

PLANNING AND ZONING COMMISSION

SPECIAL MEETING

VILLAGE OF HOFFMAN ESTATES

COUNCIL CHAMBERS

1900 HASSELL ROAD

HOFFMAN ESTATES, IL 60169

MINUTES – MARCH 14, 2012

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

Members Present

Chairperson Combs	Tom Krettlter (7:01 p.m.)
Vice-Chairman Gaeta	Gaurav Patel
Donna Boomgarden	Steve Hehn
Lenard Henderson	Denise Wilson
Myrene Iozzo	

Members Absent

Commissioner Wehofer - Excused

Vacancy

One

A quorum was present.

Administrative Personnel Present:

J. Donahue, Senior Planner and Brian Portz, Associate Planner

2. APPROVAL OF MINUTES:

Motion by Vice-Chairman Gaeta, seconded by Commissioner Boomgarden, to approve the minutes of the February 15, 2012 meeting. Voice Vote: 6 Ayes, 3 Abstain (Henderson, Iozzo, Wilson), 1 Absent (Wehofer) 1 Vacancy. *Motion Carried*

3. CHAIRMAN'S REPORT

Chairperson Combs reported that the Trustees approved the Saddle Room. She inquired about the status of the Home Occupations text amendment and Mr. Donahue stated that he would look into it and report back.

4. ZONING MAP REVIEW

Commissioner Boomgarden moved, seconded by Vice-Chairman Gaeta, to recommend approval of the 2012 Zoning Map. Voice Vote: 9 Ayes, 1 Absent (Wehofer), 1 Vacancy. *Motion Carried*

5. NEW BUSINESS – PUBLIC MEETING – BARRINGTON SQUARE TOWN CENTER – 2300-2360 W. HIGGINS ROAD – SITE PLAN AMENDMENT

Request by Handelsen Productemaatschappij Deshouw BV (Owner) for a site plan amendment for parking lot changes and preliminary concept plan approval of a retail building for the property located at 2300-2360 W. Higgins Road (Barrington Square Town Center).

Rich Gordon with Interwork Architects was sworn in. He stated that this is phase two of a project that was started a couple years ago when Menard's was demolished and other improvements were made to set the table for future redevelopment of the mall. This phase will address issues that were a result of the Burger King being taken down. The owner is trying to market the Burger King site for a new outlot even though it is not a good site, as is, for an outlot. The lot is tight and there is a restriction of an existing sewer easement. One of the issues is the parking field in front of the bowling alley which is sort of a hodge-podge with angled parking, 90 degrees parking and a drive aisle that is a major cut-through for traffic traveling between Hassell Road and Higgins Road. To address these issues, they tried to create an outlot site that would be more marketable. As a result the entry drive will be curved to the east to make the focus of the access on the mall courtyard. The entry drive will also be narrowed to give more width at the south end of the outlot site. Straightening out the parking and curving the entry drive will force cut-through traffic along the front of the mall and get more traffic closer to the stores, which is always desirable to the retailers. In order to do any future development, a MWRD permit is required since this center was built in the 70's and the rules and regulations have changed a lot since then and any redevelopment requires them to improve the site retention. As part of this site work an underground detention vault will be installed under the parking lot to include the future development of the Menard's pad and the outlot. The table is being set for when the market improves and redevelopment of the two vacant pads begins.

Regarding the landscaping, Mr. Gordon advised that they will only be able to keep 3 trees, currently located on the east end of the main entry drive. The new plan more than makes up for the loss of the existing trees. The overall level of landscaping along the entry drive will be far better than what is there now.

Mr. Gordon advised that two pedestrian crossing points are being created; one at the junction between the main access drive and the main courtyard where there is a three-way stop and the other at the entrance to the bowling alley. Both will have decorative concrete paving. Three potential drop-off zones are being created; one on either side of the pedestrian crossing point in front of the courtyard and then one in front of the bowling alley. A sidewalk connection from Higgins Road to the mall is also being created.

Concept approval is being requested for an 11,500 square foot retail building with 64 car parking so that a marketing strategy can be developed to attract tenants. Mr. Gordon indicated his understanding that final approval would have to be obtained for development of the site.

Mr. Gordon noted the potential for Barrington Square to utilize some of the Village's lift station site to make the outlot piece work a little better.

Mr. Gordon addressed a previous condition of approval requiring redevelopment to happen within 3 years when the Menard's was taken down. Obviously that hasn't happened and they are asking for the elimination of that requirement due to the state of the market.

Mr. Donahue gave a recap of the proposal, noting the removal of 21 trees (honey locust and ash) and the net gain of 7 trees. The detention improvements will reduce the amount of standing water in the parking lot after a heavy rainfall.

Commissioner Questions

A Commissioner confirmed that the detention improvements are being done at the same time as the parking field changes.

A Commissioner determined that 28 trees will be replacing the existing 21.

A Commissioner asked if the location of the water pooling on the west side of the property will change with the changes being made and Mr. Gordon responded that it will shift a bit and more of the water will travel to the detention pond. In response to the Commissioner's concern about the entry drive flooding, Mr. Gordon assured that the water level line is below the entry drive.

The Chairperson expressed concern about cars pulling out of parking spaces into the main entry road in front of Garibaldi's; it doesn't look like a safe situation, particularly during the lunch hour. She also stated that she is very much against the elimination of the 3 year landscape requirement; she would like to extend it. While she has no problem with the current ownership, there is nothing to say that the ownership couldn't be transferred at some point and that area that is currently nicely maintained as a stand of grass, may not be so in the future and there would be no way of being able to control that site. She feels strongly that there should be an extension so the Village can require that it be landscaped, if necessary.

Mr. Donahue clarified that the actual requirement is that they "build" within 3 years; it has nothing to do with the landscaping.

The Chairperson recalled that the requirement at that time was that the area be improved with landscape. The landscaping requirement was waived; not that it be built.

Mr. Donahue read the condition as it was approved by the Village Board and the Chairperson stated that it should have just had to do with landscaping.

The Chairperson swore in Joseph Caruso (owner representative) who stated that they were required to do the landscaping within 3 years but they chose to do it at that time. Mr. Caruso added that it is maintained as if it is somebody's front yard; the owners have a very high incentive to get somebody in there as soon as possible. He indicated that the ownership has no intent to sell it. Mr. Caruso stated that he has no problem with a 3 year extension; it just means that he has to come back in 3 years if the market doesn't change.

The Chairperson polled the Commissioners regarding the restriction on the Menards area and whether it should be abolished or extended. Eight Commissioners were agreeable to waiving the condition.

MOTION #1: Commissioner Boomgarden moved (seconded by Vice-Chairman Gaeta) to recommend approval of a request by Handelsen Productemaatschappij Deshouw BV (Owner) for a site plan amendment for parking lot changes at 2300-2360 W. Higgins Road (Barrington Square Town Center). The following conditions shall apply:

1. Waivers from Sections 10-4-4 C. 2. b. and 10-5-2 C.2 are granted to allow striped islands to be located at the end of the parking row instead of curbed landscaped islands, until such time as the property to the south of the islands is redeveloped.
2. A waiver from Section 10-8-1 G. 2. a. 8) (a) of the Subdivision Code is granted to allow the depth of flooding at the 100-year frequency flood event to exceed 1.0 feet within a parking lot, based on the fact that this project will lessen the frequency of these occurrences as compared to the current design.
3. The 2009 site plan approval condition pertaining to the Menard's demolition on the site, which required the redevelopment of the vacant property to occur within 3 years, shall be removed with this approval as long as the petitioner continues to market the vacant property for redevelopment, and maintaining the area with grass in accordance with Village Code.

Roll Call Vote:

Aye: Boomgarden, Hehn, Krettler, Patel, Gaeta, Iozzo, Henderson, Wilson

Nay: Combs

Absent: Wehofer

Vacancy: One

Motion Carried

MOTION #2: Commissioner Boomgarden moved (seconded by Vice-Chairman Gaeta) to recommend approval of a request by Handelsen Productemaatschappij Deshouw BV (Owner) for preliminary concept plan approval of a retail building at 2300-2360 W. Higgins Road (Barrington Square Town Center). The following conditions shall apply:

1. Preliminary Concept Approval of the retail building is limited to the point that a building could potentially be built in the area as depicted on the architectural site plan. No guarantees as to the final size of building, amount and location of parking or the specific location of the building are given with this approval. If and when a building is proposed for the site, the development will be subject to Village review and approval of the final site plan as required by code.
2. It is acknowledged that as part of the Preliminary Concept Approval, the petitioner has indicated a potential that they may request approval to construct a portion of the parking lot upon the adjacent Village lift station property. The petitioner retains the right to make this request, and the Village acknowledges that reasonable consideration will be given to such a request, however, this current approval does not include any right to construct any improvements on the Village site.

Roll Call Vote:

Aye: Boomgarden, Hehn, Iozzo, Henderson, Wilson, Krettler, Patel, Gaeta, Combs

Nay: None

Absent: Wehofer
Vacancy: One

Motion Carried

The Chairperson advised the petitioner that the Planning and Zoning Commission is a recommending body and that the vote of the Board of Trustees is the determining factor. She also advised the petitioner to attend the Village Board meeting.

The petitioner indicated that he would be unable to attend the Village Board meeting on March 19, 2012 and requested that this be deferred to the April 2nd meeting.

6. NEW BUSINESS – PUBLIC HEARING – STONE EAGLE TAVERN – 4680 HOFFMAN BOULEVARD – SPECIAL USE FOR DRIVE-THRU RESTAURANT

Request of Prairie Stone Crossing, LLC (Owner) and Jimmy Vitale d/b/a Stone Eagle Tavern (Contract Purchaser) to consider a site plan amendment, plat of resubdivision and special use under the Zoning Code to permit a restaurant with a drive through in an existing building on the property located at 4680 Hoffman Boulevard. (***This has been continued from March 7, 2012.***)

Commissioner Boomgarden moved, seconded by Commissioner Krettler, to open the public hearing for Stone Eagle Tavern. Voice Vote: 9 Ayes, 1 Absent (Wehofer), 1 Vacancy. *Motion Carried*

Steve Goodman, with the law firm Meltzer, Purtill & Stelle, representing Prairie Stone Crossing LLC and Jimmy Vitale, Stone Eagle owner, were present and sworn in.

Mr. Goodman stated that the existing subdivision was approved in 2007 and is approximately 7.8 acres. That approval was for multiple buildings on one lot under common ownership. The resubdivision would allow a portion of the subdivision to be sold to Mr. Vitale. Currently there is a vacant building on the lot that they intend to subdivide. Although the lots will be separate and under different ownership, for all intents and purposes the shopping center will continue to function as it always has and there will be no discernible difference to the naked eye in the way the shopping center operates. There is cross parking and access language on the plat of resubdivision and easements will be extended to the property line to ensure that the new proposed lot will have access to all of the appropriate utilities. The Covenants, Conditions, Restrictions and Easement Agreement has been agreed to by both parties and sets forth the responsibilities and duties to the two parties for purposes of site maintenance.

Mr. Vitale stated that Stone Eagle will be a very nice addition to the 59/90 crossroads and will feature a family-oriented, casual approach to dining. The restaurant will seat 200-225 guests and will be open for lunch and dinner. There will be an outdoor patio area with a bocce court for family recreation before and after dinner. The interior will be filled with architectural antiques. The menu will be the same as his Rockford location with approximately 160 choices, 95% of which cost \$12.95 or less. There is a back pocket menu that offers prime grade steaks at a higher price. About 40% of the interior will be the interior from the old Continental Bank in downtown Chicago; he bought the first 7 floors of the woodwork and fixtures when Bank of America bought the property in the 1980s. There will be two stone eagles out front that he purchased in 1992 from a Federal building in Fishkill, New York. An oyster bar will be the focal point where fresh shucked oysters and fresh boiled shrimp on ice will be served. A wood-burning pizza

oven from Milan will cook pizzas in 2 minutes at 1,000 degrees. He has adored this building for 2½ years and was in negotiations with United Growth before DeBartolo purchased it. He has had seven previous successful operations in the Rockford and DeKalb markets and he thinks the Village will be very proud of this and he looks forward to operating in Hoffman Estates.

Mr. Donahue gave an overview of the proposal. He noted that the property is encumbered with a lot of pipeline easements that restrict what can be built on the site. He noted that the doors of the trash enclosure will swing out into the drive aisle and a condition of approval requires that they will have to be diligent to make sure that the doors are only open when in use. The Prairie Stone Property Owner's Association has reviewed the plans and noted some minor architectural details that they have asked be modified. A condition of approval requires sign-off from the POA prior to the issuance of a building permit.

Commissioner Questions

A Commissioner expressed his concern with the number of stipulations required for approval of this request and Mr. Goodman advised that the only reason for this is because of the multiple ownership between the two different parcels.

A Commissioner commented that this area needs a restaurant like this.

A Commissioner commented that this is a very exciting addition to the shopping center and that she is very happy to see it coming to the Village.

A Commissioner commented that this will be a really nice place and wished the petitioner good luck.

A Commissioner commented this this will be a great addition to Hoffman Estates.

A Commissioner welcomed Mr. Vitale to Hoffman Estates and expressed that she thinks this is very exciting.

Chairperson Combs referred to the location of the trash enclosure and expressed concern from a safety aspect for an employee going in there with the open doors. She asked if there will be reflective strips on the door so the employee isn't advertently hit by someone slamming into the door and the door then striking the employee. Mr. Donahue advised that the parking lot is well lit and they are not proposing to have any safety striping. There will be bollards on the back side of it and plantings and curbing on the side of it except for the front by the doors.

Mr. Vitale advised that typically the trash is taken out at closing; they don't want to haul trash out in front of guests. It's either taken out right after lunch when there is not a lot of activity or in the evening.

The Chairperson questioned whether 2 handicapped spots are sufficient. Mr. Donahue responded that there is enough on the overall property and the shared parking throughout. For the lot itself, it is over parked for handicapped because there are only 6 spaces on the whole lot itself. The Chairperson questioned from a proximity point of view if it is a problem and Mr. Donahue replied that the two existing handicapped spots are being relocated but the number of spaces is staying the same.

The Chairperson questioned the number of 80 employees listed on the application since there are approximately 20 per shift and 2 shifts. Mr. Vitale advised that there are salaried positions and that the number is probably closer to 60. The Chairperson requested that the application be changed prior to the Village Board meeting to accurately reflect the number of employees. She noted that page 3 of the application also refers to the number of employees and should be corrected. Mr. Donahue indicated that he will review the application for accuracy.

Chairperson Combs opened the hearing to audience comments. There were no comments and the audience participation portion of the hearing was closed.

Commissioner Boomgarden moved, seconded by Vice-Chairman Gaeta, to close the public hearing for Stone Eagle Tavern. Voice Vote: 9 Ayes, 1 Absent (Wehofer), 1 Vacancy. *Motion Carried*

MOTION: Commissioner Boomgarden moved (seconded by Commissioner Krettler) to recommend approval of a request by Prairie Stone Crossing, LLC (Owner) and Jimmy Vitale d/b/a Stone Eagle Tavern (Contract Purchaser) for a special use under Section 9-7-5-B-2, preliminary and final site plan amendment to permit a restaurant within an existing building located at 4680 Hoffman Boulevard and preliminary and final plat of resubdivision and site plan amendment for improvements to the adjacent Prairie Stone Crossing site located at 4600-4700 Hoffman Boulevard. The following conditions shall apply:

1. A letter of approval from the Prairie Stone POA shall be provided to the Village prior to the issuance of a building permit.
2. Per Section 9-7-5-C of the Zoning Code, the following area regulations for Lot 6A2 shall be approved as part of the special use request:
 - a) Minimum Lot Area - 0.4517 acres
 - b) Minimum Lot Width – 167.98'
 - c) Front Yard Setback – 16'
 - d) West Side Yard Setback – 18' including an access drive aisle
 - e) Rear Yard Setback shall be allowed to contain accessory parking.
3. Because Lot 6A2 is part of a larger commercial property which contains sufficient landscaping, the following exceptions pertaining to landscaping are granted with this Lot 6A2 approval.
 - a. An exception is granted to the Sears Annexation and Development Agreement pertaining to landscape to permit Open Space to be 10% instead of 15%.
 - b. An exception is granted to the Sears Annexation and Development Agreement pertaining to landscape to permit one open space tree instead of the required two.
 - c. An exception is granted to the Sears Annexation and Development Agreement pertaining to landscape to permit 244 square feet of parking lot landscape instead of the required 585 square feet.
 - d. An exception is granted to the Sears Annexation and Development Agreement pertaining to landscape to permit a zero foot landscape strip around the perimeter instead of the

required ten feet and to have zero trees within that setback instead of the required 1 tree per 400 square feet of setback.

4. The Stone Eagle Tavern owner acknowledges that an impact fee will be due in accordance with the Village's Road Improvement Impact Fee Program and in accordance with the Sears Annexation and Development Agreement. Based on a building of 6,645 square feet, the estimated fee is \$12,293.25. The fee amount is valid through 2012 and will be due prior to any certificate of occupancy being issued for the building.
5. The Stone Eagle Tavern lot and building shall be governed by the existing master sign plan for the Prairie Stone Crossing property. The resubdivision of the property to create the Stone Eagle Tavern lot shall have no effect on the applicability of the existing master sign plan to the Stone Eagle Tavern lot and building.
6. The Village shall have the right to proceed with any legal compliance action with either owner of Lot 6A1 or 6A2 if the trash enclosure proposed as part of this project is not repaired or maintained as per Village Code, including keeping the doors closed at all times when an employee is not present. Also, in the event that the Village determines the dumpster is not properly maintained and the doors are not kept closed on a repeated basis, the owners of Lots 6A1 and 6A2 shall be required to relocate the dumpster enclosure to a new location acceptable to the Village.
7. Because this retail development has been designed and built to operate as one cohesive property, the owners of Lots 6A1 and 6A2 shall each be responsible for abatement of any violation on either lot. The Village shall have the right to pursue compliance action against either lot owner for any violation on either lot.
8. Prairie Stone Crossing, LLC shall remove the existing trash enclosure and restore the site to parking. This work shall be completed prior to any certificate of occupancy being issued for the Stone Eagle Tavern building.
9. The Final Plat of Resubdivision shall be recorded within 90 days of approval by the Village Board and prior to the sale of property or the issuance of any building permit for Stone Eagle Tavern.

Roll Call Vote:

Aye: Boomgarden, Hehn, Iozzo, Henderson, Wilson, Krettler, Patel, Gaeta, Combs

Nay: None

Absent: Wehofer

Vacancy: One

Motion Carried

This will be presented to the Village Board on March 19, 2012 at 7:00 p.m.

The Chairperson advised the petitioner that the Planning and Zoning Commission is a recommending body and that the vote of the Board of Trustees is the determining factor. She also advised the petitioner to attend the Village Board meeting.

7. STAFF REPORT

Mr. Donahue reported that a sign variation at 12 Oaks Condos and a special use for Chase Bank are on the March 21st agenda.

8. MOTION TO ADJOURN

Motion by Commissioner Boomgarden, seconded by Commissioner Wilson, to adjourn the meeting at 8:14 p.m. Voice Vote: 9 Ayes, 1 Absent (Wehofer), 1 Vacancy. *Motion Carried*

Minutes prepared by Paula Moore, Planning Services Coordinator



Chairperson's Approval

5/2/12
Date Approved