

PLANNING AND ZONING COMMISSION MEETING

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

MINUTES - FEBRUARY 5, 2014

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

Members Present

Chairperson Combs	Nancy Trieb
Lenard Henderson	Tom Krettler
Steve Wehofer	Denise Wilson
Myrene Iozzo	

Members Absent

Vice Chairman Caramelli, Diane Kielb (All Excused)
Greg Ring (Unexcused)

Vacancy

One.

A quorum was present.

Administrative Personnel Present:

Peter Gugliotta, Director of Planning, Building and Code Enforcement; Jim Donahue, Senior Planner; Josh Edwards, Assistant Planner; Dan Ritter, Development Services Technician.

2. APPROVAL OF MINUTES:

Chairperson Combs requested, and the Commission agreed, that the minutes be held until the March 5, 2014, meeting.

3. CHAIRMAN'S REPORT

Chairperson Combs stated everything was approved, except the Michael Larsen's front yard setback variation and the side yard variation. The Village Board did not agree with the Planning and Zoning Commission and voted to allow the petitioner to place the garage in their original configuration.

4. NEW BUSINESS - PUBLIC HEARING - REQUEST BY KALTECH INVESTMENTS LLC (OWNER) AND GO TAXI DISPATCH INC (TENANT) TO CONSIDER A SPECIAL USE FOR A TAXI DISPATCH COMPANY UNDER SECTION 9-8-2-C OF THE ZONING CODE ON THE PROPERTY LOCATED AT 2356 HASSELL ROAD, SUITE J.

Commissioner Krettler moved, seconded by Commissioner Iozzo, to open the hearing. Voice Vote: 7 Ayes, 3 Absent (Vice Chairman Caramelli, Ring, Kielb), 1 Vacancy. Motion Carried.

Chairperson Combs swore the petitioner in.

Jan Waggar presented an overview of the project.

Dan Ritter presented an overview of the staff report.

Commissioner Krettler asked if the cabs were to be worked on either inside or outside. Mr. Waggar stated no. The cabs will be on-site because the employees all drive a taxi, so whoever is working in the call center, they will also drive a cab.

Commissioner Krettler asked where are the cabs stored overnight. Mr. Waggar stated the employee takes the taxi with them off-site.

Commissioner Iozzo had no questions.

Commissioner Wilson had no questions.

Commissioner Wehofer asked if something like this was reviewed previously. Mr. Ritter stated a few months ago, there was United Taxi, which was separate from a taxi dispatch service and the taxis would be present on-site all the time.

Commissioner Henderson had no questions.

Commissioner Trieb had no questions.

Chairperson Combs asked how many employees will there be in the center at one time that would be occupying spaces on the outside. Mr. Waggar stated there will be a maximum of three.

Commissioner Krettler moved, seconded by Commissioner Henderson, to close the hearing. Voice Vote: 7 Ayes, 3 Absent (Vice Chairman Caramelli, Ring, Kielb), 1 Vacancy. Motion Carried.

MOTION: Commissioner Krettler moved (seconded by Commissioner Henderson), to approve a request of Kaltech Investment, Inc (owner) and Go Taxi Dispatch, LLC (applicant) for a special use under Section 9-8-2-C-9 of the Zoning Code to permit a taxi dispatch company on the property located at 2356 Hassell Road, Suite J, with the recommended conditions in the staff report.

Chairperson Combs asked the petitioner if he approves the conditions of approval suggested by staff, to which Mr. Waggar stated yes.

Roll Call Vote:

Aye: Henderson, Iozzo, Krettler, Trieb, Wehofer, Wilson, Chairperson Combs

Nay: None

Absent: Vice Chairman Caramelli, Ring, Kielb

Vacancy: One

Motion Carried.

The Chairperson advised that this will go to a Village Board meeting on February 17, 2014.

5. NEW BUSINESS - PUBLIC MEETING - REQUEST BY KSD, INC. D/B/A MONTESSORI SCHOOL OF NORTH HOFFMAN (OWNER) TO CONSIDER A SITE PLAN AMENDMENT FOR A BUILDING FACADE CHANGE ON THE PROPERTY LOCATED AT 1250 FREEMAN ROAD.

Chairperson Combs swore the petitioners in.

Walter Dohrmann presented an overview of the project.

Molood Naghibzadeh presented an overview of the project.

Josh Edwards presented an overview of the staff report.

Commissioner Wehofer asked if the contractor altered the plans to stucco without Village approval. Ms. Naghibzadeh stated the contractor strongly believes the change to stucco not only aesthetically looks nice, but it is better, safer, and less expensive.

Commissioner Wehofer asked if the contractor's contract included the brick and then made a field change to stucco, which Ms. Naghibzadeh approved. Ms. Naghibzadeh stated yes.

Commissioner Henderson asked how significant is the modification to the building in order to install the brick facade. Ms. Naghibzadeh called the contractor and asked what is the price to install the brick, but the contractor has not responded.

Commissioner Trieb stated in the staff report, the petitioner directed the contractor to use a different and less expensive material. Commissioner Trieb asked if the petitioner or contractor initiated this change. Ms. Naghibzadeh stated the contractor initiated the change.

Commissioner Trieb asked if the contractor worked in the Village before. Ms. Naghibzadeh stated she did not know. His office is in Oak Brook and has been in business for a number of years.

Commissioner Trieb asked if the contractor gave the petitioner any assurance of the acceptability of this modification to the plans. Ms. Naghibzadeh stated the contractor stated the masonry is a higher standard and that is why it was used on all load bearing walls.

Commissioner Trieb stated the change in plans was going against what was approved by the Village, and since it does not match the stipulation in the agreement, the petitioner may need to find some legal recourse if the contractor will not be willing to rectify this change.

Mr. Edwards stated the contractor is licensed, bonded, and insured to work in the Village. The Village, at the beginning of the project, holds a pre-construction meeting with the contractor to go through the project (what is involved, all the work, inspections required, going through the plans, etc.). During the meeting, it was made clear to the contractor that any changes to the plans have to be approved by the Village. Mr. Edwards further stated this was one of many examples on this project where changes were made in the field without the Village's input, and that increased the costs to this project.

Ms. Naghibzadeh asked what were the other changes. Mr. Edwards stated the brick planters were placed on the sidewalk as a means to protect the building from the parking lot. This was the result of asphalt not being poured correctly in the parking lot. The brick planters created a hazard that if a car struck the planters, they could be propelled into the building.

Mr. Edwards further stated that a stage was built inside of the building that was not on the plans, which did not meet safety standards, and had to be taken out. The Village later received plans for a stage and then the stage construction moved forward.

Mr. Gugliotta stated in addition to the discussions with the contractor that occurred throughout the entire process, Ms. Naghibzadeh was very involved in this process. Ms. Naghibzadeh was involved in the discussion and the corrective measures that were needed. This is not a case where the contractor was working on his own, with the Village and owner not present.

Commissioner Krettler asked if the Village sits down with the contractor before a major project is started. Mr. Edwards stated there is a pre-construction meeting and the Village inspectors are on-site regularly as things progress inside and outside of the building.

Commissioner Krettler would question the durability of the stucco over a long period of time.

Commissioner Iozzo had no questions.

Commissioner Wilson asked if the photo simulation in the packet showed stucco. Mr. Edwards stated the approved plan had stucco in the middle of the first floor in the front. There also was stucco in a band along the top of the second floor. Mr. Edwards stated stucco is not a prohibited material but it is meant to be a decorative accent material.

Commissioner Wilson asked if the existing brick on the building is real brick. Mr. Edwards stated the columns are real brick. The windows used to go to the ground, so the brick knee wall was added and is new. Ms. Naghibzadeh reiterated that the back, north side, west side, and bottom of the building is full masonry brick.

Chairperson Combs asked if there is any area below the canopy that has to be changed or just the canopy and parapets. Mr. Edwards stated nothing below the parapet on the first floor has to be changed. For the second floor classrooms, two walls and three walls on the classrooms would need to be changed.

Chairperson Combs asked about the impact of the installation of the thin brick where the awnings were removed. Mr. Edwards stated there would be a technical solution to that. That would be an area where if the Village wants to compromise, that would be an area where the stucco could remain in a typical area for stucco.

Chairperson Combs stated there has been issues with dryvit, such as leaking and mold, so a thin brick should be used instead of dryvit, especially in a school.

Chairperson Combs suggested a compromise and do the second floor with the brick part and then leave the part over the first floor in dryvit. Commissioner Wilson agreed to this compromise.

Chairperson Combs suggested comments from the other Commissioners.

Commissioner Trieb is not comfortable with the contractor who made an assumption that he could modify what was already agreed to and there would be no consequence. It would be generous of the Village to offer a compromise in terms of allowing the stucco to remain on the first level. Commissioner Wilson also has a concern that the contractor is not present.

Vice Chairman Combs asked should the motion stand as originally drafted or would you consider a modification. Commissioner Trieb stated she would consider a modification and that modification would be above and beyond what is required by the Village.

Commissioner Henderson stated he is sympathetic to a modification of the motion and is concerned with the contractor leading the petitioner.

Commissioner Wehofer would turn to the architect as the petitioner's representative to say it is your responsibility to keep the contractor in check. Mr. Dohrmann stated the contractor did not do what was on the drawing. Commissioner Wehofer stated if there is going to be a compromise, can the Village impose some financial penalty. Mr. Edwards stated as far as penalties, the school has a temporary certificate of occupancy and until the project is done, the Village will not issue a final certificate of occupancy. The Village, after a certain date, can charge a fee or fine every month for any building that has a temporary certificate of occupancy past a date, usually around May.

Commissioner Wehofer would be open to a compromise.

Commissioner Krettler stated the contractor should have known better.

Ms. Naghibzadeh stated she is not the owner, but the executive director in charge of operation. Mr. Edwards stated the Village approved the site plan with architectural elevations. What the contractor has done is to deviate from those plans and the Village has authority to require that the contractor build what was approved last summer.

Commissioner Krettler stated he would agree to a compromise.

Commissioner Iozzo stated she would agree to a compromise.

Commissioner Wilson stated she would agree to a compromise.

Mr. Gugliotta stated Ms. Naghibzadeh signed the application forms as the owner, so legally she is here representing the ownership. Vice Chairperson Combs stated that perhaps the best solution is to continue this meeting to a future meeting, so the petitioner can go back to her board of directors to find out which direction they would want to take. Mr. Gugliotta stated if a compromise is not agreeable to the ownership, then the vote may be taken differently.

Deepak Verma, 1710 Heron Way. Mr. Verma is associated with KSD Inc. and both daughters attend the school. Mr. Verma feels the building to be aesthetically in very good condition and looks great.

Paula Salouras, 4305 Mumford Drive. Ms. Salouras has three children and a grandchild who attends the school. Ms. Salouras has confidence in Ms. Naghibzadeh and the school and believes the Village should be lenient because Ms. Naghibzadeh is a principal of a school that takes care of children. If Ms. Naghibzadeh is penalized, that is going to take away from teaching the children and will have to cut corners when it comes to availability with teachers.

Jag Arumugam, 4691 Sunflower. Mr. Arumugam stated his daughter goes to the school. Mr. Arumugam stated in his opinion the stucco is not a safety concern and the building looks good.

Mr. Dohrmann stated the initial design submitted had stucco on the second floor areas. The staff comment letter noted that the "asymmetrical design of the second story rooms and the partial use of brick on the second story may result in awkward appearance. The second story height may also raise concerns for neighbors. No revisions are required. However, you may want to consider enhancements to the building design." Mr. Dohrmann asked "would this design have been approved last summer if this was the petitioner's submission?" Chairperson Combs noted that the plans that were approved were not the same as the plans initially submitted to staff.

Mr. Edwards stated his letter was part of the review process and the Village met with Mr. Dohrmann as the building architecture review went along, which led to the plans that went to the Village Board, which included brick for a variety of reasons.

Chairperson Combs asked if the petitioner chooses to go forward with the motion as it stands, can the Commission vote on that after the petitioner stated she is not the owner. Mr. Edwards stated in the Village's eyes, the petitioner is the owner and that is the way she represented herself in the application.

Chairperson Combs asked the petitioner that the meeting can be continued to the next meeting to give you an opportunity to go back to your board of directors to see if they would agree to the possibility to a modification, or the petitioner can go forward with the original motion and the Commission will vote on that. Ms. Naghibzadeh requested this be continued to the next meeting, but was a bit confused about the process. Chairperson Combs asked the petitioner again whether to continue this to the next meeting or to vote on what was presented. Ms. Naghibzadeh stated the Commission can vote because it is good for the board of directors, but was still unsure about the options.

Mr. Edwards stated the request is to allow the building to stay as it was built. The Commission is considering a compromise where the Village will allow the stucco on the first floor, but still require the brick on the second floor classrooms. That is not what the proposal is, so the Village is asking whether or not the petitioner has to go back to her board of directors to discuss that compromise option before the Commission takes a vote on that compromise.

Chairperson Combs again asked the petitioner whether to continue this meeting to a future meeting to give the petitioner an opportunity to find out the costs and present it to their board of directors before the Commission votes, or does she want the Commission to vote on what was presented here.

Commissioner Wilson asked whether the petitioner will have to pay for another meeting if this is denied and she reapplies again in the future. Mr. Edwards stated there would be a site plan amendment fee of \$200 if the request is denied and the petitioner starts the process over (there would be no fee for the continued meeting).

Chairperson Combs stated the next Commission meeting is February 19. The Village Board meets on March 3.

Ms. Naghibzadeh requested this meeting be continued to February 19.

MOTION: Commissioner Krettler moved (seconded by Commissioner Henderson), to continue this meeting to February 19, 2014.

Voice Vote: 7 Ayes, 3 Absent (Vice Chairman Caramelli, Ring, Kielb), 1 Vacancy. Motion Carried.

6. COMMISSIONER TRAINING

Mr. Gugliotta stated the Village Board appointed a new member to the Commission Monday night. The goal was to give training to the newest members of the Commission. Chairperson Combs stated it would be best to continue this to the next meeting. Mr. Gugliotta also stated that Commissioner Patel resigned.

Vice Chairperson Combs asked for a voice vote to continue the Commissioner training to the next meeting. Voice Vote: 7 Ayes, 3 Absent (Vice Chairman Caramelli, Ring, Kielb), 1 Vacancy. Motion Carried.

7. STAFF REPORT

Mr. Donahue stated the next meeting is February 19, 2014, to discuss the continuation of the Montessori School, as well as training. There is also a special use consideration for a gym.

8. MOTION TO ADJOURN

Commissioner Krettler moved, seconded by Commissioner Henderson, to adjourn the meeting at 8:29 p.m. Voice Vote: 7 Ayes, 3 Absent (Vice Chairman Caramelli, Ring, Kielb), 1 Vacancy. Motion Carried.

Minutes prepared by Kathy Redelmann, Development Services Administrative Assistant



Chairperson's Approval



Date Approved