

# **MINUTES OF THE PLAN COMMISSION & ZONING BOARD OF APPEALS OF THE VILLAGE OF SOUTH BARRINGTON**

Held May 31, 2018

## **CALL TO ORDER**

The meeting was called to order at 7:30 p.m. by Chairman Mr. Michael McCombie. Roll call was taken.

**PRESENT:** Commissioners Kwasek, Murarka, Fox, Abri, and Chairman McCombie.

**ABSENT:** Commissioners Gillis and White.

A quorum was present. Also in attendance were Village Building Officer Michael Moreland, Village Engineer Natalie Karney, and Village Attorney Melissa A. Wolf of Storino, Ramello & Durkin.

## **PUBLIC COMMENT**

None.

## **APPROVAL OF MINUTES**

Chairman McCombie asked for a Motion from the Board to approve the Minutes of the meeting held February 1, 2018. Commissioner Abri made a Motion. Commissioner Fox seconded. By majority vote the Motion was passed. Commissioner Kwasek abstained.

## **AGENDA ITEMS**

Chairman McCombie stated that the next item on the agenda was the Public Hearing for the Text Amendment of the Village's Zoning Ordinance Regarding Accessory Uses and Structures.

Chairman McCombie asked for a Motion to open the Public Hearing. Commissioner Fox made a Motion. Commissioner Abri seconded. By unanimous vote the Motion was passed.

Chairman McCombie stated that at the last meeting the Board had certain questions concerning the format of the Amendment which seem to have been addressed.

Village Attorney Wolf stated that this is actually the first Public Hearing that has been held on this matter.

Village Attorney Wolf stated that one of the issues that was noted was the reference to small residential care homes. Village Attorney Wolf further stated that after they had looked into the issue it was determined not to remove any reference to small residential care homes because those references were required by law.

Chairman McCombie stated that he read through the amendment and suggested that the pages be numbered on the Text Amendments.

Chairman McCombie asked the Board for any comments. Commissioner Fox asked if there was a reason why individual items such as gazebos were listed in the Amendment. Building Officer Moreland stated that they wanted to clarify the definitions of what would be allowed and what would not be allowed such as sheds and detached garages. Village Attorney Wolf stated that it defines Accessory Uses. Commissioner Fox asked it that would apply to existing sheds? Building Officer Moreland stated that it would not unless it was an issue involving setback lines.

Commissioner Kwasek asked if small residential care homes by law have to be allowed in all residential districts? Commissioner Kwasek stated that he felt it should only be allowed where required by law. Village Attorney Wolf stated that the Public Notice was only regarding Accessory Uses and Structures for this meeting. Commissioner Kwasek asked it now would be an opportunity to correct this issue? Village Attorney Wolf stated that it was her determination that the matter would have to come back as a Public Hearing Notice before the Board. Commissioner Kwasek stated that he would like to have it done. Village Attorney Wolf stated that she can research if they do need to be listed in every district. Building Officer Moreland asked that per the Legal Notice that was sent out for this evening's meeting, will they just ask for approval for Accessory Uses and Structures and any other changes would have to come back for a separate Public Hearing? Village Attorney Wolf stated yes.

Village Attorney Wolf stated that she will do research on the subject of where small residential care homes need to be listed by law in all residential districts and have her findings for the next Village Board meeting for their recommendation. Commissioners Kwasek and Abri stated that they would be interested to see how this is listed in other surrounding residential Villages. Village Attorney Wolf stated that she will first find out if they need to be listed in every residential district by law. The Board agreed that if it does not have to be listed in all residential districts, then they would prefer that it be removed from wherever not required by law.

Being no further comments, Chairman McCombie asked for a Motion from the Board to recommend to the Board of Trustees approval of the Text Amendment to the Village's Zoning Ordinance Regarding Accessory Uses and Structures as presented and if the

portion on small residential care homes provided does not need to legally be listed in all residential districts, then they would recommend it be removed from the Text Amendment and only be listed where legally required. Commissioner Abri made a Motion. Commissioner Kwasek seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes. Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Abri - yes. By unanimous vote the Motion was passed.

Chairman McCombie asked for a Motion to close the Public Hearing. Commissioner Abri made a Motion. Commissioner Fox seconded. By unanimous vote the Motion was passed.

Chairman McCombie stated that they would like to switch the order of the agenda to consider the request from The Ponds Subdivision for Approval of Specifications Proposed for Street Lighting at Watercrest Court and Pentwater Drive. Representing the petitioner was Mr. Mike Perrino. Chairman McCombie stated that the subdivision is building a smaller size guard house and they are requesting the approval to install three street lights that are all consistent with what is currently allowed in the Village. Mr. Perrino stated that the lighting has been done by Haeger Engineering and that they are asking for the lights for lulation and safety purposes.

Being no further comments, Chairman McCombie asked for a Motion from the Board to recommend to the Board of Trustees approval of The Ponds Subdivision request for Proposed Street Lighting as presented. Commissioner made a Motion. Commissioner Fox seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka -yes, Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Abri - yes. By unanimous vote the Motion was passed.

Chairman McCombie stated that the next item on the agenda was the Public Hearing for 39 South Barrington Road Changing Zoning from M-1 (Manufacturing District) to B-1 (Limited retail Business). Chairman McCombie asked for a Motion from the Board to open the Public Hearing. Commissioner Abri made a Motion. Commissioner Kwasek seconded. By unanimous vote the Motion passed. Chairman McCombie asked all that will be giving testimony to stand and be sworn in. Chairman McCombie asked if the testimony they were about to give was the truth to the best of their knowledge. All answered yes.

Representing the petitioner was Mr. Dennis Kintop. Chairman McCombie asked Building Officer Moreland if the Village or the petitioner was asking for the rezoning request? Building Officer Moreland stated that initially the petitioner had come to talk to the Village, the Village indicated that the B-1 zoning would be the most appropriate zoning for this project primarily because it allows for medical clinics

which is what they are building. Building Officer Moreland further stated that with that zoning they will be having a small issue with parking lot location because of the required setbacks in that zoning. Building Officer Moreland stated that by changing the zoning from M-1 to B-1 you would eliminate another site that would not be allowed to have a cell tower. Building Officer Moreland further stated that with the current square foot requirements for the project they will be approximately 6 to 7 parking spaces short of what would be in the Village Ordinance. Building Officer Moreland distributed additional materials to the Board concerning his report and parking requirements.

Building Officer Moreland stated that the petitioner is currently proposing a medical clinic with two doctors and 4 staff members which would require 18 parking spaces for the space he is occupying per the Village Parking Ordinance. Building Officer Moreland stated that there is another 5,600 square feet of building space that he is creating without a plan of what will be occupying that space. Building Officer Moreland stated that the Village is assuming that it will be office space.

Chairman McCombie asked if before signing any tenants, could they require the petitioner to come back before the Board for parking. Building Officer Moreland stated that the Board does have broad purview in the Village's language of what would be required parking. Building Officer Moreland asked Mr. Kintop if they considered additional parking possibilities? Mr. Kintop stated that they would not be able to do additional parking because of the 24 foot travel lanes that they need to have. Commissioner Fox and Abri asked if there was any stipulation that they can do to require them to come back before the Board when they sublease the additional space? Village Attorney Wolf stated that if the property does not comply with the Village required amount of parking spaces, then they would have to come back before the Board.

Chairman McCombie stated that they will have 9,600 square feet of space and they would need 39 parking spaces and he was concerned that they will not have enough parking. Mr. Kintop stated that they have not been able to add any additional parking. Village Engineer Karney stated that the parking will be limited because of the septic system requirements for the project. Commissioner Abri stated that he felt it was a very nice project but did not see how they could recommend approval without knowing what will be going into the additional building space. Commissioner Abri was also concerned that there will not be enough parking. Mr. Kintop stated that they will be limited to the amount of people because of the septic requirements and they will be required to come back to the Village for a building permit and at that time the Village can determine if that they do not have enough parking.

Village Attorney Wolf stated that they would have to come back before the Village to get Plan Commission approval for parking. Commissioner Abri asked if they could have a legal stand to withhold approval based on the function of the tenant and the required number of parking spaces they would need? Village Attorney Wolf stated that they can follow the parking requirements listed for a medical facility or consider changing the Ordinance which would require a Text Amendment.

Chairman McCombie stated that ACC has already approved the structure of the building with a recommendation for reduction of the building height.

Village Attorney Wolf had asked who was the applicant for the Zoning Amendment because she thought it was the Village and not the petitioner. Mayor McCombie stated that it is not the Village that is the applicant. Mayor McCombie further stated that the Board will want to consider the snow plowing issues in that area when considering parking requirements for the property.

Village Attorney Wolf stated that the Board this evening is considering recommending changing the zoning from M-1 to B-1 and any variation or Text Amendment would be a separate matter. Chairman McCombie stated that if the Board recommends for the property to be changed from M-1 to B-1 how can they insure that they will come back for parking approval? Mr. Kintop stated that delaying the building process would really hurt and he is sure that they can work this out because Dr. Patel, who is the petitioner, wants to build the building. Mr. Kintor stated that the square footage of the building itself is the same as what was there. Mr. Kintor stated that they would like to start the building process within the next three to four weeks.

Commissioner Kwasek asked for a three minute recess.

Dr. Avil Patel, the petitioner arrived at the meeting at 8:35 p.m.

Chairman McCombie asked if the Board would be able to recommend approval of changing the zoning from M-1 to B-1 with 38 parking spaces and with the stipulation that any changes to the B-1 zoning would have to come back before the Board for approval? Village Attorney Wolf stated that the Board can recommend zoning approval and give the petitioner guidance on what the Village parking requirements will be for his use. Village Attorney Wolf stated that if they are going to need a variance, then it would have to be a Public Hearing before the Board. Village Attorney Wolf stated that they will have to come back before the Board for approval of the parking before a building permit can be issued. Building Officer Moreland stated that the building permit process will take up to 3 to 4 weeks. Village Attorney asked if they can do the 38 parking spaces without a variation?

Building Officer Moreland stated that they may be able to if they are creative. Village Attorney Wolf stated that the Board can tonight provide the allocated number of parking spaces to this property, but if the petitioner needs a variance to achieve the required parking spaces or any other changes, then they would have to come back for a Public Hearing before the Plan Commission before a building permit could be issued.

Chairman McCombie asked Commissioner Kwasek if he thought the petitioner could achieve 36 parking spaces without requiring a variance? Commissioner Kwasek stated they should be able to achieve 36 parking spaces. Commissioner Fox asked if 36 spaces is going to be enough? Commissioner Kwasek stated that it depends on parking ratios and occupancy which is usually 4 parking spaces per 1,000 square feet of office space.

Chairman McCombie asked who is the Board approving this zoning change for? Village Attorney Wolf stated that the property owner will need to be the applicant and have the proper application filled out for the rezoning request.

Village Attorney Wolf recommended that the Board make two separate recommendations to the Board of Trustees for the approval of the rezoning and a recommendation for the designated number of parking spaces for this property. Village Attorney Wolf further stated if they do need any changes or variances, then they would have to come back before the Board before a building permit could be issued. Village Attorney Wolf stated that if the petitioner was able to meet the Board's requirements without any changes or variances, then they would not have to come back before the Board before a building permit could be issued.

Dr. Patel stated that he would like to get the building permit as soon as possible and he feels that they should not have a problem meeting the 36 parking space requirement and would appreciate the Board's approval this evening.

Chairman McCombie asked if there were any further comments. Being no further comments, Chairman McCombie asked for a Motion from the Board to recommend granting the zoning change from M-1 to B-1 status for the building at 39 S. Barrington Road. Commissioner Abri made a Motion. Commissioner Kwasek seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Abri - yes. By unanimous vote the Motion was passed.

Chairman McCombie asked for a Motion to close the Public Hearing. Commissioner Fox made a Motion. Commissioner Murarka seconded. By unanimous vote the Motion

was passed.

Chairman McCombie asked for a Motion from the Board to recommend designating 36 parking spaces for the property at 39 S. Barrington Road Lot #2. Commissioner Kwasek made a Motion. Commissioner Abri seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Murarka - yes, Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Abri - yes. By unanimous vote the Motion was passed.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

None

### **ADJOURNMENT**

Chairman McCombie asked the Board for a Motion to adjourn the meeting. Commissioner Kwasek make a Motion. Commissioner Abri seconded. By unanimous vote the meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Christine Latoria, Secretary

These Minutes were approved this 16th day of July, 2018.