

**ZONING BOARD OF APPEALS
VILLAGE OF PALATINE
200 EAST WOOD STREET
January 10, 2012**

Presiding: Jan Wood
Present: Josh Wheeler
Eric Friedman
Robert Coleman
Cindy Roth-Wurster
Brian Christopher
Tom Kaider
Absent: Monica Pasillas
Ted McGinn
Staff: Rebecca Leslie, Christina Johnson

I. ROLL CALL AND APPROVAL OF MINUTES

At 7:00 p.m., roll was taken and a quorum was declared. The minutes for the meeting of November 8, 2011, were approved. Staff was sworn in.

II. 11-90 248 W. Wilson Street

Special Use for a setback reduction of 20 feet for a front porch to be located 10 feet from the front property line instead of 30 feet pursuant to Section 10.07(c)(19) of the Palatine Zoning Ordinance.

Variation for lot coverage of 54% whereas the maximum allowed lot coverage is 30% pursuant to Section 10.07(g)(2)(b) of the Palatine Zoning Ordinance.

Notice was published on December 26, 2012, and mailed to nearby property owners.

Petitioner's new exhibits:

1. Petition for special use and variations
2. Real estate disclosure
3. Proof of ownership
4. Plat of survey
5. Site plan, proposed
6. Floor plan, proposed
7. Elevations, proposed

Objector's exhibit:

1. Letter from Heine, 117 N. Rose St.

Staff was sworn in. Ms. Leslie gave the background to this request. The Subject Property is an interior lot with a single family residence and the homeowners are proposing to add a front porch and rear addition to the home. This Petition came before the Zoning Board on November 22nd, with a home expansion proposal that included four Special Use requests and one Variation request. Based upon comments from their neighbors and the Board, the Petitioners have substantially revised their request and are now seeking only one Special Use and one Variation in conjunction with their home addition. The new request would allow the home's addition to be setback 10 feet from the front property line and all other setbacks would comply with code. This request would also allow for the lot coverage to be 54%, which is down 13% from their original request of 67%, therefore, the Petitioners are seeking one Special Use and one Variation.

SITE ANALYSIS:

- The Subject Property is zoned "R-3," Multi-Family Residential but contains a single family home. The

property is located in downtown Palatine, south of the train tracks and west of Smith Street.

- The Petitioners have amended their proposal to include a new front porch and an addition in the back of the home. They have removed the carport from their proposal and decreased the size the of the rear addition.
- The one-story front porch is proposed to be approximately 226 square feet and be setback from the front property line approximately 10 feet. In this District, the front yard setback for principal structures is 30 feet. Nevertheless, most of the homes along this area of W. Wilson Street (3-block stretch) do not meet the required front yard setback, with setbacks ranging from 10' to 27' – a much larger lot on the south side of the street has a 33' setback).
- The existing home is set back 19 feet from the front property line and is legally non-conforming; a 30 feet is required.
- A one-story addition is proposed to be constructed in the rear of the home. It is proposed to be setback 6 feet from the west side property line. Side yard setbacks for the principal structure is 6 feet on one side, 16 feet total on both sides, therefore, no relief is required.
- The neighbors' homes appear to be set back 10 feet from the east property line and 14 feet from the west property line.
- The rear yard setback is 48 feet and meets code.
- There is an existing detached garage in the rear yard, along with a fairly large play structure which appears to be about 26'x22' (~527 s.f.). The Petitioner indicated at the November 22nd ZBA that they are planning on removing the play structure in the near future.
- The driveway appears to be setback less than 2 feet from the east property line. No changes to the driveway are proposed.
- The existing lot coverage is 49% which does not meet current code. The detached garage was built in 2001 and received a Special Use and Variation for its size and placement on the property (Ordinance #O-136-01).
- R-3 Zoning District has a lot coverage requirement only and this property's proposed lot coverage is 54% whereas the maximum allowed lot coverage is 30%.
- The proposal would increase the existing lot coverage by 5%.

DEPARTMENTAL REVIEWS:

Community Services	No issues or comments.
Engineering	No issues or comments.
Environmental Health	N/A
Fire Prevention	N/A
Public Works	N/A
Police	N/A

STANDARDS FOR A SPECIAL USE

Since this Petition is not for a use publicly operated or traditionally affected with the public interest, those standards under Section 14.05 D (2) and (3) are applicable. Specifically, the Petitioners must show that the Special Use, if granted, will be operated in a manner consistent with the public health, safety, and welfare, and that the Special Use will not have a negative impact on the value of surrounding properties. The Petition for a Special Use is attached, and

the Petitioners have attempted to address the required standards.

STANDARDS FOR A VARIATION

Standards for a Variation are found in Section 14.03 D (1) and (2) of the Zoning Code. Specifically, the Petitioners must show that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; that the plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality. The Petition for Variation is attached, and the Petitioners have attempted to address the required standards.

Ms. Leslie gave a review of neighboring properties' setbacks and lot coverages in the area. Properties to the west of Rose Street are zoned R-2. Several properties had been granted relief, 4 properties in the last 12 years, including the home next to the subject property.

Mr. Wood asked about the change in request for relief; there were 5 requests for this property, now it is just 2 requests. One of the 2 is the same, the rear yard addition is lessened therefore eliminating the side yard setback relief needed. The carport has been removed from the plan, which has also lessened the relief needed for this project. Previously, much concern was stated about water runoff from the carport.

Ms. Wood asked if the R-3 zoning always had a 30 foot setback; yes. When was the garage built in the back of the property; 2001. Ms. Johnson pointed out that since 2007, the Village has enforced the lot coverage maximum. Mr. Freidman asked if these homes in the area pre-date the ordinance; yes.

The Petitioner, Tom Johanson, was sworn in. They want to add an addition to the house to accommodate their family and to accommodate his wife's mobility issues. The plan is to add an elevator and wheelchair accessible kitchen. The front porch will allow a means of egress and will have a chair lift. The chair lift was favorable instead of a series of ramps that would take up a lot of space. At the last ZBA meeting, they listened to the concerns of the board and the neighbor and they have modified their plan by reducing the size of the rear addition's footprint and the carport. They've shared this new plan with the neighbors to the east, across the street and surrounding area, including the owner of #26. The biggest change is the carport removed from the plan, as well as the rear addition being reduced in width so it's within the Code for side yard requirements. The site plan is more accurate than the floor plan, the latter was a concept drawing.

Ms. Wood asked if there had been flooding on the property; no flooding in the area; not aware of any.

Audience member Esther Daingler, 256 West Rose Street, was sworn in. She has suggested that the Petitioner turn the stairs to the side. She said the addition in the back will affect her privacy since it would be 6 feet away, same for her view from the porch and deck, that the building would be 6 feet from her. So she is opposed to this plan. Ms. Roth-Wurster asked what her view is now; from her patio she sees across the backyards, an open view. Her house was built in 1931. It has a second story, which was added. She also added a garage. When they added on, the drainage went to the other side of the house. She preferred that the owner go more into the back of the yard than the side. Ms. Daingler said she did not study the floor plan. She felt that a fence would be a better choice than an addition because it's not as tall.

Mr. Friedman asked about the view from her porch; Ms. Daingler said there is a driveway adjacent to her house, then the addition would be 6 feet from the driveway, not from the patio.

Audience member Kim Walsh, owner of 244 West Wilson and speaking for owner of 240 West Wilson (2 homes to the east) also, said she likes the Johanson house, it is well kept, has had no maintenance issues, they have improved the house and improved it well. They both support this project. She pointed out that most of the porches in the neighborhood have stairs that go straight out to the curb, that there are just 3 that are turned. Mr. Coleman asked if they had had flooding; none at 244. 240 had water in July with that huge rain, but no other water in the last 40 years. She's lived there over 40 years and knows what Esther's and Tom's houses were like. Marla Johanson needs access to and from her house from the front for safety reasons.

Mr. Johanson responded to Ms. Daingler's comments, that the stairs going straight out are a classic look for the bungalow style home. The neighbor at #216 has them.

Petitioner's Exhibit 8: 3 Photos

Mr. Johanson clarified that the rear addition is one story, not as high as two floors. The proposed addition is not as deep as another nearby home which is deeper. The lot coverage with this plan is 54% and the neighbor's coverage is 53%, so it's consistent. The neighborhood has mostly 50% due to the driveway required to get to the garage in the area of the properties. Their house will look similar to those with similar additions. Their family wants to stay in the area. The addition would be 14 feet deep at the outside wall.

Ms. Johanson stated that many homes in this area are non-conforming regarding the setbacks and lot coverage, as many of them were built prior to the current regulations. The existing home already exceeds the lot coverage limitation, as do many homes in this area. The narrow lot widths contribute to this condition. The Village Engineer reviewed the revised request and has no concerns. Staff does not have any specific concerns regarding the lot coverage or front yard setback and therefore recommends approval the Special Use and Variation with the following condition:

1. The Special Uses and Variation shall substantially conform to the site plan attached hereto as Exhibit 'A,' the elevations attached hereto as Exhibit 'B,' except as such plans may be changed to conform to Village Codes and Ordinances.

There was nothing further. There were no audience comments. The public hearing was closed.

Deliberations:

Mr. Coleman made a motion to approve the Special Use and Variation, subject to Staff's recommendation; seconded by Mr. Coleman. Mr. Coleman said this is unique because of the small lots in the area. He is much more comfortable with this revised plan that does not exceed so many boundaries, and the porch will be beautiful. He pointed out that Staff has reviewed the plan and finds no flooding issues. Ms. Wood said she was not in favor of the plan last time, however she likes the reduced lot coverage and smaller addition on the revised plan.

Vote: All Ayes 7-0

II. 11-60 640 E. Northwest Hwy.

Special Use to permit an automotive repair business pursuant to Section 11.03 (d) (5) of the Palatine Zoning Ordinance.

Notice was published on December 26, 2012, and mailed to nearby property owners.

Petitioner's exhibits:

- 1 Petition for special use
- 2 Real estate disclosure
- 3 Proof of ownership
- 4 Plat of survey
- 5 Site plan
- 6 Floor plan
- 7 Petitioner's resume
- 8 Photos

Objector's exhibits:

1. Claussing family letter, 1/8

Ms. Johnson gave the background to this request. The Subject Property is a vacant commercial building at the northwest corner of Northwest Highway and Elmwood Avenue. The Petitioner is proposing to operate an automobile repair shop and is therefore seeking a Special Use.

SITE ANALYSIS:

- The Subject Property is zoned B-2, General Business. It was formerly home to Auto Sound, a car stereo business. Auto Sound closed in 2006.
- In 2006, the property owners received multiple Variations to construct an addition to the building, with the intent of converting it into a law office. The addition was never constructed and the building remained vacant.
- The proposed auto repair shop would include automobile mechanical repairs, service and installation of automotive mechanical parts.
- The proposed hours of operation are 8am to 7pm during the week, and 9am to 2pm on Saturday, closed on Sunday.
- The Petitioner is proposing to sell windshield wipers, air fresheners and floor mats.
- In addition to the business owner, there will be 2-3 mechanics and an office manager, for a total of 4-5 employees.
- The floor plan shows two overhead doors/bays facing Northwest Highway, four lifts, a waiting area, bathroom, office, and closet.
- The building is approximately 3,200 square feet. Approximately 1,289 square feet is office space, which requires 4 parking spaces. The remaining 1,911 square feet is warehouse, which requires 2 parking spaces for a total parking demand of 6 spaces. Seven parking spaces are provided on site. With up to 5 employees, 2 parking spaces would be available for customers.
- If this use is approved, a photo metrics plan showing parking lot lighting conforming to Code would be required.
- The site plan shows a new 6' tall wooden fence on the northern property line between the building and the northeast corner of the property. Fencing would be required as a buffer between the use and residential property to the north.

DEPARTMENTAL REVIEWS:

Community Services	No comments.
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Engineering	No comments.
Environmental Health	N/A
Fire Prevention	The Subject Property has the triple basin floor drains that are required for automotive repair shops.
Public Works	N/A
Police	N/A

Mr. Wheeler asked about the zoning; both properties at 640 and 306 are zoned B-2, perhaps there was a subdivision of this property.

Attorney Sam Amirante was sworn in, he and Ronald Justin, also present tonight, represent the owners of the property and the president of the proposed occupier of the property. This building has been here for thirty years, located 8 feet from the house. This is a B-2 area. The building has not been occupied for five years; the previous business played loud music (Auto Sound). Mr. Amirante has an office in the 800 building and there's a gas station and auto repair there, and he doesn't hear much noise. The walls of the building on the subject property are about 3 feet thick. Down the street is Goodyear, which uses some of the same equipment as the proposed business, and Goodyear adjoins a residential neighborhood with no noise complaints.

In response to the letter of objection –
 Safety, a vacant building is less safe, it invite vandals and crime. It's better to have it occupied, and the transient hotel down the street is more likely to attract crime. As to the accident in an auto repair business previously, that same accident could happen in a home garage, anywhere.
 Noise – There is the train across the street and traffic. The building buffers the traffic noise from the residence. The noise for this proposed business would be no different from the noise from Goodyear. He cited an Illinois Supreme Court case on a Special Uses. The property is located in a business district, it's near another auto repair business and near auto rental (Exotic Car Share), so it is similar with other auto uses in the area. We need more businesses in Palatine.

Mr. Coleman asked about any mitigation being done to ease the potential noise from this business; the walls are thick, they will not use noisy power tools and can add soundproofing if needed.

Mr. Wheeler asked Mr. Amirante if he was the architect of the building; no. He asked if Mr. Amirante had run an automotive business; no.

The Petitioners, Manolak Liemsithisak of NuForms, potential business owner and Robert Bless of Fox River Grove, owner, were sworn in. Mr. Bless stated this is a cinder block building with a history of automotive uses. They purchased it in 2006 and then with the economy, it was not feasible to repurpose. There have been problems with vagrants at the property, and he called the Police. They have plans to improve the building, including dryvit the outside, change the roof and add landscaping, add decorative outside lighting. There are no openings on 3 sides of the building, just the side facing Northwest Highway. The remainder of the building is cinder block, and noise won't penetrate the cinder block walls. There is one door and two garage doors which would later be replaced with steel insulated garage doors, all the doors face Northwest Highway. There are four bays total, so not a lot of noise

would be made. The cars are rarely outside, some may stay overnight, inside. They plan to invest in the property which will add value to the neighboring properties. They do not do wheels and tires, so no pneumatic tools would be used constantly (continuous pneumatic wrench noise).

Mr. Coleman asked what they will do to mitigate the noise; Mr. Bless said they can add barriers or baffles to buffer noise. Mr. Bless has been in the auto and construction business, and the noise won't penetrate the cinder block walls.

Ms. Wood asked for the timeline of the exterior plans for the building; 1 to 1.5 years for most, and landscaping as soon as possible. There would be a substantial amount done by summer. They will improve the front. She asked about the fence; they'd install a 6' fence along the pole, per Staff's recommendation, it would be a board on board fence, the tallest allowed in that district. Mr. Wheeler asked about the landscaping; Staff said that will be a condition, but the exterior improvements are not a part of the petition.

Mr. Wheeler asked the types of repairs they would offer; Mr. Liemsithisak said they'd offer all types of work except tires, including transmissions and suspension work. He's worked at dealerships since 1993. Mr. Wheeler asked if this is noisy work; yes, a little bit of noise, but not continuous. The residents would hear a little bit of noise. Ms. Wood asked if they had conducted a sound test; no, there is no equipment on the site.

Ms. Roth-Wurster asked the type of equipment used for the business; some tune-ups, brakes, maintenance, mostly hand tools, some power tools, liquids like coolant and radiator fluids.

Ms. Wood asked what happened in 2011; Mr. Bless stated that originally, there was an agreement with a business, who then conducted activities on the site before they were allowed. The activities were done when Bless was out of town. Mr. Bless had them removed from the property with the Police, it was an unlawful act.

Ms. Wood asked about the parking demand for this proposed business; Mr. Liemsithisak said they would try to use mostly appointments but would welcome drive-in business. They plan to have 3-4 employees working, including himself, so they don't anticipate needing more parking. Mr. Freidman asked if on-street parking is available on Elmwood; yes. An agreement could be reached with the business next door for parking, too.

Ms. Wood asked Staff if there had been noise complaints; only when it was vacant, there were complaints of tall grass, garbage, cars left unattended, over the last five years.

Audience members Karen and Cindy Claussing were sworn in. Their mom owns #306, directly behind the subject property. The house has been there for fifty years. The 640 building used to be Auto Sound, the house was there prior to the business building being built. In the summer, the doors may be open, so they are concerned about potential noise, what do they do. Auto Sound made a lot of noise and there were burglaries there and when the latter happened, her parents would be awakened by Police to be asked questions.

Mr. Wheeler asked them questions relating to their letter of objection. He asked about their concern of safety, regarding the explosion; there was an explosion 2 blocks away at an auto repair business, and there was theft. The objectors stated they had never experienced any theft on their own property. They also pointed out that parking on Elmwood could be a long period of time, if there was work being done on a transmission. He asked if any of the previous businesses were noisier than the others; the illegal auto

repair.

Ms. Wood asked if the sound came from open doors; yes, as well as from employees outside, and they left liquor bottles around. The objectors stated that a fence will be helpful. Ms. Johnson said the fence is proposed to be installed from the corner of the building to Elmwood, from the end of the building to the property line.

Ms. Roth-Wurster asked the objectors if the site was properly occupied, would they support the business; yes, if no noise. They asked what to do if there is noise after hours; call the Village.

Ms. Wood asked Staff about the previous fire at an auto repair business; Ms. Johnson stated the Fire Marshal reviewed the proposed plan and had no objections. The fire safety requirements would be covered at the building permit stage.

Mr. Freidman, who is an architect, said that solid concrete block gives you approximately two hours of fire protection, without windows or doors.

Mr. Wheeler asked if there were any outstanding code violations; none. Mr. Wheeler was surprised, given the poor exterior of the building.

Mr. Bless stated there is no sprinkler system. The roof is steel.

Mr. Bless responded to the Objectors' comments. They will maintain the property. It will be occupied and look nice. The noise will come out of the 2 garage doors and is intermittent. The doors will be open during the summer, facing Northwest Highway, and the noise would not be more than traffic and trains. He offered the Objectors his cell phone number and address, to come to him for any other issues.

Mr. Wheeler asked the business owner if he would be at the business; yes, he will work full time. He will not allow boisterous employees, they will all act responsibly. The hours would be 7:00 PM at the latest and Saturday 2:00 PM, with no hours on Sunday. Their garbage would be disposed of in the dumpster shown on the plans. Disposal of the fluids would be handled through a pick up service.

Mr. Friedman asked Staff about allowable noise levels. Ms. Johnson read Section 11.01 (b) from the Zoning Ordinance: Such uses shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. No unified music system, speaker or communication device shall be heard outside the boundaries of the site.

Mr. Liemsithisak stated that 90% of his work will be completed with hand tools; he will use a minimum of air tools. The small retail area will be for automotive items like car air fresheners and wiper blades, which will be located inside the waiting area.

There were no audience comments.

Ms. Johnson stated that Staff is concerned about the potential of the proposed auto repair shop to generate noise that impacts the adjacent single family neighborhood. The previous tenant completed stereo installations and was not a full service auto repair shop. Therefore, as proposed, Staff recommends denial of the Special Use for automotive repair. If the Zoning Board decides to recommend approval of the Special Use, Staff recommends the following conditions:

1. The Special Use shall substantially conform to the site plan attached hereto as Exhibit 'A,' the floor plan attached hereto as Exhibit 'B', and the business plan attached hereto as Exhibit 'C,'

except as such plans may be changed to conform to Village Codes and Ordinances.

2. In conjunction with the building permit application, a landscaping plan shall be submitted in a manner acceptable to the Director of Planning and Zoning.

Mr. Amirante thanked the neighbors for being there. They will be a good neighbor and minimize the noise. They will keep the lines of communication open.

Mr. Wheeler asked the property owner about the fence; it would be difficult to place behind the building because there are trees and concrete, then the homeowner's property.

There was nothing further. There were no audience comments. The public hearing was closed.

Deliberations:

Mr. Coleman made a motion to deny, that the public health, safety and welfare standards had not been met, that noise could be a problem; seconded by Ms. Roth-Wurster.

Mr. Wheeler stated he supported the petition; there is a business and a house on a commercial lot. There is negative impact now due to the property being in poor condition and it being vacant. This business will improve the value of the property in the commercial corridor. As to the public health, safety and welfare standard, he feels the proposed business owner will be a good tenant. He will be respectful to the noise. This business will function differently from the business before. He pointed out that 90% of the work will be done using hand tools, so not a major sound maker like Auto Sound was.

Mr. Friedman agreed with Mr. Wheeler, this is a higher range of sound from the proposed tenant, which is much better than the deep base sound from car stereo systems. Ms. Wood agreed, she also liked the landscaping plan and that the Fire Prevention department reviewed this plan. Mr. Christopher, who is an engineer, stated the sound would go forward, in this case towards Northwest highway. Ms. Roth-Wurster said it was good to have the property occupied and not vacant.

Vote to Deny: 1 Ayes (Coleman), 6 Nays

Mr. Friedman made a motion to approve the petition, with Staff's 2 conditions; seconded by Mr. Wheeler.

Vote: 6 Ayes, 1 Nay (Coleman)

II. 11-100 315 W. Northwest Hwy.

Special Use to permit an automotive repair business pursuant to Section 11.03 (d) (5) of the Palatine Zoning Ordinance.

Variation to permit seven additional attached signs instead of one attached sign pursuant to Section 8.03 (c) (2) (a) of the Palatine Zoning Ordinance.

Variation to permit 151 square feet of attached signage instead of the maximum permitted 130 square feet pursuant to Section 8.03 (c) (2) (c) of the Palatine Zoning Ordinance.

Notice was published on December 26, 2011, and mailed to nearby property owners.

Petitioner's exhibits:

1. Petition for special use and variations
2. Real estate disclosure
3. Lease
4. Plat of survey
5. Floor plan
6. Business plan
7. Sign plan
8. Elevations

Ms. Johnson gave the background to this request. The Subject Property has been home to CMI auto repair shop since 1982. Pep Boys is proposing to take over operation of the business at this location, and since there no Special Use on file, Pep Boys is requesting a Special Use for automotive repair.

SITE ANALYSIS:

- The Subject Property is zoned "B-2," General Business. It is located in the Steven's Point shopping center.
- Pep Boys is proposing to take over the automotive repair business at the Subject Property. The business plan submitted states that Pep Boys will perform minor automotive repair including tune ups, tire installation, battery replacement, brake & exhaust system repair, and engine diagnostics. No body work, no painting, and no engine transmission replacements will be done. All work will be performed in the building.
- Any cars that are stored overnight will be stored in the building.
- Limited retail will be offered in the shop, such as automotive accessories, pre-packaged food and beverages.
- Pep Boys will employ six full time workers. The maximum number of employees on one shift is four.
- Hours of operation would be Monday through Friday 8am to 6pm, and Saturday from 8am to 4pm. They may open on Sundays in the future.
- The tenant space is 5,434 square feet with 12 service bays.
- Pep Boys is proposing to remodel the existing waiting room and restrooms.
- The shopping center including the Subject Property is approximately 33,000 square feet of retail space. The parking requirement for this development is 110 spaces, and 158 spaces are provided.

SIGNAGE:

- An existing, freestanding pylon sign would be replaced with the Pep Boys logo.
- The Zoning Code allows one attached sign per business in a shopping center of this size. Pep Boys is requesting multiple attached signs and is therefore requesting a Variation for more than one attached sign.
- Pep Boys is requesting 151 square feet of attached signage, including a 100 square wall sign, an 11 square foot sign on the awning, and six 6.5 square foot sign panels about the service bays facing

Northwest Highway.

- The Zoning Code permits up to 130 square feet of attached signage for the Subject Property. Pep Boys is requesting 151 square feet of attached signage, which requires a Variation.

DEPARTMENTAL REVIEWS:

Community Services	No comments.
Engineering	No comments.
Environmental Health	N/A
Fire Prevention	No comments.
Public Works	N/A
Police	N/A

Ms. Wood asked about the signs requested; 8 attached, the one freestanding sign is allowed. The latter is the existing free-standing sign, the proposed business would just change the faces.

The Petitioners, Kelly Cahill of Crystal Lake, Attorney for Pep Boys, and Allison Mathem, Pep Boys representative from Philadelphia, Pennsylvania, and owner Joe Ragona, were sworn in. Ms Cahill stated that the Property used to be CMI in the Stevens Point shopping center. They are requesting a variation for signs, the signs will tell potential customers they are there. They will continue the same type of business that's been on the site since the 1980s and the property would not be empty. The additional signage would be displayed so the customers would know what services are provided. This particular facility will offer service and tires, minor auto repair. All work is performed inside, and there would be only inside storage, not outside storage of vehicles. There would be minor changes to the interior of the property, like making the bathrooms ADA compliant, and adding a small retail area. They felt the petition met the standards for a Special Use, that this is a public convenience and has been this type of business since the 1980s. They will meet all state guidelines, the public health, safety and welfare would be met. Pep Boys has green environmental programs, they are environmentally conscious and have a recycling program. This business will not be a detriment. As to the sign variation, they are not having signage on the multi-tenant sign for the shopping center, so need signage to be seen with all the other tenants in this center. Their plan will not impair the light or air. Ms. Mathern added that they are expanding their business in this area in 2012, that they added 2 sites in the Chicago area and plan to add 3 others.

Mr. Wheeler asked if the proposed signage is typical for Pep Boys; yes, this is their national branding for stores, including the bay ID signs. The awning is existing and would be re-skinned, the awning will direct customers to the front entrance. He asked about the other 2 awnings; those are not Pep Boys' awnings, they belong to a jewelry store that is currently vacant.

Mr. Freidman asked about the bay ID signage; it offers a "menu" of what services are offered, not designated which work would be done at a particular bay. Ms. Roth-Wurster asked if there could be a smaller version of the attached sign; Ms. Mathem responded that they would prefer to eliminate the ID signage than decrease the building sign. The Pep Boys logo is more visible to customers, so it would be more valuable.

Ms. Roth-Wurster asked for an overview of their operations; there will be 6 full time employees, 4 on shift on Saturday and 3 during the week. They will offer minor auto repairs, oil change, no body work, no paint work, no transmission work, no engine replacement. Their hours of operation are Monday through Friday, 8am to 6pm and Saturday 9am to 4pm; they are currently not open on Sunday, but want it as an option. There will be a very small retail area, selling wiper blades, candy, soda, for the customers who are waiting. Each job should be completed in 2 hours or less. There will be a night box to drop cars, overnight vehicles would remain inside, and no repairs in the lot will be allowed. They have an oil separator and waste fluids are placed in a double wall container and then recycled.

Ms. Roth-Wurster asked about safety; there is a Master Mechanic at each store plus other staff with various skills. They have a national safety guideline program. Ms. Wood asked the colors of the proposed signage; red and blue, the awning is blue now. She showed the existing and the proposed signage in photos. Mr. Freidman asked if there would be any sales of motorized vehicles; none. This is a new business model, one which strictly focuses on service. Mr. Kaider asked them to address the standard of reasonable return; Ms. Cahill responded that the signage is for identification and their national branding which customers will easily recognize. The national branding includes the main sign as well as the bay signs. The pylon sign will be illuminated. The bay signs will not be lit, solid panels with black letters.

There were no audience comments.

Ms. Johnson stated that Pep Boys is proposing to operate an automotive repair business that is similar to the business that has operated at this location for several years without generating complaints. The Subject Property is appropriate for this use as it does not abut any residential properties (nearest residential property is approximately 400 feet away, across Northwest Highway) and has sufficient parking. It is somewhat unusual for an automotive repair garage to be attached to a shopping center. If the Subject Property was a freestanding building, multiple attached signs would be permitted. Therefore, Staff recommends approval of the Special Use and Variations, subject to the following condition:

1. The Special Use shall substantially conform to the site plan attached hereto as Exhibit 'A,' the floor plan attached hereto as Exhibit 'B', and the business plan attached hereto as Exhibit 'C,' except as such plans may be changed to conform to Village Codes and Ordinances.

There was nothing further. There were no audience comments. The public hearing was closed.

Deliberations:

Ms. Roth-Wurster made a motion to approve the petition, subject to Staff's recommendation; seconded by Mr. Coleman. He stated this will not alter the character of the area, as there were auto repair businesses here before. Ms. Roth-Wurster said the site nearly stands alone from the shopping center, so separate signs are appropriate. It is helpful to have services listed for customers to see. There is a nice look to this proposal and no negative impact. Mr. Coleman felt it's a nice fit for the area. Ms. Wood stated these are small, unlit signs. Mr. Kaider asked about signs in the windows, if that is calculated into the formula; no. He felt this is a unique situation because the type of business is not usually attached to a shopping center. Mr. Christopher said the bay signs help the customer and keep them competitive, they are typical for this type of business. Mr. Wheeler thanked the petitioners for a clear presentation.
Vote: All Ayes (7-0)

V. FINDINGS OF FACT

The Findings of Fact for tonight's agenda items were approved.

VI. COMMUNICATIONS

Approved:

Front porch at 212 E. Colfax

711 S. Brockway

Addition at 131 N. Elmwood

Charley's Grilled Subs on Northwest Highway

Ice cream store at 1635 N. Baldwin

Denied:

Starbuck's with drive thru on Northwest Highway

Upcoming: 2 items; Ms. Roth-Wurster will likely not attend this meeting

Meeting adjourned at 9:35 PM.