



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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ZONING BOARD OF APPEALS MINUTES • FEBRUARY 14, 2023

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

Staff present: Mr. Ben Vyverberg & Mr. Alex Bradshaw

II. MINUTES APPROVAL

1. Zoning Board of Appeals - Regular Meeting - Jan 10, 2023 7:00 PM

Mr. Cavanaugh made a motion to approve the minutes of 1/10/23; seconded by Ms. Roth-Wurster

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

III. PUBLIC HEARING

1. 254 N. Northwest Highway

Notice was published in the Daily Herald on January 30, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Plat of Survey
4. Floor Plan
5. Business Plan
6. Public Notice

Sworn in staff: Mr. Ben Vyverberg and Mr. Alex Bradshaw

Sworn in the petitioner: Mr. Ernesto Ayala 254 N. Northwest Hwy

Mr. Ayala stated they have three locations and are currently looking for Special Use approval at this location. He stated it was the same business for several years but during Covid closed. He explained they opened their first location in 2017 and looking to expand and keep all locations within a 20-25 minute travel. He stated each location has its own themes and puzzles which makes people travel between locations. Mr. Ayala stated they have enthusiasts in the area looking for the location to reopen. He stated they keep the games family friendly and educational and is great for team building. He stated it is a small operation and will be manned by 2 fulltime and 1 part time employees. He stated the hours will be consistent with other locations.

Ms. Wood asked if more than one game go at the same time.

Mr. Ayala answered no explaining the games are staggered and appointment based only to ensure staffing, and parking is not overwhelmed.

Discussion on staggering times.

Ms. Wood asked what maximum capacity for each room is.

Mr. Ayala explained it depends on the size of room, but 2-8 is usual.

Ms. Roth-Wurster asked about themes.

Mr. Ayala stated they have spy thrillers, family friendly, and educational and try to get a mix at each location.

Mr. Bradshaw gave a brief overview stating the subject property is zoned B2 general business with a tenant space of approx. 1600 sqft. He stated a Special Use was granted in 2016 for the same type of business. He stated the petitioner's proposal is to revive the same use at the location. Mr. Bradshaw spoke to the business plan being appointment based and lasting approx. one hour each time slot. He spoke to variation for parking that remains valid and the

cross action parking agreement with Starbucks that was condition for previous Special Use. Mr. Bradshaw stated Fire Prevention reviewed and has indicated any additions to walls, doors, door releases, and fire alarm changes will be reviewed in a building permit. He stated Community Services also reviewed and had no issues.

Ms. Wood asked staff if there are any records with parking problems with the previous tenant.

Mr. Bradshaw answered no, not that staff is aware.

STAFF RECOMMENDATION:

Panic Escape Room would occupy a vacant tenant space in an existing building with one tenant. The previous tenant at this location was also an escape room business, and had built out the space in a way that fits the current Petitioner's needs. Additionally, Staff has no parking concerns as there is an existing parking Variation in place, along with a shared parking and cross access agreement between the Subject Property and the adjacent Starbucks. Ultimately, the proposed use should not cause any injury to the value of the surrounding neighborhood. Therefore, Staff recommends approval of the Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the Floor Plan and Business Plan submitted by the Petitioner, Ernesto Ayala, except as such plans may be changed to conform to Village Codes and Ordinances.
2. All interior locks for games rooms shall be tied to the fire alarm for automatic release upon activation of the fire alarm.
3. The final emergency/exit lighting and fire alarm plan shall be submitted in a manner acceptable to the Fire Marshal.

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 it meets the standards being the same type of business as what was there.

Ms. Roth-Wurster agreed with Mr. Cavanaugh stating it is similar business and they have experience.

Ms. Wood stated it is great someone is taking over the business. She stated she was concerned with releases and parking but staff has reviewed. She state she thinks it will compliment Starbucks with the operation hours.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on March 6, 2023.

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

2. 773 N. Quentin Road

Notice was published in the Daily Herald on January 30, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use Amendment and Variation
2. Proof of Ownership
3. Patio Site Plan & Floor Plan
4. Business Plan
5. Proposed Sign
6. Email Objection dated 1/30/23- Collins
7. Public Notice

Sworn in the petitioner Mr. Michael Waters 773 N Quentin Road General Manager for Pink's Shrimp

Mr. Waters explained they are looking to build a patio for seasonal outdoor dining to enhance the shopping center and surrounding area. He spoke to the walk score and how the more amenities near the homes the higher rated it is increasing the value. He stated they have successfully operated a catering company, event space and a restaurant at location for 8 years and have been respectful neighbors to the surrounding businesses and residents. He stated they have held events in the location of the proposed patio without causing any undue disturbances to the surrounding properties. Mr. Waters stated during Covid they had a make shift patio being beneficial to customers and the area neighbors appreciated. He spoke to the proposed fence being 8ft between the patio and the neighboring properties behind creating a better barrier. He stated the patio hours will align with the current restaurant hours with no late nights or music on the patio. Mr. Waters stated the patio is an investment in not only the business but also the community. He stated the requested sign is situated on Quentin Road replacing the current approved CCK sign to one that advertises Pinks.

Ms. Wood asked if sign will be professionally made.

Mr. Waters answered yes.

Ms. Wood asked if it would be submitted to Village for approval.

Mr. Vyverberg answered yes explaining it will need permit approval.

Ms. Wood asked if there were any complaints during Covid from the patio.

Mr. Vyverberg answered no not that staff is aware. He state they also had outdoor events with no complaints made.

Ms. Wood asked about Brandt's outdoor seating and the distance to the residential area.

Mr. Vyverberg stated it is approx. 85 ft.

Ms. Wood asked if staff is aware of any noise complaints for Brandt's.

Mr. Vyverberg answered no.

Ms. Wood asked if there will be lights string on the patio.

Mr. Waters stated it has not been discussed.

Ms. Wood asked what month it will open.

Mr. Waters stated it will open when weather starts getting nice.

Ms. Wood asked if they plan on opening this year.

Mr. Waters answered yes.

Ms. Wood asked if they will have outdoor heating.

Mr. Vyverberg explained the patio is proposed for seasonal outdoor use running generally March 15-November 15 comparable to downtown outdoor seating. He stated heaters would require a permit and review from Fire Prevention.

Ms. Wood asked about the fence.

Mr. Waters explained they are trying to update because it is not sufficient.

Discussion on current fence and height of proposed fence and what code allows.

Mr. Pirog asked whose responsibility is the fence.

Mr. Vyverberg explained under the zoning review for the special use staff is requiring the fence.

Ms. Wood asked if the fence running east and south.

Mr. Waters answered yes.

Mr. Pirog asked if there is any parking concern.

Mr. Vyverberg gave a brief overview. He spoke to the center and the distance between the two buildings. He spoke to a previous parking variation for Oak Alley which is no longer in operation. Mr. Vyverberg stated the proposed use will not impact the current parking situation. He stated the proposed patio area will be 55ft by 10ft with 24 seats. He referred to slide to show existing parking spaces explaining with the proposed patio would require changes including the parking spots to be angled and adding a one way drive aisle heading east. He stated this will cause them to lose 2 parking spaces but in staff analysis it was determined the dumpster can be relocated if needed.

Mr. Pirog asked where the exit is.

Mr. Vyverberg explained a traffic signage plan will be required.

Mr. Pirog asked about barriers to prevent cars from being able to drive into patio.

Mr. Vyverberg stated they will require bollards that will have to be inset into the ground.

Ms. Wood clarified staff has reviewed and there is enough room.

Mr. Vyverberg answered yes.

Ms. Wood asked if the food truck will be there at any time.

Mr. Waters answered no stating both trucks will stay at CCK.

Mr. Vyverberg spoke to the conditions of the Special Use transfer.

Ms. Wood asked about the hours.

Mr. Waters stated they are open Wednesday -Saturday 11-8pm and Sunday 11-7pm.

Ms. Wood asked if the patio hours would be same.

Mr. Waters answered yes.

Ms. Roth-Wurster asked if the outdoor would be serviced by a server.

Mr. Waters explained there will be a food runner delivering food.

Ms. Wood stated the business plan indicated pickup would be inside.

Mr. Waters explained all transactions are inside at the counter but food will be brought to you.

Sworn in Mr. Brett Buccola 781 N Vern Ellen Ct

Mr. Buccola asked about the fence stating it is important to the community referring to aerial to show concern of distance from units to restaurant. Mr. Buccola submitted pictures as exhibit. He expressed concern with current fence being see through. He expressed concern with the humming noise of the existing hood fans on the roof requesting a wall to damper the sound from the fans. He expressed concern with the electrical transformer and the security cameras that have the ability to look into their properties. Mr. Buccola asked how they will service the customers. He again expressed concern with noise and hours of operations stating they can hear the music from the fests during the summertime and thinks a solid 8ft fence would help. He stated he and his wife visits the location and enjoys the food.

Mr. Vyverberg stated staff was recently made aware of the concern of rooftop units and observed during his site visit. He stated the petitioner is willing to address, has had a contractor come out to inspect and is working toward getting into compliance. He stated staff is in agreement with fence concerns and will be corrected.

Ms. Wood asked if the fence will be required to be solid.

Mr. Vyverberg stated it will need to be solid and 8ft in height.

Ms. Wood asked if there is traffic flow behind building.

Mr. Vyverberg stated directional traffic signage will be required.

Ms. Wood asked about security cameras.

Mr. Vyverberg stated staff was not aware that was an issue and is not aware of the laws. He stated he will have to discuss with Village attorney and speak to

petitioner.

Mr. Pirog clarified these concerns are not part of this proposal.

Mr. Vyverberg answered no and neither is condenser unit.

Mr. Vyverberg stated there will be no music on patio.

Mr. Cavanaugh asked if they are required to bring food out the front door.

Mr. Vyverberg stated he is unsure if there is a preference or if floor plan allows alternate.

Mr. Waters stated they had someone check the hoods and everything looks fine. He stated the plan food delivery plan is to run out the front door. He stated he has measurements of spaces between the tables.

Mr. Pirog clarified there are no servers just delivering food.

Mr. Waters stated that is correct explaining all transactions are inside at the register.

Ms. Wood asked if the service person suggested anything to buffer the noise.

Mr. Waters stated they said nothing was wrong offering to submit the invoice.

Mr. Vyverberg stated staff understands the concern and thinks there is a way to work with petitioner.

Mr. Cavanaugh asked if the condenser could be fenced per code.

Mr. Vyverberg stated he is unsure what is allowed and will have to be reviewed.

Discussion on grade change and how it effects the height of the fence.

Sworn in Ms. Brooke Buccola 781 N Vern Allen Ct

Ms. Buccola asked they can extend hours. She asked who cleans up the garbage from patio stating in the past garbage has gone through fence onto their properties.

Mr. Vyverberg explained they are operating within a Special Use that has set hours. They would need to get approval for a special use amendment for extended hours.

Mr. Waters stated all transactions are done at counter, staff collects all trays and will clean up all the garbage and cups left outside. He stated there will be fencing around garbage containers and will be picked up 4 times a week.

Mr. Pirog asked about lighting on patio.

Mr. Waters stated it is unknown at this time.

Mr. Pirog asked if the lights are turned off after 8.

Mr. Waters explained lights are off at closing except security lights and signage.

Ms. Wood asked Mr. Waters if there are problems should they be addressed to him.

Mr. Waters answered yes, or Greg and Kristina.

STAFF RECOMMENDATION:

The proposed seasonal outdoor seating will not increase the required parking for the center, which is presently over-parked. The patio will be curbed and surrounded with bollard to prevent any conflicts with the adjacent parking lot. Staff has discussed with the Petitioner the required condition to replace the existing portions of the fence with a solid (up to a maximum height of 8 feet) fence in the southern and eastern portions of the property adjacent to the tenant space and seasonal patio. This should alleviate noise concerns for the use. Also, the restaurant closes at 8 PM; Wednesday through Saturday and 7 PM on Sunday.

While the initial Variation was elevation plan specific and limited to the previous restaurant, the proposed sign would be placed in the same location and mirror the previously approved square footage and height.

Therefore, Staff recommends approval of the Special Use Amendment and Variation, subject to the following conditions:

1. The Special Use and Variations shall substantially conform to the business plan, site plan and seasonal outdoor patio floor plan and the Pink's sign elevation, all submitted by the Petitioner, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The parking lot striping plan and traffic directional signage plan (including pavement marking, if required) shall be revised in a manner acceptable to the Village Engineer.
3. A fencing plan to replace portions of the existing fencing along the south and eastern portions of the fence, adjacent to the tenant space and seasonal outdoor seating area shall be submitted in a manner acceptable to the Director of Planning and Zoning.
4. The seasonal outdoor seating area shall be subject to a three-month and nine-month Staff review. If determined to be necessary by the Staff review, an additional Village Council review may be required. If additional Village Council review is required, the Village Council reserves the right to impose any additional conditions on the Special Use, at such time of the review. Nothing shall preclude the Village from any other enforcement and/or compliance actions afforded under the Code of Ordinances.

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

Mr. Pirog made a motion to approve subject staff’s conditions; seconded by Mr. Luszczak

DELIBERATIONS:

Mr. Pirog stated it is a similar sign in a similar location as the current approved. He stated it meets the standards. He stated the outdoor seating is not as clean cut but meets the standards. Mr. Pirog stated a lot of thought was made into ensuring the public health safety and welfare is protected. He stated the complaints and concerned are not related to the actual requests. He stated the fence is being installed and will help with the noise and light so makes sense.

Ms. Wood stated in looking at the special use the value of the property has to be considered. She stated noise and light can the impact value. She stated there are ways to address concerns and staff will be looking into them. Ms. Wood stated the 8ft fence will go a long way and thinks this is a better situation than the food trucks. She stated the hours are reasonable. She stated the parking looks tight but staff has reviewed and is ok with it. Ms. Wood stated she is comfortable with approving with all the safeguards in place.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on February 20, 2023.

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

3. 850 E Northwest Highway

Notice was published in the Daily Herald on January 30, 2023 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use and Variation
2. Proof of Ownership
3. Project Narrative and Business Plan
4. Plat of Survey
5. Site Plan
6. Floor Plan
7. Elevation Plan
8. Site Photos submitted by Petitioner
9. Public Notice

Sworn in petitioner: Mr. David Meek attorney of record 513 Central Ave Highland Park, IL

Mr. Meek stated they are in the business of operating gas station convenience marts throughout the Chicagoland area. He stated they have owned this property for several years but has been vacant and not want to renovate what has previously been a gas station /auto repair facility. He explained they want to reuse the existing building and turn the garage bays into retail such as a cellular company and have a typical convenience store. Mr. Meek stated they want to upgrade its appearance and roof lines, install additional landscaping, and new tanks, repave site, provide tenant signage, reuse 20 ft. sign and reinvigorate the corner. He stated they are looking for the special use for the service station convenience mart and a variance for the existing building which is nonconforming. Mr. Meek explained the new parking layout requires a variance for the drive aisle. He stated they have addressed the standards in the packet in full detail.

Mr. Pirog asked if they will service mostly cars or semis.

**Sworn in Mr. Ahmed Saleh 799 N. York Street Elmhurst, IL
Mr. Ahmed Moctar 10736 Long Ave Oak Lawn, IL**

Mr. Moctar stated there will be no parking for semis just a gas station with a grocery store.

Mr. Saleh stated there is no diesel so no trucks will be filing up.

Ms. Wood asked about the square feet.

Mr. Meek explained each retail is approx. 1000 sq.ft. and 250 sq.ft. of storage in the back.

Ms. Wood asked what percent is retail convenience.

Mr. Meek referred to floor plan slide explaining the convenience is indicated at retail C and retail A would be the cellular company retail.

Ms. Wood asked if it would be T-Mobile.

Mr. Meek stated they have no specific tenant but that kind of use goes with a gas station.

Ms. Wood asked staff if retail needs a special use would they have to come back for review.

Mr. Bradshaw answered, yes.

Mr. Meek pointed out the site plan includes a trash enclosure, code compliant parking and good layout for site circulation.

Ms. Wood asked how many parking spaces will there be.

Mr. Meek stated there are 9 plus 1 handicap.

Mr. Bradshaw gave a brief overview stating the petitioner is requesting a special use for a gas station convenience mart. He stated the location was previously occupied by a gas station that had a special use under the Willow Creek planned development but had lapsed due to being closed for more than 6 months, He spoke to the business plan indicating there will be 2 employees per shift with weekday hours being 12am-11pm and weekends 6am-10pm. Mr. Bradshaw stated Community Services, Engineering and Fire Prevention have all reviewed with no issues identified.

STAFF RECOMMENDATION:

The proposed gas station and mart will occupy a vacant tenant space that was previously a gas station and mart with the addition of a retail space. This Subject Tenant Space has historically operated as a gas station and mart, although it has been vacant for some time. There are also planned improvements to the site, in conjunction with the Special Use. The Variations render the existing setbacks as conforming to the B-2 district requirements, although Willow Creek was reviewed as a Special Use for a Planned Development and approved accordingly.

Therefore, Staff recommends approval of the Special Use, subject to the following conditions:

1. The Special Use and Variations shall substantially conform to the site plan dated 12/7/22, the floor and elevation plans dated 1/14/22 and business plan submitted by the Petitioner, except as such plans may be changed to conform to Village Codes and Ordinances.
2. All signage must follow the Village Code requirements.

Ms. Roth-Wurster asked about signage.

Mr. Bradshaw stated no signage has been proposed, but will have to meet Village codes.

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

Mr. Pirog made a motion to approve subject staff’s conditions; seconded by Mr. Cavanaugh.

DELIBERATIONS:

Mr. Pirog stated it meets the standards. He stated he sees no issues and welcomes this property to be cleaned up since it has been an eyes sore for a while. He stated a gas station with retail will be nice to have in the area. Mr. Pirog pointed out the location is good because there is not a lot of residential around impact.

Ms. Wood agreed with Mr. Pirog the standards have been met. She stated it was a gas station for years and same use taking up the same space but upgraded.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 5-0. This item will tentatively go to Village Council on March 6, 2023.

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

IV. COMMUNICATIONS

V. ADJOURNMENT

1. Motion to Adjourn

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

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

