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_____ 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 1st day of June, 2010, at the hour of 7:00 o'clock p.m.

MEMBERS PRESENT:

BILL VASELOPULOS, Chair
 PHILIP JONES
 CHRIS BROCCOLO
 E. LEONARD RUBIN
 JOHN DOLAN

MEMBERS ABSENT:

DAN DELOYS
 JOANNA STEIN
 WILLIAM HIELSCHER
 BOB CALDWELL

ALSO PRESENT:

ANNE E. KANE, Staff - Community Development Director
 TRUSTEE GEORGE WARGA (ex-officio)

1 CHAIRMAN VASELOPULOS: Good evening everybody. I'd like to call
2 to order the June 1st, 2010 meeting of the Plan and Zoning Commission.
3 My name is Bill Vaselopoulos and I'm the Chairman of the Plan and Zoning
4 Commission. At this moment, I'd like to have the Commissioners
5 introduce themselves, starting with John.

6 COMMISSIONER DOLAN: John Dolan.

7 COMMISSIONER RUBIN: Len Rubin.

8 COMMISSIONER BROCCOLO: Chris Broccolo.

9 COMMISSIONER JONES: Phillip Jones.

10 CHAIRMAN VASELOPULOS: Thank you everyone. The purpose of
11 tonight's meeting is to conduct a public hearing to consider an
12 amendment to a Special Use for an Optometry office at 191 Waukegan Road,
13 and an amendment to our Zoning Ordinance. Public Hearing format will
14 provide an overview for these proposals and a forum for public comment
15 and input.

16 This Commission is a recommending body only, and we will forward
17 our recommendations to the President and the Board of Trustees for final
18 determination of whether or not to grant these items before us today.

19 The Village Board will then consider these items being discussed
20 this evening, at the next Board meeting, which is scheduled for Tuesday,
21 June 15th, 2010, at 7:00 o'clock right here in this board room.

22 Tonight's meeting requires that all persons wishing to be heard,
23 and to enter into testimony of these cases, will be asked to be sworn

1 in. This includes all petitioner, any petitioners, individuals in
2 addition to petitioners, and any interested parties or property owners.

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

10 First order of business is to approve minutes from the April 5th,
11 2010 meeting. Is there a motion?

12 COMMISSIONER BROCCOLO: So moved.

13 CHAIRMAN VASELOPULOS: Second?

14 COMMISSIONER RUBIN: Second.

15 CHAIRMAN VASELOPULOS: All those in favor?

16 (Chorus of ayes.)

17 CHAIRMAN VASELOPULOS: Opposed? Motion carries. Our first order
18 of business today is to consider and discuss a request for Special Use
19 to establish and operate an Optometry office located at 191 Waukegan
20 Road, Suite 115. The petitioner is Dr. Michael Zost. Is Dr. Zost here?

21 MR. CAPPETTA: My name is Fred Cappetta with Midwest Realty
22 Advisors.

23 Whereupon, FRED CAPPETTA, called as a witness herein, having been first

1 duly sworn, testified as follows:

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

3 MR. CAPPETTA: My name is Fred Cappetta, last name Cappetta, C-a-
4 p-p-e-t-t-a. I'm with Midwest Realty Advisors. We're the agent that
5 represents ownership of 191 Waukegan Road. The entity name is 191
6 Waukegan Road, LLC. Also with me tonight is Kevin Travers, the managing
7 partner of 191 Waukegan Road, LLC. And I'll be speaking on behalf of
8 Dr. Zost, as well as his broker, Carol Paul.

9 CHAIRMAN VASELOPULOS: Okay.

10 COMMISSIONER DOLAN: Can I interrupt for just a second?

11 CHAIRMAN VASELOPULOS: Sure.

12 COMMISSIONER DOLAN: If you put, pull those microphones down a
13 little bit, if they come down --

14 MR. CAPPETTA: There you go. Better?

15 COMMISSIONER DOLAN: -- the feedback won't be as bad.

16 CHAIRMAN VASELOPULOS: Would you like to make a brief presentation
17 first or would you like us to start asking questions?

18 MR. CAPPETTA: Feel free to start asking questions.

19 CHAIRMAN VASELOPULOS: Commissioners?

20 COMMISSIONER JONES: No questions.

21 COMMISSIONER BROCCOLO: I don't have any questions.

22 MR. CAPPETTA: Well, if there are no questions, I might make some
23 comments on this summary that I just received in regards to some of the

1 conditions of the special use permit.

2 There are two conditions that we have a small concern with, that
3 we'd like to be addressed, or amended if possible. I'm looking at Page
4 3, under the heading Motion, Item No. 3, in which it states, the floor
5 plan shall remain in general conformance with the special use
6 application exhibit, shall not exceed 3,400 square feet.

7 We would ask that there would be a possibility of a 15 percent
8 increase on this, recognizing that you don't want the project to grow in
9 scope too much, but 3,400 square feet is only a difference of 24 square
10 feet, based on the original floor plan, which is 3,376 square feet. And
11 so, we would like the opportunity, without having to come and get a new
12 special use permit, to have an increase of 15 percent in the space, if
13 necessary.

14 CHAIRMAN VASELOPULOS: Ann, do you have any comments on that?

15 MS. KANE: I guess I would just say that historically, the Village
16 has enabled staff some, granted us some power. It's generally been 3
17 percent change, so the 15 percent is a significant increase above that
18 and telling -- and so prior to tonight's public hearing, I think that
19 our concern is making sure this operates as a one or two medical
20 provider office and does not become a, kind of a problem more of a
21 factory, assembly sort of office. That's not what it's intended, it's
22 not what the application indicates, but where there are several
23 providers seeing numerous patients at any given time, I would liken it

1 more to an orthodontist's practice where there might be five patients
2 sitting in a chair, five patients in the waiting room, it's more
3 intensive than indicated in this.

4 The increase in square footage would be a departure from past
5 allowance, and a 15 percent increase would be a departure from past
6 practices. However, could the condition --

7 MR. CAPPETTA: Well, and then Number 5.

8 MS. KANE: Number 5, regarding the two practitioners.

9 MR. CAPPETTA: We'd like to increase that to three physicians.

10 COMMISSIONER BROCCOLO: Did you have something in mind? You're
11 talking about 500 square feet, or are you looking, is the doctor looking
12 to expand the practice or something?

13 MR. CAPPETTA: You know, it's just for anticipated growth for the
14 doctor, is really all this is addressing. As it sits right now, there
15 is intended to be two physicians, and we intend to stay at 3,376 square
16 feet. Again, this is simply for expansion.

17 There is a little storage room that's a general area for the
18 building, that at sometime could potentially be used as some expansion,
19 and would be about two to 300 square feet. And so, that was just the
20 little expansion area that we had anticipated possibly down the road.
21 But that's why we say 15 percent in the increase in square footage.

22 CHAIRMAN VASELOPULOS: Where on the schematic is that additional
23 space referred to?

1 MR. CAPPETTA: If you're looking at, there's an item labeled
2 building storage just adjacent to the vending room?

3 CHAIRMAN VASELOPULOS: Yes.

4 MR. CAPPETTA: That's the building storage area that we're
5 speaking of, that could potentially be sacrificed from the building and
6 added to the proposed space. And again, that's not intended on this
7 initial build-out.

8 COMMISSIONER RUBIN: May I ask?

9 MR. CAPPETTA: Yes.

10 COMMISSIONER RUBIN: When this was first submitted to the Village,
11 I assume that it was submitted with the small space as specified.

12 MR. CAPPETTA: And that's our intent, 3,376 square feet. And
13 that's what we intend. But again, this is just for anticipated future
14 growth, not in the scope of the plan as we're going to do the build-out
15 currently. We just don't want to be limited in our potential growth
16 over the next five-year term of the lease.

17 COMMISSIONER BROCCOLO: But you're going to ask about number 5, to
18 add another physician, so you're asking for a lot of flexibility in
19 what's been approved by Staff and presented to us.

20 MR. CAPPETTA: That's what we were --

21 COMMISSIONER BROCCOLO: So Anne, I don't know what the common
22 practice is, or you mentioned that it's typically three percent.

23 MS. KANE: That's what's granted in the ordinance to staff. Now,

1 I will remind you, the petitioner would also have the opportunity to
2 request a Village Board approval amendment to that special use. I think
3 what their concern is, to prepare for tonight's meeting, not only did
4 they submit an application approximately six weeks ago, they also sent
5 notice to probably upwards of 100, 150 neighboring property owners,
6 because there are condominiums across the street and condominiums to the
7 south, this particular property had a very lengthy notification list,
8 and I believe those now run four fifty to five dollars a certified
9 mailing.

10 COMMISSIONER VASELOPULOS: Exactly.

11 MS. KANE: So, perhaps, it doesn't really concern Staff to a great
12 degree, because the site has adequate parking. It's an empty lot most
13 days of the week, that if the Plan Commission is comfortable with it,
14 that rather than the language to be giving them the right to expand to
15 15 percent of square footage or up to three practitioners, perhaps that
16 language could be crafted that it would allow the Village Board to
17 overview that and grant that approval as an amendment without going
18 through the formal special use amendment process.

19 COMMISSIONER BROCCOLO: Okay. You mentioned that the parking lot
20 is empty. Is that because the building is not a hundred percent
21 occupied or just not overparked, I guess, or over, has enough capacity,
22 I guess?

23 MR. CAPPETTA: It has enough capacity.

1 COMMISSIONER BROCCOLO: Okay.

2 MR. CAPPETTA: We are not a hundred percent occupied, as well
3 though.

4 COMMISSIONER BROCCOLO: How occupied are you?

5 MR. CAPPETTA: Just sort of 70 percent.

6 CHAIRMAN VASELOPULOS: 7-0?

7 MR. CAPPETTA: 7-0.

8 CHAIRMAN VASELOPULOS: Is there, just to continue this to its
9 fullest extent, is there a reason why you didn't just submit initially
10 three, you know, the additional 15 percent on the 3,400 from the get-go,
11 an additional physician --

12 MR. CAPPETTA: We didn't anticipate this as a condition of the
13 special use, when we --

14 CHAIRMAN VASELOPULOS: Oh, you didn't know when you'd be limited
15 originally?

16 MR. CAPPETTA: I received this 15 minutes ago. So, I wasn't
17 really prepared that we would be, the question was posed to us, what do
18 we anticipate our initial practice to be. Doctors all submitted that.
19 I wasn't anticipating being constrained in that we wouldn't be able to
20 expand the doctor and let him grow his practice in a reasonable fashion,
21 again, keeping it within the confines of the special, and not turning it
22 into a "factory."

23 COMMISSIONER RUBIN: And he's moving his office, is that right?

1 So, this is not a second office but --

2 MR. CAPPETTA: Correct.

3 COMMISSIONER RUBIN: -- the main office.

4 MR. CAPPETTA: He is establishing his own practice, and leaving a
5 current practice.

6 COMMISSIONER RUBIN: Let me ask, Anne, how the full Board would
7 feel about our approving some modified language here when it was not,
8 when it's a surprise. In other words, it's sprung on us tonight. It
9 sprung on you tonight, too, but, what I'm really asking is what do you
10 think the Board would say, given the fact that this was not really
11 approved by Staff as it's requested to be modified?

12 MS. KANE: I think, let me speak from Staff's perspective. Had
13 the obligation come in not only under the present way that Dr. Zost
14 wants to operate the practice, but also anticipating how he wants to
15 grow it, yes. And I think some of that is reflected in that it is
16 anticipated that a part-time practitioner would be brought on board, and
17 there was some correspondence, understand whether that would be half
18 days or full days or part time, except, you know, just a handful of days
19 a week, I don't think -- comments would have changed, but I think as you
20 saw, fire prevention, building commissioner, engineering, police chief,
21 none, there were really no concerns raised to any of the various
22 disciplines with that.

23 The Staff level, I don't want to speak for the Board, since we

1 have Trustee Warga here, I think I would let him respond to that. But I
2 think with, had the initial application come in, representing that they
3 have three practitioners and an additional 15 percent floor area, that
4 Staff's recommendation for approval would have been --

5 COMMISSIONER RUBIN: Been the same.

6 MS. KANE: Uh-hum.

7 CHAIRMAN VASELOPULOS: Well, could we then possibly amend this to
8 reflect those numbers and then the Staff comment on those changes to the
9 Board, their thoughts of those changes to the Board?

10 MS. KANE: Absolutely.

11 CHAIRMAN VASELOPULOS: Theoretically concurring or agreeing with
12 the proposed changes we've made and moving forward. And if they don't
13 agree, then the Board can act accordingly.

14 MS. KANE: I think that's most appropriate.

15 CHAIRMAN VASELOPULOS: Are there any other questions from the
16 Commissioners? Would you like to make, like to add any final thoughts?

17 MR. CAPPETTA: None.

18 CHAIRMAN VASELOPULOS: Okay. Would someone like to make a motion?

19 COMMISSIONER RUBIN: I'll give it a try. I may need help. The
20 Plan and Zoning Commission moves to approve the variances of this Board
21 for approval of special use in allowing the establishment and operation
22 of an Optometrist Medical Office by Michael Zost, O.D., in Suite 115 of
23 the 191 Waukegan Road building, to be operated in accordance with the

1 petitioner's application of supporting materials, based and received
2 April 27th, 2010, subject to the conditions listed in the Staff
3 memorandum dated May 27th, 2010, to the Plan and Zoning Commission,
4 constituting at least 13 conditions with a recommendation that
5 modifications be made first to Condition No. 3, and the modification
6 being that the figure of 3,400 square feet, be allowed to be increased
7 by 15 percent, and Condition No. 5 be modified so that there shall be no
8 more than three physicians providing optometric care services associated
9 with this special use.

10 CHAIRMAN VASELOPULOS: Is there a second?

11 COMMISSIONER DOLAN: Second.

12 CHAIRMAN VASELOPULOS: All those in favor?

13 (Chorus of ayes.)

14 CHAIRMAN VASELOPULOS: All opposed? Motion carries. Thank you,
15 very much.

16 MR. CAPPETTA: Thank you.

17 CHAIRMAN VASELOPULOS: And good luck to your relocation.

18 The second item today is consideration for an amendment to
19 Appendix A, the Zoning Ordinance, Article XIX, Performance of Standards
20 and Temporary Uses to establish regulations regarding the placement and
21 duration of temporary storage containers, e.g. PODS, in all zoning
22 districts within the Village of Northfield. Anne, do you have a few
23 comments to make?

1 MS. KANE: Sure. As you mentioned, this is a zoning code
2 amendment. It was generated by questions and concerns raised at the
3 Village Board regarding the current regulations that Staff has used to
4 regulate placement of PODS. Fortunately, we have not seen an inundation
5 of these containers throughout our Village, but we have had complaints
6 in recent years and we've had a number, you know, couple a year,
7 residents have generally responded to the Building Commissioner's
8 request to have them removed.

9 However, when it was brought to our attention and we examined our
10 code regulations right now, such containers are restricted only to
11 properties with an active building permit being placed on the property.

12 And just comparing when we have other communities in the vicinity, we
13 found that sometimes residents need this convenience for projects that
14 may not require a building permit, for example, installing hard wood
15 floors, doing some interior remodeling or refinishing of old hard wood
16 floors.

17 So, we thought that putting some restrictions and regulations,
18 that would just allow us to better enforce our zoning on these
19 properties, if they did become problematic. In looking at the
20 surrounding communities, we thought kind of a more moderate approach, we
21 saw everything from very detailed applications and escrow and posting of
22 a \$400 fine to insure there was no damage to the parkway in some
23 communities, to Kenilworth, who has a very lax regulation and just kind

1 of run by the police chief and the community development director there.

2 The amendment that's been presented to you this evening, does
3 entitle the Building Commissioner to grant permission for these
4 temporary storage containers up to 15 days, provided they are placed on
5 a paved surface on the property, no closer than five feet to any
6 property line or street, and that was specifically crafted so that it
7 responded both to private streets and public rights of way. And we are
8 recommending approval of this. We believe that it meets both the
9 residents needs for some temporary storage as well as the neighbors
10 desire to maintain open --

11 CHAIRMAN VASELOPULOS: I noticed two things that were reflected in
12 other village ordinances or regulations, and that is, in some cases they
13 specified the size of the unit, and in other cases, they specified how
14 many per property or, I guess it depends on which village ordinance
15 you're reading. But, how many units at a specific time or whatever.
16 That's not specified here. What are the thoughts of the Village here?

17 MS. KANE: I guess, we want to just come up with streamlining
18 several regulations, if the Commission thinks it appropriate. They do
19 come in eight foot increments, so 16 feet, you see, either one unit up
20 to 16 feet in length, and I believe there's some language in here that
21 allows up to two units, not exceeding 16 feet in length, because if you
22 have eight inch, or excuse me, eight foot storage containers.

23 CHAIRMAN VASELOPULOS: Were the number of containers, I mean,

1 theoretically, could one ask for ten different containers?

2 MS. KANE: Theoretically yes, so, if we wanted to limit it, I
3 think it would be best to limit it to one.

4 CHAIRMAN VASELOPULOS: Was that the intention of that, do you
5 think, that was the understanding?

6 MS. KANE: Yes, it was.

7 COMMISSIONER JONES: You know, when I read this, those were my two
8 thoughts as well. I think there should be a limit on the number of
9 containers and on the size of the containers. And, you know, I mean, I
10 just, I see this house in Northbrook that, oh, I mean, that thing has
11 been sitting out there for, I don't even know how long.

12 COMMISSIONER RUBIN: Right.

13 COMMISSIONER JONES: Yeah, I mean, they're an eyesore.

14 COMMISSIONER RUBIN: Is it still there?

15 COMMISSIONER JONES: I think they finally got it off.

16 TRUSTEE WARGA: But it was there forever.

17 COMMISSIONER JONES: It was there a long time.

18 CHAIRMAN VASELOPULOS: Well, the 15 days certainly. And the use
19 for that is much different than, I mean, that probably was a situation
20 under construction maybe, or something.

21 COMMISSIONER JONES: So, I think, you know, I think the 15 days,
22 that's great. And I'd like to see a number of, you know, one can
23 specify one container and maybe the size.

1 MS. KANE: I think that familiarizing myself with what other
2 communities permit, one container per property and not to exceed 16 feet
3 in length would be consistent with what our residents would be able to,
4 be easy to rent or acquire, and if it has to exceed the 15 days, then it
5 becomes more appropriate to relocate this POD to a storage facility that
6 they also offer. I think a lot of folks try to avoid that additional
7 fee for transport and renting storage space.

8 COMMISSIONER DOLAN: Is there any way that this could be delayed
9 till August 1st?

10 MS. KANE: Would you like me to answer that question?

11 COMMISSIONER RUBIN: I'm curious. Will a property owner be
12 required to apply for a permit before using one of these PODS?

13 MS. KANE: There is a temporary use permit that is required for
14 this, yes, so that they do receive the application for the Building
15 Commissioner's review and approval.

16 COMMISSIONER RUBIN: But only the Building Commissioner needs to
17 approve, and not, for example, our Commission or the Board of Trustees?

18 MS. KANE: Yes. I would like to keep it at the staff level, so
19 that we can accommodate this in a timely manner.

20 COMMISSIONER RUBIN: You bet.

21 CHAIRMAN VASELOPULOS: So, I think the Commissioners are proposing
22 to add possibly some language, one container per property, not to
23 exceed, is it 16 square feet? Is that the --

1 MS. KANE: No, it's 16 linear feet.

2 CHAIRMAN VASELOPULOS: Linear feet?

3 MS. KANE: It's eight feet in height, and eight feet in width.

4 CHAIRMAN VASELOPULOS: If there aren't any further questions.

5 COMMISSIONER DOLAN: Are there any types of exemptions or --

6 MS. KANE: Well, actually, under our current regulations, if they
7 have an active building permit, and you're storing equipment in these,
8 you could really have it on site for the duration of that building
9 permit. That would be the exemption.

10 COMMISSIONER DOLAN: I mean, size wise.

11 MS. KANE: Not codified. I think that Staff is always willing to
12 work with our residents, you know, if it's going to be -- we generally
13 are working with our residents. It's going to take a lot longer to go
14 through the code enforcement process. And I think that we wanted to
15 craft regulations that responded to the concern, legitimate concerns of
16 neighbors, as well as regulations that accommodated our residents need
17 for these without becoming too detailed.

18 If the Commission also believes it's warranted, I saw in other
19 communities, that an additional 15 days could be granted by the Plan
20 Commission, excuse me, by the Building Commissioner, if such need
21 warranted, you know, if residents are running into trouble. I guess I
22 would say most likely, in the Village of Northfield, you're going to get
23 that service and accommodations anyway. When it becomes 60 days and

1 there's been no response, and, you know, you're not working with the
2 Staff to try to resolve this, then you're probably going to get a more
3 aggressive letter from us. But, I don't know if that needs to be
4 covered as much as it's understood that that's part of the -- of our
5 residents.

6 CHAIRMAN VASELOPULOS: Any other questions? Would someone like to
7 make a motion?

8 COMMISSIONER BROCCOLO: Want me to try? The Plan and Zoning
9 Commission moves to approve and recommend to the Village Board for
10 approval, an amendment to Section XIX-8, seasonal and temporary uses of
11 Appendix A of the Northfield Village Code, to regulate the placement and
12 duration of temporary portable storage containers, as presented in the
13 attached draft ordinance dated May 26, 2010, with the addition, or with
14 a condition that we limit one container per property, dimensions of 16
15 linear feet in length, I believe eight feet in height and eight feet in
16 width.

17 CHAIRMAN VASELOPULOS: Is there a second?

18 COMMISSIONER RUBIN: Second.

19 CHAIRMAN VASELOPULOS: All those in favor?

20 (Chorus of ayes.)

21 CHAIRMAN VASELOPULOS: Opposed? Motion carries.

22 Anne, any other additional comments before we adjourn?

23 MS. KANE: No, I guess I just wanted to let you know that, as I

1 mentioned before the meeting, that I -- I brought an agenda for the July
2 6th meeting, which is the first Tuesday of July, after the holiday. I'm
3 sure they'll be interested to present that case before --

4 CHAIRMAN VASELOPULOS: Motion to adjourn?

5 COMMISSIONER RUBIN: So move.

6 COMMISSIONER BROCCOLO: Second.

7 CHAIRMAN VASELOPULOS: All those in favor?

8 (Chorus of ayes.)

9 CHAIRMAN VASELOPULOS: Opposed? Motion carries.

10 (Whereupon, the above meeting concluded at 7:30 p.m.)

11

12 Approved 7/6/10

13

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

I, TONI BURRESS, 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.

TONI BURRESS

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

NOTARY PUBLIC