



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 • FEBRUARY 26, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

Staff present: Ms. Katie Rivard

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 12, 2019 7:00 PM

Ms. Roth-Wurster made a motion to approve the minutes of February 12, 2019; seconded by Mr. Larson.

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

III. PUBLIC HEARING**1. 345 N. Eric Drive**

Notice was published in the Daily Herald on February 11, 2019 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. Business Plan
5. Floor Plan
6. Letter of Support
7. Public Notice

Sworn in staff: Ms. Katie Rivard

Sworn in petitioners: Mr. Todd Ball and Ms. Kasia Ball 412 W. Hamilton Drive, Palatine, IL

Mr. Ball stated they have been in business in Palatine for 1 ½ years and have had growth each year. He explained they are asking for extra space for their expanding child business to include PAFA football, Stingray softball, and a few soccer teams, which would not require more parking because kids are dropped off. Mr. Ball stated if they have 2 classes running at the same time which would be one adult and one child class. He explained the expansion is to allow more space for their existing clients.

Mr. Pirog clarified they do not expect more business.

Mr. Ball explained they currently use 65-70% of the parking so even with 20-30% more growth they will be within the parking perimeters. He stated it is private training.

Ms. Ball explained there is no open gym times and clients have to schedule classes by signing in on an app. She stated their busiest times are around 5:30/6:30pm and 5:15/6:15 am. Ms. Ball stated during the day they only do personal training so there are no more than 6 people at gym. She stated 80% of the classes are taught by her and her husband. She spoke to the sports teams' seasonal schedules.

Mr. Ball explained they have 5 trainers on staff that are contracted and even if everyone is training at the same time there would be no more than 6-10 cars in the lot. He stated unlike other gyms people can't come in whenever they want.

Ms. Rivard gave brief overview of the variation request to allow 44 parking spaces instead of the required 75 parking spaces. She stated the property is zoned M- Manufacturing and health clubs are permitted uses but must comply

with parking requirements. Ms. Rivard pointed out there was a discrepancy in the packet on square footage referring to the floor plan slide. She spoke to the hours and peak business times remaining the same. Ms. Rivard spoke to the other uses in the building including office, warehouse, and consignment business. She stated the space they are occupying was warehouse so the parking requirements were different. Ms. Rivard spoke to the parking variation that was approved for Paxem in 2017. She referred to the floor plan slide to show location. She spoke to parking referring to the slide of parking counts.

Mr. Cavanaugh asked if the space is vacant.

Ms. Rivard explained it is warehouse space.

Mr. Cavanaugh asked how long it has been since it was occupied.

Ms. Rivard stated the property owner is present and can speak to that.

Ms. Wood clarified the warehouse space is vacant.

Ms. Rivard answered correct.

Sworn in Mr. Aaron Del Mar - Owner of the subject property - 345 N. Eric Drive, Palatine, IL

Mr. Del Mar stated the space on floor plan marked as warehouse and office use are currently occupied by his office and staff. He spoke to his business hours being Monday thru Friday 9 am - 5 pm, which does not conflict with the fitness hours which are before 9 am and after 5 pm. He explained when he purchased the property he knew it was too big so looked for other businesses to maintain the property. He spoke to the mixed uses and how they are able to cohabitate without having a negative impact on each other or surrounding property owners.

Ms. Wood asked if the warehouse is currently being used as storage.

Mr. Del Mar answered yes.

Ms. Wood asked what kind of parking demand he has.

Mr. Del Mar explained he has 9 full-time employees and 3 company vans. He stated they do not have additional parking needs. He referred to the plat of survey slide to show the available parking locations surrounding the building. Mr. Del Mar stated they will have parking signs for spaces that are designated for Ball4Training. He spoke to the easement agreement between 347 & 345 N. Eric Drive.

Ms. Wood clarified the 16 spaces are for Ball4Training.

Mr. Del Mar answered yes.

Ms. Wood asked if the parking spots are by their door.

Mr. Del Mar answered yes and referred to the existing conditions slide to show the available parking. He stated they are more than welcome to use the other parking. He spoke to staff's parking counts pointing out when at their busiest the property has 15 spaces available. Mr. Del Mar stated his company is out for delivery most of the time so rarely have customers that come to office so parking

is not a concern.

Ms. Wood asked about the shared parking with Illinois Shotokan.

Mr. Del Mar spoke to the parking agreement that allows Illinois Shotokan to use his property for parking. He referred to the aerial slide to show parking. He stated they have been good neighbors and all utilize the same resources when doing repairs and maintain the outside of the properties.

Mr. Pirog asked about the parking calculations.

Ms. Rivard explained the calculations are based on the entire square footage of Ball4Training because parking wasn't calculated when they first moved in as they were a permitted use. She further explained the expansion triggered a Variation for the parking.

Discussion on what the parking calculations are based on.

Ms. Wood asked how much space they are adding.

Ms. Rivard explained there was a discrepancy in the packet. She stated the space they currently occupy was greater than indicated by the Petitioner.

Discussion on how much total square feet is currently occupied by Ball4Training and how much is proposed.

Mr. Ball explained the proposed space will have grass and pull down TRX machines.

Ms. Wood asked if they currently are using approximately 8,000 sq. ft.

Ms. Ball answered yes.

Ms. Wood asked about class times.

Ms. Ball explained their schedules are not changing they just need more space.

Mr. Ball spoke to their peak times.

Ms. Wood asked if there is any parking issues in the evening.

Mr. Ball answered no and pointed out the extra evening class is for kids so parents just drop off the kids at the door.

Ms. Wood asked if parents get out to pick up.

Mr. Ball answered no they pull up to the door. He stated they have cameras out to see them in case the parents don't come up.

Mr. Pirog referred to the slide of existing conditions asking if it is possible to add parking east side as requested in letter.

Mr. Ball stated his concern is that there will be more cars on that side with kids getting dropped off.

Ms. Ball pointed out it is one-way so they cannot enter that way.

Mr. Ball explained he is concerned with the traffic flow and restated they have had discussions with them.

Ms. Ball pointed out since their business entrance is off of Cornell Avenue no one really goes to the back.

Sworn in Mr. Todd Berlin 402 N. Jayden Drive, Palatine, IL

Mr. Berlin stated he is happy for their success and thinks they have been a great neighbor. He expressed concern with parking along Cornell Avenue pointing out the north side is pinched in with no curb, gutter or sidewalk. He stated during inclement weather or at night it is difficult for cars and pedestrians to get by. Mr. Berlin stated he is looking for someone to address the root cause with possible no parking signs or expansion with curb and gutters.

Ms. Wood asked if the parents park there for a short time waiting for their kids to come out.

Mr. Berlin stated with the morning classes they seem to park there the entire time but has not paid close enough attention to know the timing exactly.

Mr. Pirog asked if he addressed the street parking with the Village.

Mr. Berlin stated he wrote a letter to Village over a year ago about the potential for curb and gutter installation but the Village responded that they would not consider anything until 2021 because it is not in the Capital Plan. He stated when this request came up he approached Mr. Ball and he agreed that it makes more sense for this customers to use his lot instead of the street but since there are no "No Parking" signs there is nothing he can do to enforce that.

Mr. Pirog pointed out that would make the parking worse.

Mr. Berlin pointed out the parking count isn't exactly accurate because it doesn't count all the cars on the street.

Ms. Rivard pointed out the Zoning Board can't make any decisions regarding the curb and gutter. She stated she is not familiar with the exact location of "No Parking" signs on Cornell Avenue.

Mr. Berlin explained there are no parking signs on the north side of the street but parking is permitted on the south side.

Ms. Rivard stated if approved they will have to submit a traffic directional and parking management plan so this should address some of these concerns. She restated the curb and gutter is outside of the purview of the Zoning Board but will look into it as a separate matter.

Mr. Berlin stated it is important to have all the information to get the whole picture of the situation.

Mr. Cavanaugh clarified there is "No Parking" signs on the north side of Cornell Avenue but not on the south.

Mr. Berlin stated there are "No Parking" signs on the north side but parking is permitted on the south side.

Sworn in Ms. Maria Cetlaus 346 W. Cornell Avenue, Palatine, IL

Ms. Cetlaus stated she is a 32 year resident. She stated there is a lot of traffic due to the new construction in her area. Ms. Cetlaus stated her house is currently for sale and is having a hard time selling because there are so many cars on the

street. She stated parking for the post office is in front of her house. She stated she currently lives in Iowa City and commutes back and forth and was surprised how many cars were in front of her driveway on Friday.

Ms. Wood asked if she knew where the cars were from.

Ms. Cetlaus she stated there were games taking place at the health club, which used to be a warehouse use. She stated she has complained about drainage because all the water from the post office comes onto her property.

Ms. Wood explained that is not in the ZBA's purview but she should speak to the Village about it.

Ms. Cetlaus stated it is hard to sell her house because of the traffic.

Mr. Luszczyk asked if there are cars on both sides of Cornell Avenue.

Ms. Cetlaus answered on one side.

Mr. Luszczyk asked if cars on one side is a problem.

Ms. Cetlaus explained on her side there are signs for "No Parking". She restated there are cars parked all over there now.

Mr. Berlin clarified Ms. Cetlaus is referring to the business at 340 N. Eric Drive, which is the across street, and is known as "Athletes Academy".

Mr. Del Mar explained the property at 340 N. Eric Drive is Athletes Academy, which is an indoor sports facility. He pointed out Ball4Training doesn't have classes on Fridays. He spoke to the properties on West Cornell Avenue that originally were to be developed as a PUD but it has not been developed so the public improvements that would have been done have not been done. He spoke to the improvements the Village has done including new storm sewers and drainage that helped with the overall water that came down from the post office area. He stated it is his understanding that when those properties are developed the curb and gutters would be constructed. He pointed out the parking on Cornell Avenue is public parking just like other area throughout the Village. Mr. Del Mar referred to the aerial slide to explain traffic flow through his property.

Mr. Luszczyk asked if there is legal parking on Eric Drive.

Mr. Del Mar answered yes and spoke to other available parking. He stated they considered adding parking spaces along in front of the building referring to the aerial slide to show other properties that have similar parking spaces at the front of their property.

Mr. Ball stated they have been good neighbors pointing out the complaints aren't really related to their business. He stated he has told his clients to be respectful of the street and to use the lot. He stated hopefully this will be seen by the Village board and improvements can be made to address these issues.

Mr. Pirog pointed out the size of the building being so large and asked staff what it was originally intended for.

Ms. Rivard stated she cannot answer that but this area is zoned Manufacturing

so warehouse is a typical use.

Mr. Cavanaugh pointed out the majority of the manufacturing buildings were there before the residential.

STAFF RECOMMENDATION:

The Petitioners are requesting to expand their existing health club into an adjacent space currently used as warehouse space. Therefore, the change in use requires a Variation to the parking. The subject property is unique as it is a mix of office and warehouse space, a consignment business with limited hours, and the existing health club, with limited hours as well. Staff believes that based upon the current uses and hours of operation of the existing businesses, there should be sufficient parking to accommodate the health club expansion. Also, the parking counts indicate that the existing tenant mix and available parking operate and are effectively functional. Ball4Training is not a typical health club, as the classes and training provided are scheduled and planned, as opposed to being open and unmonitored. Nevertheless, the existing use is increasing by 5,600 sq. f. (10,717 sq. ft. total). Therefore, Staff recommends action at the discretion of the Zoning Board of Appeals. If the Zoning Board recommends approval, Staff recommends the following conditions:

1. The Variation shall substantially conform to the Ball4Training business plan floor plan submitted on 01/22/2019 except as such plans may be revised to conform to Village Codes and Ordinances.
2. Staff will conduct a six-month review of the parking and traffic management for the Subject Use. If deemed necessary, Staff may recommend to Village Council additional conditions of approval, including an off-site parking agreement, a parking lot expansion (subject to the Code requirements), or class schedule adjustments and limitations for the Subject business.
3. The traffic direction and parking management plan will be revised in a manner acceptable to the Village Engineer and Director of Planning and Zoning. The revisions may include additional striping and traffic/parking directional signage and striping.

Mr. Cavanaugh asked if possible to add a second condition to include a study for "No Parking" signs on the south side of the street.

Ms. Rivard explained Staff can further address with the Traffic Engineering committee. She stated the board can make the recommendation as part of the condition.

Discussion on parking plan.

Ms. Wood asked about the staff recommendation stating the request is for 5,600 additional sq. ft.

Ms. Rivard explained that was a discrepancy and clarified they are asking for an additional 2,734 sq. ft.

Mr. Cavanaugh clarified the total at 10,717 sq. ft. is accurate.

Ms. Rivard answered yes.

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

Mr. Larson made a motion to approve subject staff's conditions; seconded by Mr. Luszczak.

DELIBERATIONS:

Mr. Larson spoke to the standards pointing out the uniqueness is they are using a manufacturing facility that was not designed for this but is a good use instead of being abandoned. He stated based on staff parking counts they are not an extra burden. He pointed out the discrepancy in the packet on how much space they are actually adding so the additional 2,800 sq. ft. will not add too much additional traffic and parking requirements.

Ms. Wood stated it is great that the neighbors, property owners and Staff came out to tell us what is going on. She spoke to Staff's conditions addressing the concerns and gives her assurance it will not negatively affect the other businesses or residents.

Ms. Roth-Wurster agreed with Ms. Wood and pointed out having Mr. Del Mar explain the hours of his business and how the hours coincide is helpful. She pointed out the nature of the business requires more space not to add more people but to do recreational activities.

Mr. Cavanaugh stated it is a great use for the space. He pointed out is a good sign when businesses grow and require more. He thanked the neighbors for coming out and recommended them to stay in contact with the gym owners and the Village so that any issues can be addressed in the 6-month review.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will go to Village Council on March 11, 2019.

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

IV. COMMUNICATIONS

Ms. Rivard stated that Ace Hardware received approval for the signage by Village Council and the Hertz proposal is scheduled for the Village Council meeting on March 4th.

V. ADJOURNMENT

1. Motion to Adjourn

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

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

