

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, Board Room, Northfield, Illinois on
the 4th day of January, 2010, at the hour of 7:00 o'clock
p.m.

MEMBERS PRESENT:

BILL VASELOPULOS, Chair
E. LEONARD RUBIN
JOHN DOLAN
CHRIS BROCCOLO
WILLIAM HIELSCHER
JOANNA STEIN

MEMBERS ABSENT:

PHILIP JONES
BOB CALDWELL
DAN DELOYS

ALSO PRESENT:

ANNE KANE, Community Development Director

1 CHAIRMAN VASELOPULOS: Good evening, everyone, and Happy New Year.

2 I'd like to call to order the January 4th, 2010 meeting of the Plan and
3 Zoning Commission. My name is Bill Vaselopulos, I'm the Chairman of the
4 Plan and Zoning Commission. At this point, I'd like all the other
5 Commission members to introduce themselves starting with Chris.

6 COMMISSIONER BROCCOLO: Chris Broccolo.

7 COMMISSIONER DOLAN: John Dolan.

8 COMMISSIONER RUBIN: Len Rubin.

9 COMMISSIONER HIELSCHER: Bill Hielscher.

10 COMMISSIONER STEIN: Joanna Stein.

11 CHAIRMAN VASELOPULOS: And also present is Anne Kane, Community
12 Development Director.

13 MS. KANE: Thank you.

14 CHAIRMAN VASELOPULOS: The purpose of tonight's meeting is to
15 conduct a public hearing to consider an amendment to the Northfield
16 Zoning Code, and two special use requests, one at 300 Happ Road, Suite
17 107, and the other second one at 300 Happ Road, Suite 108 and 109. The
18 public hearing format will provide an overview of these proposals and
19 provide a forum for public comment and input.

20 This Commission is a recommending body only and we will forward our
21 recommendations to the president and the Board of Trustees for the final
22 determination on whether or not to grant these items before us. The
23 Village Board will consider these items being discussed this evening at

1 the next Board meeting which is scheduled for Tuesday, January 19th, 2010
2 at 7:00 o'clock right here in this boardroom. Tonight's meeting requires
3 that all persons wishing to be heard and to enter testimony on a specific
4 case will be asked to be sworn in. And this includes any petitioner,
5 individuals in addition to petitioner, any interested parties, and
6 neighboring property owners.

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

15 Our first order of business is to approve the minutes of October
16 5th, 2009. Do I have a motion?

17 COMMISSIONER RUBIN: So moved.

18 COMMISSIONER DOLAN: Second.

19 CHAIRMAN VASELOPULOS: All those in favor?

20 (Chorus of ayes.)

21 CHAIRMAN VASELOPULOS: Opposed?

22 (No response.)

23 CHAIRMAN VASELOPULOS: Motion carries. First order of business is

1 to consider and discuss the text amendment to the Northfield Zoning Code
2 to identify a "personal training facility" as an allowable Special Use in
3 the M-1 Light Manufacturing Zoning District. The Petitioners are Ed and
4 Colleen Reardon doing business as Results 22.

5 Are the Petitioners here? Would you step to the microphone and be
6 sworn in please?

7 (Witness sworn.)

8 CHAIRMAN VASELOPULOS: Would you like to go ahead and make a
9 presentation on your petition?

10 MR. REARDON: I would. First of all, I'd like to thank you for
11 your time this evening. I'd especially like to thank Anne Kane who has
12 made dealing with the Village of Northfield a very easy and pleasurable
13 experience which cannot be said for all the communities around here.

14 We are writing a letter to request a zoning amendment to include a
15 personal training facility, we are known as Results 22, as the allowable
16 special use in the M-1, Light Manufacturing District, along Northfield
17 Road. The exact address is 203 Northfield Road. It is currently an
18 unoccupied building. We will be securing a little less than one third of
19 the building and would be using the warehousing space as a training
20 facility with very little build-out, pretty much as it is at this point
21 with what we have.

22 CHAIRMAN VASELOPULOS: Anne, did you have anything to add to that?

23 MS. KANE: Sure, I can expand on that. When Colleen stopped in the

1 office earlier this fall looking for a space and really targeted on the
2 Northfield Road Corridor, when she explained what the business that she
3 and her husband run, a personal training facility which is quite a bit
4 different than a typical health club, we found that the current zoning
5 code doesn't include any sort of district or designation appropriate for
6 that use. So, their first step is, first, to come to you this evening
7 requesting the appropriate text amendment to identify personal training
8 facilities as special uses within the M-1 Light Manufacturing District.
9 And next month, they will come before you with a specific petition for
10 the property identified.

11 In Staff's estimation, you know, when we go down that corridor, we
12 find that with the Pioneer Press building recently vacated, we have over
13 90,000 square feet of vacant office, warehouse and manufacturing space on
14 that. So, whatever we can do as a village to broaden or expand on the
15 potential tenants targeted for property owners and brokers to market and
16 draw to our community we think is a valuable tool that costs us really
17 nothing. As far as we believe or as far as we estimate, there is no
18 negative effect of this reuse.

19 All future petitions will be reviewed on a case by case basis. And
20 as Staff's report suggests, it just adds to the list of, you know,
21 recently we approved the Strike Zone here, a baseball and softball
22 instructional facility, the North Shore Senior Center is located in this
23 corridor as well Tick Tock Daycare Center, all of which are, you know,

1 non-traditional industrial uses that are appropriate there. And Staff is
2 recommending approval of this petition as presented by the Petitioners.

3 COMMISSIONER STEIN: I have a question.

4 MS. KANE: Sure.

5 COMMISSIONER STEIN: Would it be appropriate to add language to
6 that actually to approve a personal training facility as well as a health
7 and fitness club?

8 MS. KANE: My only concern --

9 COMMISSIONER STEIN: You can say no.

10 MS. KANE: Yes, I guess my concern with that is that with the
11 Pioneer Press building recently being vacated at 60,000 square feet, that
12 might be fine for a reuse as a health fitness facility. But I would
13 really want the ability to regulate the parking on that.

14 COMMISSIONER STEIN: But anybody would have to come in anyway,
15 wouldn't they?

16 MS. KANE: Yes, as a special use. Sure, we could expand it. Let
17 me just, did you look at the list of allowable uses and we know that's
18 not there?

19 COMMISSIONER STEIN: It is not there, I saw the list.

20 MS. KANE: Okay.

21 COMMISSIONER STEIN: Just as this is a two-part process for this
22 Petitioner --

23 MS. KANE: Yes.

1 COMMISSIONER STEIN: And I just thought for the small --

2 MS. KANE: Streamlining it for future --

3 COMMISSIONER STEIN: I don't know that they want them next door but
4 it does seem like if one is okay, the other is okay. It's just a
5 question.

6 MS. KANE: Yes, I think, you know, as another special use it would
7 be appropriate.

8 CHAIRMAN VASELOPULOS: But clearly parking would be an issue.

9 COMMISSIONER HIELSCHER: I was just going to say. It's just a
10 matter of square feet versus parking.

11 MS. KANE: Yes. And I guess the only other concern is that we did
12 publish for tonight's public hearing for a personal training facility.

13 CHAIRMAN VASELOPULOS: Sure. And you haven't done any research
14 along those lines --

15 MS. KANE: No. We do allow for them elsewhere in the Village. I
16 don't recall exactly what districts those are permitted as special uses.

17 I'd be happy to look into that and get back to you with that next month.

18 COMMISSIONER STEIN: Thank you.

19 COMMISSIONER RUBIN: Isn't there a competing place just down the
20 road a little bit north --

21 MR. REARDON: There is a small, next door, the address is 201, next
22 door to the south of the building, next door to, in the same building as
23 Tick Tock, there is a small, 1,100 square-foot Pilates and personal

1 training center.

2 COMMISSIONER RUBIN: Right. Is that a competitor? Are they going
3 to be doing the same thing as you?

4 MR. REARDON: Well, I mean, in the sense that personal training is
5 personal training, the one thing I think that a big difference is one of
6 the big things or things that we would be pushing would be a lot more
7 cardio. As far as treadmills and that type of thing, I need more space
8 than they have for that. I know that almost a third of their space is
9 taken up by Pilates beds and whatever. We will not be dealing with any
10 Pilates in any way, shape or form, now or in the future. And I would be
11 doing a lot more spin-cardio type of thing where 10 or 12 people would be
12 on at a time running off software.

13 So, yes. Yes, we are in the same business. I'm not going to say
14 that we're not. But I don't see us as really competing at all to tell
15 you the truth.

16 COMMISSIONER RUBIN: Do they know that you are planning on coming
17 in?

18 MR. REARDON: We sent a --

19 MS. KANE: Let me clarify one -- I was unaware that there is a
20 similar business already operating. But it was really just Colleen being
21 familiar with the zoning regulations from a neighboring community that
22 she came in to really request to know what the process was. And so,
23 they're going through the proper steps. I'll be happy to follow up.

1 Unfortunately for Ed and Colleen, they've kind of laid the tracks for
2 these neighbors, but they'll have to come in and get their appropriate
3 special use as well.

4 COMMISSIONER STEIN: I was going to say when are we calling that a
5 special use.

6 MS. KANE: I'm sorry?

7 COMMISSIONER STEIN: What this facility did, I was not aware of
8 that it was out there.

9 MS. KANE: Yes, nor was I. And small tenants, you know, oftentimes
10 sign leases, don't even know, don't come to the Village to request.
11 They're unfamiliar with zoning and whatnot. So, we can resolve it as
12 part of that.

13 With next month's public hearing, when a specific proposal is
14 presented for the 203 Northfield Road property, they will be required to
15 send certified mailings to all property owners within 250 feet. And then
16 it would be the property owner's responsibility to make their tenants
17 aware of it.

18 COMMISSIONER RUBIN: Sure.

19 MS. KANE: So, but I imagine when they get a phone call from me in
20 the next week or so, then they'll be aware that something else has made
21 us aware of this. And I'm happy to walk them through the same process as
22 I've walked the Reardons.

23 MR. REARDON: I also talked to the building that they're in because

1 they have almost 15,500 square feet of empty space where the Tribune used
2 to be. And they were willing to lease that space to me, we just simply
3 could not come to terms. So, he was willing, and I don't know how that
4 goes, but just to say he was willing to lease that space to me in the
5 same building that they were, I think, under the auspice. They're
6 really, I understand we're in the same personal training business, we're
7 really going after a different problem and different market. And I would
8 have been in the exact same building as they but I was trying to get just
9 the 10,000 square feet and he said I had to take the 15,500 just to make
10 the numbers right.

11 COMMISSIONER RUBIN: So, your business really is at least a little
12 different from theirs in the sense that they are not emphasizing cardio
13 and you are?

14 MR. REARDON: They're not emphasizing cardio and we are there doing
15 a lot of one-on-one training. We're doing a lot of group, six to seven-
16 person training or whatever. Our facility will probably be, I think it's
17 4,600 or 4,700 square feet, and theirs is probably in the neighborhood,
18 I'm sort of guessing, around 1,000. So, and I know part of theirs is
19 taken up by Pilates beds which apparently they're very good at which we
20 will not be getting into either now or in the future.

21 COMMISSIONER RUBIN: Okay.

22 COMMISSIONER STEIN: And we'll hear about your maximum capacity, et
23 cetera, in the specific --

1 MR. REARDON: In the next month, correct. Right.

2 COMMISSIONER STEIN: Thank you.

3 CHAIRMAN VASELOPULOS: Do any of the other Commission members have
4 any other questions? Does anyone from the audience have any questions?
5 Do we have a motion?

6 COMMISSIONER HIELSCHER: Yes. I move that this Commission approve
7 and recommend to the Village Board for approval a text amendment to
8 Appendix A - Zoning Ordinance, Article XV - MI-Light Manufacturing
9 District of the Northfield Village Code, to identify "Personal Training
10 Facility" as an allowable Special Use and a related text amendment to
11 Article XX - Off Street Parking Regulations, to create a parking
12 requirement for that type of use.

13 CHAIRMAN VASELOPULOS: Is there a second?

14 COMMISSIONER RUBIN: Second.

15 CHAIRMAN VASELOPULOS: All those in favor?

16 (Chorus of ayes.)

17 CHAIRMAN VASELOPULOS: All opposed?

18 (No response.)

19 CHAIRMAN VASELOPULOS: The motion carries. Thank you very much.

20 MR. REARDON: Thank you very much for your time.

21 CHAIRMAN VASELOPULOS: And maybe we'll see you next month.

22 MR. REARDON: Thank you.

23 CHAIRMAN VASELOPULOS: See you next month. The next item on our

1 agenda is to consider and discuss a request for a Special Use to
2 establish and operate a medical office/physical therapy facility located
3 at 300 South Happ Road, Suite 107. The Petitioners are Kosta Sotos and
4 Marina Pajerski doing business as ProMotion Spinal and Sports
5 Rehabilitation.

6 Is someone from the, is the Petitioner here? Would you like to
7 step up to the microphone and be sworn in?

8 (Witnesses sworn.)

9 CHAIRMAN VASELOPULOS: Okay. If you can identify yourself?

10 MR. SOTOS: My name is Kosta Sotos and I am a chiropractor. My
11 partner is Marina Pajerski, she's a doctor of physical therapy. And we
12 are planning on opening, well, we're applying for a special use at 300
13 South Happ Road, Suite 107 in order to open, hopefully, a multi-
14 disciplinary physical therapy/chiropractic office that would offer both
15 pre and post surgical rehabilitation to the community members or to the
16 Village of Northfield as well as the surrounding villages in the area.

17 We have operated this kind of businesses as employees in the North
18 Shore communities for the last, I've been up here since 1995 and Marina
19 has been up with me probably about six years now. And in doing research,
20 we found that the Village of Northfield would be a very good place to
21 actually have this kind of service for the community which would offer
22 various types of rehabilitation for management of any kind of injury,
23 whether it be joint replacement or just basic injury. It's not a

1 wellness center or anything that would be competing with personal
2 training centers or anything else in the area as it is right now.

3 So, we are petitioning for a special use in order to put in
4 basically a physical therapy suite across the street. I don't think
5 there is anything in the area. There are a couple of physical therapy
6 things in the area like Athletico, it's similar but they don't offer,
7 basically most of the physical therapy suites right now as they are offer
8 just physical therapy short of rehab in the City of Chicago which does
9 have me and Marina as well. So, there are some places that do offer
10 both.

11 CHAIRMAN VASELOPULOS: Okay. Anne, did you have anything else to
12 add?

13 MS. KANE: I guess I would just say following up on the last agenda
14 item and for the benefit of the audience members, that the Village Center
15 Zoning District already identifies medical offices, massage therapy and
16 chiropractic uses. And physical therapy is an appropriate special use in
17 this district, so we just need to determine if there are sufficient
18 measures in place that there won't be a negative effect on neighboring
19 properties.

20 We examined the, in this area I think parking is always of concern
21 and the Village Center District in general and in this property
22 particularly. As outlined in Staff's report, the Zoning Code currently
23 requires one parking space per 200 square feet of floor area. And

1 therefore, the physical therapy/chiropractic offices would require four
2 parking spaces which is the same as straight retail. In looking at the
3 fact that they've got three treatment rooms and a massage therapy space
4 that will be utilized by two practicing physical therapists and
5 chiropractors as well as a receptionist, what Staff's report includes on
6 the bottom of page 2 is a suggestion that if there is a parking shortage,
7 employees should be required to utilize the municipal parking lot. We
8 failed to put that as a condition of approval and we think it's most
9 appropriate to place that condition back on this as we have applied that
10 same provision to most of the other tenants that require special uses in
11 the Village Center so that employees are utilizing the municipal lot, so
12 that the on-site parking spaces in front of these tenants are available
13 for clients and customers.

14 And then, I just want to clarify and apologize again, as I do on a
15 monthly basis, that there is a typo in the first condition where I
16 reference a restaurant rather than the chiropractic/physical therapy use
17 which is in the ownership stipulation. That's standard on all of our
18 special uses, that it's not transferrable, and once they own less than 51
19 percent aggregate of the business that a new special use shall be
20 requested.

21 So, that really summarizes the points I think I wanted to make.

22 CHAIRMAN VASELOPULOS: Good, thank you.

23 MS. KANE: Thank you.

1 COMMISSIONER BROCCOLO: Is your customer traffic pretty steady
2 throughout the day or are there hours or peak times?

3 MR. SOTOS: There are peak times. Typically, we see customer
4 traffic, as far as patient basis go, either before work or after work,
5 okay. Typically, we see them at about 7:00 in the morning. It kind of
6 wanes off somewhat in the middle of the day, and then we'll see some come
7 in at 5:00, and then it wanes off again at about 6:00 or 7:00 o'clock.
8 And that's about the times that see, and then during the middle of the
9 day, most of the people that we see are Medicare based, older, elderly.
10 And most of the people that are working are both at the very fringes of
11 the day.

12 COMMISSIONER BROCCOLO: And at peak time, will you have four
13 clients or eight?

14 MR. SOTOS: At peak time in the office, well, there's only two of
15 us and we can probably, each person is going to be a one on one. So,
16 probably at the most, if there is a massage therapist with us, we would
17 see three. That would be about the most, or two and one person sitting
18 or waiting a little bit, maybe a 15-minute wait. So, probably maximum
19 people that would be in the office are about three as far as the patient
20 base go. Yes?

21 COMMISSIONER RUBIN: Will you be offering massage therapy, just --

22 MR. SOTOS: Straight up massage? No. The idea is to offer, it
23 will all be insurance ran, so basically it will work at massage as part

1 of physical therapy or even chiropractic. So, typically in a treatment
2 plan of someone that's insured, they should be massaged and part of the
3 therapy.

4 COMMISSIONER RUBIN: Sure.

5 MR. SOTOS: So, no, it's not offered like it would be at a massage
6 therapist.

7 MS. PAJERSKI: Yes, it's more of a, we call it a manual therapy.
8 It's just, sometimes it's hard for people to understand what manual
9 therapy is. So, some of it is massage as part of physical therapy, so we
10 just simplify it and just call it massage, but it's also manual therapy.

11 COMMISSIONER RUBIN: Right. But forgive me if I am
12 misunderstanding, what I think you're saying is that you're not offering
13 massage in the same way that the Massage Center of Winnetka or places
14 like that --

15 MR. SOTOS: No.

16 COMMISSIONER RUBIN: -- would be offering just massage. This would
17 be pursuant to something injury related or --

18 MR. SOTOS: It would be pursuant to the medical practice act and
19 whatever it says. So, myofascial release is part of treatment and
20 diagnosis and that would be offered versus saying a package of ten
21 massages for \$600.

22 COMMISSIONER RUBIN: Right.

23 MR. SOTOS: Right. No, so it wouldn't work that way. We don't do

1 that now so it wouldn't be, yes, it wouldn't be a massage therapy place.

2 COMMISSIONER RUBIN: But you would be giving massages pursuant to
3 your chiropractic plan?

4 MR. SOTOS: Pursuant to the injury, yes. So, if it's a low back
5 injury, there might be a 20-minute session of deep tissue technic,
6 myofascial release trigger point, and then an adjustment and stretching
7 which is also considered a manual therapy, and rehab which will be
8 strengthening or whatever it needs as far as fixing it to strengthen an
9 area.

10 COMMISSIONER RUBIN: And you will have equipment of course?

11 MR. SOTOS: Yes, there will be equipment, absolutely. So, most of
12 the equipment is going to be anything you need, whatever you would
13 imagine in a place like Athletico would be a similar type of office
14 across the street.

15 COMMISSIONER RUBIN: Thank you.

16 COMMISSIONER HIELSCHER: Anne, I don't mean to put you on the spot,
17 but when Village Chiropractor was there, do you recall what hours they
18 worked on Monday to Friday and Saturday? I'm guessing there is someone
19 in the audience who could probably tell me roughly what hours they were
20 open.

21 MS. KANE: I do not recall. The property owners are also present I
22 believe and they may not recall, but perhaps Gavin or Juli?

23 COMMISSIONER HIELSCHER: That's what I was thinking.

1 MRS. BLUNT: It varied. She very often was closed two days of the
2 week, I believe it was Sunday and Monday, and then her hours varied.
3 Once again, it was before people going to work and then after work, so it
4 was by appointment. But I think her general hours were 10:00 to 5:00.

5 COMMISSIONER HIELSCHER: Thank you, Juli.

6 CHAIRMAN VASELOPULOS: I have a question. It sounds like you've
7 been doing this for a little while. Where were you located before?

8 MR. SOTOS: Offices in Lake Bluff and Highland Park.

9 CHAIRMAN VASELOPULOS: And what?

10 MR. SOTOS: Highland Park. I've also worked in the City at Swedish
11 Covenant Hospital as well as Northwest Community Hospital where I worked
12 with some orthopedic surgeons down there and that's where I did most of
13 my post and my rehabilitative stuff for surgical treatment. And then
14 Marina has been doing work in outpatient rehab facilities and now she is
15 doing home care. So, she's doing post surgical, elderly, running around
16 doing all the home care stuff. So, both of us have been up this way. We
17 were both together in Highland Park though, yes, and Lake Bluff.

18 CHAIRMAN VASELOPULOS: And this will be your only facility, right?
19 You don't have anywhere else?

20 MR. SOTOS: This will be ours, yes. So, and the other ones we
21 worked as employees, so this is opening up a similar niche here in
22 Northfield.

23 CHAIRMAN VASELOPULOS: Is this your first venture on your own?

1 MR. SOTOS: Venture on our own, yes. This is it.

2 MS. PAJERSKI: Well, I am self employed now. As been mentioned, I
3 -- but I am self employed now.

4 CHAIRMAN VASELOPULOS: Okay. Does anyone else in the Commission
5 have any questions? Does anyone in the audience have any questions?
6 Yes?

7 TRUSTEE WARGA: George Warga.

8 CHAIRMAN VASELOPULOS: Yes? Trustee.

9 TRUSTEE WARGA: Just the number, I just question why our zoning has
10 an approval of the four spaces where such a place, it's not that, there
11 seems to be adequate space for parking for this facility but after
12 Building said, well, they only need four when apparently you need more
13 than four because you have two plus two employees possibly, that's four
14 people plus the patients.

15 MS. KANE: I can respond. I mean, it's simply that's what our
16 Zoning Code states and it's probably taken off of a national survey that
17 looks at chiropractic offices in all sorts of suburban settings. George
18 and I did have some dialogue earlier today regarding this and I tend to
19 agree with him that similar to how we anticipate that, we may want to
20 park the personal training facility which will be based on one per
21 employee and one per client at maximum capacity, that a similar parking
22 requirement for medical uses would be more appropriate, one for, you
23 know, two per treatment room because you'd have potentially a patient or

1 a client in the treatment room and one waiting. And if it has to be on
2 site, one per all employees or at least in an adjacent municipal lot
3 that's available for employee parking would probably be a more
4 appropriate parking standard to apply.

5 You know, as a special use, we can hold this medical use to a
6 higher standard than required by code, and that's why Staff felt
7 comfortable putting the extra condition about the employee parking. But
8 to follow up on Trustee Warga's point that if there is interest or if so
9 directed by the Board of Trustees when this is discussed on the 19th,
10 we'd be happy to publish for a text amendment to amend our parking
11 requirements. But it may be that we really need to take a thorough
12 examination of all of our parking requirements and see if there's other
13 uses that in Northfield's experience a more local organic parking
14 requirement might be more appropriate for us. We can probably best gauge
15 really how certain uses are generating parking requirements in our own
16 community.

17 TRUSTEE WARGA: We have another item on the agenda tonight also on
18 the same site. And if one starts calculating out the parking spots, I
19 think it's important to more realistically point out what is available
20 now. And so, I strongly suggest that we don't forget this as a four-
21 parking-space usage when we're looking at the numbers. And as Anne
22 suggested, that we really need to look at all the businesses in the area
23 such as this, I understand there's other facility with some personal

1 training that will also, somewhere in the area that's located, the spaces
2 that they're using. I can tell you as a business owner in the Village of
3 Winnetka, they had not looked at that very thoroughly and there is a huge
4 problem in the downtown area for parking because they had not allotted
5 for the usage of the spaces appropriately and they're swimming upstream
6 right now.

7 CHAIRMAN VASELOPULOS: Okay. Well, at the very least, I think Anne
8 has suggested that in our motion we'll have to add the concept that
9 employees would park in the municipal lot. Do we want to throw something
10 else in there about the Village looking at this situation? Anything
11 about that from the Commission?

12 COMMISSIONER RUBIN: I wonder whether we can, because the Village
13 so far has certain rules and until they change them I think that
14 petitioners are entitled to abide by the rules that presently exist. If
15 they were to change, that's one thing. But I don't know that we have the
16 power to impose a different plan on a different scenario than the Village
17 rules presently call for. So, I'm ready to make a motion.

18 COMMISSIONER HIELSCHER: I agree with Len, I think we can and
19 certainly I would -- onto the Board when George was here, we can
20 certainly send a strong message to the Board for their meeting that
21 obviously we're dealing with two uses at the same, well, for all
22 practical purposes the same location here and we're all concerned about
23 what is currently required by our Village Code. But I agree with you,

1 Len, the fact of the matter is this Commission is bound to operate under
2 what are the dictates of our Village Code. We are not, we do not have
3 the authority to make amendments to the Village Code when it comes to
4 what the Village Code states is the parking requirements and the spaces
5 that need to be provided under the Code. But I think certainly at best
6 we can be sending that message and echoing George's comments so the
7 balance of the Board knows everyone is concerned.

8 CHAIRMAN VASELOPULOS: Are there any other comments from the
9 Commission? Any other comments from the audience? Does someone want to
10 take a crack at a motion?

11 COMMISSIONER RUBIN: I'll try.

12 The Plan and Zoning Commission moves to approve and recommend to the
13 Village Board for approval a Special Use to allow the establishment and
14 operation of a chiropractic medical office with massage therapy in Suite
15 107 of the Northfield Village Center commercial building located at 300
16 Happ Road, to be operated as ProMotion Spinal and Sports Rehabilitation,
17 in accordance with the Petitioners' Application and Supporting Materials,
18 date stamped received November 30, 2009, subject to the following
19 conditions:

20 1. The Special Use shall be personal and limited to the Petitioners,
21 Kosta Sotos, DC, FACO, and Marina Pajerski, DPT. Upon change in or
22 transfer of ownership of the business, the Special Use shall lapse.

23 Change in ownership shall occur when the Petitioners and any

- 1 corporation, partnership or other business entity in which the
2 Petitioners owns 100 percent of the stock and/or assets, shall in
3 the aggregate own less than 51 percent of the chiropractic medical
4 office. The 51 percent minimum ownership requirements shall apply
5 regardless of whether the business is owned by a corporation,
6 partnership or other business entity. Furthermore, the Special Use
7 shall only be applicable to the subject property.
- 8 2. The chiropractic/therapy facility hours shall be limited to 7:00
9 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 1:00
10 p.m. on Saturdays. The office shall only be permitted to open
11 beyond these hours for emergency care.
- 12 3. The floor plan of the chiropractic/therapy facility shall remain in
13 conformance with the Special Use application Exhibit A and shall
14 not exceed 850 square feet.
- 15 4. The representations made in the application and supporting
16 documents are binding upon the Petitioners. There shall be no
17 additional uses permitted beyond those specifically enumerated
18 herein or permitted by the Village of Northfield's Zoning
19 Ordinance. Any change in the use of the tenant space shall require
20 an amendment to this Special Use.
- 21 5. All individuals offering service to clients or patients shall be
22 licensed as required by the State of Illinois.
- 23 6. Any exterior signage used for the medical office shall be subject

- 1 to the review and approval of the Architectural Commission.
- 2 7. The Village of Northfield Health, Fire, and Building Officials
3 shall be granted access to the subject property at any reasonable
4 time for purposes of conducting inspections for compliance with
5 Village Codes and Ordinances.
- 6 8. An approval pursuant to any requested review by a Village
7 consultant, Village staff member, Village Commission or Village
8 Board Committee shall be an approval of only those items specified
9 in any motion, resolution, ordinance, or written report. Such
10 approval shall not be deemed to be an approval of any matter which
11 is within the jurisdiction of any other Village consultant, Village
12 staff member, Village Board Committee or Village Commission that
13 has not issued a report or given its approval. Neither shall such
14 approval be deemed the approval of any County, State or Federal
15 Agency. Under no circumstances shall the approval be deemed to be
16 an approval of any matter not included in this ordinance by virtue
17 of the fact that such a matter appeared on a supporting document
18 which is not attached as an exhibit to this ordinance or
19 incorporated as an exhibit as part of this ordinance.
- 20 9. The Petitioner shall comply in all other respects with the
21 ordinances of the Village of Northfield and nothing in this Special
22 Use shall be construed as a waiver of any of those requirements.
- 23 10. The Petitioner shall require that all employees use the municipal

1 parking lot facilities in the area.

2 11. Changes in the project may only be made as follows:

3 a. Minor Field Changes. Minor changes in locations or sizes
4 shown on exhibits may be approved, in writing, by the
5 Director of Community Development. Typically, a minor field
6 change will not involve a percentage change greater than 3
7 percent. However, not all changes of less than 3 percent
8 shall necessarily be deemed to be minor. The determination
9 of the Director of Community Development as to whether a
10 change is a minor field change shall be final.

11 b. Village Board Approval Changes. The Village Board may
12 approve, without referral to the Plan & Zoning Commission,
13 such other changes as it believes are in the best interests
14 of the Village and which do not have a substantial, direct
15 impact on adjacent properties. The determination of the
16 Village Board as to whether a requested change shall be
17 referred to the Plan & Zoning Commission shall be final.

18 c. Changes Requiring a Public Hearing. Any change involving a
19 number found in the text of the Ordinance or any change
20 having substantial, direct impact on adjacent properties
21 shall not be made except after a public hearing before the
22 Plan & Zoning Commission. Additionally, the Village Board or
23 the Director of Community Development may refer any requested

1 change to the Plan & Zoning Commission for public hearing
2 when either believes it would be in the best interest of the
3 Village to do so.

4 CHAIRMAN VASELOPULOS: I think our language, Len, is along the
5 lines of instead of if necessary, it's they shall be required.

6 COMMISSIONER RUBIN: I'm willing to change that absolutely to they
7 shall be required.

8 COMMISSIONER HIELSCHER: And if I could just tack on that paragraph
9 one be amended to reflect the typo, instead of restaurant, chiropractic
10 medical office.

11 CHAIRMAN VASELOPULOS: So, Len, you're tacking that on, too, to
12 your motion, right?

13 COMMISSIONER RUBIN: Yes, I am.

14 CHAIRMAN VASELOPULOS: Okay. Do we have a second?

15 COMMISSIONER HIELSCHER: Yes.

16 CHAIRMAN VASELOPULOS: All those in favor?

17 (Chorus of ayes.)

18 CHAIRMAN VASELOPULOS: All opposed?

19 (No response.)

20 CHAIRMAN VASELOPULOS: The motion carries. Thank you very much.

21 MR. SOTOS: Thank you.

22 CHAIRMAN VASELOPULOS: And good luck to your new endeavor.

23 MR. SOTOS: Thanks so much. Happy New Year everyone.

1 CHAIRMAN VASELOPULOS: Thank you. You, too. Our third and final
2 item on our agenda is to consider and discuss a request for a Special Use
3 to establish and operate a fast service sit-down restaurant with outdoor
4 seating and carry-out service located at 300 Happ Road, Suite 108 and
5 109. The Petitioner is Robert Mages --

6 MR. MAGES: Mages.

7 CHAIRMAN VASELOPULOS: Mages, excuse me, thank you, doing business
8 as U Dawg U.

9 (Witness sworn.)

10 MR. MAGES: Hi.

11 CHAIRMAN VASELOPULOS: Good evening, please state your name.

12 MR. MAGES: Robert Mages, and this is in reference to 300 South
13 Happ Road, Suites 108 and 109. As I've kind of explained in my letter,
14 I've been in the business for many years. I consider it more of an
15 upscale type of fast food restaurant in that being cleanliness be of most
16 concern, consideration for my neighbors and the community around. And I
17 just, over the years, the trend has been towards more of a healthier fare
18 so I have adapted my menu accordingly. So, here's a hotdog establishment
19 with also a very, kind of extensive healthier menu such as turkey
20 burgers, veggie burgers, veggie stir fry, salad bar. I do a lot of salad
21 bar business. It's really what we do.

22 CHAIRMAN VASELOPULOS: Anne, do you have anything else to add?

23 MS. KANE: Sure. If I can just, again for the benefit of the

1 audience, Rob Mages is here tonight requesting a special use for Suites
2 108 and 109. This was space that was previously occupied by Trout and
3 Grouse that you may all be familiar with that vacated the space back in
4 2007. It has been vacant since then. And I think from our initial
5 meeting probably eight or ten weeks ago, any time a restaurant is
6 proposed for inline retail adjacent to residential units, there is a
7 particular heightened concern that I have developed over my 15 years in
8 the planning business in the North Shore communities that, you know, we
9 need to take every measure to mitigate the potential negative effects of
10 cooking odors, grease, garbage, pest, insects, and balancing the parking
11 demands of the various tenants within that center.

12 So, from my initial meeting with Rob, he has been made aware of the
13 concerns and has agreed to follow the same build-out design that was
14 utilized when the predecessor, the Viccino's Pizzeria which is right in
15 the same retail tenant building was built out back I believe in 1997,
16 Piero's Pizzeria, given similar and valid concerns expressed by
17 neighboring tenants at that time. Having worked at a chocolate store in
18 high school, I know how sensitive chocolate is to garlic and the smells
19 of a pizzeria next door. So, you wouldn't want that coming into that.
20 And a clothing store doesn't want to absorb those smells either. So, Rob
21 was made aware of those building specifications and a detail of that was
22 included in his packet because he understands he needs to follow those
23 same vapor barrier build-out techniques that were used to contain those

1 smells as well as upgraded ventilation system to make sure those odors
2 and materials are dissipated in the air.

3 I just want to say that you did receive several letters from
4 neighboring property owners on your packet. Copies of those were
5 included in each of your reports. And this afternoon, I did take a look
6 at all the health inspection reports. As you may or may not be aware,
7 the Village's health inspector does conduct routine inspections of all
8 food service establishments in the Village three times a year. And I
9 went back over the past several years, there have been no reportings or
10 evidence of complaints of pest, vermin or insects, you know, out of the
11 ordinary, I think we have ants in this building, that were noted in any
12 of her inspections. And we do get monthly pest extermination reports
13 from all food service establishments in the Village.

14 And finally, you know, the last issue which I think will probably
15 be discussed in detail, we encouraged the Petitioner to conduct a survey
16 of the parking lot to really ascertain how the space is being utilized,
17 when are the peak hours. I know in driving by the center in the
18 mornings, it's certainly not busy in the morning, but being a hotdog fast
19 service restaurant, we thought focus on the lunch hour, peak hours and
20 the evening dinner hours, and demonstrate that there is adequate parking
21 to support your petition. As well as Staff did a summary chart of what
22 is currently in the books as far as the parking requirements for each and
23 every tenant there. And as it demonstrates that if we do have the off-

1 site employee parking requirement on those uses that we can stipulate
2 that on, that there is adequate onsite parking to accommodate all the
3 tenants with an excess of all of 11 spaces.

4 So, and finally, I guess the last one, two more things, you'll see
5 that one of Staff's conditions, and Rob and I spoke about this last week,
6 is that with the number of outdoor tables proposed in the patio dining
7 area, we felt that was a bit excessive. We suggest rather than eight
8 tables that accommodate 32 patrons, why don't we start out with four
9 tables that accommodate 16 for two reasons. One, the property owners are
10 planning some landscape improvements in this area and we don't want to
11 either encroach onto the outdoor dining patio or, you know, prevent some
12 landscaping from being installed. It's also at a location where the
13 handicap accessible ramp is located, and so we want to make sure that
14 that is maintained. So, Staff's recommendation is to reduce the outdoor
15 seating to a maximum number of 16 seats.

16 And finally again, a repeat of my last apology is that condition
17 number 6 has a typo and it references medical office in this case rather
18 than restaurant. Rather than retyping all these conditions, I used the
19 WordPerfect cut and paste, so I apologize for that. That's regarding the
20 Architectural Commission's review and approval of any exterior signage
21 that would be proposed for this new restaurant. So, that really
22 summarizes the points I wanted to make sure you understood.

23 CHAIRMAN VASELOPULOS: Did you have anything more to add to any of

1 her comments? Any detail or anything before we open it up to questions?

2 MR. MAGES: No, other than, you know, I totally understand some of
3 the concerns of some of the neighbors as far as my tenant neighbors. And
4 you know, I would do everything I can to mitigate any kind of a problem
5 that might occur.

6 CHAIRMAN VASELOPULOS: Any questions?

7 COMMISSIONER HIELSCHER: Do you have, I'm assuming you have no
8 issue with Staff's recommendation to reduce the number of outdoor tables
9 to four and maximum seating of 16?

10 MR. MAGES: No. No, I thought that was certainly fair as far as I
11 was concerned.

12 COMMISSIONER HIELSCHER: And secondly, who conducted the parking
13 lot study?

14 MR. MAGES: Myself, my wife, that was it.

15 COMMISSIONER HIELSCHER: I assumed that, I just wanted to ask. All
16 right, thank you.

17 COMMISSIONER STEIN: Just another detail of correcting typos, the
18 past petition and this petition, you have building B and building C
19 reversed.

20 MS. KANE: Thank you.

21 COMMISSIONER STEIN: In other words, Building B is the four-story
22 residential building. It's in your background information.

23 MS. KANE: Yes, thank you.

1 COMMISSIONER STEIN: Building C is the 14,000 square-foot single-
2 story retail. I was confused.

3 MS. KANE: I'm sorry to confuse you.

4 COMMISSIONER STEIN: And there was a stipulation by the health
5 inspector?

6 MS. KANE: Yes, for a hand sink.

7 COMMISSIONER STEIN: For an additional sink. Have you seen that
8 requirement?

9 MR. MAGES: A hand sink, correct, yes.

10 COMMISSIONER STEIN: At the end of the big sink --

11 MR. MAGES: Well, the three-compartment sink is really for dishes
12 and things like that, so you're --

13 COMMISSIONER STEIN: So, there's actually three hand sinks in the
14 kitchen area?

15 MS. KANE: No.

16 MR. MAGES: Our three-compartment sinks are deep, kind of about so
17 deep really for a wash/rinse.

18 MS. KANE: And the Health Code does not want you washing your hands
19 in the dish sink.

20 MR. MAGES: Right, to wash hands in the sink place with your --

21 COMMISSIONER STEIN: Okay, because the right kitty corner is
22 another sink and then right at the end if you're serving --

23 MR. MAGES: They expect to get a lot of --

1 COMMISSIONER STEIN: So you want to -- okay. As long as you're
2 aware of that requirement.

3 MR. MAGES: Yes.

4 COMMISSIONER STEIN: And then I have a question. Again in this day
5 and age, there are many vehicles that are fuel-powered that now are
6 retrofitting to use used cooking oil. Do you have any kind of means of
7 disposal of your used frying oil?

8 MR. MAGES: It gets stored and a recycle company recycles it. So,
9 that all goes into a little containerized grease container that's in my
10 refuse area that gets recycled.

11 COMMISSIONER STEIN: Good.

12 MR. MAGES: Yes.

13 COMMISSIONER RUBIN: I assume that you have at least read the
14 letter from --

15 MR. MAGES: I have.

16 COMMISSIONER RUBIN: Asking that we do not approve this. It seems
17 to me from a quick look at them that their major concerns deal with odors
18 and garbage. And so, I'm just curious as to how you plan to deal with
19 both, or do you even plan to deal with both of those objections? How
20 would you --

21 MR. MAGES: I'm going to bring my contractor to help out with this
22 a little bit if I could.

23 (Witness sworn.)

1 MR. NEUBERG: My name is Ben Neuberg from Chas Bender Company.
2 We're restaurant builders since 1898. And you're not going to eliminate
3 all the odors of a restaurant. A lot of the odors are eliminated at the
4 hood with the type of grease filters that you use because if you
5 eliminate some grease or a majority of the grease, you eliminate some of
6 the odors. So, he's going to a high efficiency grease filter which a lot
7 of the hood suppliers are making now that get washed much more often,
8 once or twice a week. And they're a much thicker filter that catches a
9 lot more of the grease.

10 And then all the exhaust fans, they are up blast exhaust fans where
11 they don't distribute the odor down onto the roofs. They push the
12 exhaust up away from the roof level. So, I think those are two major
13 ways that the odors are eliminated somewhat. But odors will not be
14 totally eliminated. Just like the pizza place next door, there is odor
15 that comes with food cooking, you know. It's not totally, there is odor
16 that comes out of a garbage can and you won't totally eliminate that.

17 But that odor is outside the space and is not in the space. And if
18 it is in the space, he's -- in the space with the specifications that
19 they used in 1997 for Piero's that kept the odors within the space so the
20 hood can capture those odors, those exhaust odors.

21 COMMISSIONER RUBIN: Right. I don't think that the letters deal
22 with odors within the space.

23 MR. NEUBERG: No.

1 COMMISSIONER RUBIN: They're more concerned with odors that
2 dissipate.

3 MR. NEUBERG: Right.

4 COMMISSIONER RUBIN: And there used to be, years ago, and may still
5 be a technique that some, certainly theaters with popcorn stands used
6 distributing the odors low to entice people to come in, right, to
7 stimulate their hunger.

8 MR. NEUBERG: Sure. And this is the opposite system. This system
9 shoots the odors up. We just installed exhaust fans like that at Skokie
10 Country Club in Glencoe and it's right at the front door entry to the
11 Skokie Country Club and you're not getting any complaints from anybody
12 with wedding parties or golfing outing parties or anything else that the
13 odors are at the front door of that space even though the exhaust fan is
14 within ten feet of the front door of the space. So, at the end, it is --
15 excuse me, luckily the winds, the prevailing winds should push the odor
16 more towards the commercial end, more towards Happ Road than back towards
17 the west. So, any odors that are up in the air should in most winds be
18 pushed towards Happ Road rather than up back towards the apartment and
19 condo complexes.

20 COMMISSIONER RUBIN: I'm familiar with your longstanding work that
21 you did --

22 MR. NEUBERG: You're not going to have food without odor, I mean it
23 does not happen.

1 COMMISSIONER RUBIN: I understand.

2 MR. NEUBERG: But are they, is the industry definitely in the trend
3 towards eliminating those odors and grease? Without a doubt, especially
4 the grease. No question about it.

5 COMMISSIONER RUBIN: Good. What about the garbage?

6 MR. MAGES: The garbage would be monitored constantly. So, first
7 of all, it's containerized, it's closed, the garbage cans are closed,
8 required to be closed. We cannot have them open, I wouldn't allow them.
9 I am a stickler about cleanliness. I will be out there constantly. My
10 employees will be out there monitoring constantly because, you know, I
11 don't want to have any connection to any kind of a rodent or any problem
12 that could occur because --

13 COMMISSIONER RUBIN: What I'm more concerned about, concern is the
14 wrong word, what I'm really asking about is the garbage that will or
15 could be strewn about in front of the place because of the tables
16 outside.

17 MR. MAGES: You know, I can only say that I've been in the business
18 for many years, and if anybody has ever had the opportunity to patronize
19 one of my restaurants, cleanliness is of the utmost importance. As far
20 as there's a piece of french fry that's sitting on the pavement in front,
21 it wouldn't bother me one bit myself to walk out there and make sure I
22 clean it up. It's not as though, you know, it wouldn't be, that's the
23 easiest thing to do.

1 So, you know, I'm a stickler for cleanliness. I mean, I just, it
2 has to be that way. And again, if anybody ever had an opportunity to go
3 to one of my restaurants, I think they would agree with me.

4 MR. NEUBERG: Are you busing the tables on the outside or are they
5 busing their own tables?

6 MR. MAGES: No, we --

7 MR. NEUBERG: You bus them.

8 MR. MAGES: Yes, I have --

9 COMMISSIONER RUBIN: You will be busing the tables outside?

10 MR. MAGES: Well, my staff. I have a staff, employee staff that
11 will be dedicated to the front area of my business, and during any kind
12 of peak hours for sure. So, I mean that's an ongoing thing and that's at
13 my labor expense that I do that because that's the way it has to be. So,
14 you know, as far as I'm concerned the only way a restaurant should be
15 handled.

16 COMMISSIONER RUBIN: Thank you.

17 MR. MAGES: Thank you.

18 COMMISSIONER BROCCOLO: Could you talk to me about the outdoor
19 seating? There are other concerns I think we'll hear tonight. One is
20 the parking but also the outdoor seating in an area to me that doesn't
21 seem to be designed to accommodate that. It just seems to be tight, and
22 then you put some tables out there, people trying to go back and forth
23 and all that, that retail frontage, it seems like it will be congested.

1 If there is a french fry on the floor, it's going to look bad to somebody
2 that's there, you've got to pick it up eventually. And that's a concern
3 to me as I was hoping you'd address that.

4 MR. MAGES: No, I understand. And really, outdoor seating I think
5 is a, that would be more of a privilege to me than even the special use
6 that I'm requesting tonight as far as having a restaurant in this
7 facility. I think that outdoor seating is a desirable thing to patrons.

8 I mean, they enjoy it so it's something I obviously would want to offer,
9 again, with, you know, very scrutinized, keeping an eye on it with, you
10 know, very diligently.

11 So, I mean, I can't control, you know, people's habits but I can
12 certainly be right behind them to clean it up. That's what we would do.

13 So, there wouldn't be, you would not see an empty basket sitting on a
14 table or, I mean, that's just, I can't operate that way.

15 CHAIRMAN VASELOPULOS: Your schematic shows eight tables and the
16 Village has in essence recommended that you have only four. How would
17 you pare these eight down to four? What would be the design?

18 MR. MAGES: Well, actually Anne and I had kind of discussed that
19 about a week or so and I had not, that design was put together from then.

20 So, I mean I did not redo the design in anticipation that I know there
21 is a, you know, there is a public walkway there. So, I mean, you know,
22 to be minimized certainly didn't bother me at all if that was the case.
23 We'd really have to look at it and lay it out the best way possible.

1 CHAIRMAN VASELOPULOS: But you don't have an idea right now which
2 four you would give up?

3 MR. MAGES: You know, I don't.

4 MR. NEUBERG: This just came up, the news on the table. And then
5 we'd almost have to wait to see what the landscaping changes or what
6 changes the landlord is contemplating. And then we can come back to this
7 issue and set up a, you know, get a good plan of attack. That was just a
8 quick drawing to see what we could come up with on outdoor seating. But
9 there is quite a bit of room even with the handicap ramp in that area,
10 depending on how they go back and relandscape that area.

11 I think you get up, the tables squeezed in there might give you a
12 false impression of what room there is. There is quite a bit of room
13 even if you then get to that ramp here, there's quite a bit of room in
14 front of the stores. In other words, the sidewalk space in front of the
15 stores is pretty ample if it was one row of tables that sat four around
16 the table, if it was a 36-inch or 30-inch table. There is room without
17 even getting out on that handicap ramp.

18 But if we can see what's contemplated as far as the landscaping on
19 that ramp area, then we can reconfigure those tables. And to be honest
20 with you, if we lost one more table, it won't be the end of the world. I
21 think the trick is just to have a few tables so people that, when it gets
22 nice out, want to have something outside they could. Or if they feel
23 their kids are a little too loud and they want to sit them outside with

1 noise and all, they put them outside more or less.

2 I don't think it's so much how many seats we can cram in. I don't
3 think that's what he's interested in. I think it's just the actual
4 sitting outside and people seeing some nice canopies on a table so the
5 place looks not like a hotdog shack, so it looks sort of like a café more
6 than a shack.

7 CHAIRMAN VASELOPULOS: Do you know if you would have anything
8 before the Village Board meeting?

9 MR. NEUBERG: Could we have? Sure we could.

10 CHAIRMAN VASELOPULOS: If the property owners are going to --

11 MR. NEUBERG: Oh, sure we could. Oh, sure. Within the next couple
12 of days --

13 COMMISSIONER HIELSCHER: Just a comment and then a couple of
14 questions. I would echo Chris' comments. I'm really uncomfortable
15 recommending to the Board approval at this point that includes any
16 provision for outdoor seating. We have a Subway over there, and this has
17 nothing to do with your application, but there are tables available down
18 at that end if someone wants to sit down and eat outside. I'm at least
19 aware of one or two round tables at that end.

20 MS. KANE: There are picnic tables that are in the plaza area that
21 I think are open to any of the tenants.

22 COMMISSIONER HIELSCHER: Yes, the plaza area. So, if somebody
23 wanted to take their bag, they would be able to sit there.

1 MS. KANE: They could certainly walk down the street.

2 COMMISSIONER HIELSCHER: Question, and Anne, I think I'm going to
3 need to ask you this as well, I'm just trying to square myself with, I
4 know there's 152 parking spaces provided to sort of the overall area.
5 And your study dealt with 80 spaces. Can someone reconcile for me what
6 80 we were talking about there?

7 MR. MAGES: From the mid entrance to the center which is kind of
8 right towards where the -- will be, south, around the back towards where
9 the refuse area goes.

10 COMMISSIONER HIELSCHER: Okay.

11 MR. MAGES: And that was only spaces that I counted in my side.

12 COMMISSIONER HIELSCHER: Okay. And then I guess, well, this is a
13 little premature, but any of the tenants in the retail space could
14 comment on this, I'm curious of the owners of the property in general
15 have ever been asked to designate spaces for certain establishments. But
16 we can get to that when we go to the public comments, but I just want to
17 throw that out there in case anybody want to comment on that.

18 MR. MAGES: Well, there's actually I think Viccino's, if I can say
19 that I think Viccino's has a couple of designated like 15-minute, I think
20 there's two, yes, a couple that are designated --

21 MS. KANE: There's some short-term, I know.

22 MR. NEUBERG: One more thing on the outdoor dining, I think he is
23 thinking more what we would call trade service on the outdoor dining

1 where a patron would come in the store, get a bagful of food, come out
2 with like a Burger King and unwrap the food. He's taking the food, it
3 would be on a tray in a basket -- the tray. The tray will go back in,
4 the basket will go back in. So, it's not where somebody is going to walk
5 down, you know, 50 feet or 60 feet with a bag, not that he's not willing
6 to do that but that's not what he's envisioning. In other words, because
7 he's envisioning more of a café than a fast food type of place.

8 COMMISSIONER HIELSCHER: Right, thank you.

9 CHAIRMAN VASELOPULOS: Any other questions from the Commission?

10 COMMISSIONER STEIN: I have a question concerning the vapor
11 barrier, and this meets I think all of the specifications that the
12 Village would ask for. And you have stated that you would be applying it
13 on the north wall. Is there any reason that, on the north wall is a
14 clothing store, on the south wall is the chiropractic massage facility,
15 is there any reason you would not be doing the same thing on that south
16 wall?

17 MR. NEUBERG: No.

18 MR. MAGES: No. Really it was only pointed out to me that that was
19 the way that vapor wall on the north wall is what should have been put in
20 the space to prevent any kind of an odor pass through. As far as I'm
21 concerned, doing it on the south wall is, certainly that would be fine as
22 well.

23 COMMISSIONER BROCCOLO: All your cooking is on the north wall.

1 MR. MAGES: Right, exactly. And all the ventilation, north wall.

2 MR. NEUBERG: We're actually contemplating leaving the existing
3 wall, not even touching the drywall on that wall, so totally no problem
4 in putting up another false stud wall with insulation, vapor barrier and
5 drywall. And there is not, we haven't even touched the existing wall so
6 there will be no penetration to the existing wall at all. We have our
7 own wall with our gas lines, our electric in it, insulation, vapor
8 barrier and drywall, and it would kill any chance of odor getting
9 through.

10 COMMISSIONER RUBIN: I think that's a good point and should be done
11 on the south wall, too.

12 MR. NEUBERG: That's not difficult at all.

13 COMMISSIONER STEIN: I have one other point. I don't know if there
14 would be any objections, but you state in your application that you would
15 reserve the option of extending your hours, one hour on Monday through
16 Friday and three hours on Saturday to be open until 10:00 p.m. And my
17 suggestion would be if that is what you want, you should apply for it now
18 so you don't have to come back.

19 MR. MAGES: Okay.

20 MS. KANE: That's what's reflected in the conditions for the hours
21 of operation.

22 COMMISSIONER STEIN: Oh, sorry.

23 MS. KANE: I did extend it to the max that he was requesting for

1 that, that would be necessary.

2 COMMISSIONER STEIN: Okay. Thank you, Anne, I didn't catch that.

3 CHAIRMAN VASELOPULOS: Any other questions from the Commission?
4 Does anyone in the audience have any questions? You have to step up to
5 the microphone please, identify yourself.

6 (Witness sworn.)

7 MRS. BLUNT: First, I'll say hi to everyone, wish you a Happy 2010.
8 As many of you know --

9 CHAIRMAN VASELOPULOS: Excuse me for a second. If you can state
10 your name please for the record?

11 MRS. BLUNT: I'm sorry, Juli Blunt, owner of Fresh Ideas Clothing
12 Company.

13 CHAIRMAN VASELOPULOS: Thank you.

14 MRS. BLUNT: As many of you know, I grew up in this Village. I
15 eat, live and breathe Northfield. I am very, very excited with all the
16 new business opportunities we have here. I'm very excited to have some
17 new tenants in the center. The space next door to me has been empty for
18 quite some time, so it's great to have a new tenant.

19 I do have several concerns I'd like to state, the first being, that
20 being a women's clothing, a retail clothing store, any smells that are
21 absorbed in clothing cannot be removed. And my biggest concern is as
22 when they built Piero's, there were stipulations and guidelines that they
23 used to basically prevent any odors to getting into my space. And with

1 that said, they did a great job. We still have some issues and this is
2 with any restaurant, and there are good smells and then there are not so
3 good smells, with the doors being open when cooking is being done
4 especially during summertime, those odors still infiltrate into my store.

5 If in fact I can get a guarantee that the build-out is going to be
6 such that there are no odors that permeate my clothing. I am all for
7 that space being leased. I would love nothing more than to have the
8 center a hundred percent leased and I think it's good for Northfield and
9 good for our surrounding communities. I think it's really healthy to
10 have a vibrant Downtown Northfield.

11 I also have a concern with parking. When the Yoga Studio first
12 opened, we had a problem with parking because there is no signage and
13 there is no limitation as to how long people can park where. I asked for
14 all my employees to park all the way around the side of the building, to
15 leave any parking available for our customer base whether it be Rocky
16 Mountain Chocolate Factory, Northfield Nails, Viccino's, Capriccio's,
17 chiropractor. We need to leave those spaces open for our customer base.

18 We are in the customer service business.

19 And I can tell you when the Happy End opened across the street from
20 us and it's a, I love the restaurant and I can tell you right now parking
21 is an issue there. Parking is an issue all through Downtown Northfield
22 and the center is no different. We have a lot of businesses and
23 fortunately a lot of businesses that are doing well. But we need to

1 address the parking issues.

2 COMMISSIONER STEIN: Do you have any suggestions?

3 MRS. BLUNT: One would be the employee parking. And two, possibly
4 have a certain amount of designated parking places for businesses.

5 COMMISSIONER HIELSCHER: Has the owner of the property ever offered
6 you as a tenant designated parking spaces for your business?

7 MRS. BLUNT: No. I will say that through the help of the property
8 owners and several communications with the Yoga Studio, we finally were
9 able to address some of the parking issues. You go to a yoga class, it's
10 a two-hour class or an hour and a half class. And if the class started
11 at 10:00 o'clock, it would take up 20 parking places until 11:30. I
12 actually had customers telling me there was no place to park, and I will
13 tell you that Northfield Nails had the same situation. I don't like to
14 speak for other businesses in the center but I think the parking needs to
15 be addressed.

16 And we had people from the property across the street, when they
17 can't find parking, they come over to our center. So, perhaps what we
18 need to do in a follow up meeting is put up signage, "Parking for this
19 property only." And maybe enforce it through our Northfield Police
20 because God love those guys, they're going through the parking lot
21 looking for stickers that are expired, seriously. So, perhaps that's
22 something we need to do going forward.

23 COMMISSIONER HIELSCHER: Do you think the owner of the property

1 would be willing to expend the funds to put up signs indicating that --

2 MRS. BLUNT: I would hope so. I would say that they could --

3 COMMISSIONER HIELSCHER: Well, he's here. Could you answer that?

4 AUDIENCE MEMBER: Yes.

5 COMMISSIONER HIELSCHER: Thank you.

6 MRS. BLUNT: And I know they have plans to upgrade the center and
7 do some beautification to it which is wonderful. But I think parking
8 does need to be addressed and I need some guarantee that when a
9 restaurant goes into that center, that what I am selling in my business
10 has value. I've worked very, very hard over the last 15 years as many of
11 us have. And a \$200 sweater that smells like french fries is worth
12 nothing to me or my customers.

13 COMMISSIONER STEIN: Well, going back to your comments about odors,
14 it sounded like they're not coming through the demising wall but they're
15 coming out the door and in your --

16 MRS. BLUNT: I'm going to have Gavin address that but it's both.
17 And the garbage is also an issue. When you've got three restaurants in
18 one, you know, space like that, the trash constantly is an issue. I will
19 tell you that very often I'm picking up trash, especially summertime.
20 So, it's something that, you know, needs to be --

21 COMMISSIONER STEIN: In front of your store?

22 MRS. BLUNT: Around the whole center. And we have a great
23 maintenance guy, you just can't keep up with it. Our property owners

1 have a great maintenance guy but it's constant because of the traffic.

2 COMMISSIONER HIELSCHER: Where would, what kind of trash are we
3 talking about generally? I mean, is it identifiable?

4 MRS. BLUNT: Yes, it is.

5 COMMISSIONER HIELSCHER: I mean, you know, bags with names on them?

6 MRS. BLUNT: No.

7 COMMISSIONER HIELSCHER: No?

8 MRS. BLUNT: Oh, do you mean --

9 COMMISSIONER HIELSCHER: I mean, can you tell where it's coming
10 from? I mean literally?

11 MRS. BLUNT: Yes, it's coming within the businesses that are in the
12 center.

13 COMMISSIONER HIELSCHER: Okay.

14 MRS. BLUNT: Yes, it's not somebody else dumping their garbage.

15 COMMISSIONER HIELSCHER: Oh, no, I don't mean that.

16 MRS. BLUNT: Yes.

17 COMMISSIONER HIELSCHER: But does it appear to be food related
18 items?

19 MRS. BLUNT: Yes.

20 COMMISSIONER HIELSCHER: For the vast majority?

21 MRS. BLUNT: Yes.

22 COMMISSIONER HIELSCHER: Thank you.

23 MRS. BLUNT: I'm going to turn this over to Gavin because he knows

1 the nuances of the building.

2 COMMISSIONER RUBIN: But I have a quick question.

3 MRS. BLUNT: Yes?

4 COMMISSIONER RUBIN: Do you have a problem now with Capriccio's and
5 Viccino's? As far as odor is concerned? You were just addressing
6 garbage, but you don't have a problem now as far as odor?

7 MRS. BLUNT: Yes, I'm once again going to let Gavin address that.
8 Yes, there are times that we have odor issues and there are times that we
9 have garbage issues, whether we need to schedule a more frequent garbage
10 pickup. But having three restaurants, I think we need to deal with the
11 cleanliness of the whole center. But I still want you to know that I'm
12 excited to have, you know, as many successful businesses as we do and I'm
13 very pleased, you know, the way things have gone in Downtown Northfield.
14 And I support it. We all want to see the Village do well.

15 MR. BLUNT: My name is Gavin Blunt and I'm Juli's husband. I'm
16 also part owner of the business for the last 15 years.

17 I want to bring some issues to your attention that you're unaware
18 of. And it's nothing that anybody has purposely tried to make you
19 unaware of but it's a structural issue. First of all, the design of that
20 building has a complete open attic. And for instance, our heating and
21 air conditioning systems are located over at Viccino's. It was the way
22 Otis Development built them. So, when Piero's was built, there were two
23 issues, it was Rocky Mountain Chocolate on one side of it and us on the

1 other side of it.

2 And I have just learned, I wasn't going to say anything this
3 evening but I've just learned through your commentary this evening that
4 we're looking at the north wall. Well, when Piero's was built, and I
5 have the blueprints right here from 1997, the agreement was that they
6 would use what they called Starbox technology because you could not roll
7 off the attic with intake to the air conditioning and heating systems,
8 which meant that they had to go up the wall, across the ceiling and down.

9 Now, they're going to put grease fryers and cooking instruments on the
10 north wall which is our, which when you walk into our store is the south
11 side of the store. Going up to the ceiling does nothing because it goes
12 through the ceiling and goes into the attic and gets sucked right through
13 everybody's heating and air conditioning systems.

14 So, the only way to do this is to do what they did in Piero's which
15 is now Viccino's, which is to take it off the wall, across the ceiling
16 down and make it what they call the Starbox technology. They had to
17 build a building within the building to contain the odors. Now, that
18 protects everybody in the center. And you need to be aware of that, more
19 aware of the way that the attic was built which necessitated this being
20 done and these are the blueprints from the building for that. And I would
21 not have said anything this evening had the commentary been made that it
22 was just the north wall. That would be totally ineffective.

23 Now, we have just spent \$37,000 in September redoing the store with

1 the help of and blessing of the owner. We expect to be there for some
2 period of time. We have 7,000 customers in the shop and come in as a
3 destination. We're not like Old Orchard, you have to actually come to
4 Northfield because you want to do business there. It's all based upon
5 customer service.

6 Our customer service and our business is based on the fact that,
7 and you ladies can appreciate this, when you have kids and everything
8 else that you need to do, you don't have time to run down to Old Orchard
9 and spend 20 minutes getting there, 40 minutes trying to find a parking
10 spot, no help, this, that and the other, an hour and a half. A lot of
11 our customer base comes in and zips in and zips out and they get dripped
12 on hand and foot. They need to do business, they order their pizzas in
13 Viccino's, et cetera, and hopefully they will do some things with you at
14 the U Dawg U as well, their moms, et cetera. But that's how we built our
15 business.

16 So, we're very concerned. We're here to make sure that our
17 concerns are addressed. And parking is a huge issue there. You have two
18 major handicap spaces. You have two islands and you have an island
19 directly behind. And I'm sorry, you'll have to excuse me, I cannot see
20 because of a nerve affliction that I'm recovering from, so you asked a
21 question about if we can make a recommendation.

22 There are three parking spaces for Viccino's that are set aside for
23 in and out takeout. I would get rid of the islands and reset up the

1 parking lot and probably give you another, maybe as many as four spaces.

2 But I'm not the one on the Board. That's one of the things that I would
3 do.

4 The other thing is, that she already talked with you about, parking
5 is really a huge issue. At 9:00 o'clock in the morning, the Yoga Studio
6 is all about the front of that facility. Fortunately, Viccino's opens at
7 about 10:30 and we open at about 10:00, so the Yoga Studio has been
8 pretty good about retraining their people. Lunchtime is packed, you
9 cannot find a parking space across the street now and they park in our
10 lot. And you can't find a parking space in our lot because of
11 Capriccio's lunch business and the business going which means that if
12 your wives or you come down there and want to walk in and buy something,
13 there is no parking. Not a spot.

14 Now, it tails off again in the afternoon. If you add in the
15 business of the chiropractic store, or not store, the facility where
16 there will be some people coming in and out, et cetera, that lot is going
17 to be pretty darn busy. And we already asked and inquired of our Police
18 Department -- and then you get into the dinner hour. And the dinner hour
19 -- what's going on, not only at Capriccio's, et cetera, you know, parking
20 is tight in Northfield.

21 MRS. BLUNT: And Tapas.

22 MR. BLUNT: And the Tapas Restaurant and the Subway Restaurant.
23 So, there are some issues having to do with, especially the remediation

1 of the odors that may put us out of business. So we have to be concerned
2 about that. We have a multi-million dollar business, a 15-year business.

3 I know Capriccio's sells 15,000 meals over a period of a year on the
4 weekends. There's a lot of traffic going in and out of there.

5 So, we ask your consideration especially about the ways the things
6 are designed. And it seems that, and I'm glad there is new technology,
7 but it seems that the building design that was employed by Piero's now
8 Viccino's back in 1997 coupled with the new technology that this
9 gentleman, it might be a really good solution. We're not opposed at all
10 with growth. We want nothing more than to have a hundred percent
11 occupancy there.

12 I am concerned a little bit because we were unaware of the tables.

13 Our building entrance is on an angle and we want to make sure that the
14 way the tables are set up because their new facility would block our
15 front door, that that would not be an issue. But we are thrilled to have
16 new people, the chiropractor, and have the whole place leased out. So,
17 whatever we can do to be helpful.

18 But I did want to bring the structural issues, especially heating
19 and air conditioning system. And unfortunately, the -- building, that's
20 just the way the building was designed by Mr. Otis. There was a solution
21 to it. We hope that you would take a good look at the solution and
22 employ even more technology. Thank you for your time tonight.

23 CHAIRMAN VASELOPULOS: Thank you.

1 MR. NEUBERG: Just a quick comment back on the ventilation so you
2 understand. Today, all the duct work today is welded duct work from the
3 hood to the roof so that is not slip through joint, bolted together.
4 It's not caught, it's welded and then it's fire wrapped with two coats of
5 fire wrap. So, there is no absolutely, positively, one hundred percent
6 no way odors can get into the attic from our hood systems.

7 One other thing that may be different from the pizza place, I'm not
8 sure, do they do any cooking in the pizza place or is it just the pizza
9 oven? Because I don't think there's hoods in the pizza place. Are there
10 exhaust hoods? See, we're exhausting the odors out of our space, do you
11 understand? So, the odors won't be in our space, they won't be in your
12 space. In fact, if anything, we'll -- the building. That means we'll
13 pull odor out of the building just like Capriccio's. In other words,
14 they're pulling odor out of the building.

15 The only odor that can remain in the building that's food odor
16 could be from the pizza place because they're not exhausting, they're
17 just flueing a pizza oven but they're not exhausting. There is no hood
18 over the oven, it's just a flue on the oven. So, we should --

19 MR. BLUNT: I understand what you're saying.

20 MR. NEUBERG: You understand?

21 MR. BLUNT: And I understand the structural issue. The question is
22 that we still have an issue of intake of fresh air --

23 MR. NEUBERG: No.

1 MR. BLUNT: The heating and air conditioning system.

2 MR. NEUBERG: Right. Make sure that that is 15 feet away from our
3 exhaust and there is no question that will happen. But I want you to
4 understand that there is very, very, very little chance any odor can get
5 in the attic space from our equipment. The only place any odor can get
6 back into your place is, like you said, through the front doors which is
7 hard because it has to drip down from the roof to your front doors, or
8 because it won't be coming out our front doors because our place is
9 negative, it pulls the odors out, we have less makeup air than we have
10 exhaust.

11 And then the only other place any odor could come into your place
12 is from fresh air intake on your air conditioners which we'll have to
13 take a careful look at and make sure that that fresh air intake is not
14 anywhere close to our exhaust which we will. Also, the pizza place, from
15 what I can see, but I haven't crawled all through their attic, vents out
16 through that front --

17 MR. BLUNT: That was an accommodation that was made in 1997.

18 MR. NEUBERG: Right.

19 MR. BLUNT: For the residents of the apartment building.

20 MR. NEUBERG: Right, but the problem with that is that venting out
21 through that side allows those odors to come out and drip where it gives
22 it no chance to be pushed up which we will because we're lucky, we have a
23 flat roof where we are, whereas the pizza place and you guys don't have

1 as much flat roof area like we do. So, we've got flat roof area
2 hopefully to put our equipment on. I'm just trying to tell you what
3 we're thinking, you know. We understand you're not going to have a \$300
4 sweater smell like fries or you'll be out of business. We understand
5 that.

6 MRS. BLUNT: I just have another quick question. Are you going
7 planning on utilizing both those restrooms that are in that space?

8 MR. NEUBERG: Yes.

9 MRS. BLUNT: And will one be utilized for customers and one for
10 employees?

11 MR. NEUBERG: There are going to be, one will be built for
12 customers, there is one existing one for customers and then one for
13 employees.

14 MRS. BLUNT: Okay.

15 MR. NEUBERG: The one closest to your space is for employees.

16 MRS. BLUNT: Okay. Only because there had been some plumbing
17 issues in the past in terms of --

18 MR. NEUBERG: Okay. We'll try to inquire with you about that.

19 MRS. BLUNT: I don't know if it will entail --

20 MR. NEUBERG: All our food service trap is on grease trap as you'll
21 see --

22 MRS. BLUNT: Okay. I'm sorry, I haven't seen the --

23 MR. NEUBERG: Yes, so we'll go through that with you.

1 CHAIRMAN VASELOPULOS: What about the concept of extending that
2 vapor barrier across the ceiling?

3 MR. NEUBERG: I don't think it's a problem except, you know,
4 there's some accessible ceiling there, so I don't think it's a major
5 issue. I don't think it's a major issue to do that. I've got to look at
6 the attic space again. It's very complicated --

7 MRS. BLUNT: Yes.

8 MR. NEUBERG: Because, see, our space is, there is no attic in one
9 side of our space, it goes all the way up to the roof joist. And then
10 the space where our cooking is, that's a drop ceiling with a ceiling
11 above that. So, I guess that vapor barrier could possibly be extended
12 through there. I've got to look at it.

13 But I think what's more important that many people don't
14 understand, if a restaurant exhaust, the odors are not coming from within
15 that restaurant because you're negative. You are pulling odors out of
16 the restaurant. For that odor to get into her space, then the restaurant
17 isn't exhausting. There's something, it isn't exhausting. It's got to
18 be negative in our restaurant for our restaurant to work. And it's
19 negative at Capriccio's.

20 So, if you're getting odors, they are coming from leaks in the duct
21 work that run through the attic which aren't possible today because all
22 the fire ratings make you weld the duct works so it's can't leak. Or
23 coming from a roof. They are not coming usually from inside a

1 restaurant. Or a restaurant that has no exhaust hood and the equipment
2 just has a vent on it but the odors come out the doors of the equipment
3 and there is no hood sucking that. It's like if you didn't have a hood
4 range at your home and you open the door to the oven, you'll get the
5 smell. But if there is a hood there, it's got to be negative and there
6 is no way it can be drifting into their space.

7 Now, if that odor gets on the roof and it gets taken in your fresh
8 air intake like you're talking about, that's a problem. And that, you
9 know, we will not have. But all the vapor barrier stuff, that was came
10 up with by somebody who doesn't know the restaurant business. That isn't
11 going to do anything. We'll do it to appease people but that doesn't,
12 you need to exhaust the space, not need to make cigar box. You need to
13 exhaust the space. And if you're properly exhausting the space, those
14 odors aren't in the space.

15 I built Carlo's, I built Gabriel's, I built Max & Benny's, I built
16 all of Francesca's, all the Rosewood's. You don't need to put vapor
17 barriers to keep odors from getting into her space. All that wall should
18 be insulated, should be vapor barrier just for safety. But the exhaust
19 hood should be taking those odors out of that space, no question about
20 it.

21 CHAIRMAN VASELOPULOS: Any Commission members have any other
22 comments or questions?

23 MR. MAGES: Can I just add one other thing?

1 CHAIRMAN VASELOPULOS: Certainly.

2 MR. MAGES: I didn't point it out earlier. I'm an owner/operator
3 so I'm going to be there, you know, 90 percent of the time. So, it's not
4 as though it's going to be some, you know, hired managers that's going to
5 be running this place. So, this is my livelihood so I plan on treating
6 it accordingly, you know. I mean it's --

7 MRS. BLUNT: I'll see a lot of you then.

8 MR. MAGES: We're going to see a lot of each other.

9 MR. NEUBERG: -- situation you're in. In other words, it's
10 owner/operators. And we don't know if that's the case for the pizza
11 place. I don't know at all, you know, if that's the case or if there is
12 a manager on the store.

13 MR. MAGES: One other comment. Dan deLoys, if you guys run into
14 Dan, one of my very good customers over the years past. So, he --
15 guaranteed. So, thank you.

16 MR. NEUBERG: I think we're also very interested in the parking
17 situation with the employees parking in the Village --

18 MR. MAGES: The municipal lot? Absolutely.

19 MR. NEUBERG: There would be absolutely no hesitation on his part,
20 he wouldn't let them park there because we see what lunch is --

21 MR. MAGES: As myself as well.

22 MR. NEUBERG: And we're hoping that does rectify somewhat.

23 MRS. BLUNT: Just out of curiosity, how many employees do you think

1 you'll have? I mean, shift-wise, how many?

2 MR. MAGES: There would be about four and myself. Usually four to
3 five, you know. As the day tapers off, it's not necessary. But during
4 the primary business which is really lunchtime, that would be on the max.

5 CHAIRMAN VASELOPULOS: Any other questions or comments? Do we have
6 a motion?

7 COMMISSIONER STEIN: I guess it's my turn.

8 The Plan and Zoning Commission moves to approve and recommend to the
9 Village Board for approval a Special Use to allow the establishment and
10 operation of a fast service restaurant with sit-down and carry-out
11 service and seasonal outdoor dining in Suites 108 and 109 of the
12 Northfield Village Center commercial building located at 300 Happ Road,
13 to be operated as U Dawg U, in accordance with the Petitioner's
14 Application and Supporting Materials, date stamped received November 30,
15 2009, subject to the following conditions:

16 1. The Special Use shall be personal and limited to the Petitioner,
17 Robert M. Mages, President, U Dawg U, Inc. Upon change in or
18 transfer of ownership of the business, the Special Use shall lapse.
19 Change in ownership shall occur when the Petitioner and any
20 corporation, partnership or other business entity in which the
21 Petitioner owns 100 percent of the stock and/or assets, shall in
22 the aggregate own less than 51 percent of the restaurant. The 51
23 percent minimum ownership requirements shall apply regardless of

- 1 whether the business is owned by a corporation, partnership or
2 other business entity. Furthermore, the Special Use shall only be
3 applicable to the subject property.
- 4 2. The restaurant hours shall be limited to 10:00 a.m. and 10:00 p.m.,
5 Monday through Saturday, and 11:00 to 7:00 p.m. on Sundays.
- 6 3. The restaurant shall not expand beyond the proposed 2,730 square-
7 foot tenant space as illustrated on the Petitioner's floor plan.
8 The actual seating capacity for the interior shall not exceed 48
9 seats.
- 10 4. The representations made in the application and supporting
11 documents are binding upon the Petitioner. There shall be no
12 additional uses permitted beyond those specifically enumerated
13 herein or permitted by the Village of Northfield's Zoning
14 Ordinance. Any change in the use of the tenant space shall require
15 an amendment to this Special Use.
- 16 5. The Petitioner shall clean out the restaurant's grease traps on an
17 annual basis and submit documentation to the Public Works
18 Department for verification.
- 19 6. Any exterior signage used for this restaurant shall be subject to
20 the review and approval of the Architectural Commission.
- 21 7. Relative to the outdoor dining area, the following provisions shall
22 apply:
- 23 a. Seating capacity shall not exceed 16;

- 1 b. The Village shall retain the right to require table
2 configurations to be modified if necessary to ensure safe
3 access on the premises;
- 4 c. The restaurant and operation shall provide the Village with a
5 hold harmless, in a form satisfactory to the Village
6 Attorney, which shall include the Village of Northfield as an
7 additional insured on their liability policy, which shall
8 provide for a minimum of \$1,000,000 in coverage;
- 9 d. There shall be no advertising or signage on any outdoor
10 furnishings;
- 11 e. The outdoor dining area shall be kept clean and free of
12 litter and/or food debris at all times;
- 13 f. Two refuse containers shall be provided for the outdoor
14 dining area and shall be in compliance with the Village
15 Center Design Guidelines;
- 16 g. Music may not be played in the outdoor dining seating area;
- 17 h. Excessive noise emanating from the outdoor dining area shall
18 constitute a nuisance and shall be considered sufficient
19 cause to terminate the Special Use provided by this
20 ordinance. The Village shall not terminate said Special Use
21 without providing warning to the Petitioner in writing that
22 if the noise is not abated within seven days, the permit to
23 operate the outdoor dining portion of the business shall

1 terminate.

- 2 8. All waste and disposal containers shall be rodent-proof and leak-
3 proof and shall be located in an enclosed, screened area approved
4 by the Village. Such area shall be maintained and cleaned on a
5 daily basis by the Petitioner.
- 6 9. The owner shall employ a licensed pest control exterminator to
7 inspect and treat the premises on at least a monthly basis.
8 Documentation of said treatment shall be provided to the Village's
9 Public Health Sanitarian on a monthly basis.
- 10 10. No vending machines, video games or other coin operation amusement
11 devices will be permitted on the subject property.
- 12 11. The Village of Northfield Health, Fire and Building Codes shall be
13 granted access to the subject property at any reasonable time for
14 purposes of conducting inspections for compliance with Village
15 Codes and Ordinances.
- 16 12. An approval pursuant to any requested review by a Village
17 consultant, Village staff member, Village Commission or Village
18 Board Committee shall be an approval of only those items specified
19 in any motion, resolution, ordinance, or written report. Such
20 approval shall not be deemed to be an approval of any matter which
21 is within the jurisdiction of any other Village consultant, Village
22 staff member, Village Board Committee or Village Commission that
23 has not issued a report or given its approval. Neither shall such

- 1 approval be deemed the approval of any County, State or Federal
2 Agency. Under no circumstances shall the approval be deemed to be
3 an approval of any matter not included in this ordinance by virtue
4 of the fact that such a matter appeared on a supporting document
5 which is not attached as an exhibit to this ordinance or
6 incorporated as an exhibit as part of this ordinance.
- 7 13. The Petitioner shall comply in all other respects with the
8 ordinances of the Village of Northfield and nothing in this Special
9 Use shall be construed as a waiver of any of those requirements.
- 10 14. The Petitioner shall require that all employees use the municipal
11 parking lot facilities in the area.
- 12 15. Violation of any condition of this Special Use Ordinance shall be
13 cause to revoke said permit by the Corporate Authorities upon ten
14 days proper notice to the Petitioner. Alternatively, the Village
15 Manager shall have the right to assess fines, not to exceed \$500
16 per violation, for violation of this Special Use Ordinance. Such
17 assessment of fines may be appealed to the Corporate Authorities by
18 filing a written notice of appeal within three days of the
19 assessment.
- 20 16. Changes in the project may only be made as follows:
- 21 a. Minor Field Changes. Minor changes in locations or sizes
22 shown on exhibits may be approved, in writing, by the
23 Director of Community Development. Typically, a minor field

1 change will not involve a percentage change greater than 3
2 percent. However, not all changes of less than 3 percent
3 shall necessarily be deemed to be minor. The determination
4 of the Director of Community Development as to whether a
5 change is a minor field change shall be final.

6 b. Village Board Approval Changes. The Village Board may
7 approve, without referral to the Plan & Zoning Commission,
8 such other changes as it believes are in the best interests
9 of the Village and which do not have a substantial, direct
10 impact on adjacent properties. The determination of the
11 Village Board as to whether a requested change shall be
12 referred to the Plan & Zoning Commission shall be final.

13 c. Changes Requiring a Public Hearing. Any change involving a
14 number found in the text of the Ordinance or any change
15 having substantial, direct impact on adjacent properties
16 shall not be made except after a public hearing before the
17 Plan & Zoning Commission. Additionally, the Village Board or
18 the Director of Community Development may refer any requested
19 change to the Plan & Zoning Commission for public hearing
20 when either believes it would be in the best interest of the
21 Village to do so.

22 COMMISSIONER STEIN: With special attention given to the hours of
23 condition 2 which shall be limited to 10:00 a.m. to 10:00 p.m., Monday

1 through Saturday, 11:00 to 7:00 on Sundays. A correction of a
2 typographical error in condition 6 that the signage for this restaurant
3 shall be subject to the review of the Architectural Commission. And I
4 see nothing in the conditions regarding the installation of a third hand
5 sink in the kitchen area adjacent to the dishwashing sinks which should
6 probably be part of the requirements.

7 CHAIRMAN VASELOPULOS: Before I ask for a second, we've discussed a
8 lot of different issues here, do any other Commission members have any
9 other amendments they want to make to Joanna's motion?

10 COMMISSIONER BROCCOLO: I expressed a concern about the outdoor
11 seating but I think if it's minimized to four tables --

12 COMMISSIONER STEIN: That was in there already.

13 COMMISSIONER BROCCOLO: Is that in there?

14 COMMISSIONER STEIN: It is in there.

15 COMMISSIONER HIELSCHER: The reduced number is in there, yes.

16 COMMISSIONER STEIN: Yes, the reduced number is in there. It's
17 condition number 7, seating capacity shall not exceed 16. And we could
18 also say that with a maximum of four tables if you want to add that.

19 CHAIRMAN VASELOPULOS: I don't remember, is the vapor barrier
20 mentioned?

21 COMMISSIONER HIELSCHER: No.

22 MS. KANE: It's in the Petitioner's presentation packet, but as
23 Joanne mentioned, perhaps clarifying that the demising wall on the south

1 side would also receive the same vapor barrier treatment.

2 COMMISSIONER STEIN: You're right. Yes, part of the supporting
3 materials indicated a vapor barrier on the north wall which should be
4 required to be installed in addition on the south wall.

5 CHAIRMAN VASELOPULOS: Is there a second?

6 COMMISSIONER RUBIN: Second.

7 CHAIRMAN VASELOPULOS: All those in favor?

8 (Chorus of ayes.)

9 CHAIRMAN VASELOPULOS: All those opposed?

10 (No response.)

11 CHAIRMAN VASELOPULOS: The motion passes.

12 MR. MAGES: Thank you.

13 CHAIRMAN VASELOPULOS: Looking forward --

14 MR. MAGES: Thank you.

15 CHAIRMAN VASELOPULOS: And good luck to you. I might add as a
16 personal note, I didn't mention it before but I was a frequent diner of
17 yours when you were downtown.

18 MR. MAGES: Thank you.

19 CHAIRMAN VASELOPULOS: And you do attend to the cleanliness of
20 things.

21 MR. MAGES: Thank you.

22 CHAIRMAN VASELOPULOS: And we expect that to continue and I'm sure

23 --

1 MR. MAGES: Without a doubt. I appreciate that.

2 CHAIRMAN VASELOPULOS: Anne, are there any other issues or do you
3 want to make some --

4 MS. KANE: No, the only agenda item that we do have for next
5 month's meeting would be Colleen and Ed's specific request for Results
6 22.

7 COMMISSIONER STEIN: I may make it, I may not.

8 MS. KANE: I hope you're going somewhere warm.

9 CHAIRMAN VASELOPULOS: Motion to adjourn?

10 COMMISSIONER BROCCOLO: Yes.

11 CHAIRMAN VASELOPULOS: Second?

12 COMMISSIONER RUBIN: Second.

13 CHAIRMAN VASELOPULOS: Those in favor?

14 (Chorus of ayes.)

15 CHAIRMAN VASELOPULOS: Opposed?

16 (No response.)

17 CHAIRMAN VASELOPULOS: Motion passes. Thank you.

18 (Whereupon the above meeting concluded at 8:30 p.m.)

19 **Approved 2/1/10**

20

21

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

I, GREGORY DUNCAN, depose and say that I am a direct record court reporter doing business in the State of Illinois; that I reported verbatim the foregoing proceedings and that the foregoing is a true and correct transcript to the best of my knowledge and ability.

GREGORY DUNCAN

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____, A.D. 2010.

NOTARY PUBLIC