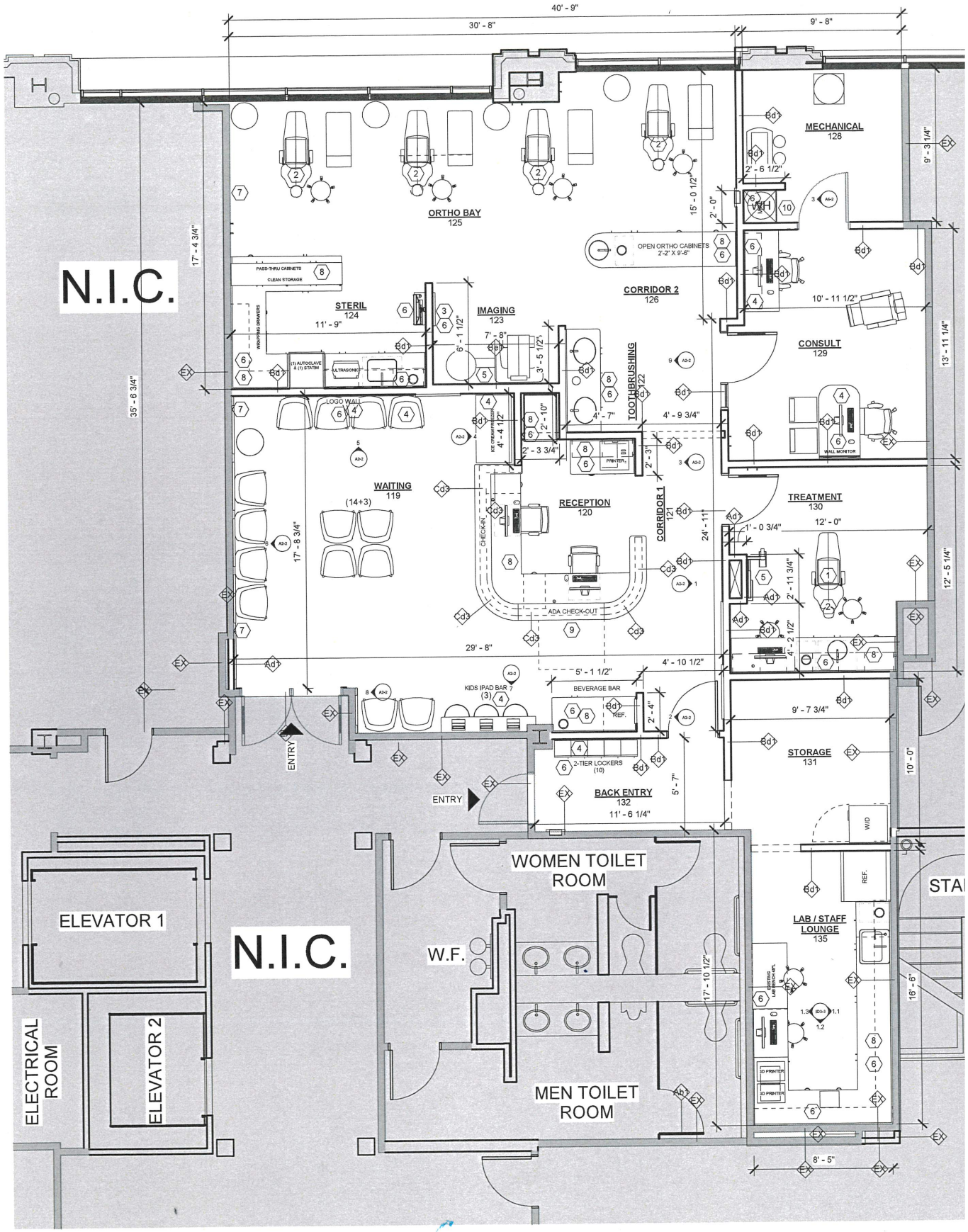
Russell M. Verbic

600 N. North Court, Suite 220
Palatine, IL 60067
Tel: (847) 359-7980
Fax: (847) 359-7585

133 Park Avenue
Barrington, IL 60010
Tel: (847) 382-5588
Fax: (847) 382-6044

www.palatinebraces.com
www.barringtonbraces.com

Attachment: EXHIBIT - Business Plan (220 N Smith Street - Unit #120 - SU Medical)



1 FLOOR PLAN - 1ST FLOOR
1/4" = 1'-0" NOTE: IF DRAWING IS PRINTED @ 11X17 SCALE: 1/8" = 1'-0"

Attachment: EXHIBIT - Floor Plan (220 N Smith Street - Unit #120 - SU Medical)

VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street · Palatine, IL · 60067-5339
Telephone: (847) 359-9047 · Fax (847) 963-6247

Office Use Only		
	Project Planner	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information

PETITIONER(S) — **Business Name (if applicable)**
Russell M. Verbic — Verbic Orthodontics

Subject Property Address
220 N. Smith St., Suite 120, Palatine, IL 60067

AUTHORIZED AGENT (if applicable) — **Business Name (if applicable)**

Address — City/State/Zip Code

Telephone	Fax	Email

Relationship to Petitioner (contractor, architect, etc.)

TYPE OF APPLICATION (check one)

☑ Special Use ☐ Special Use Amendment ☐ Variation

Existing Zoning District	Existing Land Use	Proposed Land Use

Generally describe your request:
Approval to build out an orthodontist office (adjacent to an existing Periodontist office)

Attachment: Application (220 N Smith Street - Unit #120 - SU Medical)

PALATINE

SPECIAL USE

Required Materials

- ☐ Filing Fee of $ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

Yes

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

Yes

3. The use will not cause substantial injury to nearby property values

Nearby property values will not be harmed.

4. With respect to live entertainment uses, the use shall not:
   a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
   b. Impose undue health, sanitation or safety burdens on the village
   c. Create excessive demands on the Village of Palatine Police Department
   d. Be of a nature otherwise prohibited by law or village ordinance
5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

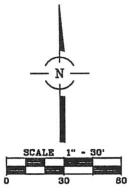
A) No high levels of noise. B) No increased health, sanitation, safety burdens to the Village. C) No increased demands from Police. D) Standard Orthodontist practice.

5. No exterior work

Attachment: Application (220 N Smith Street - Unit #120 - SU Medical)

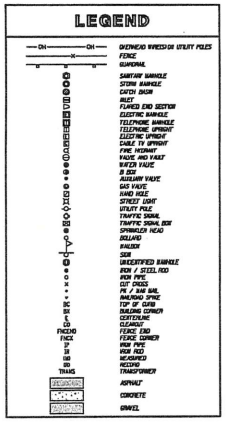
A.L.T.A./N.S.P.S. LAND TITLE SURVEY

LOCATION MAP



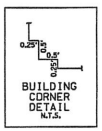
BASIS OF BEARINGS: TRUE NORTH BASED ON GEODETIC OBSERVATION IL EAST ZONE

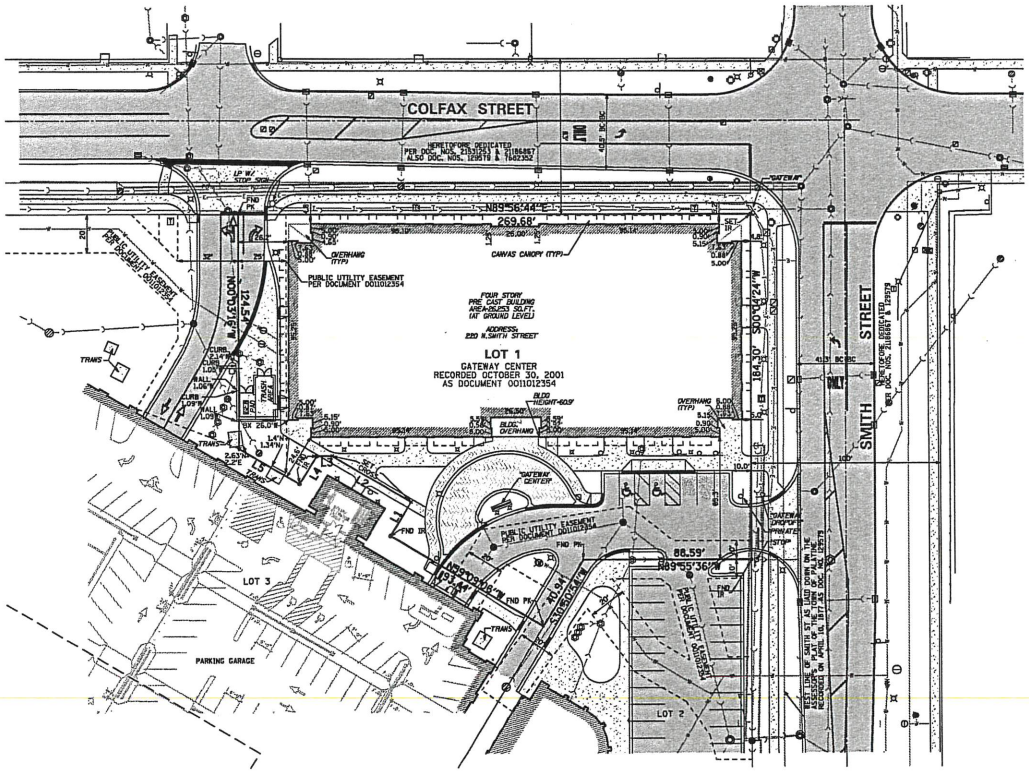
LEGEND



OVERHEAD WIRES OR UTILITY POLES
FENCE
GUARDRAIL
SANITARY MANHOLE
STORM MANHOLE
CATCH BASIN
INLET
FLARED END SECTION
ELECTRIC MANHOLE
TELEPHONE MANHOLE
TELEPHONE UPRIGHT
ELECTRIC UPRIGHT
CABLE TV UPRIGHT
FIRE HYDRANT
VALVE AND VAULT
WATER VALVE
B BOX
AUGURM VALVE
GAS VALVE
HAND HOLE
STREET LIGHT
UTILITY POLE
TRAFFIC SIGNAL
TRAFFIC SIGNAL BOX
SPRINKLER HEAD
BOLLARD
BENCH
SIGN
UNIDENTIFIED MANHOLE
IRON / STEEL ROD
IRON PIPE
CUT CROSS
PK / DAR NAIL
PARKING SPACE
TOP OF GATE
BUILDING CORNER
CENTERLINE
CLEANOUT
FENCE END
FENCE CORNER
VENT PIPE
VENT ROD
MEASURED
RECORD
TRANSFORMER

IR = IRON ROD
IP = IRON PIPE
(M) = MEASURED
(R) = RECORD




COLFAX STREET
SMITH STREET
HERITAGE DEDICATED PER DOC. NOS. 21317263 & 91186457 ALSO DOC. NOS. 1898786 & 1502352
N89°56'44"E
269.68'
26.00'
CANVAS CANOPY (TYP.)
OVERHANG (TYP.)
PUBLIC UTILITY EASEMENT PER DOCUMENT 0011012354
FOUR STORY PRE CAST BUILDING AREA=36,253 SQ.FT. (AT GROUND LEVEL)
ADDRESS: 220 N.SMITH STREET
LOT 1
GATEWAY CENTER
RECORDED OCTOBER 30, 2001
AS DOCUMENT 0011012354
BLDG HEIGHT=60.5'
184.30'
S00°01'24"W
BLDG OVERHANG
OVERHANG (TYP.)
GATEWAY CENTER
PUBLIC UTILITY EASEMENT PER DOCUMENT 0011012354
FND IP
88.59'
N89°55'36"W
FND PK
10.48'
S00°04'24"W
LOT 3
LOT 2
PARKING GARAGE
TRANS
CURB
GUTTER
SIDEWALK
LP W/ STOP SIGN
GATEWAY
GATEWAY PRIVATE
STOP
FIRE HYDRANT
SET IP
FND PK
FND IP
SET PK
SET IP
SET PK
SET IP
SET PK
SET

III. PUBLIC HEARING

1. 220 N. Smith Street Unit #120

   Notice was published in the Daily Herald on March 8thth, 2021 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use and Variation
2. Plat of Survey/ Site Plan
3. Business Plan
4. Floor Plan
5. Public Notice

Sworn in Staff: Lyn Bremanis

Sworn in petitioner: Dr. Russell Verbic - 600 N North Court - Suite 220

Special Use to permit a medical (dental) office pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance.

Ms. Wood requests Mr. Verbic to explain his request for Special Use.
Mr. Verbic explains he is relocating to a newer building because of current landlord issues and downsizing. He talks about patient count on a normal day and expects to have two to three patients per hour on the average. Employee count is currently at five employees plus himself for a total of six.
Mr. Pirog asks how many patient chairs are there currently in his existing space.
Mr. Verbic states that there are currently seven and the new location will have five. He states that it is rare that all patient chairs would be occupied at one time. The normal is two.
Ms. Wood asks staff for information on the requirements for the 3 hour parking spaces that are assigned to the building.
Ms. Bremanis states that there have not been any complaints in regards to the parking spots from other uses within the building.
Ms. Wood asks what the current occupancy is at the building.
Mr. Verbic responds he doesn't know.
Ms. Bremanis states that petioner has covered all concerns. Community Services and Fire Prevention has also reviewed and did not note any issues. Business hours will be 7am to 6pm Monday thru Friday. This is a planned development following the B2 Standards therefore the special use is required for medical use.
Mr. Cavanaugh asks what is currently in the space right now.
Mr. Verbic states that it is vacant.
Ms. Wood asks to move to Staff Recommendation.

STAFF RECOMMENDATION:

Attachment: Draft ZBA Minutes (220 N Smith Street - Unit #120 - SU Medical)

The proposed use of the tenant space as a dental office would occupy a vacant tenant space and maintain the current mixture of office and service uses within the building and overall development. This is a relocation of the existing practice within Palatine and 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 submitted by the Petitioner on 2/23/21 and the Floor Plan prepared by Apex Design Build dated 1/15/21, except as such plans may be changed to conform to Village Codes and Ordinances.

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

Motion to approve subject to staff's conditions; seconded

Deliberations:

Mr. Dittrich feels it is a no risk business as the petitioner has been in operation for over nine years in Palatine and does not see that it could cause any substantial injury to other properties in the area. He states that the business could actually be a benefit of the space and votes to approve.
Ms. Roth-Wurster states that standards have been met and feels it would be a good addition to the community. She votes to approve.

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 April 12, 2021

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

Attachment: Draft ZBA Minutes (220 N Smith Street - Unit #120 - SU Medical)

PUBLIC NOTICE
A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, March 23, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
Special Use to permit a medical (dental) office pursuant to Section 11.03 (d) (42) of the Palatine Zoning Ordinance.
The property is commonly known as 220 N. Smith Street Unit #120 (02-15-400-054).
The Petitioner is proposing to relocate their existing dental office, Verbic Orthodontics, to the Gateway Center.
The above petition has been filed by Dr. Russell Verbic and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 21-17
VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning Board of Appeals
DATED: This 8th day of March, 2021
Published in Daily Herald March 8, 2021 (4559675)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs Daily Herald

Corporation organized and existing under and by virtue of the laws c the State of Illinois, DOES HEREBY CERTIFY that it is the publish of the **Northwest Suburbs DAILY HERALD**. That said **Northwes Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of: Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Gr Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates,Inverness, Melrose Park,Morton Gr Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg,Schiller Park, South Barrington, Streamwoo Wheeling, Wilmette

County(ies) of Cook
and State of Illinois, continuously for more than one year prior to th date of the first publication of the notice hereinafter referred to and i general circulation throughout said Village(s), County(ies) and State

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notic as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a copy, was published 03/08/2021
in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, t authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Paula Baltzman
Designee of the Publisher and Officer of the Daily Herald

Control # 4559675

Dec 3/15

Attachment: Public Notice (220 N Smith Street - Unit #120 - SU Medical)

Consider an Ordinance Granting a Special Use to Allow a Maximum of Eight Suites for Massage and Chiropractic Services at 220 N. Smith Street - Unit #117

BACKGROUND:
The Petitioners are requesting to allow up to eight suites to be used for massage and medical (chiropractic) uses. Therefore, the Petitioners are requesting approval of the following:

Special Use to permit a maximum of eight suites for massage and medical (chiropractic services).

KEY ISSUES:

- The Subject Property, zoned Planned Development, contains the Gateway Center. The Gateway Center Planned Development Ordinance (#O-54-01) indicates that the uses follow the B-2 use lists
- The Petitioners own My Salon Suites of Palatine, which operates in the Gateway Center and provides individual rooms for beauty, health, and wellness businesses, which are permitted uses. The Petitioners are requesting that eight of these suites are approved for massage and/or chiropractic services. The Petitioners have stated they will verify appropriate licenses, as both uses require a State License, and the Village will also require business license and accompanying State licensure for each of these business.
- The subject tenant space is approximately 4,588 square feet with 31 suites ranging from 127 to 248 square feet.
- The proposed hours of operation are Monday - Sunday from 7 am to 10 pm. Individual tenants would set their own hours within this timeframe.
- These uses would not affect the current parking requirements, as the Zoning Ordinance requires the same parking ratio (1 parking space/300 square feet) of gross floor area for these uses. Also, the Gateway Center is easily accessible from the nearby Metra station.
- There are 25 parking spaces allocated to the Subject Tenant space in the adjacent parking garage. Hamilton Partners also has 378 total parking spaces, within the parking garage.
- Additionally, there are sixty-eight 3-hour maximum parking spaces reserved for office and retail visitors on the 1st floor of the parking garage.

ALTERNATIVES:

1. Approve the Special Use to permit a maximum of eight suites for massage and medical (chiropractic services).
2. Do not approve the Special Use to permit a maximum of eight suites for massage and medical (chiropractic services).

RECOMMENDATION:
Public Hearing**:** ZBA meeting on March 23, 2021

Residents testifying: None.
Vote: The ZBA voted unanimously to approve the Special Use for a dental office and staff concurs.

ACTION REQUIRED:
A motion to approve the ordinance granting a special use to permit a maximum of eight suites for massage and chiropractic services (medical) at 220 N Smith Street Unit 117.

ATTACHMENTS:

- Aerial map
- ORD SU 220 N Smith Street - Unit #117
- EXHIBIT - Business Plan
- EXHIBIT - Floor Plan
- Application
- Plat of Survey
- ZBA Draft Minutes
- Public Notice

220 N Smith Street Unit #117

Attachment: Aerial map (220 N Smith Street Unit - #117 - SU Massage and Medical)

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE TO PERMIT UP TO A MAXIMUM OF EIGHT (8) SUITES FOR MASSAGE AND CHIROPRACTIC SERVICES (MEDICAL) 220 N. SMITH STREET #120

WHEREAS, pursuant to a petition and public hearing on March 23, 2021, of which public notice was given as required by law, the Zoning Board of Appeals of the Village of Palatine, in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, has held such public hearing and reported their findings relative to a request for a Special Use to permit up to a maximum of eight (8) suites for massage and medical (chiropractic services) pursuant to Section 11.03 (d) (22) and (42) of the Palatine Zoning Ordinance, on the following legally described property:

ALL OF LOT 1 AND LOT 2 (EXCEPT THE SOUTH 60.0 FEET THEREOF, MEASURED ON WEST LINE) IN BLOCK 20 IN A. T. MCINTOSH AND COMPANY'S PLUM GROVE ROAD DEVELOPMENT, BEING A SUBDIVISION IN THE WEST ¼ OF SECTION 23 AND THE EAST ½ OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

commonly known as 220 N. Smith Street (PIN# 02-15-400-054-0000)

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power that:

SECTION 1: A Special Use to permit up to a maximum of eight (8) suites for massage and chiropractic services (medical) pursuant to Section 11.03 (d) (22) and (42) of the Palatine Zoning Ordinance, is hereby granted, subject to the following

Attachment: ORD SU 220 N Smith Street - Unit #117 (220 N Smith Street Unit - #117 - SU Massage and Medical)

condition(s):

1. **The Special Use shall substantially conform to the Business Plan and Floor Plan submitted by the Petitioners on 2/19/21 except as such plans may be changed to conform to Village Codes and Ordinances.**
2. **The massage and chiropractic tenants shall apply for a business license with the Village of Palatine and provide a copy of the State License, with the business license application.**
3. **Not more than three (3) chiropractic tenants shall be permitted at any one time.**

SECTION 2: That a copy of the public notice and the report of the hearing be attached hereto and form a part of this ordinance.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This _____day of _____, 2021

AYES:_____ NAYS:_____ ABSENT:_____ PASS:_____

APPROVED by me this _____day of _____, 2021

_____
Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this _____day of _____, 2021

_____
Village Clerk

Attachment: ORD SU 220 N Smith Street - Unit #117 (220 N Smith Street Unit - #117 - SU Massage and Medical)

MY SALON Suite®
220 N. Smith Street, Suite 117
Palatine, Illinois 60067
(847) 859-9677

Summary:

My Salon Suite of Palatine is a mall of individual beauty/health and wellness businesses in one location. The expansion of services to include Massage and Chiropractic services provides a diversity of offerings within the 31-suite salon. We are requesting 25% or 8 suites to be able to obtain a business license for Massage and/or Chiropractic Services.

Purpose:

The concept of this business model is to provide suites for beauty and wellness professionals who wish to provide individual service to their own clients and to own and operate their own business. In this era of a global pandemic, the model also offers a welcoming safe, clean and private alternative to a traditional salon/spa or clinic where groups of people gather for service.

Marketing:

The My Salon Suite of Palatine opened in May of 2019 and has been utilizing a variety of marketing strategies, which include but are not limited to, Direct Mail, Social Media: Facebook, Instagram, and LinkedIn. Building signage, print marketing in town (Palatine) directory and membership in Palatine Chamber of Commerce.

Services & Hours of Operation:

In addition to the Hair services and other beauty services currently offered at My Salon Suite of Palatine, the addition of Massage and Chiropractic services provides a full service offering of beauty, spa and wellness in one location.

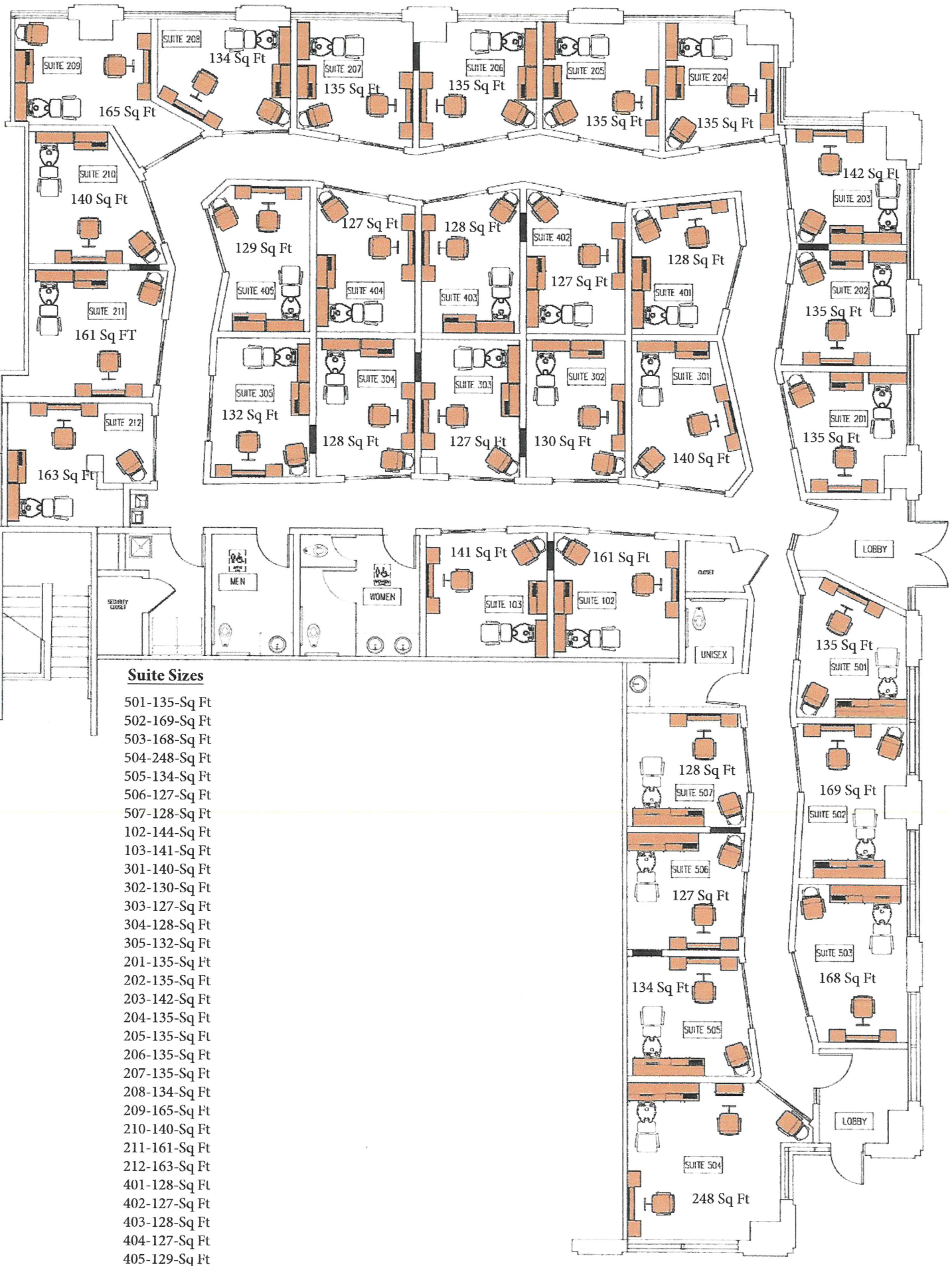
The hours of operation will be flexible to meet the needs of the clients and business owners. The specific hours of operation will be established by the individual business owner, but will be between the hours of 7:00AM & 10:00PM seven days per week.

Conclusion

The owners of My Salon Suite of Palatine intend to verify the credentials/background of the Massage Therapists and Chiropractors that lease a suite for their own business. All must have proper licensure and professional liability insurance.

This salon with diverse services will enrich the downtown Palatine area with a salon of individual suites providing fulsome offerings for beauty and health/wellness in one location.

Attachment: EXHIBIT - Business Plan (220 N Smith Street Unit - #117 - SU Massage and Medical)



Suite Sizes

501-135-Sq Ft
502-169-Sq Ft
503-168-Sq Ft
504-248-Sq Ft
505-134-Sq Ft
506-127-Sq Ft
507-128-Sq Ft
102-144-Sq Ft
103-141-Sq Ft
301-140-Sq Ft
302-130-Sq Ft
303-127-Sq Ft
304-128-Sq Ft
305-132-Sq Ft
201-135-Sq Ft
202-135-Sq Ft
203-142-Sq Ft
204-135-Sq Ft
205-135-Sq Ft
206-135-Sq Ft
207-135-Sq Ft
208-134-Sq Ft
209-165-Sq Ft
210-140-Sq Ft
211-161-Sq Ft
212-163-Sq Ft
401-128-Sq Ft
402-127-Sq Ft
403-128-Sq Ft
404-127-Sq Ft
405-129-Sq Ft

Attachment: EXHIBIT - Floor Plan (220 N Smith Street Unit - #117 - SU Massage and Medical)

VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street · Palatine, IL · 60067-5339
Telephone: (847) 359-9047 · Fax (847) 963-6247

Office Use Only		
	Project Planner	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information

PETITIONER(S) **Business Name (if applicable)**
Debra Muffoletto & Sharon Niewinski - Muffski, Inc. -dba- My Salon Suite of Palatine

Subject Property Address
220 N Smith Street, Suite 117 Palatine 60067

AUTHORIZED AGENT (if applicable) **Business Name (if applicable)**

Address City/State/Zip Code

Telephone	Fax	Email

Relationship to Petitioner (contractor, architect, etc.)

TYPE OF APPLICATION (check one)

■ Special Use □ Special Use Amendment □ Variation

Existing Zoning District	Existing Land Use	Proposed Land Use

Generally describe your request:
We are requesting to have 25% or 8 suites out of 31 total suites zoned for Massage and Chiropractic services.

Attachment: Application (220 N Smith Street Unit - #117 - SU Massage and Medical)

VILLAGE OF PALATINE

SPECIAL USE

Required Materials

- ■ Filing Fee of $ _____
- □ Application Form
- ■ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ■ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- □ Real Estate Interest Disclosure Form (see attached)
- □ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- □ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- □ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- □ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- □ Photographs (e.g. ground-level or aerials)
- □ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

With the addition of Massage Therapy and Chiropractic Services, My Salon Suite of Palatine will become a convenient one stop full service health/wellness and beauty establishment.

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

The owners of My Salon Suite of Palatine will verify credentials, licensure and background of all individuals prior to entering into a lease. All of the individual business owners will follow the standard and best practices for their discipline as required by My Salon Suite of Palatine. This will ensure that the public health, safety and welfare are protected.

3. The use will not cause substantial injury to nearby property values

My Salon Suite of Palatine is already established as a Salon, adding Massage Therapy and Chiropractic services will not cause injury to nearby property values. This salon if anything, has enhanced the Palatine Offerings and value of being in this community.

4. With respect to live entertainment uses, the use shall not:
   a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
   b. Impose undue health, sanitation or safety burdens on the village
   c. Create excessive demands on the Village of Palatine Police Department
   d. Be of a nature otherwise prohibited by law or village ordinance
5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

N/A

Attachment: Application (220 N Smith Street Unit - #117 - SU Massage and Medical)

A.L.T.A./N.S.P.S. LAND TITLE SURVEY

LOCATION MAP

SCALE 1" = 30'
0 30 60

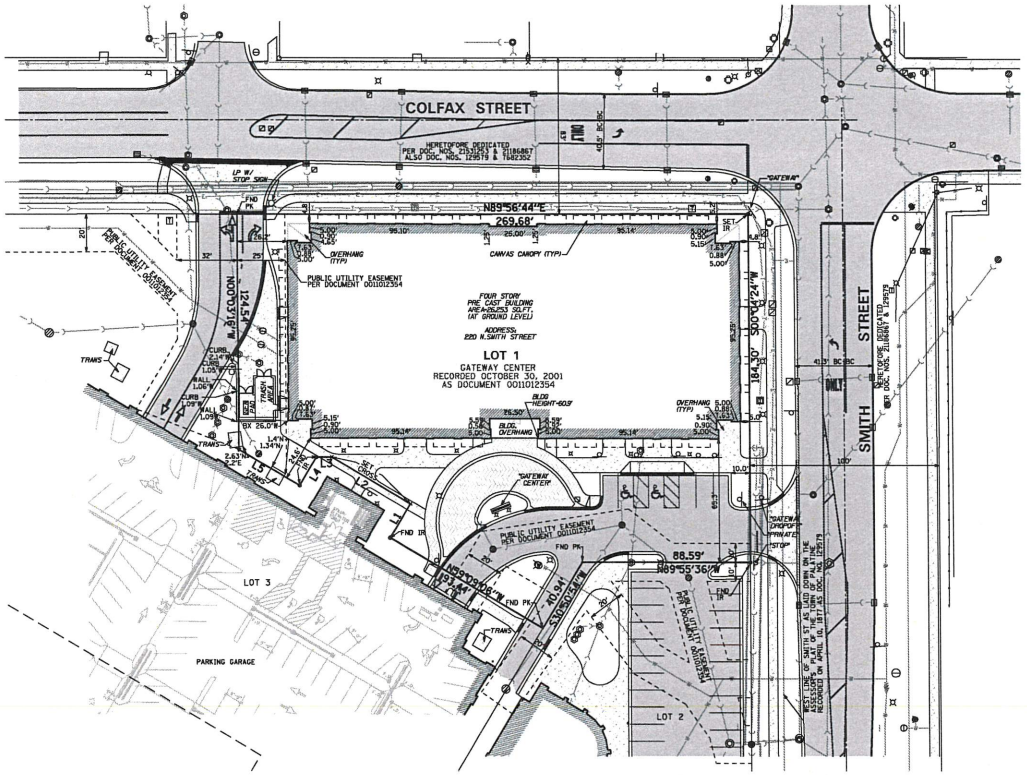
BASIS OF BEARINGS: TRUE NORTH BASED ON GEODETIC OBSERVATION IL EAST ZONE

LEGEND

OH OH OVERHEAD WIRES/OR UTILITY POLES
FENCE
GUARDRAIL
SANITARY MANHOLE
STORM MANHOLE
CATCH BASIN
INLET
FLARED END SECTION
ELECTRIC MANHOLE
TELEPHONE MANHOLE
TELEPHONE UPRIGHT
ELECTRIC UPRIGHT
CABLE TV UPRIGHT
FIRE HYDRANT
VALVE, AND VAULT
WATER VALVE
B BOX
AUXILIARY VALVE
GAS VALVE
HAND HOLE
STREET LIGHT
UTILITY POLE
TRAFFIC SIGNAL
TRAFFIC SIGNAL BOX
SPRINKLER HEAD
BOLLARD
MAILBOX
SIGN
UNIDENTIFIED MANHOLE
IRON / STEEL ROD
IRON PIPE
CUT CROSS
PK / RAIL NAIL
PARKROAD SPIKE
TOP OF CURB
BUILDING CORNER
CENTERLINE
CLEANOUT
FENCE END
FENCE CORNER
HOSE BIBB
HOSE ROD
MEASURED
RECORD
TRANSFORMER
ASPHALT
CONCRETE
GRAVEL

IR = IRON ROD
IP = IRON PIPE
(M) = MEASURED
(R) = RECORD

BUILDING CORNER DETAIL N.T.S.



LINE TABLE		
L1 = 22.88	N30°50'54"E	L5 = 37.01' N59°09'06"W
L2 = 48.21'	N59°09'06"W	
L3 = 8.10'	N89°55'36"W	
L4 = 17.48'	S30°50'54"W	

PROPERTY DESCRIPTION:

PARCEL 1
LOT 1 OF PLAT OF RESUBDIVISION OF GATEWAY CENTER BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. SAID PLAT HAVING BEEN RECORDED OCTOBER 30, 2001 AS DOCUMENT 0011012354.

PARCEL 2
EXCLUSIVE EASEMENT IN FAVOR OF PARCEL 1 AS CREATED BY EASEMENT OPERATING AGREEMENT, RECORDED OCTOBER 30, 2001 AS DOCUMENT 0011012357, FOR PARKING.
(FOR REFERENCE PURPOSES - ONLY SEE DOCUMENT FOR DETAILS)

NOTES:

THIS SURVEY REFLECTS MATTERS OF TITLE AS LISTED ON A COMMITMENT FOR TITLE INSURANCE BY CHICAGO TITLE INSURANCE COMPANY, NUMBER 1702128DNC WITH AN COMMITMENT DATE OF NOVEMBER 20, 2017 AND PRINTED DECEMBER 11, 2017.

UNDERGROUND UTILITIES ARE SHOWN BY USING PHYSICAL EVIDENCE FOUND ON THE SURFACE AND/OR FROM UTILITY COMPANY FIELD STAKES, AND/OR ENGINEERING DESIGN PLANS. THEREFORE, THEIR LOCATIONS ARE APPROXIMATE AND SUSPECTED AND MAY NOT BE COMPLETELY ACCURATE. FOR MORE ACCURATE LOCATION, FIELD EXCAVATE. OTHER UTILITIES NOT SHOWN MAY EXIST. NO UNDERGROUND UTILITIES WERE LOCATED. BEFORE DIGGING CALL J.U.L.I.E. AT 1-800-892-0123.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF. NO DISTANCES OR ANGLES SHOWN HEREON MAY BE ASSUMED BY SCALING.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. IN ADDITION TO THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS.

SPACECO, INC IS AN ILLINOIS PROFESSIONAL DESIGN FIRM REGISTERED UNDER LICENSE NUMBER 184-001157.

TAX P.I.N. (PER COOK COUNTY VIEWER & TITLE):
02-15-400-064

ADDRESS (OBSERVED):
220 N SMITH STREET
PALATINE, IL 60067
(TABLE A ITEM 2)

BASED UPON A REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 17031C0018J MAP REVISED AUGUST 19, 2008, IT IS OUR CONSIDERED OPINION THAT THIS PROPERTY LIES IN ZONE X UNSHADED - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS IDENTIFIED BY SAID F.I.R.M. MAP.
(TABLE A ITEM 3)

PROPERTY SURVEYED CONTAINS 46,860 SQUARE FEET, OR 1.076 ACRES, MORE OR LESS.
(TABLE A ITEM 4)

SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK ARE SHOWN HEREON.
(TABLE A ITEM 8)

THERE ARE 6 STRIPED PARKING SPACES ON THE SURVEYED PROPERTY, 2 OF WHICH ARE MARKED HANDICAPPED. PER REDEVELOPMENT AGREEMENT RECORDED SEPTEMBER 13, 2001 AS DOCUMENT 0010847145, 334 PARKING SPACES ARE GRANTED WITHIN THE ADJACENT PARKING GARAGE. SEE SECTION 8.9 AND 20.1 OF SAID DOCUMENT. (PARKING GARAGE SPACES HAVE NOT BEEN VERIFIED AND ARE BEYOND THE LIMITS OF THE SURVEYED PARCEL).
(TABLE A ITEM 9)

UTILITIES SHOWN HEREON WERE LOCATED AS PART OF THE SURVEY FOR THE SUBJECT PARCEL.
(TABLE A ITEM 11)

THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
(TABLE A, ITEM 16)

NOTES FROM TITLE COMMITMENT:
M 13. WATER MAIN EASEMENT IN FAVOR OF THE VILLAGE OF PALATINE, AS CREATED BY THE PLAT OF SUBDIVISION AFORESAID FOR EXACT LOCATION SEE PLAT.
(SURVEYOR'S NOTE: THE EASEMENTS GRANTED PER THE PLAT OF SUBDIVISION ARE PUBLIC UTILITY AND DRAINAGE EASEMENTS, AND THEY ARE SHOWN.)

N 14. EASEMENT FOR GAS, ELECTRIC, CABLE AND COMMUNICATION SERVICE, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, IN, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY DESIGNATED AND/OR LABELED AS "PUBLIC UTILITY EASEMENT" WHEN DASHED LINES, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE PLAT RECORDED/FILED AS DOCUMENT NO. 0011012354.(AFFECTS THE LAND AND OTHER PROPERTY)
(SURVEYOR'S NOTE: THE EASEMENTS ARE SHOWN.)

O 15. REDEVELOPMENT AGREEMENT ENTERED INTO AS OF MAY 15, 2001 BY AND <BET THE VILLAGE OF PALATINE, ILLINOIS AND JOSEPH FREED AND ASSOCIATES, LLC. RECORDED SEPTEMBER 13, 2001 AS DOCUMENT 0010847145, INCLUDING BUT NOT LIMITED TO THE FOLLOWING TERMS AND PROVISIONS: LIMITATION ON ASSIGNMENT OF REDEVELOPMENT AGREEMENT AS SET FORTH IN PARAGRAPH 10.10 THEREIN AND LIMITATION ON TRANSFER OF PROPERTY AS SET FORTH IN ARTICLE 10, PARAGRAPHS 10.11 AND 10.12 THEREIN. TEMPORARY CROSS-ACCESS RECIPROCAL EASEMENT AGREEMENT FOR INGRESS AND EGRESS AND UTILITIES, OVER AND ACROSS THE PROPERTY, AS SET FORTH IN ARTICLE 9, PARAGRAPH 9.1 THEREIN. FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT RECORDED NOVEMBER 13, 2002 AS DOCUMENT 0021250320 SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT RECORDED OCTOBER 23, 2003 AS DOCUMENT 0329649224 THIRD AMENDMENT TO REDEVELOPMENT AGREEMENT RECORDED DECEMBER 12, 2003 AS DOCUMENT NO. 0334620098
(SURVEYOR'S NOTE: THIS EXCEPTION AFFECTS THE SURVEYED PROPERTY, AND IS NOT A PLOTTABLE ITEM. IT DOES SET ASIDE 334 PARKING SPACES FOR LOT 1 WITHIN THE PARKING GARAGE. SEE DOCUMENTS FOR DETAILS)

P 16. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN THE EASEMENT AND OPERATING AGREEMENT, RECORDED OCTOBER 30, 2001 AS DOCUMENT 0011012357 MADE BY AND BETWEEN GATEWAY CENTER OF PALATINE LLC AND THE VILLAGE OF PALATINE.
GATEWAY CENTER FIRST AMENDMENT TO EASEMENT AND OPERATING AGREEMENT DATED OCTOBER18, 2002 AND RECORDED NOVEMBER 13, 2002 AS DOCUMENT 0021250797.
(AFFECTS PARCEL 1)
(SURVEYOR'S NOTE: THIS EXCEPTION AFFECTS THE SURVEYED PROPERTY, BUT IS NOT A PLOTTABLE ITEM. SEE DOCUMENT FOR DETAILS)

Q 17. TERMS, PROVISIONS, AND CONDITIONS RELATING TO THE EASEMENT DESCRIBED AS PARCEL 2 CONTAINED IN THE INSTRUMENT CREATING SAID EASEMENT.
RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF SAID EASEMENT.
(SURVEYOR'S NOTE: THIS EXCEPTION AFFECTS THE SURVEYED PROPERTY, BUT IS NOT A PLOTTABLE ITEM. SEE DOCUMENT FOR DETAILS)

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

TO: GATEWAY PALATINE LLC, A DELAWARE LIMITED LIABILITY COMPANY
AND TO: SCHAUMBURG BANK & TRUST COMPANY, N.A., ITS SUCCESSORS AND/OR ASSIGNS
AND TO: CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 7(b)(1), 7(c), 8, 9, 11, & 16 OF TABLE "A" THEREOF. THE FIELDWORK WAS COMPLETED ON DECEMBER 11, 2017.

GIVEN UNDER MY HAND AND SEAL THIS 20TH DAY OF DECEMBER, 2017 IN ROSEMONT, ILLINOIS.

JERRY P. CHRISTOPH, I.P.L.S. No. 035-3540
LICENSE EXPIRES: 11-30-2018
jchristophespaceoinc.com

(VALID ONLY IF EMBOSSED SEAL AFFIXED)

JERRY P. CHRISTOPH 35-40 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS ROSEMONT, ILLINOIS

PREPARED FOR:
SEYFARTH SHAW LLP
233 S. WACKER DRIVE
SUITE 8000
CHICAGO, IL 60606

REVISIONS:	

SPACECO INC.

CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS

9575 W. Higgins Road, Suite 700,
Rosemont, Illinois 60018
Phone: (847) 696-4060 Fax: (847) 696-4065

DATE: 12/18/17
JOB NO: 3155
FILENAME: 3155ALTA LT 1N
SHEET 1 OF 1

N:\JOBS\3155\survey\3155ALTA LT 1N.dgn Default User=jchristoph

Attachment: Plat of Survey (220 N Smith Street Unit - #117 - SU Massage and Medical)

2. 220 N. Smith Street Unit #117

Notice was published in the Daily Herald on March 8thth, 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. Floor Plan
5. Business Plan
6. Public Notice

Sworn in Staff: Lyn Bremanis

Sworn in petitioner: Debra Muffoletto - 101 N Pine St - Prospect Heights, IL

Special Use to Special Use to permit a maximum of eight (8) suites for massage and medical (chiropractic services) pursuant to Section 11.03 (d) (22) and (42) of the Palatine Zoning Ordinance.

Ms. Wood asks petitioner to explain her request.

Ms. Muffoletto explains that she is the owner of My Salon Suites of Palatine. There are currently 31 suites which is an increase from 25 as they have expanded into the former Subway space. Recently, there has been a request from potential tenants that would require special use permission, which is for massage therapists and chiropractic services. Ms. Muffoletto presents a photo of the current suites that are used for stylists and explains the intention is to expand the diversity of the offerings within the space. She explains that they would like to have the potential to offer approximately 25% of the space to massage therapists and chiropractors.

Ms. Wood asks if the plan is to use space that was previously rented to other businesses.

Ms. Muffoletto states that the space was renovated and there are currently 31 suites versus the original 25 suites. Eight of those suites would be designated for the current business request. A maximum of three would be for the chiropractor service requests and five suites for massage therapists.

Mr. Pirog asks why this is a special use for these types of businesses.

Ms. Bremanis explains that the certain business types including these uses require special use review and ultimately approval from Village Council per the zoning code. The new tenant requests will require these businesses to be licensed within the Village and also provide state license. All businesses within the space are licensed individually and registered with the Village.

Mr.Dittrich expresses confusion regarding the limit to 3 spaces for the chiropractor use and asks if the concern is the parking issue.

Ms. Bremanis explains that they anticipate additional foot traffic within the

Attachment: ZBA Draft Minutes (220 N Smith Street Unit - #117 - SU Massage and Medical)

building for the chiropractic services since most appointments are 10-15 minute intervals. This service tends to have more patients per hour versus the massage therapist or the other current businesses. She also explains that there are 2 entrances designated for the suites and refers to the floor plan showing the entrance locations.

Ms. Muffoletto states that the initial thought did not consider chiropractor or massage services and is not opposed to having only three suites available for the chiropractor service.

Mr. Pirog asks who has the burden of making sure the businesses are licensed.

Ms. Bremanis replies that the ultimately the owner is responsible.

Ms. Muffoletto states that the licensing requirements for the Village is communicated to tenants as part of the welcome package.

Ms. Wood asks how many suites are rented currently.

Ms. Muffoletto confirms that there are 26 rented currently.

Mr. Cavanaugh asks if there are any concerns about the increased traffic due to the chiropractors. Ms. Muffoletto states that there are no concerns as protocols are in place for the suite owners.

Mr. Cavanaugh asks if there is waiting areas within the building.

Ms. Muffoletto states that there is a very small lobby with one chair.

Ms. Wood asks where customers wait if the provider is running late.

Ms. Muffoletto explains that every suite is listed at the security keypad at the front entrance. Customers have to be buzzed in. Every suite has a security camera and a code at the keypad. Customers that need to wait for their service are normally waiting in their car.

Ms. Wood asks if the current security system was put in place due to Covid.

Ms. Muffoletto states that this is the security protocol and was designed specifically for this use and is not Covid related.

Ms. Bremanis asks petitioner how long she has been in business prior to Covid.

Ms. Muffoletto states she has been in business about a year.

Ms. Bremanis asks if the suites were full at this time.

Ms. Muffoletto states they are not. The suites provide people with a sense of safety in the current environment. She also states that not all suites are open at the same time. Start times, close times and days vary among the current tenants.

Mr. Dittrich asks if there is any code for lobby size.

Ms. Bremanis states that she is not aware of any code for lobby size.

Ms. Wood asks if there are any concerns regarding parking.

Ms. Bremanis states that they have 25 parking spaces that service the employees and additional parking for the clients.

Ms. Wood asks if they are marked.

Ms. Muffoletto confirms that as tenants of Hamilton partners, members are allowed to park in office parking spaces. The license plate numbers are provided to building management.

Ms. Wood asks where the 25 parking spaces are located.

Ms. Muffoletto explains that they are on the 1st floor in the parking garage and are marked as office.

Ms. Wood asks staff if there are any other comments.

Attachment: ZBA Draft Minutes (220 N Smith Street Unit - #117 - SU Massage and Medical)

Ms. Bremanis replies no and states that Community Services and Fire Prevention has also reviewed and did not note any issues.
Ms. Wood moves to staff recommendations.

STAFF RECOMMENDATION:

My Salon Suites are mall-style suites consisting of individual beauty, health and wellness type businesses. The spaces are set-up for individual microbusinesses, and the Petitioners are seeking a Special Use to allow up to 8 of the 31 tenant spaces to be used for massage and chiropractic services. However, Chiropractors do have a much higher number of clients per day in comparison to the existing businesses and proposed massage uses.

Therefore, Staff is proposing that there be a maximum of 3 chiropractors permitted at any one time. With this limitation, the proposed Special Use should not have a negative impact on the surrounding businesses or properties. In addition, each massage therapist and chiropractor will be required to obtain a Palatine Business License and provide a copy of their respective State licensure. 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 Petitioners on 2/19/21 except as such plans may be changed to conform to Village Codes and Ordinances.
2. The massage and chiropractic tenants shall apply for a business license with the Village of Palatine and provide a copy of the State License with the business license application.
3. Not more than three (3) chiropractic tenants shall be permitted at any one time

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

Motion to approve subject to staff's conditions; seconded

Deliberations:

Mr. Pirog states that he believes it would be a good business plan for palatine and notes a similar location in deer park.
Ms. Roth-Wurster agrees and states that the standards have been met. She states that this is a good business for Palatine and a good blend.
Ms. Wood also states that this will be a good business model and agrees with the limitations set forth. The petitioner can still operate successfully and keep the control of the property and the parking demand.

Communications:

Ms. Bremanis states that the next meeting is scheduled for April 15th and there

Attachment: ZBA Draft Minutes (220 N Smith Street Unit - #117 - SU Massage and Medical)

will be two items on the agenda.

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 April 12, 2021

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

Attachment: ZBA Draft Minutes (220 N Smith Street Unit - #117 - SU Massage and Medical)

PUBLIC NOTICE
A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, March 23, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
Special Use to permit a maximum of eight (8) suites for massage and medical (chiropractic services) pursuant to Section 11.03 (d) (22) and (42) of the Palatine Zoning Ordinance.
The property is commonly known as 220 N. Smith Street Unit #117 (02-15-400-054).
The Petitioners are requesting to permit up to eight (8) suites in My Salon Suites located within the Gateway Center to be used for massage and chiropractic services.
The above petition has been filed by Debra Muffoletto and Sharon Niewinski and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 21-10
VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning Board of Appeals
DATED: This 8th day of March, 2021
Published in Daily Herald March 8, 2021 (4559673)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs
Daily Herald

Corporation organized and existing under and by virtue of the laws c
the State of Illinois, DOES HEREBY CERTIFY that it is the publish
of the **Northwest Suburbs DAILY HERALD**. That said **Northwes**
Suburbs DAILY HERALD is a secular newspaper, published in
Arlington Heights and has been circulated daily in the Village(s) of:
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Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview,
Hanover Park, Hoffman Estates,Inverness, Melrose Park,Morton Gr
Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine,
Park Ridge, Prospect Heights, River Grove, Rolling Meadows,
Rosemont, Schaumburg,Schiller Park, South Barrington, Streamwoo
Wheeling, Wilmette

County(ies) of Cook
and State of Illinois, continuously for more than one year prior to th
date of the first publication of the notice hereinafter referred to and i
general circulation throughout said Village(s), County(ies) and State

I further certify that the Northwest Suburbs DAILY HERALD is a
newspaper as defined in "an Act to revise the law in relation to notic
as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5,
Section 1 and 5. That a notice of which the annexed printed slip is a
copy, was published 03/08/2021
in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK
PUBLICATIONS, Inc., has caused this certificate to be signed by, t
authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Paula Bartz
Designee of the Publisher and Officer of the Daily Herald

Control # 4559673

Attachment: Public Notice (220 N Smith Street Unit - #117 - SU Massage and Medical)

Rec 3/15

Consider an Ordinance Granting a Special Use and Variations for a Detached Garage at 308 S. Benton Street

BACKGROUND:
The Petitioner is proposing to replace an existing detached 1-car garage, with a larger, 2-car detached garage, which exceeds both maximum height, lot coverage allowed, and encroaches into the minimum required setbacks. Therefore, the Petitioner is requesting approval of the following:

Special Use to permit an accessory structure to exceed the maximum height allowed of one story, not to exceed 15 feet at midpoint or the highest point of the principal structure.

Variation to permit an accessory structure to be located 2 feet from the side lot line, instead of the minimum required 5 feet and 6 feet from the primary structure instead of the minimum required 10 feet.

Variation to permit lot coverage to be 48%, instead of the maximum permitted 45%.

KEY ISSUES:

- The Subject Property is zoned R-2 Single-Family Residential. This property received setback relief in 2015 (O-138-15), which included a Variation for the existing garage to be set back 6 feet from the primary structure. The property is approximately 55 feet wide, which is substandard, when compared to the current R-2 minimum lot width of 75 feet for interior lots. Most of the lots in this Subdivision were platted in a similar manner.
- The Petitioner is requesting to remove an existing 1-car detached garage and replace it with a 2-car detached garage that is set back approximately 2 feet (2'-7.5") from the interior side property line (existing garage is non-conforming at 4 feet (4' 8.4"). The proposed garage will maintain the existing setback of 6 feet from the primary structure; therefore a Variation is required.
- Additionally, the proposed garage is approximately 18 feet to the roof midpoint and approximately 22 feet at the highest point. Per Code, accessory structures have a maximum height of 15 feet to the midpoint of the roofline; therefore, a Special Use is required. The proposed floorplan indicates that the upper level of the garage will be for storage only. The proposed garage height is to allow a building design that mimics some elements of the home's architecture.
- The building coverage meets Code at approximately 29% (35% is permitted).
- With the proposed garage, the lot coverage is now at 48% (approximately 45% previously). For R-2 properties, there is a maximum of 45%; therefore, a Variation is required. Note: this would eligible for an Administrative Variation; however, since it requires additional relief this being processed as a Standard Variation.

- The Petitioner has indicated that there are two adjacent properties that have garages that are similar in height to the proposed structure. However, relief was not granted for either of these structures. The construction documents do not appear to be available, but it appears as though these structures comply with the mean height of 15 feet requirement.
- The setback from the house of 6 feet was previously contemplated when the Petitioner completed the second story addition. Staff does not object to the proposed separation variation between structures. Nevertheless, Staff believes that the proposed garage could comply with the minimum 5-foot setback requirement from the side property line.
- The existing garage is a single-story and is setback 4.84 feet from the side property line. The new garage is 546 square feet versus the existing 308 square feet. Staff does not believe that the Petitioner has justified the setback reduction for the garage. Staff understands that in order to meet the setback requirement, additional lot coverage relief would be required and the garage would further encroach into the rear yard.

ALTERNATIVES:

1. Approve the Special Use and Variations for a detached garage
2. Do not approve the Special Use and Variations for a detached garage

RECOMMENDATION:

Public Hearing**:**	ZBA meeting on March 9, 2021
Residents testifying:	None.
Vote:	The ZBA voted 4-2 to approve the Special Use and Variations for a detached garage. Nevertheless, Staff recommends denial of the requested side yard setback reduction and action at the Village Council's discretion for the Special Use for the garage height.

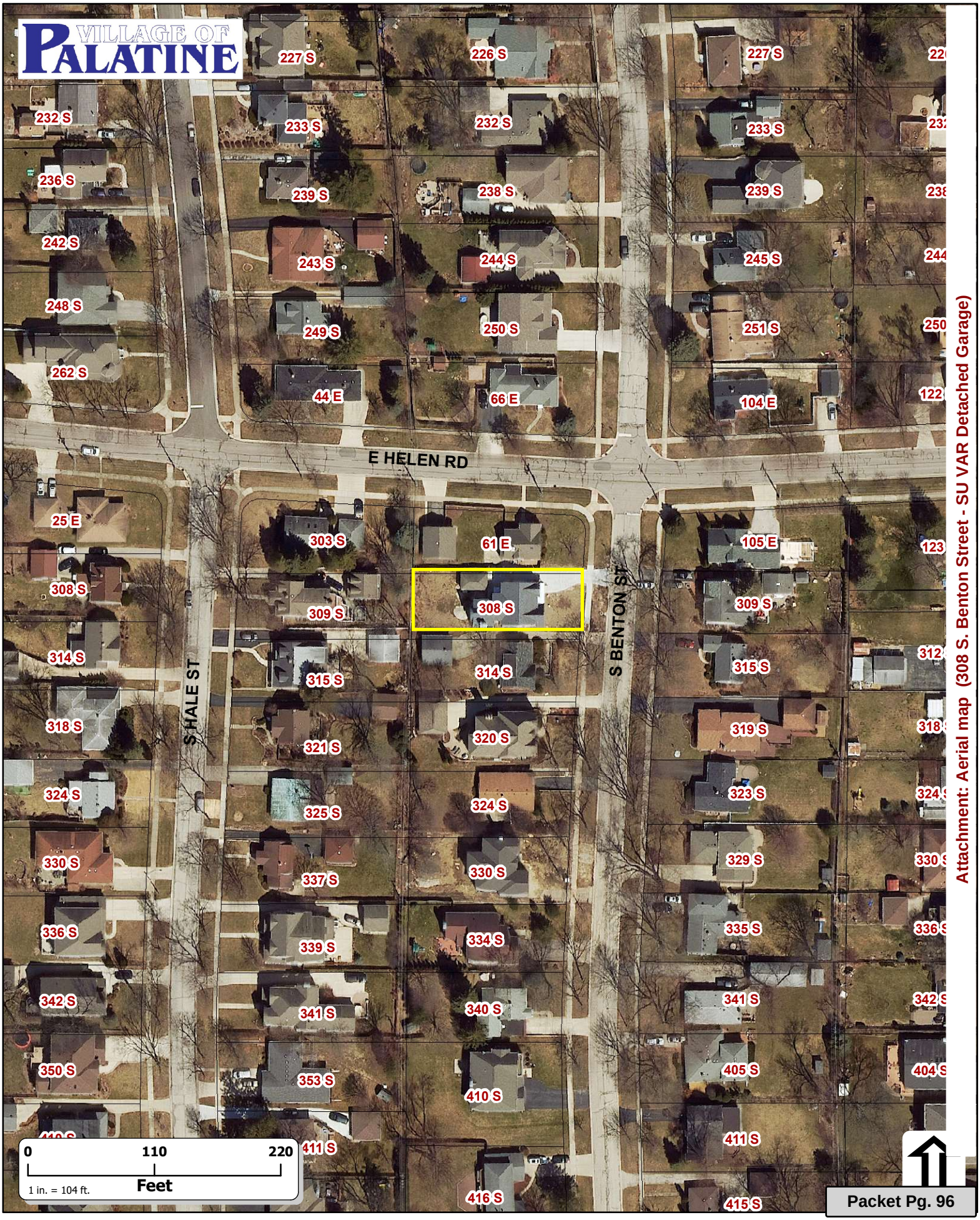
ACTION REQUIRED:
A motion to approve the ordinance granting a Special Use and Variations for a detached garage at 308 S. Benton Street.

ATTACHMENTS:

- Aerial map
- ORD SU VAR 308 S Benton St
- EXHIBIT - Site Plan
- EXHIBIT - Elevations
- EXHIBIT - Floor Plan
- GIS Elevation Map
- Application

- Plat of Survey
- O-138-15
- Letter of Support
- ZBA Minutes
- Public Notice

308 S Benton Street



Attachment: Aerial map (308 S. Benton Street - SU VAR Detached Garage)

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE AND VARIATIONS
308 S. BENTON STREET

WHEREAS, pursuant to a petition and public hearing on March 9, 2021, of which public notice was given as required by law, the Zoning Board of Appeals of the Village of Palatine, in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, has held such public hearing and reported their findings relative to a request for a Special Use to permit an accessory structure to exceed the maximum height allowed of one (1) story, not to exceed 15 feet at midpoint or the highest point of the principal structure, per Section 6.01 (a) (1) of the Village of Palatine Zoning Ordinance, Variation to permit an accessory structure to be located 2 feet from the side lot line, instead of the minimum required 5 feet and 6 feet from the primary structure, instead of the minimum required 10 feet per Section 6.01 (a) (2) of the Village of Palatine Zoning Ordinance and Variation to permit lot coverage to be 48 percent, instead of the maximum permitted 45 percent pursuant to Section 10.06 (g) (1) (b) of the Village of Palatine Zoning Ordinance, on the following legally described property:

> **Lot 17 in Block 10 in Arthur T. McIntosh and Company's Plum Grove Road Development in Section 22 and 23, Township 42 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois.**
>
> **Commonly known as 308 S. Benton Street (02-23-301-017).**

Attachment: ORD SU VAR 308 S Benton St (308 S. Benton Street - SU VAR Detached Garage)

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power that:

SECTION 1: Special Use to permit an accessory structure to exceed the maximum height allowed of one (1) story, not to exceed 15 feet at midpoint or the highest point of the principal structure, per Section 6.01 (a) (1) of the Village of Palatine Zoning Ordinance, Variation to permit an accessory structure to be located 2 feet from the side lot line, instead of the minimum required 5 feet and 6 feet from the primary structure, instead of the minimum required 10 feet per Section 6.01 (a) (2) of the Village of Palatine Zoning Ordinance and Variation to permit lot coverage to be 48 percent instead of the maximum permitted 45 percent pursuant to Section 10.06 (g) (1) (b) of the Village of Palatine Zoning Ordinance, is hereby granted, subject to the following condition(s):

1. **The Special Use and Variations shall substantially conform to the plans prepared by the architect, KAPA dated 6/30/2020, and elevations submitted by the Petitioner on 11/9/21, except as such plans may be changed to conform to Village Codes and Ordinances.**

SECTION 2: That a copy of the public notice is attached hereto and form a part of this ordinance.

Attachment: ORD SU VAR 308 S Benton St (308 S. Benton Street - SU VAR Detached Garage)

SECTION 3: **That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.**

PASSED: This _____day of _____, 2021

AYES:_____ NAYS:_____ ABSENT:_____ PASS:_____

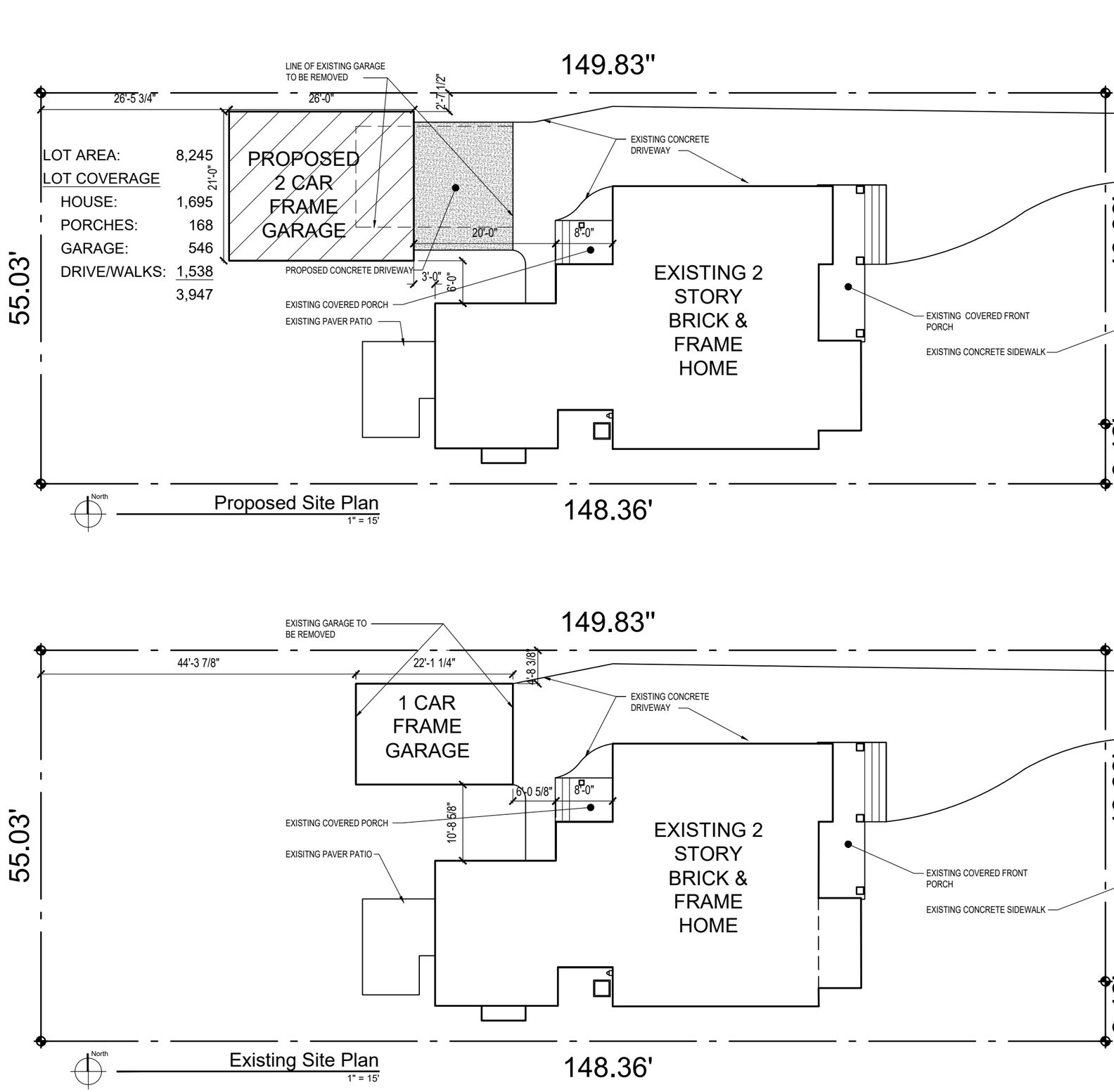
APPROVED by me this _____day of _____, 2021

_____
Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this _____day of _____, 2021

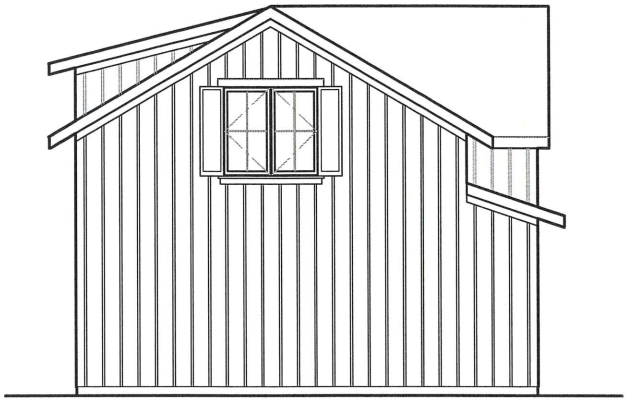
_____
Village Clerk

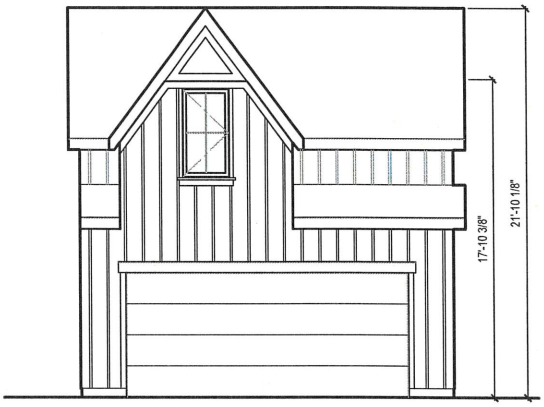
Attachment: ORD SU VAR 308 S Benton St (308 S. Benton Street - SU VAR Detached Garage)

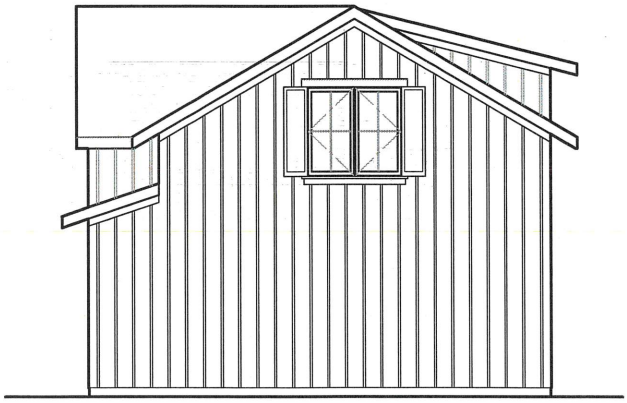


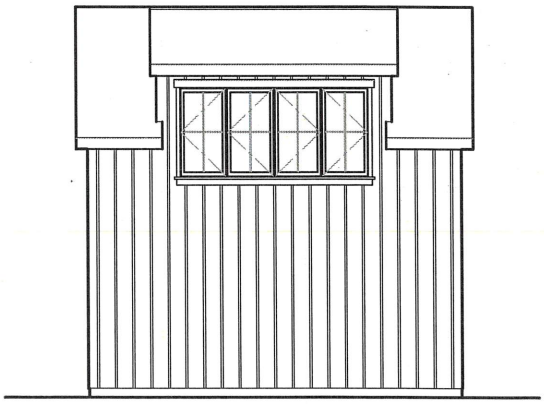
Attachment: EXHIBIT - Site Plan (308 S. Benton Street - SU VAR Detached Garage)

©Copyright 2020









Attachment: EXHIBIT - Elevations (308 S. Benton Street - SU VAR Detached Garage)

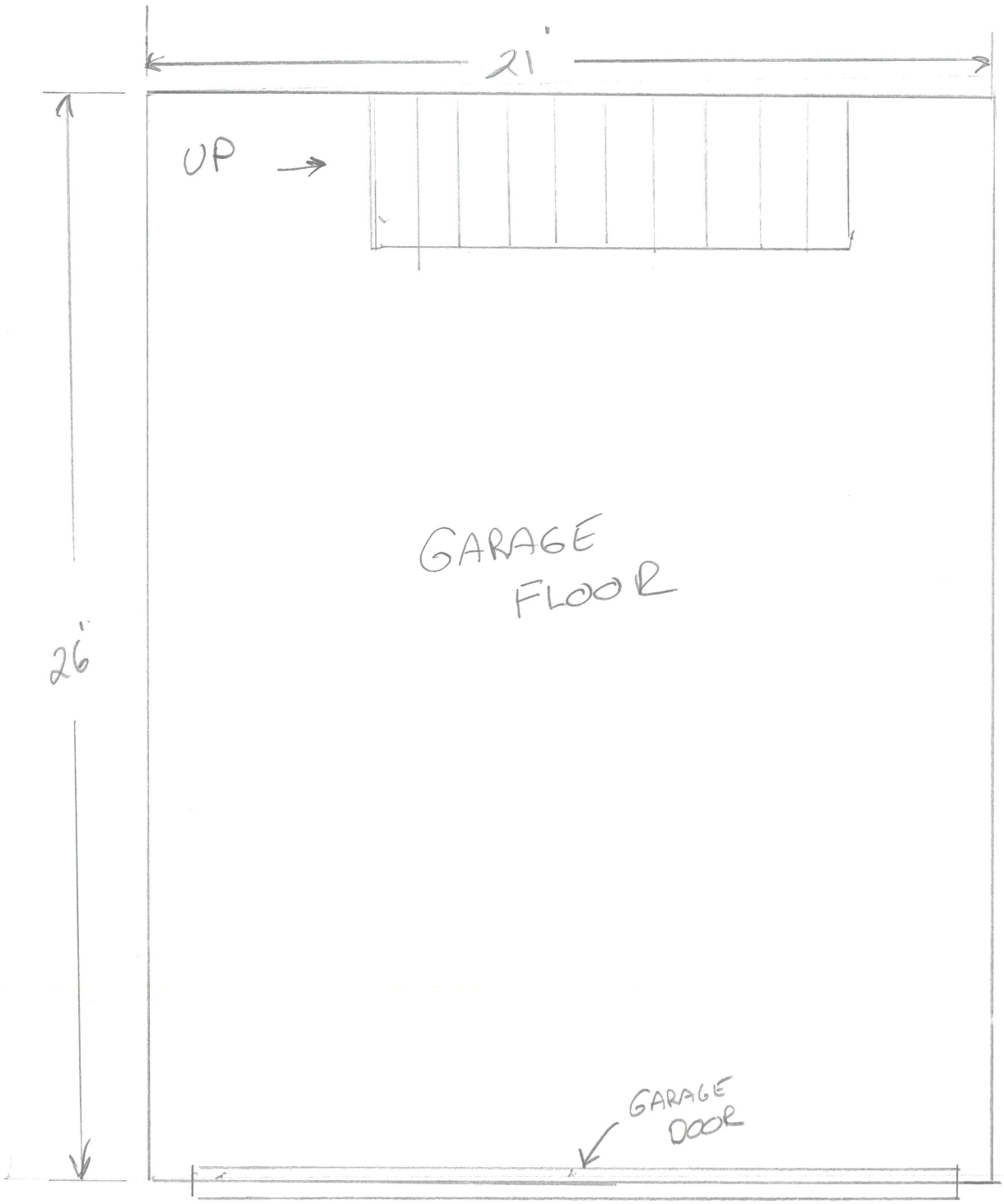
houzz

http://houzz.com/photos/1745792

by Yestermorrow Homebuilders

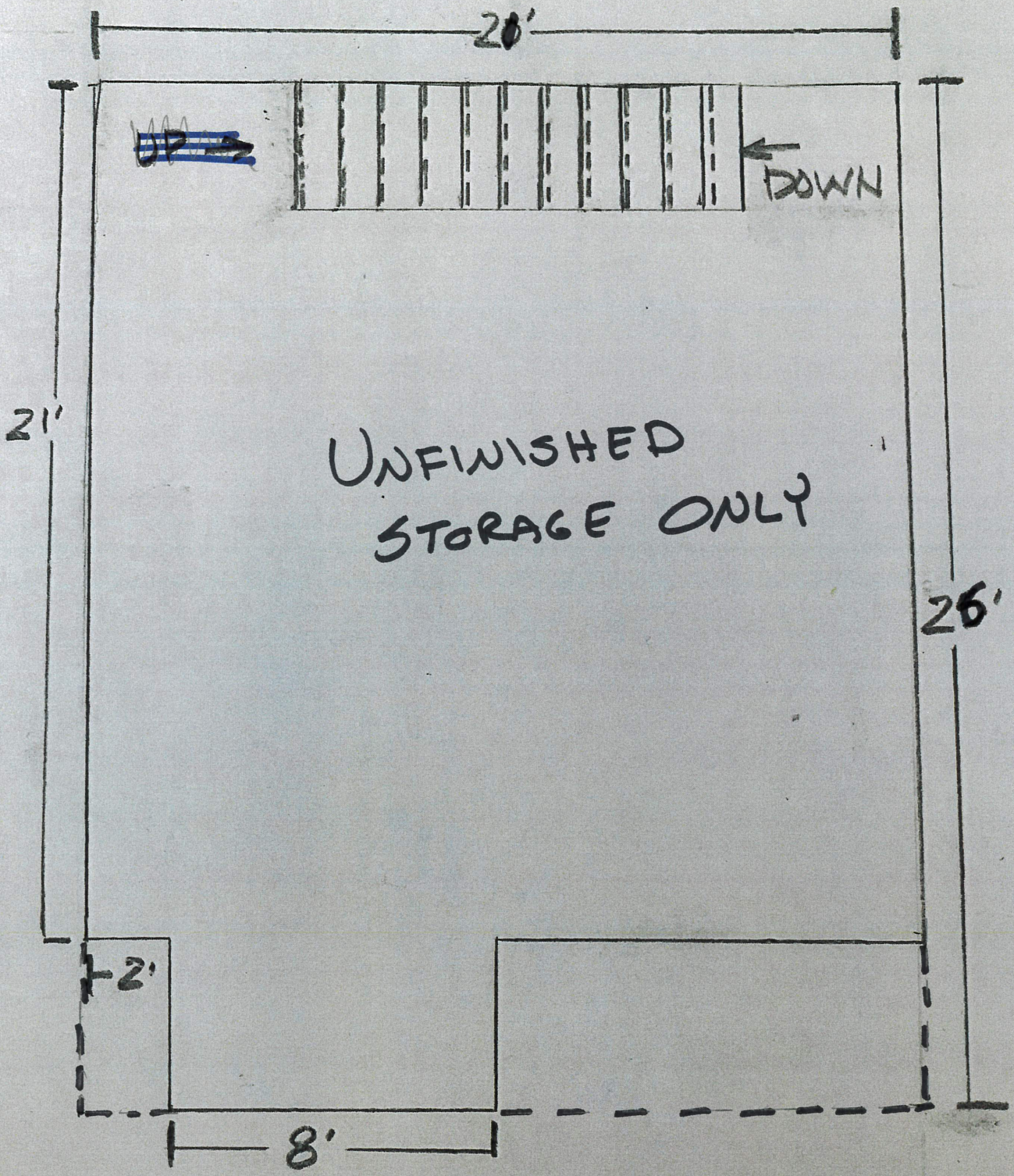
YESTERMORROW
Homebuilders

Attachment: EXHIBIT - Elevations (308 S. Benton Street - SU VAR Detached Garage)



308 S BENTON ST
1st FLOOR GARAGE
ROUGH FLOOR PLAN

Attachment: EXHIBIT - Floor Plan (308 S. Benton Street - SU VAR Detached Garage)

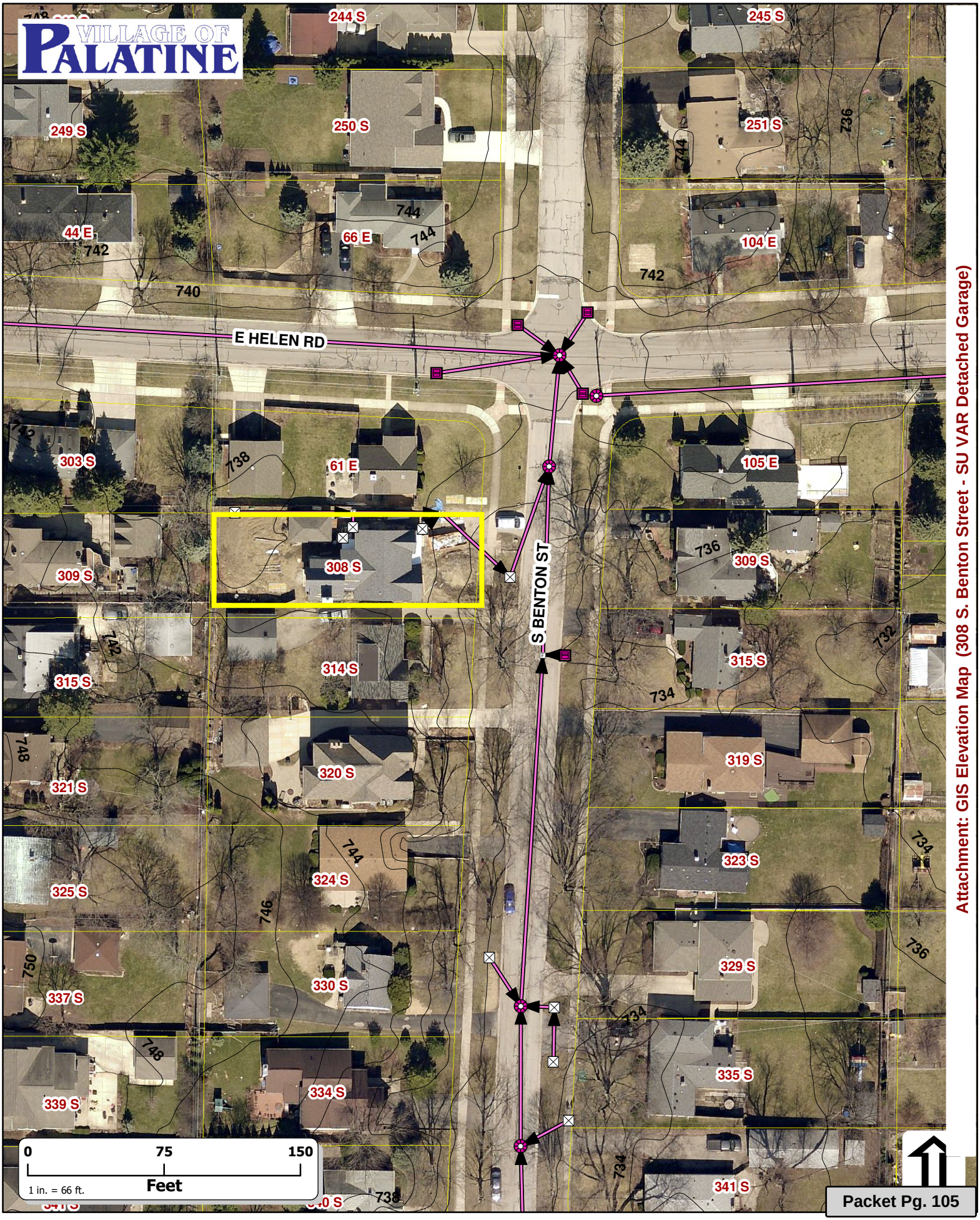


308 S. BENTON ST
2ND FLOOR GARAGE
ROUGH FLOORPLAN

1/4"

Attachment: EXHIBIT - Floor Plan (308 S. Benton Street - SU VAR Detached Garage)

Village of Palatine GIS Viewer



Attachment: GIS Elevation Map (308 S. Benton Street - SU VAR Detached Garage)

VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street · Palatine, IL · 60067-5339
Telephone: (847) 359-9047 · Fax (847) 963-6247

Office Use Only		
	Project Planner	Zoning Case #
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date	Village Council Date

date received

Background Information

PETITIONER(S) **Business Name (if applicable)**

308 S. Benton St.

Subject Property Address

AUTHORIZED AGENT (if applicable) **Business Name (if applicable)**

Address City/State/Zip Code

Telephone	Fax	Email

Relationship to Petitioner (contractor, architect, etc.)

TYPE OF APPLICATION (check one)

☒ Special Use ☐ Special Use Amendment ☒ Variation

Existing Zoning District	Existing Land Use	Proposed Land Use

Generally describe your request:

We have previously been approved to build a new garage that would be located within 4' separation from our home addition. With an extremely restricted property we are requesting variance to also build 3' closer to property line and side yard of neighbors property. This portion of land has no impact on accessibility or use for either property as is. We are also requesting a special use request to allow the height of the garage extend to 20'. This would allow the garage to aesthetically match the roof lines of our addition and home.

Attachment: Application (308 S. Benton Street - SU VAR Detached Garage)

VILLAGE OF PALATINE

SPECIAL USE

Required Materials

- □ Filing Fee of $ _____
- □ Application Form
- □ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- □ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- □ Real Estate Interest Disclosure Form (see attached)
- □ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- □ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- □ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- □ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- □ Photographs (e.g. ground-level or aerials)
- □ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Variation only, you do not need to answer these items.***

1. The use is deemed necessary for the public convenience at that location

The design of the garage will improve the neighborhood aesthetics. There will be storage in an attic space.

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

The design of the garage will have no impact on safety and welfare or public health.

3. The use will not cause substantial injury to nearby property values

The garages directly west and north of our property both have garages that extend to 19-23'. Our garage will match surrounding garages.

4. With respect to live entertainment uses, the use shall not:
   a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
   b. Impose undue health, sanitation or safety burdens on the village
   c. Create excessive demands on the Village of Palatine Police Department
   d. Be of a nature otherwise prohibited by law or village ordinance
5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

Attachment: Application (308 S. Benton Street - SU VAR Detached Garage)

VILLAGE OF PALATINE

VARIATION

Required Materials

- □ Filing Fee of $ _____
- □ Application Form
- □ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- □ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- □ Real Estate Interest Disclosure Form (see attached)
- □ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)

Additional Materials (as required by the Village)

- □ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- □ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- □ Photographs (e.g. ground-level or aerials)
- □ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.03 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. ***If you are applying for a Special Use only, you do not need to answer these items.***

1. That the property cannot yield a reasonable return if used only under the conditions allowed by the regulations governing the zoning district in which it is located

This is being used for storage and parking.

2. That the plight of the owner is due to unique circumstances

The property is very restricted due to the extremely small lot size.

3. That the variation, if granted, will not alter the essential character of the locality

We are just seeking a small two car garage with extra storage based on our property

4. In order to supplement the above standards, the Zoning Board of Appeals may also consider the following:
   a. The particular surroundings, shape, or topographical conditions of the property
   b. A unique hardship for the property not generally applicable to other properties in the same zoning district
   c. The request is not based on a desire to make more money out of the property
   d. The petitioner has not created the alleged hardship for the property
   e. The request will not be detrimental to the public welfare or other properties in the neighborhood
   f. The request will not impair the supply of light and air to adjacent properties, substantially increase the danger of fire, endanger the public safety, or substantially diminish or impair neighboring property values

The garage proposed is to match the design of our existing home. The garage will also be comparable to surrounding garages. Finally our lot has very tight restrictions and these variations are essential to meet basic needs of a two car garage.

Attachment: Application (308 S. Benton Street - SU VAR Detached Garage)

Sheets Surveying Service, Inc.
P.O. Box 608, Huntley, Illinois 60142
Office Location: 11015A Route 47, Huntley, Illinois 60142
Phone (708) 669-3098 FAX: (708) 669-3361
1-800-794-9001

PLAT OF SURVEY
OF

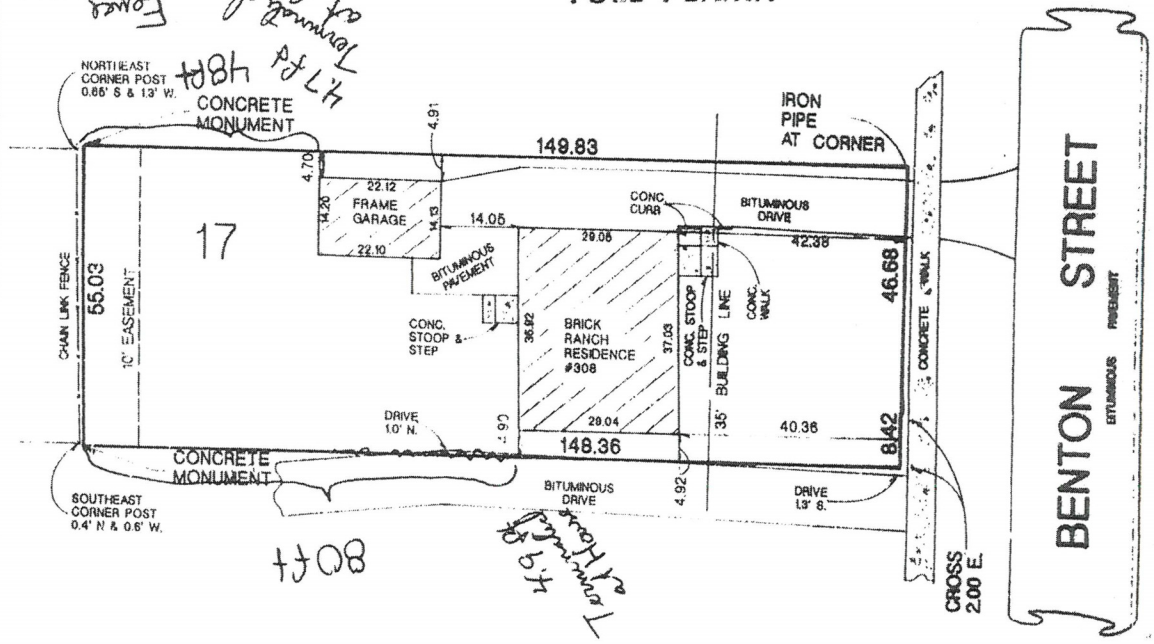
Lot 17 in block 10 in Arthur T. McIntosh and Company's Plum Grove Road Development in Sections 22 and 23, Township 42 North, Range 10, East of the Third Principal Meridian, in Cook County, Illinois.

NORTH

Scale 1"= 20'

VILLAGE COPY

APPROVED BY
SEE ATTACHED
FULL PERMIT



LEGEND AND NOTES

Dimensions shown thus: 50.25 are feet and decimal parts thereof. Angular data shown thus: 90° 00' 00" indicate degrees, minutes and seconds.

50.25 / N 90° 00'00" E indicates measure dimension / bearing.
(50.25) / (N 90° 00' 00" E) indicates record dimension / bearing.
(50.25 d) / (N 90° 00'00" E d) indicates deed call dimension / bearing.

Bearings shown hereon, if any, per local or assumed data, unless shown otherwise.

Compare your points before using same and report any differences immediately.

Check legal description with deed or title policy and report any discrepancy immediately. Building lines and easements, if any, shown hereon are as shown on the recorded subdivision plat or as indicated.

Prepared For PHILLIP E. SOLZAN ATTY-AT-LAW
Order No. 93-550

104-S-83

STATE OF ILLINOIS)
COUNTY OF MCHENRY)S.S.

I, Thomas M. Sheets, an Illinois Professional Land Surveyor, certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of the survey and that this professional service conforms to the current applicable Illinois Professional Land Surveyor Association Standards for a land survey.

Huntley, Illinois OCTOBER 13, 1993

Illinois P

PETITIONER'S EXHIBIT
4

Attachment: Plat of Survey (308 S. Benton Street - SU VAR Detached Garage)

ORDINANCE NO. 0-138-15

AN ORDINANCE GRANTING SPECIAL USES AND A VARIATION 308 S. BENTON STREET (CASE NO. 15-89)

Attachment: O-138-15 (308 S. Benton Street - SU VAR Detached Garage)

Published in pamphlet form by authority of the
Mayor and Village Council of the Village of Palatine
on November 9, 2015

ORDINANCE NO. 0-138-15

AN ORDINANCE GRANTING SPECIAL USES AND A VARIATION
308 S. BENTON STREET (CASE NO. 15-89)

WHEREAS, pursuant to a petition and public hearing on October 27, 2015 of which public notice was given as required by law, the Zoning Board of Appeals of the Village of Palatine, in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, has held such public hearing and reported their findings relative to a request for a Special Use to permit an addition to be located 34 feet from front property line instead of the required distance of 35 feet pursuant to a privately recorded building line and Section 10.06 (c)(13) of the Palatine Zoning Ordinance, a special use to permit an addition to be located 4 feet from the side property line instead of the required distance of 5 feet pursuant to Section 10.06 (c)(13) of the Palatine Zoning Ordinance and a variation to allow a principal building addition to be located 6 feet from an accessory structure (garage) instead of the minimum required 10 feet pursuant to Section 6.01(a)(2) of the Palatine Zoning Ordinance. on the following legally described property.

Lot 17 in Block 10 in Arthur T. McIntosh and Company's Plum Grove Road Development in Section 22 and 23, Township 42 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois.

commonly known as 308 S. Benton Street (PIN #02-23-301-017)

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power that:

SECTION 1: A Special Use to permit an addition to be located 34 feet from front property line instead of the required distance of 35 feet pursuant to a privately recorded building line and Section 10.06 (c)(13) of the Palatine Zoning Ordinance, a special use to permit an addition to be located 4 feet from the side

Attachment: O-138-15 (308 S. Benton Street - SU VAR Detached Garage)

property line instead of the required distance of 5 feet pursuant to Section 10.06 (c)(13) of the Palatine Zoning Ordinance and a variation to allow a principal building addition to be located 6 feet from an accessory structure (garage) instead of the minimum required 10 feet pursuant to Section 6.01(a)(2) of the Palatine Zoning Ordinance, is hereby granted, subject to the following condition(s):

1. The Special Uses and Variation shall substantially conform to the site plan and elevation plan prepared by KAPA, dated 10/8/2015, except as such plans may be changed to conform to Village Codes and Ordinances.

2. Prior to the issuance of a building permit, a hold harmless letter will be executed by the Petitioner, due to the encroachment upon the privately recorded building line.

SECTION 2: That the petition for a Special Use and Variation, a copy of the public notice and the report of the hearing be attached hereto and form a part of this ordinance.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This 9th day of November, 2015

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

APPROVED by me this 9th day of November, 2015

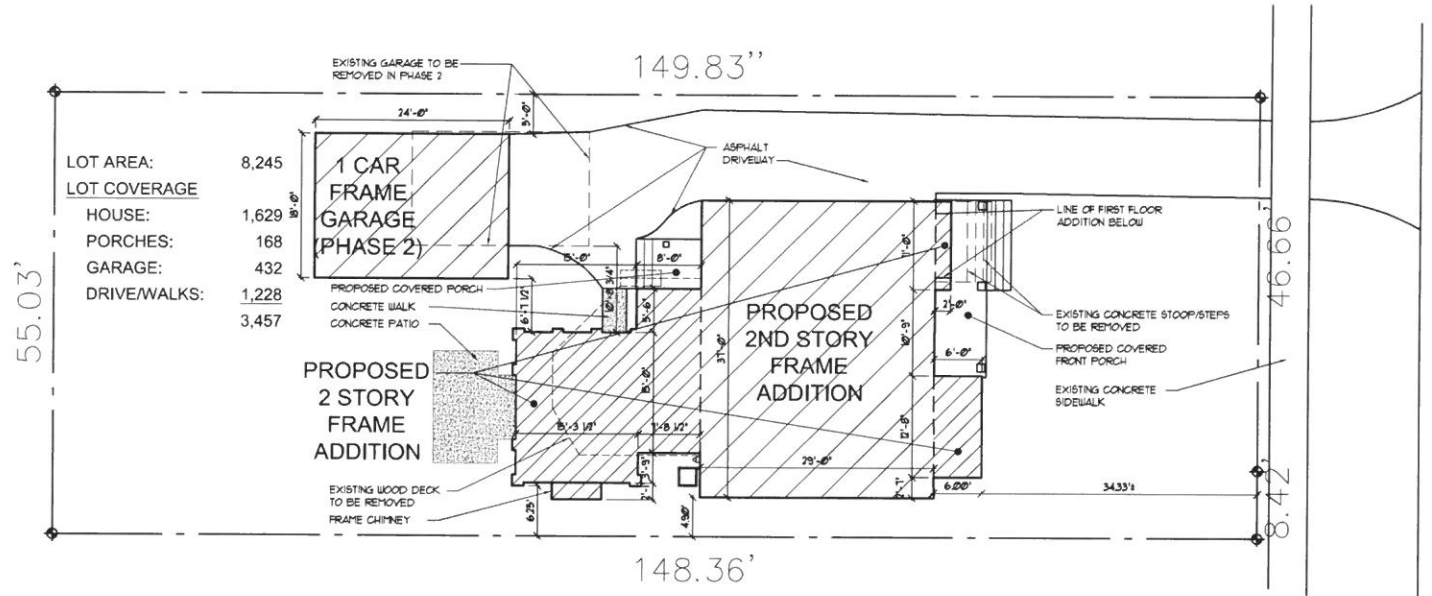
Mayor of the Village of Palatine
Pro Tem

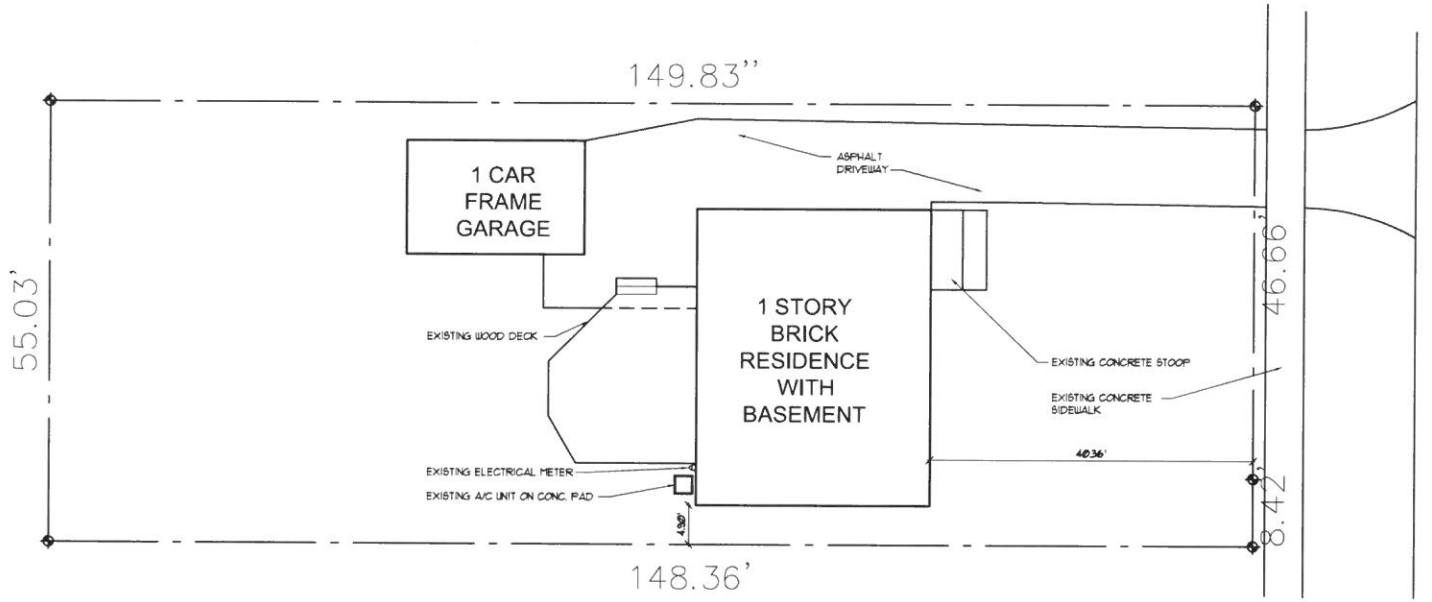
ATTESTED and FILED in the office of the Village Clerk this

9th day of November, 2015

Village Clerk

Attachment: O-138-15 (308 S. Benton Street - SU VAR Detached Garage)





Bergles Residence
308 S. Benton Street Palatine, Illinois

October 8, 2015 #15007

KAPA
Kevin A. Panek, Architect
©Copyright 2015

Attachment: O-138-15 (308 S. Benton Street - SU VAR Detached Garage)

East Elevation
1/8" = 1'-0"

North Elevation
1/8" = 1'-0"

West Elevation
1/8" = 1'-0"

South Elevation
1/8" = 1'-0"

Bergles Residence
308 S. Benton Street Palatine, Illinois

October 8, 2015 #15007 KAPA
Kevin A. Panek, Architect

Attachment: O-138-15 (308 S. Benton Street - SU VAR Detached Garage)

Lyn Bremanis

From: Ben Vyverberg
Sent: Friday, March 5, 2021 8:27 AM
To: Lyn Bremanis
Subject: FW: 380 S. Benton St. Variance

From: [redacted]
Sent: Friday, March 5, 2021 8:09 AM
To: Ben Vyverberg <BVyverberg@palatine.il.us>
Cc: Bryan B <bryan_b11@hotmail.com>
Subject: 380 S. Benton St. Variance

Good morning,

I am writing in response to my neighbor's, Bryan and Krissy Bergles, request to build their new garage closer to the property line. I live North of their home at 61 E. Helen Rd.This will not negatively impact my property or how we live in our home. I support their plan and welcome neighborhood home improvements.

Thank you,
Priscilla Grimm

Attachment: Letter of Support (308 S. Benton Street - SU VAR Detached Garage)

VILLAGE OF PALATINE

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

ZONING BOARD OF APPEALS

MINUTES ● MARCH 9, 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 Luszczak	Commissioner	Present	
Theodore McGinn	Commissioner	Present	
Kevin Cavanaugh	Commissioner	Absent	
James Dittrich	Commissioner	Present	
John Pirog	Commissioner	Present	

II. APPROVAL OF MINUTES

The minutes from the February 23, 2021 meeting will be reviewed at the March 23rd meeting.

III. PUBLIC HEARING

1. 308 S. Benton Street

   Notice was published in the Daily Herald on February 22, 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/ Site Plan
4. Public Notice
5. Letter of Support

Sworn in Staff: Ben Vyverberg

Sworn in petitioner: Bryan Bergles 308 S. Benton St

Mr. Bergles stated they are seeking a variance and set back for a 2-car garage. The request is for the garage to be located 2.5 feet from the lot line and height relief for a 22’ garage. Also requesting a 6’ set back off the home. He states that the property lot is narrow. At time of purchase it was a single story ranch and a variance was requested for a remodel and is now a 2-story home. The new special use request is to add a 2-car garage. Mr. Bergles states that it is a challenging property due to the size and lot coverage restrictions. He states that

Attachment: ZBA Minutes (308 S. Benton Street - SU VAR Detached Garage)

the variance would allow them to be able to pull straight into the garage without any obstacles. If the garage is built further back on the lot it would require more lot coverage. Mr. Bergles talks about the private underground storm sewage system that he installed and was approved by the village. He stated that it ties into the villages' sewer system and prevents flooding in his backyard. It also benefits his neighbors and prevents flooding in their yards. He states that if the garage was to go further back on the lot line it would risk having the garage in a flood plain. Mr. Bergles states that he doesn't want to go further back into the yard and that the side lot relief would allow him to have the 2-car garage closer to the house. Without the side lot relief it would be a challenge to get the 2nd vehicle into the garage. The goal is to be able to pull straight in and to have a 2nd story on the garage for storage. Mr. Bergles points out that the west property behind him and the property to the North have 2-story garages. He explains that his property would not stand out and it would add to the aesthetics of the neighborhood. Mr. Bergles explains that the garage would definitely be a 10' set back from other properties and would not compromise other structures in the area.

Mr. Pirog asks if there is a fence.
Mr. Bergles states that there is fence to the north of the structure.

Ms. Wood asks what the reason for the additional couple of feet is and what is preventing you to stay within the property line requirements.
Mr. Bergles states that it is to allow room to get to the 2nd spot in the garage. He states that if he was to go further into the yard it would require additional lot coverage and a different variance.

Ms. Wood asks it the 2-car garage was taken into consideration when the addition was built.

Mr. Bergles states that it is a narrow lot. The addition has no validation - that is why he is requesting relief on the side yard.

Ms. Wood asks if the run off from the garage will go onto any of the neighbor's yards.
Mr. Bergles states run off would go into the underground storm system.

Ms. Wood asks if the height is for aesthetics.
Mr. Bergles states that he is requesting the additional height for extra storage space.

Ms. Wood states his home mixes in with the neighborhood and the garage is partially hidden. She states that she has not seen garages as tall as his request and it seems out of character.
Mr. Bergles states that the house to the north has a garage that measures 20' in height.

Ms. Wood asks if he knows when the garage was built.

Attachment: ZBA Minutes (308 S. Benton Street - SU VAR Detached Garage)

Mr. Bergles states that it was built prior to '08 when he purchased the house.
He also talks about a home on Hale St with a 2-car garage with an office above.

Ms. Wood asks staff if they have any information on these properties.
Mr. Vyverberg states that a survey of surrounding properties was completed and there are a few properties that received lot coverage variations and 2 other properties that received variances for setback. There was also 1 instance of a property on the south side with a covered awning/ side port that was allowed to be placed at 4.5' instead of 5'. Mr. Vyverberg agrees that in the instances that Mr. Bergles has sited he did not find any zoning relief to the property to the North or West regarding height of square footage.

Ms. Wood asks if anyone has any more questions for the petitioner.

Mr. Pirog states that if you already have water issues wouldn't this make it worse?
Mr. Bergles states that is why the down spouts would tie into the private storm system. He doesn't believe the new structure will change the water issues.

Ms. Wood asks if he built the garage at 15' at midpoint wouldn't he still have the needed storage.
Mr. Bergles would like to keep with the character of the house.

Mr. Pirog asks if the architect recommended the 2.5'. Who determined the 2.5' rather than the 5'?
Mr. Bergles states that the curve to get around the corner and the back deck would be near impossible to get to the garage space, which is the reason for the requested 2.5'.

Mr. Pirog asks if he built the garage further back would the variance be required.
Mr. Bergles states he is trying to avoid the flood plain. The garage plan as drawn would have the best curb appeal. The 5' on the side of the garage is not useful and is dead space. Therefore, the 2.5' request seems the best use for this space.

Mr. Pirog asks if neighbors had to sign anything to approve his plan.
Mr. Bergles states that neighbors are in support and there has not been any negative feedback.

Ms. Wood asks Staff for clarification.

Mr. Vyverberg discusses a point of clarification and speaks about the flood plain on Mr. Bergles' rear west side of property. Mr. Vyverberg explains that it is not in the flood plain but flows to the west. A permit was requested to add the storm sewer system and approved but it was not in the flood plain.
Staff did not object to the 6' relief from the principal structure to the garage. Initial concern is that the existing garage is a 1-car garage and the new request is not meeting the setback. The special use is also requesting the new structure to be built with a maximum height of 22' and it diminishes the setback almost in half.

Attachment: ZBA Minutes (308 S. Benton Street - SU VAR Detached Garage)

This is a concern for staff. He believes it would be possible that the underlying 5' setback could be met. Mr. Vyverberg staff understands the perspective about moving the cars in and out and the room it requires. ZBA is aware that detached garages are more common than attached in the neighborhood. Staff understands what the petitioner is trying to do in regards to height and rooflines. Staff found that within a couple blocks of the property there is accessory structure relief and lot coverage reliefs. Staff is not recommending approval to the ZBA and the village council and ZBA will review.

Mr. Pirog asks if there is any way to do what petitioner is asking for if the 2.75 is not granted. He would have to push it back, right?
Mr. Vyverberg said that if the garage met the 5' setback which is required by code the lot coverage would increase and a different type of lot coverage variation would be required. The only way to accomplish this is to relocate to the south and west and increase the lot coverage.

Mr. Dittrich asks if staff would approve if the garage were it not as high. Is the denial because of the height coupled with the lot line?
Mr. Vyverberg states that demolishing the structure and starting new to meet the side yard setback.

Mr. Pirog notes the petitioner stated if it was built further back it would be in the flood plain/sewer area.
Mr. Vyverberg states that there is the ability to meet the side yard setback requirement with the garage this size and not have any storm water concerns. It would have to be built a certain way and grated accordingly but it's not an impossibility

Ms. Wood asks if there are any questions for staff.

Mr. Dittrich refers to 61 E corner lot - Is the garage considered a legal garage or is it in the side yard. How far is this garage from the side line?

Mr. Vyverberg states they pulled the plat of surveys for the surrounding properties. The property garage in question sits 10' from the property line. This would be considered a rear yard.

Ms. Wood moves to Staff Recommendations

STAFF RECOMMENDATION:

Detached garages are both typical and common in this subdivision. The Petitioners are requesting to build a 2-car detached garage that exceeds both the maximum height and minimum setback requirements, as well as, the total maximum allowable lot coverage. The Subject and surrounding properties were platted in 1926 and most of the lots in this area are substandard for lot width (a minimum of 75 feet wide is the current requirement and has been since the early

Attachment: ZBA Minutes (308 S. Benton Street - SU VAR Detached Garage)

1970's) and total lot size. Most of the homes in the neighborhood have detached garages (including the lot directly north of the Subject Property - that resident submitted an email of support for the request).

The setback from the house of 6 feet was previously contemplated when the Petitioner completed the second story addition. Staff does not object to the proposed separation variation between structures. Nevertheless, Staff believes that the proposed garage could comply with the minimum 5-foot setback requirement from the side property line. The existing garage is a single-story and is setback 4.84 feet from the side property line. The new garage is 546 square feet versus the existing 308 square feet. Staff does not believe that the standards have been met to justify the setback reduction for the garage. Staff understands that in order to meet the setback requirement, additional lot coverage relief would be required and the garage would further encroach into the rear yard. Nevertheless, Staff recommends denial of the requested setback reduction.

The proposed garage is 22 feet tall, which is lower than the highest point of the existing home, 30 feet. However, there did not appear to be any detached structures of similar height, and the neighboring detached garages do meet Code for a maximum height of 15 feet The submitted plans indicate that the second story would be unfinished and used for storage only. However, this could be achieved and still meet the height requirements. The lot is substandard for lot area, which impacts the lot coverage increase. As with the previous improvements, the lot existing at the maximum lot coverage allowed, so any additional impervious surface would have required a lot coverage variation. Due to the existing grading in the area, the Village Engineer indicates that any additional lot coverage will not impact the surround properties and the Petitioner recently extended a private storm sewer on the north side of the property line. Therefore, Staff does not have any other specific concerns about the lot coverage variation.

Staff recommends action at the discretion for Special Use to exceed the maximum height of an accessory structure of the Zoning Board of Appeals. If the Zoning Board of Appeals recommends approval of the Special Use, Staff recommends the following condition:

1. The Special Use and Variations shall substantially conform to the plans prepared by the architect, KAPA dated 6/30/2020, and elevations submitted by the Petitioner on 11/9/21, except as such plans may be changed to conform to Village Codes and Ordinances.

Mr. Vyverberg said there is also a question about the down spouts and gutters if this is approved it will be addressed at the building permit level.

Mr. Pirog asks if the 55' lot is a unique circumstance. Has other properties in the neighborhood requested the 2' set back variation. Can you clarify why the request doesn't it meet the standards.

Attachment: ZBA Minutes (308 S. Benton Street - SU VAR Detached Garage)

Mr. Vyverberg states that it is ultimately at the discretion of the ZBA. From staff perspective, specifically for the variation, petioner must show if the property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; that the plight of the owner is due to unique circumstances; Staff feels that the findings show it is physically possible to relocate the garage on the property to meet the side yard setback.

Ms. Wood asks if there are any questions on staff's recommendations.
Mr. Bergles states he is here to request a variance and relief from the standards and village code.

Mr. Dittrich - asks Mr. Bergles to confirm the underground sewage system that is installed in back corner of lot.
Mr. Bergles states that he installed the sewage system to eliminate standing water on his property.

Mr. Dittrich states that the reason for building the garage as planned would not be affected if the garage were moved back further it would cut into the underground sewage.
Mr. Bergles states the system would not be affected

Ms. Wood asks if there are any other questions for staff or petioner.

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

Mr. Dittrich made a motion to approve the special use to permit an accessory structure to exceed the maximum height allowed subject to staff's condition.
Ms. Wood - would you like to address 3 motions.
Mr. Dittrich amends motion and approves all 3 - the special use and 2 variations subject to staff's condition.

DELIBERATIONS:

Mr. Dittrich states the lot coverage is already at 45%. Anything beyond a one-car garage will exceed the Village ordinances. Village staff hasn't expressed any concern in regards to lot coverage. He notes that the Special Use exceeding 15' on the height is high but the height of the house is at 30'. Does not feel that it would be out of place.
Regarding the lot line variation he believes the patio with the steps would be difficult to pull out of the garage and it creates obstacles.

Ted believes it could get costly and interfere with some of his drainage structures. To have a reasonable return on your property you would need a 2-

Attachment: ZBA Minutes (308 S. Benton Street - SU VAR Detached Garage)

car garage and from that stand point, the variation has been met.

Mr. Pirog talks about the lot line and either way it would need a variance due to lot size.

Ms. Wood agrees that a 2-car garage is a reasonable request. The accessory structure located 2' from lot line is a concern and notes that after driving by the lot, she observes that the property looks very crowded. Ms. Wood notes that there are unique circumstances to the size of the structures and the size of the lots. Architecturally it does make sense since it is hidden from the view. The 2' side lot gives her pause.

Ms. Roth- Wurster states that the home is lovely. She states that her concern is the lot coverage. The area already has an issue with water and this may enhance it. She is concerned about adding anything to the lot coverage. In regards to the location and 2' from the side lot line she notes that in her neighborhood there are garages 2' from lot line. If neighbors that are most impacted by it don't have a problem with it than she's fine with the request. She also notes that pulling in and out of the garage in a straight shot is important.

Ms. Wood summarized that this request has met the standards and was approved by a vote of 4-2. This item will tentatively go to Village Council on April 12, 2021

RESULT:	**RECOMMENDED TO APPROVE [4 TO 2]**
MOVER:	James Dittrich, Commissioner
SECONDER:	Theodore McGinn, Commissioner
AYES:	Luszczak, McGinn, Dittrich, Pirog
NAYS:	Roth-Wurster, Wood
ABSENT:	Larson, Cavanaugh

Attachment: ZBA Minutes (308 S. Benton Street - SU VAR Detached Garage)

IV. COMMUNICATIONS

V. ADJOURNMENT

Attachment: ZBA Minutes (308 S. Benton Street - SU VAR Detached Garage)

PUBLIC NOTICE
A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, February 23, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
Special Use to permit an accessory structure to exceed the maximum height allowed of one (1) story, not to exceed 15 feet at midpoint or the highest point of the principal structure, per Section 6.01 (a) (1) of the Village of Palatine Zoning Ordinance.
Variation to permit an accessory structure to be located 2 feet from the side lot line instead of the minimum required 5 feet and 6 feet from the primary structure instead of the minimum required 10 feet per Section 6.01 (a) (2) of the Village of Palatine Zoning Ordinance.
Variation to permit lot coverage to be 48 percent instead of the maximum permitted 45 percent pursuant to Section 10.06 (g) (1) (b) of the Village of Palatine Zoning Ordinance.
The property is commonly known as 308 S Benton Street.
The Petitioner is proposing to replace an existing detached garage and shed, with one new detached garage. The detached garage will have a mean height of 18 feet between the eaves and ridges of the roof and a maximum height of 22 feet.
The above petition has been filed by Bryan Bergles and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 20-54
VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning Board of Appeals
DATED: This 8th day of February, 2021
Published in Daily Herald February 8, 2021 (4558280)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin,Antioch,Arlington Heights,Aurora,North Aurora,Bannockburn, Barrington,Barrington Hills,Lake Barrington,North Barrington,South Barrington,Bartlett,Batavia,Buffalo Grove,Burlington,Campton Hills, Carpentersville,Cary,Crystal Lake,Deerfield,Deer Park,Des Plaines,Elburn, East Dundee,Elgin,South Elgin,Elk Grove Village,Fox Lake, Fox River Grove,Franklin Park,Geneva,Gilberts,Glenview,Grayslake, Green Oaks,Gurnee,Hainesville,Hampshire,Hanover Park,Hawthorn Woods, Highland Park,Highwood,Hoffman Estates,Huntley,Inverness,Island Lake, Kildeer,Lake Bluff,Lake Forest,Lake in the Hills,Lake Villa,Lake Zurich, Libertyville,Lincolnshire,Lindenhurst,Long Grove,Melrose Park,Montgomery Morton Grove,Mt.Prospect,Mundelein,Niles,Northbrook,Northfield,Northlake Palatine,Park Ridge,Prospect Heights,River Grove,Riverwoods, Rolling Meadows,Rosemont,Round Lake,Round Lake Beach, Round Lake Heights,Round Lake Park,Schaumburg,Schiller Park,Sleepy Holl St. Charles,Streamwood,Sugar Grove,Third Lake,Tower Lakes,Vernon Hills, Volo,Wadsworth,Wauconda,Waukegan,West Dundee,Wheeling,Wildwood, Wilmette

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 02/08/2021 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Paula Raetz
Authorized Agent

Control # 4558280

Attachment: Public Notice (308 S. Benton Street - SU VAR Detached Garage)

Consider an Ordinance Granting Text Amendments to the Village of Palatine Zoning Ordinance, Article 3, Section 3.02 (Specific Definitions) and Article 11, Sections 11.03 (d) (B-2 Special Uses) and 11.06 (e) (B-5 District Special Uses)

BACKGROUND:
Staff is recommending several text amendments to eliminate any required setback from the principal structure for pergolas/gazeebos and to address the introduction of a new accessory use for funeral homes. Therefore, Staff is recommending text amendments to Section 3.02 Specific Definitions and Sections 11.03 (d) B-2 Special Uses and 11.06 (e) B-5 Special Uses.

KEY ISSUES:

- Staff periodically reviews and amends the Zoning Ordinance to either address an unforeseen circumstance or to provide a Code-related response to a new activity or situation. In this instance, Staff had previously processed a text amendment to allow pergolas/gazeebos to be reviewed as minor special uses, all of which have been reviewed and approved, without impact or issue to the surrounding properties.

- As there are no Fire Prevention concerns or issues with the proximity setback for an open air structure, Staff and the Plan Commission are now recommending eliminating the setback requirement from the principal structure for pergola/gazeebos.

- Given their typical intended placement and use (e.g. on a patio behind a home), most pergolas and potentially some gazebos would not comply with the minimum required 10-foot setback from the principal structure.

- After surveying several neighboring communities, pergolas and gazebos are reviewed as accessory structures category, but many of the surrounding communities surveyed do not have a 10-foot separation requirement from the principal structure. Pergolas and gazebos are only permitted in the rear or interior side yards of a residential property. The previous approvals of all of the minor amendments for pergolas, without incident or issue provides guidance for the elimination of a setback from the principal structure.

- Ahlgrim Funeral home applied for a building permit to install an alkaline hydrolysis or water based cremation equipment at their location on Northwest Highway. This use or process is not recognized within the zoning ordinance. The only reference to cremation is within the definition section:

  - *Funeral home or undertaking establishment.* Shall mean a facility where ceremonies are held in connection with the embalming and burial of deceased persons and shall not include as a service provided, the cremation of corpses.

- This is a newer type of cremation service that is allowed by law in approximately 20 states, with numerous others reviewing their laws for an inclusion amendment. The State of Illinois amended its laws in 2012 to recognize and allow this new technology in the Crematory Regulation Act.

- Staff completed a through the review of the relevant information about water based cremation. This type of cremation is more efficient, uses less energy, and does not have any of the mercury emissions, or soot or odor emissions associated with traditional cremation services.

- The exclusion for the cremation of corpses in the current definition section did not contemplate water based cremation in the Zoning Ordinance and referenced the traditional form of cremation. The water based process uses a potassium-hydroxide and water solution, in order to dissolve, over a period of hours. In addition to being permitted and regulated by the State, this type of cremation does not impact the sewer system and is permitted in compliance with the discharge limitations of Section 2 of the User Charge Ordinance, as regulated by MWRD.

- These types of cremation units are allowed in numerous other municipalities. Staff is recommending that water cremation or Alkaline Hydrolysis be permitted as an accessory use to a funeral home and would follow the typical building permit review process for completion.

ALTERNATIVES:

1. Approve the Text Amendments regarding water based cremation, as an accessory use to a funeral home and removing the setback from the principal structure for pergolas/gazeebos.
2. Do not the Text Amendments regarding water based cremation, as an accessory use to a funeral home and removing the setback from the principal structure for pergolas/gazeebos.

RECOMMENDATION:

Public Hearing:	Plan Commission - April 6 2021
Residents testifying:	None.
Vote:	The Plan Commission voted unanimously to approve the requested development and Staff concurs.

ACTION REQUIRED:

A motion to approve the Text Amendments removing the setback requirement from the principal structures for pergolas/gazeebos and permitted water based cremation, as an accessory use to a funeral home.

ATTACHMENTS:

- ORD Text Amendments to Exhibit A of the Village of Palatine Code of Ordinances
- EXHIBIT A - Text Amendments
- 410 ILCS 18_ Crematory Regulation Act_
- Fire Prevention requirements for pergolas-gazeebos
- Text Amendment DRAFT MINUTES
- Public Notice Text Amendments

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES APPENDIX "A" – THE ZONING ORDINANCE OF THE VILLAGE OF PALATINE SECTION 3.02 – SPECIFIC DEFINITIONS – SECTIONS 11.03 (D) – B-2 DISTRICT SPECIAL USES AND 11.06 (E) B-5 DISTRICT SPECIAL USES

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power, that:

SECTION 1: That the Code of Ordinances, of the Village of Palatine, Illinois, as amended, be and the same is hereby further amended by amending Appendix A – Zoning Ordinance - Text amendments to Article 3 – Rules and Definitions, Section 3.02 - Specific Definitions; and Article 11 – Business Districts; Sections 11.03 (d) – B-2 District Special Uses and 11.06 (e) B-5 District Special Uses, shall be read as indicated on Exhibit "A".

SECTION 2: That the Village Clerk is directed to maintain a record of the modifications to the existing ordinance, all of which are indicated on Exhibit "A" (a redlined version of the modifications approved pursuant to this Ordinance).

SECTION 3: That this ordinance shall be in full force and effect from and after its passage an approval as provided by law.

PASSED: This _____ day of _____, 2021

AYES: _____ NAYS: _____ ABSENT: _____ PASS: _____

APPROVED by me this _____ day of _____, 2021

_____
Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this

_____ day of _____, 2020

_____
Village Clerk

Attachment: ORD Text Amendments to Exhibit A of the Village of Palatine Code of Ordinances (Text amendments re water cremation and

EXHIBIT A – **Section 3.02**

Funeral home or undertaking establishment. Shall mean a facility where ceremonies are held in connection with the embalming and burial of deceased persons and shall not include as a service provided, the cremation of corpses, unless otherwise permitted within the Zoning Ordinance.

Garage, public. Any building where motor vehicles are painted, repaired, rebuilt, reconstructed or stored for compensation.

Garage, storage. A building used solely for the storage of passenger vehicles, but not for the service or repair thereof nor the sale of fuel, accessories or supplies.

Gazebo / pergola. – An open-air accessory structure that is covered and freestanding. Gazebos and pergolas are not required to provide a setback from the principal structure.

Article 11, Sections 11.03 (d) Special Uses in the B-2

B-2 District - 11.03 (d) *Special uses.* The following uses are permitted as special uses when authorized by the village council subject to the standards set forth in section 14.05 of this ordinance: (Ord. No. O-19-20, 03/09/20)

(1) Animal hospitals and kennels.

(31) Undertaking establishments and funeral homes ~~parlor~~; ~~with~~ which may include one attached residential unit.-Water based cremation or alkaline hydrolysis is also permitted as an accessory use to the funeral home.

Highway business district - 11.06 (e) Special Uses in the B-5 districts

(e) *Special uses.* The following uses are permitted as special uses when authorized by the village board subject to the standards set forth in section 14.05 of this ordinance:

(1) Animal hospital or kennels.

(18) Undertaking establishments and funeral homes ~~parlor~~; ~~with~~ which may include one attached residential unit.-Water based cremation or alkaline hydrolysis is also permitted as an accessory use to the funeral home.

Attachment: EXHIBIT A - Text Amendments (Text amendments re water cremation and pergola w/o setback)

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

PUBLIC HEALTH
(410 ILCS 18/) Crematory Regulation Act.

(410 ILCS 18/1)
(Section scheduled to be repealed on January 1, 2022)

Sec. 1. Short title. This Act may be cited as the Crematory Regulation Act.
(Source: P.A. 87-1187.)

(410 ILCS 18/5)
(Section scheduled to be repealed on January 1, 2022)

Sec. 5. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Comptroller in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the Comptroller of any change of address within 14 days, and such changes must be made either through the Comptroller's website or by contacting the Comptroller. The address of record shall be the permanent street address of the crematory.

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible or consumable materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

"Authorizing agent" means a person legally entitled to order the cremation and final disposition of specific human remains. "Authorizing agent" includes an institution of medical, mortuary, or other sciences as provided in Section 20 of the Disposition of Remains of the Indigent Act.

"Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.

"Burial transit permit" means a permit for disposition of a dead human body as required by Illinois law.

"Casket" means a rigid container that is designed for the encasement of human remains, is usually constructed of wood, metal, or like material and ornamented and lined with fabric, and may or may not be combustible.

"Comptroller" means the Comptroller of the State of Illinois.

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

"Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"Cremation chamber" means the enclosed space within which the cremation takes place.

"Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

"Cremation room" means the room in which the cremation chamber is located.

"Crematory" means the building or portion of a building that houses the cremation room and the holding facility.

"Crematory authority" means the legal entity which is licensed by the Comptroller to operate a crematory and to perform cremations.

"Final disposition" means the burial, cremation, or other disposition of a dead human body or parts of a dead human body.

"Funeral director" means a person known by the title of "funeral director", "funeral director and embalmer", or other similar words or titles, licensed by the State to practice funeral directing or funeral directing and embalming.

"Funeral establishment" means a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and may contain facilities for funeral or wake services.

"Holding facility" means an area that (i) is designated for the retention of human remains prior to cremation, (ii) complies with all applicable public health law, (iii) preserves the health and safety of the crematory authority personnel, and (iv) is secure from access by anyone other than authorized persons. A holding facility may be located in a cremation room.

"Human remains" means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

"Licensee" means an entity licensed under this Act. An entity that holds itself as a licensee or that is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Niche" means a compartment or cubicle for the memorialization and permanent placement of an urn containing cremated remains.

"Person" means any person, partnership, association, corporation, limited liability company, or other entity, and in the case of any such business organization, its officers, partners, members, or shareholders possessing 25% or more of ownership of the entity.

"Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

"Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation process to granulated particles by manual or mechanical means.

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property or property used for outdoor recreation or natural resource conservation owned by the Department of Natural Resources and designated as a

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

scattering area, where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

"Urn" means a receptacle designed to encase the cremated remains.

(Source: P.A. 100-97, eff. 1-1-18; 100-526, eff. 6-1-18; 100-863, eff. 8-14-18.)

(410 ILCS 18/7)

(Section scheduled to be repealed on January 1, 2022)

Sec. 7. Powers and duties of the Comptroller. Subject to the provisions of this Act, the Comptroller may exercise any of the following powers and duties:

(1) Authorize standards to ascertain the qualifications and fitness of applicants for licensing as licensed crematory authorities and pass upon the qualifications of applicants for licensure.

(2) Examine and audit a licensed crematory authority's records, crematory, or any other aspects of crematory operation as the Comptroller deems appropriate.

(3) Investigate any and all unlicensed activity.

(4) Conduct hearings on proceedings to refuse to issue licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees and to refuse to issue licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline licensees.

(5) Formulate rules required for the administration of this Act.

(6) Maintain rosters of the names and addresses of all licensees, and all entities whose licenses have been suspended, revoked, or otherwise disciplined. These rosters shall be available upon written request and payment of the required fee.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/10)

(Section scheduled to be repealed on January 1, 2022)

Sec. 10. Establishment of crematory and licensing of crematory authority.

(a) Any person doing business in this State, or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity, may erect, maintain, and operate a crematory in this State and provide the necessary appliances and facilities for the cremation of human remains in accordance with this Act.

(b) A crematory shall be subject to all local, State, and federal health and environmental protection requirements and shall obtain all necessary licenses and permits from the Department of Financial and Professional Regulation, the Department of Public Health, the federal Department of Health and Human Services, and the Illinois and federal Environmental Protection Agencies, or such other appropriate local, State, or federal agencies.

(c) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.

(d) An application for licensure as a crematory authority

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

shall be in writing on forms furnished by the Comptroller. Applications shall be accompanied by a fee of $50 and shall contain all of the following:

(1) The full name and address, both residence and business, of the applicant if the applicant is an individual; the full name and address of every member if the applicant is a partnership; the full name and address of every member of the board of directors if the applicant is an association; and the name and address of every officer, director, and shareholder holding more than 25% of the corporate stock if the applicant is a corporation.

(2) The address and location of the crematory.

(3) A description of the type of structure and equipment to be used in the operation of the crematory, including the operating permit number issued to the cremation device by the Illinois Environmental Protection Agency.

(4) Any further information that the Comptroller reasonably may require.

(e) Each crematory authority shall file an annual report with the Comptroller, accompanied with a $25 fee, providing (i) an affidavit signed by the owner of the crematory authority that at the time of the report the cremation device was in proper operating condition, (ii) the total number of all cremations performed at the crematory during the past year, (iii) attestation by the licensee that all applicable permits and certifications are valid, (iv) either (A) any changes required in the information provided under subsection (d) or (B) an indication that no changes have occurred, and (v) any other information that the Comptroller may require. The annual report shall be filed by a crematory authority on or before March 15 of each calendar year. If the fiscal year of a crematory authority is other than on a calendar year basis, then the crematory authority shall file the report required by this Section within 75 days after the end of its fiscal year. If a crematory authority fails to submit an annual report to the Comptroller within the time specified in this Section, the Comptroller shall impose upon the crematory authority a penalty of $5 for each and every day the crematory authority remains delinquent in submitting the annual report. The Comptroller may abate all or part of the $5 daily penalty for good cause shown.

(f) All records required to be maintained under this Act, including but not limited to those relating to the license and annual report of the crematory authority required to be filed under this Section, shall be subject to inspection by the Comptroller upon reasonable notice.

(g) The Comptroller may inspect crematory records at the crematory authority's place of business to review the licensee's compliance with this Act. The inspection must include verification that:

(1) the crematory authority has complied with record-keeping requirements of this Act;

(2) a crematory device operator's certification of training is conspicuously displayed at the crematory;

(3) the cremation device has a current operating permit issued by the Illinois Environmental Protection Agency and the permit is conspicuously displayed in the crematory;

(4) the crematory authority is in compliance with local zoning requirements;

(5) the crematory authority license issued by the Comptroller is conspicuously displayed at the crematory; and

(6) other details as determined by rule.

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

(h) The Comptroller shall issue licenses under this Act to the crematories that are registered with the Comptroller as of on March 1, 2012 without requiring the previously registered crematories to complete license applications.
(Source: P.A. 97-679, eff. 2-6-12; 97-813, eff. 7-13-12; 98-463, eff. 8-16-13.)

(410 ILCS 18/11)
(Section scheduled to be repealed on January 1, 2022)
Sec. 11. Grounds for denial or discipline.

(a) In this Section, "applicant" means a person who has applied for a license under this Act including those persons whose names are listed on a license application in Section 10 of this Act.

(b) The Comptroller may refuse to issue a license, place on probation, reprimand, or take other disciplinary action that the Comptroller may deem appropriate, including imposing fines not to exceed $5,000 for each violation, with regard to any license under this Act, or may suspend or revoke a license issued under this Act, on any of the following grounds:

(1) The applicant or licensee has made any misrepresentation or false statement or concealed any material fact in furnishing information to the Comptroller.

(2) The applicant or licensee has been engaged in business practices that work a fraud.

(3) The applicant or licensee has refused to give information required under this Act to be disclosed to the Comptroller or failing, within 30 days, to provide information in response to a written request made by the Comptroller.

(4) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(5) As to any individual listed in the license application as required under Section 10, that individual has conducted or is about to conduct any cremation business on behalf of the applicant in a fraudulent manner or has been convicted of any felony or misdemeanor an essential element of which is fraud.

(6) The applicant or licensee has failed to make the annual report required by this Act or to comply with a final order, decision, or finding of the Comptroller made under this Act.

(7) The applicant or licensee, including any member, officer, or director of the applicant or licensee if the applicant or licensee is a firm, partnership, association, or corporation and including any shareholder holding more than 25% of the corporate stock of the applicant or licensee, has violated any provision of this Act or any regulation or order made by the Comptroller under this Act.

(8) The Comptroller finds any fact or condition existing that, if it had existed at the time of the original application for a license under this Act, would have warranted the Comptroller in refusing the issuance of the license.

(9) Any violation of this Act or of the rules adopted under this Act.

(10) Incompetence.

(11) Gross malpractice.

(12) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(13) Directly or indirectly giving to or receiving

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(14) A finding by the Comptroller that the licensee, after having its license placed on probationary status, has violated the terms of probation.

(15) Willfully making or filing false records or reports, including, but not limited to, false records filed with State agencies or departments.

(16) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(17) Practicing under a false or, except as provided by law, an assumed name.

(18) Cheating on or attempting to subvert this Act's licensing application process.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/11.5)

(Section scheduled to be repealed on January 1, 2022)

Sec. 11.5. License revocation or suspension; surrender of license.

(a) (Blank).

(b) Upon the revocation or suspension of a license issued under this Act, the licensee must immediately surrender the license to the Comptroller. If the licensee fails to do so, the Comptroller may seize the license.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/12)

(Section scheduled to be repealed on January 1, 2022)

Sec. 12. Surrender of license; effect on licensee's liability. A licensee may surrender a license issued under this Act by delivering to the Comptroller a written notice stating that the licensee thereby surrenders the license, but such a surrender does not affect the licensee's civil or criminal liability for acts committed before the surrender.

(Source: P.A. 92-675, eff. 7-1-03.)

(410 ILCS 18/13)

(Section scheduled to be repealed on January 1, 2022)

Sec. 13. License; display; transfer; duration.

(a) Every license issued under this Act must state the number of the license, the business name and address of the licensee's principal place of business, and the licensee's parent company, if any. The license must be conspicuously posted in the place of business operating under the license.

(b) After initial licensure, if any person comes to obtain at least 51% of the ownership over the licensed crematory authority, then the crematory authority shall apply for a new license in the required time as set out by rule.

(c) Every license issued under this Act shall remain in force until it has been surrendered, suspended, or revoked in accordance with this Act. Upon the request of an interested person or on the Comptroller's own motion, the Comptroller may issue a new license to a licensee whose license has been revoked under this Act if no factor or condition then exists which would have warranted the Comptroller in originally refusing the issuance of the license.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

(410 ILCS 18/14)
(Section scheduled to be repealed on January 1, 2022)
Sec. 14. Display of cremation device permit. A crematory authority must conspicuously display in its place of business the operating permit issued to its cremation device by the Illinois Environmental Protection Agency and the license issued by the Comptroller under this Act. All rulemaking authority in connection with operating permits issued by the Illinois Environmental Protection Agency shall be vested with the Illinois Environmental Protection Agency and all rulemaking authority in connection with licenses issued by the Comptroller under this Act shall be vested with the Comptroller.
(Source: P.A. 97-679, eff. 2-6-12.)

(410 ILCS 18/15)
(Section scheduled to be repealed on January 1, 2022)
Sec. 15. Authorizing agent. The priority of the person or persons who have the right to serve as the authorizing agent for cremation is in the same priority as provided for in Section 5 of the Disposition of Remains Act.
(Source: P.A. 94-561, eff. 1-1-06.)

(410 ILCS 18/19)
(Section scheduled to be repealed on January 1, 2022)
Sec. 19. Cremation only in crematory. An individual or a person, cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization, or other entity may cremate human remains only in a crematory operated by a crematory authority licensed for this purpose and only under the limitations provided in this Act.
(Source: P.A. 92-675, eff. 7-1-03.)

(410 ILCS 18/20)
(Section scheduled to be repealed on January 1, 2022)
Sec. 20. Authorization to cremate.
(a) A crematory authority shall not cremate human remains until it has received all of the following:
(1) A cremation authorization form signed by an authorizing agent. The cremation authorization form shall be provided by the crematory authority and shall contain, at a minimum, the following information:
(A) The identity of the human remains and the time and date of death.
(B) The name of the funeral director and funeral establishment, if applicable, that obtained the cremation authorization.
(C) Notification as to whether the death occurred from a disease declared by the Department of Health to be infectious, contagious, communicable, or dangerous to the public health.
(D) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.
(E) A representation that the authorizing agent does in fact have the right to authorize the cremation of the decedent, and that the authorizing agent is not aware of any living person who has a superior priority right to that of the authorizing agent, as set forth in Section 15. In the event there is another living person who has a superior priority right to that of the authorizing agent, the form shall contain a representation that the authorizing agent has made all reasonable efforts to contact that person, has been

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unable to do so, and has no reason to believe that the person would object to the cremation of the decedent.

(F) Authorization for the crematory authority to cremate the human remains.

(G) A representation that the human remains do not contain a pacemaker or any other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation.

(H) The name of the person authorized to receive the cremated remains from the crematory authority.

(I) The manner in which final disposition of the cremated remains is to take place, if known. If the cremation authorization form does not specify final disposition in a grave, crypt, niche, or scattering area, then the form may indicate that the cremated remains will be held by the crematory authority for 30 days before they are released, unless they are picked up from the crematory authority prior to that time, in person, by the authorizing agent. At the end of the 30 days the crematory authority may return the cremated remains to the authorizing agent if no final disposition arrangements are made; or at the end of 60 days the crematory authority may dispose of the cremated remains in accordance with subsection (d) of Section 40.

(J) A listing of any items of value to be delivered to the crematory authority along with the human remains, and instructions as to how the items should be handled.

(K) A specific statement as to whether the authorizing agent has made arrangements for any type of viewing of the decedent before cremation, or for a service with the decedent present before cremation in connection with the cremation, and if so, the date and time of the viewing or service and whether the crematory authority is authorized to proceed with the cremation upon receipt of the human remains.

(L) The signature of the authorizing agent, attesting to the accuracy of all representations contained on the cremation authorization form, except as set forth in paragraph (M) of this subsection.

(M) If a cremation authorization form is being executed on a pre-need basis, the cremation authorization form shall contain the disclosure required by subsection (b) of Section 140.

(N) The cremation authorization form, other than pre-need cremation forms, shall also be signed by a funeral director or other representative of the funeral establishment that obtained the cremation authorization. That individual shall merely execute the cremation authorization form as a witness and shall not be responsible for any of the representations made by the authorizing agent, unless the individual has actual knowledge to the contrary. The information requested by items (A), (B), (C) and (G) of this subsection, however, shall be considered to be representations of the authorizing agent. In addition, the funeral director or funeral establishment shall warrant to the crematory that the human remains delivered to the crematory authority are the human remains identified on the cremation authorization form.

(2) A completed and executed burial transit permit indicating that the human remains are to be cremated.

(3) Any other documentation required by this State.

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(b) If an authorizing agent is not available to execute a cremation authorization form in person, that person may delegate that authority to another person in writing, or by sending the crematory authority a facsimile transmission that contains the name, address, and relationship of the sender to the decedent and the name and address of the individual to whom authority is delegated. Upon receipt of the written document, or facsimile transmission, telegram, or other electronic telecommunications transmission which specifies the individual to whom authority has been delegated, the crematory authority shall allow this individual to serve as the authorizing agent and to execute the cremation authorization form. The crematory authority shall be entitled to rely upon the cremation authorization form without liability.

(c) An authorizing agent who signs a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth on the cremation authorization form, including that person's authority to order the cremation; except for the information required by items (C) and (G) of paragraph (1) of subsection (a) of this Section, unless the authorizing agent has actual knowledge to the contrary. An authorizing agent signing a cremation authorization form shall be personally and individually liable for all damages occasioned by and resulting from authorizing the cremation.

(d) A crematory authority shall have authority to cremate human remains upon the receipt of a cremation authorization form signed by an authorizing agent. There shall be no liability for a crematory authority that cremates human remains according to an authorization, or that releases or disposes of the cremated remains according to an authorization, except for a crematory authority's gross negligence, provided that the crematory authority performs its functions in compliance with this Act.

(e) After an authorizing agent has executed a cremation authorization form, the authorizing agent may revoke the authorization and instruct the crematory authority to cancel the cremation and to release or deliver the human remains to another crematory authority or funeral establishment. The instructions shall be provided to the crematory authority in writing. A crematory authority shall honor any instructions given to it by an authorizing agent under this Section if it receives the instructions prior to beginning the cremation of the human remains.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/22)

(Section scheduled to be repealed on January 1, 2022)

Sec. 22. Performance of cremation service; training. A person may not perform a cremation service in this State unless he or she has completed training in performing cremation services and received certification by a program recognized by the Comptroller. The crematory authority must conspicuously display the certification at the crematory authority's place of business. Any new employee shall have a reasonable time period, not to exceed one year, to attend a recognized training program. In the interim, the new employee may perform a cremation service if he or she has received training from another person who has received certification by a program recognized by the Comptroller and is under the supervision of the trained person. For purposes of this Act, the Comptroller may recognize any training program that provides training in the operation of a cremation device, in the maintenance of a clean facility, and in the proper handling of human remains. The Comptroller may recognize any course that is conducted by a death care trade association in Illinois or the United States or by a

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manufacturer of a cremation unit that is consistent with the standards provided in this Act or as otherwise determined by rule.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/25)
(Section scheduled to be repealed on January 1, 2022)
Sec. 25. Recordkeeping.

(a) The crematory authority shall furnish to the person who delivers human remains to the crematory authority a receipt signed at the time of delivery by both the crematory authority and the person who delivers the human remains, showing the date and time of the delivery, the type of casket or alternative container that was delivered, the name of the person from whom the human remains were received and the name of the funeral establishment or other entity with whom the person is affiliated, the name of the person who received the human remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(b) Upon its release of cremated remains, the crematory authority shall furnish to the person who receives the cremated remains from the crematory authority a receipt signed by both the crematory authority and the person who receives the cremated remains, showing the date and time of the release, the name of the person to whom the cremated remains were released and the name of the funeral establishment, cemetery, or other entity with whom the person is affiliated, the name of the person who released the cremated remains on behalf of the crematory authority, and the name of the decedent. The crematory shall retain a copy of this receipt in its permanent records.

(c) A crematory authority shall maintain at its place of business a permanent record of each cremation that took place at its facility which shall contain the name of the decedent, the date of the cremation, and the final disposition of the cremated remains.

(d) The crematory authority shall maintain a record of all cremated remains disposed of by the crematory authority in accordance with subsection (d) of Section 40.

(e) Upon completion of the cremation, the crematory authority shall file the burial transit permit as required by the Illinois Vital Records Act and rules adopted under that Act and the Illinois Counties Code, and transmit a photocopy of the burial transit permit along with the cremated remains to whoever receives the cremated remains from the authorizing agent unless the cremated remains are to be interred, entombed, inurned, or placed in a scattering area, in which case the crematory authority shall retain a copy of the burial transit permit and shall send the permit, along with the cremated remains, to the cemetery, which shall file the permit with the designated agency after the interment, entombment, inurnment, or scattering has taken place.

(f) All cemeteries shall maintain a record of all cremated remains that are disposed of on their property, provided that the cremated remains were properly transferred to the cemetery and the cemetery issued a receipt acknowledging the transfer of the cremated remains.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/30)
(Section scheduled to be repealed on January 1, 2022)
Sec. 30. Cremation containers.

(a) No crematory authority shall make or enforce any rules requiring that any human remains be placed in a casket before

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cremation or that human remains be cremated in a casket. No crematory authority shall refuse to accept human remains for cremation because the remains are not in a casket.

(b) No crematory authority shall accept human remains unless they are delivered to the crematory authority in a casket or an alternative container. If the human remains are delivered to the crematory authority in an alternative container, the alternative container shall comply with all aspects of the definition of "alternative container" set forth in Section 5.

(Source: P.A. 87-1187.)

(410 ILCS 18/35)

(Section scheduled to be repealed on January 1, 2022)

Sec. 35. Cremation procedures.

(a) Human remains shall not be cremated within 24 hours after the time of death, as indicated on the Medical Examiner's/Coroner's Certificate of Death. In any death, the human remains shall not be cremated by the crematory authority until a cremation permit has been received from the coroner or medical examiner of the county in which the death occurred and the crematory authority has received a cremation authorization form, executed by an authorizing agent, in accordance with the provisions of Section 15 of this Act. In no instance, however, shall the lapse of time between the death and the cremation be less than 24 hours, unless (i) it is known the deceased has an infectious or dangerous disease and that the time requirement is waived in writing by the medical examiner or coroner where the death occurred or (ii) because of a religious requirement.

(b) Except as set forth in subsection (a) of this Section, a crematory authority shall have the right to schedule the actual cremation to be performed at its own convenience, at any time after the human remains have been delivered to the crematory authority, unless the crematory authority has received specific instructions to the contrary on the cremation authorization form.

(c) No crematory authority shall cremate human remains when it has actual knowledge that human remains contain a pacemaker or any other material or implant that may be potentially hazardous to the person performing the cremation.

(d) No crematory authority shall refuse to accept human remains for cremation because such human remains are not embalmed.

(e) Whenever a crematory authority is unable or unauthorized to cremate human remains immediately upon taking custody of the remains, the crematory authority shall place the human remains in a holding facility in accordance with the crematory authority's rules and regulations. The crematory authority must notify the authorizing agent of the reasons for delay in cremation if a properly authorized cremation is not performed within any time period expressly contemplated in the authorization.

(f) A crematory authority shall not accept a casket or alternative container from which there is any evidence of the leakage of body fluids.

(g) The casket or the alternative container shall be cremated with the human remains or destroyed, unless the crematory authority has notified the authorizing agent to the contrary on the cremation authorization form and obtained the written consent of the authorizing agent.

(h) The simultaneous cremation of the human remains of more than one person within the same cremation chamber, without the prior written consent of the authorizing agent, is prohibited except for common cremation pursuant to Section 11.4 of the Hospital Licensing Act. Nothing in this subsection, however,

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shall prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the crematory authority from multiple sources, or the use of cremation equipment that contains more than one cremation chamber.

(i) No unauthorized person shall be permitted in the holding facility or cremation room while any human remains are being held there awaiting cremation, being cremated, or being removed from the cremation chamber.

(j) A crematory authority shall not remove any dental gold, body parts, organs, or any item of value prior to or subsequent to a cremation without previously having received specific written authorization from the authorizing agent and written instructions for the delivery of these items to the authorizing agent. Under no circumstances shall a crematory authority profit from making or assisting in any removal of valuables.

(k) Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the cremation chamber.

(l) If all of the recovered cremated remains will not fit within the receptacle that has been selected, the remainder of the cremated remains shall be returned to the authorizing agent or the agent's designee in a separate container. The crematory authority shall not return to an authorizing agent or the agent's designee more or less cremated remains than were removed from the cremation chamber.

(m) A crematory authority shall not knowingly represent to an authorizing agent or the agent's designee that a temporary container or urn contains the cremated remains of a specific decedent when it does not.

(n) Cremated remains shall be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting delivery.

(o) A crematory authority shall maintain an identification system that shall ensure that it shall be able to identify the human remains in its possession throughout all phases of the cremation process.

(Source: P.A. 96-338, eff. 1-1-10.)

(410 ILCS 18/40)

(Section scheduled to be repealed on January 1, 2022)

Sec. 40. Disposition of cremated remains.

(a) The authorizing agent shall be responsible for the final disposition of the cremated remains.

(b) Cremated remains may be disposed of by placing them in a grave, crypt, or niche, by scattering them in a scattering area as defined in this Act, or in any manner whatever on the private property of a consenting owner.

(c) Upon the completion of the cremation process, and except as provided for in item (I) of paragraph (1) of subsection (a) of Section 20, if the crematory authority has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the individual specified on the cremation authorization form, or if no individual is specified then to the authorizing agent. The delivery may be made in person or by registered mail. Upon receipt of the cremated remains, the individual receiving them may transport them in any manner in this State without a permit, and may dispose of them in accordance with this Section. After delivery, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains.

(d) If, after a period of 60 days from the date of the cremation, the authorizing agent or the agent's designee has not instructed the crematory authority to arrange for the final

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disposition of the cremated remains or claimed the cremated remains, the crematory authority may dispose of the cremated remains in any manner permitted by this Section. The crematory authority, however, shall keep a permanent record identifying the site of final disposition. The authorizing agent shall be responsible for reimbursing the crematory authority for all reasonable expenses incurred in disposing of the cremated remains. Upon disposing of the cremated remains, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains. Any person who was in possession of cremated remains prior to the effective date of this Act may dispose of them in accordance with this Section.

(e) Except with the express written permission of the authorizing agent, no person shall:

(1) Dispose of cremated remains in a manner or in a location so that the cremated remains are commingled with those of another person. This prohibition shall not apply to the scattering of cremated remains at sea, by air, or in an area located in a dedicated cemetery and used exclusively for those purposes.

(2) Place cremated remains of more than one person in the same temporary container or urn.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/45)

(Section scheduled to be repealed on January 1, 2022)

Sec. 45. Limitation of liability.

(a) A crematory authority that has received an executed cremation authorization form that complies with paragraph (1) of subsection (a) of Section 20 and has received any additional documentation required by Section 20 shall not be liable for cremating the human remains designated by the cremation authorization form if the cremation is performed in accordance with this Act.

(b) A crematory authority shall not be liable for refusing to accept human remains or to perform a cremation until it receives a court order or other suitable confirmation that a dispute has been settled, if:

(1) it is aware of any dispute concerning the cremation of the human remains;

(2) it has a reasonable basis for questioning any of the representations made by the authorizing agent; or

(3) it refuses to accept the human remains for any other lawful reason.

This provision shall not be construed as placing any affirmative obligation, not otherwise required by law, on any crematory authority to accept any human remains for cremation.

(c) No cemetery shall be liable for any cremated remains that are dumped, scattered, or otherwise deposited on the cemetery in violation of this Act, if that action is taken without the cemetery's consent.

(d) If a crematory authority is aware of any dispute concerning the release or disposition of the cremated remains, the crematory authority may refuse to release the cremated remains until the dispute has been resolved or the crematory authority has been provided with a court order directing the release or disposition of the cremated remains. A crematory authority shall not be liable for refusing to release or dispose of cremated remains in accordance with this Section.

(e) A crematory authority shall not be responsible or liable for any valuables delivered to the crematory authority with human remains, unless the crematory authority has received written instructions in accordance with item (K) of paragraph

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(1) of subsection (a) of Section 20.
(Source: P.A. 87-1187.)

(410 ILCS 18/50)
(Section scheduled to be repealed on January 1, 2022)

Sec. 50. Pacemakers and hazardous implants. If an authorizing agent informs the funeral director and the cremation authority on the cremation authorization form of the presence of a pacemaker in the human remains, then the funeral director shall be responsible for ensuring that all necessary steps have been taken to remove the pacemaker before delivering the human remains to the crematory. Should the funeral director who delivers the human remains to the crematory fail to ensure that the pacemaker has been removed from the human remains prior to delivery, and should the human remains be cremated with the pacemaker, then the funeral director who delivered the human remains to the crematory and anyone else covered by this Section shall be liable for all resulting damages.
(Source: P.A. 87-1187.)

(410 ILCS 18/55)
(Section scheduled to be repealed on January 1, 2022)

Sec. 55. Penalties. Violations of this Act shall be punishable as follows:

(1) Performing a cremation without receipt of a cremation authorization form signed by an authorizing agent shall be a Class 4 felony.

(2) Signing a cremation authorization form with the actual knowledge that the form contains false or incorrect information shall be a Class 4 felony.

(3) A Violation of any cremation procedure set forth in Section 35 shall be a Class 4 felony.

(4) Holding oneself out to the public as a crematory authority, or the operation of a building or structure within this State as a crematory, without being licensed under this Act, shall be a Class A misdemeanor.

(4.5) Performance of a cremation service by a person who has not completed a training program as defined in Section 22 of this Act shall be a Class A misdemeanor.

(4.10) Any person who intentionally violates a provision of this Act or a final order of the Comptroller is liable for a civil penalty not to exceed $5,000 per violation.

(4.15) Any person who knowingly acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(5) A violation of any other provision of this Act shall be a Class B misdemeanor.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/60)
(Section scheduled to be repealed on January 1, 2022)

Sec. 60. Failure to file annual report. Whenever a crematory authority refuses or neglects to file its annual report in violation of Section 10 of this Act, or fails to otherwise comply with the requirements of this Act, the Comptroller shall impose a penalty as provided for by rule for each and every day the licensee remains delinquent in submitting the annual report. Such report shall be made under oath and shall be in a form determined by the Comptroller.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

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(410 ILCS 18/62)
(Section scheduled to be repealed on January 1, 2022)
Sec. 62. Injunctive action; cease and desist order.

(a) If any person violates the provisions of this Act, the Comptroller, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the Comptroller, a person violates any provision of this Act, the Comptroller may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Comptroller and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Comptroller. Failure to answer to the satisfaction of the Comptroller shall cause an order to cease and desist to be issued.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/62.5)
(Section scheduled to be repealed on January 1, 2022)
Sec. 62.5. Service of notice. Service by the Comptroller of any notice requiring a person to file a statement or report under this Act shall be made: (1) personally by delivery of a duly executed copy of the notice to the person to be served or, if that person is not a natural person, in the manner provided in the Civil Practice Law when a complaint is filed; or (2) by mailing by certified mail a duly executed copy of the notice to the person at his or her address of record.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/62.10)
(Section scheduled to be repealed on January 1, 2022)
Sec. 62.10. Investigations; notice and hearing. The Comptroller may at any time investigate the actions of any applicant or of any person, persons, or entity rendering or offering to render cremation services or any person or entity holding or claiming to hold a license as a licensed crematory. The Comptroller shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 11 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused applicant or licensee to file a written answer to the charges with the Comptroller under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Comptroller may consider proper.

At the time and place fixed in the notice, the Comptroller shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any

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pertinent statements, testimony, evidence, and arguments. The Comptroller shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action with regard to a license. The hearing officer shall have full authority to conduct the hearing. The Comptroller may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Comptroller, be suspended, revoked, placed on probationary status, or the Comptroller may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by personal delivery or by certified mail to the address specified by the accused in his or her last notification with the Comptroller.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/62.15)
(Section scheduled to be repealed on January 1, 2022)
Sec. 62.15. Compelling testimony. Any circuit court, upon application of the Comptroller or designated hearing officer may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/62.20)
(Section scheduled to be repealed on January 1, 2022)
Sec. 62.20. Administrative review; venue; certification of record; costs.
(a) All final administrative decisions of the Comptroller are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.
(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.
(c) The Comptroller shall not be required to certify any record of the court, file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the Comptroller has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Comptroller. Failure on the part of the plaintiff to make such payment to the Comptroller is grounds for dismissal of the action.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/65)
(Section scheduled to be repealed on January 1, 2022)
Sec. 65. Pre-need cremation arrangements.
(a) Any person, or anyone who has legal authority to act on behalf of a person, on a pre-need basis, may authorize his or her own cremation and the final disposition of his or her cremated remains by executing, as the authorizing agent, a cremation authorization form on a pre-need basis. A copy of this form shall be provided to the person. Any person shall have the right to transfer or cancel this authorization at any time prior to death by destroying the executed cremation authorization form and providing written notice to the crematory authority.

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(b) Any cremation authorization form that is being executed by an individual as his or her own authorizing agent on a pre-need basis shall contain the following disclosure, which shall be completed by the authorizing agent:

"( ) I do not wish to allow any of my survivors the option of cancelling my cremation and selecting alternative arrangements, regardless of whether my survivors deem a change to be appropriate.

( ) I wish to allow only the survivors whom I have designated below the option of cancelling my cremation and selecting alternative arrangements, if they deem a change to be appropriate:....."

(c) Except as provided in subsection (b) of this Section, at the time of the death of a person who has executed, as the authorizing agent, a cremation authorization form on a pre-need basis, any person in possession of an executed form and any person charged with making arrangements for the final disposition of the decedent who has knowledge of the existence of an executed form, shall use their best efforts to ensure that the decedent is cremated and that the final disposition of the cremated remains is in accordance with the instructions contained on the cremation authorization form. If a crematory authority (i) is in possession of a completed cremation authorization form that was executed on a pre-need basis, (ii) is in possession of the designated human remains, and (iii) has received payment for the cremation of the human remains and the final disposition of the cremated remains or is otherwise assured of payment, then the crematory authority shall be required to cremate the human remains and dispose of the cremated remains according to the instructions contained on the cremation authorization form, and may do so without any liability.

(d) Any pre-need contract sold by, or pre-need arrangements made with, a cemetery, funeral establishment, crematory authority, or any other party that includes a cremation shall specify the final disposition of the cremated remains, in accordance with Section 40. In the event that no different or inconsistent instructions are provided to the crematory authority by the authorizing agent at the time of death, the crematory authority shall be authorized to release or dispose of the cremated remains as indicated in the pre-need agreement. Upon compliance with the terms of the pre-need agreement, the crematory authority shall be discharged from any legal obligation concerning the cremated remains. The pre-need agreement shall be kept as a permanent record by the crematory authority.

(e) This Section shall not apply to any cremation authorization form or pre-need contract executed prior to the effective date of this Act. Any cemetery, funeral establishment, crematory authority, or other party, however, with the written approval of the authorizing agent or person who executed the pre-need contract, may designate that the cremation authorization form or pre-need contract shall be subject to this Act.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/70)

(Section scheduled to be repealed on January 1, 2022)

Sec. 70. Employment of funeral director by crematory authority.

(a) A crematory authority shall be permitted to enter into a contract with a funeral director or funeral business for the purpose of arranging cremations on an at-need basis with the general public, transporting human remains to the crematory, and

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processing all necessary paperwork.

(b) No aspect of this Act shall be construed to require a licensed funeral director to perform any functions not otherwise required by law to be performed by a licensed funeral director.
(Source: P.A. 87-1187.)

(410 ILCS 18/75)
(Section scheduled to be repealed on January 1, 2022)

Sec. 75. Scope of Act. This Act shall be construed and interpreted as a comprehensive cremation statute, and the provisions of this Act shall take precedence over any existing laws containing provisions applicable to cremation, but that do not specifically or comprehensively address cremation.
(Source: P.A. 87-1187.)

(410 ILCS 18/80)
(Section scheduled to be repealed on January 1, 2022)

Sec. 80. Record of proceedings; transcript. The Comptroller, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. Any notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the hearing officer, and orders of the Comptroller shall be in the record of the proceeding. The Comptroller shall furnish a transcript of such record to any person interested in such hearing upon payment of a reasonable fee.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/85)
(Section scheduled to be repealed on January 1, 2022)

Sec. 85. Subpoenas; depositions; oaths. The Comptroller has the power to subpoena documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Comptroller, the designated hearing officer, or any qualified person the Comptroller may designate has the power to administer oaths to witnesses at any hearing that the Comptroller is authorized to conduct, and any other oaths authorized in any Act administered by the Comptroller.

Every person having taken an oath or affirmation in any proceeding or matter wherein an oath is required by this Act, who shall swear willfully, corruptly and falsely in a matter material to the issue or point in question, or shall suborn any other person to swear as aforesaid, shall be guilty of perjury or subornation of perjury, as the case may be and shall be punished as provided by State law relative to perjury and subornation of perjury.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/87)
(Section scheduled to be repealed on January 1, 2022)

Sec. 87. Findings and recommendations. At the conclusion of the hearing, the hearing officer shall present to the Comptroller a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The hearing officer shall specify the nature of any violations or failure to comply and shall make recommendations to the Comptroller. In making recommendations for any disciplinary actions, the hearing

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

officer may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including but not limited to, previous discipline of the accused by the Comptroller, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the hearing officer shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation. The report of findings of fact, conclusions of law, and recommendation of the hearing officer shall be the basis for the Comptroller's order refusing to issue, restore, place on probation, fine, suspend, revoke a license, or otherwise disciplining a licensee. If the Comptroller disagrees with the recommendations of the hearing officer, the Comptroller may issue an order in contravention of the hearing officer's recommendations. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/88)
(Section scheduled to be repealed on January 1, 2022)

Sec. 88. Rehearing. At the conclusion of the hearing, a copy of the hearing officer's report shall be served upon the applicant or licensee by the Comptroller, either personally or as provided in this Act. Within 20 days after service, the applicant or licensee may present to the Comptroller a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Comptroller may respond to the motion for rehearing within 20 days after its service on the Comptroller. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Comptroller may enter an order in accordance with recommendations of the hearing officer except as provided in Section 89 of this Act.

If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.
(Source: P.A. 97-679, eff. 2-6-12; 98-463, eff. 8-16-13.)

(410 ILCS 18/89)
(Section scheduled to be repealed on January 1, 2022)

Sec. 89. Comptroller; rehearing. Whenever the Comptroller believes that substantial justice has not been done in the revocation, suspension, or refusal to issue or restore a license or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other hearing officers.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/90)
(Section scheduled to be repealed on January 1, 2022)

Sec. 90. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Comptroller and purporting to be signed by the Comptroller, is prima facie proof that:

(a) the signature is the genuine signature of the Comptroller;

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

(b) the Comptroller is duly appointed and qualified; and

(c) the hearing officer is qualified to act.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/91)

(Section scheduled to be repealed on January 1, 2022)

Sec. 91. Civil action and civil penalties. In addition to the other penalties and remedies provided in this Act, the Comptroller may bring a civil action in the county of residence of the licensee or any other person to enjoin any violation or threatened violation of this Act. In addition to any other penalty provided by law, any person who violates this Act shall forfeit and pay a civil penalty to the Comptroller in an amount not to exceed $5,000 for each violation as determined by the Comptroller. The civil penalty shall be assessed by the Comptroller in accordance with the provisions of this Act.

Any civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. All moneys collected under this Section shall be deposited with the Comptroller.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/92)

(Section scheduled to be repealed on January 1, 2022)

Sec. 92. Consent order. At any point in any investigation or disciplinary proceedings as provided in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Comptroller.

(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/93)

(Section scheduled to be repealed on January 1, 2022)

Sec. 93. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention or continuation of the license, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is considered sufficient when mailed to the address of record.

(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/94)

(Section scheduled to be repealed on January 1, 2022)

Sec. 94. Summary suspension of a license. The Comptroller may summarily suspend a license of a licensed crematory without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Comptroller finds that evidence in the Comptroller's possession indicates that the licensee's continued practice would constitute an imminent danger to the public. In the event that the Comptroller summarily suspends the license of a licensed crematory without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical. In the event of a summary suspension, the county coroner or medical examiner responsible for the area where the crematory is located shall make arrangements to dispose of any

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

bodies in the suspended licensee's possession after consulting with the authorizing agents for those bodies.
(Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

(410 ILCS 18/95)
(Section scheduled to be repealed on January 1, 2022)

Sec. 95. Home rule. The regulation of crematories and crematory authorities as set forth in this Act is an exclusive power and function of the State. A home rule unit may not regulate crematories or crematory authorities. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.
(Source: P.A. 96-863, eff. 3-1-12.)

(410 ILCS 18/100)
(Section scheduled to be repealed on January 1, 2022)

Sec. 100. Effective date. This Act takes effect January 1, 1993.
(Source: P.A. 87-1187.)

Attachment: 410 ILCS 18_ Crematory Regulation Act_ (Text amendments re water cremation and pergola w/o setback)

8.2.6.2 The minimum barrel length shall be measured from the face of the fitting to which the dry sprinkler is installed to the inside surface of the insulation, wall, or ceiling leading to the cold space, whichever is closer to the fitting.

8.3 Location of Sprinklers.

8.3.1 Sprinklers shall be installed in all areas except where omission is permitted by 8.3.2 through 8.3.8.

8.3.2 Sprinklers shall not be required in bathrooms of 55 ft^2 (5.1 m^2) and less.

8.3.3 Sprinklers shall not be required in clothes closets, linen closets, and pantries that meet all of the following conditions:

(1) The area of the space does not exceed 24 ft^2 (2.2 m^2).
(2) The shortest dimension does not exceed 3 ft (0.9 m).
(3) The walls and ceilings are surfaced with noncombustible or limited-combustible materials as defined in NFPA 220.

8.3.4* Sprinklers shall not be required in garages, open attached porches, carports, and similar structures.

8.3.5 Sprinklers shall not be required in attics with or without storage, penthouse equipment rooms, elevator machine rooms, concealed spaces dedicated exclusively to and containing only dwelling unit ventilation equipment, floor/ceiling spaces, elevator shafts, crawl spaces, and other concealed spaces that are not used or intended for living purposes.

8.3.5.1 Such spaces that contain fuel-fired equipment shall also comply with 8.3.5.1.1 or 8.3.5.1.2.

8.3.5.1.1 Where the fuel-fired equipment is above all of the occupied areas of the dwelling unit, no sprinkler protection shall be required in the concealed space.

8.3.5.1.2 Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space.

8.3.6 Sprinklers shall not be required in covered, unheated projections of the building at entrances/exits as long as the dwelling unit has another means of egress.

8.3.7 Sprinklers shall not be required for ceiling pockets that meet the following conditions:

(1) The total volume of all unprotected ceiling pockets in a compartment does not exceed 100 ft^3 (2.83 m^3).
(2) The entire floor under the unprotected ceiling pocket is protected by the sprinklers at the lower ceiling elevation.
(3)*The interior finish of the unprotected ceiling pocket excluding decorative treatments is noncombustible or limited-combustible material.
(4) Skylights not exceeding 32 ft^2 (2.97 m^2) shall be permitted to have a plastic cover.

8.3.8 Sprinklers shall not be required in closets in garages and exterior closets (regardless of size) located on exterior balconies, exterior breezeways/corridors, or accessed from outdoors where the closet does not have doors or unprotected penetrations directly into the dwelling unit.

8.3.9 Sprinklers shall be installed in any closet used for heating and/or air-conditioning equipment, washers and/or dryers, or water heaters except as allowed by 8.3.8.

Chapter 9 Protection from Freezing

9.1 System Types. Systems shall be permitted to be wet pipe, dry pipe, or preaction.

9.1.1* Wet Pipe Systems in Areas Above 40°F (4°C). A wet pipe system shall be permitted to be used where all piping is installed in areas maintained above 40°F (4°C), including areas properly insulated to maintain 40°F (4°C).

9.1.2 Systems in Areas Below 40°F (4°C) Where system piping is located in areas not maintained above 40°F (4°C), the pipe shall be protected against freezing by use of one of the following methods:

(1) Dry pipe system and preaction systems in accordance with Section 9.3
(2) Antifreeze system in accordance with Section 9.2
(3) Listed standard dry pendent or dry sidewall sprinklers extended from pipe in heated areas into unheated areas not intended for living purposes
(4)*Listed heat tracing provided that it is installed and insulated in accordance with manufacturer's instructions, specifically heat tracing used on branch lines is listed for branch lines of fire sprinkler systems
(5) Listed residential dry pendent or dry sidewall sprinklers extended from pipe in heated areas into unheated areas

Section 9.2 was revised by a tentative interim amendment (TIA). See page 1.

9.2* Antifreeze Systems.

9.2.1* Conformity with Health Regulations. The use of antifreeze solutions shall be in conformity with any state or local health regulations.

9.2.2* Antifreeze Solutions.

9.2.2.1 Except as permitted in 9.2.2.3, antifreeze solutions shall be listed for use in new sprinkler systems.

9.2.2.1.1 For existing systems, antifreeze solutions shall be limited to premixed antifreeze solutions of glycerine (chemically pure or United States Pharmacopoeia 96.5 percent) at a maximum concentration of 50 percent by volume, propylene glycol at a maximum concentration of 40 percent by volume, or other solutions listed specifically for use in fire protection systems.

9.2.2.2* Premixed solutions of glycerine (chemically pure or United States Pharmacopoeia 96.5 percent at a maximum concentration of 48 percent by volume or propylene glycol at a maximum concentration of 38 percent by volume shall be permitted to protect piping that is supplying sprinklers in a specific area of the dwelling unit, where acceptable to the authority having authority.

9.2.2.2.1* Documentation shall be presented to the AHJ to substantiate the use of the antifreeze solution.

9.2.2.3 The concentration of antifreeze solutions shall be limited to the minimum necessary for the anticipated minimum temperature.

9.2.2.4* The specific gravity of the antifreeze solution shall be checked by a hydrometer with a scale having 0.002 subdivisions.

Attachment: Fire Prevention requirements for pergolas-gazeebos (Text amendments re water cremation and pergola w/o setback)

DRAFT MINUTES

Village of Palatine – Plan Commission

Tuesday, April 6, 2021

Attendance:

Present: Chair Dwyer, Commissioner Bettenhausen, Commissioner Hansen, Commissioner Friedman, Commissioner Noonan, and Commissioner Williams.

Absent: Commissioner Kolososki and Commissioner Fedota

PUBLIC HEARING

1. 21-08 Text amendments – **Recommended to approve**

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on March 22, 2021 and mailed to the surrounding property owners.

The following Petitioner's exhibits were introduced:

1. Draft text amendments
2. Crematory Regulation Act
3. Public Notice

Mr. Vyverberg remained sworn in from his prior testimony. He summarized the proposed text amendments and indicated that pergolas are required to be located in the rear or side yard and that the current code requirements would require a 10-foot setback from the principal structure. This ends up being counter intuitive to their use. Therefore, Staff is recommending eliminating the setback from the principal structure.

Fire Prevention reviewed the proposed code amendment and does not have any code related conflicts with the proposed. Fire Marshall Jay Atherton provided the relevant code section that does not require fire suppression for such structure.

Mr. Vyverberg discussed that an existing funeral home has applied for a building permit to provide water based cremation as an accessory service to their operations. The zoning ordinance or their existing Special Use does not recognize this use. The definition of funeral home and undertaking establish

Attachment: Text Amendment DRAFT MINUTES (Text amendments re water cremation and pergola w/o setback)

does not recognize the cremation of corpses. This exclusion references the traditional type of cremation.

Staff has thoroughly reviewed this process and the State of Illinois Amended the Cremation Act in 2012 to allow and recognizes this type of cremation. There are 20 other states that also allow this, with 20 other reviewing their legislation to allow.

Therefore, Staff recommends approval of the proposed amendments, as identified in the draft text amendments.

Mr. Bettenhausen made a motion to close the Public Hearing, seconded by Mr. Hansen. The motion was unanimously approved.

Mr. Noonan recommended to approve the proposed text amendments, seconded by Ms. Williams.

The motion was unanimously approved.

The funeral home and pergola amendments will tentatively go to the Community and Economic Development Committee of the Village Council on April 12, 2020.

PUBLIC NOTICE

A public hearing will be held before the Palatine Plan Commission on Tuesday, April 6, 2021 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Text amendments to Article 3 – Rules and Definitions – Section 3.02 Specific Definitions; Article 6 – Section 6.01 (accessory structures); Section 6.03 (fences); and Article 7; Section 7.04 – design and maintenance of off-street parking areas; manufacturing and business district screening; Article 11 Sections 11.03 (d) and 11.06 (e) Special Uses in the B-2 and B-5 District, and Article 12 Section 12.01; 12.01 (f) Permitted uses in the manufacturing district.

These amendments are all of Appendix A (Village of Palatine Zoning Ordinance) of the Village of Palatine Code of Ordinances.

The proposed text amendments to the Village of Palatine Zoning Ordinance will amend the definitions associated with accessory structure (s) and garages. The amendments will also clarify the maximum height limitations of accessory structures. The residential fencing amendments would allow up to an 8-foot tall fence for residential properties adjacent to or adjoining non-residential properties. The manufacturing and screening amendments would align the allowable height of screening devices for manufacturing and business district properties, with the maximum allowable height elsewhere in the Zoning Ordinance. The amendment to special uses for funeral parlors in the B-2 and B-5 districts will permit alkaline hydrolysis system or water based cremation, as a permitted accessory use, associated the operation of a funeral parlors.

The amendment in the manufacturing district will allow temporary uses of special events for a period not to exceed 72 hours, with Staff review and Village Council approval, prior to the event.

The above petition has been filed by the Village of Palatine and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 21-08 VILLAGE OF PALATINE
Dennis Dwyer, Chair
Palatine Plan Commission

DATED: This 22st day of March 2021.

Published in Daily Herald March 22, 2021 (4560476)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Northwest Suburbs

Daily Herald

Corporation organized and existing under and by virtue of the laws o the State of Illinois, DOES HEREBY CERTIFY that it is the publish of the **Northwest Suburbs DAILY HERALD**. That said **Northwest Suburbs DAILY HERALD** is a secular newspaper, published in Arlington Heights and has been circulated daily in the Village(s) of: Arlington Heights, Barrington, Barrington Hills, Bartlett, Buffalo Gr Deer Park, Des Plaines, Elk Grove, Franklin Park, Glenview, Hanover Park, Hoffman Estates,Inverness, Melrose Park,Morton Gro Mt Prospect, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Rolling Meadows, Rosemont, Schaumburg,Schiller Park, South Barrington, Streamwoo Wheeling, Wilmette

County(ies) of Cook
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and i general circulation throughout said Village(s), County(ies) and State

I further certify that the Northwest Suburbs DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notic as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a copy, was published 03/22/2021
in said Northwest Suburbs DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, th authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Paula Ballyn
Designee of the Publisher and Officer of the Daily Herald

Control # 4560476

Attachment: Public Notice Text Amendments (Text amendments re water cremation and pergola w/o setback)

Consider a Request for the Waiver of the Village's Sound Amplification Ordinance for First United Methodist Church at 123 N. Plum Grove Road

BACKGROUND Chapter 12, Article VIII of the Palatine Code of Ordinances prohibits outside sound amplification without first having secured a permit.

KEY ISSUES First United Methodist Church, located at 123 N. Plum Grove Road, would again like to conduct occasional weekend worship services outdoors on the lawn of their property and are thus requesting a waiver of the Village's sound amplification ordinance for June - September.

Based on the ongoing Covid-19 pandemic and related issues, Staff suggests the Village Council grant the Village Manager authority to approve (with conditions) other sound waiver requests for outdoor church services from now through September 30, 2021.

ALTERNATIVES
1. Approve waiver.
2. Do not approve waiver.

RECOMMENDATION Staff recommends approval of the request, subject to any of the Restore Illinois Plan's corresponding guidelines and mitigation measures that are in place at the time.

ACTION REQUIRED Motion to approve the request for waiver of the Village's sound amplification ordinance.

ATTACHMENTS:

- First United Methodist Church Sound Waiver Request 2021.pdf

From: Keck Mowry <KMowry@fumcpalatine.org>

Sent: Monday, April 5, 2021 12:20 PM

To: Susan Storelli <SStorelli@palatine.il.us>
Cc: Megan Shelton; David Haynes; Larry Home; Larry Schroth; Phill Howell; Michael Grippo

Subject: Outdoor Events at First United Methodist Church

Greetings on this Beautiful Day!

You may remember our church from last summer. The Village was kind enough to approve the use of our green space and community garden for worship and church gatherings during the summer.

We would like to request the village's approve for this upcoming summer, June-September. We would typically have worship services at 11:30 am on Sunday and have occasional events on Saturday that would typically go no later than 8:30 pm.

Thank you for your help and support. This “saved” us last year. We hope we can return to “normal” by the Fall.

Many thanks,
Keck Mowry

Rev. Dr. Keck Mowry
Senior Pastor

First United Methodist Church
123 N. Plum Grove Road
Palatine, IL 60067

Attachment: First United Methodist Church Sound Waiver Request 2021.pdf (First United Methodist Church Sound Waiver)

Consider a Motion to Award a Contract for the Village of Palatine's 2021 Sidewalk Replacement Program - CDBG

BACKGROUND:
The Village has an ongoing program to systematically improve its pedestrian sidewalk system and address isolated curb and gutter failures. In the past several years, this effort has been centered on three major programs: the 50/50 Sidewalk Replacement Program; the Hazardous Sidewalk Program; and the Spot Curb Replacement Program. The net effect has been a sidewalk program that has made major strides in improving safety and a roadway system which has improved in its average Pavement Condition Index. Applications have been accepted from residents for the 50/50 Sidewalk Program since fall of last year.

2009 began the second cycle of the Hazardous Sidewalk Program and it was anticipated to take eight years to complete. Repairs are 'triggered' on a vertical displacement greater than 7/8", with a worst first approach. The Sidewalk Replacement Program area for this year is roughly from Quentin Road to Greeley Street and Helen Road north to Palatine Road.

KEY ISSUES:

- On Tuesday, March 30, 2021, eight bids were received and opened, ranging from a high of $593,301 to a low of $308,820.01.
- The low responsive and responsible bidder was Schroeder & Schroeder, Incorporated, of Skokie, Illinois, in the amount of $308,820.01.
- This contractor performed similar, satisfactory work during 2015's program.

ALTERNATIVES:

1. Award the contract for the 2021 Sidewalk Replacement Program - CDBG to Schroeder & Schroeder.
2. Refer back to Staff with comments.

RECOMMENDATION:
It is recommended that the contract for the 2021 Sidewalk Replacement Program - CDBG be awarded to Schroeder & Schroeder in the amount of $308,821.01.

BUDGET IMPACT:
Funds in the amount of $334,877 are available from Community Development Block Grant Program, $20,000 from Capital Improvement Funds from savings associated with the resurfacing contract, and $16,000 in Public Works Operating Funds for spot curb program is available to accommodate this work. The low compliant bid will result in an estimated savings of over $62,000 under the budgeted amount for the CDBG program as these funds may only be used in eligible census tracts in the area bounded by Quentin Road, Palatine Road, Greeley Street, and Helen Road.

ACTION REQUIRED:
Motion to award the contract for the 2021 Sidewalk Replacement Program - CDBG to Schroeder & Schroeder of Skokie, Illinois in the amount of $308,821.01.

ATTACHMENTS:

- Bid Tabulation
- 2021 Location Map CDBG rev.

VILLAGE OF PALATINE

Bidding Summary
2021 Sidewalk Program - CDBG
11:00 AM, Tuesday, March 30, 2021

	Bidding Contractors	As Read Bid Amount	As Corrected Bid Amount
1	Schroeder & Schroeder, Inc.	$ 308,820.01	Correct as Read
2	Suburban Concrete, Inc.	$ 322,160.00	Correct as Read
3	Lampignano & Son Construction Co.	$ 328,000.00	Correct as Read
4	Globe Construction, Inc.	$ 332,765.00	Correct as Read
5	Strada Construction Co.	$ 382,700.00	Correct as Read
6	Whiteline Construction, Inc.	$ 463,625.00	Correct as Read
7	Triggi Construction, Inc.	$ 523,982.50	Correct as Read
8	Alliance Contractors, Inc.	$ 593,301.00	Correct as Read

Attachment: Bid Tabulation (2021 Sidewalk Replacement Program - CDBG)

BT 2112

VILLAGE OF PALATINE

VILLAGE OF PALATINE - DEPARTMENT OF PUBLIC WORKS

TABULATION OF BIDS

FOR

2021 Sidewalk Program - CDBG

DPW - 2112

SHEET 1 OF

COMPUTED BY KL

BID OPENING

DATE:	March 30, 2021
TIME:	11:00 AM
PLACE:	Community Room A

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	Engineer's Estimate UNIT PRICE	Engineer's Estimate TOTAL	Schroeder & Schroeder, Inc. 7306 Central Park Skokie, IL 60076 847-933-0526 UNIT PRICE	Schroeder & Schroeder, Inc. TOTAL	Suburban Concrete, Inc. 21227 W Commericial Dr. Mundelein, IL 60060 847-837-8827 UNIT PRICE	Suburban Concrete, Inc. TOTAL	Lampignano & Son Construction 501 S Arthur Avenue Arlington Heights, IL 60005 847-394-0696 UNIT PRICE	Lampignano & Son Construction TOTAL	Globe Construction, In 1781 W Armitage Cour Addison, IL 60101 630-620-0313 UNIT PRICE	TO
A	P.C.C. SIDEWALK REMOVAL AND REPLACEMENT, 6"	SQ FT	50,600	6.00	303,600.00	$5.00	$253,000.00	$5.35	$270,710.00	$5.45	$275,770.00	$5.55	$28 .00
B	DETECTABLE WARNINGS - Panels	SQ FT	2,000	20.00	40,000.00	18.00	$36,000.00	15.00	30,000.00	17.00	34,000.00	14.70	.00
C	COMBINATION CONCRETE CURB AND GUTTER REMOVAL AND REPLACEMENT	FOOT	550	25.00	13,750.00	20.00	$11,000.00	20.00	11,000.00	18.00	9,900.00	19.79	.50
D	P.C.C. DRIVEWAY PAVEMENT REMOVAL AND REPLACEMENT	SQ YD	35	63.00	2,205.00	48.00	$1,680.00	54.00	1,890.00	45.00	1,575.00	60.00	.00
E	HOT-MIX ASPHALT DRIVEWAY PAVEMENT REMOVAL AND REPLACEMENT	SQ YD	70	63.00	4,410.00	42.00	$2,940.00	54.00	3,780.00	30.00	2,100.00	60.00	.00
F	PAVEMENT REPLACEMENT	SQ YD	70	63.00	4,410.00	60.00	$4,200.00	54.00	3,780.00	30.00	2,100.00	60.00	.00
G	SITE RESTORATION	L SUM	1	3,100.00	3,100.00	0.01	$0.01	1,000.00	1,000.00	2,555.00	2,555.00	1,150.50	.50
	TOTALS		AS READ		**371,475.00**		**$308,820.01**		**$322,160.00**		**$328,000.00**		**$3 .00**
			AS CORRECTED										
					PROPOSAL GUARANTEE	5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND	
					COMMENTS								

Attachment: Bid Tabulation (2021 Sidewalk Replacement Program - CDBG)

VILLAGE OF PALATINE

VILLAGE OF PALATINE - DEPARTMENT OF PUBLIC WORKS

TABULATION OF BIDS

FOR

2021 Sidewalk Program - CDBG

DPW - 2112

COMPUTED BY KL

BID OPENING

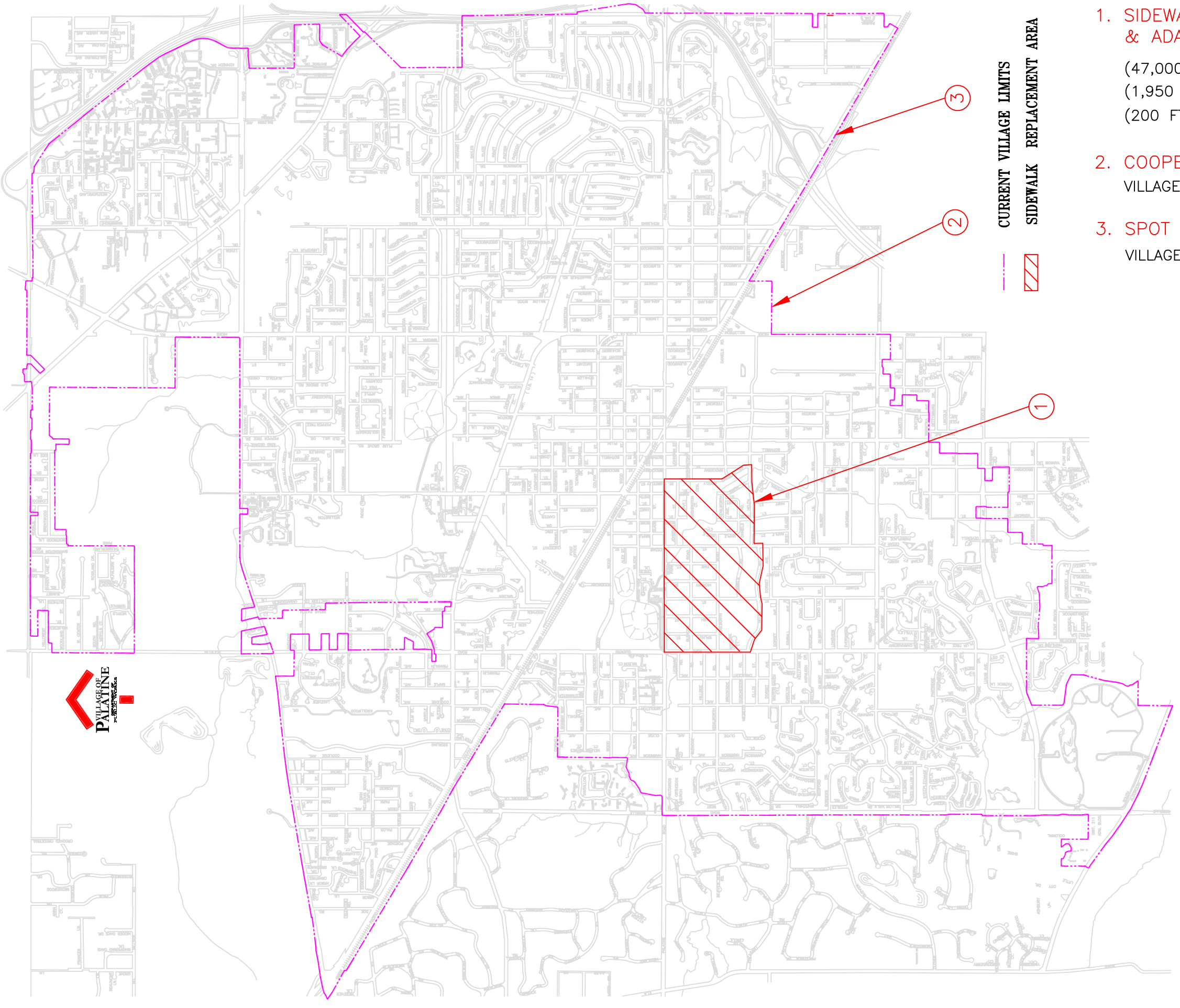
DATE:	**March 30, 2021**
TIME:	**11:00 AM**
PLACE:	**Community Room A**

				Strada Construction Co. 1742 W Armitage Court Addison, IL 60101 630-627-3800		Whiteline Construction, Inc. 4722 S. Spaulding Street Chicago, IL 60632 708-692-0888		Triggi Construction, Inc. P.O. Box 235 West Chicago, IL 60186 630-584-0271		Alliance Contractors, Inc. 1166 Lake Avenue Woodstock, IL 60098 815-338-9109			
ITEM NO.	**DESCRIPTION**	**UNIT**	**QUANTITY**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**T**
A	P.C.C. SIDEWALK REMOVAL AND REPLACEMENT, 6"	SQ FT	50,600	$6.35	$321,310.00	$7.50	$379,500.00	$6.95	$351,670.00	$9.75	$493,350.00		
B	DETECTABLE WARNINGS - Panels	SQ FT	2,000	16.00	32,000.00	23.00	46,000.00	25.00	50,000.00	20.00	40,000.00		
C	COMBINATION CONCRETE CURB AND GUTTER REMOVAL AND REPLACEMENT	FOOT	550	28.00	15,400.00	29.00	15,950.00	46.25	25,437.50	67.00	36,850.00		
D	P.C.C. DRIVEWAY PAVEMENT REMOVAL AND REPLACEMENT	SQ YD	35	80.00	2,800.00	75.00	2,625.00	125.00	4,375.00	100.00	3,500.00		
E	HOT-MIX ASPHALT DRIVEWAY PAVEMENT REMOVAL AND REPLACEMENT	SQ YD	70	54.00	3,780.00	45.00	3,150.00	150.00	10,500.00	120.00	8,400.00		
F	PAVEMENT REPLACEMENT	SQ YD	70	63.00	4,410.00	20.00	1,400.00	100.00	7,000.00	160.00	11,200.00		
G	SITE RESTORATION	L SUM	1	3,000.00	3,000.00	15,000.00	15,000.00	75,000.00	75,000.00	1.00	1.00		
TOTALS			AS READ		**$382,700.00**		**$463,625.00**		**$523,982.50**		**$593,301.00**		
			AS CORRECTED										
			PROPOSAL GUARANTEE	5% BID BOND		5% BID BOND		5% BID BOND		5% BID BOND		5% BID BON	
			COMMENTS										

Attachment: Bid Tabulation (2021 Sidewalk Replacement Program - CDBG)

Attachment: 2021 Location Map CDBG rev. (2021 Sidewalk Replacement Program - CDBG)

VILLAGE OF PALATINE 2021 SIDEWALK PROGRAM – CDBG



1. SIDEWALK REPLACEMENT PROGRAM & ADA SIDEWALK RAMP INSTALLATION
   (47,000 SF – SIDEWALK R&R)
   (1,950 SF – DETECTABLE WARNINGS)
   (200 FT – CURB & GUTTER R&R)

2. COOPERATIVE SIDEWALK REPLACEMENT
   VILLAGE WIDE (3,600 SF)

3. SPOT CURB & GUTTER REPLACEMENT
   VILLAGE WIDE (350 FT)

Consider an Ordinance Granting a Minor Planned Development Amendment Palatine Centre - Quest Academy 3-47 E. Northwest Highway

BACKGROUND:

Quest Academy owns and operates the adjacent Palatine Centre shopping center (3-47 E. Northwest Highway). Palatine Centre functions through an Amended Planned Development Ordinance, which regulates both the uses and Quest's Occupancy within the center. As part of that Ordinance, Quest's occupancy is limited within the shopping center and there is a condition that requires Village Council review, prior to the submission of an application for tax exemption status. Quest has indicated to the Village that they will be applying for a property tax exemption for their occupancy within the center. Therefore, the Petitioner is requesting:

A Minor Planned Development to Planned Development Ordinance #O-120-11, regarding the application for tax exempt status requirements

KEY ISSUES:

- The Petitioner, Quest Academy, is seeking the ability to apply for a property tax exemption for some of the retail center. Condition J of the operative Planned Development for the shopping center requires Village Council review and approval to do so.
    - Condition J - Prior to any application for tax exempt status for any or a part of the Retail Tenant Space by Quest and/or the owner of the Retail Tenant Space, Quest and/or the owner of the Retail Tenant Space shall seek Village Council review and approval

- Through discussions with Quest, the Village indicated its obligation to provide all services to Quest and the remainder of the center regardless of tax status. As such, maintaining the portion of the property tax that would otherwise come to the Village is critical to fund and maintain Village services protecting the public health, safety, and welfare of the community and the tenants at the property.
- While the review and approval of any application for tax exempt status at the shopping center is a policy question for the Village Council, Staff indicated to the Petitioner that the required Village services funded through the property taxes for the center are essential. As such, Quest has indicated that it intends to make payment in lieu of taxes for what would be the Village portion of the tax bill, had there been no exemption.
- In order for the Village Council to evaluate Quest’s request, Staff is recommended the following language be included as part of a Minor Planned Development Amendment:

- Quest and/or the owner of the Retail Tenant Space agree to pay the portion of the real estate tax bill being exempted that would otherwise be due and attributable to the Village of Palatine had no exemption been applied. The Village shall be responsible for providing said calculation in September of each year and provide Quest with an invoice for payment that provides the details of the calculation. This invoice shall constitute a payment in lieu of taxes (PILOT). Said PILOT shall be to provide compensation to the Village of Palatine for the delivery of services otherwise funded through the property tax levy. The PILOT payment shall be due and fully paid no later than November 1st of each calendar year.

ALTERNATIVES:

1. Approve a minor amendment to the Palatine Centre Planned Development Ordinance #O-120-11.

2. Do not approve a minor amendment to Palatine Centre Planned Development Ordinance #O-120-11.

RECOMMENDATION:
Staff recommends action at the Village Council's discretion for the Minor Amendment to Planned Development Ordinance #O-120-11.

ACTION REQUIRED:
A motion to approve the Minor Amendment to Planned Development Ordinance #O-120-11.

Consider an Ordinance Granting a Special Use for a Unique Use at 2200 N. Rand Road

BACKGROUND:
The Petitioner, Northwest Trucks INC. (Northwest Trucks), currently operates at 2120 N. Rand Road and maintains an existing Special Use. Northwest Trucks has a contract to acquire the property at 2200 N. Rand Road and is seeking to expand their business accordingly. Therefore, the Petitioner is requesting approval of the following:

Special Use for a Unique Use to allow truck and trailer sales, truck and trailer parts' sales, common and contract carrier, truck and trailer repairs, and related uses.

KEY ISSUES:

- The Subject Property is zoned B-5 (Rand Road/Route 12 properties) and is improved with an approximately 17,000 square foot commercial building/parking lot. The lot is approximately 2.75 acres. The B-5 district's legislative intent is to provide intensive retail or wholesale sales, with appeal on a regional basis.

- Northwest Trucks' current uses and operations are not identified as permitted or special uses within the Zoning Ordinance. Therefore the zoning ordinance indicates that a Special Use for a Unique Use is the appropriate review process. The Zoning Ordinance defines *unique use* as: A use not otherwise listed as a Permitted Use or Special Use within any zoning district. (Ord. 0-72-07, §3, 5/14/07; Ord. 0-85-12, §2, 6/18/12)

- Northwest Trucks operates a full service truck dealership and includes truck and trailer repair, sales, part sales, service, and common and contract carrier for class 6-8 commercial and municipal trucks.

- The Subject Property was previously occupied by Suburban Harley Davidson, prior to its redevelopment at 2015 N. Rand Road as City Limits Harley Davidson. Since that time, the Subject Property contained various commercial uses including a temporary auto sales use, Rumi Maki Boxing and Martial Arts School, and a Top Notch Auto repair location. Rumi Maki has relocated, but the auto repair use remains (4,000 square feet) and will continue its operations with Northwest Trucks. As the proposed Special Use is for the entire property, Northwest Trucks could expand into that area in the future, if the current plans change moving forward.

- A parking analysis was completed as part of the Special Use review and is summarized below:

2200 N. Rand Road	
Building square footage:	16,959 square feet
NW Trucks	12,917 square feet
:RETAIL	7,137 square feet; 1/300 square feet

	= 23.79 (24) spaces
:WAREHOUSE	5,780 square feet; 1/1000 square feet = 5.78 (6) spaces
Top Notch Auto (tenant #2)	4,042 square feet; 1/300 square feet = 13.47 spaces (13 spaces)
Total required parking spaces:	43 spaces
Total provided:	89 spaces (+46 spaces)

- The site has two separate access points. There is a full access curb cut onto Rand Road and a secondary access onto an IDOT controlled access road. The Petitioner is working with a civil engineer and ultimately IDOT to determine if access between the properties could occur. This road also provides UPS access to Rand Road.

- The business plan indicates that Northwest Trucks is presently operating at its maximum functional capacity, within its parts storage and counter sales areas. The expansion into the 2200 N. Rand Road will allow Northwest Trucks to increase the parts inventory and also expand the parts fulfillment abilities.

- Presently, Northwest Trucks has about 30 parts and service employees. With the expansion into the 2200 N. Rand Road building, the business will be able to expand their parts' inventory by approximately 12,000 square feet. The expansion will also provide for the ability add a parts accessory showroom and increase additional truck sales' offices and a conference room.

- Northwest Trucks' service area includes companies and municipalities throughout the Chicago region. The proposed hours of operation would be similar to their existing parts' department, which operates from 7 AM through 12 AM, Monday through Friday and 7 AM through 4 PM Saturday and Sunday.

- The property is fully developed and all of the required engineering improvements and utility access are available to the subject property. As part of the proposed expansion, the Petitioner intends to connect to Village water. Also, portions of the existing parking lot are in disrepair and the planned upgrades include repaving and restriping the entire parking lot. The plans also include repainting of the existing building and an interior remodel the building through a building permit review and new attached signage for Northwest Trucks.

- Also, the interior space would be retrofitted to accommodate new offices and a parts storage area. The planned uses do not include truck repair at this time, as the existing building height and clearance area do not afford the space to complete these activities. The proposed Special Use Ordinance includes truck

repair, if in the future such building modifications are completed. Per Code, these activities are required to be completed wholly within the building.

- The Petitioner does plan to add fencing and a gate to the southern side of the property to segment and screen the vehicle storage in the future. Nevertheless, if the Special Use is approved, vehicles for sale may be displayed on the property, excepting those in disrepair.

- The Petitioner would occupy a vacant building previously used for motorcycle sales, repairs, and parts distribution and has operated for thirty-two years within the Village. Staff does not have any concerns with the existing or proposed business operations. The vehicle and parts' sales uses are directly comparable to many of the other sales tax producing uses along the Rand Road corridor.

ALTERNATIVES:

1. Approve the Special Use for a Unique Use to allow Northwest Trucks INC. to expand their operations into in the property at 2200 N. Rand Road.
2. Do not approve a Special Use for a Unique Use to allow Northwest Trucks INC. to expand their operations into in the property at 2200 N. Rand Road.

RECOMMENDATION:

Public Hearing:	Plan Commission - April 6 2021
Residents testifying:	None.
Vote:	The Plan Commission voted unanimously to approve the requested development and Staff concurs.

ACTION REQUIRED:

A motion to approve a Special Use for a Unique Use for Northwest Trucks INC. at 2200 N. Rand Road.

Consider an Ordinance Granting a Special Use for a Medical (Dental) Office at 220 N. Smith Street - Unit #120

BACKGROUND:

The Petitioner is proposing to relocate a dental office to the Gateway Center. Therefore, the Petitioner is requesting approval of the following:

Special Use to permit a medical (dental) office.

KEY ISSUES:

- The Subject Property, zoned Planned Development, contains the Gateway Center. The Gateway Center Planned Development Ordinance (#O-54-01) indicates that the uses follow the B-2 use lists
- The Petitioner proposed to operate a dental office specializing in orthodontics. The practice is currently located at 600 N. North Court in Palatine, but would relocate the office to the Gateway Center.
- The subject tenant space is approximately 2,161 square feet. The proposed hours of operation are Monday - Friday from 7 AM to 6 PM.
- There will be 5 employees working at any one time.
- The average number of patients per hour is 3.
- Based on the square footage, 7 parking spaces are required for this use. There will be 5 parking spaces allocated to the practice for employees in the adjacent parking garage. Hamilton Partners also controls 378 total parking spaces, within the parking garage.
- Additionally, there are sixty eight 3-hour maximum parking spaces reserved for office and retail visitors on the 1st floor of the parking garage.

ALTERNATIVES:

1. Approve the Special Use to permit a medical (dental) office.
2. Do not approve the Special Use to permit a medical (dental) office.

RECOMMENDATION:

Public Hearing**:**	ZBA meeting on March 23, 2021
Residents testifying:	None.
Vote:	The ZBA voted unanimously to approve the Special Use for a dental office and Staff concurs.

ACTION REQUIRED:

A motion to approve the ordinance granting a special use to permit a dental office at 220 N Smith Street Unit 120.

Consider an Ordinance Granting a Special Use to Allow a Maximum of Eight Suites for Massage and Chiropractic Services at 220 N. Smith Street - Unit #117

BACKGROUND:
The Petitioners are requesting to allow up to eight suites to be used for massage and medical (chiropractic) uses. Therefore, the Petitioners are requesting approval of the following:

Special Use to permit a maximum of eight suites for massage and medical (chiropractic services).

KEY ISSUES:

- The Subject Property, zoned Planned Development, contains the Gateway Center. The Gateway Center Planned Development Ordinance (#O-54-01) indicates that the uses follow the B-2 use lists
- The Petitioners own My Salon Suites of Palatine, which operates in the Gateway Center and provides individual rooms for beauty, health, and wellness businesses, which are permitted uses. The Petitioners are requesting that eight of these suites are approved for massage and/or chiropractic services. The Petitioners have stated they will verify appropriate licenses, as both uses require a State License, and the Village will also require business license and accompanying State licensure for each of these business.
- The subject tenant space is approximately 4,588 square feet with 31 suites ranging from 127 to 248 square feet.
- The proposed hours of operation are Monday - Sunday from 7 am to 10 pm. Individual tenants would set their own hours within this timeframe.
- These uses would not affect the current parking requirements, as the Zoning Ordinance requires the same parking ratio (1 parking space/300 square feet) of gross floor area for these uses. Also, the Gateway Center is easily accessible from the nearby Metra station.
- There are 25 parking spaces allocated to the Subject Tenant space in the adjacent parking garage. Hamilton Partners also has 378 total parking spaces, within the parking garage.
- Additionally, there are sixty-eight 3-hour maximum parking spaces reserved for office and retail visitors on the 1st floor of the parking garage.

ALTERNATIVES:

1. Approve the Special Use to permit a maximum of eight suites for massage and medical (chiropractic services).
2. Do not approve the Special Use to permit a maximum of eight suites for massage and medical (chiropractic services).

RECOMMENDATION:
Public Hearing**:** ZBA meeting on March 23, 2021

Residents testifying:	None.
Vote:	The ZBA voted unanimously to approve the Special Use for a dental office and staff concurs.

ACTION REQUIRED:
A motion to approve the ordinance granting a special use to permit a maximum of eight suites for massage and chiropractic services (medical) at 220 N Smith Street Unit 117.

Consider an Ordinance Granting Text Amendments to the Village of Palatine Zoning Ordinance, Article 3, Section 3.02 (Specific Definitions) and Article 11, Sections 11.03 (d) (B-2 Special Uses) and 11.06 (e) (B-5 District Special Uses)

BACKGROUND:
Staff is recommending several text amendments to eliminate any required setback from the principal structure for pergolas/gazeebos and to address the introduction of a new accessory use for funeral homes. Therefore, Staff is recommending text amendments to Section 3.02 Specific Definitions and Sections 11.03 (d) B-2 Special Uses and 11.06 (e) B-5 Special Uses.

KEY ISSUES:

- Staff periodically reviews and amends the Zoning Ordinance to either address an unforeseen circumstance or to provide a Code-related response to a new activity or situation. In this instance, Staff had previously processed a text amendment to allow pergolas/gazeebos to be reviewed as minor special uses, all of which have been reviewed and approved, without impact or issue to the surrounding properties.

- As there are no Fire Prevention concerns or issues with the proximity setback for an open air structure, Staff and the Plan Commission are now recommending eliminating the setback requirement from the principal structure for pergola/gazeebos.

- Given their typical intended placement and use (e.g. on a patio behind a home), most pergolas and potentially some gazebos would not comply with the minimum required 10-foot setback from the principal structure.

- After surveying several neighboring communities, pergolas and gazebos are reviewed as accessory structures category, but many of the surrounding communities surveyed do not have a 10-foot separation requirement from the principal structure. Pergolas and gazebos are only permitted in the rear or interior side yards of a residential property. The previous approvals of all of the minor amendments for pergolas, without incident or issue provides guidance for the elimination of a setback from the principal structure.

- Ahlgrim Funeral home applied for a building permit to install an alkaline hydrolysis or water based cremation equipment at their location on Northwest Highway. This use or process is not recognized within the zoning ordinance. The only reference to cremation is within the definition section:

  - *Funeral home or undertaking establishment.* Shall mean a facility where ceremonies are held in connection with the embalming and burial of deceased persons and shall not include as a service provided, the cremation of corpses.

- This is a newer type of cremation service that is allowed by law in approximately 20 states, with numerous others reviewing their laws for an inclusion amendment. The State of Illinois amended its laws in 2012 to recognize and allow this new technology in the Crematory Regulation Act.

- Staff completed a through the review of the relevant information about water based cremation. This type of cremation is more efficient, uses less energy, and does not have any of the mercury emissions, or soot or odor emissions associated with traditional cremation services.

- The exclusion for the cremation of corpses in the current definition section did not contemplate water based cremation in the Zoning Ordinance and referenced the traditional form of cremation. The water based process uses a potassium-hydroxide and water solution, in order to dissolve, over a period of hours. In addition to being permitted and regulated by the State, this type of cremation does not impact the sewer system and is permitted in compliance with the discharge limitations of Section 2 of the User Charge Ordinance, as regulated by MWRD.

- These types of cremation units are allowed in numerous other municipalities. Staff is recommending that water cremation or Alkaline Hydrolysis be permitted as an accessory use to a funeral home and would follow the typical building permit review process for completion.

ALTERNATIVES:

1. Approve the Text Amendments regarding water based cremation, as an accessory use to a funeral home and removing the setback from the principal structure for pergolas/gazeebos.
2. Do not the Text Amendments regarding water based cremation, as an accessory use to a funeral home and removing the setback from the principal structure for pergolas/gazeebos.

RECOMMENDATION:

Public Hearing:	Plan Commission - April 6 2021
Residents testifying:	None.
Vote:	The Plan Commission voted unanimously to approve the requested development and Staff concurs.

ACTION REQUIRED:

A motion to approve the Text Amendments removing the setback requirement from the principal structures for pergolas/gazeebos and permitted water based cremation, as an accessory use to a funeral home.

Consider a Request for the Waiver of the Village's Sound Amplification Ordinance for First United Methodist Church at 123 N. Plum Grove Road

BACKGROUND Chapter 12, Article VIII of the Palatine Code of Ordinances prohibits outside sound amplification without first having secured a permit.

KEY ISSUES First United Methodist Church, located at 123 N. Plum Grove Road, would again like to conduct occasional weekend worship services outdoors on the lawn of their property and are thus requesting a waiver of the Village's sound amplification ordinance for June - September.

Based on the ongoing Covid-19 pandemic and related issues, Staff suggests the Village Council grant the Village Manager authority to approve (with conditions) other sound waiver requests for outdoor church services from now through September 30, 2021.

ALTERNATIVES
1. Approve waiver.
2. Do not approve waiver.

RECOMMENDATION Staff recommends approval of the request, subject to any of the Restore Illinois Plan's corresponding guidelines and mitigation measures that are in place at the time.

ACTION REQUIRED Motion to approve the request for waiver of the Village's sound amplification ordinance.

Consider a Motion to Award a Contract for the Village of Palatine's 2021 Sidewalk Replacement Program - CDBG

BACKGROUND:
The Village has an ongoing program to systematically improve its pedestrian sidewalk system and address isolated curb and gutter failures. In the past several years, this effort has been centered on three major programs: the 50/50 Sidewalk Replacement Program; the Hazardous Sidewalk Program; and the Spot Curb Replacement Program. The net effect has been a sidewalk program that has made major strides in improving safety and a roadway system which has improved in its average Pavement Condition Index. Applications have been accepted from residents for the 50/50 Sidewalk Program since fall of last year.

2009 began the second cycle of the Hazardous Sidewalk Program and it was anticipated to take eight years to complete. Repairs are 'triggered' on a vertical displacement greater than 7/8", with a worst first approach. The Sidewalk Replacement Program area for this year is roughly from Quentin Road to Greeley Street and Helen Road north to Palatine Road.

KEY ISSUES:

- On Tuesday, March 30, 2021, eight bids were received and opened, ranging from a high of $593,301 to a low of $308,820.01.
- The low responsive and responsible bidder was Schroeder & Schroeder, Incorporated, of Skokie, Illinois, in the amount of $308,820.01.
- This contractor performed similar, satisfactory work during 2015's program.

ALTERNATIVES:

1. Award the contract for the 2021 Sidewalk Replacement Program - CDBG to Schroeder & Schroeder.
2. Refer back to Staff with comments.

RECOMMENDATION:
It is recommended that the contract for the 2021 Sidewalk Replacement Program - CDBG be awarded to Schroeder & Schroeder in the amount of $308,821.01.

BUDGET IMPACT:
Funds in the amount of $334,877 are available from Community Development Block Grant Program, $20,000 from Capital Improvement Funds from savings associated with the resurfacing contract, and $16,000 in Public Works Operating Funds for spot curb program is available to accommodate this work. The low compliant bid will result in an estimated savings of over $62,000 under the budgeted amount for the CDBG program as these funds may only be used in eligible census tracts in the area bounded by Quentin Road, Palatine Road, Greeley Street, and Helen Road.

ACTION REQUIRED:
Motion to award the contract for the 2021 Sidewalk Replacement Program - CDBG to Schroeder & Schroeder of Skokie, Illinois in the amount of $308,821.01.

Consider an Ordinance Granting a Special Use and Variations for a Detached Garage at 308 S. Benton Street

BACKGROUND:
The Petitioner is proposing to replace an existing detached 1-car garage, with a larger, 2-car detached garage, which exceeds both maximum height, lot coverage allowed, and encroaches into the minimum required setbacks. Therefore, the Petitioner is requesting approval of the following:

Special Use to permit an accessory structure to exceed the maximum height allowed of one story, not to exceed 15 feet at midpoint or the highest point of the principal structure.

Variation to permit an accessory structure to be located 2 feet from the side lot line, instead of the minimum required 5 feet and 6 feet from the primary structure instead of the minimum required 10 feet.

Variation to permit lot coverage to be 48%, instead of the maximum permitted 45%.

KEY ISSUES:

- The Subject Property is zoned R-2 Single-Family Residential. This property received setback relief in 2015 (O-138-15), which included a Variation for the existing garage to be set back 6 feet from the primary structure. The property is approximately 55 feet wide, which is substandard, when compared to the current R-2 minimum lot width of 75 feet for interior lots. Most of the lots in this Subdivision were platted in a similar manner.
- The Petitioner is requesting to remove an existing 1-car detached garage and replace it with a 2-car detached garage that is set back approximately 2 feet (2'-7.5") from the interior side property line (existing garage is non-conforming at 4 feet (4’ 8.4”). The proposed garage will maintain the existing setback of 6 feet from the primary structure; therefore a Variation is required.
- Additionally, the proposed garage is approximately 18 feet to the roof midpoint and approximately 22 feet at the highest point. Per Code, accessory structures have a maximum height of 15 feet to the midpoint of the roofline; therefore, a Special Use is required. The proposed floorplan indicates that the upper level of the garage will be for storage only. The proposed garage height is to allow a building design that mimics some elements of the home’s architecture.
- The building coverage meets Code at approximately 29% (35% is permitted).
- With the proposed garage, the lot coverage is now at 48% (approximately 45% previously). For R-2 properties, there is a maximum of 45%; therefore, a Variation is required. Note: this would eligible for an Administrative Variation; however, since it requires additional relief this being processed as a Standard Variation.

- The Petitioner has indicated that there are two adjacent properties that have garages that are similar in height to the proposed structure. However, relief was not granted for either of these structures. The construction documents do not appear to be available, but it appears as though these structures comply with the mean height of 15 feet requirement.
- The setback from the house of 6 feet was previously contemplated when the Petitioner completed the second story addition. Staff does not object to the proposed separation variation between structures. Nevertheless, Staff believes that the proposed garage could comply with the minimum 5-foot setback requirement from the side property line.
- The existing garage is a single-story and is setback 4.84 feet from the side property line. The new garage is 546 square feet versus the existing 308 square feet. Staff does not believe that the Petitioner has justified the setback reduction for the garage. Staff understands that in order to meet the setback requirement, additional lot coverage relief would be required and the garage would further encroach into the rear yard.

ALTERNATIVES:

1. Approve the Special Use and Variations for a detached garage
2. Do not approve the Special Use and Variations for a detached garage

RECOMMENDATION:

Public Hearing**:**	ZBA meeting on March 9, 2021
Residents testifying:	None.
Vote:	The ZBA voted 4-2 to approve the Special Use and Variations for a detached garage. Nevertheless, Staff recommends denial of the requested side yard setback reduction and action at the Village Council's discretion for the Special Use for the garage height.

ACTION REQUIRED:
A motion to approve the ordinance granting a Special Use and Variations for a detached garage at 308 S. Benton Street.