

PLAN

REPORT OF THE PROCEEDINGS OF A MEETING
BEFORE THE VILLAGE OF NORTHFIELD
PLAN AND ZONING COMMISSION

COMMISSION

REPORT OF PROCEEDINGS had before the Village of
Northfield Plan and Zoning Commission taken at the
Northfield Village Hall, 361 Happ Road, Council Chambers,
Northfield, Illinois on the 1st day of February, 2010, at
the hour of 7:00 o'clock p.m.

MEMBERS PRESENT:

BILL VASELOPULOS, Chairperson
ROBERT CALDWELL
E. LEONARD RUBIN
JOHN DOLAN
JOANNA STEIN
DAN deLOYS
PHILIP JONES

MEMBERS ABSENT:

CHRIS BROCCOLO
WILLIAM HIELSCHER

ALSO PRESENT:

ANNE E. KANE, Community Development Director

1 CHAIRMAN VASELOPULOS: Good evening, everyone. I'd like to call to
2 order, February 1st, 2010 Meeting of the Plan and Zoning Commission. My name
3 is Bill Vaselopulos, and I'm the Chairman of the Plan and Zoning Commission.

4 At this point I'd like to allow the other Commissioner members to
5 introduce themselves, starting with John, to my left.

6 COMMISSIONER DOLAN: John Dolan.

7 COMMISSIONER RUBIN: E. Leonard Rubin

8 COMMISSIONER CALDWELL: Bob Caldwell.

9 COMMISSIONER STEIN: Joanna Stein.

10 COMMISSIONER deLOYS: Dan deLoys.

11 CHAIRMAN VASELOPULOS: Thank you everybody. And just coming in?

12 COMMISSIONER JONES: Philip Jones.

13 CHAIRMAN VASELOPULOS: Thank you, Phil. The purpose of tonight's
14 meeting is to conduct a Public Hearing to consider a special use request at
15 203 Northfield Road. The Public Hearing format would be provided and provided
16 an overview of this proposal and provide a forum for public comment and
17 input.

18 This Commission is a recommending body only and we will forward our
19 recommendations to the President and the Board of Trustees for the final
20 determination on whether or not to grant this item before us. The Village
21 Board will consider this item being discussed this evening at the next board
22 meeting, which is scheduled for Tuesday, February 16, 2010, at 7:00 o'clock,
23 right here in this board room.

1 Tonight's meeting requires that all persons wishing to be heard and to
2 enter in your testimony on a specific case will be asked to be sworn in.
3 This includes any petitioners, individuals in addition to the petitioner, any
4 interested parties and neighboring property owners.

5 Following the Petitioner's presentation, and after the Commission has
6 had an opportunity to ask questions or discuss amongst ourselves, then all
7 the interested parties will be given an opportunity to speak. Prior to
8 speaking, we would request that all parties step to the microphone and be
9 sworn in, and to provide their name, address and interest for the record.
10 These proceedings are being recorded, and that is why we are requesting you
11 speak only at the podium, where the microphone is located.

12 Our first order of business today is to approve the minutes from the
13 January 4th, 2010 meeting. Do I have a motion?

14 COMMISSIONER DOLAN: So move.

15 COMMISSIONER RUBIN: Second.

16 CHAIRMAN VASELOPULOS: All those in favor?

17 (Chorus of ayes.)

18 CHAIRMAN VASELOPULOS: All those opposed? Motion carries.

19 Our first order today, our first item on the agenda today, first and
20 only item on the agenda today is for consideration and discussion of a
21 request for a special use to establish and operate a personal training
22 facility in the M-1 Light Manufacturing Zoning District, located at 203
23 Northfield Avenue, Northfield Road, excuse me. The petitioners are Ed and

1 Colleen Reardon, doing business as Results 22. Are the petitioners here?
2 Let's just step to the microphone, introduce yourselves and be sworn in
3 please.

4 MR. REARDON: My name is Edward Reardon. I'm the owner of Results 22.
5 It's a personal training facility, currently being run out of Glenview, out
6 of my home, actually. And I'm petitioning the Board to have a zoning change
7 from warehousing status to retail status, where I would like to operate a
8 personal training facility, not a gym that has any member, but somebody that
9 comes in and --

10 CHAIRMAN VASELOPULOS: If you could be sworn in, please.

11 Whereupon, EDWARD REARDON, called as a witness herein, having been
12 first duly sworn, testified as follows:

13 THE COURT REPORTER: Thank you. Could you please spell your name for
14 the record.

15 MR. REARDON: Edward Reardon is R-e-a-r-d-o-n.

16 CHAIRMAN VASELOPULOS: Sorry to interrupt you.

17 MR. REARDON: It's okay, that was my fault.

18 So, it's essentially a personal training facility where every member
19 that comes in will have personal guiding instruction as opposed to somebody
20 coming in and using equipment, facilities, whatever, like a Lifetime Fitness
21 where they just come in and there is constant members. It's not what I'm
22 petitioning for.

23 CHAIRMAN VASELOPULOS: And you were here last month. You then asked

1 for an ordinance change?

2 MR. REARDON: Yes, sir. I've been here twice. Once was the ordinance
3 change and once was --

4 MS. KANE: The first was the public hearing to consider the ordinance
5 change, and then Mr. Reardon was also at the Village Board, at which they
6 received the Plan and Zoning Commission's unanimous recommendation for
7 approval and adopted that ordinance, identifying personal fitness facilities
8 as appropriate special uses in the M-1 Light Manufacturing District.

9 CHAIRMAN VASELOPULOS: Anne, did you have anything else to add?

10 MS. KANE: Sure. I just want it clarified because just as personal
11 fitness may not be my forte, zoning is not Mr. Reardon's forte, and he
12 indicated he was looking for a re-zoning to retail. It's actually a special
13 use and following up on the work that they did last month, diligently,
14 getting that text amendment approved, they are here this evening conducting a
15 notice of public hearing. All the surrounding property owners within 250
16 feet have received certified notice of tonight's meeting, for the specific
17 proposal, which is to conduct a personal training facility in 8,000 square
18 feet of an existing office warehouse that current sits vacant. It's about
19 20,000 square feet of office and warehousing space located at 201-203
20 Northfield road. As indicated, the Zoning Code has since been amended last
21 month, to identify these as appropriate special uses in this district.

22 Again, just to reinforce, it's a small group training facility where
23 clients will be coming to participate in courses and not to utilize the

1 studio and equipment on a free-lance basis. It will be through prescheduled
2 time frames and it is, the special use projects that the operational hours
3 would be 5:00 a.m. to 8:00 p.m. daily, although I hope for their own sake,
4 weekend hours it will be reduced, and I understand that Sunday hours will not
5 be that extended. But, we have prepared the conditions to give them the
6 greatest flexibility so that if there is a special need or a client that has
7 special travel requirements, that they can work with them on the weekends
8 within those same time frames.

9 As noted in the report and in the petitioner's presentation packet,
10 they'll also be having a nutritional counselor on staff as well as massage
11 therapy. So, both of those items should be reflected in the special use that
12 they're acknowledged and going to be part of this business, as well as future
13 plans to develop a speed and agility program for children. Again, as long as
14 it's provided in the same format of one instructor to no more than five to
15 seven children participating in this program, staff believes it falls under
16 the same zoning umbrella that would be granted under this special use, and
17 condition is placed on this proposed special use to clarify that the massage
18 therapy and nutritional counseling is not intended for advertisement
19 purposes, general public or walk-in traffic. And that's certainly not what
20 has been communicated to staff as the petitioner's intentions.

21 Just to examine the parking requirements, a small parking table was
22 prepared for your information in the report. At full capacity, with all four
23 courses going with the instructors, with a massage therapist with client and

1 nutritional counselor with client, a total of 36 parking spaces are required.

2 As indicated, there are presently 61 parking spaces provided, however, in
3 the review of this special use it was noted that an additional handicap
4 accessible parking space needs to be provided in accordance with Illinois
5 State Law, in creating that third handicap accessible space, the total on-
6 site spaces will be reduced to 60.

7 The summary of the parking chart presumes full occupation, or full
8 capacity of not just this tenant's space, but the office and the warehouse,
9 and that breaks it down and indicates and illustrates that there's adequate
10 parking on site. I think staff's other concerns are alleviated that there
11 will not be parking problems created by this use and that there's no parking
12 provided along Northfield Road. So, it will be in their best interest to
13 find a solution, rather than necessarily the Village dictated to them. As
14 business owners, they're going to hear it from their clients first, I
15 imagine. And they can handle that well through their scheduling of their
16 classes.

17 And I guess in addition to the mea culpa that I sent by e-mail, noting
18 that the condition is not to be on the strike zones occupancy that that
19 handicap parking space be in by, in place, but before Results 22 gets their
20 occupancy, I noted that I jumped on my numbering of conditions from 1 to 18.

21 So whoever makes the motion, if you could clarify that. It's conditions 1
22 through 12 that Staff has recommended, I would appreciate that.

23 That summarizes the place in this unique petition that Staff is

1 recommending approval of.

2 CHAIRMAN VASELOPULOS: Did anyone prepare any questions?

3 COMMISSIONER DOLAN: I didn't have any questions.

4 CHAIRMAN VASELOPULOS: You're hired. Yes, sir.

5 COMMISSIONER RUBIN: Are you planning on serving food at all in the
6 facility?

7 MR. REARDON: Um, coffee or Gatorade. Are we considering drink, is
8 that what you're asking?

9 COMMISSIONER RUBIN: Well, I thought I heard something about --

10 MR. REARDON: Oh, nutritional products.

11 COMMISSIONER RUBIN: Nutritional products.

12 MR. REARDON: Yes. They would buy, you know, there's supplements,
13 there's protein packets.

14 COMMISSIONER RUBIN: Is that for consumption on the premises?

15 MR. REARDON: No, absolutely not. No, I'm sorry, I didn't clarify
16 that. That was my mistake. Those are all for clients to buy and go home and
17 you would have a protein packet or you sell like a hot chocolate packet,
18 purchase several of them, you take home to your house. You make at your
19 house. However I would sell them at the club, to my clients, but you would
20 take them home and make them for yourself.

21 COMMISSIONER RUBIN: Okay. Thank you.

22 MR. REARDON: Sorry about that.

23 MS. KANE: No, I think that's a good point, that the special use should

1 be brought in to identify that there will be a retail component to this,
2 because that is not typical in the Light Manufacturing District, so I'll want
3 to or the Plan and Zoning Commission could make sure that an additional
4 clarification or condition is that there is going to be a small retail
5 component of nutritional supplements for consumption off site. That would
6 help.

7 COMMISSIONER RUBIN: Also, I think you told us last time that you would
8 not be necessarily competing with the facility that is somewhat to the south
9 of you.

10 MR. REARDON: I still stand by that. In the end, we're both personal
11 trainers, but that's a smaller facility that trains, he has four palate beds
12 in there, which we don't deal with palate's at all, nor will we in the
13 future. That doesn't mean we won't have things to overlap. Everybody has a
14 dumbbell or a kettlebell or whatever, so it's not like we're not going to use
15 any of the same equipment.

16 We specialize, right now, I don't have a single class that's smaller
17 than eight. So small group, I call small group classes. The Board here
18 would be a size of a class at 8:00 o'clock, or whatever. They simply don't
19 have the size to do those type of classes and workouts in the facility.
20 We'll have an A-frame where there's a piece of equipment called TRX that you
21 can use 15 or 20 people at a time on. You couldn't do that at a facility
22 that isn't at least 3,000 square feet or bigger. It's just not big enough.

23 So in that regard, I was trying to specify that I think we're very,

1 very different in the sense that where we have some one-on-one clients and
2 they have some one-on-one clients, yes. I mean, there's no difference in
3 training someone that we don't use any equipment that they use or something.
4 I mean, that would be very misleading. That's not the case at all.

5 But, currently right now, 99 percent of my clients train in groups of
6 eight and not smaller. I'm very confident that they don't have anybody that
7 trains in a group of four or bigger, just because of special requirements and
8 things. So, it's a different layout, it's a different pricing structure, to
9 allow for a greater group of people to train at a more affordable rate,
10 because I have more people going at one given time, and then you can drop
11 personal training down from \$80 an hour, one-on-one down to, you know,
12 somewhere south of 20.

13 COMMISSIONER RUBIN: So, your classes will be for approximately an hour
14 each time?

15 MR. REARDON: Exactly an hour each time.

16 COMMISSIONER RUBIN: What do you do? I mean, I notice from the
17 schematic that you have a lot of treadmills. Does your class mount
18 treadmills, all of them at one time or how does it work?

19 MR. REARDON: Well, that's a great question. The theme of it is
20 functional training, and functional training is nothing more than a misused
21 term right now. But it's a style of training where we try to incorporate as
22 many body parts at one time. I'm not a machine, in fact, I can, there may be
23 a total of three machines some day. But to start when the club opens for the

1 first three months, there won't be one machine in the club, as far as a
2 weight lifting machine with any type of weights on it whatever. It's all
3 body weight, medicine balls, your own weight, TRX and that type of thing.

4 They spin on bikes for five minutes, and they get off and strength
5 train for five minutes, back on bikes for five minutes, strength train for
6 five minutes. I can honestly tell you there's not a style of anybody, forget
7 this community, there isn't anybody in the Midwest that does this. It's
8 fairly popular in California, but there's nobody in the Midwest that trains
9 this way.

10 This will also be a different pricing model, in that everybody else,
11 all the other clubs charge X amount of dollars per hour per session,
12 whatever. Ours is a monthly model. You join the club for a month at a much
13 cheaper rate, and you're entitled to unlimited training for that month.

14 COMMISSIONER RUBIN: So you're not going to put a swimming pool in?

15 MR. REARDON: No, no. They're getting two -- showers, I thought I'd
16 start there first.

17 COMMISSIONER RUBIN: Okay, thank you.

18 CHAIRMAN VASELOPULOS: Do you envision expanding to provide them some
19 type of shower facility or locker room facility?

20 MR. REARDON: I would love to get to that stage. In the end, we signed
21 a lease together. As you know, this isn't the greatest atmosphere for these
22 guys trying to sell their buildings, but both this building and the building
23 directly to the south, he has a couple of tenants, one of which the private

1 training center, and we were negotiating the back of his building as well.
2 He doesn't want to, they don't want to sign a lease. Those two leases come
3 up on October of 2011, and neither one will extend the lease farther because
4 both owners want to sell the building. They don't want to lease the space.

5 But, we came to an agreement to try and lease the space so I can get
6 enough clients up and running so that I can try and get somebody else to take
7 the other parts of that building, and turn around and buy this building from
8 them. That's essentially what the long term game plan is. If I could get
9 that, then I would want to, and have to come back and ask for putting in a
10 shower facility or something like that, yes.

11 CHAIRMAN VASELOPULOS: One other question. Reading your package, you
12 indicate what Results 20 -- where the name Results 22 came from --

13 MR. REARDON: Yes, sir.

14 CHAIRMAN VASELOPULOS: -- which is very interesting. As part of that,
15 it sound like you're dealing with a mind set and you're trying to address,
16 you know, people's habits and things like that. I don't see anywhere how, on
17 site, you would be having any, an area where you're actually sitting and
18 talking to people, you know, lecturing, giving them that type of thing. Is
19 that part of your program at all?

20 MR. REARDON: I think it's a huge part of your program, yes. It's a
21 life -- try to get people -- getting people to commit to changing. They're
22 there for a reason, if they're not happy with the way they're working out or
23 the shape that they're in, because some habits in their life aren't working.

1 Most of them are normally nutritional. But it's a combination of nutrition
2 and working out, and what I've got to do is get them to change habits. So,
3 yes, you do have to sit down with clients, individual -- this type of thing
4 allows me versus a Lifetime Fitness, to sit down with clients after we work
5 out and sit and, there's a fairly decent size lounge area, sit and talk with
6 people for 25 or 30 minutes so they know me, so I know every client by first
7 name. So, there is a lot of communication going on.

8 CHAIRMAN VASELOPULOS: Where is that lounge area on your --

9 MS. KANE: It's just not identified.

10 MR. REARDON: Yea, I don't know how else to describe it to you -- right
11 here. So, this is the entrance you walk in. This is actually cut off and
12 they built like rooms in here and whatever. And so, this is the training
13 area and this is all, this is a lounge, you walk in, you check in here and,
14 you know, I'm hoping people sit here and talk and turn this into more of a
15 social thing than anything else.

16 MS. KANE: Yeah, I just, for the record I want to clarify that we're
17 referring to the floor plan that identifies the main studio, the stretch from
18 the lunch room and three offices, that that is specifically the 8,000 square
19 foot tenant space, which is identified as highlighted on the previous page in
20 yellow. And so you do not see the other office tenants which are actually
21 located off this page. But there is a large kind of meet and greet and
22 lounge area where clients and instructors can interact, outside of the
23 studio, within the space.

1 MR. REARDON: The training facility itself is roughly 4,400 square feet
2 and then there's like 25, 2,600 square feet of office space. It's sort of
3 divided the two right now, and I'm leaving it divided because I can't go in
4 there and start tampering around.

5 CHAIRMAN VASELOPULOS: So this hour-long session, is it partly being in
6 the front --

7 MR. REARDON: No. It's only --

8 CHAIRMAN VASELOPULOS: -- and partly in the back?

9 MR. REARDON: No. Those are nothing more than some changing rooms,
10 since I don't have locker rooms, some place to put your coat, your shoes,
11 your boots, to change, certainly to sit and have Gatorade or something and
12 sit and be social, somewhere to check in, to those people. One room right
13 now is just empty because I don't even, I don't even know what to do with it.
14 There's just, there's just almost, there's almost too much room for me until
15 I get a bigger clientele base.

16 MRS. REARDON: Can I answer some questions?

17 CHAIRMAN VASELOPULOS: If you could just step to the microphone and
18 identify yourself and be sworn in too, please.

19 Whereupon, COLLEEN REARDON, called as a witness herein, having been
20 first duly sworn, testified as follows:

21 THE COURT REPORTER: Please state and spell your name for the record.

22 MRS. REARDON: Colleen Reardon, R--e-a--r--d-o--n. And just trying to
23 address your question about kind of incorporating a full balance to the

1 individual, I think one of the best things that we have done is incorporating
2 the small group training, whether it's, you know, four, eight people in a
3 group.

4 Within that hour session, there's this kind of camaraderie that goes
5 on, and there's a lot of talk while you're training, that these people, you
6 just can't get when you're at a, you know, a class size of 30 or 40 in a big
7 club. And so a lot of that is addressed while you're actually training. And
8 then afterwards, you know, you'd go and you sit and have your water,
9 whatever, and that's, you know, a lot of times Ed will go after or I will and
10 address specific questions.

11 But it's really nice to see the clients kind of interact with each
12 other. They might not even know each other outside of this class, but they
13 bring up a question about nutrition or other things and it's really an
14 amazing little dynamic, within the class itself, that you just can't offer in
15 a larger class size.

16 CHAIRMAN VASELOPULOS: Thank you.

17 MRS. REARDON: I think that addresses, maybe, what you were asking.

18 CHAIRMAN VASELOPULOS: It does, thank you. Does anyone else from the
19 Commission have anything? Trustee Warga, I see you have something to add.

20 Whereupon, GEORGE WARGA, called as a witness herein, having been first
21 duly sworn, testified as follows:

22 THE COURT REPORTER: Please state and spell your name for the record.

23 MR. WARGA: George Warga, W-a-r-g-a. As an educator, I'd tell you the

1 best teaching experiences that I've had as a facilitator is with groups of
2 six to twelve people. And that's for a comprehensive learning experience.
3 So, I'm all for you. That's what I have to say.

4 MS. KANE: I would like to just clarify a couple things in hearing more
5 details about the operation. That while Condition Number 6 limits the number
6 of maximum clients on site to 28, based on the average that was indicated in
7 the Petitioner's packet, staff put in a limit of one to seven ratio. It
8 sounds like they really formulate on a class size of eight, so I would like
9 to suggest the Plan Commission may consider raising that student ratio of
10 eight students to one instructor, with a maximum of 28 students on site at
11 any given time, so that the parking is still maintained. And then,
12 in the future if they are able to work in shower facilities within the
13 existing space, still meet code, comply with the Building Commissioner, fire
14 prevention for, you know, sprinkler requirements, staff would like to suggest
15 that that modification be made within the existing footprint of this 8,000
16 square foot tenant space and not require future amendment to the special use
17 only if they have to expand the tenant space, that it would really warrant
18 further examination in a public hearing.

19 CHAIRMAN VASELOPULOS: Okay.

20 MS. KANE: And that sort of is covered under Item 10, which, I'm sorry
21 --

22 COMMISSIONER RUBIN: Six?

23 CHAIRMAN VASELOPULOS: Six.

1 MS. KANE: Six is the number of students, but then there are
2 modifications that are usually permitted. Upon, on Item No. 3, actually,
3 allows for future changes to the interior layout, subject to the approval of
4 the Building Commissioner and the Fire Inspector. I just want to clarify
5 that. At some point you may hear that Results 22 is now providing showers,
6 and those types of facilities, and I want to make sure that you understand
7 then that would be permitted under this current special use now.

8 CHAIRMAN VASELOPULOS: Okay, so we have two changes, one on No. 6 from
9 28 to 32 and just the enumeration of all these items is going to be 1 through
10 12, not 1 through 18. Is that correct, Anne?

11 MS. KANE: Actually, on No. 6, the number of students ratio would be
12 eight students, or eight clients to one.

13 CHAIRMAN VASELOPULOS: One, eight -- it's 32 on the one change.

14 MS. KANE: And the maximum number, the maximum would actually stay at
15 28 number of students.

16 CHAIRMAN VASELOPULOS: Oh.

17 MS. KANE: Even though you could have four classes, a couple of them
18 may have to be six students, and the reason why I'm saying that is we base
19 the parking numbers on a maximum of 28. I think we've got probably three
20 spaces --

21 CHAIRMAN VASELOPULOS: Not to belabor this point, but let's go over
22 that one more time. If you have 36 spaces total, and you have --

23 MS. KANE: Because of the nutritional guidance counselor, may set up a

1 separate appointment with a client outside of --

2 CHAIRMAN VASELOPULOS: Oh, okay.

3 MS. KANE: -- potentially, and if I'm wrong, then the pictures here
4 should clarify that that wouldn't happen outside of class time, as well as
5 from the --

6 CHAIRMAN VASELOPULOS: Okay.

7 MS. KANE: That's how 36 was reached.

8 CHAIRMAN VASELOPULOS: Does anyone else have any questions? From the
9 audience, any questions? Do we have a motion?

10 COMMISSIONER STEIN: I'll tackle it.

11 CHAIRMAN VASELOPULOS: Okay.

12 COMMISSIONER STEIN: This Commission, the Plan and Zoning Commission,
13 moves to approve and recommend to the Village Board for approval, a special
14 use to establish and operate a personal training facility located at 203
15 Northfield Road, in accordance with the Petitioner's presentation packet,
16 date stamped, received January 9th, 2010, subject to the following
17 conditions, 1 through 12, with a modification to Condition 6, specifying the
18 maximum number of clients shall remain at 28. However, the maximum student
19 instructor ratio will be eight to one.

20 We want to make clear that there is a small retail component in this
21 petition, as there will be some sales of nutritional products, which clients
22 will take home, and also highlight under Condition 3 that any future changes
23 within the 8,000 square foot footprint, for instance, the addition of showers

1 for clients, would be handled without an amendment to the special use and
2 just subject to the approval of the Building Commissioner, and Fire
3 Prevention Inspector.

4 CHAIRMAN VASELOPULOS: Is there a second?

5 COMMISSIONER deLOYS: Second.

6 CHAIRMAN VASELOPULOS: All those in favor?

7 (Chorus of ayes.)

8 CHAIRMAN VASELOPULOS: All opposed? Motion carries. Thank you very
9 much, and good luck with your endeavor.

10 MR. REARDON: Thank you. I would like to say it's really been a
11 pleasure working with Northfield. The stories from the other villages, and
12 whatever, is one thing, but Northfield, between the Fire Department and Anne,
13 and everybody else to work here, it's just been so helpful. These people
14 just are trying to help you get a business up and going and answer your
15 questions and make you do due diligence and whatever, and without it, there's
16 no way we could have done it, and I just want to say thank you very much.

17 MS. KANE: And they've been an absolute pleasure to deal with, so,
18 happy to welcome them to Northfield and wish them much success.

19 CHAIRMAN VASELOPULOS: Before we adjourn, I want to address an issue
20 that came up at the Village Board Meeting, and Anne, I think you'll be able
21 to address us.

22 MS. KANE: Sure. It actually came up at the last Public Hearing
23 Meeting, and there was concern raised with one of the petitions that the

1 special use, in the parking requirements actually, for the chiropractor.
2 While it met the verbatim standard of our code of, and I don't remember
3 offhand, the X number of spaces per thousand square feet, or hundred square
4 feet of space, that there was a desire to maybe examine that particular use
5 and the subsequent use, which you'll recall was U Dawg U, based on more
6 localized knowledge. And that I believe the statement was indicated that we
7 can only hold them to what the code requires for special use.

8 And I guess I just want, and, you know, shame on me that I didn't
9 clarify at that time, that the reason why certain uses are identified as
10 special uses within districts is that they're not permitted by absolute
11 right, you know, a retail use within a retail village center district, yes,
12 it can absolutely go in there. The Village really doesn't have the ability
13 to limit hours. Of course, we can limit signage, but we can't put either
14 control, extra control conditions or grant them greater flexibility than what
15 other people might be permitted by our Zoning Code.

16 But special uses, specifically, and we do, historically put additional
17 conditions on our special uses, such as at the Village Center, for both the
18 chiropractor and the restaurants. While our parking ratios presume they're
19 going to have employees working there, and parking on site, I think it's been
20 the practice of this Village for that center to say, if you're a special use,
21 your employees should park in the municipal lot west of here, because there,
22 you know, have been concerns, as we know, from the Public Hearing last month
23 that there's not adequate parking there.

1 So, we place conditions on top of our restaurants all the time that
2 they have to provide annual flushing of the sanitary sewer and provide
3 documentation of cleaning out the grease traps to our Public Works
4 Department.

5 So, I know that Trustee Warga raised this and asked that I just make
6 sure that we discuss this again at tonight's meeting, and I photocopies the
7 pertinent sections of the code on special uses. And I think that second
8 paragraph is really germane in that it talks -- I'll wait till you get it to
9 everyone.

10 You can see, you know, the second paragraph, a special use is a
11 conditional use and as such, is a privilege to be earned and not a right that
12 can be claimed simply by complying with the standards established in the
13 Zoning Code. Reasonable conditions can be placed to promote proper
14 development or a simulation of the proposed use into the community. Such
15 conditions may be stricter than any requirement or limitations stated
16 elsewhere in the Zoning Code, and finally, is not intended that the corporate
17 authorities automatically grant the special use.

18 So, I think that's how I really wanted to introduce kind of more of a,
19 just a dialogue and a workshop because of the statement that we can only
20 apply what our parking, at that time it was our parking ratio that was of
21 questions, and I want you as the Plan and Zoning Commissioners, who, you
22 know, hear these detailed information, that if you ever feel that we need to
23 go beyond -- Staff certainly tries to place as many conditions on these to

1 protect the community, to protect the property, to protect the neighbors from
2 any adverse impacts.

3 But, you know, we can't think of them all and as Commissioners, I want
4 you to know, you have that authority to say, well, and I'll admit that, I
5 feel like I want to be off the record, but there have been, certainly
6 functions very different than a standard restaurant that might have standard
7 parking requirements that we've generated from a national study, based on a
8 full-service restaurant. At the time it was presented, it was going to be a
9 family restaurant, and it really seems to operate in a much different manner,
10 in that it's a let's meet for dinner at the Happ Inn. So, you have a table
11 of three or four couples dining there, and you probably have three or four
12 cars in the parking lot, if not five or six because someone came from work
13 and one came from home.

14 So, you know, I think we can use our local knowledge of how to apply
15 certain parking standards, you know, and that's a tough one. You may want to
16 contact Staff in advance and say, can we really examine how, what the volume
17 of cars generated by Happ Inn is on weekends because it seems to be much
18 higher than the 55 spaces that we allocated for that use.

19 And so, that's just one suggestion, and maybe we need to really delve
20 into that. I think we might be forced to because I understand that that
21 particular restaurateur is interested in expanding into the vacated retail
22 space that's left next door for some special uses. So, we may be examining
23 that particular matter and I guess that really summarizes how I wanted to

1 introduce this matter.

2 CHAIRMAN VASELOPULOS: Thank you. Trustee Warga, did you have anything
3 else to add?

4 MR. WARGA: No, I think the, you know, certainly the alarm that went
5 off in my head was one that was commented, like he followed the code, this is
6 it and we're done. And that, as this describes here and as Anne described
7 that, it's more than that for the special uses. And that's all.

8 And it minimizes the work load that gets pushed up -- because it
9 becomes a, when somebody gets a denial of an application, it's very rare that
10 --

11 MS. KANE: Just for the transcriber.

12 MR. WARGA: Yeah, okay. Are you taking it?

13 It's very rare that I've seen in the, I guess I was sitting there for
14 eight years, that things went to the Board and they got denied. And the only
15 one I can even remember was with the Park District, and that was a big, hot
16 issue in town, and you know, it needed to be at the Board level really. I
17 mean, you needed the community, because community doesn't show up here as
18 much as when it's filing to the Board Meeting.

19 But, it makes it difficult for the relationship with the business
20 person then, when they have an expectation like, oh, good I got through here,
21 even though it says, this is a recommendation, this is a recommendation only.

22 It moves up to the Board level, and it's just like oh, you know, and there's
23 a lot of money and what not, and emotions get raised, not that anything

1 terrible will happen by any means, but it puts more pressure, I think, on
2 Anne. And Anne does a great job being, you know, as far as massaging things
3 and making sure that the business community people are feeling good about
4 working with the Village. I mean, as we just heard from the testimony from
5 Ed, it's, you know, we hear that all the time here, which is great.

6 So, to help kind of take care of those things, because this one is an
7 unusual, the U Dawg U thing, with being a hotdog stand and maybe something
8 that's going to bring more traffic. It raised a few hot buttons with some
9 people in the community and some of the people, they're not necessarily
10 communicating through here in the meeting, they're communicating outside, due
11 to, they don't want to be on public record. And it's unfortunate that that's
12 the nature of some things, but that's the way it is.

13 COMMISSIONER deLOYS: So, where does that stand now?

14 MR. WARGA: As far as the U Dawg U permitting? We're working with the

15 --

16 MS. KANE: The Plan and Zoning Commission, because you missed last
17 meeting, did forward a unanimous recommendation, and I will say one of the
18 conditions of this Commission was to clarify that the vapor barrier that is
19 of particular concern to neighboring tenants, that the odor, I typed that
20 out, I specifically expanded it to be on both walls and anywhere that the U
21 Dawg U tenant space adjoined on the other tenant space.

22 And between Staff errors here an earlier form was distributed to the
23 Village Board, and unfortunately it wasn't brought to my attention until the

1 Board Meeting. So that very specific language was omitted and it was my
2 error and I felt horrible for Mr. Mages that I contributed to some of the
3 confusion.

4 However, as you had heard at this Public
5 Hearing and as it happened many times in my 15, 16 years of being in
6 Community Development and Planning, is that Petitioner, or excuse me,
7 interested parties who come to the Public Hearing, also tend to show up at
8 the Village Board to make sure that while they've got a copy of our recorded
9 minutes here in, you know, 80 so pages of a nice transcript, that they also
10 communicate their concerns to the Village Board before a final decision is
11 made.

12 And that was the case, and I think that the same issues regarding
13 parking and again, I will take some of that blame, that I know that the Plan
14 Commission looked at the parking numbers that were submitted by the
15 Petitioner, was not completed by an independent engineering firm. I happen
16 to know it's been pretty standard for this Village to require just an
17 analysis of parking numbers. Not, I happened to pull out the Paul Quinn
18 special use when I was looking at some of the conditions we might want to
19 place on Results 22. But their parking study was done of a very similar
20 nature.

21 And so, you know, saving the one individual tenant the expense of
22 hiring an engineering firm, I said, you know, do some counts of this parking
23 lot at various times of the day because you need to demonstrate that there is
adequate inventory of parking available.

1 However, that point was again raised at the Village Board, and I'm
2 happy to report to the Plan Commission, that the property owners have stepped
3 up and said, we're going to hire an engineering firm, we'll complete a
4 parking study so that we can, as the Staff strongly suspects and I believe
5 the Plan and Zoning Commission strongly suspect, there's adequate parking on
6 site. It may be a quality of parking spaces versus quantity.

7 And that, if you're running in to get the hotdog, you know, the idea of
8 parking up near Children's Gift Shop and walking all the way around past
9 Subway and down past the fountain and to the hotdog stand isn't ideal. Most
10 of those clients will keep, probably drive on or stop at Subway instead.

11 So, we are working with the property owners to more thorough leave that
12 out the parking issues not only on site, but as well as the municipal lot to
13 the west. Because it was raised that Dominick's parks there, the library's
14 folks park there, Metamorphosis sends their employees over there. So, part
15 of the parking study is to look at what kind of parking is generated in that
16 space, and to verify that there is adequate parking for the, I believe
17 there's a total of 17 employees at the Village Center that are, "really
18 supposed to park over there per their special use."

19 MR. WARGA: Do you want to go into the other tenants --

20 MS. KANE: Owner and ventilation.

21 MR. WARGA: -- with Buzz's language --

22 MS. KANE: I want to resolve the issues that kind of were outstanding,
23 and the fact that the Village Board really wants to hold the property owner

1 accountable for participating in the resolution of these issues, and that
2 will be done through a memorandum of understanding.

3 They haven't necessarily run that property in compliance with their PUD
4 for the past few years, as you know, the fountain hasn't been up and
5 operational, the aerator in the detention facility was not operating, and we
6 did receive complaints this year, numerous attempts by Staff to reach the
7 property owners went unheeded without return phone calls, and it was only at
8 this such time that tenants expressed interest in leasing those spaces and we
9 said, well, until the property owners meet with us and confer that they'll
10 comply with our requirements and operate the property per the PUD, did we
11 finally get some dialogue and calls back.

12 So, we felt bad, we had to hold those individual tenants as, you know,
13 kind of, a carrot to get their attention, perhaps. But that's how I learned
14 that in my very first job, right out of grad school, so, and so we're going
15 to delineate that in the memorandum of understanding with the property
16 owners, that we hope to also have a performance bond tied to, so that there
17 is also a dollar value that we, as the Village, can hold over them, to gain
18 compliance with various components. So, we're trying to work out those
19 details with Buzz.

20 And the final two issues are, relates to the vapor barrier, my failure
21 to make sure that was in the ordinance that was distributed, as well as an
22 issue with the contractor that I think was very successful in addressing the
23 Plan and Zoning Commission's valid concerns with odors that were raised by

1 the neighboring tenant. And at the Village Board Meeting, he indicated that,
2 because of their exhaust system is so effective and efficient, that actually
3 the vapor barrier will prevent that exhaust system from pulling any odors
4 that do escape into the neighboring tenants, from being exhausted out.

5 So, there was also raised the question, should we not have the vapor
6 barrier. And I said, well, the vapor barrier was put in place not only to
7 protect the adjoining clothing store, but I remember you citing the
8 chiropractor specifically, and in discussing it, having many more
9 conversations with the contractor, I've been convinced, and I hope to
10 convince the Village Board, that it's best to have both the vapor barrier and
11 the high efficiency exhaust system, because without the vapor barrier, that
12 exhaust system may be pulling fumes from Capriccios, from the nail salon,
13 into that vacant attic space that was explained to us to be part of the
14 problems there.

15 And we know from Gavin's testimony last month, that his HVAC happens to
16 sit over top of Viccino's. So, now if all those odors are being encouraged
17 to go into the attic by this exhaust system, then the intake for those HVAC
18 systems will likely draw those odors specifically into the tenant spaces.
19 So, it just seems it's best to do the vapor barrier, create the cigar box
20 technology, and then as efficiently as possible, vent those out.

21 And the last matter being issues regarding sanitary sewer
22 backups, holding U Dawg U responsible for rotting out and clearing out the
23 grease traps on his two sanitary line connections that will be provided to

1 the centers, means buying, that then feeds into the Village's. So, not only
2 will U Dawg U be responsible, as all the restaurants are in that center for
3 rodding out their individual lines, the property owners need to take stronger
4 stands and the Village needs to hold them accountable on a more routine
5 basis. That's a maintenance issue, it should be done. It's unfortunate that
6 we have to police that, but if we can do that to protect people who've made
7 investments in our village, we think that is a very reasonable requirement.
8 So, that's what we're trying to iron out before the February 16th meeting, so
9 that we can get this business owner who's anxious to get open and I know he
10 indicated a spring opening is vital to his success.

11 So, you will see that we've already worked with them on the demolition
12 permit, because that's just going to happen no matter what tenant goes in
13 there. We've agreed to process the building permit at his potential loss of
14 \$420 escrow fund. I think that's a minor investment on his part, after he's
15 paid an architectural contracting firm to develop these plans.

16 So, that really does summarize the points of the issues and unfortunate
17 events and concerns that were raised, not necessarily that weren't raised in
18 the Public Hearing, but maybe to a new audience. And enough issues seemed
19 unresolved that the matter, it wasn't tabled actually, but the Trustee
20 withdrew the motion. So, I hope, and it's, you know, I really hope to be
21 able to successfully address all those outstanding issues prior to the next
22 Board Meeting. And I will be 110 percent certain that the correct ordinance
23 goes out and hopefully get that operating and open. Because honestly,

1 personally I'm very excited for that business to come to town. And I'll be
2 walking over at lunch and not bringing the car.

3 MR. WARGA: I want to say thanks again to Anne and all of you for, you
4 know, spending the time here doing this. I mean, I know you've all been
5 sitting here pretty much, I mean, as long as I have, you know, you, way, way
6 longer in particular, pointing over here to Joanna.

7 And it's kind of like my own business, when something a little -- comes
8 up it's like, okay, well, why did that happen, let's, you know, figure this
9 out. This was just an unusual set of circumstances with a new landlord, who
10 has operated other businesses in sometimes a controversial manner, and so
11 unfortunately, this situation came up and, you know, we've got to be a little
12 more thorough in getting through it. And, anyway, so thanks for your time,
13 appreciate it.

14 MS. KANE: It's a good lesson for Staff to learn, you know, when issues
15 potentially are going to get complicated, and I knew this would be
16 complicated from the get-go, not to go with the, do a parking study, I'll
17 have, you know, the wherewithal to probably require him to get a more
18 detailed parking study.

19 MR. WARGA: Yeah, just, yeah, I think that's a good thing to just
20 point, one last thing. That to get more information about parking, it's just
21 like, okay, you can take average numbers of restaurants. This is a man who's
22 been in business a while, so he knows what his average ticket number is, he
23 knows what his peak times is.

1 He stated in his application, like 75 percent of my business, I think
2 that's what he said, occurs at, you know, these hours, lunchtime basically.
3 And so, well, how many cars does that mean then? You know, you can kind of
4 work your way back from what is average. Take a price as to how much revenue
5 he generated in that time and kind of work back. And so, we're going to zero
6 in on that in the next couple weeks.

7 CHAIRMAN VASELOPULOS: And compared to the rest of the businesses in
8 the area and their peak times.

9 MR. WARGA: Well, yes, I mean, in figuring out, you know, yes, what's
10 Capriccio's peak time, et cetera, and yes, what not. So, there's ways that
11 we can vet out more specific numbers through this process, get a little
12 better idea. So, we're --

13 CHAIRMAN VASELOPULOS: Any questions or comments from the Commission?

14 COMMISSIONER deLOYS: So if, if in that analysis you find the number of
15 businesses is outside of their special use, if they have one, what recourse
16 is there, is there any?

17 MS. KANE: Do you want to say, I'm sorry, are they operating outside of
18 their --

19 COMMISSIONER deLOYS: Well, using too much parking or --

20 MR. WARGA: Or, not the employees, but --

21 COMMISSIONER deLOYS: Parking is probably the main one that's --

22 MR. WARGA: Yeah, it's not the employees, not abiding, one of my
23 concerns was the employees not abiding by it. What do you have to hold

1 against them then, to say we're going to shut your business down? Well,
2 that's pretty severe.

3 COMMISSIONER deLOYS: Yes, exactly, that's what I -- in that case.

4 MS. KANE: Then probably a phone call, an unpleasant phone call from
5 me, you know, saying, hey, we've gotten concerns from your neighbors or, I
6 know, I've seen that your employees are parking out front. I know a couple
7 of the business owners over there, and I know what their cars are, and
8 they're right out front of their business. So, some of it's just working
9 with them to get them to park in the appropriate places so that they're not
10 in the prime demand of parking.

11 COMMISSIONER RUBIN: And change the locks.

12 MS. KANE: That's not the Northfield nice way. We try to work with our
13 businesses to get -- so, you know, if they're creating so much parking, like
14 such as the Happ Inn, where I think, you know, we never limit the number of
15 cars, we kind of based on our parking requirements, project the number of
16 spaces that are required. No one's going to sit out there with a counter and
17 okay, enough parking, lot full, sorry folks.

18 But, given the next opportunity, so much of this is fixed within the
19 tenant landlord relationship themselves. As I indicated it's within Results
20 22's greatest interest to insure their clients have parking on site. So, I
21 can assure you, the clients are going to first complain to them before they
22 show up to us.

23 And I think that's been the case over at Happ Inn. I know that the

1 landlord there has already contacted us to talk about what would be entailed
2 to expand into Sherwin's and I said, and first and foremost is going to be,
3 everyone's going to show up with parking concerns, because we all know what's
4 going on over there. And in this Public Hearing, or in last month's Public
5 Hearing it was, you know, indicated that some of the overflow parking is
6 unfortunately going into the village centers. So, I said, you're going to
7 need to address that.

8 So, I'm sure they're coming up with ways, they talked to us about
9 illuminating the municipal lot that's adjoining, next to the veterinarian
10 clinic behind them, for safety of their employees who do utilize that
11 parking.

12 CHAIRMAN VASELOPULOS: Okay. Thank you. Motion to adjourn?

13 COMMISSIONER RUBIN: So moved.

14 COMMISSIONER DOLAN: Second.

15 CHAIRMAN VASELOPULOS: All those in favor?

16 (Chorus of ayes.)

17 CHAIRMAN VASELOPULOS: Opposed? Motion carried. We are adjourned.

18 (Meeting adjourned at 7:53 p.m.)

19 **Approved 4/5/10**