



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 • DECEMBER 22, 2020

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

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

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

III. PUBLIC HEARING

1. 824 S. Mallard Drive

Notice was published in the Daily Herald on December 7, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use and Variation
2. Proof of Ownership
3. Plat of Survey/ Site Plan
4. Fence Elevations
5. Petitioner Justification Letter
6. Petitioner Photos
7. Letter of Support
8. Objection Letter #1
9. Public Notice

Sworn in staff: Ms. Lyn Bremanis and Mr. Ben Vyverberg

Sworn in petitioner: Mr. Eric Haney 824 S Mallard

Mr. Haney explained they are looking to create a safe space for their 2 year old son and dog. He stated they are looking to expand their family and looking to provide safe space because it is high traffic intersection. He stated his main concern is safety and privacy. Mr. Haney stated they elected to reduce the fence height to 5ft because of the objections in consideration to the neighbors' concerns. He referred to the plat of survey/site plan slide showing the location of the fence at code would be in the middle of their home. He referred to the existing conditions slide to show the existing landscaping and existing chain link fence that runs to the property line. Mr. Haney stated the neighbors behind and across the street have no issues. He stated the installation will follow all Village code and guidelines.

Mr. Luszczak asked if the neighbor who objected to the 6ft fence is okay with a 5ft fence.

Mr. Haney stated in his opinion they don't want a fence at all. He explained they spoke before they drew up plans and tried to work with their concerns.

Ms. Bremanis clarified the location of the neighbor.

Mr. Luszczak asked if the blue line on site plan slide is permitted is permitted. Ms. Bremanis answered yes.

Mr. Haney clarified the relief is needed to put the fence at 20ft rather than 35ft. He restated at 35ft the fence is in the middle of his house and patio.

Ms. Bremanis gave a brief overview stating the property is zoned R-1B with a setback of 35ft. She stated they are requesting a 20ft setback which is in line with

his house. She stated it does not break any covenants or restrictions for Hunting Ridge subdivision. She referred to the aerial slide to show the stars that indicate similar situations of fences in a side yard abutting a front yard. She stated Community Services and Engineering have reviewed and have no issues. Ms. Bremanis referred to existing conditions slides to show location of proposed fence.

Mr. Pirog asked where the second objector lives

Ms. Bremanis stated they live on Pintail showing location on the aerial slide.

Ms. Roth-Wurster asked if line of site was looked at during departmental review.

Ms. Bremanis answered yes pointing out the fence will be setback 20ft.

STAFF RECOMMENDATION:

In the original Administrative Special Use application, the Petitioner requested a six (6) foot fence. Due to the concerns expressed by several of the surrounding property owners, the fence height was reduced to five (5) feet. The Petitioner is requesting to install a 5-foot tall solid vinyl fence located 20 feet from the lot line adjacent to W. Illinois Avenue. There are several fences in the area that encroach into the side yard abutting a street, and there is an existing hedge row and other landscaping between the fence and lot line, which will remain. Hunting Ridge Unit 2 was annexed into the Village in 1967 and initially zoned R-2 single-family residential. It was subsequently rezoned to its current R-1 B classification in 1970. During the intervening 3 years, there were several lots which were developed under the R-2 zoning district requirements. Those appear to include the other identified corner lots with 20-foot (35-feet is the current R-1 B requirement) side yard abutting a street setbacks and associated fencing.

Staff does not believe that the proposed fence will create any line of sight issues for adjacent properties, as it will be at least 20 feet from the lot line, aligned with the existing home, and maintained behind the existing landscaping. There is an existing chain link fence on the property directly west of the Subject Lot, which extends along the shared property line and terminates at the sidewalk right-of-way. Finally, it should not have a negative impact on the surrounding properties. Therefore, Staff recommends approval of the proposed Special use to the Zoning Board of Appeals, subject to the following condition:

1. The Special Use shall substantially conform to the site plan submitted by the Petitioner, Eric Haney, except as such plans may be changed to conform to Village Codes and Ordinances.
2. The landscaping on the north side of the fence shall either be maintained or replaced in the future, if necessary, in a manner acceptable to the Village of Palatine.

Mr. Cavanaugh asked if the petitioner elected himself to reduce the height to

appease neighbors and it didn't make anyone happy.
Ms. Bremanis answered that is correct.

Mr. Cavanaugh asked if either objectors' opinions changed.
Mr. Haney answered no explaining they thought it had been taken care of but then they added the new objection letter.

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

Mr. Cavanaugh made a motion to approve subject staff's conditions; seconded by Mr. Luszcak.

DELIBERATIONS:

Mr. Cavanaugh stated the 2 main things to consider in fences like this is effect of home values and line of site. He stated there are no obvious line of site issues. He stated once the fence is installed it will make the home look nicer and if anything will improve values in the neighborhood and provide the needed safety for the family.

Ms. Wood stated there is no problem with the public health safety and welfare and negative impact on the value is subjective. She stated it is not personal opinion when looking at the fence requests rather the impact based on the circumstances. She pointed out there are other similar fences in the area and only a small portion requires relief. Ms. Wood stated she doesn't think it will have a negative impact.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on January 11, 2021.

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

2. 1116-1120 W. Northwest Highway

Notice was published in the Daily Herald on December 7, 2020 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use and Variation
2. Proof of Ownership
3. Plat of Survey
4. Business Plan
5. Floor Plan
6. Menu
7. Objection Letter
8. Public Notice

**Sworn in petitioner: Mr. Pasquale Di Diana 1116-1120 W Northwest Hwy-
owner of Bacci Pizza
Mr. George Sinnis owner of center**

Mr. Di Diana stated he has been in the restaurant business since he was 13 years old. He stated he owns 6 restaurants not in this area. He explained he has been looking for a location in the area when Mr. Sinnis, a childhood friend, called when he purchased the center. Mr. Di Diana stated this is a great opportunity.

Ms. Wood asked about hours and operations.

Mr. Di Diana went through business plan referring to floor plan slide. He spoke to hours of operation explaining it is a straightforward pizzeria. He stated he has a demand from this area since the closest location is in Bensenville.

Ms. Wood asked if they applied for a liquor license.

Mr. Di Diana answered yes.

Ms. Wood asked about the % of eat in.

Mr. Di Diana explained they hope 25% is dine in but most locations are not. He stated there is not a lot of revenue in alcohol but the typical family wants the ability to have a glass of wine with dinner. He stated some would not even consider if not available.

Ms. Wood asked if numbers are based on other locations or in general.

Mr. Di Diana explained he is basing on his business model.

Ms. Wood asked if their peak is lunch or dinner.

Mr. Di Diana stated dinner being that it is a residential area.

Mr. Cavanaugh asked if they will have delivery.

Mr. Di Diana answered yes.

Ms. Wood asked how many delivery vehicles.
Mr. Di Diana answered no more than 2.

Mr. Cavanaugh asked if there is room in the back of the building for the drivers
Mr. Di Diana answered yes referring to the existing conditions slides.
Mr. Sinnis spoke to the hours of the other tenants. He stated there is a hair salon, fitness center that do have mostly morning classes, and a vet with drop offs. He stated there are 40 spaces and half lot is empty at all times. Mr. Sinnis stated the only tenant after 5pm is the hair salon.

Ms. Wood asked about the animal hospital hours.
Mr. Sinnis explained they are closed Sundays and Thursdays, open until 1:00 on Tuesdays and Saturdays and open the rest until 6:00. He spoke to the class schedule at the fitness center mostly being morning. He stated the parking lot is mostly empty.

Ms. Wood asked about the neighbors' concerns about line of site and hazardous traffic issues.
Mr. Sinnis stated he went back to try to see what the objector was seeing. He stated you always have to pay attention when turning out of somewhere. He stated it is a low traffic center.

Ms. Wood asked if there is any concerns with the shrubbery of the property to the west.
Mr. Sinnis stated he has never had any concerns. He stated the space is a double unit and anyone's goal when opening a business is to bring more traffic in.
Mr. Di Diana spoke to capacity and how many vehicles they would bring in. He doesn't attract that much traffic.

Discussion on how center lot is configured and how the short turn in and out could cause issues.

Mr. Cavanaugh asked if employees park in back currently.
Mr. Sinnis stated he hasn't paid attention explaining he leaves it up to the tenants.

Mr. Cavanaugh stated if there is a parking problem it is the responsibility of the owner to get involved.
Mr. Sinnis stated before he bought the building he did a site survey. His concern was if the tenants were doing business because the lot was empty almost all the time.

Mr. Pirog asked if the spots in the back are approved parking.
Mr. Sinnis answered no explaining it is an area for garbage pick up.

Discussion on area in back.

Mr. Pirog asked how many employees on a typical evening.
Mr. Di Diana answered no more than 5

Ms. Wood asked if spaces can be marked for parking in the back.
Ms. Bremanis explained it would need to be reviewed by fire prevention and parking standards.

Ms. Bremanis gave a brief overview of the request stating it is part of Hidden Cove Subdivision which is part of a planned development that follows the B1 district. She stated Engineering, Community Services, Fire Prevention and Environmental Health reviewed and had no issues. Ms. Bremanis explained the required 27 parking spaces is based on the square footage because it is the more restrictive.

Mr. Pirog asked about the second condition.
Ms. Bremanis explained the concerns was to avoid deliveries exiting through the neighborhood.

Ms. Wood clarified the parking required is 27 leaving 27 for the remaining tenants.
Ms. Bremanis answered yes

STAFF RECOMMENDATION:

The Petitioner is proposing to open a new restaurant in a vacant tenant space previously occupied by a Chiropractic Office. The Petitioner currently owns nine restaurants in Illinois, and the proposed location will be their tenth restaurant. The Petitioner has indicated that the majority of the business will be take-out and is reviewed the parking as sufficient. Staff has also conducted site inspections of the existing parking lot and its use and did not observe any parking occupancy issues or constraints at this center. Per the current tenant mix, two of the business are closed both Friday and Saturday evenings, which are typically peak restaurant hours. The current tenant configuration and uses should allow the proposed Special Use and parking Variation to function. The pizzeria restaurant should not have a negative impact on the surrounding properties. Nevertheless, it is the Petitioner's responsibility to address the required standards and identified traffic questions, including the delivery traffic exiting plan from the center.

Therefore, Staff recommends Action at the discretion of the Zoning Board of Appeals for of the Special Use and Variation subject to the following condition:

1. The Special Use and Variation shall substantially conform to the floor plan and business plan submitted by the petitioner on 10/28/2019, except as such plan may be changed to conform to Village Codes and Ordinances.
2. The business plan shall be revised to include a restaurant delivery traffic management plan for exiting the center. It is Staff's further recommendation that restaurant delivery traffic disperses through Northwest Highway.

Mr. Pirog asked if staff has reviewed parking.

Ms. Bremanis stated staff has reviewed and is taking a neutral position. She explained that remark from the Petitioner concerning this location meeting the parking requirements for business model is because he owns other restaurants and is familiar with what his business needs.

Mr. Pirog asked if the other tenants closed is there a potential for other restaurants to fill the spaces increasing the need for parking.

Ms. Bremanis explained any restaurant would require a special use and high traffic uses would require a parking variation requiring them to come before the board.

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. He pointed out it is a strip mall on a state highway where it is the norm to see a pizza place. He stated he is slightly concerned about parking and the way it backs to the planned development but staff will review and ensure delivery drivers exit the premises.

Ms. Roth-Wurster agreed with Mr. Cavanaugh. She stated she believes it will be operated in a manner consistent with public health safety and welfare. She agreed a pizza place is ideal for a center like this. She stated she drives by often and parking lot is always empty.

Ms. Wood stated if she had not witnessed it being empty she would not be in favor because of the lack of room for maneuvering and line of site issues. She stated with the current tenant mix it could work.

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on January 11, 2021.

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

3. 117 W. Slade Street

Notice was published in the Daily Herald on December 7, 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. Business Plan
5. Petitioner submitted Special Use Memo
6. Proposed Floor Plan
7. Menu
8. Objection Letter
9. Public Notice

Ms. Wood read into record additional objector letter from owner of Vintage Violins and additional letters of support.

Sworn in petitioner: Mr. Jerry Pinderski Jr attorney 115 W Colfax

Mr. Pinderski explained they are looking to obtain a Special Use permit for a restaurant/ bar with live entertainment which are all allowed uses in the B1 district. He referred to the aerial slide showing the proposed location is located in the heart of the central business district surrounded. Mr. Pinderski spoke to the surrounding properties being all zoned within the B district with a few apartments located on the upper levels. He pointed out all the first floor surrounding are commercial. Mr. Pinderski spoke to the proposed building being a mixed usage building that includes a photography studio, violin studio, ice cream store, and a dance studio. He stated if they are allowed to operate the building would be fully occupied. Mr. Pinderski stated they are hoping will be far superior than the Mad Cats experience explaining they are looking to open a fun sophisticated restaurant with a full bar and softer live entertainment with a demographic of 40 plus. He explained it is not the venue that attracts younger crowds like Dirty Nellies. Mr. Pinderski spoke to the auxiliary room that will be used for private parties or overflow dining. He stated in the future it may be used for a pool table or foosball. He referred to slide to show the proposed floor plan to show expansion that will allow the menu to grow. Mr. Pinderski spoke to the area labeled entertainment room explaining it is a work in process. He explained currently they plan on using for private events or possible overflow dining. He pointed out they are adding a doorway to service that back room from their kitchen. Mr. Pinderski stated they mentioned to staff that there will be cameras in the back room to have constant surveillance. He stated there is no bar in the back room and they don't have any concerns but are willing to limit the usage for private events and overflow dining. Mr. Pinderski spoke to the hours of operation. He stated they are looking to obtain a restaurant liquor license (class D license) not the D1 license that allows late night liquor sales.

Ms. Wood asked what the business hours are.

Mr. Pinderski explained the proposed hours are Tuesday -Thursday will be generally 3pm-midnight, Friday and Saturday 3pm-1am and Monday closed.

Ms. Wood asked about Saturday and Sunday.

Mr. Pinderski explained there is a proposal to open as early as 9:00am to allow younger crowds to perform.

Ms. Wood asked Sunday evening.

Mr. Pinderski answered they would be open till midnight on Sunday.

Ms. Wood asked about Saturday night.

Mr. Pinderski explained they would be open till 1:00 because that's what the class D restaurant liquor license will allow. Mr. Pinderski stated they are excited about the project explaining his client has a passion for food and has always wanted to have this type of facility but knows he needs to have great operators including an entertainment director, executive chef, and general manager. He spoke to parking concerns stating the building has no real designated parking but rather relies on public parking. Mr. Pinderski spoke to the parking options that have increased since the building was originally opened up.

Sworn in Mr. Salvia Lobo Owner of Wise Wolf

Mr. Lobo stated he used to go to Macs on Slade and has made numerous friends there. He spoke to Macs deficiencies with the biggest being not good enough food. He stated food is his passion along with music. Mr. Lobo spoke to the variety of food in the downtown area explain they are looking to enhance Palatine and give people a space for good food and live music. He stated this is not an easy decision to get into this business since 2 others have failed. Mr. Lobo stated he wants to enhance the community, give people a safe space to get good food and enjoy music and could not have done without the support that includes Mr. Maderak for management, Mr. Lucier for sound and music director, Ms. McCarthy as executive chef, and Rob to advise for open mic nights. He stated he first went to meet with Mr. Ottesen to make sure the Village thought it was a good endeavor and he assured that it was something the Village needed. Mr. Lobo stated he hopes that people will see it as an asset to the community bringing increased vibrancy to the downtown area.

Ms. Wood asked about back room and the access.

Mr. Lobo explained they are not 100% what they want to do with the space. He explained during Covid they will need overflow dining. He explained they want to be able to serve this area from the kitchen so they had Warren Johnson draw up plans to add a door to access the back room. He stated he wants to make sure this business can make money and as recommended by the Village an event space can help aid make money. Mr. Lobo stated it has been brought to their attention the downtown area is in need of event spaces for small businesses to rent or to allow small birthday parties especially during Covid.

Mr. Pirog asked if there will be live music in the back room.

Mr. Lobo answered no. He stated they will have a tv that will give them the option to experience the band experience through it or play music from a jukebox.

Mr. Dittrich asked if Wise Wolf was in operation when it was Macs on Slade.

Mr. Lobo answered no. He stated he tried to give Macs suggestions and when Jeff came in he wasn't a great host. Mr. Lobo spoke to the changes that he wants to make to enhance the experience.

Ms. Wood asked if the cameras in the back room will be monitored.

Mr. Lobo explained the camera monitors will be by the bar and entrance to the kitchen. He further explained if the room becomes popular it will be staffed explaining it is a risk to them not to have it monitored.

Sworn in Ms. Margaret McCarthy Executive Chef

Ms. McCarthy stated she was the former executive chef at the Mint Julep being involved in the Palatine restaurant scene for quite a while. She stated for the past few years she has been in corporate food service management bringing to the team organization on how things are run. She stated she is a certified serve safe instructor and proctor. Ms. McCarthy spoke to the menu bringing fresh ingredients and rotating menus. She stated they will do farmer market specials to incorporate the community. She stated they want to add more vegetarian and vegan options and utilize her strong southern background from the Mint Julep and LA influence. Ms. McCarthy stated people are looking for more options.

Mr. Dittrich asked Ms. McCarthy if she was working at Mint Julep when they closed.

Ms. McCarthy answered yes.

Mr. Dittrich asked if she had any reservations about the location.

Ms. McCarthy answered no stating she was involved with Macs in development of their menu and watched them run it into the ground. She stated she knows how to run a business and restaurant and because they did not they closed.

Ms. Wood asked about the kitchen area being the same or larger.

Ms. McCarthy stated the Mint Julep rented the space at one time. She spoke to the changes to make it flow better including the access to the back room. She stated she has no reservations with the kitchen and the setup.

Sworn in Mr. Rick Lucier entertainment manager

Mr. Lucier stated he is a classically trained musician, recording engineer, music producer, has done a lot in the industry between recording performing, director of in home installations overseeing all the designs that went into incredible home theaters and understands the need for controlled acoustics. He spoke to the concerns of volume levels. He stated Jeff asked him to evaluate the audio system in 2017. He spoke to the variety of music they had when Macs was there and explained they want to continue to have such a variety and provide controlled music levels for people to enjoy.

Mr. Dittrich asked what they are looking to do to reduce the music volume that disrupts the other businesses.

Mr. Lucier stated he has addressed the issues with Mr. Lobo explaining if they control the acoustic environment on the stage the musicians will be able to hear themselves with greater clarity and won't need to push their volume so high. He stated being in the business he will have a stronger rapport with musicians because he understands what they are trying to do. Mr. Lucier stated they are not looking for loud hard rocking bands pointing out the size of the stage.

Mr. Pirog asked who controls the sound equipment.

Mr. Lucier explained they are installing a professional PA system and lighting system. He stated he will oversee the sound 85-90% of the time with the rest of the time an audio engineer of his choosing will oversee. Mr. Lucier stated they will adhere to any Village standards for decibel levels measuring the room in various locations.

Mr. Pirog pointed out they are indicating they will have 3 nights for rock n roll which tends to be louder.

Mr. Lucier stated they can control who they hire and will set guidelines.

Ms. Wood asked if there are any plans to have outdoor music.

Mr. Lucier answered no. He explained it will be strictly inside and mostly in the evening with possible weekend afternoons. He stated Macs had benefits for charitable organizations along with students performing and Mr. Lobo wants to continue.

Mr. Pinderski pointed out they are not leasing any outdoor space.

Sworn in Mr. Dan Maderak general manager

Mr. Maderak stated he has been in the hospitality business for 30 years. He stated he is excited to be part of the crew involved. Mr. Maderak spoke to the atmosphere being more like a home providing a safe space even for a single lady to enjoy. He spoke to the back entertainment area being a private area for parties similar to Emmett's.

Mr. Pirog asked if there has been any more accommodations to police or staff other than cameras.

Mr. Cavanaugh stated he spoke to Chief Dagle and all his concerns have been met regarding the back room.

Mr. Luszczak asked if there will still be outdoor seating in the summer.

Mr. Maderak stated he would like to especially with Covid.

Ms. Wood pointed out the concerns may be because the same people from Macs are running things and may have the same issues

Mr. Maderak stated they are only bringing back a few people. He stated he is not sure how they were unruly or difficult outside of Jeff who was the previous owner. He explained most clientele and staff were nice people who they never had any issues with. Mr. Maderak stated in the 8-10 years he worked there the police

were called maybe 4 times which is equivalent to Dirty Nellies on a Friday.

Ms. Wood clarified there are concerns of using the back lot as a beer garden.

Mr. Maderak explained they had the back area as a smoking area to prevent people from being out front. He stated they were not supposed to bring drinks out there. Mr. Maderak stated they had signs and had the band instruct people where to go for smoking.

Mr. Dittrich asked if they expect to have as much standing room as Mac's had.

Mr. Maderak stated it is hard to say especially with the Covid restrictions. He spoke to the proposed layout to allow more room explaining he has ideas being aware of what has worked and what has failed.

Mr. Pinderski concluded the presentation explaining they asking for a special use for a great restaurant with great entertainment. He stated they have been able to establish that there is a need for a great restaurant for the 40 plus age group. He stated they have an enthusiastic staff that will be able to execute a successful business. Mr. Pinderski spoke to the past approvals for the same type of business at the location explaining they are looking forward to adding more people and value to the downtown area and understand that comes with being a good neighbor.

Mr. Vyverberg gave a brief overview highlighting a few aspects of their plan. Mr. Vyverberg spoke to the liquor license request changing pointing out the liquor commission is the only body that would have purview of the liquor license that applies to special use standards. He spoke to the previous uses that were in the tenant space and the three forms of expansion the petitioner is proposing. Mr. Vyverberg explained the original request was for later hours which has been changed to restaurant closing liquor license consistent with the previous operator. He spoke to the expansion of the tenant space and seating area based on the entertainment room. Mr. Vyverberg stated they are seeking a special use for a restaurant with associated live entertainment.

Mr. Dittrich asked if the 105 people occupancy includes the entertainment room

Mr. Vyverberg explained that was part of the architects plan. He further explained the use has not been approved so they have not submitted for a building permit. He explained during that process the fire marshal would do an occupancy review.

Sworn in Britany Mileski 117 W Slade suite 200 & 201 Dance Loft

Ms. Mileski stated she understands having a dream pointing out she opened a dance studio with her mom and sister. She stated her experience with Mac's on Slade was terrible. She stated it is hard to build a business between smoking and beer bottles. Ms. Mileski stated Mac's staff was not cleaning up after their customers so they did it themselves. She stated she has complained to the Village and their students' parents have called the police about comments made to their dancers. She stated they tried to work with the new owner Jeff and made a little headway with communication but music rattles the upstairs which makes it hard to run classes. Ms. Mileski stated they went to their landlord for help and

was told it is too much money. She stated since this went to the Herald they have already received calls and is afraid of losing their business. She stated her main concern is the sound. She stated they met with Mr. Lobo and he explained the music would start 6/7pm which conflicts with their hours. Ms. Mileski stated they wish them the best but expressed concern with the music and drinking with kids and families going in and out.

Ms. Wood asked if Mac's on Slade was operating at the time they opened. Ms. Mileski answered yes explaining the building was under different ownership. She explained it was different having kids menus and different hours. She agreed it may have not been the best location but they fell in love with the space and the owners of the building at the time pointing out they have never met the current owners. Ms. Mileski stated their dance classes were rattling the beer bottles at the bar so they had to install a sprung floor to soften the barrier. She stated they then had new ownership and went out of business.

Mr. Cavanaugh pointed out the space is limited to what it can be. He asked Ms. Mileski what she see going into the space if not a restaurant/bar.

Ms. Mileski stated she doesn't mind if it is a restaurant but is concerned with the past issues and the live music hours. She stated a nice coffee or breakfast/ lunch place similar to Dario's would be good. She stated at one point there was a culinary school interested but the rent was too high.

Ms. Wood pointed out Macs on Slade was operating so it is a preexisting condition. She asked if the difference was number of nights.

Ms. Mileski stated they did not play as many nights.

Sworn in Ms. Anna & Ms. Kali Razes 117 W Slade unit 1 Owners of My Flavor It

Ms. Anna Razes stated they have a list of issues. She stated she was a longtime patron of Macs and understands desire for that type of establishment and was aware of the business when they moved in. She explained their issues are with the shared spaces referring to the floor plan slide.

Ms. Kali Razes stated they are a family owned and operated ice cream and shaved ice shop open since summer of 2017. She stated all current tenants of 117 W Slade are women owned and all revolve around family and children. She stated all businesses help support each other and maintain the family oriented atmosphere. Ms. Kali Razes spoke of the shared spaces that include the rest rooms, mop closet/utility room, tenant parking in rear and public parking in front. She spoke to the challenges with sharing the space with the bar stating they have had to adapt their business model to ensure the safety of their high school female staff, patrons, cleanliness of the shop and common areas and to maintain the family oriented atmosphere the business is based on. Ms. Kali Razes stated they were pleased when Macs on Slade closed and all tenants are not pleased about the same business bottle of a bar going into that space. She listed her issues including disgusting bathrooms with spilled beer and pee on the toilets, alcoholic beverages left behind, lobby has had spills left for the next day to clean, common area smells like a frat house, drunk patrons entering their business and

bothering their female staff, smoking outside while their patrons try to eat, loud music making it difficult to hear orders du rot them propping open their doors, loitering in parking lots forcing them to implement a buddy system when going to their cars for safety and no longer allow the staff to park in the rear of building, peeing in the rear by the dumpsters so adjustments for garbage to be taken out the next day were made, male bar patron in the mop closet, band members doing drugs in the mop closet, etc. Ms. Kali Razes stated they have been told Mad Cats will be different. She stated they do have a different owner but they also have the same management causing them to have the same issues in the shared spaces. She stated allowing this bar to go in will be detrimental to their family owned businesses. Ms. Kali Razes expressed concern that families will not feel comfortable coming to the ice cream shop, dance studio, portrait studio or violin studio. She stated they fully support running your own business and understand and emphasize with all that goes into owning a food service restaurant but do not support Mad Cats being a fellow tenant at 117 W Slade.

Ms. Wood asked about the timeline of when they opened.

Ms. Kali Razes stated they opened the summer of 2017 with Mac as the owner. She stated they had a good line of communication with Mac though they still had loud music and people drinking outside.

Ms. Razes stated when they opened they had Chuck the owner and Tom the maintenance man who monitored the halls so the line of communication was always open.

Ms. Wood asked when it changed.

Ms. Kali Razes stated it had its ups and downs. She stated mostly after the weekends there was a lot of cleanup to do.

Ms. Wood asked who is responsible for the cleaning of the bathrooms.

Ms. Kali Razes stated originally they were told it is was shared but Mac's said they would handle it because they have more patrons.

Mr. Cavanaugh asked if they know the new landlord.

Ms. Kali Razes explained it is an investment property for them so they use a management company.

Mr. Cavanaugh asked if they have communication with the management company.

Ms. Kali Razes answered yes but stated they are not involved. She stated it is an online portal system. She stated they do not get involved with tenant issues.

Ms. Anna Razes stated they have made some disparaging comments about them being females ranting.

Mr. Pinderski asked what the ice cream shop hours are.

Ms. Kali Razes explained in the summer they are open 12pm-10pm daily, winter 3-8/9pm, closed Monday and Tuesday. She stated since the bar is open later they are supposed to lock up though it doesn't always happen. She stated she installed a lockbox system allowing her staff to lock up.

Sworn in Mr. Matt Hanson 268 N Brockway

Mr. Hanson stated he is here in support. He stated he has lived in Palatine since 1988 and wants to see the downtown vibrant and busy. He stated it is important to have good bar with good food and music. He stated Mac's is a good community that watch each other's backs.

Ms. McCarthy hears the concerns of the neighbors and agrees previous management had no management exp. She stated she was a waitress at Macs and has herself cleaned bathrooms. She stated going forward she will bring 30 years of management and customer service experience and a new approach to running the business. Ms. McCarthy stated they have learned from previous mistakes of prior owners. She explained they are striving for an atmosphere for everyone to enjoy pointing out it is a 50 plus crowd going into this restaurant. She stated the concerns and experiences were the past and they have a vision for the future to be run by professionals who have been in corporate fields most of their lives.

Mr. Pirog asked about a condition for staff review.

Mr. Vyverberg stated they did a condition that not more than 6 months after the petitioner's occupancy it would be reviewed by staff to determine if additional noise control measures are required at the discretion of the Village and the Village reserves the right to impose additional conditions to the live entertainment special use.

Ms. Wood asked if the noise generation is for outside or for inside as well.

Mr. Vyverberg explained in a multi-tenant building the code reads as noises not be objectionable within the subject tenant space as well as the adjoining tenant spaces. He stated there has been talk about drafting specific decibel limitations but as it states now its noises not be objectionable within the subject tenant space as well as the adjoining tenant spaces.

Mr. Pirog asked about items such as keeping fire doors open or not keeping bathrooms clean is items addressed to building ownership.

Mr. Vyverberg explained it is typical for issues outside of code to be managed between building owner and the tenants. He cannot speak to at some point the uncleanness of toilets becoming a health issue but typically issues are handled by the management.

Ms. Wood asked Mr. Maderak what his position was at Macs.

Mr. Maderak stated he was the bar manager.

Ms. Wood asked if the concerns were under his purview.

Mr. Maderak answered yes and no but stated they were exaggerated. He stated he never encountered these issues. He stated when they closed at night they would mop and clean the bathrooms. Mr. Maderak stated going forward he will be the general manager being in charge of everything not just the bar.

Ms. Wood stated the concern is ongoing communication and cooperating between the tenants.

Mr. Maderak stated he will be glad to work with the other tenants. He stated in the past they had a good relationship with the ice cream parlor with the parent getting a cocktail while the kids had their ice cream.

Sworn in Kristin Lobo, daughter of Salvio Lobo

Ms. Lobo spoke to her dad's background being a CIO at a technology firm and has no affiliation to the previous owners. He stated he just likes live music and food and wanted to start a business. She stated because he is a technology guy not a restaurant guy he enlisted a team that would run a successful business. Ms. Lobo explained Wisewolf was created before and they thought they could use for IT contacting. She stated the bathrooms now fall under the contract with the restaurant.

Mr. Cavanaugh asked for clarification.

Mr. Lobo explained they signed a contract that they will maintain the bathrooms taking full responsibility. He stated he hates dirty bathrooms and cannot run establishment with dirty bathrooms. He stated he is disappointed because he reached out to other tenants and their concerns were based on assumptions. Mr. Lobo stated he is cognizant of the concerns and will address them. He doesn't want to cause problems which is why he reached out to other owners as well as the city.

Mr. Cavanaugh asked if the other tenants are supposed to contact the restaurant with bathroom complaints.

Mr. Lobo stated they can contact him but the plan is to have someone maintain them.

Mr. Cavanaugh clarified the bar is 100% responsible for the bathrooms.

Mr. Lobo answered yes.

Ms. Wood stated this is not common situation where bar shares a bathroom so requires cooperation and monitoring.

Mr. Lobo stated she spoke to Ms. Kali Razes who wanted to designate area for each space to clean. He stated he is not going to not clean an area if it needs to be cleaned so all shared spaces will be cleaned.

Mr. Luszczak asked if there is a way to alleviate sound for upstairs neighbors.

Mr. Lobo stated he spoke to them first. He inquired about how it worked in the past since Macs has always had loud music. He stated he told them he will attempt to work out the overlapping hours. Mr. Lobo stated he will do the best they can to run their business profitably and not impact the neighboring businesses. He stated he wants to be a good neighbor and good reputation.

Sworn in Mr. Rich Burke 3855 Winston Drive Hoffman Estates, IL

Rich stated he has been a patron of Macs since it opened and suffered through Jeff's ownership. He stated there has been a hole in the entertainment since they

closed. He stated he has seen very little unruly behavior and the few times he has seen it Mr. Maderak escorted them out and put them in an Uber to get them out of the place. Rich stated they self-police to make sure there is no issues. He stated it was a wonderful place to attend and see good bands and now people are going to Arlington Heights and Barrington and thinks we should keep it in Palatine.

Ms. Kali Razes appreciate what they are saying and stated she does have Mr. Lobo's phone number. She stated in the end it's a bar and the building is full of family/children oriented businesses filled with woman.

Sworn in Steve Korecki 610 W Ruehl

Mr. Korecki stated he has been going to the bars in Palatine for 44 years and is nice to have a place for the older crowd to go to. He stated it is more of a family environment at Macs with most of the patrons bringing their children. He explained most of the unruly behavior is from people coming already drunk from other bars. Mr. Korecki stated it is a fun good place to go like Cheers on tv.

Sworn in Mr. Rob Rosenberg 600 Waterford Ct Lake Zurich unofficial title of ambassador of good will

Mr. Rosenberg stated in the past he hosted open mic nights at Mac's on Slade. He spoke to the hours of music. He spoke to the opportunity they provided by open mic night and fundraisers held. He stated they hope to provide these opportunities again. Mr. Rosenberg stated the team have a lot more expertise that the bar has had in the past and thinks there will be a lot more financial and managerial oversight which was lacking in the past. He stated he thinks it will be satisfactory to the community.

Mr. Pirog asked for clarification on music hours.

Mr. Rosenberg explained it is typical to start around 8 PM on Thursday-Saturday. He stated open mic night does start earlier but that is usually individual artists. Mr. Rosenberg explained the earlier music is softer building momentum to the bands coming on later.

Mr. Pinderski excited about program and emphasized it's a restaurant not a bar. He stated their business plan cannot work if it is not a successful restaurant. He stated they have no intention on perpetrating any of the prior problems from the past ownership explaining they have too much money at stake. Mr. Pinderski spoke to the lease agreement taking responsibility for the bathroom to ensure they are kept clean because they have vested interest. He stated the issues in past will not be part of the program/plan presented. Mr. Pinderski stated they have met and exceeded the standards. He stated the facility is designed for this and will be a success for not only them but the entire area. Mr. Pinderski asked to not be painted with any issues from the past pointing out they have no affiliation.

STAFF RECOMMENDATION:

The Petitioner is proposing to open an expanded restaurant/bar, with live entertainment. Additionally, there is a separate entertainment room, outside of the main tenant space, which is not visible from the main tenant space. It is across the hallway, in a separate area in this multi-tenant building. The Petitioner indicates that it will be monitored through live cameras, from the main tenant space. Staff does not see this as a feasible solution and remains concerned about the Petitioner's ability to maintain the necessary controls over the site and floorplan. While it may be one example for a single-user restaurant having a private dining or event room separated by a hallway, Staff cannot support the inclusion of the entertainment room as part of the business and floor plans. Its separation from the main tenant spaces, lack of any direct visibility from any employees, and direct proximity to the exit door to the west, all present specific problems with the proposal.

Also, Staff is concerned with the proposed seating and square footage expansions and its impact upon downtown parking demands. The Subject Property does not provide any off-street parking and therefore is requesting to rely upon the existing public parking and spaces available.

The proposed hours expansion from 1 AM to 3AM on weekends, also remain Staff concerns. While the Liquor License review is within the purview of the Liquor Commission, it represents a specific expansion of the previous use. With the inclusion of the entertainment room and seating, Staff cannot support the proposed floorplan and use. If the floorplan were revised to not include the entertainment room and seating, with a passive use proposed (e.g. an accessory storage use), Staff would recommend action at the discretion of the Zoning Board of Appeals, with the expanded hours concerns remaining.

If the Zoning Board of Appeals decides to recommend approval, Staff recommends the following conditions.

1. The Special Use shall substantially conform to the business operations submitted by the Petitioner on 8/25/20 and floor plan prepared by Warren Johnson Architects dated 10/20/20 attached hereto except as such plans shall be revised to conform to Village Codes and Ordinances.
2. A plan identifying an acceptable smoking area location shall be submitted in a manner acceptable to the Village of Palatine and in compliance with Code. In addition to the required compliance with Chapter 9 of the Village Code, the plan should be prepared to represent the least amount of impact to the surrounding properties.
3. All employees shall enroll in and utilize the Downtown Employee parking program.
4. A Staff review of the Live Entertainment Special Use shall be conducted, not more than six months after the Petitioner's occupancy to determine if additional noise control measures are necessary, at the discretion of the Village. The

Village reserves the right to impose additional conditions to the Live Entertainment Special Use.

Mr. Pirog asked if it staff's position that the back room should not be used.

Mr. Vyverberg explained from the Village perspective here is concern on what the usage and final floor plan would look like. He stated they appreciate the revision of the business plan to include the camera addition. He stated there is question on who and how often these are being monitored along with the access to the exits being monitored. Mr. Vyverberg spoke to the accommodations made by adding the door to the expanded kitchen to the entertainment room. He stated there is too much unknown about site plan and how it will be monitored.

Mr. Pinderski disagreed with staff on entertainment room. He stated they specifically indicated in their business plan the space was for private or overflow dining. He pointed out they are legitimate uses found in other establishments throughout the Village. Mr. Pinderski stated there is no concrete foundation for the issues brought up by the Village. He stated they are installing monitors and there is no bar in that room. He stated there is no safety or health issue to prevent them from using the room.

Mr. Pirog asked why the police are not concerned anymore.

Mr. Vyverberg stated in addition to police's questions and concerns planning and zoning have concerns with regard to the use of the entertainment room.

Mr. Cavanaugh explained he had a conversation with the chief who said his concerns have been met but staff has had a deeper conversation.

Mr. Lobo stated he wants to have a space for people to enjoy the food if they don't want to hear the live music. He stated he doesn't know what the difference between this and other establishments who don't have monitoring.

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

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

DELIBERATIONS:

Mr. Dittrich stated coming into the discussion he was leaning toward a no based on previous history. He stated the concerns are legitimate and hope they take the opportunity to work together. He stated the special use standards have been met. Mr. Dittrich stated he hopes the supporters take all the testimonies in consideration and realize what needs to be done to prevent it from shutting down again.

Ms. Roth-Wurster addressed the standards pointing out they need to review the current proposal not what was there in the past. She stated she used to work in this space pointing out the entertainment area is a small room. She stated she sees the issues with the shared space. Ms. Roth-Wurster stated she was a

student at the Mr. Maderakce Loft and only found out about them because she was a patron at Mac's. She stated the special use is to run the business according to the health safety and welfare and thinks the business should be given a chance. Ms. Roth-Wurster spoke to the live entertainment giving the performers in Palatine a place for people to perform in town rather than go to neighboring towns. She stated this is a chance to start fresh and bring something into town to make it lively.

Ms. Wood stated it was great for everyone to voice their concerns and support. She spoke to the importance of family business with the tenant mix. She stated the concerns are valid but what is leaning her toward approval was Mac's was operating so it was a known entity. Ms. Wood stated the new owner has put together a professional group to operate and hopes everyone can work it out to mutually be successful together.

Mr. Pirog stated he is not convinced the standards have been met other than the bathroom. He stated he sees the concern with the back room and the access from the shared space. Mr. Pirog stated he does not see the safety standards being met nor show how they won't devalue the other businesses in the space.

Ms. Wood stated they will be held to the same standards as anyone operating and serving alcohol regarding health safety and welfare.

Discussion on back room monitoring and safety.

Ms. Wood summarized that this request has met the standards and was approved by a vote of 4-2. This item will tentatively go to Village Council on January 18, 2021.

RESULT:	RECOMMENDED TO APPROVE [4 TO 2]
MOVER:	James Dittrich, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Roth-Wurster, Wood, Luszczak, Cavanaugh
NAYS:	Dittrich, Pirog
ABSENT:	Larson, McGinn

IV. COMMUNICATIONS

V. ADJOURNMENT

VI. CASE STAFF STATEMENTS