

PLANNING AND ZONING COMMISSION MEETING

VILLAGE OF HOFFMAN ESTATES
COUNCIL CHAMBERS
1900 HASSELL ROAD
HOFFMAN ESTATES, IL 60169

MINUTES - SEPTEMBER 6, 2017

1. CALL TO ORDER: 7:00 P.M.

Members Present

Chairperson Combs	Lon Harner
Vice Chairman Caramelli	Myrene Iozzo
Lenard Henderson	Denise Wilson (arrived at 7:01pm)
Steve Wehofer	Nancy Trieb
Sharron Boxenbaum	

Members Absent

Greg Ring (Excused).

A quorum was present.

Administrative Personnel Present:

Dan Ritter, Assistant Planner, Parth Joshi, Development Services Technician.

2. APPROVAL OF MINUTES:

Commissioner Trieb moved, seconded by Commissioner Henderson, to approve the August 2, 2017, meeting minutes. Voice Vote: 9 Ayes, 1 Absent (Ring). Motion Carried.

3. CHAIRMAN'S REPORT

Chairperson Combs stated the homeowner request for a 14 foot corner side yard setback for a 6 foot high solid fence to be 1 foot from the northeastern property line, the preliminary and final plat of subdivision for Hoffman Plaza, and the preliminary and final plat of resubdivision for 75 and 85 East Golf Road were approved by the Village Board. The Stonegate item for continued use of an outdoor patio area and tent was continued to September 6.

4. NEW BUSINESS - PUBLIC HEARING - REQUEST BY THOMAS R. DONAT (OWNER) FOR A VARIATION FROM SECTION 9-3-2-C-2 OF THE ZONING CODE TO PERMIT A DRIVEWAY EXPANSION IN THE FRONT YARD THAT DOES NOT LEAD TO AN APPROVED PARKING STRUCTURE AND FOR A 10 FOOT VARIATION FROM SECTION 9-3-2-C-3 OF THE ZONING CODE TO PERMIT THE DRIVEWAY TO BE 40 FEET WIDE INSTEAD OF THE PERMITTED 30 FEET WIDTH AT 800 FREEMAN ROAD.

Commissioner Trieb moved, seconded by Commissioner Henderson, to open the above hearing. Voice Vote: 9 Ayes, 1 Absent (Ring). Motion Carried.

Chairperson Combs swore the petitioner in.

Thomas Donat (petitioner)

Thomas Donat presented an overview of the project.

Dan Ritter presented an overview of the staff report.

Commissioner Boxenbaum asked if the Commission voted no to this request, how long would the petitioner have to remove the driveway. Mr. Ritter stated one year from today's date.

Commissioner Boxenbaum asked what is the condition of the existing driveway. Mr. Ritter stated staff allowed sealcoating of the driveway and is not falling apart at this point. Mr. Donat stated the driveway has been sealcoated at least 10 times since he owned the property.

Commissioner Boxenbaum asked how long the petitioner has lived at this property. Mr. Donat stated 30 years.

Commissioner Wilson asked staff if the Commission approved any other similar driveways. Mr. Ritter stated nothing similar. The Village has allowed some wider driveways, but nothing similar to a large turnaround area in the front yard.

Commissioner Iozzo had no questions.

Commissioner Wehofer asked why the change. Mr. Donat stated for safety reasons, especially in the winter. Mr. Donat presented a sketch to the Commission.

Commissioner Wehofer asked if the petitioner understood about the compromise that staff presented about the 14 feet. Mr. Donat stated no. Commissioner Wehofer stated that might be an option and would be in code compliance.

Commissioner Henderson asked the petitioner how do his neighbors exit their driveways. Mr. Donat stated the other driveways are shorter than his and not up against a radical angle when exiting their driveways.

Commissioner Henderson asked how tall are the bushes to the west of the driveway. Mr. Donat stated 12-14 feet and he cannot see over or around the bushes until almost to the street. Mr. Ritter stated the Village's Transportation Division did not have concerns about driveway when reversing from the driveway..

Commissioner Henderson has a concern that the petitioner has agreed to remove the existing driveway and that the safety issue did not come up until after the driveway work was completed.

Commissioner Henderson asked if there are driveways that, if on the corner, have a drive-thru. Are these driveways under the same situation. Mr. Ritter stated existing circular driveways are legal nonconforming and a similar situation.

Commissioner Trieb had no questions.

Commissioner Harner had no questions.

Vice Chairman Caramelli had no questions.

Chairperson Combs stated there are stop signs to the west of the property, so that would slow traffic and that there is not much traffic on the street.

Chairperson Combs stated that the bushes the petitioner had complained about are on their property and suggested the bushes be cut down. The petitioner stated he did not want to cut the bushes down.

Commissioner Trieb moved, seconded by Commissioner Henderson, to close the hearing. Voice Vote: 9 Ayes, 1 Absent (Ring). Motion Carried.

MOTION: Vice Chairman Caramelli moved (seconded by Commissioner Trieb) to approve a request by Thomas R. Donat (owner) for a variation from Section 9-3-2-C-2 of the Zoning Code to permit a driveway expansion in the front yard that does not lead to an approved parking structure and for a 10 foot variation from Section 9-3-2-C-3 of the Zoning Code to permit the driveway to be 40 feet wide instead of the permitted 30 feet width at 800 Freeman Road, with the recommended conditions in the staff report.

Chairperson Combs stated to clarify, if the Commission votes the way it is written now, that means that the current turnaround is allowed. If it falls apart, the petitioner cannot put in a new driveway turnaround. The petitioner would still have the option of requesting a driveway extension permit on the east at some point in time, but would have to remove the turnaround. Mr. Donat stated he can keep the turnaround providing if it deteriorates it must be removed and to also have the option of adding the 14 feet on the east side of the driveway, and then if this is done, the turnaround must be removed. Chairperson Combs stated only if the Commission votes in favor. Chairperson Combs stated if the Village Board votes against it, the petitioner must remove the turnaround, but still have the option of putting the 14 feet on the east side. Mr. Donat stated he understands.

Roll Call Vote:

Aye: Wilson

Nay: Boxenbaum, Harner, Henderson, Iozzo, Trieb, Wehofer, Vice Chairman Caramelli, Chairperson Combs

Absent: Ring

Motion Failed.

Mr. Joshi stated that this will go to the Village Board meeting on September 11, 2017.

Chairperson Combs stated if the Village Board agrees with the Commission's recommendation, then the petitioner will have to remove the turnaround but still have the option of adding the 14 feet on the east side expansion. Chairperson Combs stated the Village Board has the ability to override the Commission and the Village Board is the final vote.

4. NEW BUSINESS - PUBLIC HEARING - REQUEST BY WILLIAM PULVERMACHER (OWNER) FOR A 350 SQUARE FOOT VARIATION FROM SECTION 9-3-6-J OF THE ZONING CODE TO ALLOW A SHED TO BE 500 SQUARE FEET INSTEAD OF THE MAXIMUM 150 SQUARE FEET AT 825 BASSWOOD STREET.

Commissioner Trieb moved, seconded by Commissioner Henderson, to open the above hearing. Voice Vote: 9 Ayes, 1 Absent (Ring). Motion Carried.

Chairperson Combs swore the petitioner in.

William Pulvermacher (petitioner)

William Pulvermacher presented an overview of the project.

Dan Ritter presented an overview of the staff report.

Chairperson Combs asked staff if the existing garage is a one car garage. Mr. Ritter stated yes.

Commissioner Harner asked what is next to the two storage sheds that will become one storage shed. Mr. Ritter stated the lot lines are wrong and that the shed is on the neighbor's property. Mr. Ritter stated that is a storage shed with an outside storage area with gravel. Commissioner Harner asked how big is that storage shed. The resident whose shed is on stated 144 square feet.

Commissioner Harner asked if medications are stored in the shed. Mr. Pulvermacher stated no, the medications have to be at room temperature.

Commissioner Trieb commented that the petitioner has a lot of stuff, which at some point will need to be disposed of, and then you have this huge shed which you may not need any more.

Commissioner Trieb asked staff if there is some compromise since the petitioner has two sheds that he is trying to consolidate. Mr. Ritter stated that is up to the Commission. Mr. Ritter stated there are alternative options, such as a garage or home addition.

Commissioner Henderson asked the petitioner how far along was he building the shed when the Village stopped work because of no permit. Mr. Pulvermacher stated between 2/3 and 3/4 of being finished.

Commissioner Henderson asked that once the shed is completed, is that all the expansion that you will need. Mr. Pulvermacher stated yes.

Commissioner Henderson asked if the garage is for an automobile or is it living quarters. Mr. Pulvermacher stated it is an unheated garage.

Commissioner Wehofer asked why a permit was not applied for. Mr. Pulvermacher stated he had the work to do and the help to do it and did not think of it.

Commissioner Wehofer asked if there will be any utilities in the shed. Mr. Pulvermacher stated he does not intend on anything. Right now, it is a wood and dirt floor shed and intends on keeping it that way.

Commissioner Iozzo asked why the height of the shed was increased. Mr. Pulvermacher stated the style of the shed allows for a space, like a barn, and is similar to a mini-attic space.

Commissioner Wilson asked staff if a two car garage could be built. Mr. Ritter stated the petitioner could have converted his attached garage, took out the driveway, then put a detached garage in the yard, and ran a driveway to the garage.

Commissioner Boxenbaum had no questions.

Vice Chairman Caramelli asked the petitioner how many years have you lived at the property. Mr. Pulvermacher stated close to 21 years. Vice Chairman Caramelli asked when the property was bought, did it have sheds in the backyard? Mr. Pulvermacher stated yes. Vice Chairman Caramelli stated building a shed that size, did you think to ask Village staff for guidance and seek a permit. Mr. Pulvermacher stated at the time, he had help and because he had the help, they started to construct the shed.

Chairperson Combs asked the petitioner if he thought of putting some of his stuff in storage. Mr. Pulvermacher stated yes, but is cost prohibitive and some of the things they would use is spontaneous, especially in the winter.

Chairperson Combs asked if there is a basement. Mr. Pulvermacher stated no.

Vice Chairman Caramelli asked if the shed is a kit that was purchased. Mr. Pulvermacher stated no.

James Parra, 805 Basswood Street, was sworn in by Chairperson Combs. Mr. Parra stated that the petitioner has health issues and he does not understand how collecting more objects and building more structures will solve the problem. Mr. Parra stated a lot of work done on the property has been without Village approval or permit and the petitioner has a large tent he puts up in his backyard. Mr. Parra stated there is a swale used for drainage in the petitioner's backyard and feels another structure should not be installed.

George Fuechsl, 540 Hawthorn Lane, was sworn in by Chairperson Combs. Mr. Ruechsl stated the petitioner has a huge backyard and the proposed shed seems to disappear in the backyard. Mr. Fuechsl feels the shed is a non-issue.

Guy Conenna, 845 Basswood Street, was sworn in by Chairperson Combs. Mr. Conenna stated he does not like the way Mr. Parra attacked the petitioner and himself.

Mr. Ritter stated the Engineering Division was involved due to a complaint of the drainage and found grading work was completed at 805 Basswood Street that created some drainage issues, which changed the normal flow of water. Mr. Parra did correct the issue following Engineering Division's recommendation.

Mr. Pulvermacher stated there was a tent to put over the one shed in the worst shape while finding the time to fix all the sheds. This tent was up for more time than the allowed. The tent is not now in the yard. Mr. Pulvermacher is not aware of any code violations on his property.

Chairperson Combs stated to the petitioner that permits are required and if you sell your house, your contract will state that all proper permits have been issued.

Commissioner Trieb moved, seconded by Commissioner Henderson, to close the hearing. Voice Vote: 9 Ayes, 1 Absent (Ring). Motion Carried.

MOTION: Vice Chairman Caramelli moved (seconded by Commissioner Henderson) to approve a request by William Pulvermacher (owner) for a 350 square foot variation from Section 9-3-6-J of the Zoning Code to allow a shed to be 500 square foot instead of the maximum 150 square feet at 825 Basswood Street, with the recommended conditions in the staff report.

Roll Call Vote:

Aye: Harner, Henderson, Iozzo, Wilson

Nay: Boxenbaum, Trieb, Wehofer, Vice Chairman Caramelli, Chairperson Combs

Absent: Ring

Motion Failed.

Mr. Joshi stated that this will go to the Village Board meeting on September 11, 2017.

5. OLD BUSINESS - PUBLIC HEARING - REQUEST BY STONEGATE PROPERTIES, INC. (OWNER) TO CONSIDER A SPECIAL USE UNDER THE ZONING CODE TO PERMIT THE CONTINUED USE OF AN OUTDOOR PATIO AREA AND TENT AS PART OF AN EXISTING MULTI-PURPOSE CONFERENCE CENTER ON THE PROPERTY LOCATED AT 2401 WEST HIGGINS ROAD (THE STONEGATE CONFERENCE AND BANQUET CENTRE).

Commissioner Trieb moved, seconded by Commissioner Henderson, to open the above hearing. Voice Vote: 9 Ayes, 1 Absent (Ring). Motion Carried.

Chairperson Combs stated there is a condition of approval that the petitioner has addressed all of the outstanding code violations on the property. In the Commission's packet, there are some outstanding code violations that the petitioner did not respond to and some were opened. Chairperson Combs asked the petitioner if all these issues have been addressed. Mr. Altenberger stated no. Chairperson Combs suggested this item be continued again until there is a proper response.

Mr. Ritter stated there is a condition of approval that all of the violations be corrected by November 15, 2017, before the winter months, because there are landscaping issues.

Chairperson Combs stated the petitioner did not show up for the August 2, 2017, meeting nor inform the Village they were not showing up, and is aware that the Commission needs responses to the code violations, and at this meeting there is no response to the code violations.

Mr. Altenberger stated he had death in the family and had to fly to Houston, which he did tell staff. Mr. Ritter stated this notice was not before the meeting. Mr. Altenberger did respond to about 90% of the issues that staff had. Mr. Altenberger was getting a list to staff that the petitioner responded to and has a packet which he will share with staff and then come back at the next meeting and then address those issues or anything else that is outstanding.

Chairperson Combs asked the Commission to continue this hearing and add a condition of approval that the petitioner addresses all these code violations by November 15, 2017, or continue with the meeting tonight.

Mr. Ritter stated the special use expired in April 2017, and is a violation.

Commissioner Harner stated he does not have an opinion at this point in time and cannot vote.

Commissioner Trieb stated to continue the hearing.

Commissioner Henderson stated to proceed with the hearing with a condition to finish by November 15.

Commissioner Wehofer stated to proceed with the hearing.

Vice Chairman Caramelli stated to proceed with the hearing.

Commissioner Iozzo stated to proceed with the hearing.

Commissioner Wilson stated to proceed with the hearing.

Commissioner Boxenbaum stated to proceed with the hearing.

Mr. Altenberger requested to give staff a list of things that were completed, as well as pictures, and then to touch base on a few of the open items.

Mr. Altenberger stated:

- ◆ #1 - Regarding the missing ADA signs, there are four sign posts in the parking lot now and additional signs have been ordered. These signs should have been received and should be put up shortly.
- ◆ #2 - Regarding the dead trees throughout the property, all of the dead Ash trees were removed and staff gave the petitioner a list of acceptable trees species, so they are in the process of installing the trees this fall and will work staff on this.
- ◆ #3 - Regarding the trees missing in the landscape islands in the parking lots, there have been issues with this in the past, so the petitioner stated the trees have been removed over the 17 years, each island has specific a lot of green, but will work with staff and if they have to put more trees in the landscape islands, they will do that, per the approved plan.
- ◆ #4 - Regarding the weeds and grass growing through the pavement and in the parking lot islands on the west parking lot, all the weeds have been trimmed and the cracks in the asphalt were trimmed and sprayed as well.
- ◆ #5 - Regarding the issues on the west side, the potholes and cracks were addressed, which need to be repaired and will try to do that before the fall.
- ◆ #6 - Regarding the curbs, they will try to get the same company to do the cracks and the pavement to do that as well.
- ◆ #7 - Regarding rusted railing, stairs, and equipment enclosures, all the railings at the front entrance and handicap ramp have been cleaned and repaired. The rear truck barrier by the loading dock, the HVAC enclosure, and the rear southeast entrance stairs are all being repainted and the emergency kitchen exit stairs have been repaired. They are collecting bids on some additional work for a couple rails that actually need to be structurally fixed or replaced.
- ◆ #8 - Regarding weeds and landscaping beds, all the parking lots have been weeded and most of the remaining greenery is made of decorative grass and installed a low grow Sumac, which is salt resistant.
- ◆ #9 - Regarding the grass and weeds growing through the back stairs, the weeds have been growing through the emergency exist and the weeds have been cut back and put a kill product on the weeds as well.

- ◆ #10 - Regarding the rear landscape wall, that was repaired and restored in August. Mr. Ritter stated this has not been adequately repaired.
- ◆ #11 - Regarding the retaining wall at the front entrance, the only issue is that is where the fountain is, so they have been working with Barrington Pools for quite a while. This might take longer than November 15, only because the fountain is shut down during the winter, and will try to address the wall.
- ◆ #12 - Regarding the broken and deteriorated dumpster enclosure, the 10 broken slats from the dumpster enclosure have been replaced and the doors have been re-adjusted to work and open and close more easily. Signs will be placed on the doors alerting staff to keep it closed.

Mr. Altenberger took pictures to show some of the things that have been done, i.e. taking down the dead trees, addressing the grass, the rear of the building, weeds, the retaining wall in the back, and re-did the emergency stairs in the back and repainted both the rear entrances, as well as the drive-in for drop-offs. The landscaping in the front showing the Ash trees taken down. The last picture shows the parking lot with the ADA signs, which they have ordered more.

Mr. Ritter stated staff can be reasonable if the one thing that cannot be finished by November 15, is the retaining wall at the front entrance and the petitioner has a contract with a reasonable timeframe to be accomplished. Mr. Altenberger stated the fountain will be shut down on November 1.

Chairperson Combs asked Mr. Altenberger if he agreed with the recommended conditions of approval. Mr. Altenberger stated yes.

Mr. Ritter presented an overview of the staff report.

Chairperson Combs had a question on condition of approval #6. Should it say the special use will run from five years from April 2017. Mr. Ritter stated staff just stated five years from Village Board approval date for simplicity.

Commissioner Boxenbaum asked why have all the code violations been allowed to happen to the property. Mr. Altenberger stated if you drive by, a lot of the items are not significant, but there were dead trees (which died during the winter), the front of the parking lot was re-paved, maintenance on the outside was done. Sometimes a few things are missed, and that happens, but there some things that should have been addressed earlier.

Commissioner Wilson had no questions.

Commissioner Iozzo had no questions.

Commissioner Wehofer asked how did the expiration of the special use in April, go until now. Mr. Ritter stated it is up to the property or business owner to file the application on time but that it slipped by staff for a couple months as well. Staff caught this slip up and gave the petitioner the application materials.

Commissioner Wehofer asked if they own the pond. Mr. Altenberger stated no, that is owned by the association. Mr. Ritter stated Stonegate is part of the association. Mr. Altenberger stated Fred Hoffman and the restaurant park is also part of the association.

Commissioner Wehofer asked about issues with the lighting on the signage in the front. Mr. Altenberger stated he will make sure that is addressed.

Commissioner Henderson had no questions.

Commissioner Trieb stated Stonegate should have someone, on a regular basis, to touch base on the outside conditions.

Commissioner Harner had no questions.

Vice Chairman Caramelli commented that the petitioner will attempt and do their best to fix all these conditions of approval and issues that staff has raised.

Chairperson Combs had no questions.

Commissioner Trieb moved, seconded by Commissioner Henderson, to close the hearing. Voice Vote: 9 Ayes, 1 Absent (Ring). Motion Carried.

MOTION: Vice Chairman Caramelli moved (seconded by Commissioner Trieb) to approve a request by Poplar Creek L.L.C. (owner) and Stonegate Properties, Inc (applicant) to consider an extension of a special use amendment under Section 9-8-2-C-9 of the Zoning Code to allow retention of an outdoor patio on the west side of The Stonegate Conference and Banquet Centre building located at 2401 West Higgins Road, with the recommended conditions in the staff report.

Roll Call Vote:

Aye: Boxenbaum, Harner, Henderson, Iozzo, Trieb, Wehofer, Wilson, Vice Chairman Caramelli, Chairperson Combs (all with the 5 year condition of approval)

Nay: None

Absent: Ring

Motion Carried.

Mr. Joshi stated that this will go to the Village Board meeting on September 11, 2017.


6. STAFF REPORT

Mr. Joshi stated a flyer was distributed for the Volunteer Appreciation Celebration and a code folder update, and the next meeting will be September 20 (site plan amendment for a new hotel).

7. MOTION TO ADJOURN

Commissioner Henderson moved, seconded by Commissioner Wehofer, to adjourn the meeting at 9:01 p.m. Voice Vote: 9 Ayes, 1 Absent (Ring). Motion Carried.

Minutes prepared by Kathy Redelmann, Development Services Administrative Assistant



Chairperson's Approval



Date Approved