

PLANNING AND ZONING COMMISSION MEETING

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

MINUTES - JUNE 5, 2019

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

Members Present

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

Members Absent

None.

A quorum was present.

Administrative Personnel Present:

Jim Donahue, Senior Planner; Parth Joshi, Development Services Technician.

2. APPROVAL OF MINUTES

Commissioner Henderson moved, seconded by Commissioner Iozzo, to approve the May 15, 2019, meeting minutes. Voice Vote: 11 Ayes. Motion Carried.

3. CHAIRMAN'S REPORT

Chairperson Combs stated the corner side yard fence variation at 4401 Wildwood Court, side yard setback variation for an existing single-family home and proposed addition at 445 Westview Street, and rear yard setback variation for a screen porch (addition) and deck at 1647 Bur Oak Drive, were approved by the Village Board.

4. OLD BUSINESS

None.

5. NEW BUSINESS - PUBLIC HEARING - APPROVAL OF A REQUEST BY MICHELE & ROBERT SHAW (OWNER) FOR A 5 FEET CORNER SIDE YARD SETBACK VARIATION FROM SECTION 9-3-3-C-2-b TO ALLOW A 4 FEET HIGH OPEN DESIGN FENCE TO BE 0 FOOT FROM THE WESTERN PROPERTY LINE INSTEAD OF THE MINIMUM REQUIRED 5 FEET AND TO ENCROACH THE FENCE IN THE REQUIRED SIGHT TRIANGLE AT 3930 WHISPERING TRAILS DRIVE.

Commissioner Henderson moved, seconded by Vice Chairman Ring, to open the above hearing. Voice Vote: 11 Ayes. Motion Carried.

Chairperson Combs swore the petitioner in.

Robert Shaw (petitioner)

Robert Shaw presented an overview of the project.

Parth Joshi presented an overview of the staff memo.

Commissioner Milford had no questions.

Commissioner Bauske had no questions.

Commissioner Wilson had no questions.

Commissioner Iozzo had no questions.

Commissioner Henderson had no questions.

Commissioner Trieb had no questions.

Commissioner Harner had no questions.

Commissioner Patel asked if there have been any traffic accidents due to sight line obstruction. Mr. Shaw stated no.

Commissioner Burnitz had no questions.

Vice Chairman Ring had no questions.

Chairperson Combs had no questions.

Commissioner Henderson moved, seconded by Commissioner Wilson, to close the above hearing. Voice Vote: 11 Ayes. Motion Carried.

MOTION: Vice Chairman Ring moved (seconded by Commissioner Wilson) to approve a request by Michele and Robert Shaw (owner) for a 5 foot corner side yard setback variation from Section 9-3-3-C-2-b to allow a 4 foot high open design fence to be 0 foot from the western property line instead of the minimum required 5 feet and to encroach the fence in the required sight triangle at 3930 Whispering Trails Drive.

Roll Call Vote:

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

Nay: None

Absent: None

Motion Carried.

Mr. Joshi stated that this will go to the Village Board meeting on June 17, 2019.

5. NEW BUSINESS - PUBLIC HEARING - APPROVAL OF A REQUEST BY ALA CARTE ENTERTAINMENT (APPLICANT AND OWNER) FOR A SPECIAL USE PERMIT TO OPERATE A BANQUET HALL/FACILITY AT 2525 WEST HIGGINS ROAD IN ACCORDANCE WITH SECTION 9-8-2-C-9 OF THE MUNICIPAL CODE.

Commissioner Henderson moved, seconded by Commissioner Wilson, to open the above hearing. Voice Vote: 11 Ayes. Motion Carried.

Chairperson Combs swore the petitioner in.

Mark Hoffman (Ala Carte Entertainment)

Mark Hoffman presented an overview of the project.

Jim Donahue presented an overview of the staff memo.

Commissioner Burnitz asked what will be the name of the proposed banquet facility. Mr. Hoffman stated "Moretti's Unique Events".

Commissioner Patel had no questions.

Commissioner Harner had no questions.

Commissioner Trieb stated the seating will not be much different than it was at Sweet Caroline's. Mr. Hoffman stated originally the bar was going to be removed, but a significant number of the parties that booked the restaurant liked the bar, so the bar will remain.

Commissioner Henderson asked if there is gaming at Moretti's. Mr. Hoffman states yes, but the gaming was taken out of Moretti's Unique Events. Commissioner Henderson asked if gaming will be installed again at Moretti's Unique Events. Mr. Hoffman stated originally, there were not enough parties booking Moretti's Unique Events and the type of events that were being booked were bridal showers and baby showers which made the gaming inappropriate, so the gaming was taken out.

Commissioner Iozzo had no questions.

Commissioner Wilson had no questions.

Commissioner Bauske had no questions.

Commissioner Milford had no questions.

Vice Chairman Ring asked if the former TGI Friday's building is going to be removed to increase parking for Moretti's. Mr. Hoffman stated he is working on multiple proposals for the entire former TGI Friday's building.

Chairperson Combs had no questions.

Commissioner Wilson moved, seconded by Commissioner Henderson, to close the above hearing. Voice Vote: 11 Ayes. Motion Carried.

MOTION: Vice Chairman Ring moved (seconded by Commissioner Henderson) to approve a request by Ala Carte Entertainment (applicant and owner) for a special use permit to operate a banquet hall/facility at 2525 West Higgins Road in accordance with Section 9-8-2-C-9 of the Municipal Code.

Roll Call Vote:

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

Nay: None

Absent: None

Motion Carried.

Mr. Joshi stated that this will go to the Village Board meeting on June 17, 2019.

5. NEW BUSINESS - PUBLIC MEETING - APPROVAL OF A REQUEST BY TR GREENSPOINT LLC (OWNER) AND GRISSIM METZ ANDRIESE ASSOCIATES (APPLICANT) TO CONSIDER A PRELIMINARY AND FINAL SITE PLAN AMENDMENT FOR LANDSCAPE AND HARDSCAPE IMPROVEMENTS ON THE PROPERTY LOCATED AT 2800 WEST HIGGINS ROAD

Chairperson Combs swore the petitioner in.

Shannon Mangiameli (Lincoln Property Company)

Shannon Mangiameli presented an overview of the project.

Jim Donahue presented an overview of the staff memo.

Commissioner Henderson had no questions.

Commissioner Trieb asked how far the outer curb of the proposed deck is from the edge of the pond. Ms. Mangiameli stated they stayed outside of the flood basin and a number of feet away from the water.

Commissioner Harner complemented the petitioner for improving the area. Commissioner Harner stated there are trees being removed and complemented the petitioner for replacing those trees with over 100 new trees.

Commissioner Patel had no questions.

Commissioner Burnitz had no questions.

Commissioner Iozzo had no questions.

Commissioner Wilson had no questions.

Commissioner Bauske had no questions.

Commissioner Milford had no questions.

Vice Chairman Ring had no questions.

Chairperson Combs asked about the food truck. Ms. Mangiameli stated the concrete will be updated to the small circle to the right of the pergola and a number of tables will be added, so they thought a food truck will be added. Chairperson Combs asked staff if a permit is needed for a food truck. Mr. Donahue stated that will be reviewed by the Village's Health Department.

Chairperson Combs was concerned that these improvements will become an attractive nuisance for hotel guests in the area and asked if there will be security after office hours to regulate who will be using the property. Ms. Mangiameli stated they contemplated building spaces that the office tenants can use but would not encourage sunbathing by the hotel guests, etc. Ms. Mangiameli stated there is a 24-hour roaming security guard and will be adding more lighting bollards both on and above the path for security purposes.

Chairperson Combs recommended locking the grills after office hours. Ms. Mangiameli agreed.

Chairperson Combs asked the petitioner if they agree with the conditions of approval in the staff memo. Ms. Mangiameli stated they use union labor and at times they like to start work at 6:00AM and asked if they will be able to start construction at that time. Mr. Donahue stated, given the location has no residential in the area, the Village will consider this. Chairperson Combs stated there are hotels in the area. Ms. Mangiameli asked staff to explain what a performance guarantee is. Mr. Donahue stated the petitioner's engineer will provide an estimate of the costs and there is a performance guarantee to be sure that the work is completed, usually in the form of a letter of credit or a bond, which is held by the Village, and then returned to the petitioner when the work is completed.

Ms. Mangiameli stated they agree with the conditions of approval but would like to start work at 6:00AM. Mr. Donahue stated the Village can change the condition to state the hours of work to 6:00AM to 2:00PM, subject to approval by a building official.

MOTION: Vice Chairman Ring moved (seconded by Commissioner Wilson) to approve a request by TR Greenspoint LLC (owner) and Grissim Metz Andriese Associates (applicant) to consider a preliminary and final site plan amendment for landscape and hardscape improvements on the property located at 2800 West Higgins Road, with the recommended conditions in the staff report, modifying condition #3.b. to reflect the time of work is subject to approval by the Code Enforcement Division.

Roll Call Vote:

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

Nay: None

Absent: None

Motion Carried.

Mr. Joshi stated that this will go to the Village Board meeting on June 17, 2019.

5. NEW BUSINESS - PUBLIC MEETING - APPROVAL OF A REQUEST BY SVAP HOFFMAN PLAZA, L.P. (OWNER AND APPLICANT) TO CONSIDER A PRELIMINARY AND FINAL SITE PLAN FOR A RETAIL BUILDING LOCATED ON THE HOFFMAN PLAZA SHOPPING CENTER PROPERTY LOCATED AT THE NORTHEAST CORNER OF ROSELLE ROAD AND HIGGINS ROAD.

Chairperson Combs swore the petitioner in.

John DeWolfe (Sterling Organization)
Dustin Hicks (Sterling Organization)
Zach Steele (Manhard Consulting)

Dustin Hicks presented an overview of the project.

Chairperson Combs asked where the drive-thru will be located on-site. Mr. Hicks stated on the north wall of the building.

Jim Donahue presented an overview of the staff memo.

Commissioner Burnitz had no questions.

Commissioner Patel had non questions.

Commissioner Harner asked if there are any plans for the former Shell site and Burger King sites. Mr. Hicks stated they do not own nor are under contract for the former Shell site. However, they do own the former Burger King site and are actively trying to market that property.

Commissioner Trieb had no questions.

Commissioner Henderson had no questions.

Commissioner Iozzo had no questions.

Commissioner Wilson had no questions.

Commissioner Bauske asked if there is only one handicap parking space. Mr. Hicks stated yes, for this building.

Commissioner Bauske asked where is the outdoor seating area. Mr. Hicks stated that outdoor seating will be at the northwest corner of the building, which will be fenced off with a small landscape fence.

Commissioner Bauske asked where is the order board for the drive-thru to be located. Mr. Hicks stated the order board will be located to the east of the building, which will be behind the building.

Commissioner Milford had no questions.

Vice Chairman Ring had no questions.

Chairperson Combs asked if the drive-thru restaurant is already leased, why is there no information on the order board, queuing, etc as is always presented in the commission's packet for drive thrus. Mr. Donahue stated staff checked to be sure there is enough space to accommodate the queuing.

Chairperson Combs stated on the application, there are no narratives for Sections A3, B3, and E. Chairperson Combs stated those sections need to be completed before this goes to the Village Board. Mr. Hicks stated they will work to get those sections finished.

Chairperson Combs asked if the petitioner agrees with the conditions of approval, as amended, in the staff memo. Mr. Hicks stated yes.

MOTION: Vice Chairman Ring moved (seconded by Commissioner Wilson) to approve a request by SVAP Hoffman Plaza, L.P. (owner and applicant) to consider a preliminary and final site plan for a retail building located on the Hoffman Plaza Shopping Center property located at the northeast corner of Roselle Road and Higgins Road, with the recommended conditions in the staff report, and modified condition #3, which reads: With respect to the existing detentions basin 1080 Apple Street and behind Acorn Tire, to close out the project, the Village will require the outstanding site work to be completed by September 1, 2019, including the submittal of record drawings which would be reviewed and approved to verify volume and the scheduling of an RFI with MWRD to close permit. No occupancy will be given to the building until the detention work is completed. The petitioner agrees to install a temporary skim coat of asphalt, 1-2 inches over the existing trench on Apple Street by the end of June 2019.

Roll Call Vote:

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

Nay: None

Absent: None

Motion Carried.

Mr. Joshi stated that this will go to the Village Board meeting on June 17, 2019.

5. NEW BUSINESS - PUBLIC MEETING - (A) APPROVAL OF A REQUEST BY MCSHANE HOFFMAN ESTATES LLC (OWNER) AND CONOR COMMERCIAL REAL ESTATE (APPLICANT) FOR PRELIMINARY AND FINAL SITE PLAN FOR AN EXTENSION OF EAGLE WAY, AND (B) APPROVAL OF A REQUEST BY MCSHANE HOFFMAN ESTATES LLC (OWNER) AND CONOR COMMERCIAL REAL ESTATE (APPLICANT) FOR PRELIMINARY AND FINAL PLAT OF DEDICATION OF EAGLE WAY.

Chairperson Combs swore the petitioner in.

Brian Quigley (Conor)

Stephanie Nelson Jaworski (The Delgado Group)

Brian Quigley presented an overview of the project.

Mr. Quigley stated as in previous conditions of approval, Eagle Way must be completed and accepted by the Village prior to occupancy of the Bystronic building. Mr. Quigley stated Conor no longer owns the Bystronic property so he cannot commit to anything in the agreement today that binds the Bystronic property owner.

Mr. Quigley stated condition of approval A.1. states: Final occupancy permit for Bystronic will not be granted until all of Eagle Way from existing terminus to Central Road is complete and accepted by the Village. This condition of approval requires the petitioner to purchase land that is privately owned by the client of The Delgado Group. Mr. Quigley stated he does not agree with condition A.1 and wishes for it to be deleted.

Mr. Quigley stated condition of approval A.3. states: Prior to beginning any construction within the previously dedicated portion of the Eagle Way right of way, the Petitioner shall provide written documentation from the owner of the Claire's property (currently not Claire's) regarding their cooperation on the fire lane removal and potential construction activity that may need to occur on Claire's property. Mr. Quigley stated he has no agreement so he cannot get any written agreement. Mr. Quigley stated he does not agree with condition A.3, and wishes for it to be deleted.

Jim Donahue presented an overview of the staff memo. Mr. Donahue stated staff is not deleting any conditions of approval.

Chairperson Combs asked if there is a filed plat of dedication on behalf of Claire's. Mr. Donahue stated there is a draft for the owner of Claire's signature, but it has not been signed because there is no agreement.

Chairperson Combs stated on the plat of dedication, it shows the owner as Barrington 220 School District, Junior College District. Mr. Donahue stated it is to certify that "blank" is the owner of the property described herein. Further, it says the land is entirely within the limits of the following school districts.

Chairperson Combs questioned if there should be two signature lines. Mr. Donahue stated no, the small amount of land being dedicated is owned by whoever owns the property that Claire's is located on.

Chairperson Combs stated if the petitioner agrees to conditions 2, 4, and 5, the Commission will vote on whether or not the Commission wants approval with only conditions 2, 4, and 5. Staff is requiring conditions 1 and 3 be included as well. If the Commission votes no, this item will still go to the Village Board for a final decision.

Commissioner Henderson stated how can the Commission vote when the petitioner does not own the property. Mr. Donahue stated for the petitioner to build Eagle Way, there is a flare section, as well as a sidewalk section, on the west side of the proposed road which includes a small piece of land (couple hundred square feet) that was not dedicated previously when Claire's dedicated right of way on that side of Eagle Way in the past.

Commissioner Henderson asked what is the difference between dedicated and purchased. Mr. Donahue stated dedicated means the person who owns that property has dedicated the land for public use. The petitioner is saying he has to purchase the property because the current owners want money to allow the petitioner to have the right of way. The current owners have been non-responsive to his attempts.

Mr. Donahue stated Claire's dedicated the right of way when Claire's owned the property at that time. Mr. Donahue stated there is a fire lane built in that right of way that was dedicated that serves as fire protection for that side of the building. When McShane proposed Bystronic, McShane dedicated the other half of the road. As part of laying out the roadway construction that ~~it~~ would tie into Central Road, there is a small sliver of land that was not included in the original dedication by Claire's that is needed for this project to be done. The petitioner has said that this is the Village's problem, and not his. Mr. Donahue stated that anytime anyone buys a subdivision and wants to build something and put in public roads, it is their responsibility. Mr. Donahue stated the petitioner is in negotiations to make this happen.

Chairperson Combs stated maybe we should continue this item to the next meeting. Mr. Donahue stated that is an option.

Commissioner Harner stated the petitioner has all land for the road. What is in question is a sidewalk. So who is affected by the sidewalk. Mr. Donahue stated there is also an existing fire lane that serves the Claire's property that has to be removed as part of this project. There are also temporary grading easements that are part of the plat of dedication that need to be approved to allow the final grading and setting the curbs for the road.

Mr. Quigley stated he can build and complete Bystronic, but a final certificate of occupancy will be not be issued by the Village until the road is completed because that is a requirement of the permit. Mr. Donahue stated access to the Bystronic site is off of Eagle Way. Mr. Quigley stated he cannot receive a permit to complete the road. Mr. Donahue stated any property the petitioner owns, he can start construction on. Staff has stated this from day one. Mr. Donahue stated the petitioner is asking for approval, not a permit.

Commissioner Henderson stated if the Commission approves this item without conditions of approval A.1 and A.3, can the petitioner build the part of the road that he owns. Mr. Donahue stated he can do that now, but cannot connect to Central Rd.

Commissioner Henderson asked the petitioner if he would be willing to build the road if a permit was issued. Vice Chairman Ring stated the petitioner does not have a permit to build the road and staff is saying the petitioner has a permit to build the road. Mr. Quigley stated he does not have permission to build the road from Hoffman Estates. Mr. Donahue stated Phase 1 of the final plans stated the petitioner can build the road in the Phase 1 condition of approval. The petitioner's team then decided to pursue getting the full connection to Central Road rather than build the road in an interim condition.

Mr. Donahue stated the original approvals that was recommended by this Commission and approved by the Village Board, was that the petitioner can build the road in an interim condition, but there were drainage issues that needed to be resolved and they would have to draw up the plans to the satisfaction of the Village Engineer that would not work. Mr. Donahue stated there were significant drainage issues with what was proposed and did want to advance the plans that far at that time. The petitioner decided to pursue the County connection and it went smoothly and the petitioner received a permit.

Vice Chairman Ring asked the petitioner is the 231 square feet precluding you from building the road and the connection. Mr. Quigley stated no. Vice Chairman Ring asked why is the 231 square feet brought up as an issue.

Commissioner Henderson asked the Chairman if the Commission votes yes without conditions of approval A.1 and A.3, does the petitioner have to proceed to build the road. Chairperson Combs stated no.

Chairperson Combs stated if the petitioner has to redesign the detention area, does the petitioner have to come back to this Commission with the redesign. Mr. Donahue stated no, it is not a detention area, it is how the detention is going to work on the road in an interim condition. There was a condition of approval that this could be approved by the Village Engineer.

Chairperson Combs stated if the Commission only votes on the approval of the request with just conditions of approval 2, 4, and 5, which is what the petitioner would agree to, the Commission has the option of voting no because the Village will require conditions of approval 1 and 3.

Chairperson Combs stated if the Commission agrees with the petitioner and votes yes, the petitioner cannot move forward because the material the petitioner presented to the Commission is incorrect because the plat of dedication shows a road that goes to Central Road and that is not what the Commission is voting on. Mr. Donahue stated the plat of dedication under consideration is for the small sliver of land that is under consideration. The previous part that abuts the Claire's property was dedicated in the 1990s, which was approved and recorded for the property adjacent to the Bystronic property. All the right of way has been dedicated. The attorney for The Delgado Group was instructed to have a representative with authority to act at the next meeting.

MOTION: Commissioner Wilson moved (seconded by Commissioner Henderson) to continue this meeting to June 19, 2019.

Roll Call Vote:

Aye: Bauske, Burnitz, Henderson, Iozzo, Milford, Patel, Trieb, Wilson, Vice Chairman Ring, Chairperson Combs, *Harnett*

Nay: None

Absent: None

Motion Carried.

Mr. Quigley requested a vote, either way, on June 19.

6. STAFF REPORT

Mr. Donahue stated there is a meeting on June 19, with other items, as well as this continuation.

7. MOTION TO ADJOURN

Commissioner Wilson moved, seconded by Commissioner Henderson, to adjourn the meeting at 8:47 p.m.
Voice Vote: 11 Ayes. Motion Carried.

Minutes prepared by Kathy Redelmann, Development Services Administrative Assistant.



Chairperson's Approval



Date Approved