City of Prospect Heights
Plan/Zoning Board of Appeals
October 25, 2012

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

ROLL CALL:

Present: Commissioners Frank-Watson, Dash, Jones, Tammen, Wyatt and Chairman Weidman

Absent: Commissioner Roscoe (Absent by prior notice)

A Quorum was present. Also present at the meeting: Director of Building and Zoning Steve Skiber, City Attorney Eric Yehl and Recording Secretary Robert Sabo.

APPROVAL OF AUGUST 23, 2012 MINUTES

Commissioner Frank-Watson commented that absent by prior notice should be included in the minutes in the roll call for her absence.

Motion made by Commissioner Jones, seconded by Commissioner Dash, to approve the meeting minutes from August 23, 2012 as amended. The motion was approved by a roll call vote.

ROLL CALL VOTE:

AYES: **Commissioners Dash, Jones, Tammen, Wyatt and Chairman Weidman**
NAYS: **None**
ABSENT: **Commissioner Roscoe**
ABSTAIN: **Commissioners Frank-Watson**
Motion carried.

Case No. ZBA-12-13AMD/SU

Applicant: **John Ilin/DBA Advance Motor Sales and Repair, Inc.**
Address: **711 North Elmhurst Road**
Requesting a Text Amendment under B-1 Retail Business District Special Uses to allow for used car sales and repair, and a Special Use Permit to allow for used car sales and repair

Attached is the court reporters transcript of Case No. ZBA-12-13AMD/SU.
Attached to the minutes as Exhibit A is a letter to the Commissioners from Helene Kelly.
Attached to the minutes as Exhibit B is a letter to the Commissioners from Corinne Kelly.

Motion made by Commissioner Tammen, seconded by Commissioner Frank-Watson, to deny case ZBA-12-13AMD/SU as presented. The motion was approved by a roll call vote.

ROLL CALL VOTE:
AYES: Commissioners Jones, Tammen, Wyatt and Chairman Weidman
NAYS: Commissioner Dash
ABSENT: Commissioner Roscoe
Motion carried.

COMMUNICATIONS

Director of Building and Zoning Skiber reported that former Plan/Zoning Board of Appeals Commissioner Larry Purcell has passed away within the last month. He was unable to locate an obituary so he does not have any details. Mr. Purcell was a long standing member of the Plan/Zoning Board of Appeals and a long standing resident of the City. He will be missed.

OLD BUSINESS

Director of Building and Zoning Skiber reported all Plan/Zoning Board of Appeals business is up to date with City Council.

NEW BUSINESS

Director of Building and Zoning Skiber reported that there will be an agenda for the November 15, 2012 Plan/Zoning Board of Appeals meeting.

ADJOURNMENT

The October 25, 2012 Plan/Zoning Board of Appeals meeting was adjourned by unanimous voice vote, at 9:22 p.m. with a motion by Commissioner Tammen, seconded by Commissioner Dash.

Respectfully Submitted,

Robert Sabo, Recording Secretary

EXHIBIT A

City of Prospect Heights Plan/Zoning Board of Appeals Public Hearing October 25, 2012
Case No. ZBA-12-13AMD/SU
Applicant: John Ilin/DBA Advance Motor Sales and Repair, Inc.
Property Address: 711 N. Elmhurst Road
Property Zoning District: B-1
Description of Requests: Text Amendment under B-1 Retail Business District Special Uses to allow for used car sales and repair, and a Special Use Permit to allow for used car sales and repair

Submitted via email on October 25, 2012 to Commissioner Frank-Watson

Dear Commissioners:

I respectfully request that my testimony, in its entirety, be read into the record of this hearing by Commissioner Frank-Watson.

My name is Helene Kelly and I reside at 707 N. Elmhurst Road, Prospect Heights, Illinois. I am currently outside of the country and therefore unable to attend this hearing. My property is located 100 feet south of the subject property and I have resided there since 1959.

The property at 711 N. Elmhurst Road is zoned B-1 Retail Business and abuts two single family properties in a residential neighborhood. In almost all cases, B-1 parcels are relatively small in size and located in close proximity to R-1 Single Family Residential properties. In B-1 zoning, there are over 100 permitted uses and 14 special uses. These uses were prudently chosen and deemed to be compatible with nearby residential property use. Used car sales and auto repair shops are not compatible or harmonious uses with the surrounding residential areas of any B-1 parcel, including the property at 711 N. Elmhurst Road.

Furthermore, no need can be shown to exist for the proposed uses on the subject parcel nor on any B-1 parcel. Our zoning ordinance already allows for used car sales and auto repair in less restrictive business districts which are located in primarily commercial areas. One example is the Rand Road corridor which is almost exclusively commercial. Unlike the less restrictive business districts, most B-1 parcels are located on streets such as Elmhurst Road, which is primarily residential. Used car sales and auto repair shops are undesirable and inappropriate uses which would should not be allowed to infiltrate and forever change the appearance and character of these areas.

I have serious concerns regarding the many negatives associated with these two types of businesses being allowed in a B-1 district and their adverse impact on the neighborhoods and nearby homes. These include: environmental concerns regarding waste disposal and our private wells; impact on private wells from car washing & detailing; signage (both regular and promotional); noise generated from major auto repair work; and the devaluation of nearby residential properties. As concerns the subject property, there are also additional concerns due to the size of the lot: limited space to accommodate parking for stock, employee, servicing, and sales customer vehicles; close proximately of building to adjacent single family homes; and minimal zoning buffer from business to adjacent residential lots .

Regarding the property at 711 N. Elmhurst Road, we who live in the area would welcome a new business at that location. It is more than justifiable to insist that it be one of the hundred plus allowable uses that already exist for B-1 zoning. It is also our imperative to ensure that it be compatible and harmonious with the surrounding residential area - not harmful or injurious.

The applicant is requesting both a text amendment and a special use permit that would adversely effect the appearance, residential property valuation, and character, not only of our neighborhood, but of all neighborhoods which contain B-1 Retail Business properties. I have outlined numerous valid arguments for denial of the requests. Furthermore, the application does not meet all the requisite standards for the text amendment and special uses as set forth in our zoning ordinance. Therefore, I respectfully ask that you deny both applications.

Sincerely,

Helene Kelly

EXHIBIT B

City of Prospect Heights Plan/Zoning Board of Appeals Public Hearing October 25, 2012
Case No. ZBA-12-13AMD/SU
Applicant: John Ilin/DBA Advance Motor Sales and Repair, Inc.
Property Address: 711 N. Elmhurst Road
Property Zoning District: B-1
Description of Requests: Text Amendment under B-1 Retail Business District Special Uses to allow for used car sales and repair, and a Special Use Permit to allow for used car sales and repair

Submitted via email on October 25, 2012 to Commissioner Frank-Watson

Dear Commissioners:

I respectfully request that my testimony, in its entirety, be read into the record of this hearing by Commissioner Frank-Watson.

My name is Corinne Kelly. I reside at 207 E. Olive Avenue, Prospect Heights, Illinois, 60070.
I am currently outside of the country and therefore unable to attend this hearing.

I am opposed to both the application for a text amendment to our B-1 zoning district special uses and the accompanying application for a special use permit, as they apply to the property at 711 N. Elmhurst Road and to all B-1 properties in general.

Our B-1 zoning district is a retail business district for parcels relatively small in size, primarily adjacent to residential properties, and provides for uses compatible with neighboring residential uses. Most B-1 parcels are located on streets such as Elmhurst Road, which is primarily residential. For that reason, the B-1 zoning classification is the most restrictive of all the business districts. There is a need and a necessity for this zoning classification as it exists. Careful and prudent thought was put into determining both the permitted and special uses for this district. Used auto sales and car repair shops are undesirable uses and are incompatible with the surrounding areas of all but one of our B-1 districts.

Other less restrictive zoning districts already exist which allow for uses such as used auto sales and auto repair shops – for example along Rand Road and south of Chicago Executive Airport. If someone wants to open an auto sales or auto repair business, they have every opportunity to do so in the appropriately zoned districts.

As concerns the "automobile related" uses on the B-1 properties at the northeast and southwest corners of Elmhurst Road, it is important to make some clarifications. Napa Auto Parts is an automobile accessory store, an allowable special use in a B-1 district. Auto repair is strictly prohibited. Dave's Auto Clinic is legal, existing, non-conforming in the B-1 district. Our zoning ordinance specifically provides for the gradual elimination of non-conforming uses of land through discontinuance of use ordinances. It would be contradictory and illogical to cite this non-conforming use as an argument for amending the ordinance to add auto repair shops as a special use on a nearby B-1 property.

Numerous negatives inherent in the operation and general appearance of used car sales and auto repair shops will have a decidedly negative and harmful impact on the neighboring residences and the local area in any B-1 district. These include signage (permanent and temporary); noise from auto repair work; possible contamination of wells and waste water from improper or inadequate disposal; impact on private wells from car washing & detailing; and the certain diminished value of nearby residential properties. Due to the lot size at 711 N. Elmhurst Road, additional valid concerns exist regarding a minimal zoning buffer with adjacent residential properties, the close proximity of homes to the building, as well as parking for the vehicles for sale, for employees, those waiting to be serviced, and those of sales customers.

No need can be shown to exist for the additional uses requested in the text amendment to our B-1 zoning districts, nor for permitting these uses on the B-1 property at 711 N. Elmhurst Road. As stated before, other zoning districts already exist which allow for such uses. Additionally, under the B-1 Retail Business District, our ordinance lists 122 permitted uses and 14 special uses. Therefore, the subject property and all other B-1 properties certainly have reasonable economic use under the current zoning classification's allowed uses.

A text amendment to our zoning ordinance altering the allowable uses in this district in order to accommodate this or any applicant's desire to open such a business is not judicious zoning. It is, instead, a misuse of text amendments. Accommodating a private interest to the detriment of the neighboring properties, without adequate public advantage or justification, may well be considered illegal spot zoning.

If the application is granted for the amendment to B-1 zoning to allow these special uses, it becomes a special use on each and every B-1 parcel in our city. Anyone with a current or future interest in any of these parcels would have the right to apply for these uses.

Should you grant the application for special use permits for 711 N. Elmhurst Road, you are opening the door for anyone with a current or future interest in Dave's Auto Clinic & Napa Auto Parts to request permits for the same special uses. A legal precedent will have been set and the zoning board would be hard-pressed to find justifiable cause to deny the requests.

Another predictable outcome, especially in regard to 711 N. Elmhurst Road, is the domino effect. We are well aware that the owner of 709 N. Elmhurst Road, the residential property to the south, has previously applied for a map amendment to rezone his parcel from single family to B-1 and consolidation of lots with the intention of building a strip mall on 709 & 711 N. Elmhurst Road. Should the special uses be granted, and someone contemplate expansion of the auto sales and car repair shop, we will assuredly see another attempt to rezone this R-1 property.

Used car sales and auto repair shops – take a good look at Rand Road and other areas with these types of businesses, all of which are located in primarily commercial areas. Is this the appearance and image we want spread to other B-1 districts located in the primarily residential areas of our city? This would not be thoughtful, judicious planning and zoning, nor would be in keeping with the intent or purpose of our zoning ordinance and comprehensive land use plan.

A stated purpose of our zoning ordinance is to protect areas from encroachment by incompatible uses and to make sure that classes of uses are not usurped by other inappropriate uses. The zoning board will hopefully honor this purpose and the obligation to retain the integrity of our ordinance and the zoning districts prescribed within.

In my testimony I have cited substantive, credible, and compelling arguments for denial of the applicant's requests. Most emphatically, the applications for a text amendment and special use permit for either use do not meet all of the legal, requisite standards as prescribed in our zoning ordinance. I therefore respectfully request that you deny both applications.

Sincerely,

Corinne Kelly

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

BEFORE THE PLAN/ZONING BOARD OF APPEALS
PROSPECT HEIGHTS, ILLINOIS

In the Matter of:)
)
JOHN ILIN/dba) Case No. ZBA-12-13AMD/SU
ADVANCE MOTOR SALES)
AND REPAIR, INC.)

REPORT OF PROCEEDINGS had and testimony taken at the hearing of the above-entitled matter before the Prospect Heights Plan/Zoning Board of Appeals at 8 North Elmhurst Road, Prospect Heights, Illinois, on the 25th day of October, A.D., 2012, at the hour of 7:30 p.m.

BOARD MEMBERS PRESENT:

MR. TOM WEIDMAN, Chairman;
MS. DANIELLE DASH, Commissioner;
MS. CORRINNE FRANK-WATSON, Commissioner;
MR. TIM JONES, Commissioner;
MR. JON TAMMEN, Commissioner;
MR. BENJAMIN WYATT, Commissioner.

ALSO PRESENT:

MR. ROBERT SABO, Recording Secretary;
MR. ERIC YEHL, City Attorney;
MR. STEVE SKIBER, Director of Building and Zoning;
MR. JOHN ILIN, Applicant.

CHAIRMAN WEIDMAN: Good evening. I would like to call the Plan/Zoning Board of Appeals, October 25, 2012, meeting to order. Could I have a roll call, please.

MR. SABO: Commissioner Tammen?
COMMISSIONER TAMMEN: Here.
MR. SABO: Commissioner Dash?
COMMISSIONER DASH: Here.
MR. SABO: Commissioner Jones?
COMMISSIONER JONES: Here.
MR. SABO: Commissioner Frank-Watson?
COMMISSIONER FRANK-WATSON: Here.
MR. SABO: Commissioner Roscoe?
COMMISSIONER TAMMEN: He is absent by prior notice.
MR. SABO: Commissioner Wyatt?
MR. WYATT: Here.
MR. SABO: Chairman Weidman?
CHAIRMAN WEIDMAN: Here.

I hope everyone had a chance to read the minutes from our August 23, 2012, meeting. Do I have any comments or corrections

to those minutes?

COMMISSIONER FRANK-WATSON: I will be abstaining tonight because I was absent. But if someone could just add that I was absent by prior notice, I would appreciate it.

CHAIRMAN WEIDMAN: Okay.
COMMISSIONER FRANK-WATSON: Thank you.
COMMISSIONER JONES: I move we accept the minutes as amended.
COMMISSIONER DASH: Second that.
MR. YEHL: Roll call, please.
MR. SABO: Motion made by Commissioner Jones, seconded by Commissioner Dash.

Move to approve as amended. Roll call: Commission Tammen?

COMMISSIONER TAMMEN: Yes.
MR. SABO: Commissioner Dash?
COMMISSIONER DASH: Aye.
MR. SABO: Commissioner Jones?
COMMISSIONER JONES: Aye.
MR. SABO: Commissioner Frank-Watson?
COMMISSIONER FRANK-WATSON: Abstain.

MR. SABO: Commissioner Roscoe.

Commissioner Wyatt?

COMMISSIONER WYATT: Aye.

MR. SABO: Chairman Weidman?

CHAIRMAN WEIDMAN: Aye.

The case in front of us tonight is case No. ZBA Case 12-13-AMD/SU. The applicant is John Ilin, doing business as Advance Motor Sales and Repair, Inc. The address is 711 North Elmhurst Road.

John is requesting a Text Amendment under B-1 Retail Business District Special Uses to allow for used car sales and repair and a Special Use Permit to allow for used car sales and repair.

Is the applicant here?

MR. ILIN: Yes.

CHAIRMAN WEIDMAN: Do you have your green card receipts for the notices that went out?

MR. ILIN: Yes.

CHAIRMAN WEIDMAN: Would you bring them

up, please.

MR. ILIN: I'm sorry. I was just in such a hurry, and I don't have it with me. And I think --

Did you e-mail?

CHAIRMAN WEIDMAN: All right. John, will you be testifying tonight?

MR. ILIN: Yes.

CHAIRMAN WEIDMAN: Would you step up to the podium, please.

Would you state your name and address for the record.

MR. ILIN: John Ilin. I live in Skokie. 5011 Golf Road in Skokie, Illinois.

CHAIRMAN WEIDMAN: Raise your right hand.

(Mr. Ilin sworn.)

MR. ILIN: Yes, I do.

CHAIRMAN WEIDMAN: So since you didn't bring your green card receipts, are you testifying tonight that you did mail out all of the proper notices?

MR. ILIN: Yes.

CHAIRMAN WEIDMAN: Okay. Then unless there is an objection from the board here, I would like to give you three days to present them to Mr. Skiber. Okay?

MR. ILIN: Thank you. I appreciate it.

CHAIRMAN WEIDMAN: So then now what I would like you to do, John, is explain to the board and everyone in the audience specifically what your intentions are for this piece of property. And please be specific about the area around it, the parking, and everything. Because we would all like to know, this is a unique parcel; and we are interested in how you plan to put your proposal together.

MR. ILIN: Okay. Our intention is to sell used cars, actually quality cars with a warranty for 30 days and free maintenance for one year and 10,000 miles, which include oil change and brake pads and labor. That's what we are planning to do.

And the cars will be priced around

$10,000, over or under, will be clean cars with no rust, no -- Great, 100 percent condition. And we have inside a show room where we can park around 15, 18 cars and outside another maybe 15 or -- around 15 cars.

MR. ILIN: On the north side, north side of the building, we are planning to use that, we suppose about 15 cars. And the front we have customer parking with handicap. And also in the back we have customers' parking and for ourselves parking. Then repair shop, we are using the repairs for our cars and to maintain the cars we are selling.

CHAIRMAN WEIDMAN: Okay. Thank you, John.

MR. SKIBER: Thank you, Mr. Chairman. There is quite a bit more to this proposal. Yes, absolutely, parking is an issue. As you said, we are familiar with the site. I'm very familiar with the site.

The site is considered legal existing nonconforming. It was a nonconforming

building. It was a nonconforming use when it was Quality Discount Used Parts -- or Auto Parts. And nonconforming lot and nonconforming use, it was nonconforming also to parking. It does not meet the minimum width for a B-1 lot of 300 feet, it does not have a conforming corner side yard. It does not have the conforming transitional yards to a resident -- to the two residential properties on the south and the east. But it is what it is. It was developed and grandfathered in to the City in 1976 when the City incorporated.

Previous petitioners were going to demolish the existing structure. And therefore, there was going to be some conformity of setbacks and parking, etcetera, etcetera. This proposal does not involve any demolition of the structure. It involves the existing structure, the existing lot, the existing setbacks that we have to work with; and we will work with them as best we can if this does get approved.

Notwithstanding, the building

itself is roughly between 4500 and 5,000 square feet, it's original construction. The owner of the property is present, and he has received a permit from the City many months ago to improve the site inside and outside. And if you look at the site today, I think you can agree that it's an attractive building.

Whereas before I think it would be considered a blighted site. So we are happy with that initiative. We are happy to be potentially talking about a vacancy on that site. It has been vacant for approximately seven years.

The four corners of the intersection of 83 and Palatine Road on three of the corners are zoned B-1. The NAPA site is B-1, the 711, the Quality Auto Parts is B-1. And the northeast, Dave's Auto Clinic, is B-1. Dave's Auto Clinic I believe went into business on or about sometime in 1978. And according to our current zoning would have required a special use permit to allow for an auto clinic in a B-1

zone.

I did find in 1996 City Council approved expanding that special use to increase the building and, therefore, allow an increase in business for the auto clinic which, in effect, is really auto repair because that's what they do on the site.

So that would be an automotive use in a B-1 district. As best as I could determine, the 710 property where NAPA is now, prior to that was Heights Automotive, which was parts. And I think before that was maybe a gas station, service station, repair. And again, it's zoned B-1 but it's an automotive use.

The fourth corner, which is Wellbrook is a B-4 commercial PUD. It's a vacant lot ready for development, potentially a pad site for a restaurant. So take that out of the mix, three B-1 corners are all automotive uses.

Mr. Ilin is proposing to do used car sales inside and outside and auto repair in

the back with three bays. I'm not so sure about the 15 cars on the outside.

MR. ILIN: Whatever we can accommodate. It's not, it's not --

MR. SKIBER: Mr. Ilin, I think realistically we are talking about half that.

MR. ILIN: Okay. That's not a problem.

MR. SKIBER: As long as you are willing to work with this, we are going to get down this road.

MR. ILIN: Sure. That's right.

MR. SKIBER: The other issue is customer parking. I think there is a way to expand that in the front to allow for a handicap space and maybe add two or three more spaces, I saw a way to do that today; and try to maximize the lot as best you can. You are going to need spaces for the cars that are repaired. You are going to need spaces for your employees, etcetera, etcetera.

We also want to talk about your hours of operation. And I'm encouraged to hear

that you are placing a value of the cars that you want to market for sale at $10,000. Does that mean that every car will have a value of $10,000, not less than $10,000?

MR. ILIN: It would be more or less. It would be average around 10,000.

MR. SKIBER: Will you have any cars that will be 6,000?

MR. ILIN: Yes, we do.

MR. SKIBER: But again, you are making a statement of $10,000 value cars, that's the car we are looking at. We are not looking at something half that?

MR. ILIN: Then we should put, I don't know, maybe 5 to 15,000 or 5, whatever, 30,000.

MR. SKIBER: I mean we are not going to get to that detail. But if you make a statement that the car value is going to be $10,000, we are going to hold you to that.

MR. LLIN: Okay. Then can you reword this, just have clean inventory with warranty because on the car with $1,000, nobody can offer

warranty; but I'm offering warranty on every car I sell.

MR. SKIBER: I understand that. And I would like to, you know, get you to commit to some type of a, something that you can work with that we can agree with as far as a higher-end car. You know what I mean? We want clean, quality cars.

MR. ILIN: Yes.

MR. SKIBER: Okay. Other than that, a little bit of history about used cars in Prospect Heights. It's a very brief history. As best as I can determine from our records, back in 2000 at 1204 South Milwaukee, which is just off the corner of Milwaukee Avenue and Palatine, frontage road, there was a petition in 2000 for -- by Jerry Cairo, the owner of the property at the time for New Deal Used Cars, I do remember it. It was a text amendment, a map amendment, and a special use for that site, which I think was a B-2 site at the time, for an open used car lot. It did go in operation. It

was in operation for several years until the site was redeveloped. And so we did have a used car lot in that location.

The second location that is in use today is on Rand Road at 1410 North Rand Road. Approximately three years ago Jeff Ringa came before Council personally to the Rand Road Business Corridor Ordinance and got approval to open an open lot used car sales, and we have not had a complaint from him. The City benefits from that by obtaining a one percent sales tax on each transaction. So there is a benefit to the City.

Other than that, Mr. Ilin, petitioners will have questions regarding your business plan and we will get through this process. Just one comment about the process. Many of you are familiar with this process, this planning and zoning board of appeals. It's a recommending body to the City Council. So part of this process is to hear testimony from the petitioner, to hear examination questions from

the commissioners, and then to hear testimony from anyone in the audience.

Anyone in the audience that wishes to speak for or against or for any reason regarding this petition will be heard.

And we have a court reporter here that is taking the minutes, verbatim, word by word. We will get a copy of that transcript. We will review that transcript, and we will get the transcript approved by the commissioners, and move this on to the City Council.

It will go to the City Council in one of two ways. It will be a recommendation of the motion at the end of this hearing, whatever that may be. And in order to have a recommendation to the City Council, four of the seated six commissioners must affirm the recommendation. If it doesn't have four, if it's less than four, then it goes to the City Council as a negative recommendation.

At the City Council level with a recommendation it takes three of the five seated

aldermen to approve. If it goes to the City as a negative recommendation, it takes four of the five. It will probably take at least 45 to 60 days before it shows up on a City Council agenda. It will go on first reading, and then the actual ordinance will be voted on at second reading. Okay?

Thank you, Mr. Chairman.

CHAIRMAN WEIDMAN: Thank you, Steve.

I would like to enter some exhibits into the record. ZBA No. 1 is the application. ZBA No. 2 is the plat of survey. ZBA No. 3 is the assignment to the agenda. ZBA No. 4 is the site plan. ZBA 5 is the business plan. ZBA No. 6 is the business profile. ZBA No. 7 is the certificate of publication. ZBA No. 8 is the list of property owners. And ZBA No. 9 is the notice to the property owners. Thank you.

All right. Do any of the commissioners have any comments or questions?

COMMISSIONER TAMMEN: Mr. Chairman, I have a question regarding the parking.

According to the site plan that was within our packets, there are 16 parking spots, 2 of which are the handicap. And also in the description of the business plan 4 to 6 of those spots will be used for employees. So that only leaves, you know, 6 or 7 open spots for customers and cars for service. I just don't see how that's going to work.

COMMISSIONER FRANK-WATSON: I have a question related to parking as well. You stated that under oath tonight that you were not going to be repairing customer cars, only the cars that you are selling. However in your business plan that you submitted it says that you will also repair customer cars. So --

MR. ILIN: Yes. Actually, we consider customers if I sell a car and the customer is coming back, that's a customer.

COMMISSIONER FRANK-WATSON: And how many cars do you intend to have at your establishment to be repaired on any given day?

MR. ILIN: Maybe a few of them, maybe

at the most 3, 4.

COMMISSIONER FRANK-WATSON: Really?

MR. ILIN: Yes.

COMMISSIONER FRANK-WATSON: 3 or 4. And how many customers do you plan to have at a time?

MR. ILIN: At a time, it's hard to say also. I, I could say during Saturdays I may have three or four at a time. But during, during the day maybe one or two. Because we are, it's going to be a modest operation, not really a big operation.

And if we carry 15 to 20 cars or so, then we cannot expect to have that many people.

COMMISSIONER FRANK-WATSON: How many cars are you planning to park outside that are for sale?

MR. ILIN: Now, since Mr. Skiber's mentioned maybe, maybe 7, 8.

COMMISSIONER FRANK-WATSON: Okay. Because if I add that up, then if you have 6

employees, plus 4 customer cars for repair, that's 10; plus 4 customers, that's 14; plus 7 cars that are for sale, you have already exceeded the amount of available parking you have. So I'm wondering how you plan to work around this.

MR. ILIN: In case if I don't, if I don't have enough parking for customers, I would not display that many cars outside. I will have to reduce the parking for display cars, and I have to accommodate the customers.

COMMISSIONER FRANK-WATSON: Are you going to be offering loaner cars?

MR. ILIN: At the moment, at the moment, no.

COMMISSIONER FRANK-WATSON: Because, again, that's a factor because you will have to provide parking for that as well.

MR. ILIN: At the moment, no.

COMMISSIONER FRANK-WATSON: Do you have plans to allow for parking?

MR. ILIN: With the time, maybe the

property next door will be available for sale, maybe I could buy that one.

COMMISSIONER FRANK-WATSON: Interesting. Thank you.

CHAIRMAN WEIDMAN: Mr. Ilin, what are your hours of operation going to be here?

MR. ILIN: During the week, we are planning to have the store open at 8 o'clock just in case if customers wants to drop cars off, you know. But sales will start at 9 o'clock. Service will be 9:00 to 5:00. And sales will be till 6 o'clock during the week. And on weekends we are 9:00 to 5:00 and holidays closed.

COMMISSIONER FRANK-WATSON: I'm sorry. Could you repeat that again? So now Monday through Friday your sales are, hours are --

MR. ILIN: 8:00, we start -- No. Sales will be at 9:00. But service, somebody has to be there just in case if somebody has, wants to drop a car, has to be somebody over there just to talk to the customers.

COMMISSIONER FRANK-WATSON: So one of the customers that have already purchased a car from you?

MR. ILIN: Yes.

COMMISSIONER FRANK-WATSON: And then for Saturday, Sunday --

MR. ILIN: Which purchase a car from me. And with the time, I may have customers coming off the street, you know, because would be recommendation. You know, I used to have a place in Mount Prospect. I start with that place only strictly foreign cars. And customers they had domestic cars, and they kind of forced me to work on their cars. And I start to work on both cars. And same thing maybe will be if somebody purchase a car, and they are happy with my service and has a family member wants to bring his car to me to work, I can't say no.

COMMISSIONER FRANK-WATSON: So then to go back to what you said originally, you stated that you would only be working on customer cars. And like I said, your business plan says you are

working on, you know, other repairs as well.

I'm just trying to gauge how many cars might be parked there at one time, so we know if there is adequate space, that's all.

MR. ILIN: I don't think to be parked more than, like I said, 4, 5, 4 cars for the customers.

COMMISSIONER FRANK-WATSON: Okay.

MR. LLIN: I wish to be more, but maybe not.

COMMISSIONER FRANK-WATSON: And do you feel that you have adequate space for a tow truck that might come to drop off a car that needs repairing?

MR. ILIN: Yes, on the south side of the building. That would be enough room for tow trucks, fire trucks, any heavy trucks to pass by.

COMMISSIONER FRANK-WATSON: Have you accounted for space for a dumpster and a scrap bin?

MR. ILIN: Yes, at the back of the

building.

COMMISSIONER FRANK-WATSON: Would that be here?

MR. ILIN: Next to the door. Between the door and the wall on the west side.

COMMISSIONER FRANK-WATSON: Do you have your plan with you this evening that you could show me exactly where that is or show the commissioners? I'm just trying to see where. I can give mine.

MR. ILIN: I have to use yours because I forgot everything. I'm sorry.

COMMISSIONER FRANK-WATSON: No. Don't apologize.

MR. ILIN: Okay. This is the front. This is, this is right here. Okay. Here. Okay. Here is the exit door. Garbage will go here on this side.

COMMISSIONER FRANK-WATSON: Okay. And the scrap bin as well?

MR. ILIN: Yes.

COMMISSIONER FRANK-WATSON: And does

the building currently have a filter for the proper disposal of hazardous materials?

MR. ILIN: I assume so. If not, we have to install one.

COMMISSIONER FRANK-WATSON: Do you know what that entails by any chance?

MR. ILIN: No.

COMMISSIONER FRANK-WATSON: Because, obviously, it's a concern, there are residences there, any disposal of antifreeze --

MR. ILIN: That will be, disposal of antifreeze and oil will be special tanks inside the building and will not be outside.

COMMISSIONER FRANK-WATSON: Okay.

MR. ILIN: Special tanks for that.

COMMISSIONER FRANK-WATSON: And will you need to make modification to the building to make proper ventilation and sprinkling?

MR. ILIN: I think everything gets -- It's there.

COMMISSIONER FRANK-WATSON: Do you happen to know the distance between your

building and the building to the south?

MR. ILIN: That's a question I cannot answer.

COMMISSIONER FRANK-WATSON: Or to the east. There are two homes that are adjacent to your building?

MR. ILIN: I assume maybe on east side would be maybe, 40 feet or so.

COMMISSIONER FRANK-WATSON: 40.

MR. ILIN: 40 or more I think. And on the south will be maybe 30.

COMMISSIONER FRANK-WATSON: Next question about lighting. Do you currently have a photometric plan?

MR. ILIN: No.

COMMISSIONER FRANK-WATSON: No. What types of lighting are you proposing, exterior lighting?

MR. ILIN: Whatever exterior lights are on the building, we are not planning to use any additional lights on the exterior. Whatever it is, we'll use.

COMMISSIONER FRANK-WATSON: Okay.

CHAIRMAN WEIDMAN: Excuse me, Corrinne, one minute.

COMMISSIONER FRANK-WATSON: No, I'm sorry, please interject.

CHAIRMAN WEIDMAN: Can you speak to the process of the City codes and the building codes that will have to be followed? Because I know what Corrinne is getting at, and we do require a photometric plan and all of that. But could you speak to that?

MR. SKIBER: Yes. I think that would be more relative to development at the site or new construction. When we met preliminarily, we did talk about these things. And again, site lighting, security lighting, etcetera, etcetera. Mr. Ilin did say he would utilize existing lighting on the building. We talked about the possibility of motion sensor lighting for security purposes. And he did indicate that the building did have, was going to have security monitoring system.

MR. ILIN: Yes.

MR. SKIBER: As far as the building itself goes, we talked about for the use of the building, he would have to meet current code, which would be a triple basin anywhere that the automobiles are inside the building, so that's front and rear with the trench drain. We would also, he would have to meet the ventilation criteria and any other part of the building code that's applicable.

So if we do it that it's an existing structure, however, for the use, he will have to meet code in all respects. Now, he will not be required to be sprinklered. Our code does not require existing buildings to do that. However, he will be required to have a full, fully compliant NFPA 72 monitored fire alarm system that will go to a central station should there be a problem.

Does that kind of help you out?

CHAIRMAN WEIDMAN: Thank you, Steve. I'm sorry.

COMMISSIONER FRANK-WATSON: No. Thank you. No, that's fine.

And then regarding signage, staff has informed us that you will not be requesting a variance for any signage?

MR. ILIN: No. We have to have, we are planning to have a sign in front of the building and on the side on the north side.

COMMISSIONER FRANK-WATSON: Do you anticipate needing a variance for height or the square footage of the sign? I mean are you planning on complying?

MR. ILIN: Whatever the City requires, we are complying with. Whatever we --

COMMISSIONER FRANK-WATSON: And are you planning on placing any flags outside to attract customers?

MR. ILIN: Just in case if we are allowed to maybe for holidays maybe, maybe yes. But if it's allowable to have flags; otherwise, no.

COMMISSIONER FRANK-WATSON: I'm just

curious, why are you proposing this business here and not in an area that's zoned for used car sales or auto repair? I'm just, you know, what's so enticing about the property? Because it just seems that there are a lot of challenges that come with it.

MR. ILIN: I agree with you. I used to have a business in Mount Prospect, and I like the area. And since Mount Prospect is -- Prospect Heights is close. And I live in Skokie. I could have a place in Crystal Lake, but when I count the hour in the summer in the car one way I figure it's not worth it. For me to get to work over here, it takes me about 15 minutes, which is not bad.

COMMISSIONER FRANK-WATSON: I think you might have misunderstood my question, or I wasn't clear enough. Is there a reason why you didn't look to establish your business in an area that's already zoned to allow for this use rather than coming before the City and requesting a text amendment, which essentially

would have us rezone all B-1s to allow this as a special use, both of these a special use? I'm just wondering why you didn't go in somewhere where it's already allowed in Prospect Heights.

MR. ILIN: Believe it or not, in every city, every place you find, still we have to go for special use permit. You have to -- So far I try in Skokie. I try in Morton Grove. And still you have to, even in Crystal Lake, still you have to go in front of the city council and for the special use permit on selling cars. On repairs, it's not a problem. But selling cars you have to --

COMMISSIONER FRANK-WATSON: Because we do have areas here if you are interested. I'm just wondering why you put up with such a challenge in the lot being the way it is, so -- And do you own Global Automotive? I know you provided us with an inventory from there, or do you just supply cars to them?

MR. ILIN: Just I supply cars. I'm working in partnership with Global Automotive.

My business is in Indiana, in Dyer, Indiana. I'm a wholesaler, but I work with Global Automotive. I display cars over there and I work.

COMMISSIONER FRANK-WATSON: So you just send your cars in, you don't own the business? You don't have any choice over how they run their business or how they display their cars, that's somebody else's business?

MR. ILIN: Actually we are working together on that.

COMMISSIONER FRANK-WATSON: You are working together, but it's not your establishment?

MR. ILIN: It's not mine. I'm not writing the check for the rent.

COMMISSIONER FRANK-WATSON: Right. And then you mentioned that your cars, originally you said your cars would be priced around $10,000. And then you changed your mind and said that, okay, maybe 6,000. And then you said, well, okay, we will just have clean cars.

MR. ILIN: I have to, I have to make a correction on that. Sometime when I buy a great car at auction and I have a good deal, I want to pass that deal to a customer. And sometime a nice car, very clean car could be under 5,000. For example right now I was at auction, and I pick up 2000 Saab 95, 90,000 miles, super clean car, perfect. Actually, the driver's seat you can see just a small wear. On the passenger, in the rear, you cannot tell somebody was sitting on those seats. You know, the car doesn't have scratches, doesn't have dents. Now I pay $2,000 for this car. I cannot ask $10,000 for the car. You know, just I will, I will put a small markup. And I will make somebody happy with that car.

COMMISSIONER WYATT: Putting aside the diamond in the rough sort of deal, we are sort of looking at more like you take 100 cars, are 95 of them or 96 of them going to be above a certain price point? Not if I find this lucky car, I think that's what more the concern is.

Right?

So that's sort of what we are asking, okay. If out of 100 cars, do you feel confident that 96 of them would be above, say, whatever number you wanted to use?

MR. LLIN: Yes. I could say above, let's put 5, 7,000, 10,000 because right now this car I would plan to sell for maybe about 3,000, 2800, you know, just a small margin on the, small profit, you know. And if somebody is buying this car for $3,000, he's very happy.

COMMISSIONER WYATT: Sure. I understand that. I guess the concern more is, at least from what I'm hearing, like you've thrown out a number like 10,000, like 5, 7 or 5, it actually doesn't matter.

My concern in the long run is we are going to start seeing these numbers sort of degrade over time, after the whole thing is done, which is an average of 5,000, you know, because the market is what it is or the cars you get are the cars you get. It's not -- Whatever

it might be.

But we are looking at cars that are well used for 3,000, $1500, you know, a year or two down the road because that's just the way sometimes things happen. You know what I mean? And so many I think that's sort of the concern that you are not real confident in the number that you are giving us.

MR. ILIN: You know, I could say, I could say, okay, not 10 and not 5, let's put around 7,000 and that will be 7,000 and up. Okay. That will be, that will be the cars.

COMMISSIONER WYATT: Okay. I apologize.

MR. ILIN: It's we can use 7,000 and up.

COMMISSIONER WYATT: For me parking falls in the same category. I know we want X number of cars to start out, which is fine. Then you say, well, we'll gerrymander it as needed. But you don't seem particularly confident in actually being sure of what your

business is going to look like in the sense that maybe you think it's going to be this number of employees, this number of cars from customers.

Well, what if it's double that and you have cars on your lot? And you say, well, we just won't have many cars but you have already got cars on your lot. And you have got customers, and you have got employees, and you have two houses behind you, and a busy road on three sides. And it's not as simple as saying, we will just make it work. It has to work. And so I'm concerned about your level of confidence in terms of what your actual number of customers, number of employees, number of cars is going to look like down the road.

MR. LLIN: Number of customers, like I said, at the time I may have 4, 4 cars, 4 customer cars. And employees, we have 4, 4 cars would be 8. You know, and that will accommodate the back, the back part. And we have front parking. We have side parking.

And on the side, on the north side,

if I park only 7 cars, still I have room to park at least 4 or 5 I think cars because I was counting that today how many cars I could just, I measure how many cars I could really park there on the angle.

COMMISSIONER WYATT: Okay. Unfortunately on this property it looks like there is very little sort of room for error. There is some overlay a little bit. But when you are on the road or in somebody's yard --

MR. ILIN: Oh, no. No.

COMMISSIONER WYATT: Yeah, we can say that would never happen. But the point is your margin is very slim for going over on, you know, any of these estimates, which, you know, it's a consideration.

MR. ILIN: When I start, I would start with few cars. And with the time, I would see how many I can accommodate. For sure I will not park on the street. I will not ask the neighbors to use their driveway. And whatever I can use, and I accommodate with the parking

space to be comfortable for me and for my customers, I use.

COMMISSIONER WYATT: Okay. Thank you, Mr. Wyatt.

MR. ILIN: I think that's --

CHAIRMAN WEIDMAN: Does anyone else have any comments or questions at this time?

COMMISSIONER FRANK-WATSON: Are you planning on selling any of these cars at auctions?

MR. ILIN: Yes. Yes. I'm doing right now.

COMMISSIONER FRANK-WATSON: So the cars that you will have here, you will sell at auction?

MR. ILIN: If the car doesn't sell, let's say, I have time and I consider I have to -- I should take the car at auction, I'm taking the car at auction.

COMMISSIONER FRANK-WATSON: Although we are not allowed to, as a zoning board we are not supposed to take into consideration the

financial benefit this would have on the City, I just would like to state that if you sell these cars at an auction then the City doesn't benefit from that sale.

MR. ILIN: I agree with you. But if I have a car, let's say, for about three months or so or six months and I cannot sell it on the lot, I cannot keep it because it will get too old. I have to take it to auction and take the loss. I am losing on that deal also. I prefer to sell the cars on the lot, then I make the money and the City will make the money. Because in a way, if I lose, everybody lose.

COMMISSIONER FRANK-WATSON: And going back to parking. I'm sorry, I guess it's just hard for me to wrap my head around this. But you are proposing from the numbers you gave me having at least 21 cars at a given time but there are only 14 spaces available.

MR. ILIN: I have parking inside.

COMMISSIONER FRANK-WATSON: And how many cars can you park inside the 2400 square

foot space?

MR. ILIN: I could park inside 8, could say 12, 15, 16, but 18, about 18 cars inside. Because I could park 4 on one wall, 4 on other, and 4 on the other wall. And plus in the center, I could park maybe another 4 or 5 cars.

COMMISSIONER FRANK-WATSON: Okay.

COMMISSIONER DASH: I have a few comments. Thank you for presenting this evening. And I do feel that the use you are presenting is consistent with the other uses that we are seeing at that intersection. Clearly, it's a very busy intersection. There is a lot of traffic, a lot happening there. So I do think it's a good use.

Clearly, you have experience in this business. You have operated a shop in another location. And I clearly think you will have to make accommodations if something is not going well. You have space. I know we are very concerned about the exterior parking. But as you pointed out, there is room inside the

building.

MR. ILIN: Yes.

COMMISSIONER DASH: So I think if parking does become a problem, I mean you will have to deal with it because clearly you will need places for people to park.

MR. ILIN: Sure.

COMMISSIONER DASH: And if you are not successful in accommodating your employees and customers, clearly you are not going to have a successful business. So I think you will have to, if you feel it's a suitable space, clearly a space on your expertise or opinion because you have done this before.

As far as the value of the cars, I clearly think it's your best interest to have cars that will sell. So as far as parking seven $500 cars out front, I don't think that's your goal because clearly --

MR. ILIN: It's not. It's not. But just --

COMMISSIONER DASH: Because that's not

what your customers want. So I would think you would put cars out there that people want to buy and that they would move quickly and sell a lot of cars and replace those cars with new cars to be sold. And it sounds like if you have inventory that's not moving that you have other ways to move those cars off your lot. So hopefully, we can see fresh inventory of cars that people would want.

And I'm not sure if the there is opportunities for offsite parking. I know there is other areas that maybe if parking became an issue you could have your employees park offsite somewhere, if you had arrangements with local business owners. I'm not sure if that would ever become an option.

But the reality of it is the uses surrounding this building are very consistent with what you are proposing. The drive past that building and seeing it vacant for many years I don't think is a good situation. I'm glad to see that it has been renovated recently.

That certainly improved the aesthetics of that building. And so I think it's great that we have someone who is interested in occupying the building. I think it's a better situation than having it vacant. And certainly I don't think, although I don't think we are supposed to make a decision on this, I think it's great that the use you are proposing would benefit the City. That's all I have to say.

MR. ILIN: Thank you.

COMMISSIONER DASH: You are welcome.

COMMISSIONER FRANK-WATSON: Are you licensed in Illinois as a dealer?

MR. ILIN: No. Indiana.

COMMISSIONER FRANK-WATSON: Indiana. And do you plan to become a licensed dealer in the State of Illinois?

MR. ILIN: Yes.

COMMISSIONER JONES: You previously were?

MR. ILIN: I'm sorry?

COMMISSIONER JONES: You previously

were licensed in Illinois?

MR. ILIN: Only as a repair shop but not in sales.

COMMISSIONER FRANK-WATSON: Do you have any sales history in Illinois?

MR. ILIN: Yes.

COMMISSIONER FRANK-WATSON: That was the Mount Prospect?

MR. ILIN: No. I used to sell cars for Grossinger Volvo, and I'm selling cars over here at Global.

CHAIRMAN WEIDMAN: Commissioner Jones, is there any concern regarding access as far as the fire department is concerned.

COMMISSIONER JONES: As long as that south drive is always open.

CHAIRMAN WEIDMAN: So that would always have to stay clear, any parked cars --

COMMISSIONER JONES: The north, the north side, which is that frontage road, even if there was that setback is, what, 17 plus a sidewalk, 20 some feet.

MR. SKIBER: Right.

COMMISSIONER JONES: That's not an issue. It's only about 18 foot building maybe, maybe 20 foot tall. So that's not a problem at all. As long as we have that south drive, that would be the -- It would have to designated no parking along that south drive. And currently in his parking plan it doesn't list that as any parking.

MR. ILIN: No. Actually that's the plan, to leave it open for fire truck and traffic to go by.

MR. SKIBER: Mr. Chairman, can I comment on that?

CHAIRMAN WEIDMAN: Yes, Mr. Skiber.

MR. SKIBER: For an existing building of this type, if you look at the site plan, it has access on all four sides. That's unique for an existing building. If you look across the street at NAPA, NAPA has access on this, I'm talking about fire department access, only on two sides. Very few buildings, existing

buildings, meet the current code requirement to have access around the building.

So this is unique. And yes, we will maintain that. I think petitioner would be happy to post that no parking and maintain that. I was there today. I did with a measuring device -- And some of this site plan measurements are off a little bit. I did measure on the south end from the guardrail to the post of the fence of 17 feet 6 inches. It references 16'10" on the site plan.

In any case, I was able to come up with a rough sketch of the plan to increase the parking to a total of 5 in the front not including the handicap space. So given this site plan and the spaces in the back and putting the trash dumpster, there appears to be space in the -- that would be the northeast corner where the well head is, 9 spaces in the back, the 6 on the north, I could get -- you could potentially get 5 customer parking in the front, not including the accessible parking, which is a

double space. We could get 20 usable parking spaces, 21 including the accessible parking space. And again, we would hold you to the batements that there is not an option for offsite parking. You have to park this site, and we would hold you to that.

MR. ILIN: No problem.

MR. SKIBER: Thank you, Mr. Chairman.

CHAIRMAN WEIDMAN: Thank you, Steve.

COMMISSIONER FRANK-WATSON: Have you approached any business owners in the nearby vicinity about offsite parking?

MR. ILIN: No.

COMMISSIONER FRANK-WATSON: No.

Well, I happen to have a differing view. I don't think this use is compatible based on what you have presented to us this evening. When our City incorporated in 1976, the principal architects of our zoning ordinance and the original cochairs of our zoning board began working on a document that established a comprehensive plan regulation to serve our City,

which is our zoning ordinance.

And the purpose of our ordinance includes but is not limited to these factors: It is intended to promote and protect the public, health, safety, morals and comfort and general welfare of the City. It is intended to ensure high standards of light, air, open space, in areas where people live and work. It is entitled to encourage the most appropriate use of land throughout the City to conserve and enhance the value of land and buildings, to avoid undue concentration of the population, to foster a rational pattern of land use, relationships between residential and nonresidential uses and to protect residential business and industrial areas alike from harmful encroachment from incompatible uses and ensuring that land allocated to impacting uses shall not be usurped by other inappropriate uses.

I am fortunate enough to have a relationship with one of the original architects of our zoning ordinance and first cochair of our

zoning board, who chaired along with my grandfather. And his name is Ken Black. Unfortunately Ken Black was not able to attend the meeting tonight due to health issues. But he told me, and this is quote from Ken, We did everything we could to stop car repair shops and used car lots in the City. We didn't want them period. Afterall, it was the intent of these founding founders to create an ordinance to protect the single-family residential uses.

The definition of a B-1, and this is a district where you are now proposing that auto sales and auto repair be a special use, not just on this property but in all B-1 districts, the definition of B-1 states that the B-1 retail business district is intended to provide for the convenient shopping of persons residing in adjacent residential areas and to permit such uses as are necessary to satisfy most of the basic shopping needs, which occur daily or frequently, and so require shopping facilities in relative proximity to places of residents.

Also allowed are compatible uses that while not visited frequently would be desirable if located in close proximity to potential users. The district is normally located on primary and secondary thoroughfares, is relative small in size, and has bulk standards that provide for compatibility with residential uses. There are currently 122 permitted retail business uses in a B-1.

I would like to think that these uses were selected because they satisfied the definition of a B-1 district. If you look at our current B-1 district in Prospect Heights you would notice that all of these uses meet the definition with the exception of the legal existing nonconforming uses, uses that were grandfathered and zoned under Cook County zoning ordinance before our City's incorporation.

I have a small copy of our zoning map here. But I have highlighted all the B-1 districts in yellow. Actually, not all of them but most of them. Our current B-1 districts are

home to Walgreens, that property used to have a bakery, City hall, a barber shop, a paint and wallpaper store, and a butcher shop. It also at one time served as our temporary library and police station. Another B-1 district is home to a Deli 4 You grocery store, a dentist, a florist, a chiropractor, insurance sales, and cleaners are also businesses that are in another B-1 zoned district. Fast food, Chinese and Mexican restaurants are also uses that are allowed in a B-1 district. These are all near residential uses. All of these B-1 districts are surrounded by single-family residential homes.

A B-1 district was never intended to allow auto sales or auto repair as both of these uses are not allowed or permitted as a Special Use in a B-1. We currently only allow auto sales as a Special Use in a B-2a, B-2, and a B-3. And we allow auto repair as a Permitted Use in B-3 and a special use in a B-2a and a B-2. There is a reason for this. There is a

reason why we do not allow these uses in a B-1 because they are close to residential homes.

I feel that to vote in favor of a text amendment this evening to allow these uses in all B-1 districts would, in effect, negate the intent of our ordinance. And as far as the auto use argument goes, to argue that the property in question should receive a Special Use to allow auto sales and auto repair due to the fact that there are two nearby auto uses is illogical. Both Dave's Auto and NAPA are legal existing nonconforming uses to the B-1 district. The City never allowed them a special use permit to operate these businesses. Rather, they were grandfathered at the time of our City's incorporation, thus, there was never intent by the City to allow these uses.

When Dave purchased his property in 1978, it was an existing gas station and auto repair business owned by Ray Elias. In fact, this use can be dated back to 1957. Although Dave received a variance to expand his business

on the property he currently owns in 1996, he never did it.

NAPA was originally a Marathon Gas station, which later became Quality Discount Auto and is now NAPA. This, too, is an existing legal nonconforming use. When NAPA established itself in the 1980s, the zoning board and City Council took strict effort to ensure they did not impact the neighboring residential negatively. They were restricted from performing auto repair including repairing autos in the parking lot, forced to direct fencing to provide trash enclosures. So clearly, it's been the intent of the City based on decisions they made in the past to protect the residences. If something is grandfathered, that doesn't mean that the City allowed it. It was zoned under Cook County. It was there when the City incorporated.

I do not feel that your use is compatible in any way in a B-1 district. It's surrounded by residential areas. This is not a

major commercial thoroughfare. And most importantly, there are other areas in this City which is a B-3 and a B-2a where you are more than welcome to have a used auto sales and an auto repair business. We currently have 122 other uses available at this location. The economy is what it is. It's not good. We have got vacancies everywhere, not just this building. We have changed our zoning already to try to accommodate these businesses. They are not coming. I really think this would be a huge disservice to our City and to the residents who live near here to approve this evening.

I'm not comfortable with the parking situation either; even if this were a great idea, I think it's still an issue. And I don't think you were able to provide enough clarification on how you could accommodate all of these vehicles.

CHAIRMAN WEIDMAN: Thank you, Corrinne. Is there anyone else on the board that would like to speak to this case at this time?

COMMISSIONER TAMMEN: Yes. Just one comment since we had quite a discussion on the parking. Steve has looked at it. And it looks like there are 21, it could accommodate 21 parking spots, one of which is the handicap. And so it's possible that he could park maybe up to 10 cars outside for repair or sale and have 4 spots for the customers and 6 for employees, so it's tight.

CHAIRMAN WEIDMAN: Is the owner of the property here?

MR. PINTO: Yes.

CHAIRMAN WEIDMAN: Would you please step up to the podium, please.

Could you state your name and address for the record.

MR. PINTO: My name is Antonio Pinto, and my address is 926 South Cumberland.

CHAIRMAN WEIDMAN: Raise your right hand.

(Mr. Pinto sworn.)

CHAIRMAN WEIDMAN: Could you explain to

us tonight what your intention with regard to a leasing agreement with petitioner is.

MR. PINTO: Mr. -- John, he came by me with the intentions to explain to me he's been selling cars for all his life and many, many years and propose me to want to rent the property for the purpose to sell cars from the areas and to repair for customers in the back; and I support it.

I inquire first about where he was working when he's done his business so far. And after talking many times with them, his partner, too, we talk. We have a few meetings. We must met already for like maybe 30 times, we talk and talk it over. And they look like they know what they doing it. I support them. I say, Do you think you can handle it, you can do it, something that will work for you guys, and I just support it.

One thing I just want to add that on behalf of, to maybe -- You know, myself, too, I purchase the property without inquiring

too much. And I need it for my business originally. And when I purchased, the time went by too fast and I run out of money and the economy went bad, and I didn't find it easy to open up a business over here. I move on.

And then Sarpino's Pizza came around. There was a beautiful opportunity to have a beautiful building, a new one. It was torn down for some reason. I feel like the gentleman over here, come over here to want to invest. I know you guys concerned about the property. Me, too. I improved the property. Even if I lost on, so 40 years I keep paying the mortgage and tax. And that's spend a lot of money for improvement, to make it look better with hopes maybe to do something with. I know it's hard for me to do anything now. Sarpino's tried, it was hard for them.

Now we have a gentleman over here, he's proposing to come and do business in Prospect Heights. And personally, I think he wants -- He believe in his self and he don't

want to do nothing illegal. He wants to do something, follow the rules, whatever the City propose to them, I think so.

Me, personally, I support it. That's I think he's an adult, he's a grown man, and his partner, too, they want to invest the money. Anybody want to come and invest in the City, come over here, I think he should be honored, better than discouraging until they do an illegal business.

Personally, I respect you talking, you protecting the village. But sometimes, you know, I get discouraged. I come over here tonight, I was intentioned to not coming. Because I know coming over tonight it was going to pick a little more of my heart to see. I understand it is a business corner. I understand, but we want to do something with that corner. We cannot keep that corner. It cost me my life savings. I made a mistake and my wife every night she keep repeating me the same things, Why you done that without

researching.

And unfortunately, it's happening, I'm here. My life savings are gone. I'm a small business owner. I tried the business. And now the gentleman he wants to do business. With hopes maybe he and I going to -- Like I say, I'm concerned for him because I don't want him to fell in limbo the way I fell in limbo. Now, I have nothing else to say. That's my --

CHAIRMAN WEIDMAN: Do you currently have a lease agreement in place with the petitioner?

MR. PINTO: Yes. We have an agreement. I support them. I try to help them out the best I could to give them some free month rental to start the business, and we come to a bunch of an agreement with leasing. And after we discussing, you know, pretty much.

CHAIRMAN WEIDMAN: So you have come to an agreement on a lease?

MR. PINTO: Yes. Yes.

CHAIRMAN WEIDMAN: Well, thank you very

much.

MR. PINTO: You are welcome. Thank you.

CHAIRMAN WEIDMAN: Okay. At this time, if there are no more questions or comments from the commissioners right now, then I'm going to open it up to residents' comments.

And Mr. Madden, if you would like to go first. Please raise your right hand.

(Mr. Madden sworn.)

CHAIRMAN WEIDMAN: Please state your name and address for the record.

MR. MADDEN: My name is Edward Madden, 611 Elmhurst Road here in Prospect Heights.

Well, first of all, my heart goes out to Mr. Pinto regarding the circumstances about his building. As somebody who lives nearby, I must say I truly appreciate the effort that you made to improve that building with the facade work. It is a night and day difference from how it looked before.

With that said, I also want to make

it clear to the board that these conditions with that building should not be a consideration for the application. I was somewhat confused about the application as to exactly which business entity was applying. In the packet it did mentioned Ilin Motors, but then I believe the entity actually is Advance Motor Sales and Repair, Inc.

CHAIRMAN WEIDMAN: It is.

MR. MADDEN: And so if I understand it correctly at this point, Mr. Ilin, you are not an owner of the property, nor are you a partial owner. At this point you would be a lessee, right?

MR. ILIN: Okay.

MR. MADDEN: Okay. I do want to point out in a zoning this is Title 5, Chapter 10-10-C -- I'm sorry -- 10-B.

It indicates that at the initiation of map and text amendments, tax amendments may be proposed in writing by the City Council, the Plan/Zoning Board of Appeals, any person having

a proprietary interest in the property, or any interested citizen in the City.

And by reading that, it would indicate that you are none of those, proprietary interest by definition is an ownership interest, either full or partial. It's not a financial interest in the property. It is ownership.

Additionally to you, do you have any affiliation at this point with any type of new car dealership; or is it strictly used car sales?

MR. ILIN: Used cars.

MR. MADDEN: Also in the application you indicate the entity is Advance Motor Sales and Repair, Inc.

With that Inc., does that mean you are incorporated?

MR. ILIN: Yes.

MR. MADDEN: Here in Illinois?

MR. ILIN: Yes.

MR. MADDEN: I would like to enter into the record a printout from the Secretary of

State's office showing that there is no corporate entity by that name or any similar name.

Also I wish to address the standards that are necessary for any text amendments to be recommended by the zoning board. Again, this goes back to Title 5, Chapter 10-10-C of the Prospect Heights Zoning Code. It states that no map or text amendment shall be recommended by the Plan/Zoning Board of Appeals unless said Board shall find:

And under No. 1 it indicates that the net impact of the proposed amendment, if granted, will be beneficial to the entire community, it will not be harmful to the local area in particular. I would argue that this proposal would be very harmful to the immediate area in that there would be no net value after factoring whatever tax revenue is generated minus the negligent image that that would bring to our neighborhood.

Under No. 2, the standard indicates

that a need exist for the general type of use proposed and that the specific proposal will, indeed, satisfy it more closely than the other possible uses. I just would like the record to reflect that I didn't hear any testimony satisfying that requirement tonight.

Under No. 3, the Standard sites that the use proposed is compatible with the current Comprehensive Land Use Plan of the City of Prospect Heights in effect on the date of the application. Again, if the record could please reflect that I didn't hear any testimony reflecting that it met that requirement.

Under No. 4, the standard required is that the proposed use is compatible and harmonious with uses in the surrounding areas. And while at first glance it appears that would be the case with both NAPA and Dave's Auto, I would like to mirror the one Commissioner's comments that because these properties are nonconforming that really for the purposes of the zoning amendment those shouldn't be

1 considered at all because they are
2 nonconforming. They are, in fact, grandfathered
3 in. Even the site itself, which was formerly an
4 auto parts store, that business has been gone
5 for many, many years, that was nonconforming.
6 And my understanding is when you
7 have a nonconforming property, once that
8 operation or that business ceases, the
9 nonconformity or the use, the previous use of
10 that property, ceases as well. Also, I would
11 like to point out that neither NAPA or Dave's
12 Auto are used car operations.
13 Under standard No. 5, this deals
14 with the flood plain, whether property is in the
15 flood plain. It appears that it does meet that
16 standard. You know, it could be incorrect.
17 But I believe in this case it meets
18 one of the five standards. But again, for a
19 recommendation of approval the proposal really
20 needs to meet all of the standards.
21 Irregardless, the proposal really
22 just has too many problems. It's a bad location

1 for that type of business. The setup, the use,
2 we talked about the parking. Nobody mentioned
3 about the noise. I know used car sales aren't
4 really noisy but repairs can be very, very
5 noisy. Even the previous developer had
6 indicated that that intersection was one of the
7 areas that welcomes people to Prospect Heights.
8 I don't envision a used car lot as
9 the way to welcome people to our City,
10 particularly to our neighborhood. Additionally,
11 this could set a very dangerous precedent for
12 other used car lots in our neighborhood and
13 throughout the City. Because this is a text
14 amendment that would amend all B-1 districts, it
15 will apply Citywide. Additionally, I know
16 personally in speaking with Dave -- I forget his
17 last name -- from Dave's Auto, if this were to
18 pass, he is already poised to submit a similar
19 application for used car sales there.
20 And I, quite frankly, wouldn't
21 blame him. I mean he needs to compete. Mexico
22 Muffler right up the street, what would stop it

1 from there? I mean literally this could almost
2 overnight create a bit of a used car row much
3 like the Rand Road corridor in Palatine. If you
4 are familiar with it, that area looks terrible.
5 It's rundown. It's actually kind of seedy, and
6 it's definitely an eyesore.
7 This proposal would similarly
8 negatively impact our neighborhood. I can just
9 imagine telling my friends that in giving
10 directions to my home, well, it's easy to find
11 it, it's just five doors south from the "Bad
12 Credit Okay, We Finance Everyone" signs. And
13 while I don't have any reason to believe that
14 that's what the applicant is proposing, I really
15 believe that that is something that could
16 seriously develop over time at that location and
17 other ones in town.
18 You know, the proposal itself is
19 not even affiliated with a new car dealership.
20 If the applicant -- I'm sorry. I also want to
21 note, you know, there was the previous proposal
22 for Sarpino's Pizza there. As area neighbors,

1 we understand that's a commercial property. We
2 want to see a commercial use going in there. We
3 are actually very supportive of Sarpino's
4 proposal, and we are very sorry to see that fall
5 through. But the used car end is not it.
6 I would like to show you, you know,
7 the applicant indicates his affiliation with
8 Global Auto. I have some pictures of the site
9 that I would like to submit into the record that
10 shows the facility as a -- what we would
11 envision as a typical used car lot, and it's not
12 very appealing.
13 And also, I would hope that the
14 board itself would not want to be known as a
15 board that brought used car sales particularly
16 to ward 4 and especially to our residential
17 neighborhood. Thank you very much for your
18 time.
19 CHAIRMAN WEIDMAN: Thank you.
20 Mr. Dalessandro?
21 MR. DALESSANDRO: Thank you.
22 CHAIRMAN WEIDMAN: State your name and

address for the record and spell your last name.

MR. DALESSANDRO: Patrick Dalessandro, 610 North Maple Street in Prospect Heights. Dalessandro, D-a-l-e-s-s-a-n-d-r-o.

CHAIRMAN WEIDMAN: Raise your right hand.

(Mr. Dalessandro sworn.)

MR. DALESSANDRO: Yes, I do.

You know, I might not be as eloquent as my neighbor, Mr. Madden. And I was quite impressed with that; and I have beers with him all the time, and it never comes out that way. But at any rate, I speak against this for several reasons.

I am a licensed real estate broker in the State of Illinois, and I have a construction management certificate, graduate degree in real estate finance, have owned my own business for 37 years, and have been in the real estate business for 39 years. I speak before many different city councils with regard to clients that want zoning changes or want some

special consideration for uses.

In the vernacular, the only thing I can say here is that one of my colleagues south of I-80 down in Belleville, Illinois, would probably say we are trying to stick ten pounds of potatoes in a five-pound bag; and it's just not going to work. Okay? There is too many concerns that have to be there.

One thing, I have a question of the petitioner. Car sales are prohibited on, is it Sundays in Illinois; is that correct? Is that correct?

MR. ILIN: Yes.

MR. DALESSANDRO: So you can't sell cars on Sunday?

MR. ILIN: No.

MR. DALESSANDRO: Are you allowed to work on cars on Sunday?

MR. ILIN: Actually, I'm not working on cars on Sundays. I'm with my family on Sundays. I will be closed on Sundays.

MR. DALESSANDRO: So Sundays this

wouldn't apply. That was just something I was wondering about. And I'm sure that the City of Prospect Heights, in deference to Miss Dash, certainly cannot be concerned about $30 on a $3,000 sale or $50 on a $5,000 sale. The amount of tax revenue that will be generated by this for the City is probably insignificant at best. So I mean it's there for something, but I mean it's not going to be a lot. I don't think that's the reason this should be granted. There are many uses there.

And also in deference to Mr. Pinto, I'm a real estate broker. I own a lot of properties in and around the City of Chicago, suburbs. I have lived in Prospect Heights since 1977. I, too, have had problems. I have lost a lot of money and a lot of equity in some of the properties I own. And I would also offer this, that the property is not vacant because of its improper location or its structure or size or deficiencies. It is vacant as a function of the market. Okay? We have properties in much

better locations. 2006 is when the market started to crash, and that's about seven years now or going on seven years coming up here. And it's going to continue to stay back.

And whatever lease arrangement Mr. Pinto has with Mr. Ilin, if he's not successful in his business of selling used cars and repairing them -- okay? -- you are going to have another vacant site with some other problems that are there. All right?

And there are some other things. Okay? Luxury cars, first of all, when a person buys a luxury vehicle, usually it's a destination site. Someone goes to a Mercedes Benz dealership or a BMW dealership or a Land Rover or a Lexus or something of that nature, they don't go to a used car lot where there are cars ranging from 3,000, 1,000, 2,000 to $15,000 or whatever the site may carry. Okay?

Those things are not normal. Because if you want to go buy one of those cars,

you are going to want to make sure it's certified that it's got a longer warranty and other items that go along with it with the proper service. And we also know that many of the mechanics that work in the smaller shops come and go quickly, and they may not be certified for luxury cars or the computers and everything else today.

There are better streets in Prospect Heights where the traffic would be better. I don't think that this is the site for this. I could be wrong because the only thing I could think of is to have something that's successful there. You know, something that would be quality in my opinion would be a cabinet and flooring store, decorating store, paint store, something of that nature would be very nice there I think. And there is other uses that could be there.

Getting back to my thought process, and there was a question that I did have. Mr. Ilin, are you going to repair vehicles that

have been in accidents that may get towed to you?

MR. ILIN: No.

MR. DALESSANDRO: You are not going to do that. Is there any body-and-fender work done there?

MR. ILIN: Not at the moment.

MR. DALESSANDRO: Not at the moment. Thank you.

So I guess in conclusion I just want to say to you, and I live kind of on a 45-degree angle, probably enough distance from having a problem with this, other than the lighting and the congestion. But it's not going to work, trust me. I know what's going on in this market. I live it every day.

Granted, real estate was a wonderful thing to be invested in for years and from the Great Depression on until 2006 it just went up. It's now making its corrections because of a lot of mistakes that have been made. Okay? We all are suffering. It's not

just indigenous to people that are not in the business because I have some lost equity in a lot of properties. But I believe that this will not work properly there, I think it's going to be very congested. I think that if you look in Mount Prospect at the northwest corner of River and Euclid, you will see the Smile auto used car dealership that's right on the corner there next to the old Euclid video, and you will see how congested that is. I have talked to a couple of the people that live adjacent to that, and they are very dissatisfied with it.

I think that's about it. Thank you so much for the opportunity, for listening.

CHAIRMAN WEIDMAN: Thank you.

Miss Vole, please state your name and address for the record and spell your last name.

MS. VOLE: Sure. My name is Dolly Vole, V--as in Victor--o-l-e. I am representing 7 East Palatine Road, which is my property.

CHAIRMAN WEIDMAN: Raise your right

hand.

(Ms. Vole sworn.)

MS. VOLE: I do.

Thank you very much for having this meeting this evening. I want to first state that I am not in favor of this. My home is at minimum -- or I should say maximum 40 feet away from the building structure of this property, which has a big bay door that would open every time they are doing repairs and have to bring a car in and out, which would echo across like it did while they were working on the outside of the structure, which was quite loud. They were working on it with the door open. And then they were kind enough to bring the equipment inside and work on it on the inside. But there was no sound protection inside that building, which makes it echo and come outside.

So right there tells me that if you are going to have auto repair in the back of the building, which is where it would be, because the show room would be in the front 2400 square

feet, every time they open the door, the sound would just vibrate out to the house. My home has a living room window right there on the corner side and then on the front, both. There is two windows there and then on the side. And then on top is a bedroom, and then there is a bedroom window on the front and side.

So what makes it difficult is that no one will be able to sleep in that room, you are not going to be able to watch TV in the day, especially on a Saturday if they are working. The quality of life in living in that home is not going to be very substantial due to the fact of the noise level that would be coming from this building.

If, you know, I'm just a little confused because one minute they are having an auto repair, that they are only going to repair cars of customers. And then if someone refers someone, then they will repair their car. So basically it's going to be auto repair. So it's not just for their customers. It would be for

anybody that comes in and brings in a vehicle to be repaired.

And auto repair, minor, I just went through a Special Use Permit in another municipality. Minor, it's not auto body repair. It's not replacing an engine. It's minor. So I would hope that stipulation should this pass be put in place that restrict it to minor. Whether it is a computer board, whether it is an oil change, whether, you know, even to a point where tires are being replaced, you still have the air guns that are going off. And you drive by any of these tire repair shops, you hear that sound echoing across the intersection.

So I think that the noise itself, okay, I won't be able to use my patio on the weekends if they are doing repairs, which is just right there. So the impact is quite substantial.

Concern also is the placement of the dumpster, if the dumpster is going to be placed, you know, in the rear. Because it

wasn't shown to us exactly where it's going to be. But if it's normally placed in the rear of the building where prior businesses have had it, the garbage truck comes early in the morning, 5 o'clock in the morning.

I mean Steve can tell you how many times I call, that they would sit there and wait for, you know, 6 o'clock or 7 o'clock to roll around or dump it at 5:00 and leave. Deliveries being delivered to the back of the building, so if they were having auto parts, they are going to have early auto part delivery or if they have a truckload of vehicles being dropped off. I mean when you go to an auction, you are buying maybe five to ten vehicles, and you have got a hauler that's coming through to drop off those vehicles. And if he's not open, they are sitting on Palatine Road until 8 o'clock in the morning to discharge the cars.

So once again there are a lot of things that I don't think are being addressed or even concern raised that will effect me as a

homeowner.

The other concern also is the size of the property. The size of the property is less than a quarter of an acre. Green space is nonexistent between my home and their home. It's from their property or to the home on the south side of it, the only green space is the patch that IDOT left along the north and the west side.

And if, in fact, you are going to allow parking along the north side, I was told that there were going to be bay doors installed on that side so they wouldn't be using that back other than to take cars off from the showroom. So, you know, there doesn't seem to be a consistent plan.

And I know that, you know, through listening to what's going on, you know, when Quality Auto was there and NAPA was across the street, you know, no vehicles were allowed to be repaired on either site. So to say now because Quality Auto is no longer there you are going to

allow full blown auto repair is kind of an insult to NAPA across the street that is restricted from any auto repair. And Dave's Auto, which is not abutting up to any residential. Their building literally, I think their building is maybe 100 feet away from the living structure because the garage is next to it, and then they have the park district behind them. They don't have a home 40 feet away from where they are doing the work.

So it's a big difference when you say, well, there is automotive use on other corners. Well, that doesn't make it right. It's still a residential area. And you know, unfortunately in this community we have a NIMBY type of atmosphere where, you know, we had it for Lake Claire and especially areas where they wanted water but nobody wanted the water tower at St. Alphonsus, so that was nixed.

Then you have it, you know, the church is going to be expanding; but nobody in the area wanted it expanded because they didn't

want the traffic. So those were things that would be easy and help the community. And this is something that has a negative impact. And there doesn't seem to be that much concern about the residents.

The other issue is the text amendment. Once again, the individual who is requesting this doesn't have proprietary interest. So if, in fact, this is a text amendment that's affecting all B-1, why aren't other areas being noticed, other residents in the B-1 areas, that this is a change also to their area? Because if you are changing all B-1s, nobody else is aware of it except for us who have gotten a notice about this specific business. I find that to be an error. If we are trying to inform the residents and trying to protect the residents why haven't they been informed?

You know, also, too, this kind of reminds me of spot zoning. You know, it's okay here because we want to allow it here, but it's

not okay over there. We have many vacant properties. We have Wolf and Camp McDonald that's vacant. You know, that's not next to any residentials. It's got the railroad tracks in between it. I mean if you are looking to rezone and looking to relocate into Prospect Heights and open a business, why isn't that being considered?

You are looking at the old Indian motorcycle shop may not be in Prospect Heights. But once again, it's conducive to the used car lot. You have a whole big parking lot, repair shop. It's already designed for that. I think that we are forgetting about what we are really doing when we put a used car lot. Ringa is not next to a residential area. It's on Rand Road. There is no residential next to it. When you are talking about the used car lot that was on Milwaukee Avenue, there is no residential next to it. We would be setting a precedent letting people know they can open a used car lot right next to a house. They might as well take a

house and zone that a used car lot. We see it all the time, but I don't think that's what Prospect Heights is trying to look for.

In getting back to, you know, the individual, are we making modifications to the building, are we not making modifications to the building. If fencing is a concern, you have to make modifications. There is going to have to be venting out of the building somewhere. When you are talk about carbon monoxide, are they going to vent it out right into my house; right? You know, which one is it?

So I think that there are many concerns that I have that really aren't being addressed tonight that seems like if we are moving forward, we are moving forward because for the wrong reason it might bring us some extra money. And Prospect Heights needs the money. But at what cost?

And the impact that it's going to have is, yeah, maybe I might have 10 cars, maybe 15, I'm going to have them in the showroom. How

are you going to get them in and out if you are going through the repair shop and they are busy?

And then like I think Mr. Wyatt stated, you know, it's too late when you have to start jockeying cars around to get customers in the parking lot because you have used cars sitting outside along one side. I just find this to be not a conducive use. There is 122 other uses in our code that would be allowed in this building.

Just like Sarpino's came forward, that zoning was approved. So by them walking away did not make it not approved. So they could have moved in there, they could have tore down the building and redid it. They chose not to do that. So to say that the City lost or did not approve the zoning, you know, they were approved to go in there. Just like any other business that would be conducive for the use whether it is a restaurant or a service business such as real estate or something of that nature. Use one of those. Don't open it up to other

properties that are zoned B-1 for used car and repair. Thank you.

CHAIRMAN WEIDMAN: Thank you, Ms. Vole.

I would like our City attorney to address the point that has been brought up twice regarding proprietary interest here.

MR. YEHL: Yes. There is a point, what is called priority interest, the individual who submitted the application does have a proprietary interest in the property based on his lease agreement, protect -- A proprietary interest is an exclusive use of the property he has with the lease agreement.

Furthermore, the owner of the property has stood up today under testimony to both join in the application, fully support it, so his approval and joining in on the application also gives the petitioner proprietary interest in the property.

CHAIRMAN WEIDMAN: Thank you.

MR. LANDL: Karl Landl.

CHAIRMAN WEIDMAN: Please state your

name and address for the record and spell your last name.

MR. LANDL: Karl Landl, 6 West Ridge Avenue, Prospect Heights.

CHAIRMAN WEIDMAN: Would you spell your last name, please.

MR. LANDL: L-a-n-d-l.

CHAIRMAN WEIDMAN: Raise your right hand.

(Mr. Landl sworn.)

MR. LANDL: I do.

Simply said, I would like to be put on record that I'm against this proposal.

CHAIRMAN WEIDMAN: Thank you. Are there any other residents that would like to comment?

Please state your name and address for the record and spell your last name.

MR. ROBERTSON: Steve Roberson, 703 Elmhurst Road in Prospect Heights.

CHAIRMAN WEIDMAN: Please spell your last name.

THE WITNESS: R-o-b-e-r-s-o-n.

CHAIRMAN WEIDMAN: Raise your right hand.

(Witness sworn.)

MR. ROBERSON: Absolutely.

I oppose it. I don't like it. I don't want it there. It seems to be, like my daughter would say, we had an above-ground pool and she wanted me to go to Sea World and buy a whale and put it in the pool, it doesn't fit. When they had the pizzeria, that was granted. We talked to the owners, we were all for it. It was great. We couldn't wait for something to go in that spot on that corner because it's finally getting someone in there finally, and now they want to bring a car lot.

I would be four houses down from that unit. And my concern is that if they have that lot there, my concern is what's going to happen next door? Are they going to -- The property next door, because we have mechanics working out at that house, we have problems with

that house next door from that. And there was a lot of noise coming from that, too. My concern is they get this unit and all of a sudden, you know, we don't know what that property is going to happen next door to it. If it gets torn down, is that going to expand and come my way?

So my concern is again, with the noise and the things that are coming from that, that's great, that they want to do that. But I moved here for a reason, you know. And again, having the noise and the things that were going on there previously, like last year, from the unit next to it. We have a mechanic in there working out of the house, and it was noisy. You know, what you do in your home, that's fine. But it affects me so that's my concern about dealing with the automotive. So I'm against it.

CHAIRMAN WEIDMAN: Thank you, sir. Ma'am, go ahead.

Sorry. State your name and address.

MS. VALSKIS: My name is Margaret Valskis. This is my husband, Bernie. We both

oppose this proposal. We live at 705 Maple.

CHAIRMAN WEIDMAN: Spell your last name, please.

MS. VALSKIS: It's V-a-l-s-k-i-s.

CHAIRMAN WEIDMAN: Raise your right hand.

MS. VALSKIS: Yes, I do.

Last year we added onto our house. We spent a lot of money because we wanted addition to look nice and enhance the neighborhood. We do not believe that this business will enhance our neighborhood. 83 and Palatine is the gateway to our neighborhood. Anybody that comes and visits us will have to drive past this used car lot, and I don't think it will help our property values.

Maybe auto parts store but in that business and that location, there were very seldom cars parked on the north side. And they would leave after they had purchased their auto parts. It looks like there will be cars parked on the north side 24/7, even on Thanksgiving

when the relatives come for visit. And put yourselves into our position, how would you like that? It's just not the right business. I think the business should go in there where the cars leave and the business closes at night and weekends so that's it.

CHAIRMAN WEIDMAN: Ma'am, please state your name and address for the record.

MS. GAYNOR: I'm Barbara Gaynor and I live at 9 East Palatine Road.

CHAIRMAN WEIDMAN: Will you spell your last name, please.

MS. GAYNOR: G-a-y-n-o-r.

(Ms. Gaynor sworn.)

MS. GAYNOR: I do.

I live two doors east of the proposed auto sales place, and I concur with all the previous opinions. I think it would be an eyesore. It is too large for the site. It just doesn't fit. That's all I have to say. Thank you.

CHAIRMAN WEIDMAN: Thank you. Is there

anyone else that would like to speak to this petition?

MS. STITAK: Yes.

CHAIRMAN WEIDMAN: Please state your name and address for the record.

MRS. STITAK: Yes. My name is Mary Ann Stitak, S-t-i-t-a-k. 206 West Willow Road, Prospect Heights.

CHAIRMAN WEIDMAN: Raise your --

MS. STITAK: And I do swear to tell the truth.

CHAIRMAN WEIDMAN: Okay.

MS. STITAK: I sat on this board for 22 years. And this is one of the most pernicious requests that I have ever heard. For someone to try to change the entire ordinance for a special permit when so many, many great minds went ahead and prepared this ordinance with so much detail.

To change a B-1 for this occasion, I think could be a travesty. We worked very, very hard to keep our City a wonderful place, a shining example in all of the northwest suburbs.

We have half-acre lots. We have beautiful homes. Everyone improves their homes. We stay here. My goodness, I moved here in 1965 and currently I'm in the middle of remodeling my house. So I have not given up on Prospect Heights.

I feel that all of the conversation about working hours and use and how many cars and parking and all this, I have heard this for 22 years. And it is important. I'm not saying that it's not. But the important issue here tonight has been a little bit overlooked, and it's the changing of our ordinance. That is the crux of this whole thing. That is where we really have to stand fast and really decide is this what we really want to do. Is this really necessary?

Yes. I mean to allow another business to come into town is always a wonderful thing. Prospect Heights needs money. We all do. I don't know if this is an appropriate business or not, but the property is B-1. If

you want to change the underlying property, then you are talking a different issue. But to change the ordinance to allow this type of business in a B-1 I think is the real issue here that we should all consider. Thank you.

CHAIRMAN WEIDMAN: Thank you, sir. Please state your name and address for the record and spell your last name.

MR. ZEHR: Daniel Zehr, Z-e-h-r. 701 North Maple Street in Prospect Heights.

CHAIRMAN WEIDMAN: Raise your right hand.

(Mr. Zehr sworn.)

MR. ZEHR: I do.

I first moved to the northwest suburbs in 1976. Me and my wife and our newborn son bought a house in Wheeling. Within a few months after driving through Prospect Heights, we realized that's the town we want to live in is Prospect Heights. So we bought a house. We bought our first house. And now all these years later we are still living here. We have raised

our families here, as most of the couples out here have. I would say the longevity of people on our street is now maybe an average of 20, 30 years. I mean people love that neighborhood. People love Prospect Heights.

And when I heard my neighbor back there mention that that intersection is the entrance to Prospect Heights, I started thinking about it, yes, that probably is, that is probably the spot where most people enter this town, that intersection right there.

And then after that I started thinking about the other towns in the area, Wheeling. Think about Milwaukee Avenue and Dundee. That's their entrance. What have they done to that? How many used car lots did they say, yeah, let's put some used car lots in there, that would really impress people driving in to our town? No. Those people, they beautify their towns.

Think about downtown Arlington Heights when they redeveloped that, how many

used car lots did they bring in? None. Mount Prospect, none.

Sir, you mentioned you tried some other towns. Skokie, Morton Grove, Crystal Lake. May I ask what happened with those towns?

MR. ILIN: Just we have to go through the same process like we go tonight over here.

MR. ZEHR: What happened?

MR. ILIN: I never went because actually to be honest with you I never want to do this because all this negative situation, what you guys are feeling here. This lady mention pollution, all my cars. All my cars where I would have on my lot, if I live all day those cars to run will not produce that much pollution like Palatine Road with all the trucks. You have to take that into consideration.

Noise will not be, will not be any noise because it will be a garage. All the work for repair shop will be work inside this. These days are tools, more sophisticated with less

noise, not like used to be 20 years ago.

And I don't see, I don't see why you guys don't understand this place will do something good for you and for me.

MR. ZEHR: I think you understand exactly why you want that place because NAPA is right across the street. You are going to get all those people going in and buy auto parts at NAPA, they are going to look across the street and say, hey, look at that car over there.

What are they going to do, they are going to run across the most dangerous intersection in this whole area. That intersection has more accidents in it than any other intersection in this entire area.

I went to the police department several months ago because my wife was sitting there, she pulls through the light and it's very confusing because Palatine Road blocks the light, so a lot of people -- Almost all the residents in there have almost been hit at that intersection.

What's going to happen when those people start walking across from NAPA over to see your cars and somebody dies? What's going to happen?

That's a very, very dangerous intersection. Who is going to be -- Nothing was mentioned about test driving. Where are these going --

CHAIRMAN WEIDMAN: Just address the board here. It's not a discussion between --

MR. ZEHR: Where are these cars going to be test driven? Isn't that the first thing you do? You go in and you say, I like that car.

He says, Okay, give me driver's license. They give the driver's license. And sometimes they ride with you, sometimes they don't. They are going to be pulling out of that intersection and going down our street. Our street that already has so much trouble with people cutting down it in the mornings? We have got little kids playing next to the street, and you have got cars running down there at 30 and

40 miles an hour. Will the police department do anything about that after all these complaints to our citizens? No. So these are going to have --

And a lot of people go to used car lots. I know a lot about used cars. I grew up in Peoria. When most people were taking their kids to baseball games and most fathers were, my father was taking me to used car lots. My dad was a car lover. That's what I did almost every Saturday and Sunday. And I loved it. I can remember looking for a '60 Chevy for two years because that's the car he wanted. We would go from all the used car lots in Peoria, all the used car lots in Pekin, and all the used car lots in Bloomington looking for this car he wanted so bad. And I remember those neighborhoods, too. Those neighborhoods didn't look like Prospect Heights. Excuse me. Those neighborhoods looked like the gentleman mentioned up here, Rand Road up here with the strip joint on it. No other towns are bringing

in used cars to try to beautify it. Why would -- They are going exactly the opposite direction. They want to get rid of used cars to beautify the place.

I think I might have hit on everything I wanted to mention here. Oh, I drove to the building this afternoon. And there was a tow truck in the back yard with a totally smashed-up car. Is there some activity going on there already? What was that tow truck doing there? It was either picking up or dropping off a totally wrecked car.

MR. PINTO: They park there all the time. I can say everything else all here --

CHAIRMAN WEIDMAN: First of all, if you are going to speak, please step up to the podium again. And you have already been sworn in.

MR. PINTO: Thank you.

CHAIRMAN WEIDMAN: Just state your name again.

MR. PINTO: My name is Antonio Pinto. I live at 926 South Cumberland. One thing I

want to mention, too. Yes. 926 South Cumberland. I live behind a gas station. They do fix cars. They have repairs for 20 years. I have been there. And they do drop occasional cars at night times. They do have an averaging like about -- It's a busy gas station. In the course of the day, the business opens up at 8:30, 9 o'clock, over there nothing is happening. I have been over there for 20 years. I raised three kids over there.

I never did once call the police for any reason. There was kind of like a situation where all through this year I stay over, I don't move. Me, too, I love my City. I love the gas station. Some people question me, why you live right behind a gas station? It didn't bother me. I like the house, I choose. I knew there was a gas station when I bought it. I stayed there.

Unfortunately, you know what, we are here to try to do some business tonight. I feel like I get -- I kill somebody. I'm sorry.

But there was a brand-new building one time.

I want to say something else, I would like to say something else very important over here about not this Christmas, the past one, the past Christmas, I was in the store just to look here on Prospect Heights, 711, I was over there to look, to just to see for winter, make sure the water off and everything.

And she approaching me at the time. She was Mayor of the village, Prospect Heights. She approached me. And there was some other people with her. They were looking at the corner, and they was looking for improvement in the corner. And she introduced herself.

And unfortunately, it was a very bad moment for me because not only I lost so much money, this property, it was right after Sarpino's Pizza walked away. For one hour it was denied it, to Sarpino, that's when they walked away from the franchise.

CHAIRMAN WEIDMAN: Please step up to the podium.

MR. PINTO: They have a lot of areas where the high -- You know, Northbrook, Oak Brook, things that neighbors to where -- not cheap neighbors basically. And they tell them we have everywhere 2 o'clock, we want to stay open because we are a franchise. And they pass an ordinance they can only stay open till 1 o'clock, somebody passed the ordinance. And they refused the license for one hour. Now, there was a good way to improve the corner have a brand-new building built 50, $60,000 tax a year for the building, plus more tax they generate, plus they would employ peoples. I think over here --

CHAIRMAN WEIDMAN: But that is over, sir. And we are talking about the case that's in front of us tonight. That's history and I know that.

MR. PINTO: But I want to just bring back right now how the gentlemen over, even myself, to be here. We feel like we are getting incriminated by something. We are taxpayers.

It's a free country. I understand they have to change in zoning and everything. The gentleman, they propose the business, honest business, to be here. It's a business with the City of Prospect Heights.

At the second meeting I came at this over here, and every time I come over here I see some very hostile people to treating us like we are criminals. We are not criminals. We are just peoples, we save up our money to do some business here. I think it's way wrong where right now you tell us, you want us to do business, otherwise we have to go. I can't take it anymore to listen to those about this, it's tedious. I know you want to save your house, you want to save everything. We don't come to propose nothing to bring crime, nothing. We want to just to try to do something with the corner. That corner has been empty. I spent more money to remodel, to beautify the place.

And now, what do you guys want at that corner? What do you want to do with it?

MS. VALSKIS: That busy, the corner --

MR. PINTO: I approach myself hundreds of businesses, because I can't afford anymore to keep losing money on the business where -- First there was like a shopping little mall that was going to go in, it was a no. There was Sarpino's Pizza was scared them away, and no. Myself, I walk away because when things happening it was a no. Now we have another situation over here. What is it going to be, another no?

I'm sorry, I'm done. I just want to just mention what I feel. You know, I -- Thank you.

MR. ZEHR: I'm still up there.

CHAIRMAN WEIDMAN: I will give you a chance to speak again. You have already been sworn in.

Just state your name for the record.

MR. ZEHR: I just want to tell Mr. Pinto that I understand his situation. I

also have invested my life savings in real estate and have also lost almost, you know, got to the point where now I'm worried about living too long because I don't whether or -- my wife and I retired in 2006 when everything was going great. And as you know, everything has crashed.

So I understand your pain, I feel your pain. But so do 100 million other people in the United States feel your pain. Everybody is underwater. My house might have been worth -- might be worth about 70 percent of what it was in 2000. I'm not sure when you bought your building, but everybody is experiencing that and a lot of these people in here are worried that it's going to go, their value of the home is even going to go lower if you build the used car lot there.

So I understand, I would like you guys to bail me out. Is anybody interested in buying a house or -- You know, it's just -- Everybody is feeling it. You know, it's not just you.

Now, there is a lot of smart people in this room. I would like to help you try to figure and, you know, my neighbor here. And maybe all of you, let's -- Maybe we do exactly what he said. Let's sit down and try to come up with some ideas since it affects us, let's all get together and try to help this man save his life savings. We should be able to come in. And the people up here, we should be able to come up with some ideas. But not a used car lot, not at the entrance to Prospect Heights.

CHAIRMAN WEIDMAN: Okay. Thank you.

MR. ZEHR: Thank you.

CHAIRMAN WEIDMAN: Mr. Dalessandro, I will give you another chance. You have already been sworn in.

MR. DALESSANDRO: I just want to ask a question, the way I understand this thing with the Sarpino's is they refused --

CHAIRMAN WEIDMAN: Can we just keep it to this case, though?

MR. DALESSANDRO: But the point is they

refused it.

CHAIRMAN WEIDMAN: But it doesn't matter to this case.

MR. DALESSANDRO: No, it does because Sarpino's would have been nice. But this situation is different. But there are different franchises that have different hours as well. They had that opportunity. But I think that Mr. Zehr's idea with regard to this and working with Mr. Pinto to come up with something else, I would love to do that. I mean I would sit down with him at any time.

I mean there is probably many different connections that we all have through networking to maybe have something be brought there. But I think, once again, the used car lot I think is just ten pounds of potatoes in a five-pound bag for this site. That's all it is.

CHAIRMAN WEIDMAN: Is there anyone else in the audience that would like to comment on this case? Sir, step up.

As long as everybody is talking, I

might as well put my two cents in.

CHAIRMAN WEIDMAN: Okay. Please state your name for the record.

MR. VALSKIS: Bernie Valskis, 705 North Maple, Prospect Heights.

CHAIRMAN WEIDMAN: Spell your last name.

MR. VALSKIS: V-a-l-s-k-i-s.

(Mr. Valskis sworn.)

MR. VALSKIS: I do.

As my wife said, we've lived in the neighborhood for 30 years. I think the biggest problem with the whole thing is the parking situation. On the north side, that's just not going to work. If they want to park cars at an angle there, I can remember when Heights was there. And when you had a car parallel parked there, you had to drive on the sidewalk to get around and move in and out of that place. Same thing with parking in the front of that building. If you try to back out, you are going to get T boned out there on 83 with the traffic.

So what do they do, they drive around on the sidewalk. And that's the only way in and out of there. And if you try to park half a dozen cars on there, even at an angle, the only thing left is going to be the sidewalk. I mean I don't care what you, how you measure it, it's just not going to work. That's all I have got to say.

CHAIRMAN WEIDMAN: Thank you. Is there anyone else in the audience that would like to speak to this case?

Okay. Commissioners, additional comments, questions?

COMMISSIONER FRANK-WATSON: Would it be possible for me to read these letters into the record at this point?

CHAIRMAN WEIDMAN: Absolutely.

COMMISSIONER FRANK-WATSON: I will be reading two letters this evening, one on behalf of my grandmother who resides at 707 North Elmhurst Road and one on behalf of my mother, who resides at 2870 South Avenue, both happen to be out of the country at the moment but wish to

submit a letter.

"Dear Commissioners: I respectfully request my testimony, in its entirety, be read into the record of this hearing by Commissioner Frank-Watson.

"My name is Helene Kelly..." that's K-e-l-ly. "... and I reside at 707 North Elmhurst Road, Prospect Heights, Illinois. I am currently out of the country and therefore unable to attend this hearing. My property is located 100 feet south of the subject property and I had resided there since 1959.

"The property at 711 North Elmhurst Road is zoned B-1 Retail Business and abuts two single family properties in a residential neighborhood. In almost all cases, B-1 parcels are relatively small in size and located in close proximity to R-1 Single Family Residential properties. In B-1 zoning, there are over 100 permitted uses and 14 special uses. These uses were currently chosen and deemed to be compatible with nearby residential property use.

Used car sales and auto repair shops are not compatible or harmonious uses with the surrounding residential areas of any B-1 parcel, including the property at 711 North Elmhurst Road.

"Furthermore, no need can be shown to exist for the proposed uses on the subject parcel nor on any B-1 parcel. Our zoning ordinance already allows for used car sales and auto repair in less restrictive business districts which are located in primarily commercial areas. One example is the Rand Road corridor which is almost exclusively commercial. Unlike the less restrictive business districts, most B-1 parcels are located on streets such as Elmhurst Road, which is primarily residential. Used car sales and auto repair shops are undesirable and inappropriate uses which should not be allowed to infiltrate and forever change the appearance and character of these areas.

"I have serious concerns regarding the many negatives associated with these two

types of businesses being allowed in a B-1 district and their adverse impact on the neighborhoods and nearby homes. These include: environmental concerns regarding waste disposal and our private wells; impact on private wells from car washing & detailing; signage (both regular and promotional); noise generated from major auto repair work; and the devaluation of nearby residential residential properties. As concerns the subject property, there are also additional concerns due to the size of the lot: limited space to accommodate parking for stock, employees, servicing, and sales customer vehicles; close proximity of the building to adjacent single family homes; and minimal zoning buffer from business to adjacent residential lots.

"Regarding the property at 711 North Elmhurst Road, we who live in the area would welcome a new business at that location. It is more than justifiable to insist that it be one of the hundred plus allowable uses that

already exist for B-1 zoning. It is also our imperative to ensure that it be compatible and harmonious with the surrounding residential area - not harmful or injurious.

"The applicant is requesting both a text amendment and a special use permit that would adversely effect the appearance, residential property valuation, and character, not only of our neighborhood, but of all neighborhoods which contain B-1 Retail Business properties. I have outlined numerous valid arguments for denial of the requests. Furthermore, the application does not meet all the requisite standards for the text amendment and special uses as set forth in our zoning ordinance. Therefore, I respectfully ask that you deny both applications.

"Sincerely, Helene Kelly."

Dear Commissioners: I respectfully request that my testimony in its entirety be read into the record of this hearing by Commissioner Frank-Watson.

My name is Corrine Kelly, K-e-l-l-y. I reside at 207 East Olive Avenue, Prospect Heights, Illinois, 60070. I am currently outside the country and, therefore, unable to attend this hearing.

I will post both the application for text amendment to our B-1 Zoning District Special Uses and the accompanying application for the Special Use Permit as they apply to the property at 711 North Elmhurst Road and to all B-1 properties in general.

Our B-1 zoning district is a retail business district for parcels relatively small in size primarily adjacent to residential properties and provides for uses compatible with neighboring residential uses. Most B-1 parcels are located on Elmhurst Road, which is primarily residential. For that reason, the B-1 zoning classification is the most restrictive of all the business districts. There is a need and necessity for this zoning classification as it exists. Care and prudent thought were put into

determining both the permitted and special uses for that district. Used auto sales and car repair shops are undesirable uses and are incompatible with the surrounding areas of all but one of our B-1 districts.

Other less restrictive zoning districts already exist which allow for uses such as used auto sales and auto repair shops. For example, along Rand Road and south of Chicago Executive Airport. If someone wants to open a car sales or auto repair business, they have every opportunity to do so in the appropriately zoned district.

As concerns the automobile-related uses on B-1 properties at the northeast and southwest corners of Elmhurst Road, it is important to make some clarification. NAPA Auto Parts is an automobile accessory store. It's an allowable Special Use in a B-1 district. Auto repair is strictly prohibited.

Dave's Auto Clinic is legal existing nonconforming in the B-1 district. Our

zoning ordinance specifically provides for the gradual elimination of nonconforming uses of land through the discontinuance of use ordinances.

It would be contradictory and illogical to site this nonconforming use as an argument for amending an ordinance that auto repair shops is a special use on a nearby B-1 property.

Numerous activities inherent in the operation and general repair in the used car sales and auto repair shop will have a decidedly negative and harmful impact on the neighboring residences and the local area in any B-1 district. These include signage, permanent and temporary; noise from auto repair work; possible contamination of wells and wastewater from improper, inadequate disposal; impact on private wells in car washing and detailing; and certain diminished value of nearby residential properties.

Due to the lot size at 711 North

Elmhurst Road additional valid concerns exist regarding the minimal zoning buffer with adjacent residential property; the close proximity of homes to the buildings, as well as parking for the vehicles for sale, employees, those waiting to be serviced, and those sales customers.

No need can be shown to exist for the additional uses requested in the text amendment to our B-1 zoning district, nor for permitting these uses by the B-1 property at 711 North Elmhurst Road.

As stated before, other zoning districts already exist which allow for such uses. Additionally, under the B-1 retail business district our ordinance lists 122 permitted uses and 14 special uses. Therefore, the subject property and all other B-1 properties certainly have reasonable economic use under the current zoning classification allowed uses.

A text amendment to our zoning

ordinance altering this allowable use in this district in order to accommodate this or any applicant's desire to open such a business is not judicious zoning. It is instead a misuse of text amendments. Accommodating a private interest to the detriment of the neighboring properties without adequate public advantage or justification may well be considered illegal spot zoning. If the application is granted for the amendment to B-1 zoning to allow these special uses, it becomes a special use in each and every B-1 parcel in our City. Anyone with a current or future interest in any of these parcels would have a right to apply for these uses.

Should you grant the application for special use permits for 711 North Elmhurst Road, you are opening the door for anyone with a current or future interest in Dave's Auto Clinic and NAPA Auto Parts to request permits for the same special uses. A legal precedent will have been set and the zoning board would be hard

pressed to find justifiable cause to deny the requests.

Another predictable outcome especially regards 711 North Elmhurst Road is the domino effect. We are well aware that the owner of 709 North Elmhurst Road, the residential property to the south, has previously applied for a map amendment to rezone his parcel from single family to B-1 in a consolidation of lots with the intention of building a strip mall on 709 - 711 North Elmhurst Road. Should this special use be granted and someone contemplates expansion of the auto sales and car repair shops we will assuredly see another attempt to rezone R-1.

Used car sales and auto shops, take a good look at Rand Road and other areas with these types of businesses, all of which are located in primarily commercial areas.

Is this the appearance and image we want to present to other B-1 districts located in primarily residential areas around the City?

This would not be thoughtful judicious planning and zoning, nor would it be in keeping with the intent or purpose of our zoning ordinance and Comprehensive Land Use Plan.

A stated purpose of our zoning ordinance is to protect areas of encroachment by incompatible uses and to make sure classes of uses are not usurped by other inappropriate uses. The zoning board will hopefully honor this purpose and the obligation to retain the integrity of our ordinance and the zoning districts described within.

In my testimony, I have tried to give substantive, credible and compelling arguments for the denial of the applicant's request. Most emphatically, the application for a text amendment and special use permit for either use do not meet all the legal requisite standards as described in our zoning ordinance. I, therefore, respectfully request that you deny both applications.

Sincerely, Corrine Kelly.

Thank you.

CHAIRMAN WEIDMAN: Thank you, Corrinne.

COMMISSIONER FRANK-WATSON: Thank you.

CHAIRMAN WEIDMAN: Commissioners have any additional comments?

COMMISSIONER JONES: I have a couple. I have listened to a lot of this, and I'm thinking about -- Someone made the statement maybe we can sit down and address a lot of the residents' needs. Unfortunately, this plan is not complete. We still haven't pinned down parking. There is another possible parking plan somewhere around. Is it viable to, you know, slow down and see if we can make this work?

I mean the gentleman that owns the business has a right to use the business. I know that it's a tough. It's a very tough spot. But what can we do to, you know -- I can't say keep everybody happy because I don't think we can do that. But put stuff in that special use that allows for this to work. Maybe it's a change in the hours. Maybe it's a fencing. You

know, a fencing, maybe it's a relocation of a door instead of blasting the house to the east, maybe it's exiting out the north. I mean there is a lot of issues that came up. I don't know that this plan is completely accurate at this time.

COMMISSIONER FRANK-WATSON: I think the real issue here is that he's asking us to change our ordinance for him. So we are not just, we are not just changing it, you know, we are not allowing him a special use. This is not the same thing. We are essentially changing our ordinance. We are really rezoning for one person, you know.

I feel for you. I understand, you said you have invested your life savings into this. And unfortunately, that's a gamble you take as a business owner, as a homeowner, we are all in the same position. But you are not limited. You know, it is not like you are prevented from selling your business or selling that property, you know, or leasing it to

someone. But right now our ordinance does prohibit the types of uses, as you know, for that property. And I think for very good reason.

I don't think the residents here want this. I don't think it has to really do with parking or where there is a door. They don't want a used car lot next to their homes or behind their homes. And I don't think any of us would want a used car lot next to us.

And unfortunately, I think sometimes those who live on Elmhurst Road and Palatine frontage are treated like second class citizens. I live on Elmhurst Road. I live there because I couldn't afford a house on an interior street. I put a new roof on my house. I just rebuilt my chimney. I'm going to put in new windows. That's where I live and that's where these people live, and they have invested their life savings as well.

And to put a used car lot next door to them will, undoubtedly, affect the property

value of their homes not to mention it's an eyesore. It's seedy. We denied pawn shops at this intersection because we didn't want that to be what greeted you as you drove through the gateway of Prospect Heights.

Well, do we really want a used car lot to greet those who drive through the gateway of Prospect Heights? I don't think so. Again, he's not limited. He's asking us to change our entire ordinance for his benefit but not for the benefit of the residents.

CHAIRMAN WEIDMAN: Anyone else have any comments, questions?

Mr. Skiber, NAPA is B-1, Dave's Auto Clinic is B-1. If this text amendment were passed, those two businesses would not even have to come to the City to sell used cars; is that correct?

MR. SKIBER: No, Mr. Chairman. Because you are amending the text amendment as specific to Special Use uses under B-1. Therefore, anyone that would want to come forward for used

cars would have to petition for a year; and it would be handled on a case-by-case basis.

COMMISSIONER FRANK-WATSON: I can assure you that one of the owners of one of those businesses will be before you very soon with an application. And we are setting a legal precedent if we allow this.

The other business I'm referring to has I believe about an acre of land. He has roughly 16 or more parking spaces in front and way, way more in the back to accommodate the stock. This is an individual who has had a business in our community since 1978. He is a good person. He donates to the police department. He pays taxes to the City. He generates sales tax revenue for the City. Not only will this hurt him but it will also allow him to, like everyone said, apply for a special use. And I just don't see how we could reasonably deny him. If we are cramming something like this on a tiny little lot, how are you going to deny him the same?

CHAIRMAN WEIDMAN: Any other questions, comments, from the commissioners?

Okay. Then I will entertain a motion.

COMMISSIONER TAMMEN: I make a motion to deny the application.

CHAIRMAN WEIDMAN: Okay. Is there a second?

COMMISSIONER FRANK-WATSON: Second.

CHAIRMAN WEIDMAN: Roll call, please.

MR. SABO: Motion made by Commissioner Tammen and seconded by Commissioner Frank-Watson.

MR. YEHL: Just for the record, we want to make it clear that the motion is to deny the application?

COMMISSIONER TAMMEN: Correct.

MR. YEHL: So a vote in the affirmative is a vote to deny the application.

MR. SABO: Roll call.

Commissioner Tammen?

COMMISSIONER TAMMEN: Aye.

MR. SABO: Commissioner Dash?

COMMISSIONER DASH: Nay.

MR. SABO: Commissioner Jones?

COMMISSIONER JONES: Aye.

MR. SABO: Commissioner Frank-Watson?

COMMISSIONER FRANK-WATSON: Aye.

MR. SABO: Commissioner Roscoe?

(Mr. Roscoe not present.)

MR. SABO: Commissioner Wyatt?

CHAIRMAN WYATT: Aye.

MR. SABO: Chairman Weidman?

CHAIRMAN WEIDMAN: Aye.

MR. SABO: Five ayes to one nay vote.

CHAIRMAN WEIDMAN: So our recommendation to the City Council will be to deny this request. And again, we are just the recommending body. It will go in front of the City Council once our minutes have been approved.

MS. VOLE: Can I ask one more question?

CHAIRMAN WEIDMAN: Sure.

MS. VOLE: The timeline, so that we are all under the same understanding, is that the

minutes then come back at the next meeting and are approved at the meeting. And from that approval, they will be heard at the next City Council. Correct?

MR. SKIBER: I can't affirm that based on the schedule of the next meeting being short, specifically November 15, and the fact that we have to review and approve the transcript that's going to be lengthy, so I will not affirm that.

MS. VOLE: So I'm trying to get the time frame. So that you said 45 to 60 days?

MR. SKIBER: We are convening and it still will be within the 45 to 60 days.

MS. VOLE: No problem. Thank you.

CHAIRMAN WEIDMAN: For the record I would like to enter two additional exhibits. We will call it ZBA No. 10, and that is the exhibit Certificate of Good Standing that has no dealer's license according to the State of Illinois, Secretary of State. I believe this also had to do with the incorporation of Advance Motor Sales.

MR. MADDEN: If I could clarify that. I wasn't sure if he had indicated he had a license or not, but I did verify that he did not yet have any dealer's license. The actual document that -- My intention there is for you to see that the testimony that he gave was not accurate when he stated that this was an incorporated company. At least according to the Secretary of State's records, there is no corporation under that name or similar name.

CHAIRMAN WEIDMAN: Thank you, Mr. Madden.

And ZBA No. 11 are photos of Global Automotive.

Okay. Are there any communications?

MR. SKIBER: Yes, Mr. Chairman. Unfortunately, I do have some bad news regarding one of our longstanding previous commissioners, Mr. Larry Purcell. I received information that Mr. Purcell has passed away within the last month. However, I was not able to locate an

obituary, so I don't have any details. But Mr. Purcell is a longstanding member of this board, a long-standing resident of the City, and a good friend to many, and we will miss him. I am told that there will be a memorial service on November 17. But again, unfortunately, I can't give any details. I will continue to research this and pass it on accordingly. Thank you.

CHAIRMAN WEIDMAN: Thank you, Steve.

Is there any old business?

City Council Action?

MR. SKIBER: City Council is up-to-date with all the recommendations and ordinances so nothing to report on that, Mr. Chairman.

CHAIRMAN WEIDMAN: Is there any new business?

MR. SKIBER: Yes. There will be an agenda for the meeting next month on November the 15th and that process will start tomorrow as the deadline for the legal notices.

So there will be an agenda for the meeting of November 15. Thank you.

CHAIRMAN WEIDMAN: Okay. I will entertain a motion to adjourn.

COMMISSIONER TAMMEN: I will make that motion.

CHAIRMAN WEIDMAN: Is there a second?

COMMISSIONER DASH: I second the motion.

CHAIRMAN WEIDMAN: All in favor?

(A chorus of ayes.)

MR. YEHL: Thank you all for coming.

* * *

(Which were all the proceedings had in the above-entitled cause.)

STATE OF ILLINOIS)
) ss.
COUNTY OF DU PAGE)

I, JANICE H. HEINEMANN, CSR, RDR, CRR, do hereby certify that I am a court reporter doing business in the State of Illinois, that I reported in shorthand the testimony given at the hearing of said cause, and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.

Janice H. Heinemann CSR, RDR, CRR

License No T084-001391

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$10,000 [8] - 6:1, 13:2, 13:4, 13:11, 13:18, 32:20, 33:13
$15,000 [1] - 72:19
$1500 [1] - 35:3
$2,000 [1] - 33:12
$3,000 [2] - 34:11, 71:5
$30 [1] - 71:4
$5,000 [1] - 71:5
$50 [1] - 71:5
$500 [1] - 41:18
$60,000 [1] - 103:11

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1 [3] - 17:11, 63:12, 103:8
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