

PLAN AND ZONING

REPORT OF THE PROCEEDINGS OF A MEETING
BEFORE THE VILLAGE OF NORTHFIELD
PLAN AND ZONING COMMISSION

COMMISSION

REPORT OF PROCEEDINGS had before the Village of
Northfield Plan and Zoning Commission taken at the Northfield
Village Hall, Board Room, Northfield, Illinois on the 6th day
of June, 2022, at the hour of 7:00 p.m.

MEMBERS PRESENT:

BILL VASELOPULOS, Chairperson
KATHY ESTABROOKE
PATRICK BADER
STEVEN HIRSCH
TODD BERLINGOF
DAN deLOYS
CONNIE BERMAN

MEMBERS ABSENT:

JENNIFER SUCHER
JACK BRANNIGAN

ALSO PRESENT:

STEVEN GUTIERREZ, Community Development Director
EVERETTE M. HILL, JR., Village Attorney
TODD FOWLER, TRUSTEE
CHARLES ORTH, TRUSTEE

1 CHAIRPERSON VASELOPULOS: I'd like to call the
2 meeting of the Plan and Zoning Commission. My name is
3 Bill Vaselopulos; I'm the Chair of the Commission. At
4 this time, I'd like the Commissioners to introduce
5 themselves starting with Steve.

6 COMMISSIONER HIRSCH: Steven Hirsch.

7 COMMISSIONER BADER: Pat Bader.

8 COMMISSIONER ESTABROOKE: Kathy Estabrooke.

9 COMMISSIONER BERLINGHOF: Todd Berlinghof.

10 COMMISSIONER DELOYS: Dan deLoys.

11 COMMISSIONER BERMAN: Connie Berman.

12 CHAIRPERSON VASELOPULOS: Thank you.

13 The purpose of tonight's meeting is to
14 conduct a public hearing and to consider and discuss
15 these requests for approval of special use permits
16 located at: 1386 Winnetka Road, Petitioner's name is
17 RED3 Development, LLC; another one at 1743 Orchard Lane,
18 Petitioner's name is Taco Nano, LLC; the third one is
19 located at 305 Happ Road, Petitioner's name is C&D
20 Northfield, LLC; and the fourth one is at 1735 Orchard
21 Lane, Petitioner's name is Stormy's Tavern & Grille.

22 The public hearing format will provide an
23 overview of these proposals and a forum for public
24 comment and input. This Commission is a recommending
25 body only and we will forward our recommendations to the
26 Village President and the Board of Trustees for final
27 approval and determination whether or not to grant these
28 items before us today. The Board will then consider
29 these items being discussed this evening at the next
30 Board meeting which is scheduled for Tuesday, June 21st,
31 2022 at 7:00 p.m., right here in this boardroom.

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

41 Prior to speaking, we request that all
42 parties step forward to the microphone, be sworn in, and
43 provide their name, address, and interest in this matter
44 for the record. These proceedings are being recorded,
45 and that is why we request you to speak only at the
46 podium where the microphone is located.

47 Our first order of business tonight is to
48 pass the minutes from our last meeting of April 5th,

1 2022.

2 Is there a motion?

3 COMMISSIONER ESTABROOKE: So moved.

4 COMMISSIONER DELOYS: Second.

5 CHAIRPERSON VASELOPULOS: Second. All those
6 in favor?

7 (Chorus of ayes.)

8 CHAIRPERSON VASELOPULOS: All opposed?

9 (No response.)

10 CHAIRPERSON VASELOPULOS: The motion passes.

11 Before our first Petitioner steps to the
12 microphone, Steve, do you have any introductory
13 comments?

14 MR. GUTIERREZ: Thank you, Mr. Chairman. As
15 you said, the Petitioner is RED3 Development, LLC, 1386
16 Winnetka Avenue Series. Now, they are the owner of the
17 property at 1386 Winnetka Road.

18 The Petitioner is planning on building a
19 new home on this site, and the new home will have two
20 attached garages. One will be a two-car garage, the
21 other will be a three-car garage, attached garage.
22 These will total 1,664.75 square feet garage floor area.
23 In the R-2 Countryside Residential District where this
24 property is located, any garage space over 1,200 square
25 feet requires a special use, so that is what they are
26 applying for.

27 In addition to the special use, they are
28 also seeking a side yard setback variation for the
29 carport area that is in front of the two garages at the
30 northeast corner of the home. That carport they are
31 proposing would come within five feet of the east
32 property line, that's their side lot, and our Zoning
33 Code requires a 15-foot setback for that side yard. So,
34 again, they need a variation in order to allow for that.

35 The proposed garages Staff feels are
36 actually well integrated into the floor plan of the
37 home. The home itself, the design, the architectural
38 design, the size, the scale, we believe are in keeping
39 with the character of the existing neighborhood. Staff
40 has no concerns about the proposed garages and the
41 design and is supportive of this aspect of the request.

42 The side yard setback variation request,
43 however, Staff is concerned that the elevated carport
44 will make vehicles coming and going or perhaps parked on
45 that carport to be more visible than they would be if
46 they were at grade. Just to make a note, driveways and
47 carports and things like that, if they're at grade like
48 they normally are, they are not accounted towards to

1 the, I should say the side yard setback would not apply
2 nor to the property line, but because this type of home
3 including the carport is raised above grade anywhere
4 from, if it was at a measurement there by scale, it
5 would look like something above five feet high above
6 grade, and we feel that this, first of all, is a
7 structure and thus it's subject to that side yard
8 setback. Secondly, we're a little concerned that its
9 visibility of the vehicles is going to be heightened by
10 the fact that it's raised above grade.

11 So, Staff is not supportive of the
12 proposed side yard setback. I know that the Petitioner
13 has a planned footprint that they are contending with
14 the floodway which you cannot build anything within, and
15 it is, so they have some restrictions in the use of that
16 floodway. But Staff again, is not convinced that there
17 is not an alternative plan that could be developed that
18 wouldn't require this encroachment into the side yard,
19 certainly not as much as they are proposing.

20 So, that is the petition before you. If
21 you have any questions for me, I'd be happy to answer
22 those for you, but the Petitioner is here and prepared
23 to provide you a presentation.

24 CHAIRPERSON VASELOPULOS: Commission, do we
25 have any questions for Steve before we ask the
26 Petitioner to come forward?

27 (No response.)

28 CHAIRPERSON VASELOPULOS: Would the Petitioner
29 like to step forward please? We're going to ask that
30 you state your name and be sworn in please.

31 MR. FREIBURGER: Michael Freiburger.

32 MR. GUTIERREZ: Please raise your right hand.

33 (Witness sworn.)

34 MR. FREIBURGER: Thank you, sir. Thank you,
35 Board, thank you, Chairman. Thank you, Steve, for that
36 thorough analysis. I think you did a very nice job
37 there. I agree with everything you said maybe other
38 than a couple of --

39 CHAIRPERSON VASELOPULOS: Excuse me one
40 second. You stated your name, but you didn't state your
41 relevance to this. You're the owner or the architect?

42 MR. FREIBURGER: I am going to get there in a
43 second, but I will do that --

44 CHAIRPERSON VASELOPULOS: Okay, okay, I'll
45 wait. That's fine.

46 MR. FREIBURGER: Next slide I swear. All
47 right, next slide, I'm pretty sure I swear.

48 But I did just want to mention briefly

1 that the biggest key is we do believe there's actually,
2 let me get into all these details, the biggest one that
3 I think was the disconnect when you and I spoke about
4 this originally, Steve, is that the parking at grade,
5 that is allowed, and in our opinion a bit of a gray area
6 when defined as an elevated parking space. I think
7 that, you know, Staff has determined that that's just a
8 structure which technically there is a structure there,
9 that there would be in many cases otherwise. So, that's
10 really why we've come this far down the road without,
11 you know, potentially having designers from the get go
12 because it is a new construction. So, that's really one
13 of our biggest contentions. We'll talk about that in a
14 little bit.

15 My name is Michael Freiburger. I'm the
16 owner of RED3 Development, LLC, and the 1386 Winnetka
17 Avenue Series is a series within our LLC. It's the
18 holding company for our development company. I'm also
19 the owner of New Look Design Build Development which is
20 actually the vehicle that has prepared all the plans.
21 I'm the Director of Design and Planning there and I've
22 ran that for about 12 years. I'll get into some of
23 those other details.

24 Just a little bit about myself, I'm a
25 current resident of Northfield. I grew up in
26 Northfield. I went to New Trier, my wife went to New
27 Trier. We care a lot about this neighborhood. We try
28 to do things right when it comes to our business. I
29 actually started my career through a New Trier senior
30 project and was working, you know, in an architecture
31 firm when I was still in high school. I worked
32 throughout during that whole time. I took over this
33 business 12 years ago, both businesses, transformed them
34 a little bit, turned them into a full-service design
35 build development company.

36 As I said, New Look, I'm a second generation
37 owner. New Look is headquartered in Wilmette at the
38 corner of Lake and Ridge. We're fairly well-known for
39 luxury single family developments and multifamily
40 developments. We do most of our work right here on the
41 North Shore.

42 We take a lot of pride in both living, working
43 and developing where we live. You don't see a lot of
44 people do that. It takes a lot of courage and you have
45 to try to do things right. I just want the Board to
46 know and the neighbors, I tried to reach out to them as
47 well, that you know, we would not be presenting a case
48 that we don't firmly believe in and, you know, has some

1 justification to it. We're never trying to, you know,
2 slip one past anybody and, you know, move on to the next
3 property. That's not our style.

4 Obviously we're talking about the project
5 here at 1386 Winnetka Road. Obviously, this site right
6 here, this site has been vacant since 2009. It did have
7 a home on it previous to it; I actually used to be
8 friends with the owner there. It flooded all the time.
9 It has now been vacant and very distressed for all these
10 years.

11 The neighborhood is obviously a very
12 affluent, beautiful neighborhood. As Steve said, the
13 home sizes and scale fit with what we're trying to do.
14 The house, the site itself is obviously in the flood
15 plain and that presents challenges, but it also is
16 tucked into this corner, tucked into the forest preserve
17 which allows us some more opportunities to, you know, do
18 some creative things.

19 This is our, so north now is to the
20 right, okay, so this is Winnetka Road right here along
21 this side on the right here. This is our preliminary
22 site plan that the Village has reviewed to date. Most
23 importantly, I want to talk about that the house is
24 built on piers, so these black, you know, spots that you
25 see is the pier locations for all of this. Because of
26 the site plan, the house is being elevated, both for the
27 right thing to do as well as, you know, some easements of
28 flow through and some other rules when it comes to the
29 site plan. Most importantly, it's this line right here.
30 This line is the floodway.

31 As Steve said, you cannot build anything
32 within the floodway. As you can see, we are within
33 inches of that floodway line. This east side here, this
34 is the extension of the motor court parking area, really
35 what we're calling turnaround area, and then later I'll
36 define some of the others. In addition to the
37 floodplain, there also is a portion of wetlands which
38 makes the site even more unique and even more difficult
39 to try and deal with.

40 Just a brief intro about this project,
41 because it is being built on behalf of an owner or of a
42 buyer rather, and I think that was a bit foreign to some
43 people. So, I'm fortunate enough to be the president of
44 the Building Industry Association of Greater Chicago
45 right now, formerly the Home Builders Association. I'm
46 the Chicago delegate of the National Association of Home
47 Builders. I've built a nice relationship with the
48 Professional Builder Magazine which is the national

1 publication of that association over the past many
2 years. Together, we identified a site, this particular
3 site, that can talk about lots of different things in
4 sort of a national coverage and sort of a platform to
5 try to help construction get better. Now, I know this
6 isn't totally applicable to, you know, this particular
7 case but to try to give you some color on this and sort
8 of how in-depth this has been, you know, thought out and
9 designed otherwise, and it is supposed to talk about
10 lots of different things, okay?

11 So, in a partnership with Professional Builder
12 Magazine, we have something called Professional Builder
13 New Look Experience Home. They will be featuring this
14 home in digital and social media, prints media, video
15 interviews, et cetera. One of the most important things
16 about this is not only does it feature innovation, the
17 newest products and manufactured product launch, a
18 healthy home, a smart home, you know, cutting edge
19 design, solar power tech, all this other stuff, but it's
20 because the whole sort of background of the story is
21 trying to solve local problems, okay. Our biggest local
22 problem when it comes to, you know, weather, our natural
23 disaster is flooding, and it's only going to get worse.
24 It's not going to get better over the years, and so this
25 is supposed to be a platform of how to resolve that.
26 Now, of course that comes with some issues and that's
27 what we're here to talk about.

28 So, this is the house. You guys have
29 seen this front elevation on our original submittal.
30 You can see that it is definitely a progressive
31 architecture. This is actually the view directly in
32 front of the driveway, so you're actually standing on
33 the sidewalk at Winnetka Road looking south. The garage
34 spaces that we're talking about are one, two, three. As
35 you can see, this is not your average garage door; it is
36 a very expensive, upgraded, all-glass door, it actually
37 has a film on it so that it's both transparent and
38 opaque depending on how you light it. The other piece
39 is over here, this is the two-car garage, and the motor
40 court is set right above this ramp.

41 You can see that, you know, the ramp does
42 come up. There is a portion that stays at grade, but
43 the rest of the house is elevated five feet. You can
44 start to see under some of these areas. You can also
45 see that there are some familiar forms, again, all part
46 of the story to Midwest architecture, but clearly it is,
47 you know, pushing the envelope a little bit. So, you
48 see some masonry, you see some prairie style lines, and

1 you also see, you know, window wall systems that are
2 continuous floor to ceiling and then wall to wall.

3 One of the ways we're trying to help
4 introduce that or truly buffer it is with green roof
5 areas, so there's significant green roof areas around
6 the house. There is an offset of materials. The
7 concept is not only again to sort of push the cutting
8 edge design piece, but it's in response to pandemic.
9 This concept of this house is meant to be almost more
10 like a resort style living versus, you know, typically
11 thinking that your home is supposed to have needs
12 instead of wants. It's not just three bedrooms and two
13 baths and, you know, a kitchen. It's instead of
14 designing your home and then moving away for a year
15 during the next shelter in place because you want to
16 live in a retreat, the idea is to try to design
17 something that you can live in year-round, have flexible
18 spaces, be able to accommodate, you know, living there
19 24/7 as necessary, and I'll go through some of those
20 details.

21 This is the first floor plan from your
22 packets. The two areas in question once again are these
23 pink areas, so this is garage one, this is garage two,
24 this is the motor court that heads out to Winnetka Road.
25 I'll run through this relatively briefly even though
26 there is a ton of detail in here.

27 This main gray area that I'm tracing
28 right now is what we call the main house. So, that's
29 your typical living room, dining room, kitchen, mudroom,
30 you know, entry. There's a first floor office flex
31 space. The main house itself totals around 6,500 square
32 feet, first floor and second floor; fairly, I would say,
33 in this neighborhood average or modest I guess, but of
34 there is no basement.

35 So, this area over here actually can be
36 closed off and is the pool house which acts as basement.
37 This is a dividing line right here so you can sort of
38 separate those two things. This then has your, what
39 you'd expect in a basement, a big rec room, game room.
40 It has more wants for people, they can be flex spaces,
41 but this is designed as a golf simulator room.

42 Actually, let me go back to that for a
43 second because I went down the road of the Professional
44 Builder New Look Experience home, but I didn't explain
45 that throughout this process we actually have a buyer
46 that has been involved in designing this house for their
47 particular family. Due to the original arrangement with
48 Professional Builder Magazine, and because of the

1 national coverage, that buyer is choosing to remain
2 anonymous until we get this built and ultimately sold to
3 them. So, when you say why don't you just redesign it,
4 that's not really an option unless the buyer is involved
5 in that piece. But this is designed specifically for
6 that family, the exact number of kids, the exact number
7 of bedrooms, and the exact number of spaces here.

8 There is some outdoor spaces here, very
9 critical during the shelter in place. This is covered
10 outdoor spaces. This whole courtyard all surrounds a
11 pool.

12 This is the second floor here. It's a
13 bit more straightforward. It has twin bedrooms right
14 here. Instead of a Jack and Jill bath, it has a Jack
15 and Jill closet. It's got another bedroom up here
16 that's an en suite. This is the master suite over here.
17 You'll see some dimension on some of this later. These
18 are nice-sized rooms, but by no means are they totally
19 oversized and it's very difficult to try to get this 10
20 feet out of there. If we could have we would have, and
21 we would not have been through this process. We'll talk
22 about that in a little more greater detail.

23 So, we're back to the site plan. On the
24 left is just a bird's eye site plan, you can see where
25 that offsets. This now defines further a little bit
26 more this offset line, this is some of the other stats.
27 As Steve mentioned, we are exceeding, attempting to
28 exceed the garage space by 464.75 square feet. This is
29 accommodating a couple of different things. Not only
30 are we planning for this particular family, we are
31 planning ahead for a potential multigenerational living
32 so we need more spaces.

33 In addition, in this concept of designing
34 the house the way you want to live in it, this space
35 right here also doubles as a gym. As we know, Chicago
36 winters are really, really difficult and when you can't
37 go to your sports or gyms, otherwise this is something
38 that you would normally put in a basement of a luxury
39 home. Obviously you can't do that, so this space does
40 double as that gym.

41 I have started to put some dimensions on
42 here so that you can see that these areas are not overly
43 extended. That garage number one on the top where you
44 have the truck and the car and the turning radius is a
45 pretty common garage size. That other one to the south,
46 those are eight-foot doors. That's about as tight as it
47 can be in the east-west direction. It does have a
48 little bit more depth but that doesn't particularly

1 change this aspect.

2 Then what we really tried to illustrate
3 right here is what this parking area is for. So, if
4 you're using that garage as a gym, you need some place
5 to put these cars. If you have any guests, if you're
6 coming to your own house, you're not going to pull in
7 the garage. If you don't have that offset area, there
8 literally is almost no way to get in and out of this
9 garage. Well, let me change that, you can get in and
10 out of it, but you can't ever park a car there. Also,
11 because that ramp space is less than 12 feet wide, you
12 also can't park a car there.

13 So, a family member that wants to enter
14 through the family entrance here which is between the
15 two garages will ultimately have to park at grade, walk
16 around to the ramp, or go through the front door which
17 nobody does, come all the way up to try to do it because
18 there is no parking otherwise. So, this is honestly the
19 basis of both different pieces. So, when it comes to
20 the special use for the garage, I think Steve said it
21 pretty well that we believe the architecture matches.

22 That's actually really the only view that
23 you get from the street is of that piece, and we tried
24 to, you know, really make that as luxurious and nice as
25 possible. We believe the scale fits. We believe there
26 is a, you know, a necessity for it. I also know that
27 this is, you know, somewhat a fairly commonly requested
28 item. So, I think that one, you know, I'll wait for
29 more questions on that particular piece.

30 The side yard setback one I understand is
31 more of a concern; however, with this buffering space
32 that we are proposing, with those arborvitae or
33 evergreens that you see there, we believe that there is
34 actually going to be no difference to any end user, any
35 neighbor, or any person that drives down the road, and
36 I'm going to attempt to show that to you in these
37 particular pictures. If I can, I'm going to try to zoom
38 in here briefly.

39 So, this is that same view you see on the
40 very left, okay? This is an entrance as you come into
41 the building. That's farther back, that's at the side.
42 On this right side here is on the other side of Winnetka
43 Road. You still only see pretty much the same view that
44 is very blocked by the landscaping.

45 This is as you continue to travel to the
46 east. If you look very, very closely, you might see the
47 very corner of a car there, but really you'd have to
48 look with magnifying glasses in this particular version.

1 Then if you get to the east side of the property, this
2 is the other view. It is meant to be very private and
3 it is meant to be, all these areas, blocked off.

4 As I scroll down a little bit further
5 here, on the left here is the first view from Dr. Kim's
6 yard, the neighbor most closely in question here. That
7 is standing on his driveway at Winnetka Road looking
8 back towards the house. As you can see, these
9 arborvitae completely block that corner on the space.
10 As we noted in our letter, those will be planted at
11 least 12 to 15 feet at planting to try to initiate
12 automatic screening on day one. They will get to be
13 over 25 or 30 feet. These are shown at about year four-
14 year five. They're probably 16-18 feet tall.

15 This is the view standing, Dr. Kim's
16 house is just generally shown right here, this is the
17 view standing outside of his front door looking directly
18 west at that same area. You can once again see that you
19 can't see any part of this driveway or parking area.
20 You can barely even see the house because it is meant to
21 be hidden. This property opens very much out to the
22 south and to the west, not necessarily to the east or to
23 the north, on purpose to both buffer the closest
24 neighbor and the street. This is a view standing in
25 front of Dr. Kim's house looking back at that same
26 direction, and again continuing.

27 This next slide appears to be exactly the
28 same, okay? The difference is that we've taken off the
29 ramp, we've taken off the elevated parking area, we've
30 taken off the cars from that area because I bet nobody
31 even knew how many cars were parked there or what colors
32 they were. There were three and one of them is bright
33 orange, and you couldn't see it. We had taken those
34 cars, put them down at grade and removed all those other
35 parts so you can see that these views and this
36 interaction in every direction are exactly the same.
37 There is no difference to any view or any functionality
38 of any of these faces.

39 I can show you a 3D model if you don't
40 believe me that's on this computer where I can actually
41 move from here to that parking area and show you what it
42 actually looks like in both versions. But again to us,
43 understanding and respectfully that we should not
44 necessarily be asking for a variance on a new
45 construction, we don't necessarily agree with that
46 ruling that it's considered a structure or that it
47 wouldn't apply because in every other situation it would
48 be acceptable and we're trying to go the extra mile by

1 landscaping it accordingly and showing all these views
2 that it actually is a de minimis request or that it at
3 least, you know, is not heavily affected that might
4 appear on the surface. But all of these things are
5 caused entirely by the floodplain, the floodway, and the
6 wetlands.

7 I'm happy to, but I'll wait until you
8 guys have questions, go back and look at each one of the
9 floor plans, first and second floor, and say okay, where
10 can we take out 10 feet and shrink this building east to
11 west and still get functionality out of it? You'll find
12 that we cannot do it. It will not work like that.

13 So, we don't have a great plan B. I will
14 have to talk to the buyer. We may have to end up
15 putting parking in front of the house which would be
16 allowed but would not look nearly as good in my opinion,
17 or our opinion, as this, but that's our presentation so
18 far. There is a couple more things here I want to show
19 you if I can.

20 This next slide is really just for fun.
21 These are some of the other perspectives of the house.
22 The one on the front left is obviously just showing when
23 it has weather or in the winter. The one in the middle
24 is the actual main entrance of the house. You can still
25 see that it is elevated, it has an appearance of sort of
26 a resort or a hotel because that sort of follows its
27 resort or retreat style living.

28 That one in the upper right obviously is
29 the bird's eye view. You can see that this house is
30 intended to be powered by solar. You can tell it will
31 obviously have this big pool and a bunch of outdoor
32 spaces. The entire house is meant to embrace that. It
33 has a ton of natural light because that's how everyone
34 wants to and ultimately needs to live.

35 The bottom left version is just another
36 perspective standing at grade looking back to the
37 northeast in the middle here on the sundeck watching a
38 beautiful sunset. On the right is just a nice night
39 image looking into the pool house, but just trying to
40 express really that, you know, we have gone to great
41 length to try to make something beautiful and improve
42 the neighborhood both in property values, fix a property
43 that has been not at its best use for a long time. Not
44 only does it flood continuously, per Village Engineering
45 standards, we will be adding significantly more
46 stormwater management to this site.

47 There is a requirement for compensatory
48 storage at 1.5 percent. So, whatever we build into

1 there, even though those minimal piers don't take up a
2 ton of cubic feet, we actually replace that with 1.5.
3 So, to anyone being worried that we, you know, are going
4 to make any flooding issues worse, we'll actually be
5 making it better, more valuable, and more beautiful.

6 These are just sort of recapping all
7 that. I'll leave it all off for now. If we need to get
8 into the actual, you know, special use standards of
9 review and mandatory findings for both that and the
10 zoning, I'm happy to do so. But I believe that we can
11 answer every one of those in good faith and actually
12 have a satisfactory response. Then if you want me to do
13 that at some point, I'm happy to. Otherwise, some of
14 those thoughts are here and that is the last slide that
15 just says thank you.

16 That's what I have for now. I'd be happy
17 to answer any questions, clarify anything. I do have
18 lots of other assets here, 3D models that you can zoom
19 around and see what you want if at any time you want
20 that.

21 CHAIRPERSON VASELOPULOS: Okay, thank you very
22 much.

23 MR. FREIBURGER: Thank you.

24 CHAIRPERSON VASELOPULOS: I have a couple of
25 questions for you to start off.

26 MR. FREIBURGER: Yes, sir.

27 CHAIRPERSON VASELOPULOS: Regarding the 10
28 feet to the east that you're asking for, so the purpose
29 of that is so that you can park three cars there when
30 you want to use the three-car garage as a gym?

31 MR. FREIBURGER: So, that is how it's defined
32 in this particular version. But ultimately, it is so
33 that you have any parking for the family that is not at
34 grade up on this motor court, because as you can see
35 from this image here, if the driveway was across this
36 line, if that parking was across this line right here
37 which would be the 15-foot mark, you would have no room
38 for any other parking when you try to get in or out from
39 this garage, or in or out from this garage. So,
40 ultimately, it's a turnaround and what's called a
41 hammerhead space.

42 CHAIRPERSON VASELOPULOS: Right. So, the
43 driveway itself, that half-circle driveway has a cutout.
44 How many cars can park in there?

45 MR. FREIBURGER: I don't have that referenced
46 here. I would think that there's a handful of cars that
47 can park there. Three probably.

48 CHAIRPERSON VASELOPULOS: Three, or you can

1 make it three if it's two-and-a-half.

2 MR. FREIBURGER: I suppose that it's correct.

3 CHAIRPERSON VASELOPULOS: You also indicated,
4 so that's one point I wanted to raise. You also
5 indicated you can't move any farther west, which I
6 understand it. To be clear, the second story is
7 directly above the first story private office terrace,
8 right?

9 MR. FREIBURGER: Yes, correct.

10 CHAIRPERSON VASELOPULOS: So, that's not an
11 open terrace, there is the second floor bedroom above
12 it?

13 MR. FREIBURGER: Yes, sir, correct. May I
14 clarify one more piece if I may?

15 CHAIRPERSON VASELOPULOS: Sure.

16 MR. FREIBURGER: I forgot to mention this. If
17 you look actually at this site plan here, one of the
18 things that we did do is try to help this east side yard
19 setback after we, you know, had been determined that
20 we're going to have to come across this meeting. So,
21 you'll see that the only thing that is actually at 15-
22 foot line is that second garage, that pink area of that
23 second garage. It immediately steps back another five
24 feet to offset it further. Then on the second floor, it
25 steps back another 10 feet to try to offset it even
26 further, to try to help that east side yard.

27 CHAIRPERSON VASELOPULOS: Yes, I noticed that,
28 too. So, you indicated that you can't go any further
29 west, but you didn't talk about going further south.

30 MR. FREIBURGER: So, we did take a look at
31 that. If you look at that rear yard setback line which
32 is that dash line just south of the building, if you
33 move that building all the way to the south, and that
34 stair by the way would still require a zoning variance,
35 you still would not be able to move it far enough west,
36 number one.

37 Number two, we've already offset the
38 building an extra, as you can see the front set back
39 line, it's that dash line that's in the parking at
40 grade, we've offset the building 24 feet farther already
41 because of both the floodplain line and to try to help
42 buffer all of this from the street. So, unfortunately,
43 going south doesn't necessarily help us get what we want
44 to accomplish.

45 CHAIRPERSON VASELOPULOS: Going south doesn't
46 help you if you keep the exact same footprint is what
47 you're saying.

48 MR. FREIBURGER: Correct, sir.

1 CHAIRPERSON VASELOPULOS: What if you changed
2 the footprint and go south?

3 MR. FREIBURGER: If you changed the footprint,
4 we would, and I don't know this for exact, but I think
5 we only got about halfway there, so we might get five
6 more feet back. In addition, if you look at the
7 engineer's layout, the area just west of the building is
8 where all the compensatory storage is going to go, which
9 means the only usable yard which on this site doesn't
10 become much anymore is directly to the south and we'd be
11 minimizing that area. So, so far the buyer did not
12 agree that that was a foreseeable option.

13 CHAIRPERSON VASELOPULOS: Okay, those are my
14 questions for now.

15 MR. FREIBURGER: Thank you, sir.

16 COMMISSIONER ESTABROOKE: I have a question.
17 Isn't the house on, I want to say it's Meadowview and
18 Winnetka, isn't that a raised driveway?

19 MR. FREIBURGER: Yes, it is, ma'am.

20 COMMISSIONER ESTABROOKE: So, that's like
21 almost bookends of this, everything bookends.

22 MR. FREIBURGER: Very true, and it will appear
23 a little different because that one is actually solid.
24 This one is actually a bump pier so it's a little more
25 transparent, but yes, it is a similar concept.

26 COMMISSIONER DELOYS: How much in the
27 wintertime, October through April-May, will the
28 visibility increase because leaves are gone? Because
29 that can be an eyesore.

30 MR. FREIBURGER: Yes, totally fair answer. On
31 the evergreen area, on the actual buffer for that
32 driveway, zero, right? They stay green and that's the
33 idea.

34 COMMISSIONER DELOYS: Of course.

35 MR. FREIBURGER: If you look at some of these
36 other views, there are a lot of evergreens along this
37 side, and I can pull up the 3D model if you guys want,
38 on purpose to try to buffer that. In addition, the
39 entire front view, as you can see, has both evergreens
40 and pines. It's actually been designed, if you go
41 farther west, to look very much like Hibbard Gardens, so
42 we have another sort of bookend concept with that
43 opacity from that built-in.

44 So, from these views, very little. Then
45 you're not seeing it here, but I could show you the
46 model that along the south property line it's also
47 expected to have an entire wall of arborvitae so that
48 there is, you know, a similar view if they don't want to

1 see, you know, that portion of the house as well. So, I
2 think it will change, of course it will change. I think
3 that particular to this request, it will not change.

4 COMMISSIONER HIRSCH: So, that I understand it
5 a little better, in essence, the three-car garage,
6 backing up a car from that garage, this area is more
7 necessary than let's say the parking element, or are
8 they both --

9 MR. FREIBURGER: It's really honestly more
10 about the, it's a combination of both, okay? So, this
11 guy, if this line was continuous, this guy could turn
12 this way with difficulty without hitting that rail,
13 right, with difficulty, turn, make about a three-point
14 turn and get out versus being able to come back once,
15 you know, and then loop around forward.

16 CHAIRPERSON VASELOPULOS: Wait, would you say,
17 I'm sorry to interrupt you, but would you say
18 difficulty? Because what you're depicting there is he's
19 clearing it with ease. He's going to hit the three-car
20 garage before he hits the wall that's pulled back.

21 MR. FREIBURGER: Sir, you are correct from
22 this one. I don't have it shown but I will describe you
23 the car that was trying to get out of this space, having
24 to start to turn this way.

25 CHAIRPERSON VASELOPULOS: Yes, okay, sure.

26 MR. FREIBURGER: I think it would be
27 difficult, but really what it comes down to is, yes, it
28 is a turnaround space and it is meant to be parking
29 there.

30 COMMISSIONER HIRSCH: Right.

31 MR. FREIBURGER: It's really about, you know,
32 if somebody wants to run into the house for a second,
33 they're not going to go in the garage and they have no
34 place to park. In addition to that, there may be a
35 flood going on at the time, which means they're not
36 going to park at grade; they're only going to want to
37 park up at the elevation. So, we're trying to provide
38 at least some parking for people, because we all know
39 that nobody pulls out of their garage every second of
40 the day. So, it's really a combination of the whole of
41 those things, and I'm sorry if that doesn't directly
42 answer your question.

43 COMMISSIONER HIRSCH: No, that does, it does.

44 COMMISSIONER DELOYS: Realistically, that
45 fifth spot, the farthest to the east is probably maybe a
46 car that they're not using in and out on a regular
47 basis.

48 MR. FREIBURGER: I agree with that, that is

1 totally fair. Nonetheless, to come out of any one of
2 these four with a car parked in anywhere of this square
3 that I'm describing right here would be very, very
4 difficult.

5 CHAIRPERSON VASELOPULOS: You said you have a
6 buyer?

7 MR. FREIBURGER: That is correct.

8 CHAIRPERSON VASELOPULOS: Are they here
9 tonight?

10 MR. FREIBURGER: They are not, but I can do my
11 best to speak on their behalf.

12 CHAIRPERSON VASELOPULOS: Well, how many cars
13 really are they going to have?

14 MR. FREIBURGER: There's five in the family,
15 and currently they only four cars.

16 CHAIRPERSON VASELOPULOS: Five what, five
17 cars?

18 MR. FREIBURGER: Five people.

19 COMMISSIONER DELOYS: Five drivers?

20 MR. FREIBURGER: Not five drivers yet. The
21 kids are not at driving age yet.

22 CHAIRPERSON VASELOPULOS: What are the age
23 differences? Not that that really matters because this
24 property is going to stay well beyond with the current
25 owners, but I'm just curious anyway.

26 MR. FREIBURGER: 15, 13, 11 roughly. It has
27 been also planned for, so the second floor space, I
28 didn't get into detail on it, this whole south portion
29 which is above the pool house, this is what they call in
30 the southwest a casita or an in-law living or a
31 multigenerational living space, so that you can come
32 directly out these backstairs and have all of this.
33 It's also meant to be a flex space. If that happens, as
34 we know it's becoming more and more common, we're trying
35 to plan future-proof all of this, that would be more
36 cars as well.

37 COMMISSIONER BERLINGHOF: You know, I think
38 that historically we've been pretty open about allowing
39 for extra garage space. I don't think that's an issue.
40 I mean, I think that theoretically from an architecture
41 or landscaping perspective, we've approved every one
42 that I've seen in the last 10-12 years. So, I don't
43 have a problem with that.

44 The neighbor obviously is objecting to
45 it, so there is an impact. I don't agree that you need
46 that extra 10 feet to get in and out of there. Yes, it
47 would be difficult. Yes, if there's five cars up top
48 and three inside and two over here, then there's a

1 problem.

2 The real question is, is it zero or 10,
3 what is it?

4 CHAIRPERSON VASELOPULOS: What's that? Oh,
5 pulling in?

6 COMMISSIONER BERLINGHOF: Yes, I mean, you
7 know, if it came back and had the stairs and the setback
8 area, I don't think we'd probably spend a lot of time
9 discussing it, I think we've all assumed that that's not
10 really a big deal. Then some stairs, it's not a huge
11 appendage. This of course is a large appendage.

12 It's five feet in the air, correct?

13 MR. FREIBURGER: Correct, ah, this is about
14 4.5, yes.

15 COMMISSIONER BERLINGHOF: I don't think that
16 it will be seen, well, if you put a fence up and
17 arborvitae, you're not going to see it. I'm not one to
18 generally worry about setting precedent although I don't
19 know if we have a lot of places in Northfield where we
20 have something like this. I doubt it, but it's not,
21 probably with a raised, you know, a raised thing but not
22 necessarily within five feet of someone else's property
23 line.

24 So, I guess I'm sort of riding the fence
25 on this one in terms of whether I think it's really
26 necessary to have it. I mean, to your point, Bill,
27 there's three parking spots up front. There's also an
28 entire U-shaped, you know, driveway. We all live and
29 park in front when you talk about doing that. I had a
30 parking garage with three cars, and I had a parking
31 garage in the back and I had a U-shaped, and if I really
32 had to run something, over to the U-shaped, jumped out,
33 get to the front door, got what I wanted, continued on.
34 So, I don't think that's a huge issue.

35 So, the real question is, you know, and I
36 do think this house is going to be terrific. I mean,
37 it's gorgeous. It's unique, it's fun, it's nice to have
38 in Northfield. It will make the whole neighborhood
39 better in so many ways. I don't know if, you know, five
40 feet instead of 10 feet works, at any feet, yes, it's
41 going to be better than nothing, right? In case you're
42 willing to move people back.

43 So, I could kind of go either way in this
44 case.

45 CHAIRPERSON VASELOPULOS: And I'd like to hear
46 from the neighbor who I think is here. Maybe they will
47 be inclined to speak. I know they have written
48 something here, too.

1 COMMISSIONER ESTABROOKE: I would like to say
2 one thing though, because this property does flood,
3 using that circular drive may not always be available.

4 COMMISSIONER BERLINGHOF: Oh, I would agree
5 with that, but when it's flooding and it's raining or
6 we're having a monsoon, they really aren't worried about
7 whether or not people are going to have a party or not.
8 I'm not really worried about people playing basketball
9 in the courtyard area and putting six cars in. They're
10 just parking and hunkering down like the rest of us when
11 we have a thousand-year storm. So, I mean, there's --

12 COMMISSIONER ESTABROOKE: No, I understand
13 that, but your comment was that, you know, they could
14 use that driveway. Well, my comment is it's not always
15 available.

16 COMMISSIONER BERLINGHOF: Right.

17 COMMISSIONER DELOYS: But during this other
18 time, they're probably --

19 COMMISSIONER BERLINGHOF: I'm just saying most
20 of the time, not all the time honestly.

21 MR. FREIBURGER: Okay, I'm hoping -- everybody
22 else is hoping right now the people in this house are
23 going to be partying because they're going to have no
24 issues --

25 COMMISSIONER ESTABROOKE: Yes, right.

26 CHAIRPERSON VASELOPULOS: Well, we all have
27 issues though.

28 COMMISSIONER HIRSCH: And again, no part of
29 the building is in question as far as encroachment?
30 It's strictly the parking piece?

31 MR. FREIBURGER: Correct.

32 COMMISSIONER HIRSCH: That steps out further.

33 MR. FREIBURGER: And again, if it was, you
34 know, in our version that's our hardship is that we have
35 to put that parking piece elevated. If it wasn't, if it
36 didn't have to be elevated and we didn't have the
37 hardship, we wouldn't be having this meeting.

38 COMMISSIONER HIRSCH: Right.

39 COMMISSIONER ESTABROOKE: I'd like to hear
40 from the neighbor, too.

41 CHAIRPERSON VASELOPULOS: Any other questions
42 of the Petitioner, Commission? Do we have any other
43 questions at least for now? We may have some follow-up
44 questions.

45 (No response.)

46 MR. FREIBURGER: Thank you.

47 CHAIRPERSON VASELOPULOS: Okay, thanks.
48 Steve, did you have any other comments?

1 MR. GUTIERREZ: No, thanks.

2 CHAIRPERSON VASELOPULOS: Okay, does anyone
3 else from the audience wish to speak to this matter? If
4 you can come to the microphone please? State your name
5 and your address, and you're going to be asked to be
6 sworn in.

7 MR. KIM: My name is Nam Kim, and I live at
8 1366 Winnetka Avenue which is just next door over.

9 CHAIRPERSON VASELOPULOS: Next door, okay.
10 Then you're going to be sworn in by Steve.

11 MR. GUTIERREZ: Mr. Kim, please raise your
12 right hand.

13 (Witness sworn.)

14 MR. GUTIERREZ: Thank you.

15 MR. KIM: I moved in the current address in
16 1990 January 15 which I think is about 33 years now, but
17 I bought the house a year before, therefore it has to be
18 34 or whatever. The problem I had from the first year
19 was the flooding, a lot of water on the ground. More so
20 on the 1368, there was such, and then I brought a
21 picture. I didn't prepare a fancy slide, I didn't --

22 CHAIRPERSON VASELOPULOS: It's okay.

23 COMMISSIONER ESTABROOKE: Be careful of the
24 cord.

25 MR. KIM: That is the picture showing the
26 flooding, and that is the area between 1366 and 1368.

27 COMMISSIONER HIRSCH: Is this looking in the
28 direction of the proposed property?

29 MR. KIM: Yes, that is the area of the
30 proposed garage and the driveway.

31 Then about 10-15 years later, my dear
32 friend Yanni, he was the owner of 1368, he came to me
33 and he said no, I have to move out because I cannot live
34 here anymore. Then there was the time I saw him last,
35 the house was somehow demolished and that became a
36 vacant lot. Nobody occupied it and it was abandoned.

37 CHAIRPERSON VASELOPULOS: It was what?

38 MR. KIM: Abandoned.

39 CHAIRPERSON VASELOPULOS: Okay, abandoned.

40 MR. KIM: So, we see that all the time from my
41 yard, that is an eyesore. I really hope sometime that
42 there's a beautiful house so that we can see that house
43 all the time and live together peacefully like we did in
44 the past 10 years.

45 Now, however, somehow I think we have
46 more rain problem than before. It is getting worse.
47 Then 1368 was like a pool, I think. There was so much
48 water there, and I think that is that people did not

1 take care of the drainage system.

2 Now, at that point, I heard that there
3 will be a big house built on the lot as it was. Now, I
4 will have a neighbor with a good house, a good-looking
5 house. This is what the house was shown together in the
6 presentation. The house looks great, but one thing we
7 missed here is how we're taking care of the water
8 problem.

9 In my opinion, this big house, going
10 toward the east, not west, to the east, and having a big
11 garage and elevated driveway and a swimming pool, all
12 this will create a lot of problem with the water. I
13 didn't hear anything about water drainage system they
14 are going to build in this house. It was just only the
15 house, beautiful looking house inside and more car
16 garage and parking space, that kind of place.

17 My brother-in-law just told me that we
18 spent a lot of money to make a drainage system, and most
19 recently we hired Parks Flooding System from Skokie. We
20 made an underground draining system and then doubled the
21 basin or whatever. That relieved much of the problem.
22 This kind of thing was not mentioned in today's
23 presentation, and I'm not having that because the one, I
24 suffered the past 30 years looking at that, I think this
25 is another headache.

26 Now, I have to tell you that I object to
27 the variance of side yard setback because they're almost
28 more, they're closer to my property, which means the
29 waterway there is narrower and narrower, smaller and
30 smaller. If it was 10 and 15-foot, it would be fine.
31 Then we're having more problem and that water will
32 probably, I'm sure the water would dump into my lot.

33 COMMISSIONER BERLINGHOF: Can I ask a question
34 of Dr. Nam?

35 MR. KIM: Yes?

36 CHAIRPERSON VASELOPULOS: Go ahead.

37 COMMISSIONER BERLINGHOF: So, what I'm hearing
38 from you is that your objection is a water objection.
39 You're concerned that the construction of this house and
40 the construction of the parking garage and the parking
41 structure --

42 MR. KIM: Well, I am objecting to the variance
43 of a setback, the side yard setback because it's close,
44 too close to mine.

45 COMMISSIONER BERLINGHOF: Okay, so that's what
46 I meant. I want to define the two different issues.

47 MR. KIM: Yes.

48 COMMISSIONER BERLINGHOF: There's one, there's

1 a visual issue of having this particular parking
2 facility closer to your house, right, that is to the
3 lot. If we grant that variance, it will be closer.

4 MR. KIM: Yes.

5 COMMISSIONER BERLINGHOF: What I'm trying to
6 sort of decipher is whether or not the main objection
7 you have to that is water versus the visual aspect of
8 it.

9 MR. KIM: Both.

10 COMMISSIONER BERLINGHOF: Okay, both, because
11 I think the water is not an issue. I think they're
12 going to solve the water. I mean, he can talk to that
13 later, but that's not what --

14 CHAIRPERSON VASELOPULOS: Regarding the water,
15 you're absolutely correct, that wasn't mentioned in the
16 presentation. But I think, and we're going to ask the
17 Petitioner, it's being addressed and he just forgot or
18 neglected, whatever reason, he skipped over how they are
19 addressing the water, because by law they have to
20 address the water. So, we're going to ask the
21 Petitioner to answer that question for you as soon as
22 you're done.

23 MR. KIM: I also object to the proposed
24 oversized garage. I think it will further create a
25 problem, a water problem with that. I do not see a
26 single-family house has such a huge parking lot. I do
27 have a house, probably you all saw my house in the past,
28 it's not a super house, but I'm happy with that, with
29 2.5 garage, three-car garage. So, what I'm saying is I
30 am also objecting to the oversized garage in addition to
31 other construction because it will potentially affect
32 water drainage and, therefore, encumber my adjacent
33 property.

34 So, I came here tonight, sir, just to
35 tell you all those things and I want my objections to be
36 noted and discussed. Thank you.

37 CHAIRPERSON VASELOPULOS: Okay, thank you.
38 Thank you very much. To the water issue, Steve, do you
39 want to comment first about the general requirements,
40 what's required about building a house on here and how
41 to address water?

42 MR. GUTIERREZ: Sure.

43 CHAIRPERSON VASELOPULOS: And then I'd like
44 the Petitioner to speak in more detail about what they
45 have proposed on their plans.

46 MR. GUTIERREZ: Yes, kind of the baseline on
47 the stormwater management of any development is that
48 it's not subject to zoning review. So, the stormwater

1 management plan, grading, and civil engineering as a
2 project will be thoroughly vetted through the permitting
3 process. They've actually, because it's such a complex
4 site with regard to stormwater and the floodway and
5 floodplain, they've actually already submitted
6 preliminary grading plans so they can kind of get the
7 conversation going with our Village engineer. Our
8 Village engineer is engaged in that on a preliminary
9 basis pending the approval, excuse me, pending the
10 outcome of their requests here for the garage and the
11 setback variations.

12 But just so everybody in the audience
13 understands, I talked a little bit about this with Mr.
14 Kim this morning, that the civil engineering, while it
15 will be interesting to see how they're approaching it,
16 it's really not subject to, the review of that is not
17 subject to the zoning process. So, just FYI on that.

18 There are a good deal of stormwater
19 management regulations that are subject to that
20 permitting process and it will be done, the plan will be
21 developed and they're engaging with our Village engineer
22 to develop that plan, number one. That plan when it is
23 developed will be finally reviewed and approved by our
24 Village engineer to make sure that it does meet the
25 design of the stormwater regulations. Then as it's
26 built, it will be inspected. Then finally, when
27 projects are finalized or finished and construction is
28 actually finished, the builder, excuse me, developer is
29 required to provide a final engineering, we call it as
30 an as-built plan where an engineering surveyor is going
31 out there and shooting all the grades to make sure the
32 plan was built as it was designed and approved.

33 So, there's all those layers of review
34 for the stormwater management, and all those will be,
35 you know, imposed on this project and whatever form that
36 the plan takes.

37 CHAIRPERSON VASELOPULOS: Okay.

38 COMMISSIONER DELOYS: So, I have a question.
39 Do they look at, if you were set in with normal zoning
40 or no variance needed, so the 15 feet encroachment isn't
41 there or 10 or whatever it is, versus what's being
42 proposed, do we get a difference of what one is versus
43 the other? That would be helpful to know.

44 MR. GUTIERREZ: No, the civil engineering
45 review is really an exercise into how the impervious
46 area is being handled and where that water is going to
47 run to. I'd imagine for the carport, for instance, it's
48 not going to drain off the east edge of the carport.

1 It's probably going to be collected in a drain and put
2 somewhere else. But no, the zoning really doesn't come
3 into play except for the setback.

4 COMMISSIONER DELOYS: It should, considering
5 there's a lot less space there.

6 MR. GUTIERREZ: Well, let me rephrase that.
7 They won't allow the impervious areas to be pitched
8 directly onto the property line, right? So, everything
9 needs to be managed and graded correctly so that it's
10 not going to have, it's going to have minimal impact on
11 the next-door neighbors, and certainly no more than it
12 already might.

13 So, I mean, as part of the plan, if the
14 setback requirement or a variation is provided as part
15 of the plan, everything is taken into account to try and
16 keep that water off the neighbor's property as much as
17 possible.

18 CHAIRPERSON VASELOPULOS: I mean, I think what
19 you would see, Steve, you can correct me if I'm wrong,
20 but typically what we see in these types and kinds of
21 situations, you've got a lot that doesn't manage water
22 very well, and Dr. Kim showed us a picture of, you know,
23 flooding along the east side, and it would seem to me if
24 this lot does get developed the water in general will be
25 managed much better and prevent the flooding he is
26 seeing now. Is that a fair assumption to make?

27 MR. GUTIERREZ: I can't, I can never promise
28 that there will be no stormwater runoff or flooding
29 going forward when the project is completed. It
30 certainly won't get any worse because there's, I don't
31 know the topography, so this property, some portions of
32 the property, they already sheet on to Mr. Kim's
33 property.

34 CHAIRPERSON VASELOPULOS: Yes.

35 MR. GUTIERREZ: The owner is not required that
36 that be changed, but --

37 CHAIRPERSON VASELOPULOS: But it's a process
38 that the Village is going to go through during the
39 permit process that is beyond the purview of our
40 Committee.

41 MR. GUTIERREZ: I was going to say other than
42 that, it's going to get better; I just can't promise you
43 that it's going to --

44 CHAIRPERSON VASELOPULOS: Okay, thank you,
45 Steve.

46 MR. GUTIERREZ: I'm sorry, just to get back to
47 the point of discussion, again, ordinarily you have a
48 driveway that goes right up to the property line, and

1 that's only to shed water the same way that this
2 elevated parkway would. So, again, I don't know that
3 the setback would really make a difference compared to
4 how we sort of treat and how code treats the runoff from
5 the carport, the driveway or what have you.

6 CHAIRPERSON VASELOPULOS: Well, to your point,
7 the only difference though is that here with everything
8 elevated, you've got a lot of land underneath that can
9 absorb water.

10 MR. GUTIERREZ: That's --

11 COMMISSIONER DELOYS: You have less land --

12 MR. GUTIERREZ: Yes, that's being taken in
13 consideration.

14 CHAIRPERSON VASELOPULOS: But you don't have
15 any, you have very little of the footprint of this house
16 on the surface of the land.

17 COMMISSIONER DELOYS: Understood, understood.

18 CHAIRPERSON VASELOPULOS: So, I'm saying there
19 is more land to absorb water than a typical whatever
20 square-foot house's surface.

21 MR. GUTIERREZ: So, again, this is a pretty
22 complex plan that we're having actually some debate on
23 some of the aspects of it in terms of, well, that's one
24 of the issues.

25 CHAIRPERSON VASELOPULOS: Yes, okay.

26 MR. GUTIERREZ: But again, it will be, it
27 should be an improvement over the existing or will be an
28 improvement over the existing stormwater management
29 because there isn't any, and it isn't subject to the
30 zoning process.

31 COMMISSIONER BERLINGHOF: I guess I'd like to
32 hear from the Petitioner on that, because theoretically
33 it should be addressed, an improvement, if he does it,
34 correct?

35 CHAIRPERSON VASELOPULOS: Yes, and if you can
36 comment to what is on the plan that you presented to us?

37 MR. FREIBURGER: Yes, sir. Thank you, again,
38 thank you, Dr. Kim, for your thoughts.

39 This is part of the packet that was
40 originally sent to you guys. This is our proposed site
41 improvements as designed by Daniel Creaney Company, a
42 very well respected engineer up in Northbrook. This is
43 one of the most expensive single-family plans that I've
44 ever been a part of, and one of the most expensive we've
45 ever paid for. What I want to say first and foremost
46 that I will go on record with certainty and say that if
47 we have the opportunity to develop this project, the
48 stormwater management will, fact, get done.

1 I can explain to you why that is, because
2 this site as it stands right now is a bowl, okay? It's
3 a bowl. Dr. Kim's property turns down into the bowl as
4 does ours and it has zero ways of getting out. So, all
5 the site pitches to the area between these two
6 properties. Number one, we will be doing some --

7 CHAIRPERSON VASELOPULOS: The property line
8 that is shared between these two is where the pitch
9 occurs?

10 MR. FREIBURGER: Yes. Correct, correct. That
11 is the worst spot that everything happens to. So, Dr.
12 Kim, we talked briefly about this on site then. We
13 talked briefly about this on site that anything that we
14 can do on the property will only improve yours. Now, I
15 know that's a legal thing but, number one, there's this
16 engineering plan that the Village engineer has looked at
17 at great length. There are three more government
18 agencies that are all currently looking at this that
19 have already given us preliminary review and are
20 continuing to look at it. But by law, we have to follow
21 the codes which guarantee it gets better. It will get
22 better to the magnitude of around 1.5.

23 But in simple math, everything collects
24 down on that east side, okay, and the more actual
25 parking that we put to the east side, the more that we
26 can collect and push back to the west, because that area
27 over there is actually designated as an isolated
28 wetlands on both our property and Dr. Kim's, although he
29 may not be fully aware of that but we had to go do this
30 analysis. That means we can't actually put more
31 structures in that area because it's determined as an
32 isolated wetland. So, the more area that we can cover
33 over top of it, because they do allow us to infringe on
34 small portions of it, meaning the piers, the more water
35 we can move away from there.

36 Then if you go to this plan here, this is
37 the topography. This shows that big bowl down there.
38 So, there are all those lines, it means that's where all
39 the water currently collects. Now, if you go to this
40 plan here, this is our water plan. So, not only do you
41 see those two, you know, rattails on the top, that's our
42 compensatory storage. So, we're taking all the water
43 that we get on the site and moving it as far away from
44 Dr. Kim's property as possible, okay.

45 Then we are also running storm lines as
46 close as we can to this wetlands area because we can't
47 accrue encroachment, so from here all the way around the
48 back, all the way down the side, and then all the way

1 out through the building in multiple locations. So, not
2 only is that actually connecting to the county storm
3 system, but it's also taking all that water in a pipe
4 that's situated just like, I can't remember what that
5 is, and keeping that stored underground. But most
6 importantly, it's directing it all the way from your
7 behind and it's directing it all the way from that line.

8 So, the only real major improvement, and
9 because it's built above grade as you said, Chairman,
10 there isn't impervious underneath, and Village and I are
11 having conversation about how that's going to be
12 determined but this is literally the best possible
13 solution for you. Think of it like a giant umbrella
14 over the top of the site pitched away from your house
15 and then managed and sent off site instead of just
16 collecting it in that location. So, honestly, this is
17 the best way of helping solve your water problems, and I
18 tried to explain that to you when we went on site.

19 MR. WHITE: Can I make a comment?

20 MR. FREIBURGER: I think they have to swear
21 you in, sir, but that's not a problem.

22 CHAIRPERSON VASELOPULOS: Come to the
23 microphone.

24 MR. WHITE: This --

25 MR. FREIBURGER: This is actually a better
26 one. This is easier for you guys --

27 CHAIRPERSON VASELOPULOS: Sir? Sir, come to
28 the microphone, state your name, and you have to be
29 sworn in, and your address, too, please.

30 MR. WHITE: My address?

31 CHAIRPERSON VASELOPULOS: Name and address.

32 MR. WHITE: My name is Andrew White. I live
33 at 1468 Chippewa Trail in Wheeling. I'm a good friend
34 of Dr. Kim, we're actually church members and I've known
35 him for many years.

36 CHAIRPERSON VASELOPULOS: Okay, good. If you
37 could be sworn in by Steve?

38 MR. GUTIERREZ: Please raise your right hand.

39 (Witness sworn.)

40 MR. GUTIERREZ: Thank you.

41 CHAIRPERSON VASELOPULOS: Go ahead, you can
42 make comments and ask questions.

43 MR. WHITE: So, I'm going to make a comment.
44 On the bottom of the diagram, just this past year Dr.
45 Kim put in an underground pump and then he channeled the
46 water towards the front where there's a drain very close
47 to the sidewalk by the front of his home. When they did
48 the engineering review, the old pipe that actually runs

1 right along the bottom was closed off and they didn't
2 get an answer from the Village as to why that was closed
3 off. It could be an added benefit to run water through
4 that pipe because I think that goes out to the street or
5 towards the side. So, you'll have to check, you could
6 add another line there in addition to what you're doing
7 and that would probably add further mitigation for this
8 water.

9 Also, I had a comment. That picture that
10 Dr. Kim was passing around, I believe these guys were
11 testing the land for the stilts with that. You can see
12 the trucks there, but that's actually a light rain. A
13 lot of times that water goes on that southeast corner
14 and flows over against the fence into his backyard. So,
15 I just wanted to tell you that.

16 CHAIRPERSON VASELOPULOS: Okay, good.

17 All right, Petitioner, any other comments
18 you want to make?

19 MR. FREIBURGER: I'd be happy to look into
20 that particular thought with the engineer. As I noted,
21 there is some determination of wetlands in this area, on
22 Dr. Kim's property as well. Like I said, he's not been
23 aware of that likely because it wasn't his
24 responsibility. That comes with its own separate rules
25 about how you deal with it, and so I can't promise
26 anything about that and technically he can't do anything
27 on that side either.

28 But in general, this plan will, fact,
29 improve it. If not, there'd be lots of lawsuits on my
30 end, so it has to be worked, that's how the engineering
31 works.

32 CHAIRPERSON VASELOPULOS: Okay, thank you.

33 MR. FREIBURGER: Thank you, sir.

34 CHAIRPERSON VASELOPULOS: Dr. Kim, do you have
35 questions for the Petitioner? Sorry.

36 MR. KIM: I came here tonight; I was told that
37 you're going to discuss about the variance for the side
38 yard setback and also the oversized garage --

39 CHAIRPERSON VASELOPULOS: Yes.

40 MR. KIM: -- and we're not supposed to talk
41 about the drainage system because that is another
42 chapter by other people, the engineers.

43 CHAIRPERSON VASELOPULOS: That's correct.

44 MR. KIM: I can talk with the engineers at a
45 later time about that there for any problem. So, sir, I
46 did not prepare much.

47 Now, I hear this, and Michael heard a lot
48 of things; however, I have to have my people look into

1 this and that has to be agreeable with them and with me.
2 CHAIRPERSON VASELOPULOS: Okay, thank you.
3 Yes, so as we discussed, what's before us today are two
4 things. The oversized garage and the setback variation.
5 Those are the two things that are before us. The water
6 is not before us although it was raised and we had a
7 nice discussion on it, but that's not before us so we
8 can't comment on that or make our decisions based on
9 water retention or lack thereof.

10 The Village has suggested that the
11 oversized garage, the recommendation from them is that
12 the oversized garage is okay if we think it's okay, but
13 that they had some concerns and objections to the
14 variation for the setback. So, I'm just re-capping
15 things so everyone understands what we, not what we're
16 going to vote on, but what the motion currently states
17 is those two things.

18 First, any other questions from the
19 Commission or any comments that we want to throw out
20 there as we discuss this?

21 COMMISSIONER BADER: I've got a quick
22 question.

23 Mike, can you go back to the, first the
24 slide with the trucks and the parking spot that we were
25 looking at before you moved it to the floodplain one?

26 MR. FREIBURGER: Yes.

27 COMMISSIONER BADER: I'm just trying to
28 understand the use of the two-car garage and the three-
29 car garage and how big that motor court really is. To
30 me it looks like we've got trucks in garages and in the
31 parking space. Also, we're talking about this being a
32 gym and a three-car garage.

33 So, I'm just kind of wondering how that
34 use is all going to flow and work. It seems like a
35 pretty big parking space to me.

36 MR. FREIBURGER: Okay, fair statements. It is
37 really more defined by multiple pieces trying to be able
38 to get out of this. It really comes down to still
39 trying to be able to park, you know, a single car there
40 at a minimum. This is, you know, sort of an ideal
41 situation. When you see this type of layout with two
42 garages facing at 90 degrees, these dimensions are
43 fairly appropriate. It may shrink south a little bit,
44 that's not really in question here. The turnaround
45 area, as you can see, already blocks that one space on
46 the southeast corner.

47 The garages are normal size. The parking
48 area, to give you an actual dimension, I don't know it

1 exactly. I think it's like 50 feet wide by, you know,
2 the depth of like 30 feet in the other direction, which
3 when you put, you know, two or three cars that are eight
4 by 20, all you have left is really the area to get in
5 and out which is what has defined this whole thing.

6 You know, I can tell you that we can't
7 make this layout work by trying to shift this building
8 over 10 feet. We can make it work by shifting it, you
9 know, it's a lot of work on our end, a lot more money to
10 be spent to try to reengineer this whole thing. Please
11 understand how significant that amount is, in the
12 neighborhood of many of tens of thousands of dollars
13 but, you know, it can be shrunk by a few feet and I know
14 it still works, but after that I don't know that it
15 does, and so I'm willing to at least be honest with you
16 guys about that.

17 I don't know if that, you know, helps
18 anybody's decision or not. That would certainly not be
19 ideal. That's the best I can try to come up with.

20 CHAIRPERSON VASELOPULOS: Okay, thank you.

21 COMMISSIONER HIRSCH: So, Michael, talk a
22 little bit more about the screening aspect. You talked
23 about arborvitae. Did you mention any type of fencing
24 or material? Because again, the elevated portion we're
25 talking about is, what, five feet aboveground?

26 MR. FREIBURGER: Yes, sir.

27 COMMISSIONER HIRSCH: What besides natural
28 vegetation could block or screen it?

29 MR. FREIBURGER: So, let me try to launch this
30 program here, I should have it queued up and see if it
31 actually loads onto the screen or not. If not, I
32 actually have another picture. There is a six-foot
33 fence, okay? There is a six-foot wood fence that will,
34 you know, block all of that portion on the entire
35 property line both on the east and on the south, okay?

36 COMMISSIONER HIRSCH: Okay.

37 MR. FREIBURGER: Then there is that
38 arborvitae, and in these pictures, if I can zoom in
39 again on them, you'll start to see how extensive that
40 is.

41 COMMISSIONER HIRSCH: Okay, and in theory,
42 would the Petitioner, if there wasn't any parking area
43 that encroached to that fence line or that property
44 line, would they be allowed a six-foot stockade fence
45 right where it is?

46 MR. FREIBURGER: Yes.

47 COMMISSIONER HIRSCH: And Dr. Kim, you do
48 understand that no matter what they do, they could put a

1 screen or a fence along that line right where it is?
2 So, there is no change to what they propose to do, and
3 in fact they're trying to screen it even more with the
4 trees and the arborvitaes. Do you, as I understand it,
5 you didn't have a problem with the visual element
6 because they have made a presentation showing that it's
7 pretty well screened? Just so that I understand.

8 Dr. Kim, your concern was about water?
9 CHAIRPERSON VASELOPULOS: If you can step to
10 the microphone?

11 COMMISSIONER HIRSCH: Yes, sorry.

12 MR. KIM: The house looks great; I have no
13 problem with that. Now, however, as everybody has, I
14 have to see that, five-foot is about this high. There
15 was more ground like this yesterday, and now today it's
16 about five-foot high driveway grade. I cannot, I still
17 cannot see that as yet. I have to think about it, sir.

18 COMMISSIONER HIRSCH: Okay.

19 MR. FREIBURGER: And I can illustrate if you
20 guys would want to entertain this further, and I
21 apologize to the applicants that are behind us, that you
22 will never see, this is the only view, so this is a 3D
23 model right now that I'm going to try to move around but
24 it's going to be difficult, that you will never see that
25 other than this ramp going up. As I continue to go to
26 the west, you will never see that driveway. So, this is
27 standing in front of Dr. Kim's house, you will never see
28 this no matter what happens.

29 Now, if I come in here and turn around
30 and show you, there's three cars in here you can't see,
31 I wanted to show you you can't see through that.

32 Now, I'll show you one more little image
33 here to just sort of prove that same point I was trying
34 to say before is, if I go to this other image, as I
35 showed here, this is one that we just produced for this
36 purpose, let's go to this view right here, okay. There
37 you go, this one, okay, tuck everything away, let's move
38 in here and see, all of that is gone, cars at grade, the
39 same cars are in the exact same locations at grade.

40 Let's go back to Dr. Kim's side and see
41 if you see anything different. You don't. That's how
42 it's been designed. That's why we've done that, so that
43 you cannot ever see a difference. You will never see
44 that from this side given when the landscaping is
45 complete and everything else.

46 In addition to that, you will only ever
47 see it as you pass by this quick angle right here.
48 That's it, that's all you'll ever see. Then otherwise

1 it's buffered by landscaping, and it's protected by,
2 buffered by landscaping here meaning all of this grass,
3 all of these tall grasses, all of this so you can still
4 barely see underneath it. It'll just look, so for
5 example, Dr. Kim's side, of course he's grandfathered
6 and everything else, it's built up on earth five feet,
7 so there you see a big mound on either side. This is
8 the same concept; it's just done differently.

9 If anyone has any questions, I can zip
10 around this. No one else can, it's probably difficult
11 for them.

12 CHAIRPERSON VASELOPULOS: Okay, thank you.

13 MR. FREIBURGER: Thank you, sir.

14 CHAIRPERSON VASELOPULOS: Any other questions,
15 Commission, or comments?

16 COMMISSIONER BERLINGHOF: Lots of comments,
17 but no questions.

18 CHAIRPERSON VASELOPULOS: Okay, so do you want
19 to make some comments?

20 COMMISSIONER BERLINGHOF: Well, getting back
21 to the, this is just a black and white yes or no type of
22 scenario here. 4.5 feet to five feet?

23 MR. FREIBURGER: I think that elevation is 4.5
24 feet, the house ends up being five to be able to step up
25 from the garages.

26 COMMISSIONER BERLINGHOF: So, you've got, your
27 lights are at, what, foot-and-a-half for both, a car?
28 So, the lights are just above the fence line
29 approximately, maybe you're 5.5, six feet, you're right
30 to the fence line. So, it's the arborvitae that are
31 going to protect the lights from shining into Mr. Kim's
32 house. But I don't know, do we know if that's actually
33 shining in his front yard or his house?

34 CHAIRPERSON VASELOPULOS: I think it's shining
35 more towards his side yard.

36 COMMISSIONER ESTABROOKE: Side yard.

37 COMMISSIONER BERLINGHOF: I mean, side, but is
38 this house set back from there?

39 MR. FREIBURGER: So, there you go. So, the
40 driveway, our lights would actually be shining directly
41 into his garage only.

42 COMMISSIONER BERLINGHOF: I do think that the
43 stormwater thing, while we're not discussing it, it's
44 unfortunate because I do think that when they develop
45 this house and develop this property, and I've had a lot
46 of experience in that from neighbors who think for some
47 reason an empty lot is a better lot when in reality it's
48 not. Once they go through the process and the re-grade

1 and provide the stormwater detention and the underground
2 detention and move the water to the direction it needs
3 to go, the flooding is actually going to be reduced. I
4 firmly believe that.

5 The wetland issue is kind of funny,
6 that's probably because it has sat there for 20 years --

7 MR. FREIBURGER: Correct.

8 COMMISSIONER BERLINGHOF: -- and no one has
9 done anything with it. It's probably because there is a
10 clogged pipe there that no one has fixed. So, as water
11 sits and this whole cocktail has developed and they are
12 of course, as I say, it's a wetland. So, that's too
13 bad, it wouldn't be a wetland otherwise.

14 But I guess I've gone back and forth and
15 I love the house. I mean, in my mind, is five feet
16 enough room between a 4.5-foot wall and a fence to grow
17 arborvitae? Are you going to smother them, you know,
18 when you start talking about the 25-foot arborvitae, I
19 didn't realize they grow like that, but is that enough
20 room from your perspective? Is there a happy medium?
21 Is it, instead of 10 feet, is it five feet? Does that
22 make a difference? Does it make a difference to the
23 people in this Committee who's making, I mean, obviously
24 they'd prefer the 10 feet, that gives them more room.

25 I don't know, I guess, you know, you say,
26 I mean, can you develop this house and build this house
27 without it? If the answer is yes, I don't think, then I
28 have no problem with the extra garage space, so I'm
29 fully behind that. It's just a question of whether or
30 not the 10 feet really is too much.

31 CHAIRPERSON VASELOPULOS: Yes.

32 COMMISSIONER BADER: Yes, I think like if it
33 was at grade, you could go up to the property line. If
34 you moved, because you're above grade and you move it
35 back five feet, it's not like those lights are going to
36 be, you know, less at night.

37 CHAIRPERSON VASELOPULOS: Or you're going to
38 be moving it back 10 feet, they're up to five feet off
39 the property line.

40 COMMISSIONER BADER: All right, 10 feet.

41 CHAIRPERSON VASELOPULOS: They'd have to move
42 back 10 feet. Yes, the lights issue I think remains the
43 same. It's an interesting thing though that, I think as
44 Todd was describing it kind of dawned on me, if you're
45 going to have a fence on the east that's six feet tall,
46 and you're going to have a driveway on the west, a
47 parking structure on the west which is five feet tall,
48 and you're planting arborvitae in between there at

1 grade, you're not going to raise wherever those
2 arborvitaes are going to be planted?

3 COMMISSIONER DELOYS: Correct.

4 MR. FREIBURGER: We can't.

5 CHAIRPERSON VASELOPULOS: Right, you can't.
6 So, you need some very tall arborvitaes in there to
7 provide coverage, and the lack of sunlight may be an
8 issue for the bottom five feet of that arborvitae.

9 MR. FREIBURGER: I am not --

10 CHAIRPERSON VASELOPULOS: Anyways, so me
11 personally, I am in favor of the five-car garage, that's
12 fine. I'm not in favor of granting the setback and I'm
13 going to vote as the motion exists. That's just my
14 comments.

15 Anybody else?

16 COMMISSIONER DELOYS: I'm thinking along the
17 same lines. So, I'm not wild about the setback. The
18 garage I can definitely, I have no problem with.

19 CHAIRPERSON VASELOPULOS: Not everyone has to
20 comment, but if you want to, go right ahead.

21 Any other questions or comments,
22 Commission?

23 (No response.)

24 CHAIRPERSON VASELOPULOS: Any other comments
25 or questions from the audience?

26 Sir, go ahead, and then we're going to
27 put it to a vote.

28 MR. KIM: I think I've come too many times
29 but, you know, since I've lived in that area for the
30 past 30 years, I know that area best, I think.

31 CHAIRPERSON VASELOPULOS: You know the area
32 what? The area the best, understood, yes.

33 MR. KIM: Five-foot, the driveway area. Now,
34 if you put a five-foot driveway there and then if it's
35 winter, the trees, the leaves fall, and then as it goes
36 like that, you'll see the car just going in and out with
37 the light on or whatever, okay? It is not good looking.

38 CHAIRPERSON VASELOPULOS: I think Commissioner
39 Berlinghof kind of made that point --

40 MR. KIM: Yes.

41 CHAIRPERSON VASELOPULOS: -- and my only other
42 comment is any development on this property is going to
43 have to be elevated. That driveway would be included in
44 the garage which means a driveway that could get to the
45 garage is going to have to be elevated.

46 MR. KIM: I think the driveway is, their
47 elevated driveway is just to block water going from that
48 area going into the house area west. I think that is

1 the only way I can think about, okay.

2 CHAIRPERSON VASELOPULOS: Okay, thank you.

3 COMMISSIONER BERLINGHOF: I mean, one thing
4 about that that everyone needs to realize is if they
5 decide to go ahead and build this house without a
6 variance, the driveway is five feet regardless, it's
7 just it's 15 feet back. So, nothing is changed.

8 CHAIRPERSON VASELOPULOS: Correct.

9 COMMISSIONER BERLINGHOF: They're not planting
10 arborvitae.

11 CHAIRPERSON VASELOPULOS: That's my point.
12 The garage is going to be up there, you've got to get to
13 the garage, you're going to have a little driveway
14 that's going to be ramped up to that garage. By the
15 way, is that driveway going to be heated because that
16 ramp --

17 MR. FREIBURGER: Yes, sir.

18 CHAIRPERSON VASELOPULOS: Okay, nobody would
19 have a little fun skiing down there. Okay, sorry, I
20 digress.

21 MR. FREIBURGER: I would like to just comment
22 unless you guys closed it already that, yes, you know,
23 we proposed all this landscaping as a gesture of this
24 particular deal. Look, it's going to be a beautiful
25 landscaped property, I'm not trying to deny that, but if
26 we don't get what we're looking for here, there may be
27 some concessions that we'll have to make as well, right,
28 and so there may not be any arborvitae around that wall.
29 There may not be the same significant amount of
30 planting. Like I said, it adversely affects your
31 property if that happens, so just trying to say that
32 it's not necessarily, you know, one and done kind of
33 explanation.

34 So, I would also like to ask if you guys
35 would consider, I know not everyone has shared their
36 opinion and I know you don't have to, you know, is there
37 a number that would work better to make this motion
38 pass? I know you guys can propose an alternate if I
39 agree to it typically to amend the motion. Then we can
40 all plant arborvitae and plantings and all the rest.

41 COMMISSIONER BERLINGHOF: Well, I've made one
42 a couple of times, no one seems to want to jump on it.

43 CHAIRPERSON VASELOPULOS: What, say it again,
44 Todd.

45 COMMISSIONER BERLINGHOF: I asked for five
46 feet, sides and stairs.

47 COMMISSIONER BADER: To allow for --

48 COMMISSIONER DELOYS: So, 10 feet?

1 COMMISSIONER BERLINGHOF: So, 10 feet.
2 COMMISSIONER DELOYS: So, 10 feet.
3 COMMISSIONER BADER: And what would that do?
4 COMMISSIONER BERLINGHOF: It just gives them
5 more room to turn around and gives them more room for
6 detention.
7 COMMISSIONER BADER: That opens up the
8 arborvitaes, yes. No, it gives them something, I guess.
9 COMMISSIONER BERLINGHOF: The parts could be
10 parallel. It doesn't, I mean, that's my point, you're
11 right, it may not and they may decide for five feet it's
12 not worth it.
13 COMMISSIONER BADER: Yes.
14 COMMISSIONER BERLINGHOF: It's going to cost
15 them more money to do it.
16 COMMISSIONER BADER: Right.
17 COMMISSIONER BERLINGHOF: You know, we could
18 start getting to eight feet or seven feet or 6.5.
19 COMMISSIONER BADER: Yes, exactly.
20 CHAIRPERSON VASELOPULOS: Yes, personally I'm
21 in favor of just not doing a partial, needing that 15
22 feet, and that would help the arborvitae or everything
23 that's planted there. If they don't want to plant any
24 arborvitae, then Dr. Kim can plant on his side if he
25 wanted to.
26 COMMISSIONER BERLINGHOF: The stairs, what
27 about the stairs? So, right now the stairs, again, just
28 I don't know if that's a fire access problem or that's
29 just purely a --
30 COMMISSIONER ESTABROOKE: Access.
31 CHAIRPERSON VASELOPULOS: Steve, can you
32 comment on the stairs?
33 MR. GUTIERREZ: The necessity from a code
34 perspective?
35 CHAIRPERSON VASELOPULOS: My question is, I
36 think maybe Todd was saying necessity, from my
37 perspective, of the setback.
38 MR. GUTIERREZ: Actually, open stairs, I don't
39 believe, there's a certain percentage of three feet or
40 four feet that should encroach within the --
41 COMMISSIONER BERLINGHOF: So, if we went
42 through, if we didn't allow the setback for the parking
43 area, he still could do the stairs if he wanted --
44 CHAIRPERSON VASELOPULOS: They have to have a
45 platform --
46 COMMISSIONER BERLINGHOF: -- or does he have
47 to come back and get the stairs approved when no one
48 thought about it?

1 MR. GUTIERREZ: Excluding steps, balconies,
2 unenclosed porches. So, again, stairs are not subject
3 to the --

4 CHAIRPERSON VASELOPULOS: Okay.

5 MR. FREIBURGER: Would a landing be subject to
6 that, Steve? Or would a landing be considered part of
7 the stairs?

8 COMMISSIONER ESTABROOKE: Am I the only one
9 that's not objecting to the setback?

10 COMMISSIONER BERMAN: I have a question.

11 CHAIRPERSON VASELOPULOS: Yes, go ahead.

12 COMMISSIONER BERMAN: There's this spot in
13 front of the house, it looks to me like where you can
14 put cars.

15 MR. FREIBURGER: Yes, ma'am, that is accurate.

16 CHAIRPERSON VASELOPULOS: Yes, we asked him
17 earlier.

18 COMMISSIONER BERMAN: I'm sorry.

19 CHAIRPERSON VASELOPULOS: And he thought maybe
20 three cars could fit in there, he wasn't certain.

21 COMMISSIONER DELOYS: But if it was flooded,
22 that wouldn't be available.

23 COMMISSIONER HIRSCH: Because that's at grade
24 level.

25 COMMISSIONER BERMAN: But it's not going to
26 take away the flooding problem.

27 MR. FREIBURGER: No, I didn't say that.

28 COMMISSIONER ESTABROOKE: I'd agree. That
29 area has been flooded for --

30 CHAIRPERSON VASELOPULOS: Okay, I'd like to
31 move forward because we have other, to be respectful of
32 the other petitioners behind here.

33 Any other comments or questions?

34 COMMISSIONER BERLINGHOF: Well, you need a
35 motion --

36 CHAIRPERSON VASELOPULOS: Yes.

37 COMMISSIONER BERLINGHOF: -- or at least I'm
38 not ready whether to make a motion based upon what the
39 Village had proposed. I'm not sure Kathy is either.

40 CHAIRPERSON VASELOPULOS: Does somebody want
41 to make a motion as proposed or does someone want to
42 offer an alternative to what's been proposed? It may
43 take a little longer for us to flesh out, but those are
44 our options.

45 COMMISSIONER HIRSCH: I'll make a motion that
46 we approve accordingly with Staff's comments the plan,
47 the comprehensive plan and standards for judging a
48 special use, emphasizing the importance of the

1 development and outlined by Staff numbers one through
2 11, and paying special attention to the setback issue
3 where Staff has outlined that, that we in fact allow for
4 a five-foot setback as opposed to the 10 feet.

5 **Motion to recommend to the Village Board: Approval of a**
6 **Special Use for the construction of a home at 1386**
7 **Winnetka Road with up to 1,664.75 square feet of garage**
8 **floor area, in accordance with the Petitioner's**
9 **Application and Supporting Materials, date stamped June**
10 **3, 2022, subject to the following conditions:**

- 11 1. The garages shall only be used for the storage of
12 vehicles and property associated with the
13 residential use of the subject property.
- 14 2. No commercial operations or storage of commercial
15 vehicles shall be allowed in the garages, except as
16 may be permitted by the Village's home occupation
17 ordinance.
- 18 3. The Petitioner shall not perform repairs,
19 restoration or maintenance of autos or any other
20 machinery to the extent such activity creates a
21 nuisance.
- 22 4. The motor court or house plans shall be
23 reconfigured to comply with the 10-foot side yard
24 setback requirement. The revised plans shall be
25 subject to Staff's approval, provided they are de
26 minimis in nature and do not substantially change
27 the overall massing, bulk, building materials, and
28 character of the home.
- 29 5. The reconfigured plans shall completely screen the
30 motor court along its entire eastern edge with
31 evergreen trees. A detailed landscape plan shall
32 be submitted during the building permitting phase
33 and shall be subject to Staff approval.
- 34 6. The representations made in the application and
35 supporting documents are binding upon the
36 Petitioner. There shall be no additional uses
37 permitted beyond those specifically enumerated
38 herein or permitted by the Village of Northfield's
39 Zoning Ordinance.
- 40 7. The Village of Northfield Health, Fire, and
41 Building Officials shall be granted access to the
42 subject property at any reasonable time for
43 purposes of conducting inspections for compliance
44 with Village Codes and Ordinances.
- 45 8. An approval pursuant to any requested review by a
46 Village consultant, Village Staff member, Village
47 Commission or Village Board Committee shall be an
48 approval of only those items specified in any

- 1 motion, resolution, ordinance, or written report.
2 Such approval shall not be deemed to be an approval
3 of any matter which is within the jurisdiction of
4 any other Village consultant, Village Staff member,
5 Village Board Committee or Village Commission that
6 has not issued a report or given its approval.
7 Neither shall such approval be deemed the approval
8 of any County, State or Federal Agency. Under no
9 circumstances shall the approval be deemed to be an
10 approval of any matter not included in this
11 ordinance by virtue of the fact that such a matter
12 appeared on a supporting document which is not
13 attached as an exhibit to this ordinance or
14 incorporated as an exhibit as part of this
15 ordinance.
- 16 9. The Petitioner shall comply in all other respects
17 with the ordinances of the Village of Northfield
18 and nothing in this special use shall be construed
19 as a waiver of any of those requirement.
- 20 10. Violation of any condition of this Special Use
21 Ordinance shall be cause to revoke said permit by
22 the Corporate Authorities upon 10 days proper
23 notice to the Petitioner. Alternatively, the
24 Village Manager shall have the right to assess
25 fines, not to exceed \$750 per violation, for
26 violation of this Special Use Ordinance. Such
27 assessment of fines may be appealed to the
28 Corporate Authorities by filing written notice of
29 appeal within three days of the assessment.
- 30 11. Changes in the project may only be made as follows:
- 31 A. Minor Field Changes. Minor changes in
32 locations or sizes shown on exhibits may
33 be approved, in writing, by the Director
34 of Community Development. Typically, a
35 minor field change will not involve a
36 percentage change greater than three
37 percent. However, not all changes of
38 less than three percent shall necessarily
39 be deemed to be minor. The determination
40 of the Director of Community Development
41 as to whether a change is a minor field
42 change shall be final.
- 43 B. Village Board Approved Changes. The
44 Village Board may approve, without
45 referral to the Plan & Zoning Commission,
46 such other changes as it believes are in
47 the best interest of the Village and
48 which do not involve changes in numbers

1 found in the text of the Ordinance and
2 which do not have a substantial, direct
3 impact on adjacent properties. The
4 determination of the Village Board as to
5 whether a requested change should be
6 referred to the Plan & Zoning Commission
7 shall be final.
8 C. Changes Requiring a Public Hearing. Any
9 change involving a size, quantity or
10 other numerical value found in the text
11 of the Ordinance or any change having
12 substantial, direct impact on adjacent
13 properties shall not be made except after
14 a public hearing before the Plan & Zoning
15 Commission. Additionally, the Village
16 Board or the Director of Community
17 Development may refer requested change to
18 the Plan & Zoning Commission for public
19 hearing when either believes it would be
20 in the best interest of the Village to do
21 so.

22 CHAIRPERSON VASELOPULOS: Okay, is there a
23 second?

24 COMMISSIONER BERLINGHOF: Wait, so let me
25 understand this. You're making a motion, you're making
26 this motion?

27 COMMISSIONER HIRSCH: Right.

28 COMMISSIONER BERLINGHOF: The change you're
29 making is allowing for a five-foot setback, or 10-foot
30 setback?

31 COMMISSIONER HIRSCH: 10-foot setback, sorry,
32 it's not a five-foot. A 10-foot instead of 15, correct.

33 COMMISSIONER BERLINGHOF: Okay, I'd second
34 that motion.

35 CHAIRPERSON VASELOPULOS: Does everybody
36 understand? So, we're changing --

37 COMMISSIONER DELOYS: Are you okay with that?
38 Because we can propose it, if you're not okay with that
39 then that's --

40 MR. FREIBURGER: So, allowing me a five-foot
41 encroachment, maintaining a 10-foot setback on the --

42 COMMISSIONER HIRSCH: Correct, as a
43 suggestion.

44 MR. FREIBURGER: Yes.

45 COMMISSIONER HIRSCH: Do you want me to
46 restate that?

47 MR. FREIBURGER: No, as we discussed it.

48 CHAIRPERSON VASELOPULOS: I think we

1 understand it. If not, raise your hand and let's
2 discuss it, but I think, so it's been changed from what
3 the Village has proposed.

4 COMMISSIONER HIRSCH: Correct.

5 CHAIRPERSON VASELOPULOS: They have been
6 against, excuse me, it's been changed from what the
7 Petitioner has proposed that the Village objected to.
8 It's been changed from just a five-foot setback to a 10-
9 foot setback. Verbally, the Petitioner said that would
10 be okay with them. So, I just re-capped it.

11 COMMISSIONER HIRSCH: Correct.

12 CHAIRPERSON VASELOPULOS: Any comments?

13 COMMISSIONER BERLINGHOF: Well, I guess I'm
14 trying to understand. To the extent that there aren't
15 enough votes for that, do we have an opportunity to
16 change it any other way or do we want to do a headcount?
17 Do we want to, I don't know, we don't find ourselves in
18 this position very often.

19 CHAIRPERSON VASELOPULOS: We can discuss it.
20 We can't do a headcount, but we can discuss it.

21 COMMISSIONER BERLINGHOF: I guess we could ask
22 everyone what their thoughts are.

23 COMMISSIONER HIRSCH: As in tabling the
24 motion?

25 COMMISSIONER BERLINGHOF: No, as in what your
26 thoughts are on that motion so we know. We've already
27 gotten one, a second and we have a third telling us what
28 they think. We don't know what Kathy thinks or Dan
29 thinks. We don't know what everyone thinks. So, I'm
30 just --

31 CHAIRPERSON VASELOPULOS: Well, we've got a
32 motion that we're going to vote on, okay, because we've
33 got a second.

34 COMMISSIONER BERLINGHOF: We do --

35 COMMISSIONER ESTABROOKE: Right.

36 COMMISSIONER BERLINGHOF: -- but we can
37 discuss it.

38 CHAIRPERSON VASELOPULOS: We can discuss it,
39 but we're voting on it.

40 COMMISSIONER ESTABROOKE: Right. Okay, so I
41 wasn't opposed to the setback at all, but if the
42 Petitioner is okay with the motion that Steve has put on
43 the table, I'm okay with that. I mean, it seems like
44 it's a win-win to me.

45 COMMISSIONER BADER: Right. I mean, for me
46 this doesn't feel like a water issue. We're not talking
47 about a lot of water issues tonight anyway, but it feels
48 like that issue is resolved. Five feet to 10 feet set

1 back from the property line at that height, it's not
2 going to make much difference. The lights aren't going
3 to be impacted at that height.

4 I think it's a big parking pad but, it's
5 a really big parking pad, but --

6 COMMISSIONER DELOYS: So, my initial concerns
7 were in regard to water. Everything I've heard about
8 the water plans are going to make it much better than it
9 is. I like the 10 feet. I understand the lights aren't
10 going to be much different. You can still have lights
11 that are going downward. I'm hoping their car lights
12 will be different.

13 I am comfortable with the 10 feet. I was
14 a little skittish on five, but 10 would be, I think that
15 we can do that if it works for the Petitioner.
16 Hopefully, Mr. Kim is okay with the 10 feet also.

17 CHAIRPERSON VASELOPULOS: Okay, anyone else
18 who have any questions or comments?

19 Go ahead, Connie.

20 COMMISSIONER BERMAN: I, too, am comfortable
21 with the 10.

22 CHAIRPERSON VASELOPULOS: Okay, put it to
23 vote. Well, we've already got a second.

24 COMMISSIONER ESTABROOKE: It's got a second.

25 CHAIRPERSON VASELOPULOS: On the motion that
26 you made. So, all those in favor?

27 (Chorus of ayes.)

28 CHAIRPERSON VASELOPULOS: All those opposed?

29 (No response.)

30 CHAIRPERSON VASELOPULOS: Motion passes
31 unanimously.

32 Thank you. Good luck to you.

33 COMMISSIONER DELOYS: Good luck.

34 MR. FREIBURGER: Thank you guys very much. I
35 appreciate your time.

36 CHAIRPERSON VASELOPULOS: Appreciate it.

37 COMMISSIONER DELOYS: It's a beautiful house
38 by the way.

39 MR. FREIBURGER: Thank you very much.

40 COMMISSIONER ESTABROOKE: Yes, it's gorgeous.

41 CHAIRPERSON VASELOPULOS: Okay.

42 COMMISSIONER BERLINGHOF: Can I ask a
43 question?

44 CHAIRPERSON VASELOPULOS: Sure.

45 COMMISSIONER BERLINGHOF: Is there any way to
46 do all three of these at the same time?

47 COMMISSIONER ESTABROOKE: I was thinking the
48 same thing, but I do have some comments.

1 COMMISSIONER BERLINGHOF: I mean, Stormy's is
2 a little different.

3 COMMISSIONER ESTABROOKE: Yes.

4 COMMISSIONER BERLINGHOF: But pretty much
5 we've got the same report on all three of them.

6 COMMISSIONER ESTABROOKE: Yes.

7 MR. GUTIERREZ: It was very similar really.

8 COMMISSIONER BERLINGHOF: Yes.

9 CHAIRPERSON VASELOPULOS: I think there are
10 some unique aspects of it.

11 COMMISSIONER ESTABROOKE: I have some --

12 COMMISSIONER DELOYS: Stormy's is different
13 than the other two.

14 COMMISSIONER ESTABROOKE: Yes.

15 CHAIRPERSON VASELOPULOS: But I think as we
16 flesh them out, they will pertain to other technical
17 real quicker, I hope.

18 COMMISSIONER ESTABROOKE: I do, too.

19 CHAIRPERSON VASELOPULOS: Okay, the next item
20 for us is, let me get it out, 1743 Orchard Lane.
21 Petitioner's name is Taco Nano.

22 Steve, do you have any introductory
23 comments?

24 MR. GUTIERREZ: Thank you, Mr. Chairman, I
25 will be brief, briefer than even normal.

26 The Petitioner is Taco Nano, LLC. They
27 are seeking approval for outdoor seating area in front
28 of the Taco Nano Restaurant at 1743 Orchard Lane, as
29 well as an area across the street on the south side of
30 Orchard. The Petitioner is seeking to place six picnic
31 tables in front of Taco Nano, three picnic tables across
32 the street, all of that totaling a seating capacity of
33 36 seats. That seating area in front of Taco Nano will
34 displace the existing six parking spaces in that portion
35 of the front parking lot, and as such, that would
36 trigger the need for an amendment to the Village Code's
37 off-street parking requirements as well as this
38 amendment to the existing special use.

39 I won't give the history, again, given
40 timeframe here, but you do have an extensive history of
41 zoning approvals that have been granted to Taco Nano at
42 this location in the memo.

43 Parking, again, both the Happ Inn at 301-
44 311 Happ Road, in the shopping center at 301-311 Happ
45 Road and the property at 1741-1749 Orchard in which Taco
46 Nano is a tenant, both those properties are owned by the
47 same, are under the same ownership. We have always
48 treated, because they share each other's parking, we

1 have always treated both the parking lots associated
2 with those two buildings and properties the same. We
3 count them all up, total them all up the same as one
4 kind of parking entity if you will. The off-street
5 parking requirements for both properties, when you add
6 all of the current tenant mix and all of the factors
7 that go in to determining the off-street parking
8 requirements, they total off-street parking requirement
9 of 193 parking spaces.

10 With the displacement of the six parking
11 spaces in front of Taco Nano, there will be 170 off-
12 street parking spaces available to the tenancies in both
13 of these properties. So, again, that's a 23 parking
14 space difference, that's why they're required to seek
15 the parking variance.

16 COMMISSIONER DELOYS: Can I ask, what about
17 the handicap spots?

18 MR. GUTIERREZ: We count handicap spaces as a
19 parking space in both the requirement --

20 COMMISSIONER DELOYS: Is there a certain
21 number required?

22 MR. GUTIERREZ: Yes.

23 CHAIRPERSON VASELOPULOS: Where will they be
24 relocated then?

25 MR. GUTIERREZ: There is that existing
26 handicap spot in front of Canvasback. It's not in the
27 area where Taco Nano is placing the --

28 COMMISSIONER DELOYS: Okay, so that's the only
29 handicap spot moving forward.

30 MR. GUTIERREZ: Correct, correct.

31 COMMISSIONER DELOYS: Okay, thank you.

32 MR. GUTIERREZ: So, we also did a, in regards
33 to parking, we wanted to get a sense of where we are at
34 today in terms of capacity. So, we did a survey over
35 the course of three lunch hours. We had a lunch hour
36 when all businesses are operating, the restaurants are
37 very busy, that is the peak time for parking, so we
38 observed those three lunch hours over the course of a
39 couple of weeks. We looked at the parking on Orchard
40 Lane and we looked at, I'm sorry, the parking at Taco
41 Nano's, that property's parking area in front which has
42 two spaces in front and then some spaces in the back.
43 Then we looked at the large parking field in front of
44 Happ Inn and that property, as well as some few spaces
45 they have off in the alley for employees.

46 So, we looked at how many parking spaces
47 were available in those lots. We also looked at,
48 because all the businesses in that area use the on-

1 street parking extensively on Orchard as well as on Mt.
2 Pleasant. So, while Mt. Pleasant is probably farther
3 enough away from Taco Nano and that is really not a
4 factor so much, we didn't count that as we did Happ Inn
5 which is again very much related and intertwined with
6 this Taco Nano request in terms of parking.

7 So, what we found essentially is that the
8 parking lots, the private parking lots are really
9 getting close to reaching capacity. The safety valve of
10 the streets on Orchard, particularly for Taco Nano, it's
11 pretty much at capacity as well. The safety valve we
12 see though is the public parking lot that we have, that
13 the Village owns over off of Frontage which is half a
14 block away from Taco Nano, less than half a block away
15 from Happ Inn, and that does have a good deal of
16 capacity there.

17 So, all in all as far as the parking is
18 concerned, I'll talk a little bit about a couple of
19 other issues, Staff believe that we're right at the
20 tipping point so to speak in reaching capacity.
21 However, we think that if this were to be approved, this
22 outdoor seating, that if a condition was placed on such
23 an approval that essentially allows Staff to assess if
24 parking becomes a problem and assess that that is a
25 result of this outdoor seating, that outdoor seating
26 would be reduced. So, again, that's just a hedge that
27 we built in a condition in a motion if, again, if you
28 wish to approve the request for outdoor seating.

29 A couple of other things to take note of.
30 The Fire Department in their report, and I'm going to
31 just blanket this one, they're the same recommendation
32 with regard to all three outdoor seating requests that
33 you're seeing for the hearing tonight, that they have,
34 all these outdoor seating areas have impact-proof
35 barriers that separate them from either the street on
36 Orchard -- and Stormy's which you'll hear later, and
37 between the seating area and the main drive aisle in
38 front of Happ Inn where you see that seating is on the
39 sidewalk in front of Stormy's storefront, but it's along
40 their main drive aisle in front of the store. So, the
41 Fire Department is suggesting that or recommending that
42 that be required. So, I just wanted to make a note of
43 that as well.

44 Again, just in general, Staff is very
45 supportive of the idea of outdoor seating. It is well
46 established data on how it really does invigorate and
47 increase foot traffic for a lot of businesses as people
48 have that type of, kind of a vibrant piece of a central

1 business district. When you see people eating out and
2 they're enjoying that, it just adds a lot to our Village
3 Center. Staff is very supportive of the concept.
4 Again, the parking is getting there and I think we can
5 again hedge the concern on that with the condition that
6 I spoke of earlier.

7 Certainly, I can answer any questions.
8 There's a lot more again in the memo so I won't get into
9 as much more detail on that, but I can certainly answer
10 any questions you have before we get to the Petitioner.

11 COMMISSIONER ESTABROOKE: I do. Did you only
12 do parking at lunch hours, not dinner?

13 MR. GUTIERREZ: Yes. What we found, no, we
14 did make some observations at dinnertime as well.

15 COMMISSIONER ESTABROOKE: Okay.

16 MR. GUTIERREZ: That just confirmed what we
17 assumed, that there's more parking lots emptier
18 particularly in front of Happ Inn as well as Stormy's
19 because those shops are closed at the dinner hour or
20 before the dinner hour for the most part. So, we did
21 make some observations that they were substantially,
22 that the parking then was substantially less than it is
23 during the lunch hour. While the restaurants may not
24 have more people in them, the parking demand from the
25 shops, the neighboring shops, added to more parking
26 demands.

27 COMMISSIONER BERLINGHOF: This is only then
28 seasonal? Are they going to open it back up when --

29 MR. GUTIERREZ: Is this seasonal? Yes. So,
30 they would, again, actually that's what everyone is
31 proposing that it would be during the warm weather. We
32 actually placed a couple of conditions in there that
33 would also require the removal of tables just so they're
34 not out there all winter long, that type of thing, but
35 yes, it's seasonal.

36 So, the parking, particularly in Taco
37 Nano's case, those six parking spaces will be recovered
38 once, you know, once the outdoor season is over.

39 COMMISSIONER BERLINGHOF: Plus there's less
40 people then. What about the neighbors? Any other
41 neighbors, the Canvasback people, upset about it and
42 wanting to get their spots back?

43 MR. GUTIERREZ: No one has kind of
44 communicated to us an objection to that in that campus
45 there, but we have not heard anything. Those neighbors
46 are not reluctant to letting me know if they have
47 concerns typically.

48 COMMISSIONER BERLINGHOF: Has there been a

1 discussion effectively sort of to permanently change the
2 parking in front of Stormy's and in front of this
3 development to allow for an outdoor seating area that's
4 there forever and then maybe adding back a couple of
5 spaces and making it more attractive than just picking
6 tables and --

7 COMMISSIONER DELOYS: Tented for cold?

8 COMMISSIONER BERLINGHOF: Right.

9 MR. GUTIERREZ: I'd really have to defer to
10 the Applicants on that. I haven't discussed it.

11 COMMISSIONER BERLINGHOF: Well, there's
12 different elements, but I just didn't know if there was,
13 actually not in this case, but --

14 CHAIRPERSON VASELOPULOS: Let them make their,
15 we'll listen to it when they make their presentation.

16 MR. GUTIERREZ: Yes. To answer your question,
17 again, we've actually asked them to speak about that, so
18 they can speak to it.

19 COMMISSIONER DELOYS: Yes, are tents
20 permitted? I don't see anything in here that says tents
21 are not.

22 MR. GUTIERREZ: Well, they're not asking for
23 tents.

24 COMMISSIONER DELOYS: I know, but it's --

25 MR. GUTIERREZ: If they want a tent --

26 COMMISSIONER DELOYS: If they want it that bad
27 and they want to --

28 CHAIRPERSON VASELOPULOS: What if they wanted
29 to put a tent up is another way to ask the question.

30 COMMISSIONER DELOYS: Right, right, yes.

31 MR. GUTIERREZ: So, if they wanted to put a
32 tent up, the devil is in the details. So, if they want
33 to put a canopy up or they want to put up a tent that's
34 totally open, Staff would then weigh whether or not
35 there was a de minimis change or not. If it's a de
36 minimis change to this approval --

37 COMMISSIONER DELOYS: I'm surprised we're not
38 looking at it is basically my point.

39 MR. GUTIERREZ: That's up to the Applicant to
40 drive that. But if they wanted to, if they decided
41 later then to add up a tent --

42 COMMISSIONER DELOYS: Then they would come
43 back to us? That's not necessarily realistic either
44 timing-wise.

45 MR. GUTIERREZ: Yes.

46 COMMISSIONER DELOYS: The season is going to
47 be over by then.

48 MR. GUTIERREZ: Yes, I don't know that we'd

1 need to hold another hearing on that. Again, it depends
2 on what we're talking about.

3 CHAIRPERSON VASELOPULOS: Connie, do you have
4 any questions?

5 COMMISSIONER BERMAN: I do, I have a question.
6 Are all of the restaurants going to still offer curbside
7 pickup? Because without the parking --

8 CHAIRPERSON VASELOPULOS: We can ask the
9 Petitioner that question.

10 MR. GUTIERREZ: Yes, I'm not sure.

11 COMMISSIONER BERMAN: Pardon me?

12 MR. GUTIERREZ: I'm not sure if all this will
13 affect that.

14 CHAIRPERSON VASELOPULOS: Steve, question
15 before the Petitioner comes up. Your material says six
16 spaces in front of Taco Nano. The picture, the
17 satellite picture shows five spaces.

18 MR. GUTIERREZ: Yes, the lot has been re-
19 striped since that time. Also, the handicap space was
20 moved over to the front of Canvasback.

21 CHAIRPERSON VASELOPULOS: Okay, I just want
22 that to be on the record, okay?

23 Petitioner, would you like to step
24 forward and state your name and be sworn in please?

25 MR. LOPATIN: Robert Lopatin, Chief Operating
26 Officer of Friedman Properties. I live at 2611 Hybernia
27 Drive in Highland Park.

28 MR. GUTIERREZ: Please raise your right hand.
29 (Witness sworn.)

30 MR. GUTIERREZ: Thank you.

31 CHAIRPERSON VASELOPULOS: And this is about
32 Taco Nano for now.

33 MR. LOPATIN: Well, can I talk about both of
34 them?

35 CHAIRPERSON VASELOPULOS: You can speak to
36 them, but I don't want to start talking about the Happ
37 Inn and all the issues of the Happ Inn.

38 MR. LOPATIN: Okay.

39 CHAIRPERSON VASELOPULOS: That's going to be a
40 separate action.

41 MR. LOPATIN: We really have no objection to
42 the special use permit besides one item. It's the
43 jersey barriers that the Fire Department --

44 CHAIRPERSON VASELOPULOS: Is that for Taco
45 Nano or Happ Inn, which one?

46 MR. LOPATIN: Well, actually both, or
47 primarily for the Happ, okay.

48 CHAIRPERSON VASELOPULOS: Okay, because our

1 material said that you were okay with Taco Nano, but not
2 for Happ Inn. So, if you're changing that, that's fine.
3 It's your prerogative.

4 MR. LOPATIN: Okay, I apologize. Yes, in
5 front of Taco Nano, the jersey barrier is fine.

6 CHAIRPERSON VASELOPULOS: Okay.

7 MR. LOPATIN: You know, we need outdoor
8 dining. We're competing against communities like
9 Wilmette. If anyone has been to Wilmette, there's
10 tables/chairs directly on the public sidewalk, no jersey
11 barrier. I'm talking about the Happ Inn now, but
12 basically very easy to get a permit, outdoor dining
13 permit in Wilmette. Basically, you submit your plan to
14 the village, they have a review process, and within 15
15 days you're granted typically a permit. The process
16 we've had here going to the neighbors and going to the
17 different departments, we just don't have, you don't
18 have in other communities. So, that's been a difficult
19 process.

20 If we don't compete and have outdoor
21 dining, our customers are going to go elsewhere. It was
22 a necessity initially because of COVID, people wouldn't
23 go inside. In fact, we put up a tent which turned out
24 to be extremely costly, not only with the tent rental
25 but with the fuel. It just makes no sense. So, when
26 you asked if we're going to have a tent, no, we're not
27 planning any more tents.

28 I mean, it's just, if we don't have the
29 outdoor dining like other communities, Highwood,
30 Wilmette, people are going to go elsewhere. What I'm
31 saying is that it started with COVID, but then I don't
32 know if you like, I mean, my friends, they like sitting
33 outdoors on a nice night. It's something we didn't
34 really have in the past, and now it's a requirement, or
35 again, they're going to another restaurant in another
36 community.

37 CHAIRPERSON VASELOPULOS: Okay, thank you.

38 I have one question about the Taco Nano.

39 MR. LOPATIN: Yes?

40 CHAIRPERSON VASELOPULOS: And that is, the
41 business to the west, any objections that for six, seven
42 months out of the year, the parking space you have in
43 front of their store will be unavailable to their
44 customers?

45 MR. LOPATIN: They absolutely love it because
46 it brings more customers into their store. They've told
47 me that and we can have them here to testify to that
48 effect.

1 CHAIRPERSON VASELOPULOS: It's okay, thank
2 you. That's my sole question. I can't --

3 COMMISSIONER BERLINGHOF: Well, I don't think
4 there's any debate around whether or not we want to
5 allow outdoor seating areas, it's clear. I think the
6 only thing I'd love to see talking about jersey
7 barriers, you know, the problem is you don't have a curb
8 here, so you need to get spots for the curb and all
9 that.

10 MR. LOPATIN: But even when you do have a curb
11 in a city sidewalk, a car is going forward, it goes
12 right over the curb.

13 COMMISSIONER BERLINGHOF: It can jump a curb
14 certainly.

15 MR. LOPATIN: Yes, very simply --

16 COMMISSIONER BERLINGHOF: So, it's certainly a
17 little more attractive than a jersey barrier, but --

18 CHAIRPERSON VASELOPULOS: Oh, yes, well,
19 that's referenced in here.

20 COMMISSIONER BERLINGHOF: Right.

21 COMMISSIONER DELOYS: Right.

22 CHAIRPERSON VASELOPULOS: Instead of jersey
23 barriers, but planters, concrete planters, that's
24 referenced in here and that's what I would --

25 MR. LOPATIN: But they're also talking about
26 stopping cars, a 12,000-pound force to stop an
27 automobile. 12,000 pounds is a truck running into it,
28 and that's still going to knock it over.

29 COMMISSIONER BERLINGHOF: Well, a jersey
30 barrier is not going to stop a 12,000 pound force.

31 MR. LOPATIN: But that's what the Fire
32 Department requested.

33 COMMISSIONER ESTABROOKE: Well, the barriers
34 that are there now, I mean, they look like bicycle racks
35 to me.

36 MR. LOPATIN: No, no, those weren't barriers.
37 That's not what they're talking about. Jersey barriers
38 are --

39 COMMISSIONER ESTABROOKE: I'm just --

40 MR. WEISS: We haven't put the jersey barrier
41 there yet.

42 MR. LOPATIN: We haven't put them up yet.

43 COMMISSIONER ESTABROOKE: Okay, but every --

44 COMMISSIONER BERLINGHOF: Okay, but you're
45 actually willing to do that is what you're saying for
46 Taco Nano?

47 MR. LOPATIN: For Taco Nano, in front of Taco
48 Nano.

1 COMMISSIONER BERLINGHOF: Okay. All right,
2 well, I have no other questions for you.

3 CHAIRPERSON VASELOPULOS: Well, let's be clear
4 because our motion states protective impact barriers.
5 It doesn't say jersey barriers, it says protective
6 impact barriers which is subject to interpretation in my
7 opinion. The suggestion from the Fire Department, as
8 has been stated, does reference jersey barriers, but
9 that's not what the Village, Steve's department has
10 suggested in the motion. We can change that, but right
11 now that motion doesn't say jersey barriers. It says
12 protective impact barriers.

13 COMMISSIONER BERLINGHOF: Well, it does say
14 though it was subject to the --

15 CHAIRPERSON VASELOPULOS: It does say that,
16 yes, you're right, thank you.

17 MR. GUTIERREZ: We purposely qualified that
18 condition to say as approved by the Fire Department.
19 They're not saying it has to be jersey barriers. There
20 is that 12,000-pound, to resist 12,000 pounds of force,
21 but again, I thought that that would give a little bit
22 of leeway so that the Applicant could even engage
23 directly with the Fire Department if there's something
24 that, let's say more attractive than a jersey barrier
25 that the Fire Department would be satisfied with. I
26 specifically didn't put the reference that they made to
27 the International Fire Code as to this.

28 MR. LOPATIN: And the Police Department of
29 Northfield, they had no objections?

30 MR. GUTIERREZ: Yes, that's really not what
31 they're involved with, whether it's jersey barriers, but
32 in any event, fire prevention really is their --

33 COMMISSIONER BERLINGHOF: So, really what are
34 you concerned about?

35 CHAIRPERSON VASELOPULOS: I'm not concerned at
36 all, unless we're changing the motion.

37 COMMISSIONER BERLINGHOF: No, I'm not changing
38 the motion at all.

39 CHAIRPERSON VASELOPULOS: Unless anyone has --

40 COMMISSIONER ESTABROOKE: I just want to make
41 sure --

42 COMMISSIONER BERLINGHOF: If you want to talk
43 to anybody in the audience, I can make the motion.

44 CHAIRPERSON VASELOPULOS: Yes.

45 Commissioners, any other questions of the
46 Petitioner?

47 (No response.)

48 CHAIRPERSON VASELOPULOS: Does anyone from the

1 audience have any other questions or comments they'd
2 like to make?

3 (No response.)

4 CHAIRPERSON VASELOPULOS: Are we ready to make
5 a motion? Would someone like to make that motion?

6 COMMISSIONER BERLINGHOF: I'm happy to do so.

7 CHAIRPERSON VASELOPULOS: Go ahead, Todd.

8 COMMISSIONER BERLINGHOF: Motion to recommend
9 to the Village Board: (1) Approval of amendments to
10 Special Use Ordinances #12-1526 and #20 --

11 CHAIRPERSON VASELOPULOS: Oh, let me interrupt
12 you, shoot. Sorry to interrupt you.

13 COMMISSIONER BERLINGHOF: It's okay.

14 CHAIRPERSON VASELOPULOS: I have a question;
15 it's about the motion. It's about the facts in the
16 motion. Taco Nano says they're open until 8:00 o'clock
17 p.m.

18 MR. GUTIERREZ: Yes.

19 CHAIRPERSON VASELOPULOS: Number six says 9:30
20 or 10:00 o'clock.

21 MR. GUTIERREZ: So, number six reflects the
22 existing special use that allows for --

23 CHAIRPERSON VASELOPULOS: Thank you, that's
24 what I wanted to clarify. We don't need to go any
25 further, okay.

26 COMMISSIONER BERLINGHOF: Okay, again, I make
27 a motion.

28 **Motion to recommend to the Village Board: (1) Approval**
29 **of amendments to Special Use Ordinances #12-1526 and**
30 **#20-1774 to allow outdoor seating for the Taco Nano**
31 **restaurant and (2) Approval of relief from Appendix A -**
32 **Article XX, Section 20-2 for an off-street parking**
33 **variation at 1741-1749 Orchard Lane, all in accordance**
34 **with the Petitioner's Application and Supporting**
35 **Materials, date stamped June 3, 2022, subject to the**
36 **following conditions:**

- 37 1. The proposed outdoor seating area shall be limited
38 to six picnic tables in front of Taco Nano and
39 three picnic tables on the south side of Orchard
40 Lane. In the event that Village Staff determines
41 that off-street parking demand exceeds the off-
42 street parking capacity at 1741-1749 Orchard Lane
43 and 301-311 Happ Road, the Village may require the
44 reduction of this seating capacity.
- 45 2. Protective impact barriers shall be placed between
46 the proposed seating areas and Orchard Lane and any
47 drive aisle, and shall be subject to the approval
48 of the Fire Department.

- 1 3. Restaurant employees shall not be allowed to use
2 the public parking spaces on Orchard Lane.
- 3 4. All designated parking spaces in the 1741-1749
4 Orchard building parking lot must be kept open for
5 customer parking.
- 6 5. The proposed outdoor seating area shall not expand
7 beyond the proposed layout and must remain on
8 private property.
- 9 6. Use of the outdoor seating area shall be limited to
10 11:00 a.m. to 9:30 p.m., Sunday through Thursday,
11 and 11:00 a.m. to 10:00 p.m. on Friday and
12 Saturday.
- 13 7. All tables and chairs shall be removed from the
14 Taco Nano parking lot and stored off site on a
15 seasonal basis but no later than November 1st, and
16 any parking displaced by the outdoor seating shall
17 be restored for regular use at that time.
- 18 8. Adequate refuse containers shall be provided.
- 19 9. The area shall be kept clean and free of litter and
20 food debris at all times.
- 21 10. There shall be no outdoor food preparation.
- 22 11. The representations made in the application and
23 supporting documents are binding upon the
24 Petitioner. There shall be no additional uses
25 permitted beyond those specifically enumerated
26 herein or permitted by the Village of Northfield's
27 Zoning Ordinance.
- 28 12. The Village of Northfield Health, Fire, and
29 Building Officials shall be granted access to the
30 subject property at any reasonable time for
31 purposes of conducting inspections for compliance
32 with Village Codes and Ordinances.
- 33 13. An approval pursuant to any requested review by a
34 Village consultant, Village Staff member, Village
35 Commission or Village Board Committee shall be an
36 approval of only those items specified in any
37 motion, resolution, ordinance, or written report.
38 Such approval shall not be deemed to be an approval
39 of any matter which is within the jurisdiction of
40 any other Village consultant, Village Staff member,
41 Village Board Committee or Village Commission that
42 has not issued a report or given its approval.
43 Neither shall such approval be deemed the approval
44 of any County, State or Federal Agency. Under no
45 circumstances shall the approval be deemed to be an
46 approval of any matter not included in this
47 ordinance by virtue of the fact that such a matter
48 appeared on a supporting document which is not

- 1 attached as an exhibit to this ordinance or
2 incorporated as an exhibit as part of this
3 ordinance.
- 4 14. The Petitioner shall comply in all other respects
5 with the ordinances of the Village of Northfield,
6 including Special Use Ordinances #12-1526 and #20-
7 1774, and nothing in this special use shall be
8 construed as a waiver of any of those requirement.
- 9 15. Violation of any condition of this Special Use
10 Ordinance shall be cause to revoke said permit by
11 the Corporate Authorities upon 10 days proper
12 notice to the Petitioner. Alternatively, the
13 Village Manager shall have the right to assess
14 fines, not to exceed \$750 per violation, for
15 violation of this Special Use Ordinance. Such
16 assessment of fines may be appealed to the
17 Corporate Authorities by filing written notice of
18 appeal within three days of the assessment.
- 19 16. Changes in the project may only be made as follows:
20 A. Minor Field Changes. Minor changes in
21 locations or sizes shown on exhibits may
22 be approved, in writing, by the Director
23 of Community Development. Typically, a
24 minor field change will not involve a
25 percentage change greater than three
26 percent. However, not all changes of
27 less than three percent shall necessarily
28 be deemed to be minor. The determination
29 of the Director of Community Development
30 as to whether a change is a minor field
31 change shall be final.
- 32 B. Village Board Approved Changes. The
33 Village Board may approve, without
34 referral to the Plan & Zoning Commission,
35 such other changes as it believes are in
36 the best interest of the Village and
37 which do not involve changes in numbers
38 found in the text of the Ordinance and
39 which do not have a substantial, direct
40 impact on adjacent properties. The
41 determination of the Village Board as to
42 whether a requested change should be
43 referred to the Plan & Zoning Commission
44 shall be final.
- 45 C. Changes Requiring a Public Hearing. Any
46 change involving a size, quantity or
47 other numerical value found in the text
48 of the Ordinance or any change having

1 substantial, direct impact on adjacent
2 properties shall not be made except after
3 a public hearing before the Plan & Zoning
4 Commission. Additionally, the Village
5 Board or the Director of Community
6 Development may refer requested change to
7 the Plan & Zoning Commission for public
8 hearing when either believes it would be
9 in the best interest of the Village to do
10 so.

11 CHAIRPERSON VASELOPULOS: Is there a second?

12 COMMISSIONER DELOYS: Second.

13 CHAIRPERSON VASELOPULOS: Dan seconds.

14 All those in favor?

15 (Chorus of ayes.)

16 CHAIRPERSON VASELOPULOS: All opposed?

17 (No response.)

18 CHAIRPERSON VASELOPULOS: Motion carries
19 unanimously.

20 Thank you, good luck as you move forward.

21 MR. FREIBURGER: Thank you.

22 CHAIRPERSON VASELOPULOS: Next up, 305 Happ
23 Road. Petitioner's name is C&D Northfield, LLC.

24 Steve, any comments?

25 MR. GUTIERREZ: Nothing to add.

26 CHAIRPERSON VASELOPULOS: Petitioner, would
27 you like to step forward?

28 MR. LOPATIN: Yes.

29 CHAIRPERSON VASELOPULOS: Steve, he's been
30 already sworn in once on another matter. Are we okay?

31 MR. GUTIERREZ: Yes.

32 CHAIRPERSON VASELOPULOS: Okay.

33 MR. LOPATIN: Okay, our objection is what was
34 recommended was a three-foot jersey barrier in front of
35 our stores. This is a private parking lot with a
36 driveway in the parking lot. It's not a billet street
37 as you have in Wilmette, car speed, no one is speeding.
38 It's a safe parking lot.

39 We've agreed to eliminate the tables
40 directly in front of the Happ Inn because that is a very
41 narrow strip. The other tables are under the canopy,
42 yes, by all the storefronts. We just can't put three-
43 foot jersey barriers or other barriers in front of these
44 storefronts.

45 I don't know if you know any of our
46 tenants. Lucy Callahan loves the tables in front of her
47 store. She's not going to like jersey barriers.

48 CHAIRPERSON VASELOPULOS: I was going to ask

1 what the other tenants have to say about this. So,
2 you're going to put tables underneath the canopy inside
3 the --

4 MR. LOPATIN: The columns.

5 CHAIRPERSON VASELOPULOS: Pillars, the
6 columns.

7 MR. LOPATIN: Right. So, there is some
8 protection there.

9 CHAIRPERSON VASELOPULOS: But you don't,
10 you're saying that concrete planters right along, well
11 outside the columns right along the edge of the asphalt
12 of the driveway is --

13 MR. LOPATIN: Well, firstly, that's not going
14 to stop a speeding car, and that's not what they're
15 requesting. They were requesting three-foot jersey
16 barriers or barriers.

17 CHAIRPERSON VASELOPULOS: Let me check.

18 MR. LOPATIN: We do have concrete --

19 CHAIRPERSON VASELOPULOS: We have the same
20 language here about impact --

21 MR. GUTIERREZ: It's the same recommendation.

22 CHAIRPERSON VASELOPULOS: We have the same
23 language about impact barriers subject to the Fire
24 Protection.

25 MR. LOPATIN: Right, but we can't have
26 barriers in front of the store.

27 CHAIRPERSON VASELOPULOS: And the reason is
28 aesthetics?

29 MR. LOPATIN: Aesthetics primarily, and we
30 think people are safe under the canopy with the columns.

31 CHAIRPERSON VASELOPULOS: Well, the columns do
32 provide something but in between the columns, that's
33 what about, what is the distance between the two
34 columns? About 15 feet, 20 feet?

35 MR. LOPATIN: I don't know.

36 CHAIRPERSON VASELOPULOS: I mean,
37 approximately, you know, am I being generous and it
38 should be maybe a lot more than that?

39 COMMISSIONER BERLINGHOF: So, in this case, we
40 don't have, there's no curb, right?

41 CHAIRPERSON VASELOPULOS: There's no curb, but
42 he makes the point there's also, it's not a street.

43 MR. LOPATIN: Right.

44 COMMISSIONER BERLINGHOF: Well, it's a parking
45 lot.

46 CHAIRPERSON VASELOPULOS: It's a parking. To
47 be honest, as long as you don't have those tables along
48 the street and you're not going to have any side swipes

1 and doors opening --

2 MR. LOPATIN: Correct.

3 CHAIRPERSON VASELOPULOS: -- the one thing I
4 do see though is the exit, the one aisle that exits
5 towards, you know, how do I describe this? It's heading
6 east and it's going towards the parking, towards what
7 the seating area would be and so people have to turn
8 left or right, and they're not taking it at high speeds
9 so I agree. But if someone hits the gas instead of the
10 brake as they're going through that, they may be heading
11 forward into that sidewalk area. That's a concern that
12 I would have.

13 COMMISSIONER ESTABROOKE: I have the same
14 concern.

15 MR. LOPATIN: Other communities don't, I mean,
16 Highwood no barriers, again, Wilmette no barriers.

17 COMMISSIONER ESTABROOKE: Yes, but there was
18 talk about --

19 CHAIRPERSON VASELOPULOS: But what about, I
20 mean, I'm sorry. What about, you know, I mean, planters
21 are nice.

22 MR. LOPATIN: Well, we do have some planters.

23 CHAIRPERSON VASELOPULOS: You know, concrete
24 planters. Again, the motion suggests, what's been
25 before us suggests that it's subject to the Fire
26 Department and I don't know what the Fire Department
27 would ultimately agree to. But I don't like frankly the
28 jersey barriers either, but I think concrete planters
29 would offer some protection for some cars that may
30 potentially be on --

31 MR. LOPATIN: Well, why, excuse me, why did
32 they require 12,000 pounds of force? Because if you
33 have a concrete --

34 CHAIRPERSON VASELOPULOS: Can't speak to that,
35 I don't know.

36 MR. LOPATIN: If you have a concrete planter
37 and a car hits it, it's going to smash into someone.

38 CHAIRPERSON VASELOPULOS: I agree, and if it's
39 not there, it's still going to take out everybody, you
40 know. So, anyways.

41 COMMISSIONER ESTABROOKE: Yes, it needs
42 something.

43 MR. LOPATIN: Well, other communities don't
44 have anything and we're going to be without outdoor
45 seating.

46 CHAIRPERSON VASELOPULOS: Because what you're,
47 are you saying that this is a deal breaker? That you
48 are not going to have outdoor seating if you have to put

1 concrete planters there?

2 MR. LOPATIN: Well, but that's not what, the
3 Fire Department has to approve it.

4 CHAIRPERSON VASELOPULOS: That's right.

5 MR. LOPATIN: They're requesting a barrier
6 that will contain 12,000 pounds of force, that's what
7 I'm saying. Yes, we can always put some planters there,
8 pretty planters.

9 COMMISSIONER HIRSCH: Has the Fire Department
10 mandated the strength of the --

11 MR. GUTIERREZ: The Fire Department, their
12 recommendation is outlined. You mentioned this 12,000
13 pounds of force, it's something out of the International
14 Fire Code. It's not a code requirement, it's a
15 suggestion by them. They feel that it would mitigate
16 their public safety concerns.

17 COMMISSIONER HIRSCH: Even though this is a
18 parking lot.

19 MR. GUTIERREZ: Yes. I have not asked them
20 and the Applicant hasn't engaged in conversation with
21 them yet. So, this is their recommendation.

22 COMMISSIONER ESTABROOKE: We also have to note
23 that Wilmette has curbs.

24 MR. LOPATIN: Curbs, cars just jump right over
25 a curb.

26 COMMISSIONER DELOYS: What's the difference in
27 Wilmette and Highwood wants versus ours? What do they
28 do that we don't?

29 MR. GUTIERREZ: Well, there isn't any code
30 requirements in terms of having to have jersey barriers.
31 I don't think any of the municipalities have that. I
32 would just make somewhat of a distinction with the
33 sidewalk seating areas and the more traditional downtown
34 area where you have either parallel parking or angled
35 parking in, I think it's Highwood, and some of these
36 other North Shore communities. You also have a car
37 typically between the street, the traffic in lunchtime.
38 So, it's a little different animal, I think. They're
39 referring to the traditional downtown area with that
40 edge development and the, you know, the kind of cafe
41 seatings you have there.

42 COMMISSIONER ESTABROOKE: I agree.

43 MR. LOPATIN: I mean, pictures I took of
44 Wilmette, many of the stores don't have parking in front
45 of it. I don't have those pictures.

46 MR. GUTIERREZ: Yes, I'm sure there are, I'm
47 sure there are. Again, it's not a, I don't want to,
48 like I said to be clear, it's not a code requirement as

1 far as I know anywhere to have jersey barriers in front
2 of sidewalk seating.

3 COMMISSIONER DELOYS: A barrier of some kind.

4 CHAIRPERSON VASELOPULOS: The motion says
5 subject to the Fire Department. We can change that. We
6 can ask for planters and not have it subject to the Fire
7 Department.

8 COMMISSIONER HIRSCH: What about reinforced
9 planters?

10 COMMISSIONER ESTABROOKE: But then are you
11 getting planters from Home Depot or are you getting
12 cement? I mean --

13 CHAIRPERSON VASELOPULOS: It's somewhere there
14 was a reference to cement planters, cement base, you
15 know, on the ground cement planters.

16 COMMISSIONER ESTABROOKE: I agree.

17 CHAIRPERSON VASELOPULOS: Which are whatever,
18 two, 2.5, three feet small, right? I mean, we can find
19 any vehicle that can plow through any of that stuff, but
20 the reality is --

21 MR. LOPATIN: Wish I had more pictures.

22 CHAIRPERSON VASELOPULOS: -- I think it offers
23 a nice aesthetic, too.

24 MR. GUTIERREZ: Bob wanted you to pass this
25 picture around. I don't know where that --

26 MR. LOPATIN: Well, that's Wilmette.

27 COMMISSIONER DELOYS: So, the Fire Department
28 said --

29 MR. LOPATIN: I had a whole set of pictures; I
30 don't have them with me.

31 COMMISSIONER DELOYS: The Fire Department said
32 concrete planter boxes are good as long as they're
33 properly exposed.

34 COMMISSIONER ESTABROOKE: Yes, there you go.
35 I'm fine with that.

36 COMMISSIONER HIRSCH: The Fire Department said
37 concrete planters --

38 CHAIRPERSON VASELOPULOS: In their letter,
39 it's not in the motion, but in their letter.

40 COMMISSIONER HIRSCH: In their letter, are
41 adequate in place of a jersey barrier.

42 COMMISSIONER ESTABROOKE: But doesn't it say
43 based on what the Fire Department says?

44 COMMISSIONER BERLINGHOF: Can we make it
45 subject to the Village Staff and not the Fire
46 Department?

47 COMMISSIONER HIRSCH: Yes, that would be good.
48 So, what are those items, are they made of wood?

1 (Whereupon, a discussion was had amongst
2 the Commissioners.)

3 CHAIRPERSON VASELOPULOS: Whoa, whoa, whoa,
4 stop, stop. Everybody stop, everybody stop. We're
5 having multiple conversations going on. Hang on one
6 second. You can speak all you want, but one second.

7 Hang on, Steve, hang on, Steve. We're
8 talking here, so let's get this conversation fleshed
9 out, and then happy to hear from the gentleman --

10 COMMISSIONER BERLINGHOF: Obviously, the Fire
11 Department has relatively a great deal of sort of
12 thought processes that are different than let's say the
13 Engineering staff or, not in the end that they wouldn't
14 go to the Fire Department to work something out, but if
15 we say subject to the Fire Department, period, then
16 they're going to the Fire Chief and that's it, right?
17 There's no way around it, instead saying subject to the
18 Village Staff, maybe there's a negotiation instead with
19 a concrete barrier or something that's I guess not
20 necessarily 12,000 pounds of stopping power. That's
21 all.

22 CHAIRPERSON VASELOPULOS: Connie?

23 COMMISSIONER BERMAN: I personally don't think
24 I want to emulate Wilmette. I think it's an accident
25 waiting to happen. If you ever drive there on a Friday
26 or Saturday night, it is packed with people.

27 COMMISSIONER ESTABROOKE: It's chaotic.

28 COMMISSIONER BERMAN: I think it's chaotic and
29 I think it's an accident waiting to happen. I think
30 that some nice planters in front would be a good idea.

31 COMMISSIONER DELOYS: Probably a whole --

32 (Whereupon, a discussion was had amongst
33 the Commissioners.)

34 CHAIRPERSON VASELOPULOS: Okay, go ahead,
35 state your name and address.

36 MR. WEISS: Jim Weiss, 310 Old Post Road,
37 Northbrook.

38 MR. GUTIERREZ: Please raise your right hand.
39 (Witness sworn.)

40 MR. WEISS: What I was going to say is, you
41 know, we have a tremendous amount of people with
42 children shopping in the mall already that are walking
43 along those sidewalks. In the 24 years that I've been
44 involved with the property, we've never had an incident
45 where a car has gone up on the sidewalk. So, not just
46 people eating there, but there's people walking along,
47 you know, to go from store to store and we haven't had
48 any issues.

1 So, I think the jersey barricades are
2 really overkill in this situation. Plus, the fact that
3 our stores are in that shopping center, they have
4 windows so that people can see what they're selling. To
5 have a 36-inch high jersey barricade blocking Peachtree,
6 I don't think that tenant would be very happy with us.
7 So, that's all I wanted to add.

8 CHAIRPERSON VASELOPULOS: Thank you, thank
9 you.

10 COMMISSIONER BERLINGHOF: I guess all I'm
11 suggesting is that maybe we change it to reflect Village
12 Staff working with the Petitioner to provide some form
13 of extra barrier, and not making this --

14 COMMISSIONER ESTABROOKE: I'm okay with that,
15 but something has to be there.

16 COMMISSIONER BERLINGHOF: I do think that from
17 a visual perspective, as an owner of shopping centers,
18 doing it correctly and not just throwing up a huge
19 barrier that makes no sense, but doing it correctly with
20 certain, you know, concrete planters and things could
21 work fine. It could be attractive as well as safe.

22 COMMISSIONER ESTABROOKE: They could actually
23 be permanent. The Christmas decorations and --

24 COMMISSIONER DELOYS: Yes.

25 COMMISSIONER BERMAN: Yes, I agree.

26 CHAIRPERSON VASELOPULOS: Steve, we've
27 changed, we're contemplating changing the motion that
28 involves your department.

29 Any thoughts?

30 MR. GUTIERREZ: I mean, we don't have any
31 expertise in this. We don't have an understanding
32 whether something resists 12,000 pounds of force, but
33 we'll be happy to engage with the Applicant.

34 COMMISSIONER BERLINGHOF: Yes, Steve, we
35 haven't hamstrung you. All I've said is you'll take
36 advantage of all the resources you have at the Village
37 level.

38 MR. GUTIERREZ: Yes, we can probably even do
39 that and figure something out before it gets to the
40 Village Board.

41 CHAIRPERSON VASELOPULOS: Actually, I think
42 it's an idea that favors the Petitioner because it --

43 MR. GUTIERREZ: Absolutely.

44 CHAIRPERSON VASELOPULOS: -- loosens the
45 flexibility of what could go there as opposed to the
46 Fire Department's approval which they've made a
47 statement as to what they want there.

48 MR. GUTIERREZ: We'll engage with the Fire

1 Department as well, as well as the Applicant.

2 CHAIRPERSON VASELOPULOS: Okay, Petitioner,
3 any other comments or questions?

4 MR. LOPATIN: No, thank you.

5 CHAIRPERSON VASELOPULOS: Sure.

6 Anyone else from the audience have any
7 questions or comments?

8 (No response.)

9 CHAIRPERSON VASELOPULOS: If someone from the
10 Commission would like to make a motion?

11 COMMISSIONER BERLINGHOF: I guess I can.

12 **Motion to recommend to the Village Board: (1) Approval**
13 **of amendments to Special Use Ordinances #09-1413 and**
14 **#10-1449 to allow outdoor seating for The Happ Inn**
15 **restaurant and (2) Approval of relief from Appendix A -**
16 **Article XX, Section 20-2 for an off-street parking**
17 **variation at 301-311 Happ Road, all in accordance with**
18 **the Petitioner's Application and Supporting Materials,**
19 **date stamped June 3, 2022 subject to the following**
20 **conditions:**

- 21 1. The proposed outdoor seating area shall be limited
22 to 34 seats. In the event that Village Staff
23 determines that off-street parking demand exceeds
24 the off-street parking capacity at 1741-1749
25 Orchard Lane and 301-311 Happ Road, the Village may
26 require the reduction of this seating capacity.
- 27 2. Protective impact barriers shall be placed between
28 the proposed seating areas and the drive aisle in
29 front of the building and shall be subject to the
30 approval of the Village Staff.
- 31 3. Restaurant employees shall not be allowed to use
32 the public parking spaces on Orchard Lane or on Mt.
33 Pleasant Street.
- 34 4. All designated parking spaces in the 301-311 Happ
35 Road building parking lot must be kept open for
36 customer parking.
- 37 5. The proposed outdoor seating area shall not expand
38 beyond the proposed layout.
- 39 6. Use of the outdoor seating area shall be limited to
40 11:00 a.m. to 10:00 p.m., seven days a week.
- 41 7. All tables and chairs shall be removed from the
42 outdoor seating area and stored indoors or off-site
43 on a seasonal basis but no later than November 1st.
- 44 8. Adequate refuse containers shall be provided.
- 45 9. The area shall be kept clean and free of litter and
46 food debris at all times.
- 47 10. There shall be no outdoor food preparation.
- 48 11. The representations made in the application and

- 1 supporting documents are binding upon the
2 Petitioner. There shall be no additional uses
3 permitted beyond those specifically enumerated
4 herein or permitted by the Village of Northfield's
5 Zoning Ordinance.
- 6 12. The Village of Northfield Health, Fire, and
7 Building Officials shall be granted access to the
8 subject property at any reasonable time for
9 purposes of conducting inspections for compliance
10 with Village Codes and Ordinances.
- 11 13. An approval pursuant to any requested review by a
12 Village consultant, Village Staff member, Village
13 Commission or Village Board Committee shall be an
14 approval of only those items specified in any
15 motion, resolution, ordinance, or written report.
16 Such approval shall not be deemed to be an approval
17 of any matter which is within the jurisdiction of
18 any other Village consultant, Village Staff member,
19 Village Board Committee or Village Commission that
20 has not issued a report or given its approval.
21 Neither shall such approval be deemed the approval
22 of any County, State or Federal Agency. Under no
23 circumstances shall the approval be deemed to be an
24 approval of any matter not included in this
25 ordinance by virtue of the fact that such a matter
26 appeared on a supporting document which is not
27 attached as an exhibit to this ordinance or
28 incorporated as an exhibit as part of this
29 ordinance.
- 30 14. The Petitioner shall comply in all other respects
31 with the ordinances of the Village of Northfield,
32 including Special Use Ordinances #09-1413 and #10-
33 1449, and nothing in this special use shall be
34 construed as a waiver of any of those requirement.
- 35 15. Violation of any condition of this Special Use
36 Ordinance shall be cause to revoke said permit by
37 the Corporate Authorities upon 10 days proper
38 notice to the Petitioner. Alternatively, the
39 Village Manager shall have the right to assess
40 fines, not to exceed \$750 per violation, for
41 violation of this Special Use Ordinance. Such
42 assessment of fines may be appealed to the
43 Corporate Authorities by filing written notice of
44 appeal within three days of the assessment.
- 45 16. Changes in the project may only be made as follows:
46 A. Minor Field Changes. Minor changes in
47 locations or sizes shown on exhibits may
48 be approved, in writing, by the Director

1 of Community Development. Typically, a
 2 minor field change will not involve a
 3 percentage change greater than three
 4 percent. However, not all changes of
 5 less than three percent shall necessarily
 6 be deemed to be minor. The determination
 7 of the Director of Community Development
 8 as to whether a change is a minor field
 9 change shall be final.

10 B. Village Board Approved Changes. The
 11 Village Board may approve, without
 12 referral to the Plan & Zoning Commission,
 13 such other changes as it believes are in
 14 the best interest of the Village and
 15 which do not involve changes in numbers
 16 found in the text of the Ordinance and
 17 which do not have a substantial, direct
 18 impact on adjacent properties. The
 19 determination of the Village Board as to
 20 whether a requested change should be
 21 referred to the Plan & Zoning Commission
 22 shall be final.

23 C. Changes Requiring a Public Hearing. Any
 24 change involving a size, quantity or
 25 other numerical value found in the text
 26 of the Ordinance or any change having
 27 substantial, direct impact on adjacent
 28 properties shall not be made except after
 29 a public hearing before the Plan & Zoning
 30 Commission. Additionally, the Village
 31 Board or the Director of Community
 32 Development may refer requested change to
 33 the Plan & Zoning Commission for public
 34 hearing when either believes it would be
 35 in the best interest of the Village to do
 36 so.

37 CHAIRPERSON VASELOPULOS: Is there a second?

38 COMMISSIONER BADER: I'll second.

39 CHAIRPERSON VASELOPULOS: All those in favor?
 40 (Chorus of ayes.)

41 CHAIRPERSON VASELOPULOS: All opposed?
 42 (No response.)

43 CHAIRPERSON VASELOPULOS: Motion carries
 44 unanimately.

45 Thank you very much and good luck.

46 MR. LOPATIN: Thank you.

47 MR. WEISS: Thank you.

48 CHAIRPERSON VASELOPULOS: Final item before us

1 is 1735 Orchard Lane. Petitioner's name is Stormy's
2 Tavern & Grille.

3 Steve, comments?

4 MR. GUTIERREZ: No, you have everything in
5 your memo.

6 CHAIRPERSON VASELOPULOS: Thank you.

7 Would the Petitioner like to step forward
8 and make a presentation? First, state your name and be
9 sworn in.

10 MR. GOODWILL: Chad Goodwill, 825 Dell Road,
11 Northbrook.

12 MR. GUTIERREZ: Please raise your right hand.
13 (Witness sworn.)

14 MR. GOODWILL: I don't think there's much to
15 add. I think the packet has it all. Honestly, I don't
16 want to take up much more of your time. If there's any
17 questions? The comment you were talking about before
18 with the protective barriers, we actually have concrete
19 parking lots, I think they're in the pictures.

20 COMMISSIONER BERLINGHOF: So, you've got them
21 halfway out of the space, right?

22 MR. GOODWILL: Yes, they're off --

23 COMMISSIONER BERLINGHOF: You don't have them
24 all in the space?

25 MR. GOODWILL: No, they're up because
26 technically it's basically at the county line of the
27 road.

28 Go ahead.

29 MR. GUTIERREZ: Just to clarify, the Orchard
30 Lane right-of-way which is a county right-of-way
31 actually comes up, I don't know, two-thirds of the way
32 up the parking spaces. So, what they've got in their
33 place is their seating area on their private property,
34 on their property. So, where you see those concrete
35 curb stops is right on the property line as I recall.

36 MR. GOODWILL: Yes, that's fair enough.

37 COMMISSIONER BERLINGHOF: So, I don't know if
38 you noticed just today, right when we were pulling in,
39 there was a van parked and stopped right there in front
40 with half or, who knows what it was, with the car out in
41 the middle of the street.

42 MR. GOODWILL: I pulled up and saw it.

43 COMMISSIONER BERLINGHOF: No one there.

44 MR. GOODWILL: Before the meeting, we had
45 actually spoken about adding, kind of spacing it a
46 little bit better and adding on if we can, you know,
47 towards the front to direct no cars would park there and
48 possibly put up something.

1 COMMISSIONER BERLINGHOF: I mean, you can't
2 park that way but you can park parallel.
3 MR. GOODWILL: Yes, I can't technically do
4 that either.
5 COMMISSIONER ESTABROOKE: Yes, when I went,
6 there was an Audi car shaped like this and it's like
7 sticking out to the middle of the street. I'm like, oh,
8 man, this is going to work.
9 COMMISSIONER BERLINGHOF: And you're saying
10 you can't move those bumpers farther because it's in the
11 county right-of-way? I mean, are we really worried
12 about that?
13 MR. GUTIERREZ: I can't approve it; it's not
14 our right-of-way.
15 COMMISSIONER BERLINGHOF: Would you force them
16 to remove it and put it back --
17 CHAIRPERSON VASELOPULOS: It's just temporary.
18 COMMISSIONER BADER: Well, but regularly
19 there's cars that park all the way up.
20 COMMISSIONER BERLINGHOF: Yes. So, we're
21 changing it so that there's more road.
22 COMMISSIONER ESTABROOKE: Well, I mean, it's
23 sticking out. When I drove by, it was --
24 COMMISSIONER BERLINGHOF: Oh, yes, what's
25 happened, that can't happen, that's got to stop.
26 COMMISSIONER ESTABROOKE: Yes.
27 COMMISSIONER BERLINGHOF: He knows that --
28 COMMISSIONER ESTABROOKE: Yes. I think it
29 should be --
30 MR. GUTIERREZ: Just to make it safer.
31 COMMISSIONER BERLINGHOF: -- and the hatched
32 area in front of your outdoor seating area now is county
33 property, that's why it's hatched.
34 COMMISSIONER ESTABROOKE: The parking spot is
35 like three-quarters of the side yard, right?
36 COMMISSIONER BADER: Right, but that means
37 that --
38 COMMISSIONER BERLINGHOF: I mean, the county
39 should be told.
40 COMMISSIONER ESTABROOKE: That's right. So, I
41 mean, it's almost like there should be terrible parking
42 versus --
43 COMMISSIONER BERLINGHOF: Correct, which is
44 what he's saying.
45 COMMISSIONER ESTABROOKE: Right.
46 COMMISSIONER HIRSCH: Yes.
47 MR. GOODWILL: I'd prefer, I mean, I would
48 like to move some extra or move those barriers down and

1 so eliminate the parking in front of that all together
2 just to, you know --

3 CHAIRPERSON VASELOPULOS: You mean permanent?

4 MR. GOODWILL: No, I mean, during the
5 temporary season. The barrier takes, now we're up
6 farther on technically the line. I'd like to move them
7 down so there's no cars anywhere in that vicinity
8 pulling us this way or around there.

9 COMMISSIONER HIRSCH: Putting them to the
10 edge, yes.

11 COMMISSIONER ESTABROOKE: So, that you're
12 going to lose six spots over there?

13 CHAIRPERSON VASELOPULOS: But they're in the
14 right-of-way is the problem, right, Steve?

15 MR. GUTIERREZ: Yes. So, I can only speak for
16 the Village, but we wouldn't object to anything that
17 makes it safer for them.

18 MR. GOODWILL: There's no one in the county
19 now.

20 MR. GUTIERREZ: We can work --

21 COMMISSIONER ESTABROOKE: Yes. I mean, do
22 they even know we exist?

23 COMMISSIONER BERLINGHOF: No.

24 COMMISSIONER BADER: No, I'd be shocked.

25 COMMISSIONER HIRSCH: Do they even know that's
26 a county road?

27 CHAIRPERSON VASELOPULOS: Do you have an
28 objection to the barriers that had been discussed
29 earlier?

30 COMMISSIONER DELOYS: The planter.

31 CHAIRPERSON VASELOPULOS: Planters?

32 MR. GOODWILL: No, I mean --

33 CHAIRPERSON VASELOPULOS: Decorative planters.

34 MR. GOODWILL: That's kind of why we put the
35 concrete blocks out there. I think they're the same
36 effect as the planters. Sorry?

37 COMMISSIONER ESTABROOKE: No, I'm agreeing
38 with you.

39 CHAIRPERSON VASELOPULOS: Yes, because this
40 motion does include barriers and we can discuss whether
41 we want the Fire Department to, or if we change it to
42 Village Staff. Yes?

43 MR. GUTIERREZ: Just to make note, the
44 previous Petitioner did agree with jersey barriers in
45 front of Taco Nano.

46 CHAIRPERSON VASELOPULOS: Yes, that's correct.

47 MR. GUTIERREZ: I would just note that it is
48 on a roadway. It is adjacent to a roadway versus a

1 drive aisle. So, I think there's a little difference
2 there in terms of speed of vehicles that may be going
3 and maybe there's an extra need for protection.

4 CHAIRPERSON VASELOPULOS: Okay.

5 MR. GUTIERREZ: Can I ask a question of the
6 Petitioner?

7 Chad, I think we might have talked about
8 this last time so forgive me. The planters you have out
9 there now for that area, are those movable?

10 MR. GOODWILL: Anything is movable, but those
11 are concrete.

12 COMMISSIONER ESTABROOKE: They're movable --

13 CHAIRPERSON VASELOPULOS: The ones up on the
14 sidewalk?

15 MR. GOODWILL: Yes. Those are not, I mean, it
16 would not be easy, let's put it that way.

17 MR. GUTIERREZ: What if you had to put jersey
18 barriers though, would that be an alternative you want
19 to think about or not?

20 MR. GOODWILL: I mean, I could think about it.
21 I think different than Taco Nano also is that where our
22 seating is is much farther up the parking area. Their
23 seating is right directly off the roadway. Ours is, I
24 couldn't say, it's probably 10 feet off the roadway with
25 the concrete blocks. That's why I figured the blocks
26 would be a protective barrier, and we're much farther
27 off the road.

28 MR. GUTIERREZ: Yes, if it's really difficult
29 to move; you don't want to start moving them back and
30 forth.

31 CHAIRPERSON VASELOPULOS: I have another
32 different question. You already have outdoor seating?

33 MR. GOODWILL: Yes.

34 CHAIRPERSON VASELOPULOS: Right, which you
35 built out, I forget when, but a few --

36 MR. GOODWILL: Our original? The patio area?

37 CHAIRPERSON VASELOPULOS: Yes, the patio area
38 that exists now, but --

39 MR. GOODWILL: 2012, I believe.

40 CHAIRPERSON VASELOPULOS: -- you want to add
41 to that. Did you want to ultimately, I mean, extend
42 what you had, that permanent space, extend it out
43 further in a different direction?

44 MR. GOODWILL: If it's doable in terms of the,
45 you know, ComEd line and, you know, again, all those
46 right-of-ways, then, yes, I would love to be able to do
47 that. I think aesthetically and more permanent and
48 safer probably.

1 CHAIRPERSON VASELOPULOS: What I'm getting at
2 in this temporary space with the picnic tables, do you
3 want to extend it there in a permanent basis? It
4 encompasses your front entrance.
5 MR. GOODWILL: Yes.
6 CHAIRPERSON VASELOPULOS: But I mean, just
7 trying to understand what maybe --
8 MR. GOODWILL: On a more permanent basis, yes,
9 I would love to explore it.
10 COMMISSIONER DELOYS: And they have the brick
11 walls that are like the other side. They might be able
12 to have parallel parking in front still.
13 MR. GOODWILL: Well, I'd like to explore that.
14 COMMISSIONER DELOYS: Yes, that's what I
15 meant.
16 CHAIRPERSON VASELOPULOS: All right, that's
17 not before us today. I'm just curious.
18 COMMISSIONER DELOYS: Yes, good to know.
19 CHAIRPERSON VASELOPULOS: And I don't know the
20 Village's position is on it, but it would be more
21 attractive and a more permanent thing.
22 COMMISSIONER ESTABROOKE: Makes sense.
23 MR. GOODWILL: I agree.
24 MR. GUTIERREZ: Yes, we'd --
25 CHAIRPERSON VASELOPULOS: Okay, so --
26 MR. GUTIERREZ: -- the parking would be less,
27 obviously.
28 CHAIRPERSON VASELOPULOS: For the next meeting
29 maybe, all right. I don't have any other questions.
30 COMMISSIONER BERLINGHOF: No, and I guess I
31 would suggest we change it, too, anyway. Again, it
32 gives the Village flexibility, it doesn't mean anything,
33 it doesn't hurt to have it changed.
34 CHAIRPERSON VASELOPULOS: Steve's point though
35 is that this is on a road, and we've already passed
36 something different for Taco Nano which is on a road
37 right next door.
38 COMMISSIONER DELOYS: But I think the
39 difference is Taco Nano has traffic coming directly
40 towards their tables --
41 COMMISSIONER BERLINGHOF: Right.
42 COMMISSIONER DELOYS: -- where people are
43 pulling out of the lot.
44 COMMISSIONER ESTABROOKE: Or backing up from
45 those spots.
46 COMMISSIONER DELOYS: Right. So, I think
47 there's a little bit of a difference there.
48 MR. GUTIERREZ: Either way --

- 1 COMMISSIONER BERLINGHOF: Right, again, I
2 think would have changed it for Taco Nano if it popped
3 up. It just didn't.
- 4 COMMISSIONER ESTABROOKE: Right.
5 CHAIRPERSON VASELOPULOS: Yes.
6 Any other questions or comments from the
7 Commission?
- 8 COMMISSIONER ESTABROOKE: No.
9 CHAIRPERSON VASELOPULOS: Audience, any other
10 questions or comments?
11 (No response.)
12 CHAIRPERSON VASELOPULOS: Pardon me?
13 COMMISSIONER HIRSCH: So, the approval of
14 Staff would be the --
15 COMMISSIONER BERLINGHOF: Right.
16 COMMISSIONER HIRSCH: Yes, like before.
17 CHAIRPERSON VASELOPULOS: Yes.
18 Does someone want to make a motion?
19 COMMISSIONER BERLINGHOF: Do you want me to do
20 it again?
21 CHAIRPERSON VASELOPULOS: I know you're kind
22 of our heavy on the motion making, but just for
23 continuity purposes, go ahead, Todd. Do note it to the
24 other Commissioners, you know, he needs a break every
25 once in a while.
26 COMMISSIONER HIRSCH: Right. I'm happy to
27 make the motion correctly this time. So, I make a
28 motion.
29 **Motion to recommend to the Village Board:**
30 **1. Approval of the following amendments to Special Use**
31 **Ordinances #11-1491 and #12-1517:**
32 **a. To allow additional outdoor seating for the**
33 **Stormy's Tavern & Grille restaurant;**
34 **b. To repeal the requirement to lease parking**
35 **spaces at 330 West Frontage Road; and**
36 **c. To clarify that the requirement to provide**
37 **free valet parking service shall be on an as-**
38 **needed basis.**
39 **2. Approval of relief from Appendix A - Article XX,**
40 **Section 20-2 for an off-street parking variation at**
41 **1735 Orchard Lane.**
42 **All in accordance with the Petitioner's Application and**
43 **Supporting Materials, date stamped May 31, 2022, subject**
44 **to the following conditions:**
45 **1. The proposed outdoor seating area shall be limited**
46 **to five picnic tables or their equivalent. In the**
47 **event that Village Staff determines that off-street**
48 **demand exceeds the restaurant's off-street parking**

- 1 capacity, the Village may require the reduction of
2 this seating capacity.
- 3 2. Protective impact barriers shall be placed between
4 the proposed seating area and Orchard Lane and
5 shall be subject to the approval of the Village
6 Staff.
- 7 3. All restaurant employees shall be required to park
8 in the Village's public off-street parking lots.
- 9 4. All designated parking spaces in the restaurant
10 parking lot must be kept open for customer parking.
- 11 5. The proposed outdoor seating area shall not expand
12 beyond the proposed 185 square feet.
- 13 6. Use of the outdoor seating area shall be limited to
14 11:00 a.m. to 11:00 p.m., seven days a week.
- 15 7. All tables and chairs shall be removed and stored
16 off-site on a seasonal basis but no later than
17 November 1st, and any parking displaced by the
18 outdoor seating shall be restored for regular use
19 at that time.
- 20 8. Adequate refuse containers shall be provided.
- 21 9. The area shall be kept clean and free of litter and
22 food debris at all times.
- 23 10. There shall be no outdoor food preparation.
- 24 11. The representations made in the application and
25 supporting documents are binding upon the
26 Petitioner. There shall be no additional uses
27 permitted beyond those specifically enumerated
28 herein or permitted by the Village of Northfield's
29 Zoning Ordinance.
- 30 12. The Village of Northfield Health, Fire, and
31 Building Officials shall be granted access to the
32 subject property at any reasonable time for
33 purposes of conducting inspections for compliance
34 with Village Codes and Ordinances.
- 35 13. An approval pursuant to any requested review by a
36 Village consultant, Village Staff member, Village
37 Commission or Village Board Committee shall be an
38 approval of only those items specified in any
39 motion, resolution, ordinance, or written report.
40 Such approval shall not be deemed to be an approval
41 of any matter which is within the jurisdiction of
42 any other Village consultant, Village Staff member,
43 Village Board Committee or Village Commission that
44 has not issued a report or given its approval.
45 Neither shall such approval be deemed the approval
46 of any County, State or Federal Agency. Under no
47 circumstances shall the approval be deemed to be an
48 approval of any matter not included in this

- 1 ordinance by virtue of the fact that such a matter
2 appeared on a supporting document which is not
3 attached as an exhibit to this ordinance or
4 incorporated as an exhibit as part of this
5 ordinance.
- 6 14. The Petitioner shall comply in all other respects
7 with the ordinances of the Village of Northfield,
8 including Special Use Ordinances #11-1491 and #12-
9 1517, and nothing in this special use shall be
10 construed as a waiver of any of those requirement.
- 11 15. Violation of any condition of this Special Use
12 Ordinance shall be cause to revoke said permit by
13 the Corporate Authorities upon 10 days proper
14 notice to the Petitioner. Alternatively, the
15 Village Manager shall have the right to assess
16 fines, not to exceed \$750 per violation, for
17 violation of this Special Use Ordinance. Such
18 assessment of fines may be appealed to the
19 Corporate Authorities by filing written notice of
20 appeal within three days of the assessment.
- 21 16. Changes in the project may only be made as follows:
- 22 A. Minor Field Changes. Minor changes in
23 locations or sizes shown on exhibits may
24 be approved, in writing, by the Director
25 of Community Development. Typically, a
26 minor field change will not involve a
27 percentage change greater than three
28 percent. However, not all changes of
29 less than three percent shall necessarily
30 be deemed to be minor. The determination
31 of the Director of Community Development
32 as to whether a change is a minor field
33 change shall be final.
- 34 B. Village Board Approved Changes. The
35 Village Board may approve, without
36 referral to the Plan & Zoning Commission,
37 such other changes as it believes are in
38 the best interest of the Village and
39 which do not involve changes in numbers
40 found in the text of the Ordinance and
41 which do not have a substantial, direct
42 impact on adjacent properties. The
43 determination of the Village Board as to
44 whether a requested change should be
45 referred to the Plan & Zoning Commission
46 shall be final.
- 47 C. Changes Requiring a Public Hearing. Any
48 change involving a size, quantity or

1 other numerical value found in the text
2 of the Ordinance or any change having
3 substantial, direct impact on adjacent
4 properties shall not be made except after
5 a public hearing before the Plan & Zoning
6 Commission. Additionally, the Village
7 Board or the Director of Community
8 Development may refer requested change to
9 the Plan & Zoning Commission for public
10 hearing when either believes it would be
11 in the best interest of the Village to do
12 so.

13 CHAIRPERSON VASELOPULOS: Is there a second?

14 COMMISSIONER ESTABROOKE: I'll second.

15 CHAIRPERSON VASELOPULOS: All those in favor?

16 (Chorus of ayes.)

17 CHAIRPERSON VASELOPULOS: All opposed?

18 (No response.)

19 CHAIRPERSON VASELOPULOS: Motion carries

20 unanimately.

21 Thank you, good luck.

22 MR. GOODWILL: Thank you.

23 CHAIRPERSON VASELOPULOS: Is there a motion to

24 adjourn?

25 COMMISSIONER ESTABROOKE: Motion to adjourn.

26 COMMISSIONER BADER: Second.

27 CHAIRPERSON VASELOPULOS: Second.

28 All those in favor?

29 (Chorus of ayes.)

30 CHAIRPERSON VASELOPULOS: Opposed?

31 (No response.)

32 CHAIRPERSON VASELOPULOS: Motion carries.

33 Thank you all, good luck. Good night I

34 should say.

35 (Whereupon, at 9:22 p.m., the above

36 meeting was concluded.)

37

38 APPROVED 11/7/22

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