

PLANNING AND ZONING COMMISSION MEETING

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

MINUTES - AUGUST 7, 2019

1. CALL TO ORDER: 7:01 P.M.

Members Present

Chairperson Combs	Lenard Henderson
Vice Chairman Ring	Myrene Iozzo
Adam Bauske	Minerva Milford
Tom Burnitz	Nancy Trieb
Lon Harner	Denise Wilson

Members Absent

Sohita Patel (Excused).

A quorum was present.

Administrative Personnel Present:

Mo Khan, Associate Planner; Parth Joshi, Development Services Technician.

2. APPROVAL OF MINUTES

Commissioner Henderson moved, seconded by Commissioner Harner, to approve the July 17, 2019, meeting minutes. Voice Vote: 10 Ayes, 1 Absent (Patel). Motion Carried.

3. CHAIRMAN'S REPORT

Chairperson Combs stated the special use permit to operate an Escape Room Game Facility at 990 Grand Canyon Parkway, variation to allow for construction of a sunroom addition at 399 Payson Street, and the special use for an expansion of auction services at 2100-2105 Stonington Avenue were approved by the Village Board.

4. OLD BUSINESS

None.

5. NEW BUSINESS - PUBLIC HEARING - APPROVAL OF A REQUEST BY EMILIA JANISLOW (OWNER) FOR A 5 FOOT CORNER SIDE YARD SETBACK VARIATION FROM SECTION 9-3-3-C-2-b TO ALLOW A 6 FOOT HIGH FENCE TO BE ZERO FEET FROM THE WESTERN PROPERTY LINE INSTEAD OF THE MINIMUM REQUIRED 5 FEET AT 660 PERRY LANE.

Commissioner Henderson moved, seconded by Commissioner Harner, to open the above hearing. Voice Vote: 10 Ayes, 1 Absent (Patel). Motion Carried.

Chairperson Combs swore the petitioner in.

Emilia Janisiow presented an overview of the project.

Parth Joshi presented an overview of the staff report.

Commissioner Burnitz asked what will the distance be from the fence to the sidewalk. Mr. Joshi stated 1 foot, which is the property line.

Commissioner Harner asked how does the neighbor to the right get away with having poison ivy plants. Ms. Janisiow stated the poison ivy is going through the chain link fence onto their property.

Commissioner Harner asked what is the need for a 1 foot variation as opposed to 5 feet from the property line. Ms. Janisiow stated she does not want to lose the space in the backyard.

Commissioner Trieb had no questions.

Commissioner Henderson had no questions.

Commissioner Iozzo had no questions.

Commissioner Wilson asked if there is a current fence on the property. Ms. Janisiow stated yes, a 4 foot chain link fence. Commissioner Wilson asked if the new fence will be in the same location as the previous fence. Mr. Joshi stated the new fence will be in the same location if the variation is granted.

Commissioner Bauske had no questions.

Commissioner Milford asked if the new fence will be a privacy fence. Mr. Joshi stated the previous fence is a chain link fence and the proposed fence will be a board-on-board privacy fence.

Vice Chairman Ring had no questions.

Chairperson Combs stated the neighbors do not have a privacy fence, the area is untraveled, and one of the requirements in getting a variance is demonstrating a hardship. Chairperson Combs stated the petitioner does not have the criteria to establish a hardship. The Village, in the past, has allowed zero lot line fences, but in those instances, there have been hardships, such as extensive landscaping and hardscape work in the yard and to put the fence where it should be would have been a hardship. Ms. Janisiow stated the privacy fence would be for security so people walking by cannot see into the yard.

Ms. Janisiow asked is the issue the 6 foot board-on-board fence. What if the fence was a 4 or 5 foot board-on-board fence. Chairperson Combs stated she has no problem with a 6 foot fence but does have a problem with the fence being on the zero lot line. If you push the fence 5 feet back from the lot line, that would be okay.

Commissioner Wilson moved, seconded by Commissioner Henderson, to close the above hearing. Voice Vote: 10 Ayes, 1 Absent (Patel). Motion Carried.

MOTION: Vice Chairman Ring moved (seconded by Commissioner Wilson) to approve a request by Emilia Janisiow (owner) for a 5 foot corner side yard setback variation from Section 9-3-3-C-2-b to allow a 6 foot high fence to be zero feet from the western property line instead of the minimum required 5 feet at 660 Perry Lane.

Vice Chairman Ring stated this motion is to put the fence on the property line, and wants the petitioner to understand this. Vice Chairman Ring stated the Commission does not oppose the fence to be setback 5 feet with a 6 foot board-on-board fence for privacy. Vice Chairman stated per the documents, the setback presently would be 45 feet from the garage to the fence line, so there would be 40 feet of yard. With modifications, if you really want the 6 foot privacy fence, and if you follow the Village code, you could install the 6 foot fence and there would be many Commissioners opposing that.

Roll Call Vote:

Aye: Bauske, Burnitz, Henderson, Iozzo, Milford

Nay: Harner, Trieb, Wilson, Vice Chairman Ring, Chairperson Combs

Absent: Patel

Motion Failed.

Mr. Khan stated if there is a tie vote for the Planning and Zoning Commission, it goes for a recommendation for denial.

Mr. Khan stated that this will go to the Village Board meeting on August 19, 2019.

5. NEW BUSINESS - PUBLIC HEARING - APPROVAL OF A REQUEST BY 2595 WEST GOLF, LLC (OWNER) TO CONSIDER THE FOLLOWING REQUESTS FOR THE PROPERTY LOCATED AT 2595 WEST GOLF ROAD: A) PRELIMINARY AND FINAL SITE PLAN APPROVAL IN ACCORDANCE WITH SECTION 10-2-1-E FOR THE CONSTRUCTION OF A RETAIL BUILDING, VARIATION TO SECTION 9-8-2-D-6 TO ALLOW FOR A REAR YARD SETBACK OF 12.28 FEET FOR THE PRINCIPAL STRUCTURE VERSUS THE MINIMUM REQUIRED 20 FEET, AND PRELIMINARY AND FINAL PLAT OF SUBDIVISION APPROVAL IN ACCORDANCE WITH SECTION 10-6-3, AND B) MASTER SIGN PLAN APPROVAL IN ACCORDANCE WITH SECTION 9-3-8-M-13.

Commissioner Wilson moved, seconded by Commissioner Henderson, to open the above hearing. Voice Vote: 10 Ayes, 1 Absent (Patel). Motion Carried.

Chairperson Combs swore the petitioner in.

Michael Anderson (Haeger Engineering)

Michael Anderson presented an overview of the project.

Mo Khan presented an overview of the staff report.

Commissioner Milford had no questions.

Commissioner Bauske stated on the turning exhibit, there is a dotted line that might connect to the Mariano's parking lot. Mr. Anderson stated that Village staff requested this. The petitioner is not proposing the connection at this time, but in the future should the connection be something that is proposed, they are accounting for it. Mr. Khan stated this was requested by the Village's Transportation Division.

Commissioner Wilson had no questions.

Commissioner Iozzo had no questions.

Commissioner Henderson asked how is the proposed building going to be built over underground storage tanks without disturbing the tanks. Mr. Anderson stated when the leaking underground storage tank was removed, it was capped with a liner to contain any potential contaminants left in the ground. When the land is then redeveloped, we have to follow the guidelines of the original repair that was done to remove that leaking storage tanks. In this case, they have to respect the liner that was installed, and if the liner is touched, there is a whole sequence of events that will need to be documented and remediated with the Environmental Protection Agency (EPA).

Commissioner Henderson asked how will the Village know if the liner is touched. Mr. Khan stated one of the conditions of approval is the petitioner has to submit a safety plan, per the EPA letter, saying how they will construct the building and what they will do to be sure the safety containment will not be disturbed while construction is occurring. The safety plan will be reviewed by the Village's Engineering Division to make sure the requirements of the EPA are met prior to any construction starting on the site. Also, the Village's Civil Engineers are regularly on-site to make sure the safety plan is being followed.

Commissioner Henderson asked how does the Village know there is no problem on the site at the present time. Mr. Khan stated the EPA issued a No Further Remediation letter in 2013, meaning the containment installed meets the EPA requirements and the containment is not leaking out any more. Commissioner Henderson stated between 2013 and the present, the Village does not know for sure if anything has changed. Mr. Khan stated yes, but no construction has occurred to disturb the containment. Mr. Khan stated there is no way the Village can prove 100% that nothing is leaking underground. The construction of the liner was meant to contain everything for an indefinite amount of time.

Commissioner Henderson is concerned that after construction, the soils will not be tested for any contaminants. Mr. Khan stated that EPA would test the soils because the Village does not have the capability or the tools to test the soils. Mr. Khan will follow-up with the Village's Director of Engineering to see communication the Village can have with the EPA to ensure that after construction there are no contaminants leaking. Mr. Khan stated the Village can add this as a condition of approval.

Mr. Anderson stated during the remediation process when the storage tank was removed, there was extensive testing and monitoring to make sure all the contaminated material was removed.

Commissioner Trieb asked how will the landscape buffers affect the ingress/egress of the fire safety and truck delivery vehicles. Mr. Khan stated if there was a required 10 foot landscape buffer, there would not be enough pavement space for a fire truck or delivery truck to make turns and maneuver on-site. With more pavement, there would be more maneuverability space for fire and delivery trucks.

Commissioner Harner stated by not installing an access road between Mariano's and this site will significantly impair the ability of the public to use the tenants for the future building.

Commissioner Burnitz had no questions.

Vice Chairman Ring has concerns regarding the east and south elevations of the building and requests assurance that the property be maintained properly since it is the back side of a building that faces the Mariano's parking lot. Vice Chairman Ring would like the building well lit and ensure no tagging on the building will occur.

Vice Chairman Ring asked what type of ground sign will there be. Mr. Anderson stated the sign would be an Electronic Message Center (EMC) and the proposed sign is to change no more frequently than once every 10 seconds. The sign will not incorporate fading or any other motion - just information. Vice Chairman Ring asked if the height of the sign is within Village guidelines. Mr. Khan stated yes.

Chairperson Combs asked about the cross access for this site with the Mariano's parking lot. Mr. Khan stated staff wanted to be sure there was space for a cross access connection, however, the Village cannot force a property owner for a cross access easement, and at this time, the parties cannot agree to a cross access agreement.

Chairperson Combs asked if the employees will be parking on-site. Mr. Anderson stated yes. Chairperson Combs asked if there will be dissemination to the employees not to park off-site. Mr. Khan stated that employees parking off-site will be nearly impossible to enforce.

Chairperson Combs asked about snow removal. Mr. Anderson stated there are two internal landscape islands and the perimeter on the west and north side of the building where the snow will be piled. Chairperson Combs stated there should be a requirement to take the snow off the property.

Chairperson Combs asked if there will be ads on the EMC sign. Mr. Anderson stated his understanding is the sign is only for the tenants' use.

Chairperson Combs asked when will construction begin. Mr. Anderson stated they need final approval from IDOT and the MWRD, which would be another 30-60 days.

Chairperson Combs asked about the number and employees and shifts. Mr. Khan stated the numbers on the application are place holders because tenants have not been identified yet. Mr. Khan stated the parking study took into consideration the number of employees so enough parking will be provided for both employees and patrons.

Chairperson Combs asked will the truck deliveries occur before the business opens. Mr. Anderson stated without knowing the specific tenant, it is difficult to answer.

Chairperson Combs asked the petitioner if he agrees with all the conditions of approval in the staff report. Mr. Anderson stated yes.

Rick Heidner, 20 Brinker Road, Barrington Hills. Mr. Heidner stated it has been a pleasure working with the Village in previous projects. Mr. Heidner stated he will remove the snow in the parking areas and ensured all other maintenance will be taken care of.

Commissioner Wilson moved, seconded by Commissioner Henderson, to close the above hearing. Voice Vote: 10 Ayes, 1 Absent (Patel). Motion Carried.

MOTION A: Vice Chairman Ring moved (seconded by Commissioner Wilson) to approve a request by 2595 West Golf, LLC (owner) to consider the following request for the property located at 2595 West Golf Road) - preliminary and final site plan approval in accordance with Section 10-2-1-E for the construction of a retail building, variation to Section 9-8-2-D-6 to allow for a rear yard setback of 12.28 feet for the principal structure versus the minimum required 20 feet, and preliminary and final plat of subdivision approval in accordance with Section 10-6-3, with the recommended conditions in the staff report.

Roll Call Vote:

Aye: Bauske, Burnitz, Harner, Henderson, Iozzo, Milford, Trieb, Wilson, Vice Chairman Ring, Chairperson Combs

Nay: None

Absent: Patel

Motion Carried.

MOTION B: Vice Chairman Ring moved (seconded by Commissioner Wilson) to approve a request by 2595 West Golf, LLC (owner) to consider the following request for the property located at 2595 West Golf Road - Master Sign Plan approval in accordance with Section 9-3-8-M-13, with the recommended conditions in the staff report.

Roll Call Vote:

Aye: Bauske, Burnitz, Harner, Henderson, Iozzo, Milford, Trieb, Wilson, Vice Chairman Ring, Chairperson Combs

Nay: None

Absent: Patel

Motion Carried.

Mr. Joshi stated that this will go to the Village Board meeting on August 19, 2019.

5. NEW BUSINESS - PUBLIC HEARING - APPROVAL OF A REQUEST BY ROBERT KIRK (APPLICANT) AS REPRESENTATIVE OF SAM AKMAKJIAN (OWNER) TO CONSIDER THE FOLLOWING REQUESTS FOR THE PROPERTIES LOCATED AT 1180 AND 1190 APPLE STREET: A) MAP AMENDMENT (REZONING) FROM R-2 (ONE FAMILY RESIDENTIAL) TO B-2 (COMMUNITY BUSINESS) ZONING IN ACCORDANCE WITH SECTION 9-1-17, AND B) CONCEPT SITE PLAN APPROVAL FOR THE DEVELOPMENT OF A RETAIL/OFFICE BUILDING IN ACCORDANCE WITH SECTION 10-2-1.

Vice Chairman Ring moved, seconded by Commissioner Wilson, to open the above hearing. Voice Vote: 10 Ayes, 1 Absent (Patel). Motion Carried.

Chairperson Combs swore the petitioners in.

George Knickerbocker (Attorney)

Robert Kirk (Architect)

George Knickerbocker presented an overview of the project.

Robert Kirk presented an overview of the site plan and architecture.

Mo Khan presented an overview of the staff report.

Commissioner Burnitz had no questions.

Commissioner Harner is concerned about the restaurant, which will bring in more traffic. Commissioner Harner has concerns about cars making a right onto Apple Street or making a left onto Golf Road. Mr. Knickerbocker stated the petitioner will work with staff with any traffic problems, refuse, or truck deliveries.

Commissioner Trieb has concerns with access to Apple Street from Golf Road and exiting the site onto Apple Street to Golf Road. Mr. Knickerbocker stated the intersection of Apple Street and Golf Road will not be changed. Commissioner Trieb has concerns with the increased traffic at the intersection of Golf Road and Apple Street. Mr. Knickerbocker stated the petitioner will work with Village staff to make sure that the intersection of Apple Street and Golf Road is a safe intersection. Mr. Khan stated the property is now vacant and any development will lead to more traffic. When the petitioner returns for the full site plan review process, the Transportation Division will review to minimize any potential for conflict in opposing directions for collision.

Commissioner Henderson stated because this is a concept plan, there is no guarantee for a restaurant on the site. Mr. Knickerbocker stated yes.

Sam Akmakjian, 4160 McHenry Road, Suite 102, Long Grove. Mr. Akmakjian stated he is not sure if there will be a restaurant and hopes the entire building will be a medical building. The site not suitable for residential use at this point.

Commissioner Iozzo had no questions.

Commissioner Wilson asked in the handout, there are addresses that are highlighted. Are those addresses part of the rezoning. Mr. Khan stated those addresses are not part of the rezoning and the request is for only 1180 and 1190 Apple Street. The petitioner is trying to show other types of non-residential uses occurring on Apple Street.

Commissioner Bauske asked is there a reason why there is no exit from the site onto Golf Road. Mr. Knickerbocker stated that is being worked out with IDOT. IDOT was okay with the right-in from Golf Road into the site and is reviewing the right-out from the site onto Golf Road. Mr. Khan stated there is no curb cut on Golf Road for this property. IDOT has preliminary approved a right-in only. Their concerns is the proximity to the curb cut between Apple Street and the curb cut for the car wash.

Commissioner Bauske is not in favor of the concept plan and would like to see an island at the end to separate the cars. Mr. Khan stated left turn only is not common.

Commissioner Bauske asked if there is another dentist in close proximity to this location. Mr. Akmakjian stated this is an area that can use dental services for the community. Mr. Khan stated there was a dental business in the Valli shipping center at Higgins and Roselle Road, which is vacant.

Commissioner Milford is concerned about the traffic and the additional space in the building could be other medical offices. Mr. Akmakjian stated he does not know what the additional space will be used for. Mr. Akmakjian needs 3,200 square feet, and his preference would be medical use. Mr. Khan stated the plan presented is a concept plan and the petitioner will return for a formal review where most likely a potential tenant will be identified for the tenant space.

Vice Chairman Ring is concerned that the petitioner is still working with IDOT to address the entry from Golf Road. Vice Chairman Ring is not in favor of the concept site plan presented and would be in favor of the concept site plan with office use only.

Vice Chairman Ring asked staff if they can restrict the use of the proposed zoning (B-2) to not allow a restaurant to be an occupant. Mr. Khan stated he will check with Corporation Counsel, but in his experience, you can add a condition of approval on the concept site plan and not on the rezoning.

Mr. Knickerbocker stated a condition of approval can be added to the concept site plan.

Vice Chairman Ring would like to see a condition of approval added to the concept site plan to not allow a restaurant to be an occupant. Mr. Khan stated when the Commission makes a motion for approval for the concept site plan approval, you can add with the addition of limited to an office use.

Chairperson Combs is concerned about the restaurant, with a drive-thru, which means more traffic and noise will be generated and would like to minimize the disturbance to the neighborhood.

Chairperson Combs asked the petitioner if he agrees with the conditions of approval in the staff report. Mr. Knickerbocker stated yes.

Resident at 240 Aster Lane. The resident stated the address for the maintenance building under the water tower is Aster Lane and not Commercial Drive.

Michael Larsen, 1140 N. Bluebonnet Lane. Mr. Larsen states he does not agree that rental property cannot exist on the site, and would like to see a 3 or 4 plex townhomes. Mr. Larsen would like ingress and egress to the site entirely from Golf Road and not on Apple Street.

Mike Anzalone, 1065 Ash Rod. Mr. Anzalone stated rezoning the property will cause problems in the neighborhood. Mr. Anzalone disagrees with the property not being viable for residential.

Peter Osuch, 900 Basswood Street. Mr. Osuch stated if there were two residential properties on the site, the Village would receive more taxes and the site would be kept up. With more children in the neighborhood, traffic is a huge problem, with cars not stopping at the stop sign.

Dawn Larsen, 1140 N. Bluebonnet Lane. Ms. Larsen stated residential homes could be built on this site. Ms. Larsen stated there are several empty lots in the area that could be turned into commercial lots.

Mark Van De Linde, 1020 Apple Street. Mr. Van De Linde stated traffic has increased since the Burlington store opened to the southeast corner of the subject property. The cars that go to the car wash drive onto Apple Street and dry their cars.

Dominik Padlo, 1165 Apple Street. Mr. Padlo stated IDOT piles snow onto the corner of Apple Street and Golf Road and then the intersection is blocked until someone removes the snow.

Gunther Klauss, 140 Aster Lane. Mr. Klauss commented on the traffic at the corner of Apple Street Golf Road. Mr. Klauss likes the change with the left turn only leaving the site onto Apple Street, but it is negative, because the distance that that exit drive to Golf Road will only allow at maximum 3 cars. If there is traffic from a restaurant on the site, that will be a problem. Mr. Klauss sees the value of having a dental office on the site.

Wayne Korecky, 1140 Apple Street. Mr. Korecky is concerned if the two lots are not desirable for residential, then what would be the value of the houses in the area. Mr. Korecky also has a problem with the traffic in the area.

Steven Dumpman, 1060 Apricot Street. Mr. Dumpman does not feel that a curb at the exit on Apple Street will prevent cars from turning right onto Apple Street. Mr. Dumpman does not feel a restaurant on this site is a good use. Mr. Dumpman stated Parcel A floods now after Schaumburg put in the car dealer on the north side of Golf Road.

Bill Pulvermacher, 825 Basswood Street. Mr. Pulvermacher stated Google and Waze will direct drivers to turn on Apple Street because that is the shortest and fastest distance. Adding any traffic to Apple Street would be a danger to children on bikes and pets.

Chairperson Combs asked the Commission for their consensus on whether to vote on the proposed motion or adding a condition of approval limiting the site's use.

Commissioner Burnitz stated limit the site's use.

Commissioner Harner stated limit the site's use.

Commissioner Trieb stated limit the site's use.

Commissioner Henderson stated limit the site's use.

Commissioner Iozzo stated limit the site's use.

Commissioner Wilson stated she is open to what the majority of the Commission wants.

Commissioner Bauske stated limit the site's use.

Commissioner Milford stated limit the site's use.

Vice Chairman Ring stated limit the site's use.

Chairperson Combs called a short recess.

Mr. Knickerbocker asked to also add if there is commercial use that there would be no drive-thru no matter what the use is.

Vice Chairman Ring stated by eliminating a drive-thru, it might allow for orientation of the site and type of building to allow difference access inside.

Chairperson Combs stated fire trucks require two sources of access, so there will not be an access onto Apple Street. Mr. Khan stated a fire truck needs to maneuver through the site without backing up.

Mr. Khan stated the language for the added condition would be "The use of the property be limited to an office use with no drive-thru".

Mr. Knickerbocker stated the limited use was no restaurant and no drive-thru, which is acceptable. Mr. Knickerbocker stated an office use only diminishes some flexibility. The petitioner is okay with no drive-thru and no restaurant. Maybe restate the condition of approval to state that the site not be a restaurant and not a drive-thru on the property.

Mr. Khan stated the proposed condition of approval would limit other uses, such as retail. If you want to limit the amount of traffic, then you would want to limit the uses such as retail as well. If the petitioner wants to limit just the restaurant, then the Commission can change the condition of approval to "The use of the property be limited to uses not including a restaurant and not including a drive-thru".

Vice Chairman Ring stated the condition of approval to be added is: "The use of the property be limited to office/retail without drive-thru or restaurant". Mr. Knickerbocker agreed.

Commissioner Henderson moved, seconded by Commissioner Wilson, to close the above hearing. Voice Vote: 10 Ayes, 1 Absent (Patel). Motion Carried.

MOTION A: Vice Chairman Ring moved (seconded by Commissioner Wilson) to approve a request by Robert Kirk (applicant) as representative of Sam Akmakjian (owner) to consider the following request for the property located at 1180 and 1190 Apple Street - map amendment (rezoning) from R-2 (One-Family Residential) to B-2 (Community Business) Zoning in accordance with Section 9-1-17, with the recommended conditions in the staff report.

Roll Call Vote:

Aye: Bauske, Burnitz, Harner, Henderson, Iozzo, Milford, Trieb, Wilson, Vice Chairman Ring

Nay: Chairperson Combs

Absent: Patel

Motion Carried.

MOTION B: Vice Chairman Ring moved (seconded by Commissioner Wilson) to approve a request by Robert Kirk (applicant) as representative of Sam Akmakjian (owner) to consider the following request for the property located at 1180 and 1190 Apple Street - concept site plan approval for the development of a retail/office building in accordance with Section 10-2-1, modified to include "limiting the use to office/retail without a drive-thru or restaurant", with the recommended conditions in the staff report.

Roll Call Vote:

Aye: Bauske, Burnitz, Harner, Henderson, Iozzo, Milford, Trieb, Wilson, Vice Chairman Ring

Nay: Chairperson Combs

Absent: Patel

Motion Carried.

Mr. Joshi stated that this will go to the Village Board meeting on August 19, 2019.

6. STAFF REPORT

Mr. Khan stated the August 21, meeting has been canceled. The next scheduled meeting is September 4. Staff is still working on the text amendments.

7. MOTION TO ADJOURN

Commissioner Wilson moved, seconded by Commissioner Henderson, to adjourn the meeting at 9:15 p.m.
Voice Vote: 10 Ayes, 1 Absent (Patel). Motion Carried.

Minutes prepared by Kathy Redelmann, Development Services Administrative Assistant.



Chairperson's Approval

10/10/19

Date Approved