

PLAN AND ZONING

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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 4th day  
of April, 2023 at the hour of 7:00 p.m.

MEMBERS PRESENT:

BILL VASELOPULOS, Chairperson  
KATHY ESTABROOKE  
STEVEN HIRSCH  
CONNIE BERMAN  
TODD BERLINGOF  
JENNIFER SUCHER  
DAN deLOYS

MEMBERS ABSENT:

PATRICK BADER  
JACK BRANNIGAN

ALSO PRESENT:

STEVEN GUTIERREZ, Community Development Director  
CHARLES ORTH, Trustee

1 CHAIRPERSON VASELOPULOS: I'd like to call to order  
2 the meeting of the Plan and Zoning Commission. My name  
3 is Bill Vaselopulos; I'm the Chair of the Commission.

4 At this time, I'd like the Commissioners to  
5 introduce themselves, starting with Connie.

6 COMMISSIONER BERMAN: Connie Berman.

7 COMMISSIONER HIRSCH: Steven Hirsch.

8 COMMISSIONER ESTABROOKE: Kathy Estabrooke.

9 COMMISSIONER BERLINGHOF: Todd Berlinghof.

10 COMMISSIONER SUCHER: Jennifer Sucher.

11 COMMISSIONER DELOYS: Dan deLoys.

12 CHAIRPERSON VASELOPULOS: Thank you very much.

13 The purpose of tonight's meeting is to conduct a  
14 public hearing and consider and discuss a request for  
15 approval of a special use permit located at 300 Happ  
16 Road, Suites 108 and 109. Petitioner's name is John  
17 Kenny, Jr.

18 The public hearing format will provide an overview  
19 of this proposal and a forum for public comment and  
20 input. This Commission is a recommending body only and  
21 we will forward our recommendation to the Village  
22 President and Board of Trustees for their final  
23 determination on whether or not to grant this item  
24 before us today. The Board will then consider this item  
25 being discussed this evening at the next Board meeting  
26 which is scheduled for Tuesday, April 18th, 2023, at  
27 7:00 p.m., right here in this boardroom.

28 Commission meetings require that all persons  
29 wishing to be heard and to enter testimony must be sworn  
30 in. This includes all petitioners, individuals with the  
31 petitioners, and any interested parties or other  
32 property owners. Following the petitioner's  
33 presentation and after the Commission has had an  
34 opportunity to ask questions and discuss amongst  
35 ourselves, then all other interested parties will be  
36 given an opportunity to speak.

37 Prior to speaking, we request that all parties step  
38 forward to the microphone, be sworn in and provide their  
39 name, address, and interest in this matter for the  
40 record. These proceedings are being recorded and that's  
41 why we would request you speak only at the podium where  
42 the microphone is located.

43 Our first order of business is to pass the minutes  
44 from our last meeting of March 6th, 2023.

45 Is there a motion?

46 COMMISSIONER ESTABROOKE: Motion to approve.

47 CHAIRPERSON VASELOPULOS: Is there a second?

48 COMMISSIONER BERLINGHOF: Second.

1 CHAIRPERSON VASELOPULOS: All those in favor?  
2 (Chorus of ayes.)

3 CHAIRPERSON VASELOPULOS: All opposed?  
4 (No response.)

5 CHAIRPERSON VASELOPULOS: The motion passes.  
6 Before the Petitioner steps to the microphone,  
7 Steve, do you have any introductory comments?

8 MR. GUTIERREZ: Thank you, Chairman.

9 A real quick administrative matter, the recording  
10 from our last meeting failed to pick up some people. So,  
11 please make sure that your microphone is on, you should  
12 see the light on, and when you're speaking, please lean  
13 forward.

14 The Petitioner as you've indicated is John E.  
15 Kenny, Jr. on behalf of 300 Happ, LLC. Mr. Kenny is  
16 purchasing the U Dawg U Restaurant at 300 Happ Road.  
17 That restaurant has a special use, it operates under a  
18 special use because it's in the Village Center District.  
19 Any kind of restaurant or drive through facility is  
20 required to have a special use.

21 Under our code, special uses run with the  
22 individuals and/or LLC, and they do not run with the  
23 property. So, our code would essentially require a new  
24 special use even when there is just a change of  
25 ownership, and in this case, there is just going to be a  
26 change of ownership. I believe Mr. Kenny does not plan  
27 on changing the operation, the name, the signage, or  
28 hours of operation, or anything other than the ownership  
29 that will be changing.

30 The number of seats in the restaurant also will not  
31 change. I just wanted to clarify one quick thing. In  
32 the application from the Petitioner, he makes note of 78  
33 indoor seats. I think it was just a bit of a typo.  
34 That 78 is actually the number of both outdoor and  
35 indoor seats. So, there are 58 indoor seats and 16  
36 outdoor seats. Those again will not be changing, I just  
37 want to make sure that I clarify that for the  
38 Commission.

39 The hours of operation will also stay the same  
40 between 9:00 a.m. and 9:00 p.m., Monday through Sunday.  
41 That's what's on the books. I believe, if I'm not  
42 mistaken, currently the restaurant is closed on Mondays,  
43 but --

44 MR. KENNY: Yes.

45 MR. GUTIERREZ: -- we do have that, under the  
46 ordinance, it allows them seven days a week essentially  
47 and we left it that way in the event that the owner  
48 wants to operate under those hours of operation.

1           That's all I have for you really. Parking, we  
2 looked at and observed. There continues to be more than  
3 adequate parking. So, we do not see any issues with  
4 regard to the off-street parking.

5           Staff is supportive of the proposed special use.  
6 We did suggest that, as a precautionary measure with  
7 regard to parking, that employees still be required to  
8 park in the remote ends of the property, to the north  
9 and south end of the property. The Applicant actually  
10 mentions in his application, that the employees are  
11 currently parking in the south end of the property. So,  
12 long as it's not in front of the store fronts facing  
13 Happ.

14           CHAIRPERSON VASELOPULOS: Or any of the businesses,  
15 right?

16           MR. GUTIERREZ: There are some businesses that  
17 front the south and north parking lots, but it's been  
18 our consistent observation over the years that those  
19 parking spaces still are the least used spaces. So,  
20 that's where we suggest or require in the proposed  
21 motion that the employees would park there.

22           The petitioner here to present to the Commission.  
23 Unless you have any more questions for me, I'll hand it  
24 over to Mr. Kenny.

25           Mr. Kenny, if you could go to the podium and we'll  
26 need to swear you in. Please raise your right hand.

27           (Witness sworn.)

28           MR. GUTIERREZ: Thank you.

29           MR. KENNY: So, I don't know what you want me to do  
30 other than, you know, I've probably lived here as long  
31 as anybody has, in this room for sure. I was the first  
32 class through St. Philip's graduating in '61, so I've  
33 lived here since I was six years old and, you know,  
34 although there were a few opportunities I could have  
35 left, I didn't, still here in my fourth home. I just  
36 love Northfield and I've been on Summerset for 45 years  
37 so that all plays in.

38           When this opportunity came up, and I have been a  
39 customer of Rob Mages who owned it originally. You  
40 know, so there was an opportunity when Nassir decided to  
41 sell. I had told him one time if you do, I'm  
42 interested. He's going to move on and we're hopefully  
43 going to move in.

44           So, you know, we're going to have a lot of fun, we  
45 really are. I'm retired, my wife is retired, so, we got  
46 a lot of grandkids, so we're just hoping that this thing  
47 works out really well for all of us, and we're very sure  
48 we can make it work.

1 CHAIRPERSON VASELOPULOS: Great, thank you. Steve  
2 already covered a couple of the typos in your  
3 application, so it's understood about the 74 seats.

4 MR. KENNY: Yes, we're not changing the seating.

5 CHAIRPERSON VASELOPULOS: It's the indoor seating  
6 and outdoor.

7 MR. KENNY: The only thing we're going to change is  
8 we're going to change the flooring. That floor has been  
9 in there forever, we're going to change that. We're  
10 going to paint, we're going to clean. We're literally  
11 going to take over, I think it's the 24th of April.  
12 We'll shut down for two weeks and we've already got  
13 contractors lined up and everything that are going to do  
14 everything else.

15 That's the only thing that's going to be different  
16 is the color scheme and the floor. The bathrooms are  
17 being redone. We're going to clean the whole place, you  
18 know, come out firing system.

19 CHAIRPERSON VASELOPULOS: Good.

20 Any questions?

21 COMMISSIONER BERLINGHOF: I have no questions other  
22 than I'm actually glad to hear what you said about you  
23 and your family wanting to get involved because the  
24 restaurant business can be hard. The reason it worked  
25 so well is because Rob was there everyday.

26 MR. KENNY: Right.

27 COMMISSIONER BERLINGHOF: Yes, a lot of fun to go  
28 there and buying hot dogs from him. So, I just want to  
29 make sure that you're prepared for that. You've got,  
30 you know, a management team in place to catch business.  
31 You know, it's not an easy business to run.

32 MR. KENNY: Yes, you know, I guess the only thing I  
33 can say is what I said in that letter. You know, I ran  
34 a really large construction business for years and years  
35 and years.

36 COMMISSIONER BERLINGHOF: We know it.

37 MR. KENNY: And we worked all over the United  
38 States and Canada, and we were very successful. The  
39 thing that you learn as you go on in that business is to  
40 keep your most important assets. So, you rely on them,  
41 but you do still have to work with them, you have to  
42 talk to them, you have to train them. You have to go  
43 through all those things and we intend to do that.

44 We intend to make it better if we can. I mean,  
45 there's no doubt, and Nassir will tell you the same  
46 thing, that staff they have there, and has pretty much  
47 been there forever, is fabulous. They really are.  
48 They're all good people, I know everyone really well. I

1 know their families. They're really good people and I'm  
2 looking forward to it.

3 You know, hard work to me is nothing. I mean, I'm  
4 used to 16-hour days so that's not going to bother me at  
5 all. I mean, it is not going to bother my wife, she's  
6 put up with it the years I've worked in construction.  
7 We'll get it done; I'm not worry about it. Not one  
8 minute.

9 COMMISSIONER BERLINGHOF: Okay, great. No other  
10 questions.

11 CHAIRPERSON VASELOPULOS: Commission, any other  
12 questions for the Petitioner or Steve?

13 COMMISSIONER DELOYS: I'll just make one comment.  
14 I'm really pleased at your roll call. That was one of  
15 the charts Robby had. He knew everybody and I've got a  
16 feeling you know a lot of that clientele, too.

17 MR. KENNY: Yes.

18 COMMISSIONER DELOYS: You know, you get to know the  
19 rest of them --

20 MR. KENNY: I know a lot of them anyhow because I'm  
21 eating in there all the time myself anyhow. If I don't  
22 know them, I mean, you know, Mrs. Mages has been a  
23 staple there and Nassir kept her on kind of like a,  
24 she's a volunteer. I'm going to try and get her to, you  
25 know, she's so busy anyhow at 89 years old. I mean, we  
26 all know who she is, but trying to get her, you know, to  
27 help us, you know, doing what you just said, to keep the  
28 place alive and jumping.

29 COMMISSIONER DELOYS: And your staff knows  
30 everybody else there.

31 COMMISSIONER SUCHER: And I'd just like to thank  
32 Nassir for keeping it going the last year.

33 COMMISSIONER DELOYS: Yes.

34 COMMISSIONER SUCHER: I think my very first Board  
35 meeting was when we approved that special use, so I  
36 appreciate that.

37 CHAIRPERSON VASELOPULOS: Yes, and it's good to  
38 hear you're going to keep the staff. I used to, U Dawg  
39 U was downtown off of Washington, and Rob was down there  
40 and I think one of the two staff members that are here  
41 were down there.

42 MR. KENNY: It's possible.

43 CHAIRPERSON VASELOPULOS: This was in the 80's and  
44 90's.

45 COMMISSIONER DELOYS: Plus the Northbrook location  
46 also.

47 CHAIRPERSON VASELOPULOS: Yes.

48 So, anyways, any other questions, Commissioners?

1 (No response.)

2 CHAIRPERSON VASELOPULOS: Does anyone from the  
3 audience have any questions or comments they'd like to  
4 make? If you're serious, you have to come to the  
5 microphone and be sworn in and ask those questions or  
6 make those comments.

7 Please be sworn in.

8 MR. GUTIERREZ: Please raise your right hand.

9 (Witness sworn.)

10 MR. GUTIERREZ: Thank you.

11 MR. HOFHERR: Hi, guys.

12 CHAIRPERSON VASELOPULOS: Hello. State your name  
13 for the record.

14 MR. HOFHERR: Sean Hofherr.

15 CHAIRPERSON VASELOPULOS: And your interest in  
16 this?

17 MR. HOFHERR: Interest is lifelong resident of  
18 Northfield as well as a decade long business owner.

19 I am wondering if there is a representative from  
20 the Beal Properties here.

21 CHAIRPERSON VASELOPULOS: Steve? I don't think so.

22 MR. GUTIERREZ: No.

23 MR. HOFHERR: Everything's fine. I come on behalf  
24 of some of the tenants in this building having gone  
25 through with a special use process myself 10 years ago.  
26 I felt like it was necessary, but I also felt like it  
27 was a tool that the Village use in order to hold the  
28 landlords' feet to the fire, if that makes sense. In a  
29 way where when we were moving in, it was, it used to be  
30 all Capriccios, they had put up a demising wall. Sure,  
31 I didn't come in first, they had taken two-thirds, we  
32 were coming and taking the remaining one-third, but we  
33 were really a new suite to the building.

34 CHAIRPERSON VASELOPULOS: Let me interrupt just for  
35 the record. You're the owner of Hofherr Meats, right?

36 MR. HOFHERR: This is correct.

37 CHAIRPERSON VASELOPULOS: Okay.

38 MR. HOFHERR: And we were required to, in this  
39 special use meeting 10 years ago, put up a vapor  
40 barrier. It was important because there was a demising  
41 wall, it used to all be one restaurant, and if you're  
42 working out in four 15-minute intervals of high  
43 intensity, you don't really want to be smelling like  
44 beef jerky, you know.

45 The landlord was also asked at that point to do  
46 some cosmetic improvements. The signage was, it looked  
47 like there were vacancies even though there weren't. It  
48 was just the amount of signs. He did come around, he

1 did.

2 We started off this year, my wife Arianna and I  
3 closed for about three and a half weeks because there  
4 are infrastructure problems with this building,  
5 particularly with the plumbing.

6 First of all, they should have a representative  
7 here for this. They should be celebrating the fact that  
8 Mr. Kenny is coming in with the passion that he has to  
9 keep U Dawg U in existence. We were closed for three  
10 and a half weeks, at a time when it's very important for  
11 businesses that have small margins to remain open. They  
12 only completed the work that allowed us to get back open  
13 to even at a very comfortable level a week and a half  
14 ago.

15 We were closed for three and a half weeks, and when  
16 I say closed I need to actually rephrase that. We were  
17 doing curb side and pickup only. It would have been  
18 embarrassing to have anyone into a fresh meat store when  
19 there were nasty plumbing issues that required them to  
20 be jackhammering up my beautiful epoxy floor that they  
21 had yet to actually replace and acknowledge that they're  
22 not doing. I'm not asking for more, I'm asking for fair,  
23 but I'm also asking --

24 CHAIRPERSON VASELOPULOS: Let me interrupt you just  
25 a little bit because what's before us is not on your  
26 business.

27 MR. HOFHERR: Yes.

28 CHAIRPERSON VASELOPULOS: So, if it's going to tie  
29 into the petitioner's business, then I'd like to get  
30 there.

31 MR. HOFHERR: No, it does, and I know that in a  
32 sense that there are other tenants here that can speak  
33 to issues that they're having if they'd like to, but I  
34 don't want to speak for them. I just know that it is a  
35 building wide problem.

36 CHAIRPERSON VASELOPULOS: Okay.

37 MR. HOFHERR: And it's something that if these  
38 special use hearings are serving the same purpose that  
39 they served when I was undergoing the process 10 years  
40 ago, it would really be important for them to have  
41 someone here to answer to those types of concerns.

42 So, I just, I would love to know, I love you guys,  
43 I respect you guys so much. This is like, this is  
44 Northfield. They have got to look at us as a partner  
45 rather than a number. There has to be something that is  
46 holding their feet to the fire.

47 CHAIRPERSON VASELOPULOS: Thank you. I'll just make  
48 a couple of brief comments.



1           This special use coming before us is a  
2 continuation, and the things you described when you  
3 started your business which I was the Chair for. I was  
4 also the Chair for when U Dawg, when Rob started the U  
5 Dawg U business. He had to do a whole bunch of stuff to  
6 create, so a lot of the things that you have addressed  
7 that you experienced when you first opened up, that  
8 occurred when U Dawg U first opened up as well. We're  
9 continuing that, you know, so we don't have to start  
10 from scratch anymore. That's why you didn't see today  
11 the grilling that we may have put you through 10 years  
12 ago because this isn't a brand new business, this is a  
13 continuation.

14           The other point I would make and then maybe ask  
15 Steve is that whenever a special use comes in, Steve's  
16 department reviews all those things to make sure that  
17 those things that were established years ago with the  
18 first special use, they're still being adhered to.

19           Am I correct, Steve?

20           MR. GUTIERREZ: Yes.

21           CHAIRPERSON VASELOPULOS: So, I just wanted to  
22 bring that, too, because it's a little bit different  
23 from what you just experienced here with him versus your  
24 experience, and that's the reasons why but, you know,  
25 you raised certain concerns that should be brought to  
26 the building owner's attention and I encourage you to do  
27 that. I'm sure you have, but putting it on the record  
28 is good, but we can't do anything more than just that.

29           COMMISSIONER DELOYS: Does the Village have any  
30 right to do anything outside this?

31           COMMISSIONER ESTABROOKE: And I'd like to ask a  
32 question after Steve answers.

33           MR. GUTIERREZ: I'm somewhat familiar with Sean's  
34 concerns with the plumbing. We weren't aware that  
35 things were unsettled still with regard to the tenant  
36 issues. I don't know as we sit here today whether Mr.  
37 Hofherr's concerns are related to the U Dawg U tenant  
38 space.

39           To answer your question, Dan, I'm not sure what  
40 authority we have here in the zoning context. So,  
41 harkening back to the example that Sean made with regard  
42 to the signage and with the landlord when he went  
43 through the special use, we consider that a property  
44 maintenance issue. We wanted them to paint them because  
45 they got a little dilapidated. At that time we had that  
46 on the radar screen, so we said, hey, landlord, we'd  
47 like you to do this. I think it was actually a  
48 condition of their special use, of Sean's special use.

1           Unfortunately, I wasn't in the position before  
2 tonight's meeting to explore if there was something we  
3 can work through with the landlord. Even then, we  
4 always have to also check with the Village attorney and  
5 say, hey, this is what we want to do, are you  
6 comfortable with that and do we have the authority to  
7 require this or that.

8           COMMISSIONER HIRSCH: Well, is there a program for,  
9 let's call it code issues as opposed to code changes or  
10 violations that the Village has? Because quite possibly  
11 there may be a change in diameter size for plumbing and  
12 this thing is outdated and nothing comes to light until  
13 something major happens.

14          MR. GUTIERREZ: Right. So, any repairs need to be  
15 up to code.

16          COMMISSIONER HIRSCH: Right.

17          MR. GUTIERREZ: We don't require for instance that  
18 whole plumbing systems to be torn out of a building.

19          So, I hear Dan asking whether or not things need to  
20 be brought up to code. With the work that's being done,  
21 things being replaced, repaired, that needs to be done  
22 per code, and that was done in the repairs to the  
23 plumbing in Sean's business. Do we require somebody to  
24 tear things out that might have met code standards when  
25 they were installed, not necessarily.

26          COMMISSIONER HIRSCH: Unless it's life safety.

27          MR. GUTIERREZ: Yes, life safety. If there's  
28 electricity shorts and things of that nature of course.

29          COMMISSIONER HIRSCH: Right, electrical and fire.

30          MR. GUTIERREZ: And a drain isn't draining, you  
31 know, which is --

32          MR. HOFHERR: Well, it's food safety issue at that  
33 point. I do want to clarify this. Part of my reason  
34 for being here and raising these issues is not just to  
35 say here are my problems, it's really to bring them to  
36 Mr. Kenny's attention so that he understands that this  
37 is a potential situation that's part of the endeavor  
38 that he's about to embark on. So, I'm not, this is not  
39 an airing of grievances by me, but it is something that  
40 I feel like, I remember that this was a tool back when I  
41 went through the process, used to hold the landlord  
42 accountable.

43          So, if anything, I'm just trying to make aware or  
44 shine a light on an issue that I believe has not been  
45 fully addressed.

46          COMMISSIONER SUCHER: I do have a follow-up, too.  
47 Sorry, go ahead.

48          COMMISSIONER ESTABROOKE: Yes, I have. Yes, I do

1 have a follow-up. I guess I don't understand the  
2 structure of a strip mall. It's not like an individual  
3 house where there's plumbing, you have your plumbing,  
4 you have your plumbing, you have your plumbing. It's  
5 the building's plumbing, am I understanding that right?  
6 So, the problem isn't just with Hofherr Meats.  
7 Potentially, it's a problem for the whole strip  
8 mall, am I understanding that right?  
9 MR. HOFHERR: Correct.  
10 COMMISSIONER ESTABROOKE: Okay, that's interesting.  
11 COMMISSIONER SUCHER: So, bringing this back to, I  
12 think, I have a question for Mr. Kenny. So, do you want  
13 to approach the microphone again?  
14 Are you assuming the current lease at the site or  
15 are you entering into a new lease?  
16 MR. KENNY: Assuming the current lease.  
17 COMMISSIONER SUCHER: Okay, and how much longer is  
18 locked on that lease?  
19 MR. KENNY: Close to, I think 25, isn't it,  
20 something like that, the lease? Oh, it's 10. 10 and  
21 then the options after 10. So, yes, I mean --  
22 CHAIRPERSON VASELOPULOS: So, you're saying a 10-  
23 year lease plus options on top of that?  
24 MR. KENNY: That's what they did, so I'm assuming  
25 that's the lease.  
26 COMMISSIONER SUCHER: And then are you aware of any  
27 issues?  
28 MR. KENNY: I talked to Sean's wife Arianna today  
29 and just asked her what her issues were. She was busy  
30 and we were busy and so at least we know if there's a  
31 problem. I talked with Nassir a couple of times, but I  
32 have no idea what, you know, I don't really know the  
33 details of like, obviously, Sean probably does because  
34 he's already dug it out. I don't think Nassir has done  
35 any, he's not done one thing at all. So, you know, he  
36 doesn't have a problem but if it's a problem that's  
37 eventually going to come down the road, then --  
38 COMMISSIONER SUCHER: I just wanted to know if you  
39 were I guess aware of any problems that exist right now  
40 --  
41 MR. KENNY: No, I just --  
42 COMMISSIONER SUCHER: -- with the question of the  
43 lease.  
44 MR. KENNY: What did we talk, for like three  
45 minutes?  
46 MRS. HOFHERR: Yes, and I could kind of give just a  
47 quick comment.  
48 COMMISSIONER DELOYS: Got to be sworn in.

1           COMMISSIONER SUCHER: Thank you. I just wanted to  
2 understand that. Thank you.  
3           MR. KENNY: Thanks.  
4           (Witness sworn.)  
5           MR. GUTIERREZ: Thank you.  
6           MRS. HOFHERR: I'm Arianna Hofherr. My husband  
7 Sean Hofherr, we own Hofherr Meat Company.  
8           The problem with the plumbing is not, I'm not going  
9 to say it's the entire plumbing system. There is one in  
10 particular infrastructure issue which relates to a  
11 grease trap which is outside the building. Multiple  
12 like units connect to the grease trap via cast iron  
13 pipes. The issue we experienced is the cast iron pipes  
14 completely disintegrated, just fell apart due to years  
15 and years of negligence and who knows what.  
16           The tenant directly next to us just in the last  
17 week, and no other tenants were informed by the landlord  
18 that this was occurring or being buried within walls;  
19 they said it is just your pipes. Last week, the tenant  
20 next to us was experiencing very similar issues where  
21 cast iron pipe is coming off through the drains. It's  
22 disintegrating. It most likely connects to the same  
23 system they had to bring in an outside plumber. As you  
24 said, it's going to be a recurring issue.  
25           What we would like is just that they'll need to do  
26 the due diligence of putting a camera through all the  
27 lines and seeing what is an issue and what's not, and  
28 just ruling things out because I don't think they've  
29 done the due diligence by informing all the tenants and  
30 by checking to make sure these cast iron pipes are good  
31 to go. But it also became years and years of continuous  
32 maintenance that wasn't doing the trick, so they finally  
33 did realize, you know, there's a bigger problem. Things  
34 are crumbling and it could be building wide and they  
35 haven't done any due diligence. They just put a scope  
36 through the lines to just check. So, I don't think all  
37 of those plumbing lines connect necessarily, but  
38 definitely this one drainage does.  
39           COMMISSIONER BERLINGHOF: You hired an attorney I  
40 presume?  
41           MRS. HOFHERR: Yes.  
42           COMMISSIONER BERLINGHOF: To go through the lease?  
43           MRS. HOFHERR: Yes. The good thing for all tenants  
44 is what this system hooks up to is outside the building.  
45           COMMISSIONER BERLINGHOF: Sure, but the sewer pipe  
46 from your building to outside the building may be yours.  
47 On the lease, sometimes they are.  
48           COMMISSIONER SUCHER: But we don't want to guess.

1           COMMISSIONER BERLINGHOF: No, I understand that.  
2 This really is not a part of this purview for here. I  
3 mean, you can obviously have this conversation with him  
4 off the line to let him know what's going on with the  
5 building, so he makes the decision whether he wants to  
6 buy it or not.

7           We can't do this because it is a lease that he's  
8 assuming. So, the Village or the landlord has nothing  
9 to do with this transaction. I'm sure she has to  
10 approve the transaction, but we can't ask them to do  
11 anything more because they're not really asking us, the  
12 owner really isn't asking us this question.

13          MRS. HOFHERR: Well, in our -- no way to hold up  
14 any business, and we want businesses to flourish in  
15 Northfield, especially in our building.

16          COMMISSIONER BERLINGHOF: And you don't want shut  
17 down your business either.

18          MRS. HOFHERR: Exactly.

19          MR. HOFHERR: U Dawg U even.

20          MRS. HOFHERR: Yes.

21          MR. HOFHERR: So, you guys can come to us if you  
22 want to --

23          MRS. HOFHERR: Yes. It's all love and respect  
24 amongst each other. It's more if we felt that you could  
25 hold the building -- just doing some basic assessments  
26 of the actual structure.

27          MR. HOFHERR: We're about to spend a lot of money  
28 here to litigate through something where it's, at this  
29 point, become a matter of principle where we know that  
30 we're in the right. I just knew that this was something  
31 that was maybe the venue to bring it up in. I'm so  
32 excited for U Dawg U to continue to flourish. I just  
33 think that if people are going to own property here,  
34 especially commercial property, are going to own  
35 commercial property in the Village of Northfield, they  
36 need to respect what the Village of Northfield stands  
37 for and they need to make it a little bit more  
38 comfortable to acquire.

39          CHAIRPERSON VASELOPULOS: Thank you. We appreciate  
40 your comments.

41          MR. HOFHERR: Thank you.

42          MRS. HOFHERR: Thank you.

43          CHAIRPERSON VASELOPULOS: Does anyone else from the  
44 audience have any questions or comments?

45                 (No response.)

46          CHAIRPERSON VASELOPULOS: Commissioners, any  
47 questions or comments?

48                 (No response.)

1 CHAIRPERSON VASELOPULOS: If not --

2 COMMISSIONER BERLINGHOF: I'll make a motion.

3 **Motion to recommend to the Village Board: Approval of a**  
4 **Special Use in order to operate a restaurant at 300 Happ**  
5 **Road, in accordance with the Petitioner's Application**  
6 **and Supporting Materials, date stamped February 27,**  
7 **2023, subject to the following conditions:**

- 8 1. The Special Use shall be personal and limited to  
9 the Petitioner, 300 Happ, LLC, pursuant to Article  
10 XVI, Section 4(9) of the Zoning Ordinance of the  
11 Village of Northfield. 300 Happ, LLC is owned as  
12 follows: John E. Kenny, Jr. 25 percent, John Kenny  
13 III 25 percent, Casey Kenny 25 percent, Kevin Kenny  
14 25 percent. Upon change in or transfer of  
15 ownership of 300 Happ, LLC, the Special Use shall  
16 lapse. Change in ownership shall occur when any  
17 corporation, partnership or other entity which  
18 currently owns 100 percent of the total stock  
19 and/or assets of 300 Happ, LLC shall in the  
20 aggregate less than 51 percent of 300 Happ, LLC.  
21 The 51 percent minimum ownership requirements shall  
22 apply regardless of whether 300 Happ, LLC is owned  
23 by a corporation, partnership or other entity.  
24 Furthermore, the Special Use shall only be  
25 applicable to the subject property.
- 26 2. The hours of operation shall be limited to 10:00  
27 a.m. to 9:00 p.m., seven days a week.
- 28 3. The restaurant shall not expand beyond the existing  
29 2,730 square-foot tenant space.
- 30 4. The indoor seating capacity shall not exceed 58  
31 seats.
- 32 5. Relative to the outdoor dining area, the following  
33 conditions shall apply:
  - 34 a. Seating capacity shall not exceed 16  
35 seats.
  - 36 b. The area shall be kept clean and free of  
37 litter and food debris at all times.
  - 38 c. Adequate refuse containers shall be  
39 provided.
  - 40 d. Music may not be played in the outdoor  
41 dining area.
- 42 6. The Petitioner shall require that restaurant  
43 employees park in the underutilized remote areas of  
44 the parking lots at 300-310 Happ Road.
- 45 7. Delivery vehicles shall park in the southernmost  
46 parking and load area.
- 47 8. All waste and disposal containers shall be rodent-  
48 proof and leak-proof and shall be located in the

- 1 trash enclosure serving the building. Such area  
2 shall be maintained and cleaned on a daily basis by  
3 the Petitioner.
- 4 9. The owner shall employ a licensed pest control  
5 exterminator to inspect and treat the premises on  
6 at least a monthly basis. Documentation of said  
7 treatment shall be provided to the Village's Public  
8 Health Sanitarian on a monthly basis.
- 9 10. The Petitioner shall employ a qualified service  
10 provider to clean out the restaurant's great traps  
11 as often as necessary to prevent fats, oils and  
12 greases from entering into the sewer system.  
13 Documentation of said maintenance shall be provided  
14 to both the Public Works and Community Development  
15 Departments on a monthly basis.
- 16 11. The representations made in the application and  
17 supporting documents are binding upon the  
18 Petitioners. There shall be no additional uses  
19 permitted beyond those specifically enumerated  
20 herein or permitted by the Village of Northfield's  
21 Zoning Ordinance.
- 22 12. The Village of Northfield Health, Fire, and  
23 Building Officials shall be granted access to the  
24 subject property at any reasonable time for  
25 purposes of conducting inspections for compliance  
26 with Village Codes and Ordinances.
- 27 13. An approval pursuant to any requested review by a  
28 Village Consultant, Village Staff member, Village  
29 Commission or Village Board Committee shall be an  
30 approval of only those items specified in any  
31 motion, resolution, ordinance, or written report.  
32 Such approval shall not be deemed to be an approval  
33 of any matter which is within the jurisdiction of  
34 any other Village Consultant, Village Staff member,  
35 Village Board Committee or Village Commission that  
36 has not issued a report or given its approval.  
37 Neither shall such approval be deemed the approval  
38 of any County, State or Federal Agency. Under no  
39 circumstances shall the approval be deemed to be an  
40 approval of any matter not included in the  
41 ordinance by virtue of the fact that such a matter  
42 appeared on a supporting document which is not  
43 attached as an exhibit to this ordinance or  
44 incorporated as an exhibit as part of this  
45 ordinance.
- 46 14. The Petitioner shall comply in all other respects  
47 with the ordinances of the Village of Northfield  
48 and nothing in this special use shall be construed

- 1 as a waiver of any of those requirements.
- 2 15. Violation of any condition of this Special Use  
3 Ordinance shall be cause to revoke said permit by  
4 the Corporate Authorities upon 10 days proper  
5 notice to the Petitioner. Alternatively, the  
6 Village Manager shall have the right to assess  
7 fines, not to exceed \$750 per violation, for  
8 violation of this Special Use Ordinance. Such  
9 assessment of fines may be appealed to the  
10 Corporate Authorities by filing written notice of  
11 appeal within three days of the assessment.
- 12 16. Changes in the project may only be made as follows:
- 13 A. Minor Field Changes. Minor changes in  
14 locations or sizes shown on exhibits may  
15 be approved, in writing, by the Director  
16 of Community Development. Typically, a  
17 minor field change will not involve a  
18 percentage change greater than three  
19 percent. However, not all changes of  
20 less than three percent shall necessarily  
21 be deemed to be minor. The determination  
22 of the Director of Community Development  
23 as to whether a change is a minor field  
24 change shall be final.
- 25 B. Village Board Approved Changes. The  
26 Village Board may approve, without  
27 referral to the Plan & Zoning Commission,  
28 such other changes as it believes are in  
29 the best interest of the Village and  
30 which do not involve changes in numbers  
31 found in the text of the Ordinance and  
32 which do not have a substantial, direct  
33 impact on adjacent properties. The  
34 determination of the Village Board as to  
35 whether a requested change should be  
36 referred to the Plan & Zoning Commission  
37 shall be final.
- 38 C. Changes Requiring a Public Hearing. Any  
39 change involving a size, quantity or  
40 other numerical value found in the text  
41 of the Ordinance or any change having  
42 substantial, direct impact on adjacent  
43 properties shall not be made except after  
44 a public hearing before the Plan & Zoning  
45 Commission. Additionally, the Village  
46 Board or the Director of Community  
47 Development may refer requested change to  
48 the Plan & Zoning Commission for public



1                                   **hearing when either believes it would be**  
2                                   **in the best interest of the Village to do**  
3                                   **so.**  
4           COMMISSIONER HIRSCH:  I'll second that.  
5           CHAIRPERSON VASELOPULOS:  All those in favor?  
6           (Chorus of ayes.)  
7           CHAIRPERSON VASELOPULOS:  All opposed?  
8           (No response.)  
9           CHAIRPERSON VASELOPULOS:  The motion carries.  
10          Thank you.  Good luck to you.  
11          Thank you, audience, to your comments.  They're  
12          much appreciated.  
13          Is there a motion to adjourn?  
14          COMMISSIONER ESTABROOKE:  Motion to adjourn.  
15          COMMISSIONER BERLINGHOF:  Second.  
16          CHAIRPERSON VASELOPULOS:  Kathy, second from Todd.  
17          All those in favor?  
18          (Chorus of ayes.)  
19          CHAIRPERSON VASELOPULOS:  All opposed?  
20          (No response.)  
21          CHAIRPERSON VASELOPULOS:  Motion carries.  Thank  
22          you.  Good night.  
23          (Whereupon, at 7:36 p.m., the above meeting was  
24                                   concluded.)  
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27          APPROVED 5/1/23  
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