



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 25, 2020

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

II. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Feb 11, 2020 7:00 PM

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

III. PUBLIC HEARING

1. 435 W. Illinois Ave.

Notice was published in the Daily Herald on February 10, 2020 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. Plans
5. US Army Corps of Engineers letter dated
6. IDNR letter dated
7. Public Notice

Sworn in staff: Ms. Lyn Bremanis

Sworn in the petitioners: Mr. James Holder Palatine Park District and Mr. Tom Rychlik

Mr. Holder gave a brief history of the corner of the path explaining it gets covered with mud and silt and becomes a safety hazard from the rain. He stated over the years the silt has built up 6 inches around the path. Mr. Holder explained the intent was to take the path and move it away from the creek to decrease the amount of flooding. This will allow the residents better access and the park doesn't have to close down as it had in the past during the spring months. He explained the intent is to move out to be able to use more and become safer.

Mr. Rychlik gave a brief overview of the process of moving the path. He explained the project is located in the regulatory flood plain/floodway. He spoke to the calculations provided to the Village, MWRD, US Army Corps, and IDNR that outline how the fill and cut have balanced to achieve an increase in the floodplains storage within this section of Salt Creek. He spoke to the required conveyance for the flow of the floodway. Mr. Rychlik explained with none of the path going vertical the floodway is not affected. He explained the grading was to put the finished asphalt surface at the existing grade in the new location and excavate and slope the existing area down to drain freely into Salt Creek.

Ms. Bremanis gave a brief overview of the request explaining per Village code they are required to have 110% of compensatory storage and they are proposing 117%. She stated they have a letter from the US Army Corps of Engineers stating they have no objections as well as a permit that was issued from the Illinois Department of Natural Resources. Ms. Bremanis stated Community Services and Engineering reviewed and did not have any issues. She went through the slides to show existing conditions of the location of the path.

Mr. Rychlik stated the southeast corner was a baseball field and the old path followed along the backstop to be used during games. He stated the field is gone so pulling the path away they are avoiding the low areas the gets buried under water from rain from Salt Creek. He explained this will allow use in marginal rain events but during high peak times it will still be closed as with most of the path up to Illinois Ave.

Ms. Roth-Wurster asked about tire tracks in the proposed location pointing out it was still soggy. She asked why they are not moving it in further in less of the floodplain.

Mr. Rychlik explained almost the entire park is in the floodplain referring to the aerial.

Ms. Roth-Wurster asked if the path is at an adequate distance for safety during baseball games.

Mr. Holder answered yes explaining the location cuts through the old ball field.

Sworn in Mr. Tom Voitas 262 W Bryant Ave

Mr. Voitas stated he moved in 3 years ago and is familiar with the flooding. He stated he never sees anyone using the path. He stated he has pictures of flooding. Mr. Voitas expressed concern on the cost of the project. He stated FEMA has an obligation to monitor the floodplain and do a remapping every 5 years asking if that area has been remapped.

Ms. Wood stated the questions need to pertain to the matter before us explaining staff can direct any other concerns to the appropriate person to contact.

Mr. Voitas expressed concern with the compensatory storage and the possibility of the flow rate increasing toward his and his neighbor's property. He referred to the aerial slide to indicate where flooding is.

Ms. Wood clarified his property has a lot flooding.

Mr. Voitas answered yes explaining he is concerned this will exasperate it. He restated he is concerned the cost is not worth how much the path will be used.

Ms. Wood asked how often the flooding occurs.

Mr. Voitas stated every time there is about 2 inches of rain.

Mr. Voitas submitted pictures of flooding into record as objector's exhibit #1.

Mr. Voitas asked about details on the retention fencing.

Sworn in Ms. Michele Webster 252 W Bryant Ave

Ms. Webster agreed with Mr. Mr. Voitas about the flooding. She stated they have not had any water damage in the interior of their homes. She expressed concern that more water will cause damage to their homes. Ms. Webster asked for the village to promise that they will handle the cleanup if these changes cause more flooding and damage to the inside of their homes.

Mr. Cavanaugh asked if staff had any graphics of the floodplain east of the creek.

Ms. Bremanis answered no.

Ms. Wood asked about the timing of the flood pictures specifically if they were taken at one time.

Mr. Voitas stated he was unsure.

Sworn in Mr. Ralph Osier 8 Lancaster Ct Algonquin, IL

Mr. Osier stated he is a friend of Mr. Voitas. He stated he is an arborist, horticultural consultant and a soils nutrition expert. He stated his main concern for the community is the plan detail refers to the cut and fill as needed. He stated the fill is the concern. Mr. Osier spoke to the path being 10 inches above grade which makes a wall and the small trench isn't likely to speed up the drainage enough. He expressed concern with the maintenance of the path with the silt suggesting excavating next to the path to remove the excess silt. He stated there is no reason to spend the money when this will only add maybe another week of use. Mr. Osier stated they will have the same silt issue just farther up the hill which will cause a rise and then a flood. He stated it is nicely drawn but long term it will not solve anything.

Mr. Cavanaugh asked if the opposite side of Mr. Voitas' property across the creek is level.

Mr. Osier answered no it's lower.

Discussion on flooding of Mr. Voitas' property.

Mr. Osier indicated he has not witnessed the other side flooded. He spoke to the neighbors' concerns about a rise in taxes and if the expense is worth having the path for 2 extra weeks out of the year. He stated all this does is straightening the path and if this is done there would be a basin installed to aid in flooding.

Sworn in Mr. Martin Appel 222 W Bryant

Mr. Appel stated he has lived in the neighborhood for 45 years and sees the corner flood every year. He stated he has used the path many times but thinks it should be closed because not many use it. He expressed concern for safety indicating he has fallen because of the conditions. He stated it is a waste of money. Mr. Appel stated in the past the park district wanted to put a bridge which would have been nice for him to access from his property.

Ms. Wood explained the meeting was not to decide what the park district is allocated to do. She explained the zoning meeting is to discuss the application to build in the floodplain.

Mr. Appel stated he has seen the creek 30 inches above the path.

Sworn in Mr. Reid Ottesen 991 S Cedar Street

Mr. Ottesen pointed out the detention basin behind his property which is impacted by the creek. He stated he sees a lot of people using the path and believes it makes sense to get it out the area that silts over. He pointed out the park district will be providing 117% compensation that will be improving the flooding situation. Mr. Ottesen stated maybe they can increase the compensatory storage. He stated from a public use standpoint it is not having any adverse

impact, it's improving the ability to store flood water and will improve the use of the park. Mr. Ottesen stated he is supportive and thinks there may be an opportunity to improve the plans to get a little more compensatory storage out of it.

Sworn in Mr. Frank Skorski 145 W Bryant Ave

Mr. Skorski stated he is surprised to hear about this request. He stated Birchwood was given to the park district with a land swap knowing it is in the flood plain. He stated the Army Corp of Engineers is responsible for everything since they own the land 30ft from the center of the creek so the Village should speak to them if they have not done so already. Mr. Skorski stated he would like it dredged out to flow as a canal. He stated they should raise the path 2ft and install drainage to improve the speed of the water which will help the sediment. He suggested that they buy 100 willow trees that drink water. He stated you cannot walk along Vermont Street because it floods especially when the ground is frozen.

Discussion on where Vermont Street is.

Sworn in Ms. Sandra Hurtado 262 W Bryant

Ms. Hurtado agreed with the others concerns. She asked how this will solve the flooding issues. She expressed concern with the removal of trees.

Mr. Holder stated to his knowledge the path is used frequently based on the calls he receives from residents for cleanup requests. He explained he has a duty to maintain a safe trail system. He stated the current trail is failing so something needs to be done so instead of just repaving they decided to move it out so it wouldn't cover up as much. He explained they are trying to get the path out the area that is completely inundated in water. Mr. Holder explained the intent is not to get high enough to keep out of water because that is impossible. He explained the goal is to clear from the average rainfall. Mr. Holder explained since he knows it is a hazard he is required to fix. He explained the cost to remove the path is more than to relocate it. Mr. Holder explained the cut and fill is deceitful because they are not actually filling but rather bringing in a path and removing 17% more than bringing in.

Mr. Luszczak asked how much higher the new path will be.

Mr. Rychlik explained the elevations.

Mr. Cavanaugh clarified the path is only deteriorating in this corner.

Mr. Holder stated it is not as bad in other locations explaining this is the worse spot.

Mr. Rychlik stated the total project costs \$50,000. He stated the FEMA flood study that was referenced was the flood insurance study of 2008 for Salt Creek which is the most recent for this waterway. Mr. Rychlik explained the referenced zero rise certification is what was reviewed by the IDNR for comparison of the conveyance which was achieved in the permit issued which confirms their

calculations met their requirements. He explained the fill in the floodplain to create the path is approximately 11 yards more. He spoke to the grading and the pipe going under the path to allow water to flow after the rain has subsided. Mr. Rychlik explained the intent is to be able to use the path after a reasonable storm.

Mr. McGinn asked if this will help alleviate any of flooding problems. Mr. Rychlik explained it will result in a very small amount of change but will go in the right direction.

Ms. Wood asked about the pipe to divert water. Mr. Rychlik explained it is a convenience drain.

Mr. Rychlik explained they are adding 15 inches to the lowest area to establish a minimum elevation. He explained the tree removal is not part of this portion of the project. He stated the US Army Corp permit was received.

Ms. Wood asked if they can do more to alleviate flooding in the neighborhood. Mr. Holder stated he can speak to Village staff to increase compensatory storage.

Mr. Cavanaugh asked Mr. Rychlik if he is an engineer. Mr. Rychlik answered yes.

Mr. Cavanaugh asked Mr. Rychlik in his professional opinion if this request will not cause more flooding. Mr. Rychlik answered that is correct. He explained that they will increase the elevation of the existing path by 15 inches.

Ms. Wood asked if it will decrease the flooding. Mr. Rychlik stated they are meeting and exceeding the requirements of the ordinance but the balance will not drastically affect the flood stages of Salt Creek. Mr. Holder explained the 15-inch rise is the level that the ground is currently.

Mr. Osier stated the 6-inch pipe is not sufficient. He stated it should be minimum 12 inches or multiple 12 inches trenches.

Ms. Webster asked if they can possibly go with an alternate plan like making the path a bridge so water can go under to the rest of the park.

Mr. Voitas stated he has read studies on the increased changes on climate change and the amount of rain we have been receiving pointing out the FEMA study was from 2008. He asked if there is any guarantee from the engineers how long the path will last. Mr. Voitas spoke about bio swales that can aid in reducing floodwater by approx. 20%. He agreed with adding trees stating a single tree can gather 2,000 liters of water and can also prevent erosion. He stated the Army Corps of Engineer have shown to not be accurate on several projects. He expressed concern on the size of the compensatory channel to

move that amount of water.

Mr. Skorski suggested finding a way to keep the water in Birchwood Park until it can go down.

Mr. Rychlik explained the project cost increases to change the size of the pipes. He explained they are not looking for the field to drain at a higher rate. He stated the cost of adding a bridge will be much higher.

Mr. Larson clarified they are not hindering and are adding more storage to meet requirements.

Mr. Rychlik answered yes explaining the natural swale has been created and the pipe is going to allow the water to continue to flow.

Mr. Voitas stated there is no guarantee to make the path more usable. He stated they will still be cleaning the silt. He gave an overview of what the best-case scenario would be if they had an unlimited budget.

Mr. Larson pointed out this is not a question that relates to the proposed request.

Mr. Cavanaugh agreed with the concern but pointed out the park district has addressed explaining they are required to repair the hazards.

Mr. Dittrich stated that if nothing is done the yards will continue to flood. This will help mitigate the current flooding to the neighbors' yards.

STAFF RECOMMENDATION:

The Petitioner is requesting to relocate a section of an existing walking/bike path that is in the flood plain which requires a Special Use by code. The proposed path is located further away from Salt Creek and at a higher elevation and reduced in length. Also, the Subdivision Ordinance regulates permitted and special uses in the floodplain. Parks, hiking trails, and bike paths are permitted uses in the floodplain, as they represent a more passive use of the property and therefore are viewed with differently than structures and residential yards in the floodplain, which require special use review. Nevertheless, the partial fill in the floodplain, notwithstanding the path relocation to a higher elevation, triggers the special use review, although the path itself is permitted by Code. In addition, the Petitioner is providing compensatory storage above the minimum required at 117% and has received sign off from both the US Army Corps of Engineers acceptance and Department of Natural Resources permit.

Therefore, Staff recommends approval with the following conditions.

1. The Special Use shall substantially conform to the site plan prepared by Gewalt Hamilton Associates dated by 9/03/2020 except as such plans may be changed to conform to Village Codes and Ordinances.
2. The final engineering plans shall be revised in a manner acceptable to the Village Engineer.

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

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

DELIBERATIONS:

Mr. Larson stated the changes of the path will not cause things to get worse. He stated the conditions are not going to change anything. He stated he thinks the request meets the standards.

Mr. McGinn pointed out the engineer testified if anything this will help the flooding. He stated with our without the request there will be flooding.

Mr. Cavanaugh stated he has been on the fence but the point of the special use is to help with public health safety and welfare and Mr. Holder explained they are open to potential litigation if they do not repair hazard conditions. He stated they are liable for the safety of park.

Ms. Roth-Wurster pointed out staff's report stated parks, hiking trails and bike paths are permitted uses in flood plains. She stated the engineers have gone through both IDNR and the Army Corp of Engineers. Ms. Roth-Wurster stated the park district's goal is to protect the public health safety and welfare. She stated the removal of the path is not feasible but this should make it better.

Ms. Wood stated they are improving the bike path, which is great. She stated she uses the bike path frequently and stated a lot of time she can't use due to flooding. She stated home value and impact is very important but it seems that this request may not help but will not harm. Ms. Wood stated this request will help the public health safety and welfare of the residents for the path.

Mr. Cavanaugh recommended adding a suggestion to put willow trees in that corner to help slightly.

Ms. Wood agreed with Mr. Cavanaugh. She stated she would like the residents and the park district to communicate in the future to see what can be done.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will tentatively go to Village Council on March 16, 2020.

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

2. 1570 E. Northwest Highway

Notice was published in the Daily Herald on February 10, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use & Variation
2. Proof of Ownership
3. Project Narrative
4. Petitioner's response letter dated 1-29-20
5. Boundary & Topographic Survey
6. Site Plan
7. Final Engineering Plans
8. Architectural Plans
9. Floor Plan
10. 0-133-97 Special Use and Variation Ordinance for McDonalds
11. Public Notice

**Sworn in Mr. Dan Olsen 2631 Ginger Woods Pkwy Aurora Civil Engineer/
Project Manager**

Mr. Olsen gave a brief overview of the request including an amendment to the existing special use and additional variances for the drive-thru width and parking stall depths. He spoke of the existing conditions of the site referring to the plat of survey slide. He explained they are looking to remodel the building and redo the site. Mr. Olsen explained the proposal keeps the existing site layout with the driveways and the one-way circulation. He explained the main change to site is the double drive-thru. He explained since it is such a tight site they need to ask for relief in certain areas. He stated they are updating the site to be ADA compliant. Mr. Olsen explained as part of the project the parallel parking stalls next to drive thru will be removed to provide an escape lane for the proposed drive thru. He explained the stalls circled in red on the site plan slide will be designated as employee parking. Mr. Olsen stated the garbage coral will remain the same fully screened. He stated they are putting the side by side drive-thru in all the locations explaining the benefits. He stated the stacking benefits this site because it is so small. Mr. Olsen stated the updates drive-thru equipment is more efficient pointing out 75% of the vehicles that visit this site use the drive thru. He stated the stacking ability will increase by 3 vehicles from 10-13. Mr. Olsen stated they are adding pull thru parking stalls for orders that require more time to keep the drive thru moving. He pointed out they meet parking requirements. He explained the reason for the variance is due to the site tightness. Mr. Olsen spoke to the other updates on both exterior and interior referring to the elevation and floor plan slides.

Mr. Larson asked if there is any concern about the tightness of the turn.

Mr. Olsen answered no explaining a typical bypass lane is 12 ft. and they have

12.3 ft. He stated all standards have been met.

Mr. Larson asked about current distance between parking spots and turn.
Mr. Olsen stated he would guess they are around 10-11 ft.

Mr. Luszczyk clarified the existing width is 10 ft.
Mr. Olsen explained it is a close guess. He explained even though they are mirroring what is existing since they are adding a lane they need to request the variance.

Mr. Luszczyk asked what is in the island.
Mr. Olsen explained there was a landscaping plan that was submitted. He stated there is a raised 6-inch curb area with landscaping.

Mr. Luszczyk asked if the island could be smaller.
Mr. Olsen explained if it was smaller you won't get the minimum radius and the menu board gets too close to the curb and gets hit.

Mr. Larson asked if the trash coral is still accessible.
Mr. Olsen answered yes explaining the coral doors face west which mirrors the current conditions.

Ms. Wood clarified the traffic pattern stays the same and adding the pork chop.
Mr. Olsen answered yes.

Ms. Bremanis stated Mr. Olsen gave a detailed overview. She went through the slides of existing conditions. She stated Community Services, Engineering and Fire Prevention have reviewed and had no issues.

STAFF RECOMMENDATION:

The Petitioner is seeking approval to make changes to the existing McDonald's site plan approved in 1997 (#O-133-97) for the addition of a second drive-through lane. Currently, traffic flows in a one-way direction through the site, and the existing drive-through lane is substandard per the current Zoning Ordinance. At the time the initial site plan was approved, the Zoning Ordinance did not have drive-through requirements for stacking, widths, and escape lanes. The Zoning Ordinance was not amended until 2008. While the proposed second drive-through lane would not meet the required width, the existing drive-through lane would be widened to meet Code. The Petitioner has indicated the turning movements and vehicular circulation patterns throughout the site will ultimately remain the same, and the access points and circulation will not be affected. The Petitioner has also indicated that with a second drive-through lane will increase the number of stacking spaces, which will increase efficiency and effectiveness. In order to accommodate a second drive-through lane while maintaining a one-way flow around the site, the 3 parallel parking spaces on the east side of the property will be removed. Those parking spaces will be replaced with 2 perpendicular spaces directly south and adjacent to the existing garbage enclosure area. The proposed parking spaces will be 18 feet in length, whereas

19 feet is required per Code. The Zoning Ordinance also requires a 12-foot wide escape lane for all drive-through. If the parking spaces were lengthened to 19 feet, this would eliminate the Variation for the parking space, but most likely necessitate a Variation for a non-conforming escape lane width. The Petitioner has agreed to designate these 2 parking spaces as well as the other 2 parking spaces directly west and adjacent to the garbage enclosure as "Employee Parking Only" spaces in order to reduce potential traffic conflicts between vehicles backing in and out and those using the escape lane. Additionally, the Petitioner has indicated that a majority (75%) of business is drive-through.

With that being said, Staff does not believe site plan changes will adversely affect the Subject Property as the overall flow and circulation throughout the site is not changing. Therefore, Staff recommends approval of the Special Use Amendment and Variations, subject to the following conditions:

1. The Special Use and Variations shall substantially conform to the site plan prepared by Watermark Engineering dated by 1/29/2020 except as such plans may be changed to conform to Village Codes and Ordinances.
2. The two (2) parking spaces directly south and immediately adjacent and the two (2) parking spaces directly west and immediately adjacent to the garbage enclosure shall be designated as "Employee Parking Only" parking spaces.
3. A landscaping and parkway tree replacement plan shall be submitted in conjunction with the building permit submission for the proposed site improvements, in a manner acceptable to the Department of Planning and Zoning, with review by the Public Works Department.

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

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

DELIBERATIONS:

Mr. Cavanaugh stated he understands the need for this since it is an older McDonalds and needs improvements. He stated he thinks this will improve the appearance of that corridor of Palatine. He stated nothing in the special uses and variations is alarming. Mr. Cavanaugh stated the second drive-thru is pretty standard in the newly remodeled McDonalds and in this facility's case much needed due to 75% of their business being drive thru to help get the vehicles in and out of the property more efficiently.

Ms. Wood stated this property has been in business for longer than the codes have been in place. She stated it is expected to yield a reasonable return using a drive-thru.

Ms. Roth-Wurster agreed that the standards have been met. She stated they have thoughtfully gone through this with creating the employee parking spaces.

Ms. Wood stated she doesn't think the elimination of the parallel parking spaces will be a problem.

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 9, 2020.

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

IV. COMMUNICATIONS

The next meeting will be on Tuesday March 10th. There will be two items.

V. ADJOURNMENT