



VILLAGE OF PALATINE

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

PLAN COMMISSION

AGENDA • FEBRUARY 19, 2020

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Dec 17, 2019 7:00 PM

III. PUBLIC HEARING

1. Text amendments to Article 3 – Rules and Definitions – Section 3.02 Specific Definitions; Article 4 – Section 4.02 Separability; 4.12 – Erosion and sedimentation control ordinance and 4.13; Article 6 – 6.03 (Fences) (c) business districts; Article 10 - Residential Districts – Sections 10.02 (c), 10.03 (c), 10.04 (c), 10.05 (c), 10.06 (c), 10.07 and 10.07 (c) – Special Uses in residential districts; and, Article 11 – Business Districts – Sections 11.03, 11.05, and 11.06 – Permitted and Special Uses in the B-2, B-4 (Special Uses only), and B-5 business districts, and Article 14 – Administration – Section 14.06 Amendments.

IV. COMMUNICATIONS

V. ADJOURNMENT



VILLAGE OF PALATINE

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PLAN COMMISSION MINUTES • DECEMBER 17, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Present	
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Present	
Patrick Noonan	Plan Commissioner	Absent	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Absent	
Robert Kolososki	Plan Commissioner	Absent	
Stephen Fedota	Plan Commissioner	Present	

Staff present: Ms. Katie Rivard

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Nov 19, 2019 7:00 PM - **Accepted**

Ms. Williams made a motion to approve the minutes of November 19, 2019; seconded by Ms. Robins.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Jane Robins, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Williams, Friedman, Fedota
ABSENT:	Noonan, Bettenhausen, Kolososki

Minutes Acceptance: Minutes of Dec 17, 2019 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING

1. 1480 W. Poplar Street - **Recommended to Approve**

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on December 2, 2019 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Public Notice
2. Petition for Hearing
3. Proof of Ownership
4. Plat of Survey
5. Plans
6. Clearwater Plat of Subdivision
7. SMC Soil Report dated 9/28/2018
8. Planned Development Ordinance #O-046-02

Sworn in the petitioners: Anthony & Eleni Pecoraro 405 S. Creekside Dr. Palatine, IL

Mr. Pecoraro stated they purchased the property a little over a year ago and were aware of some issues so got for less than market. He stated they did soil borings and found the conditions were worse to the west. He explained they are trying to make it more affordable in foundation price to build the house. Mr. Pecoraro explained they are requesting a setback reduction of 40 feet, which conforms to the property to the north that also has a 40-foot setback. He stated they were not aware the circle drive in front was outside Code which was similar to the original developer's proposal for the property. Mr. Pecoraro pointed out it is unique because it is not a public road which makes it difficult when having guests without a circular drive or a hammer head.

Ms. Robins asked what the soil problems are.

Mr. Pecoraro explained the findings of the soil report which included 3 soil borings that are on the cover sheet of the site plan. He spoke to the water levels of the property stating the neighbor to the north has a sump pump that runs continuously. He spoke to the neighbor's construction process which included excavation at night and sheet pylons to support the slab. Mr. Pecoraro stated he is trying to avoid all that while making a home that is affordable.

Ms. Robins asked if they will still have problems if approved for the change in setback.

Mr. Pecoraro explained referring to site plan slide to show the areas of the soil borings stating the setback change will help reduce the worst case scenario.

Mr. Hansen asked about access to the garage with it feeding from the north side. Mr. Pecoraro explained they will build an asphalt driveway referring to site plan slide.

Sworn in Staff: Ms. Katie Rivard

Mr. Hansen asked about the turn on the site plan slide asking who puts in the street.

Mr. Pecoraro stated he does.

Ms. Rivard explained Mr. Pecoraro is constructing a new drive along Lots 1 & 2.

Mr. Friedman clarified the turn is off Poplar Street.

Ms. Rivard answered that is correct.

Mr. Hansen clarified the home is not really on Poplar Street.

Mr. Pecoraro explained that is the address he was given.

Discussion on the street including responsibility of installation, maintaining and whether it is a private road or a private drive.

Mr. Dwyer asked if the road needs to be built to street specifications.

Ms. Rivard answered yes and it would be covered under the building permit.

Mr. Pecoraro stated he did not know this.

Mr. Friedman asked if the width is adequate.

Mr. Pecoraro explained it is similar to Lots 3 and 4 being a one lane which was part of the reason they were requesting a circular drive.

Mr. Friedman stated the circular drive is kind of a necessity with the narrow driveway.

Mr. Dwyer stated the alternative to the circular drive would be widening the driveway.

Mr. Pecoraro explained it is difficult because the driveway is at the limit of the easement.

Ms. Robins asked if it meets Fire code.

Ms. Rivard answered yes Fire Prevention has reviewed it and has no concerns.

Mr. Pecoraro asked if the driveway has to be street grade.

Ms. Rivard stated that will have to be further discussed.

Mr. Friedman asked if the plans include a basement.

Mr. Pecoraro answered yes explaining it will be unfinished.

Ms. Rivard gave a brief overview explaining the request is to build a single family home 40 feet from the lot line instead of the required 50 feet and do a variation for a circular driveway. She stated the Subject Property was part of Clearwater Subdivision approved in 2002. She stated it is 6 lots with only 3 being developed as several went into foreclosure and changed ownership. Ms. Rivard pointed out the Subject Property setbacks; building and lot coverage are similar to the property to the north. She stated building height and coverage all meet code. She

spoke to Condition #7 on elevations stating the Petitioner has agreed to do hardie board siding and stone veneer, which Village Council will have to approve. Ms. Rivard stated they will construct the drive across both Lots 1 and 2 consisting of a traditional drive up to the side loading garage with an additional turnaround circular drive in the front. She stated the Petitioners have agreed to install additional landscaping between the drive and the neighboring residents to provide additional screening and will be addressed in the landscaping plan that will need to be submitted at the time of the building permit. Ms. Rivard referred to the slide to show existing conditions.

Mr. Hansen asked about the front yard setbacks of the homes to the north. Ms. Rivard answered they are at 40 feet.

Mr. Fedota asked why the property to the north is at 40 feet. Ms. Rivard explained it is due to the high water line.

Mr. Fedota asked if it would make sense to recommend the same setback for Lot 1 for continuity. Ms. Rivard stated the board can express their recommendation, but the Village has not received an application to reduce the setback for Lot 1. Discussion on adding the recommendation.

Mr. Fedota asked about the radius of the turn in the drive from the loading drive. Ms. Rivard stated Staff had no concerns. Mr. Pecoraro stated it is a tight radius but they had a civil engineer review and he didn't have any objections. He explained the purpose was for cars to park to get out of the way not for heavy traffic.

Mr. Fedota clarified he was referring to the side load turn. Mr. Pecoraro explained that is part of their architectural plan and through the process has had an engineer redesigned to be more suitable for a turn and will be address in building permits.

Mr. Fedota asked if the landscaping to the north will extend to the egress corridor. Ms. Rivard explained the Petitioners have agreed to do the landscaping on the east side of the driveway.

Mr. Dwyer clarified the requested driveway width. Ms. Rivard explained how it was calculated referring to site plan slide.

Discussion on private drive vs private street. Ms. Rivard explained the ordinance calls it out as a private drive.

Mr. Friedman asked how the width is calculated. Ms. Rivard explained staff took the widest part of both drives referring to the site plan.

Mr. Friedman clarified the total width is 48 feet not the circular drive.
Ms. Rivard answered yes.

STAFF RECOMMENDATION:

Since the approval of Clearwater Subdivision, only 3 of the 6 lots have been developed, as the property ownership has changed, since the development's approval in 2002. The Petitioners purchased the Subject Property in late 2018 with the intention of constructing a new single-family residence. The Petitioners have requested to reduce the required front yard setback from 50 feet to 40 feet, due to the conclusions made in the geotechnical investigation for this lot. The setback reduction is consistent with the minimum required front yard setback for Lot 3, directly north of the Subject Property, as well as building and lot coverages. Additionally, the Petitioners have agreed to install landscaping (evergreens or other dense plantings) on the east side of the driveway between the neighboring residences.

Due to the uniqueness of the Subject Property and the orientation of the lot, the Petitioners are also requesting approval of a Variation to allow for a circular driveway. As the private drive ends on the Subject Property, the Petitioners have indicated the circular drive will provide a turnaround, as these lots are not located on a traditional public or private street. If the Petitioners did not require zoning relief for the setback and driveway, only Village Council review and approval would be required (per Condition #8 of Ordinance #O-46-02). Therefore, Staff recommends approval of the Planned Development Amendment and Variation, subject to the following conditions:

1. The Planned Development Amendment and Variation shall substantially conform to the site plan, floor plan, and architectural elevations prepared by the Petitioner Mr. Anthony Pecoraro (Benchmark Developers, Inc.), on 09/25/2019, except as said plans may be revised to conform to the Village Code of Ordinances and including revisions to the architectural plans to include Hardie Lap siding.
2. A landscaping plan including additional plantings on the east side of the driveway shall be submitted in a manner acceptable to the Director of Planning and Zoning.
3. A hold harmless letter shall be submitted in a manner acceptable to the Village Attorney, regarding the setback reduction from the privately recorded building line.

Mr. Hansen asked who they are holding harmless in Condition #3.

Ms. Rivard explained this is a typical condition for a setback request when there is a privately recorded building line.

Mr. Hansen asked the Petitioners if they understood.

Mr. Pecoraro answered yes.

Mr. Hansen asked if the Petitioners can and will agree to all staff's conditions.

Mr. and Mrs. Pecoraro answered yes.

Ms. Robins asked if the property has city water and sewer.
Ms. Rivard answered yes.

Mr. Dwyer asked if extensions were needed.
Ms. Rivard explained any conditions were handled when original subdivision was approved.

Sworn in Mr. Symon Arnold 1048 N. Palos Avenue, Palatine, IL

Mr. Arnold spoke to the original request and approvals. He stated the Petitioners were aware of the setbacks, the driveways and the soil conditions. He pointed out this request is financial being that all conditions can be met. He stated the property sat for a long time because of this added cost to build at the approved setback. Mr. Arnold spoke to the setback of the property to the north explaining it was not only because of waterline but because of the way the driveway was feeding in from the north. He spoke to the uniqueness of the property with the front lot line abutting a back lot line. Mr. Arnold expressed concern with the additional asphalt with more than 50% of the front yard being covered. He spoke to the land usage a calculation pointing out more than a third of the property is under water. Mr. Arnold pointed out the length of the property stating they can build the same size house without the variance. He referred to site plan stating the driveway will requires backfill and the lot has already had significant backfill. Mr. Arnold stated the driveway is bigger than the footprint house. Mr. Arnold stated there was a full year of debate with the Village Council that ended in these conditions and is not sure what has changed to accept these variances.

Ms. Robins asked why the house to the north was granted the 40-foot variance.
Mr. Arnold explained the water line was the closest and the driveway was designed to come in at the north rather than from the front of the house and the property line.

Mr. Dwyer spoke to the possibility of reversing the house making it similar to Lot 3 and not require a circular drive.

Mr. Arnold stated there are number of houses with side loading garage that don't have a circular drive. He stated the circular drive would be up on a contour or require backfill.

Mr. Pecoraro stated if they were forced to build with pylons and extreme foundation cases they would be forced to sell the property which will probably be foreclosed and affect property values. He pointed out the calculated surface area of the driveway includes the area that runs through Lot 1 and connects to Poplar Street. He spoke to original proposal that included a circular drive. He stated he doesn't see any condition in the Clearwater Subdivision ordinance about not parking cars in the driveway. Mr. Pecoraro agrees the home can be built with a 50-foot setback, with an estimated additional cost of \$100,000 to \$200,000 in foundation improvements. Mr. Pecoraro indicated that that may be something for the Plan Commission to consider, but that would not be feasible for the Mr. Pecoraro to build. He stated they were aware of the conditions when they bought

the property, but also wanted to take a chance because they like the area.

Ms. Rivard stated if the total square footage of the property was cut in half it would still be within the lot and building coverage standards for the R-2 district.

Mr. Pecoraro referred to the green line on the site plan slide indicating the water line in September. He stated looking at the aerial you can see it is significantly further east.

Mr. Friedman asked if their design team looked at a mirror image.

Ms. Pecoraro answered yes she designed plans herself thought this would be best aesthetically to see the home when you drive up versus 2 garage doors.

Mr. Dwyer asked if the extension off of Poplar is considered Poplar Street or a private drive.

Ms. Rivard answered yes it is Poplar Street, which is a public street.

Mr. Dwyer pointed out according to the aerial it is substandard. He asked if it will be left as is.

Ms. Rivard answered yes at this time.

Mr. Dwyer asked if the residents would responsible for upgrading to a full standard street.

Ms. Rivard answered no not at this time.

Ms. Robins asked if the lots have changed and eroded from lake since the ordinance was approved in 2002.

Ms. Rivard stated she can't answer that.

Discussion on possible differences of the waterline of the properties.

Mr. Dwyer stated he understands the aesthetics of the garage doors but also understands the concern of a lot of asphalt.

Ms. Pecoraro stated they will have enough greenery to make up for the asphalt.

Ms. Robins made a motion seconded by Mr. Fedota to close.

Mr. Dwyer spoke to the uniqueness of the property since there are not many in Palatine that is front yard abutting rear yard. He pointed out the property is pretty isolated so will not have many people driving by.

Mr. Fedota agreed it is a unique situation. He stated the neighbors and others in the community may prefer less asphalt.

Mr. Hansen pointed out staff Condition #2.

Discussion on landscaping /screening possibility.

Mr. Dwyer stated he would personally put the garage on the south side and limit the asphalt. He stated they are very isolated and it won't affect many people or

have thru traffic.

Mr. Dwyer asked if there was any concern with the 40-foot setback.

Ms. Robins stated she doesn't like but understands the reasons behind it. She spoke to the cost increase pointing out they knew it when they bought it.

Mr. Dwyer stated the soil borings test were done later. He stated his own property has water sitting where he has never seen water before and the Petitioners have to be careful putting a foundation where it will later be under water.

Discussion on 40 feet being consistent with lots to the north.

Mr. Friedman expressed concern with the turn radius of the driveway.

Discussion on turn radius.

Discussions on continuing the hearing to a future date until the plans are reviewed by a civil engineer.

Mr. Fedota made a motion to reopen the public hearing; seconded by Mr. Friedman.

Mr. Fedota made motion to table the driveway variance to a date TBD.

Mr. Pecoraro asked if the setback can be approved while reviewing the driveway.

Ms. Rivard explained the civil engineering plans were submitted even though they were not part of the packet.

Mr. Dwyer explained he would like to continue because a good question on the usability of the circular drive.

Mr. Arnold stated the 40-foot line is critical on a public drive but this is private. He spoke to aesthetics once the other homes are built.

Mr. Fedota made a motion to approve the 40-foot setback; seconded by Ms. Robins.

Mr. Pecoraro stated his main concern was the 40-foot setback.

Mr. Arnold clarified this is not approval just recommendations.

Discussion on the next steps for approval.

Chairman Dwyer summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to the Community and Economic Development Committee of the Village

Council on a date TBD.

Ms. Williams made a motion to adjourn; seconded by Mr. Fedota.

Ms. Williams made a motion to reopen the hearing; seconded by Mr. Hansen.

Mr. Fedota made motion to table the driveway variance to a date TBD; seconded by Mr. Hansen.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Stephen Fedota, Plan Commissioner
SECONDER:	Jane Robins, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Williams, Friedman, Fedota
ABSENT:	Noonan, Bettenhausen, Kolososki

IV. COMMUNICATIONS

Ms. Rivard provided an update on past projects and indicated the first meeting in January was cancelled.

V. ADJOURNMENT

Minutes Acceptance: Minutes of Dec 17, 2019 7:00 PM (Approval of Minutes)

VILLAGE OF PALATINE
Plan Commission

SCHEDULED 02/19/20 07:00 PM

CASE STAFF STATEMENT (ID # 5907)

Text amendments to Article 3 – Rules and Definitions – Section 3.02 Specific Definitions; Article 4 – Section 4.02 Separability; 4.12 – Erosion and sedimentation control ordinance and 4.13; Article 6 – 6.03 (Fences) (c) business districts; Article 10 - Residential Districts – Sections 10.02 (c), 10.03 (c), 10.04 (c), 10.05 (c), 10.06 (c), 10.07 and 10.07 (c) – Special Uses in residential districts; and, Article 11 – Business Districts – Sections 11.03, 11.05, and 11.06 – Permitted and Special Uses in the B-2, B-4 (Special Uses only), and B-5 business districts, and Article 14 – Administration – Section 14.06 Amendments.

CASE NUMBER: 20-02

PETITIONER: Village of Palatine

LOCATION: Village of Palatine

PROPOSAL: Text amendments to the following Sections of Appendix A:

Article 3 - Rules and Definitions - Section 3.02 Specific Definitions;

Article 4 - General Provisions - Section 4.02 Separability and 4.13;

Article 6 - 6.03 (Fences) (c) business districts;

Article 10 - Residential Districts - Sections 10.02 (c), 10.03 (c), 10.04 (c), 10.05 (c), 10.06 (c), 10.07 and 10.07 (c) - Special Uses in residential districts; and,

Article 11 - Business Districts - Sections 11.03, 11.05, and 11.06 - Permitted and Special Uses in the B-2, B-4, and B-5 business districts; and,

Article 14 - Administration - Section 14.06 Amendments.

BACKGROUND:

As part of Staff's periodic review and update to the Zoning Ordinance, Staff is proposing text amendments to the following Sections:

Article 3 Rules and Definitions, Article 4 General Provisions, Article 6 Fences in the business districts, Article 10 and Special Uses in the residential districts, Article 11 Permitted and Special Uses in the B-2 (General Business) and B-5 (Highway Business District) business districts and Special Uses in the B-4 (Office-Research), and Article 14 Administration.

The proposed text amendments to the Village of Palatine Zoning Ordinance will identify and amend definitions for administrator and hospital, remove hospitals and sanitariums as Special Uses in all residential districts; and, amend hotels, motels, and lodging houses as Permitted Uses in the B-2 and B-5 districts into Special Uses in the B-2 and B-5 districts. These amendments would also remove hospitals as Special Uses in the B-2 and B-5 districts and add hospitals as Special Uses in the B-4 (Office-Research) district. The text amendments to Articles 4 and 14, relate to dated references to Village Board and Trustees to be replaced with Mayor and Village Council. The business district fencing amendments would allow up to an 8-foot tall fence (rear and interior side yards), within the business districts, for business district properties adjacent to residential properties.

All amendments are within Appendix A (Village of Palatine Zoning Ordinance) of the Village of Palatine Code of Ordinances.

ANALYSIS:Article 3 - Rules and Definitions - Section 3.02 Specific Definitions

The reference to the Director of Community Development is no longer an active department and the proposed amendment will align with the current Village structure:

*Administrator. Means the director of **planning and zoning** community development of the village or a person designated by the village manager.*

In an effort to both clarify and update existing definitions and to include undefined terms in the Zoning Ordinance, Staff is proposing new definitions for hospitals. While it is acceptable to rely upon generally accepted definitions, in the absence of terms being specifically defined in the Zoning Ordinance, it is more appropriate to include used terms in the Zoning Ordinance.

Hospitals are identified uses in the Zoning Ordinance, but are not defined in the Specific

Definitions section of the Code, Staff recommends its inclusion in the Zoning Ordinance for clarity:

Hospital - A building (s) or structure (s), which require licensing as a hospital by the State of Illinois, and which is (are) maintained and operated for the diagnosis, treatment of life-threatening conditions, including medical care or surgical care, and provides overnight lodging for patients.

Article 4 - General Provisions - Sections 4.02 Separability and 4.13, and Article 14 Administration - Section 14.06 Amendments:

The text amendments to Articles 4 and 14, relate to dated references to Village President and Village Board and Trustees and should be replaced with Mayor and Village Council. Therefore, Staff is recommending the following changes:

Section 4.02:

It is hereby declared to be the intention of the ~~village president~~ Mayor and ~~board of trustees~~ Village Council of the Village of Palatine that all provisions of this ordinance are separable.

Section 4.13:

Expansion, additions to, or replacement of overhead utility lines in excess of 2,600 lineal feet shall be required to be buried unless the ~~Village Board~~ Village Council authorizes their expansion, alterations of construction above ground. The replacement of a majority of the lines in a circuit shall be deemed a replacement under this section. All such construction of utility lines in excess of 2,600 lineal feet, whether buried or overhead, shall be subject to review and approval by the ~~Village Board~~ Village Council of a specific implementation plan to ensure minimal impact on trees and private and public property.

Section 14.06:

(a) The plan commission shall hold public hearings on all proposed zoning amendments to this ordinance, except in connection with annexation of property involving existing development or pending application before Cook County for proposed development, in which case the ~~president~~ Mayor and ~~board of trustees~~ Village Council shall hold such hearing. The plan commission shall report its findings and recommendation to the Village Council.

(b) No request for amendment to this ordinance shall be acted upon, unless it is accompanied by such fee as may be prescribed by the ~~board of trustees~~ Village Council to defray the cost of publication and other expenses incident to the considering and enacting such amendment, excepting upon direction of the Village Council ~~board of trustees~~.

Article 6 - 6.03 (Fences) (c) business districts

Staff is recommending the following language is added to Section 6.03:

(c) Business districts. All fencing in business districts is subject to review and approval by the administrator to insure promotion of the health, safety and general welfare of the village. No fence shall exceed six (6) feet in height, eight (8) feet in rear and interior side yards, which are proximate to residential properties, unless otherwise specified in this ordinance.

Article 10 - Residential Districts - Sections 10.02 (c), 10.03 (c), 10.04 (c), 10.05 (c), 10.06 (c), 10.07 and 10.07 (c) Special Uses in residential districts and Article 11 - Business Districts - Sections 11.03 and 11.06 - and hospitals and sanitariums as Special Uses in the B-2 and B-5 districts

Currently, hospitals and sanitariums are listed as Special Uses in all residential zoning districts and as Special Uses within the B-2 and B-5 districts. While general hospitals provide care to those who are ill or injured, there are also varying degrees of specialty care facilities (e.g. rehabilitation, psychiatric, hospice, skilled nursing facilities, and memory care uses). Hospitals as a land use would typically encompass many differing components. Given their focus, hospitals are typically open 24-hours/day and spread throughout multiple buildings, with necessary abundant parking areas (large surface parking lots or vertical parking decks). These uses are most appropriate on large acreage properties, with the necessary separation due to the potential impact to surrounding properties.

Such things as noise and lighting have the potential to affect adjacent properties.

This residential Special Use category dates initially to the 1957 Zoning Ordinance and has not been reviewed or amended since that time. Staff is recommending hospitals and sanitariums are removed as Special Uses within all residential zoning districts. In addition to the likely financial impracticality of developing a less than 60-bed hospital, the lot and building coverage limitations within all residential districts would like require significant variations in order to consider such uses.

The legislative intent of the B-2 (General Business) district is to provide areas for business establishments to provide retail convenience goods and services to residents to residents in the general vicinity of the district. There is no minimum lot size in the B-2 district and the minimum lot width is 50 feet.

The legislative intent of the B-5 (Highway Business) district is to provide for retail or wholesale sales, with appeal on a regional basis. By definition, B-5 properties are to be lots with frontage along Rand Road. There is no minimum lot size for B-5 properties and the minimum lot width is 100 feet.

Due to the aggregate lot size necessary for hospital uses and the potential varying impacts previously identified, Staff recommends removing hospital uses as Special Uses from the B-2 and B-5 districts. These uses are also not compatible with the legislative intent of the B-2 and B-5 districts.

Staff recommends adding hospitals as Special Uses in the B-4 (Office-Research) district. Hospital uses will more directly align with the legislative intent of the B-4 district (professional and corporate office research facilities in a unified area) and the minimum lot area is 400,000 square feet. Also, there are specific landscaping and transitional yards required in the B-4 district.

Article 11 - Business districts - Sections 11.03 and 11.06 -Permitted and Special Uses in the B-2 and B-5 districts

Currently, hotels, motels and lodging houses are Permitted Uses in the B-2 and B-5 districts. The use category dates until at least the 1957 Zoning Ordinance. Staff is recommending that these uses transition to Special Uses in both of these districts, in order to more adequately review the potential impact of these uses upon surrounding properties. Similar to the 24-hour usage impacts of hospitals, hotel/motel uses will have potential impact considerations, which warrant Special Use review. Such things as parking lot lighting, noise, and security components are all factors which should be deliberatively reviewed through a public hearing.

As was discussed within the Public Testimony during the Northwest Highway Corridor Public Hearings, there are numerous B-2 properties, which abut single-family residential properties. In addition to not having a minimum lot size, the only required transitional yard (landscaped buffer) is when the side lot line of a B-2 property abuts the side lot line of a residentially zoned property. Therefore, the ability for the Village to require significant landscaping, screening, and buffering to mitigate impacts would be appropriately reviewed through the Special Use process.

RECOMMENDATION:

Staff recommends approval of the proposed text amendments to Article 3 (3.02 Rules and Definitions), Article 4 (4.02 - Separability and 4.13), Article 6 (Section 6.03 c - fences in business districts), Article 10 (Sections 10.02, 10.03, 10.04, 10.05, 10.06,

10.07), Article 11 (Sections 11.03, 11.05, and 11.06 - Permitted and Special Uses in the B-2 and B-5 districts) and Special Uses in the B-4 district, and Article 14 - Administration (Section 14.06).

ATTACHMENTS:

- Section 11 - Business Districts - proposed languagedocx B-2 B-5 Hospital Hotel
- Zoning Ordinance - Proposed Text Amendments language
- Text Amendments - 2-19-20 Public Notice

ARTICLE XI. BUSINESS DISTRICTS

11.03. B-2, General Business District.

(a) *Legislative intent.* The purpose of the B-2, General Business District is to provide areas for business establishments which offer retail convenience goods and services to residents located in the general vicinity of the district.

(b) *Permitted uses.* The following uses are permitted:

~~(45) — Hotels, motels and lodging houses.~~

(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:

~~(16) — Hospitals and sanitoriums.~~

~~(16) — Hotels, motels, and lodging houses.~~

11.05. B-4, Office-Research District.

(a) *Legislative intent.* The purpose of the B-4, Office-Research District is to provide for professional and corporate office and research facilities within a unified area. All development on a B-4 parcel shall have a single user or firm, subject to the requirements of this section.

(b) *Permitted uses.* The following uses are permitted:

(1) Corporate, business, charitable, not-for-profit organizations and labor union offices and headquarters; housing management and administrative personnel only, except:

- a. Any sales of products shall be allowed as an accessory use only.
- b. Any display of products shall be allowed as an accessory use only.

11.06. B-5, Highway Business District.

(a) *Legislative intent.* The purpose of the B-5, Highway Business District is to provide for intensive retail or wholesale sales with appeal on a regional basis.

(b) *Boundaries.* Only the following described properties in the village, and none other, may be eligible to be classified as "B-5," Highway Business District: All lots with frontage on Rand Road (U.S. Route 12).

(c) *Permitted 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:

~~(28) — Hotels, motels of lodging houses.~~

(29) Greenhouses; retail and wholesale items.

(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:

~~(30) Hospital and sanitoriums.~~

~~(30) Hotels, motels or lodging houses~~

(f) *Minimum lot width:* One hundred (100) feet.

Article 3 - Rules and Definitions - Section 3.02 Specific Definitions

The reference to the Director of Community Development is no longer an active department and the proposed amendment will align with the current Village structure. Also, the zoning ordinance does not define “hospital” and Staff is proposing the following definition for clarity.

*Administrator. Means the director of ~~community development~~ **planning and zoning** of the village or a person designated by the village manager.*

Hospital - A building (s) or structure (s), which require licensing as a hospital by the State of Illinois, and which is (are) maintained and operated for the diagnosis, treatment of life-threatening conditions, including medical care or surgical care, and provides overnight lodging for patients.

Article IV. General Provisions

Section 4.02 Separability:

*It is hereby declared to be the intention of the ~~village president~~ **Mayor** and ~~board of trustees~~ **Village Council** of the Village of Palatine that all provisions of this ordinance are separable.*

Section 4.13 Erosion and sedimentation control ordinance:

*Expansion, additions to, or replacement of overhead utility lines in excess of 2,600 lineal feet shall be required to be buried unless the ~~Village Board~~ **Village Council** authorizes their expansion, alterations of construction above ground. The replacement of a majority of the lines in a circuit shall be deemed a replacement under this section. All such construction of utility lines in excess of 2,600 lineal feet, whether buried or overhead, shall be subject to review and approval by the ~~Village Board~~ **Village Council** of a specific implementation plan to ensure minimal impact on trees and private and public property.*

Section 6.03 – Fences.

(c) Business districts. All fencing in business districts is subject to review and approval by the administrator to insure promotion of the health, safety and general welfare of the village. ~~No fence shall exceed six (6) feet in height, unless otherwise specified in this ordinance.~~ No fence shall exceed six (6) feet in height, eight (8) feet in rear and interior side yards, which are proximate to residential properties, unless otherwise specified in this ordinance.

Article XIV - Administration

Section 14.06:

(a) The plan commission shall hold public hearings on all proposed zoning amendments to this ordinance, except in connection with annexation of property involving existing

development or pending application before Cook County for proposed development, in which case the ~~president~~ Mayor and ~~board of trustees~~ Village Council shall hold such hearing. The plan commission shall report its findings and recommendation to the Village Council.

(b) No request for amendment to this ordinance shall be acted upon, unless it is accompanied by such fee as may be prescribed by the ~~board of trustees~~ Village Council to defray the cost of publication and other expenses incident to the considering and enacting such amendment, excepting upon direction of the Village Council ~~board of trustees~~

Article X. Residential Districts

R-1 single-family residential district –

10.02 (c) *Special Uses:*

- 2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- ~~(3) Hospitals and sanitoriums; having less than sixty (60) beds.~~
- (4) School office buildings; not including the parking or storage of buses.

R-1 A single-family residential district -

10.03 (c) *Special Uses:*

- 2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- ~~(3) Hospitals and sanitoriums; having less than sixty (60) beds.~~
- (4) School office buildings; not including the parking or storage of buses.

R-1 B single-family residential district –

10.04 (c) *Special Uses:*

- 2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.
- ~~(3) Hospitals and sanitoriums; having less than sixty (60) beds.~~
- (4) School office buildings; not including the parking or storage of buses.

R-1 C – single-family residential district -

10.05 (c) *Special Uses:*

- 2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.

~~(3) Hospitals and sanitoriums; having less than sixty (60) beds.~~

(4) School office buildings; not including the parking or storage of buses.

R-2 single-family residential district –

10.06 (c) *Special Uses:*

2) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.

~~(3) Hospitals and sanitoriums; having less than sixty (60) beds.~~

(4) School office buildings; not including the parking or storage of buses.

R-3 district ~~High density~~ Mmultifamily District

10.07 (c)

3) Public service facilities; including electric distributing sub-stations, telephone exchanges, radio and television transmission stations, but not including yards or garages for storage or service.

~~(4) Hospitals and sanitoriums; having less than sixty (60) beds.~~

(5) School office buildings; not including the parking or storage of buses.

B-2 General Business District.

11.03 (b) permitted uses:

(44) Home supply centers.

~~(45) Hotels, motels and lodging houses.~~

(46) Insurance agencies.

(d) *Special uses.*

(15) Gold and Silver dealers (as defined within Division 16 of the Palatine Code of Ordinances), whose gross business receipts result in 20% or more from the purchase of gold or silver. (Ord. No. 0-144-11, §1, 11/21/11)

~~(16) Hospitals and sanitoriums.~~ 16) Hotels, motels, and lodging houses

(17) Indoor sports and recreational facilities.

B-5 Highway Business District.

11.06 (c) permitted uses:

(27) Homes supply centers.

~~(28) Hotels, motels of lodging houses.~~

(29) Greenhouses; retail and wholesale items.

11.06 (e) Special uses:

(29) Used auto and machinery party.

~~(30) Hospital and sanitoriums.~~ 30) Hotels, motels, and lodging houses

- (31) Sales and service uses; with a retail sales showroom and storage conducted within a totally enclosed building;
- a. Electrical.
 - b. Flooring.
 - c. Glass.
 - d. Heating and ventilation.
 - e. Masonry.
 - f. Painting.
 - g. Paper hanging.
 - h. Plumbing.
 - i. Refrigeration.
 - j. Roofing.

B-4 Office-Research District

11.05 (d) Special Uses

- 8) Copy changes, pursuant to Section 8.01(f)(4). (Ord. 0-133-00 39 10-23-00)

9) Hospitals

PUBLIC NOTICE

A public hearing will be held before the Palatine Plan Commission on Wednesday, February 19, 2020 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 4 – Section 4.02 Separability; 4.12 – Erosion and sedimentation control ordinance and 4.13; Article 6 – 6.03 (Fences) (c) business districts; Article 10 – Residential Districts – Sections 10.02 (c), 10.03 (c), 10.04 (c), 10.05 (c), 10.06 (c), 10.07 and 10.07 (c) – Special Uses in residential districts; and, Article 11 – Business Districts – Sections 11.03, 11.05, and 11.06 – Permitted and Special Uses in the B-2, B-4, and B-5 business districts, and Article 14 – Administration – Section 14.06 Amendments.

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 identify and amend definitions for administrator, hospital, hotel, motel, and lodging houses; remove hospitals and sanitariums as Special Uses in all residential districts and within the B-2 and B-5 districts; and, amend hospitals and permitted uses in the B-2 and B-5 districts into hospitals as Special Uses in the B-4 district, and hotels, motels, and lodging houses as Permitted Uses in the B-2 and B-5 districts into Special Uses in the B-2 and B-5 districts. The text amendments to Article 4 and 14, relate to dated references to Village Board and Trustees to be replaced with Mayor and Village Council. The business district fencing amendments would allow up to an 8-foot tall fence within the business districts and for business district properties adjacent to residential properties.

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 #: 20-02 VILLAGE OF PALATINE

Dennis Dwyer, Chair, Palatine Plan Commission

DATED: This 16th day of January 2020.

Published in Daily Herald February 4, 2020 (4540070)

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 Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

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