

PLANNING AND ZONING COMMISSION MEETING

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

MINUTES – OCTOBER 3, 2012

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

Members Present

Chairperson Combs	Myrene Iozzo
Vice-Chairman Gaeta	Steve Caramelli
Steve Wehofer	Gaurav Patel
Lenard Henderson	Donna Boomgarden
Steve Hehn	Denise Wilson

Members Absent

Commissioner Krettlar (Excused)

A quorum was present.

Administrative Personnel Present:

Peter Gugliotta, Planning Director and Jim Donahue, Senior Planner

2. APPROVAL OF MINUTES:

Vice-Chairman Gaeta moved, seconded by Commissioner Wilson to approve the September 19, 2012 meeting minutes. Voice Vote: 9 Ayes, 1 Abstain (Boomgarden), 1 Absent (Krettlar), Motion Carried

3. CHAIRMAN'S REPORT

Chairperson Combs reported that the Village Board approved the following requests: parking lot improvements at ADP and the text amendment for new zoning districts.

4. NEW BUSINESS – PUBLIC HEARING – REZONING OF EDA DISTRICTS TO B-3, B-4, AND O-5

Request of the Village of Hoffman Estates to consider a map amendment (rezoning) of properties within the EDA Zoning District to B-3 (Business), B-4 (Business), and O-5 (Office) Districts.

Commissioner Boomgarden moved, seconded by Vice-Chairman Gaeta to open the hearing to consider a map amendment (rezoning) of properties within the EDA Zoning District to B-3 (Business), B-4 (Business), and O-5 (Office) Districts. Voice Vote: 10 Ayes, 1 Absent (Krettler), Motion Carried

Mr. Gugliotta explained that this is a request by the Village to rezone all of the properties located within the Prairie Stone Business Park, which are currently zoned Economic Development Area District, to the three new districts that were recently created by the Village. He gave a brief history of the creation of the EDA District that was intended to accommodate large office/research/laboratory type developments. Over the years several retail/entertainment uses, which were not originally contemplated for the EDA District, have been approved through the special use process. The proposed B-3, Business District would be anchored by the Sears Centre Arena and Cabela's. The proposed O-5 District would contain the bulk of the traditional office/research type buildings that were originally contemplated in the EDA District. The proposed B-4 District is considered a transitional area with uses that could be appropriate either in the office area or as an entertainment/retail type development. An existing shopping center and hotel would be located in the B-4 District as well as two office buildings.

Mr. Gugliotta advised that staff has done a detailed assessment of all the existing buildings on the property and what their uses were and all of the existing uses are consistent with the new proposed zoning classifications. No nonconforming uses are being created with regards to any of the uses on the properties. He noted that none of the requirements regarding landscaping, site lighting, parking requirements and other physical improvements are covered in the Zoning Code. Those requirements are covered by the Subdivision Code and were previously covered by the Sears Annexation Agreement which has expired. Any built property that has an approved Village Board site plan approval which included landscaping and parking will remain valid and will not be impacted by the zoning change.

Mr. Gugliotta stated that this evening he passed out a letter of objection from an attorney's office representing a property on the corner of Beverly and Prairie Stone Parkway, which was previously approved for a hotel/water park. The letter is from an attorney representing a bank who has indicated some ownership interest in the property and the comments in the letter represent an objection based on what they feel are limitations on the use of the property. He added that the use on that property as well as all of the B-3 properties is actually not being reduced. The B-3 District incorporates all of the uses from the original EDA District so any use that a property has rights to today with the current zoning has been incorporated into the B-3 District; some as permitted uses and others as special uses. In addition, the properties in the B-3 District have added uses that are possible now that were not listed before.

Mr. Gugliotta advised that the Village sent notices to all property owners in Prairie Stone based on the Cook County property tax records under the advice of Corporation Counsel. Letters were sent via certified mail as well as regular mail and confirmation from all but two of the properties was received. The hearing notice was also posted in the newspaper as required by law and public notice signs were posted around the perimeter of the rezoning in accordance with Village standards.

The staff report includes a summary of points detailing development trends that have occurred in the area, including specific developments that have been approved. The developments were done with the consent of Sears, who was the principal land owner who sold the land to a potential developer. The establishment of the trend of development related to entertainment/retail uses has been well documented in many different cases over the past several years. He also noted the 2007 Comprehensive Plan's discussion

regarding the development of an entertainment district and the economic efforts taken by the Village in conjunction with private owners to market some of the vacant property for additional entertainment and retail development. Efforts have been undertaken to design streetscape elements, way finding signs and identification of the Poplar Creek at 59-90 name for the entertainment district. He added that this rezoning and the previously heard text amendments were initiated after formal direction by the Village Planning, Building & Zoning Committee which occurred in July 2012.

Commissioner Questions

A Commissioner had a question about cellular antennas and the ability to deny requests. Mr. Gugliotta responded that there are circumstances under which the Village can say no; more likely the result is that they need to find a better way to provide the service they are trying to provide. The Village has some ability to control what they install but can't prohibit cellular coverage based on FCC regulations.

A Commissioner asked about drive-thru and drive-in restaurants and Mr. Gugliotta replied that the world of restaurants has changed extensively. Reference to both drive-in and drive-thru is included to cover all of the options. The impact of a restaurant with a drive-thru or drive-in is going to be addressed through the site plan process. These uses are limited in the O-5 District to special uses due to the appropriateness of the adjacent land uses; a drive-thru restaurant may not necessarily be appropriate on every one of those parcels.

Mr. Gugliotta added that these three new zoning districts working together will provide for a much broader range of uses.

A Commissioner asked if all of the existing businesses will be in compliance with the new districts and Mr. Gugliotta replied yes. The Commissioner asked if landscaping and lighting will be an issue and Mr. Gugliotta responded no since all of the existing businesses have received formal site plan approval from the Village Board.

The Vice-Chairman complimented staff on the presentation and had no questions.

Chairperson Combs referred to landscaping and lighting and how it meets with the Annexation Agreement and Village Codes and asked how that complies with the Prairie Stone POA rules and regulations. Mr. Gugliotta responded that the Sears Annexation Agreement contained lighting, landscaping and parking standards which were a little bit different and stricter than the Subdivision Code. The Annexation Agreement has expired so those standards no longer apply and the properties are now covered by the Subdivision Code like the rest of the Village. The Prairie Stone POA has a set of covenants that mirror the requirements of the original annexation agreement. The Village will now be in a position to be more permissive and the association will have tighter regulations. The POA has the authority and a process to grant exceptions.

The Chairperson confirmed that both the B-3 and B-4 districts incorporate all of the EDA standards and expand the usage in there.

The Chairperson opened the meeting to audience comments.

Chairperson Combs swore in Tom Gledhill, real estate broker representing the bank that owns a 21½ acre parcel being rezoned to B-3. He stated that the bank did not receive notification until this morning about this meeting for the zoning change. Chairperson Combs questioned whether the bank is currently the owner of the property and Mr. Gledhill replied yes, they have taken the property back. Chairperson Combs questioned whether the bank is on the property taxes as owner and pointed out that notice was given to current addresses on the property tax bills. Mr. Gledhill replied that he doesn't know what the situation is; there was a taking and they took the property back from the borrower. Chairperson Combs advised that the Village complied with the Code and noted that the hearing notice was published in the newspaper as well. She added that although it may have not come to the attention of the bank until recently, the Village has complied with the regulations. Mr. Gledhill stated that is not for him to figure out, he is a broker and that is an attorney thing.

Mr. Gledhill stated his belief that this is a restriction of the district, not an expansion. He has a client that is looking to do a corporate office building on that site which would require a special use with the new zoning. He understands from talking to a few of the folks in the Village that it would be a difficult process especially since this is a new change for the Village. He thinks it is a downgrading and it leaves the Village open to a restriction on the owner's use of the land.

Mr. Gugliotta responded that it is correct that an office building on that property would require a special use. Legally a special use listing is not a prohibition against a use; it is saying that the use is allowed on that property, it just implements a different level of review. Yes, it is an extra step, but under the law it is certainly recognized an acceptable step to require of certain uses within a district. The uses are technically permitted, subject to the extra review, which is different than a use not being listed at all.

Mr. Gledhill stated his understanding from talking to some folks in Hoffman Estates that that extra step is very restrictive in Hoffman Estates and would be very unlikely to get done on a special use basis unless it was Sony's Corporate Headquarters.

Mr. Gugliotta advised that the Village has a long history of approving special use permits. Approval depends on the specific proposal itself and that is the whole reason for the process. The other factor of special uses is that it allows the Village the opportunity to place conditions upon the use. He believes the Village has a long history of being very flexible with regards to uses.

Mr. Gledhill suggested an incentive for keeping an allowed use like a corporate headquarters and incenting the retail units with an additional benefit that might allow them to choose that site over something else. Rather than restrict the site you should incent it to do a lot more development on it. It has been sitting empty for quite a while. Mr. Gugliotta commented that the Village does utilize incentives but they have to be very high impact developments and they have to generate revenue that can create the money that can be rebated in an incentive form; not all uses do that but they may still be desirable.

Chairperson Combs swore in Mark Masciola, South Barrington Village Administrator. He stated that he received the notice letter regarding the hearing on the 19th and tonight's hearing however, the certified notice was not received until September 26th. He respectfully requested an opportunity to review what is being proposed and an opportunity to submit a written comment at a later hearing.

Mr. Gugliotta advised that the notification requirement is 10 days prior to the hearing and notices were sent far in advance of that 10 days purposely to make sure that to the extent possible they would be received before the September 19th text amendment, which many of them were, even though that was not a requirement. He added that the Village is dependent on the US Postal Service for those mailings which was part of the reason that, based on advice from the Village's Attorney, both certified and regular mail notices were sent.

The Chairperson added that the notice was published as well. She advised Mr. Masciola that the PZC is a recommending body; the Trustees have the final say so. This will go to the Village Board on October 15th.

Mr. Gugliotta advised that the Board of Trustees does regularly accept comments from anybody and if they feel there is just reason for it they will remand it back or send it to a Board Committee or they may address it that evening.

Chairperson Combs asked Mr. Masciola if that is acceptable and he replied that is fine.

Vice-Chairman Gaeta moved, seconded by Commissioner Boomgarden to close the hearing to consider a map amendment (rezoning) of properties within the EDA Zoning District to B-3 (Business), B-4 (Business), and O-5 (Office) Districts. Voice Vote: 10 Ayes, 1 Absent (Krettler), Motion Carried

MOTION: Commissioner Boomgarden moved (seconded by Commissioner Wilson) to approve a request by the Village of Hoffman Estates for approval of a map amendment (rezoning) from the Economic Development District to the B-3 Business District, B-4 Business District, and O-5 Office District in accordance with Exhibit A.

Roll Call Vote:

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

Nay: None

Absent: Krettler

Motion Carried

Mr. Gugliotta advised that this will go before the Village Board on October 15th and invited anyone with questions about that meeting process to contact the Village.

5. OLD BUSINESS – PUBLIC HEARING – TEXT AMENDMENTS REGARDING NEW ZONING DISTRICTS

Request of the Village of Hoffman Estates to consider text amendments to Chapter 9 (Zoning Code) of the Village Municipal Code regarding the creation of new Zoning Districts to replace the existing Economic Development Area (EDA) District and additional amendments related to the new Districts.

Mr. Gugliotta clarified that this text amendment would be to discuss whether or not to eliminate the EDA text and that discussion needs to occur after the Village Board makes a final decision on any rezoning.

Commissioner Boomgarden moved, seconded by Commissioner Caramelli, to open the request by the Village of Hoffman Estates to consider text amendments to Chapter 9 (Zoning Code) of the Village Municipal Code regarding the creation of new Zoning Districts to replace the existing Economic Development Area (EDA) District and additional amendments related to the new Districts. Voice Vote: 10 Ayes, 1 Absent (Krettler). Motion Carried

Commissioner Boomgarden moved, seconded by Commissioner Henderson, to continue this hearing to November 7, 2012 at 7:00 p.m. Voice Vote: 10 Ayes, 1 Absent (Krettler). *Motion Carried*

Commissioner Boomgarden moved, seconded by Vice-Chairman Gaeta, to close the hearing. Voice Vote: 10 Ayes, 1 Absent (Krettler). Motion Carried

6. STAFF REPORT

Mr. Gugliotta advised that the October 17th will be cancelled. The next meeting will be November 7th.

7. MOTION TO ADJOURN

Commissioner Boomgarden, seconded by Vice-Chairman Gaeta, to adjourn the meeting at 7:55 p.m. Voice Vote: 10 Ayes, 1 Absent (Krettler). *Motion Carried*

Minutes prepared by Paula Moore, Planning Services Coordinator


Chairperson's Approval


Date Approved