

**City of Prospect Heights
Plan/Zoning Board of Appeals
July 27, 2017**

I. MEETING COMMENCEMENT:

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:03 pm by Chairman Dash, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

II. ROLL CALL:

Present: Chairman Dash, Commissioners DeGraf, Patel, Tammen, and Kempa

Absent: Commissioner Frank-Watson with prior notice

Quorum present

Present at the meeting: Director of Building & Development Daniel A. Peterson.

Recording Secretary: Jennifer Myzia

III. APPROVAL OF May 25, 2017 MINUTES

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

ROLL CALL VOTE:

AYES: Commissioners Patel, Tammen and Kempa and Chairman Dash

NAYS: None

ABSENT: Commissioner Frank-Watson

ABSTAIN: Commissioners DeGraf

Motion carried.

IV. OLD BUSINESS

1. PZBA – Zoning Public Hearing: Case No. ZBA 17-05SU

Applicant: Rueben Aviles, Rueben's Bar & Grill

Address: 1513 E. Thayer, Mt. Prospect, IL 60056.

Description of Request:

- A. Consideration of a special use permit for a 726 sq. ft. sit down restaurant in the B-1 Retail Business District per Section 5-7-2 C of the Zoning Ordinance, for the property commonly known as 5 S. Wolf Road, Prospect Heights, IL 60070

Chairman Dash requests a motion to re-open public hearing 17-05SU @ 7:04 pm by

Motion by Commissioner Tammen

Second by Commissioner Kempa

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel and Chairman Dash

NAYS:

Chairman Dash swears in new presenters.

Director Peterson explains this case has had a couple of continuances to allow the applicant time to prepare better plans and to work with staff to make sure they meet the requirements of the building code for a sit down restaurant. The plans that you have received this evening from J&H Design show the existing floor plan, power plan and ceiling plan based on discussion and looking at the floor plan on the left, Mr. Aviles is proposing to add a second handicap accessible bathroom which would provide two handicap accessible bathrooms in the facility which would meet the Illinois Department of Public Health requirements for bathrooms for a restaurant. Also noted this facility has a pre-existing commercial kitchen hood, pre-existing commercial oven and a commercial three compartment sink. Other improvements already in the site are the small bar area with a three compartment sink and a hand sink as well. There is a service bathroom in the back of the kitchen which may or may not be kept in that condition but does not apply for the handicap bathroom requirement by the Code. Mr. Aviles has met the minimum requirements of the building code.

For the record Mr. Aviles has been previously sworn in at the first meeting.

Reuben Aviles address 1513 E Thayer St. Mount Prospect, IL 60065

Mr. Aviles states he has a menu, a licensed cook and have been complying with everything that has been requested of him so far and that he will be building a second washroom and has applied for the liquor license.

Chairman Dash asked, what type of foods will be served? Mr. Aviles responded, tacos, cheeseburgers, hot dogs, chicken wings & steak sandwiches.

Commissioner Kempa asked, how many people the restaurant will accommodate? Mr. Aviles responded, 30.

Commissioner DeGraf asked, what the hours of operation will be? Mr. Aviles advised the plan is 9am until 11pm, Monday – Saturday and Sunday Noon until 4pm or 5pm.

Director Peterson advises at this time for the record the authority of the plan commission is strictly to determine if the applicant has met the criteria for a sit-down restaurant. Any determination of liquor licenses are determined by City Council based on his compliance with the liquor code. Additionally if there is any gaming that may or may not come to the facility is determined by the State of Illinois not by this body. We are here tonight to determine if the applicant and the plans that have been submitted warrants the approval of special use for a sit-down restaurant. Additionally as previously stated the facility does have adequate parking to meet the requirements of the zoning code for parking for a sit-down restaurant and there are other sit-down restaurants in the mall.

Chairman Dash requested for a motion to close this public hearing for ZBA 17-05SU @ 7:11 pm

Motion by Commissioner Tammen

Second by Commission DeGraf

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel and Chairman Dash

NAYS:

Chairman Dash requested for a motion to receive into the public record the staff review of the compliance for the application with the zoning standards presented by staff this

evening and to make these standards part of the official record for the application ZBA 17-05SU @ 7:12 pm

Motion by Commissioner DeGraf

Second by Commission Kempa

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel and Chairman Dash

NAYS:

Chairman Dash requests for a motion to receive into the public record the existing record drawing for the proposed Reuben's Bar and Grill prepared by JH Design labeled as sheet A1 ZBA 17-05SU @ 7:13 pm

Motion by Commissioner Kempa

Second by Commission Tammen

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel and Chairman Dash

NAYS:

Chairman Dash asked if any additional discussion is needed by the commissioners and states that the application meets the requirements per the Code and as there are other sit-down restaurants within the strip mall so that the special use appears to be consistent with what is transpiring in that area unless there are any other comments we can move forward with the motion.

Chairman Dash requested for a motion to City Council to approve the following request for a special use permit for a 726 sq. ft. sit down restaurant in the B-1 Retail Business District per Section 5-7-2 C of the Zoning Ordinance, for the property commonly known as 5 S. Wolf Road, Prospect Heights, IL 60070 ZBA 17-05SU @ 7:13 pm

Motion by Commissioner DeGraf

Second by Commission Tammen

VOICE VOTE:

AYES: Commissioners Patel, Tammen, Kempa, DeGraf and Chairman Dash

NAYS:

Chairman Dash reiterates that the PZBA is a recommending body and that this case will go before the City Council.

Director Peterson advises the next City Council meeting will be August 28th, 2017

Closed Case @ 7:14pm

2. PZBA – Zoning Public Hearing: Case No. ZBA 17-06V

Applicant: Joe Pascucci,

Address: 697 Glendale Drive, Prospect Heights, IL 60070

Description of Request:

- A. Applicant originally applied for a variation to encroach 13' into the required 15' side yard setback for the purposes of constructing a 3rd car bay onto his primary structure to store his work truck per Section 5-6-1E2 of the City of Prospect Heights Zoning Code. The application has been amended to request a variation to encroach 0' into the required 5' side yard setback for

the purpose of constructing a driveway in the required side yard to access his rear yard so he can construct a detached garage per Section 5-6-2E2a

Chairman Dash requests a motion to re-open public hearing ZBA 17-06V @ 7:16 pm by Motion by Commissioner Tammen

Second by Commissioner DeGraf

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel and Chairman Dash

NAYS:

Chairman Dash requests if anyone is in attendance to present or make comments please stand to be sworn in.

Director Peterson commented that Mr. Pascucci has been working diligently to see about meeting the City Zoning Code and the City Code regarding flood control. Mr. Pascucci's property is such that there is a large portion of the property in the 100 year flood plain and falls under the requirements of the City code for flood control ordinance. As a result of that there has been additional testing required and additional design and work that has been required of Mr. Pascucci to verify that the project he would like to do can move forward. Over the last month we have had meetings with himself, his engineer, designer and attorney. We have gone over some records, test results some additional testing was required that the City has not received as of yet. The tests are in the process of being completed however the City has not received the results. Additionally at some point this body will have to make a determination on site approval for the flood control variation but that would be in the roll as plan commission not as the zoning board of appeals. That section of the code is 7-1-12 of the City Code.

Mr. Pascucci remains sworn in from the last meeting. Mr. Pascucci states his name and address for the record, Joseph H. Pascucci 697 Glendale Dr., Prospect Heights IL 60070

Mr. Pascucci explains that he has the documents that himself, Director Peterson and Steve Berecz (the City Engineer) have been working on in regards to an additional requirement for helical piers to be placed into the ground so the foundation does not settle. The test was done and completed. The correct distance and depth has been found for installation of the piers. Mr. Pascucci has documentation from the company stating how many, how deep and what needs to be done.

Director Peterson states let the record show that Mr. Pascucci submitted a report from Elite Piering, LLC PO Box 281 Gurnee, IL 60031 dated July 27, 2017 into the record. Let it be known that a staff review of this document has not been completed at this time.

Chairman Dash asks if additional geotechnical information will be provided or just a quote that a contractor could do the work.

Mr. Pascucci advises this is a report based on testing completed by this company. Elite Piering took the soil testing report and calculated with the geotechnical report. Elite Piering came out and did a test pier. They drilled into the ground. They go to a depth with a torque meter to determine how deep it is until they hit solid ground that is load bearing and the result was 42 feet.

Director Peterson states we are not in a position to discuss the flood control at this time due to the Civil engineer hired by Mr. Pascucci did submit some drawings however our City

Engineer did not get comments back to him until this week. Due to this, Mr. Peterson feels one more month from a staff perspective would be necessary.

Chairman Dash asks if it is a true statement that the variation request to the flood control ordinance need to take place prior to the ZBA approving the variance.

Director Peterson states that is correct. The issue with the flood control ordinance came in to effect after the original request for zoning variation. Therefore it was always listed as old business. As we move forward before we can address the variance request for the driveway we will address the flood ordinance first. The outcome of that may or may not lead to the variation for proposed. Mr. Pascucci has been working diligently with engineering and design to meet the criteria for FEMA and a flood proof construction design. He is working on a design compensatory storage which would equate to 1.5 added storage over what he is displacing. These are all variables that need to be reported and the City Engineer will be at the next meeting so that any questions you may have can be answered correctly.

Chairman Dash requests public testimony.

Mike Levanti and my wife Maureen of 701 Glendale Dr., Prospect Heights, IL 60070
Mr. Levanti states it has been a wet summer and that there has been more water in his backyard than there has ever been. Mr. Levanti is concerned about how much paving is going to affect what happens.

Director Peterson states that Mr. Pascucci's Civil Engineer is designing the driveway to hold the water until it properly discharges away from the site. He is calculating to compensate for 150 per cent of the displaced water any structure that is built. That is what they are working on right now so whatever is put in it does not affect upstream or downstream.

Chairman Dash assures Mr. Levanti that there will be a lot of engineering going into this project so that if something is built it meets all the requirements of the City of Prospect Heights Code and goes above and beyond whatever FEMA may require as it is in this flood area.

Director Peterson asks for Mr. Levanti's phone number. Mr. Levanti replies 847-255-3460. Director Peterson informs Mr. Levanti that he will be provided with information prior to the next meeting.

Chairman Dash requests any additional conversation or comments from the other commissioners.

Commissioner DeGraf asks Director Peterson to clarify when building in a flood plain, concerning the requirements from FEMA, is there a score that FEMA gives us or as far as we get rated negatively against us or how does that work?

Director Peterson stated that in doing research along that line we are in a community rating system for flood control and flood management. We have a certain standing within that range. If the design meets the 1.5 per cent for comp storage and is an uninhabitable structure, i.e. a shed or detached garage and it meets the flood proof construction requirements of FEMA, it should not negatively impact our rating. Those are some of the criteria that are being evaluated with the application.

Chairman Dash requests for a motion to continue this public hearing for 17-06V until 8/24/17

Motion by Commissioner DeGraf

Second by Commission Patel

VOICE VOTE:

AYES: Commissioners Kempa, DeGraf, Tammen, Patel and Chairman Dash

NAYS:

Public hearing continued for 17-06V @ 7:29pm

V. NEW BUSINESS - No Action Taken -

**1. PZBA – Zoning Public Meeting:
Site Plan Approval Variation to Flood Control Ordinance**

Applicant: Joe Pascucci,
Address: 697 Glendale Drive, Prospect Heights, IL 60070

Description of Request:

Variation to the Flood Control requirements of the City Code as outlined in Section 7-1-12 for the purposes of constructing a 720 sq. ft. detached garage (non-habitable) in a flood plain.

Director Peterson states that due to the action of continuing the public hearing we will move the plan commission and public meeting to the first item on next month's agenda. The order will be public meeting for the flood control ordinance variation, followed by the continuation of the zoning application because if the first one doesn't go through there is no reason to have the second part.

2. PZBA – Zoning Public Hearing: Case No. 17-09TA

Applicant: MGR Realty LLC,
Address: 2970 Maria Ave #210, Northbrook IL 60062

Description of Request:

- A. Request a text amendment to Section 5-2-2 Definitions and Section 5-6-1A Permitted Uses, by amending the definition of Family; adding a definition for Family Community Residence; and adding Family Community Residence as a permitted use in the R-1 Single Family Residential District

Chairman Dash states she believes the second item under new business will be removed from the agenda.

Director Peterson confirms that it was brought to his attention this morning that one of the public noticing requirements for ZBA 17-09TA was incorrect. It incorrectly referenced the subject property and all of the people who would have received that notice would not have understood it was for one of their neighboring properties. They will be re-noticed and it will be on the agenda for next month.

VI. Communications

Director Peterson states there is an open seat on the planning and zoning board of appeals and if you are a Prospect Heights resident and is interested to please contact the Building Department at City Hall 847-398-6070 x 211. The City is looking for someone who is interested in engineering, design and may have a background in construction or a skillset they feel would be valuable here.

VII. Adjournment: At 7:32 p.m.

Motion to Adjourn: Commissioner DeGraf
Second: Commissioner Patel
Voice Vote: Unanimous