



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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<http://www.palatine.il.us>

PLANNING AND ZONING COMMISSION

MINUTES • MARCH 12, 2024

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

Staff present: Mr. Ben Vyverberg

II. MEETING MINUTES

1. Planning and Zoning Commission - Regular Meeting - Feb 27, 2024 7:00 PM

Commissioner Friedman made a motion to approve the minutes of February 27, 2024; seconded by Commissioner Cavanaugh

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Eric Friedman, Vice Chairperson
SECONDER:	Kevin Cavanaugh, Commissioner
AYES:	Roth-Wurster, Friedman, Wood, Bettenhausen, Kolososki, Cavanaugh, Fedota, Schubert
ABSENT:	Noonan

III. PUBLIC HEARING

1. 2379 N. Hicks Road

Notice was published in the Daily Herald on February 26, 2024 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Variation
2. Proof of Ownership
3. Plat of Survey
4. Architectural Plans
5. Public Notice

Mr. Vyverberg gave a brief outline of the request stating the Subject Property is zoned Planned Development, within the Lake Cook Commons shopping center and follows the B-2 zoning and use requirements.

The Petitioner is proposing to open a new restaurant, Fronteras Mexican Grill, within the subject tenant space. With the proposed use, the total required parking exceeds the number of parking spaces currently provided on-site. Therefore, the Petitioner is requesting:

Variation to permit 135 parking spaces, instead of the minimum required 143 parking spaces.

Sworn in petitioner: Mr. Aldo Hernandez 7544 E. Prairie Road, Skokie, IL

Mr. Hernandez stated had dreamed since a child and this is the first time trying to open restaurant. He stated he has worked in the area so found a tenant space that will be for a restaurant. He spoke to the parking concern stating he has been observing the location and thinks there is plenty of parking because there are always available spaces through his observations. Mr. Hernandez stated he would not invest in a restaurant, if there was a parking concern for customers and do not want to affect other business owners. He explained their plan is to have mostly takeout customers that won't stay longer than 45 minutes. He stated the tables are more for customers to wait for food.

Chairman Wood asked if they planned on having alcohol.

Mr. Hernandez answered no. He stated the proposed hours are 10am-9pm.

Chairman Wood asked if they would be open 7 days a week.

Mr. Hernandez answered yes, but will close on holidays.

Chairman Wood asked if he observed the lot during different hours.

Mr. Hernandez answered yes, and stated he has pictures showing spaces during peak busy hours.

Chairman Wood asked how many employees.

Mr. Hernandez answered 4-5.

Commissioner Kolososki asked if each restaurant have separate dumpsters.
Mr. Hernandez answered yes.

Commissioner Bettenhausen asked about seating.
Mr. Hernandez explained they are not geared toward dining in. He stated they have a total of 14-16 seats all tables of 2.

Mr. Vyverberg provided additional details referring to the parking site plan, which was part of the plat of survey from Lake Cook Commons and was annexed into the Village of Palatine in 1992 as part of the Bourbon Square redevelopment. He stated that when the Fast Laundry business moved into the center a few parking spaces were added to the south side of the building making a total available 135, with a deficiency of 8 spaces for this request. He explained how the parking requirements are determined per code. Mr. Vyverberg stated if the restaurant was carryout only, the variation would not be needed. He referred to the slides to show the floor plan. He spoke to the other restaurants in the area and their parking requirements. Mr. Vyverberg explained the request is for a variation of 8 parking spaces.

Commissioner Friedman clarified the request is not for a special use.
Mr. Vyverberg answered no, explaining there is no liquor so the restaurant is a permitted use. He stated the board is here to review a parking variation.

Chairman Wood asked if staff knows of any parking issues with existing tenants.
Mr. Vyverberg answered no, and staff evaluated and observed and has no issues.

STAFF RECOMMENDATION:

The Petitioner is proposing to open a new restaurant, with a primary focus on carry-out orders. However, due to the number of tables included on the floor plan submitted for their building permit a Variation is required. The Petitioner submitted photos of the parking lot for the shopping center during the restaurant's anticipated peak hours, showing ample parking available during said times and Staff also conducted parking surveys at various times. Therefore, Staff agrees that the proposed use should not alter the character of the locality and the provided number of parking should continue to adequately serve the mix of tenants in the shopping center.

Therefore, Staff recommends approval of the proposed Variation, subject to the following condition:

1. The Variation shall substantially conform to the floor plan and business plan submitted by the Petitioner, Aldo Hernandez, except as such plans may be changed to conform to the Village's Codes and Ordinances.

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

Commissioner Friedman made a motion to approve subject staff's conditions; seconded by Commissioner Fedota.

DELIBERATIONS:

Commissioner Friedman stated the petitioner did their due diligence observing and documenting. He pointed out based on staff's summary of findings the petition is more akin to a carry out business rather than a busy sit-down restaurant. He stated it is not going to have a negative impact.

Commissioner Fedota agreed with Commissioner Friedman. He pointed out the narrow floor plan limits the ability to increase the seating. He stated he has dined in the area and the hours do not conflict with the other restaurants. Commissioner Fedota stated it is a good use of the space and meets the requirements.

Chairman Wood stated she is hesitant for variations for parking to not negatively impact the other businesses. She stated it is a smaller space and the restaurant will work well in plaza. She stated she is familiar with the center and there are always spaces. Chairman Wood stated it won't have negative impact and won't alter the essential character of the locality.

Commissioner Kolososki agreed.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to Village Council on Monday, April 1, 2024.

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

2. 430-436 E. Northwest Highway

Notice was published in the Journal & Topics Newspaper on January 25, 2024 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use & Variation
2. Proof of Ownership
3. Architectural Plans
4. Public Notice

Mr. Vyverberg gave a brief outline of the request stating the subject property is an existing commercial building on E. Northwest Highway. It was initially constructed as a single-story masonry commercial building in the late 1959 for "...three stores." A second story addition was approved in 1963 for listed office uses. The Petitioner purchased the property in 2021, with the intention of maintaining the ground floor commercial use and seeking zoning approval for residential uses on the second floor. Therefore, the Petitioner is requesting:

1. **Special Use for to allow 3 dwelling units (2nd floor); and**
2. **Variation to allow 10 parking spaces, instead of the minimum required 16 spaces.**

Sworn in petitioner: Mr. Matthew Holmes attorney 9501 W. Devon Avenue Rosemont attorney for the property owners Mr. & Mrs Loizzo

Mr. Holmes stated they are confident the project will benefit the Village and the property owner. He explained they are requesting a special use to return the second floor of the structure to the residential use they historically were. He pointed out staff noted the original unit had 4 residential units on the second floor and at some point, was converted to office space. He stated in the last few years the office space has been vacant because the market has changed. Mr. Holmes stated they have consulted with brokers who determined there is little to no interest in office space and the highest return would be to the return of residential use.

Mr. Holmes spoke to the surrounding area which includes residential service based commercial uses, industrial and the railroad tracks. He stated the surrounding properties would not be negatively affected, but rather the aesthetic improvements would improve the neighborhood.

Mr. Holmes spoke to the parking on Kenilworth Avenue being ROW, which is maintained by the Village of Palatine. He spoke to the suggested condition of a license agreement to maintain that parking area, if the Village Council would allow for the use these spaces.

Mr. Holmes spoke to the marketability of the site and how changing to residential will allow the owner to attract better commercial tenants and reduce signage on the site. He stated vacant office space is a drain to tax

assessment compared to full occupied residential real estate. He stated the site is .9 miles to the Metra station. He addressed the standards stating they are reducing the number of units to attract more financial stable residents. He stated the updates site will include fire sprinkler systems and ingress and egress for second floor units. He stated the application did not address variation of parking as they suggested the ROW be vacated so the owner can repave or they could enter in a long-term license agreement with the Village. He pointed out the building does not have enough parking for its current use so returning it to its current use would require 19 spaces and would be permitted as a legal non-conforming. Mr. Holmes pointed out the request reduces the parking requirement down to 16. He spoke to the lighting updates they are proposing.

Mr. Holmes spoke to the standards of variation stating there is no market for office space. He stated if they tore the building down and tried to rebuild from scratch it would be difficult because of its shape and setbacks. He spoke to other mixed-use units down Northeast Highway with residential on the second floor. Mr. Holmes stated using this type of transitional use allows to preserve residential area and allow business to operate along northwest highway corridor. He stated the parking variance required is created due to the unique shape and size of the lot. He stated the updates will allow to increase fire suppression, mitigate conformance in regards to parking and give new customers to the walkable stretch of northwest highway businesses. Mr. Holmes stated his client is the president of Shardon Builders in Mount Prospect and his office has residential on top and has never had a complaint from residential or commercial of the Village. He stated his client wants to own the property and stay a good neighbor and hopefully change the gateway to Palatine for the better.

Commissioner Kolososki asked if there was a fire in the building.

Mr. Holmes answered yes.

Commissioner Kolososki asked the status of the building.

Mr. Holmes explained it is being restored. He stated the permit for basic restoration of first floor was approved 2 weeks ago. He further explained it will require a complete gut rehab on both levels.

Sworn in Mr. Anthony Loizzo 430-436 E. Northwest Highway property owner

Mr. Loizzo stated the building is completely gutted and will get brand new everything including framing, electric, plumbing and heating. He stated no one ever parks along Kenilworth because everyone has garages. He stated they are proposing to completely take care of the parking area from repaving, taking care of snow and maintaining property. Mr. Loizzo pointed out the units are small so will not be attracting businesses that require 30 spaces. He stated usually the residential units use the spaces after the businesses close.

Chairman Wood asked if the units on the first floor will be divided.

Mr. Loizzo explained he will try to put back to original status including a salon

and 2 smaller spaces. He stated he put commercial rental signs up and all calls were for apartments.

Chairman Wood clarified there will be 3 units on the first floor.
Mr. Loizzo answered yes.

Chairman Wood asked what type of businesses are they targeting.
Mr. Loizzo stated he is unsure pointing out the spaces are small and finding a tenant is not easy so is open to anything. He stated they just started rehabbing.

Chairman Wood asked if the exterior is changing.
Mr. Loizzo explained the railings will change and windows will be changed to doors for egress. He spoke to the stairwell being removed and reversed to go up to the balcony giving the second egress.

Mr. Holmes referred to the site plan slide to show the changes of the railings and stairwell.
Mr. Loizzo looking to update watermain and fire suppression to make safer like his Mount Prospect building.

Commissioner Kolososki asked about the flooring system.
Mr. Loizzo stated they are steel trusses and 4-inch concrete. He stated the roof is on 4 inches trusses and is a flat roof with ac units on top of roof which will be replaced.

Commissioner Friedman asked if there are any parking restrictions to the north.
Mr. Holmes stated it is public parking in the ROW.

Commissioner Schubert asked about restrictions such as overnight parking.
Mr. Holmes answered no, not that they know of. He clarified the request mitigates the parking by 4 spaces.

Mr. Vyverberg gave an overview of the request stating the subject property is located on the corner of Northwest Hwy and Kenilworth and is zoned B-2. He stated the majority of the properties are zoned B-2 but some of the newer developments have been rezoned and approved in the capacity of a planned development. He stated the building was built late 1959 with offices uses being listed for the second floor in 1963. Mr. Vyverberg referred to the site plan slide and spoke to the parking granted from the Linden Avenue vacation and the Kenilworth Avenue parking spots being in the ROW . Those spaces would be escribed as passive parking in response to some of the parking that was removed when Northwest Highway was realigned. He referred to the slides to show floor plans and elevations. He stated the second-floor units were utilized as residential at some point, but there were no Village records identified for it. no records can be for that use. Mr. Vyverberg stated from a staff perspective the fact that it's been vacant and

not utilized impacted role on the Staff review and recommendation. He stated the future land use map for the current comprehensive plan identifies this property as appropriate for business uses similar to the other properties fronting Northwest Highway. He spoke to the pockets along Northwest Highway with residential uses, but those instances did not require a concurrent parking variation. Mr. Vyverberg stated there was a residential use as a component of the building. at one time, but has not existed for many years.

Commissioner Cavanaugh referred to the slide and asked about the spots next to the yellow.

Mr. Vyverberg explained those spaces belong to the animal hospital. He stated the Petitioner contacted the Village about vacating the parking spots and staff indicated it would not be supported by Staff.

Discussion on Linden Avenue vacation.

Chairman Wood asked if there are restrictions to the red parking area. Mr. Vyverberg stated overnight parking is not permitted on the streets of Palatine.

Chairman Wood asked where residential parking would have to go. Mr. Vyverberg any use of the right-of-way parking will be a will have to be decided at Village Council.

Mr. Holmes clarified if the Village allows vacating the ROW it will give enough spots and no variation would be needed.

Commissioner Schubert asked if there are 4 spaces for all the offices. Mr. Holmes answered yes with overflow parking in the back. He repeated if all units were commercial more spaces would be required.

STAFF RECOMMENDATION:

The existing building is non-conforming for setbacks and parking (for both the requested variation and the commercial requirements for both floors). From a land use perspective, this is not an area of the Village identified as appropriate for a mixed-use development. The Union Pacific's proximity does not provide rail convenient rail access to this area of the Village. Although there are existing commercial pockets, with residential uses on the upper floors or rear portion of the building, those examples are mostly existing conditions, with fewer unit counts and without parking variations.

With 7 bedrooms proposed, it is likely that there may be multiple vehicles/unit and guest parking contemplated. Those uses would not seem to function with the parking resources available. While the Village Council did take steps to address the commercial parking during the Northwest Highway reconfiguration, those activities did not take into account parking use for multi-family uses, with the

proposed apartments directly south of the Linden Avenue residences.

Staff does not believe that the Petitioner has addressed the standards and does not identify any unique circumstances with the Petition, other than the request to allow residential uses. Therefore, Staff recommends denial of the requested Special Use and Variation.

If the Planning and Zoning Commission recommends approval, Staff recommends the following conditions:

1. Sprinkler protection will be required for the entire building, along with an NFPA 72 fire alarm, with direct connection to Northwest Central Dispatch.
2. The final architectural plans shall be modified to comply with the means of egress compliance with the International Existing Building Code, including the emergency escape and rescue opening requirements.
3. The building permit application and plans shall be submitted in a manner acceptable to the Community Development Director and subject to the Plan Review comments, dated 12-6-23, previously provided to the Petitioner.
4. Any required upsize to the existing utilities will require an IDOT permit, in addition to a Village permit. A license agreement for the maintenance of the ROW parking will be required, as part of the building permit review.

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

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

DELIBERATIONS:

Commissioner Kolososki stated the Village is lucky Mr. Loizzo owns it because he knows how to rebuild it. He stated it is an impossible site and cannot build a new building on it. He stated there are too many setback issues. Commissioner Kolososki stated he is building it right and there are buildings down the street with apartments on top. He stated if done right it will be a nice asset to the Village.

Chairman Wood stated it is a 6,000 square foot building on an oddly built property with setback problems comparable to the old Hot Dog Richie site, so the options are limited. She stated she understands Staff's comments about a mixed use, but also understands the desire to improve that corridor and not sure what else can go into that building. She spoke to the need and demand for residential rental and though, not ideal, it makes sense. She stated maybe they can work with the Village on the parking issue.

Commissioner Fedota stated the owner is in a tough position. He stated it is an impossible building. He spoke to other buildings in the Village that are

squished in with no frontage. He asked about the last condition.

Mr. Vyverberg explained it states that any required upsize to the existing utilities will require an IDOT permit, in addition to a Village permit. A license agreement for the maintenance of the ROW parking will be required.

Commissioner Fedota stated there is a demand for rental residencies. He stated it is a great use for space and condition relative to parking is addressed in the last condition.

Commissioner Friedman stated the last condition does not address 24-hour residential parking use, but rather just for maintenance. He stated he would feel better if parking was not part of the discussion.

Commissioner Roth-Wurster pointed out most apartments are single people with extra rooms used as office. She stated it is hard to fill commercial property especially since lots of people are working remote. Commissioner Roth-Wurster stated it is a unique lot but there are other properties with common units and little parking along Northwest Highway. She stated she would like to see it improved and full occupancy. She stated she thinks the petitioner has addressed the parking concerns and wants to clean up the area. She spoke to the standards stating she would like to see more documentation on financials demonstrating it cannot yield a reasonable return, but would support the Petition.

Chairman Wood stated she feels the standards have been met, because she is unsure how else the property can be used. She stated it is a unique circumstance, won't alter the essential character of the locality and cannot yield reasonable return. She stated if approved, Council will have to determine the use of the right-of-way parking.

Commissioner Roth-Wurster stated the businesses will not need overnight parking, so the residential uses will have use of the spaces.

Ms. Wood summarized that this request has met the standards and was approved by a vote of 6-2. This item will tentatively go to Village Council on Monday, April 1, 2024.

RESULT:	RECOMMEND TO APPROVE [6 TO 2]
MOVER:	Kevin Cavanaugh, Commissioner
SECONDER:	Robert Kolososki, Commissioner
AYES:	Roth-Wurster, Wood, Bettenhausen, Kolososki, Fedota, Schubert
NAYS:	Friedman, Cavanaugh
ABSENT:	Noonan

IV. COMMUNICATIONS**V. ADJOURNMENT**

1. Motion to Adjourn

Commissioner Roth-Wurster made a motion to adjourn; seconded by Commissioner Kolososki

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Cindy Roth-Wurster, Commissioner
SECONDER:	Robert Kolososki, Commissioner
AYES:	Roth-Wurster, Friedman, Wood, Bettenhausen, Kolososki, Cavanaugh, Fedota, Schubert
ABSENT:	Noonan

