

**City of Prospect Heights
Plan/Zoning Board of Appeals
March 23, 2017**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:00 pm by Chairman Dash, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

Present: Commissioners Frank-Watson, DeGraf, Patel, Roscoe, Tammen and
Chairman Dash

Absent:

Present at the meeting: Director of Building & Development Daniel A. Peterson.
Recording Secretary Jennifer Myzia

III. APPROVAL OF November 17, 2016 MINUTES

Motion made by Commissioner DeGraf, seconded by Commissioner Roscoe, to approve the meeting minutes.

ROLL CALL VOTE:

AYES: Commissioners Frank-Watson, DeGraf, Patel, Roscoe, Tammen and
Chairman Dash

NAYS: None

ABSENT:

ABSTAIN:

Motion carried.

IV. OLD BUSINESS – None

VI. NEW BUSINESS

1. PZBA – Zoning Public Hearing: Case No. ZBA-17-01V

Applicant: Kenneth & Donna Soens

Address: 114 S School Lane, Prospect Heights IL

Description of Requests:

- A. Consideration of a variation to allow a reduction in the corner side yard setback from 25' to 20' to construct an addition to the primary residence as required by Section 5-6-1 E(3)b of the City of Prospect Heights Zoning Code

Motion made to open public hearing #17-01V by Commissioner Tammen, seconded by Commissioner DeGraf at 7:03 p.m.

ROLL CALL VOTE:

AYES: Commissioners Frank-Watson, DeGraf, Patel, Roscoe, Tammen and
Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Chairman Dash swore in all members of the audience that were going to provide testimony for this public hearing.

Director Peterson: The Soens have a building permit application on file with the City to construct an addition on an irregularly shaped lot. To be able to get the addition to meet their needs, they are seeking a minimal 4 foot variation, The request is for a 5 foot variation depending on location of foundation based on the irregularity of the lot and configuration of the home in which that side of the home is open for construction the other side of the house has a garage. The hardship requirements have been met. The property was properly posted a month ago and ads in the paper. The mailing does not meet the technicality of certified mail, but was sent regular mail it is up to the discretion of the chairman if we proceed.

Chairman Dash: The nature of the request is very minimal and because there is no adjacent property owner to the side where the variance is being requested I think we should continue.

Ken Soens of 114 S School presents his case. Ken states he and his wife have purchased the home and have fallen in love with the area. The intention when purchasing the home was to put some type of addition off to the back of the home. The Soens had plans drafted to stay in compliance with the current code but after more thought decided it would look ridiculous if they continued with the current plan and decided to go for the variance. The variance stays within the property line, there is no one living behind the Soens.

Chairman Dash requests if anyone else would like to speak towards this case. No one approaches. Chairman Dash states the packets are very thorough having plenty of information to make a decision since no one is adjacent to the set back there should be limited objections. Chairman dash asks for commissioner comments.

After the other commissioners comment about their approval of the plan, Chairman Dash request for a motion to close the public hearing.

Chairman Dash called for a motion to close the public hearing for PZBA Case No ZBA-17-01V at 7:12 p.m.

Motion by Commissioner Tammen
Seconded by Commissioner Roscoe
Roll Call Vote

AYES: Commissioners Frank-Watson, DeGraf, Patel, Roscoe, Tammen and
Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Chairman Dash called for a motion to receive into the public record the staff review of zoning compliance for the application.

Motion Commissioner Tammen
Second Commissioner Frank-Watson.
Voice Vote: Unanimously approved

Chairman Dash called for a motion that City Council approve the following request:

- A. Consideration of a variation to allow a reduction in the corner side yard setback from 25' to 20' to construct an addition to the primary residence as required by Section 5-6-1 E(3)b of the City of Prospect Heights Zoning Code

Motion: Commissioner Roscoe

Second: Commissioner Frank-Watson

Roll Call Vote

AYES: Commissioners Frank-Watson, DeGraf, Patel, Roscoe, Tammen and
Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Motion carried

2. PZBA – Zoning Public Hearing: Case No. ZBA-17-02 SU

Applicant: Chuck Knoblauch, Elsie's Place Café, LCI Highland of Illinois, LLC

Address: 9549 Penn Avenue South, Bloomington, MN 55431

Description of Request:

- A. Consideration of a special use permit for a 2,635 sq. ft. sit down restaurant in the B-2A General Commercial District per Section 5-7-3 C of the Zoning Ordinance, for the property commonly known as 1300 N Rand Road, Arlington Heights, IL

Motion made to open public hearing #17-02SU by Commissioner DeGraf, seconded by Commissioner Tammen at 7:15 p.m.

ROLL CALL VOTE:

AYES: Commissioners Tammen, Frank-Watson, Roscoe, DeGraf, Patel and
Chairman Dash

NAYS:

ABSENT:

ABSTAIN:

Motion carried.

Chairman Dash swore in all members of the audience that were going to provide testimony for this public hearing.

Director Peterson commented that Chuck Knoblauch and Elsie's Place Café was here a year ago for a similar request for a different location which was unanimously approved by this body. It was subsequently voted down at the other location for a few different reasons by City Council. Mr. Knoblauch and his group have done research for another location, a storefront at 1300 N Rand Rd. This property is significantly larger than the other one and Mr. Knoblauch and Elsie's are presenting a much larger floor plan of a sit

down restaurant to go forward. Tonight we are here to look at the special use only, liquor license consideration is done by the City Council and any video gaming is per review of the State of Illinois.

Mr. Chuck Knoblauch of 164 Heritage Lane Streamwood, IL presented his application. We are coming back again because the first one didn't work out, but this location presents a better opportunity with more parking availability, more visibility a larger interior for more seating to serve better food menu. This location really suits our needs much better. We love the location.

Director Peterson asks for the record the hours of operation to be proposed.

Mr. Knoblauch states the hours will be whatever the local liquor license allows but tentatively open 8 or 9 am every day, close Sunday-Thursday 11pm, Friday and Saturday until mid-night.

Chairman Dash requests anyone who has come to speak to this case to step forward.

Kathy Gilroy of 203 W Division St Villa Park is involved with the anti-gambling movement, the only information Kathy has towards this case is what she read in the Journal topics and that there was a concern with the amount of food that would be for sale and from her experience visiting video gambling cafés there is almost no food. In her opinion people don't go there to eat they go there to gamble their money. Kathy states that for the size of the property, it is worth it in comparison to the amount of money that will be brought in however she would like it to be considered that food will not be a large part of the operation.

Mariusz Folta of 1225 Stratford Prospect Heights is questioning the notice as he did not receive a notice of meeting. He is concerned as his lives in close proximity to the location of the proposed café. Mr. Flopa found out about the meeting the same day of the meeting. His concern is that they are going for the food license but everything is about gambling. He states his opinion is that everything is about gambling and that there are already three restaurants nearby with the gambling machines.

Director Peterson states that he thought 1225 Stratford was on the list, the applicant has submitted the green cards however the one for that address had not been returned. All but three green cards were returned and therefore it is unknown what happened with the mail. Director Peterson enters in as exhibit #7 the returned green cards.

No one else appeared to testify on this cash therefore Chairman Dash requests comments from the commissioners.

Commissioner Roscoe questions if there is an age restriction of over 21 only and the aesthetics of the street appearance if the windows will be blacked out.

According to Mr. Knoblauch there will be one small video gaming sign, food posters displaying the menu and some circular signs posting daily food specials. They will be using very nice window treatments as there are a lot of windows on this corner. Elsie's policy is 21 and older.

Commissioner Patel asked if they have another location.

Mr. Knoblauch states with the interior, Sleepy Hollow will be opening. They have eight other locations and the interior has changed just a little bit with each one. This location

will be different due to a larger kitchen. They are adding a hoodless fryer and other equipment to modify the menu to what the people have been asking for. We will be putting a lot more effort into the food service part of the business.

Director Peterson acknowledges that the floor plan submitted accommodates a floor plan with approximately 45 seats available and 5 video gaming stations. The floor plan also partitions off the video gaming to separate it from the line of sight by the windows. This is contingent upon final construction plans should it be approved. Director Peterson asks Mr. Knoblauch to speak to describe the menu for a better understanding of what the product is.

Mr. Knoblauch described the menu includes fresh made sandwiches with multiple bread choices including the signature pot roast sandwich that is made in-house. With the fryer they will be able to do fries, cheese curds and many items of the like. They will also have fresh homemade pizza.

Commissioner Patel asks if the eight other locations have video gaming as well.

Mr. Knoblauch responds yes.

Commissioner Frank-Watson expresses that her concern is this being a 21 and over establishment therefore the intent is more to a video gaming business than a sit down restaurant and that the application is misleading because it is technically a sit-down restaurant but it tends to lean more towards gambling than dining.

Mr. Knoblauch states the concern for allowing ages of 18 and above in is that when no one is watching they will sneak to the gaming machines and due to the strict fining laws of the state Mr. Knoblauch and Elsie's Place felt it would be easier to do things this way even though they may not proceed this way. The Aldermen have brought this point to Mr. Knoblauch's attention and it is being considered but must be approved by his superiors.

Commissioner Frank-Watson states she feels there are better uses for this space and that this is not a family friendly business. It's not a traditional sit-down restaurant it is what it is.

Commissioner DeGraf states he does understand the concern of the under age as he and his family were waiting at a similar establishment for a table and when he turned around found his daughter at the video gaming machine thinking it was a Pac-Man. She obviously wasn't playing because she hadn't put in any money but Commissioner DeGraf can understand from a management standpoint that all it takes is an inspector to come in and write a citation and even though not done deliberately it does happen. Commissioner DeGraf can understand and agree with the over 21 rule for walking in.

Mr. Knoblauch states that with each establishment they try to do the best job at recreating the menu and needs of the patrons and if they don't gamble that's fine. It's a big part of the budgeting process to try and sell food. Liquor is just an addition because of the fact they don't serve more than two so it's not a focus. There will not be any beer signs in the window. The promotion will be the food menu.

Chairman Dash states the application on front of us is for a sit-down restaurant and the analysis based on staff review the project both the general requirements and the standards for a special use permit for a sit-down restaurant so unless there are comments from other commissioners at this point let's close the public hearing.

Chairman Dash called for a motion to close the public hearing for PZBA Case No ZBA-17-02SU at 7:32 p.m.

Motion by Commissioner Tammen
Seconded by Commissioner DeGraf
Voice Vote: Unanimously approved, 5-0

Chairman Dash called for a motion to accept into the public record the staff review of zoning compliance for the application.

Motion Commissioner Roscoe
Second Commission Tammen
Voice Vote: Unanimously approved, 5-0

Another motion is needed to add into evidence exhibit #7

Motion Commissioner DeGraf
Second Commission Tammen
Voice Vote: Unanimously approved, 5-0

Before a motion is asked to approve the variance as written we spoke about the hours of operation that they would be more conservative than the liquor license allows, we have talked about the aesthetics of the restaurant, the exterior that it will be done tastefully trying to attract people who are 21 and over to eat and enjoy the entertainment potentially offered here. Again we are here for the sit-down restaurant whether they are to obtain a liquor license or video-gaming license is beyond our scope.

Commissioner Roscoe comments that he would like a consideration that the age limit be open to anyone up until 7 pm. If you are going to make a push for food and selling it make it a destination for during the day, early evening and dinner time there are a lot of places out there that have gaming and sell alcohol that are kept to the same standards of legalities not letting the kids play the machines and being a business owner that is up to you to control. Make it open and make it inviting to everyone.

Director Peterson states that the two establishments that are prototypical gaming cafés, Penny's and Stella's both have 21 and over requirements. In Director Peterson's opinion they have not made the effort on the food that is displayed in this case. Most of those facilities are 800 square feet, seating for maybe 7 and the games and no on-site prep position of the kitchen. This application has done that but every other establishment, Union Ale House, Rocky Vander's, HOME Bar, Village Pizza Inn in the Ramada that have gaming all have liquor license that are open so people can come in for dinner if they so choose.

Chairman Dash requests for the motion to recommend to the City Council approve the following request:

- A. Consideration of a special use permit for a 2,635 sq. ft. sit down restaurant in the B-2A General Commercial District per Section 5-7-3 C of the Zoning Ordinance, for the property commonly known as 1300 N Rand Road, Arlington Heights, IL

- A. Motion: Commissioner Tammen
Second: Commissioner Roscoe
Vote: Ayes: Roscoe, DeGraf, Patel, Tammen, Dash
Nays: Commissioner Frank-Watson
Absent:
Passes: 5-1

Motion passes and is to appear before City Council on April 10th.

VII. Communications

- A. Next PZBA meeting will be held April 27, 2017

VIII. Adjournment: At 7:40 p.m.

Motion: Commissioner DeGraf
Second: Commissioner Roscoe
Voice Vote: Unanimous to adjourn