

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE VILLAGE OF BUFFALO GROVE HELD IN THE COUNCIL CHAMBERS, 50 RAUPP BOULEVARD, BUFFALO GROVE, ILLINOIS ON WEDNESDAY, NOVEMBER 1, 2023

Call to Order

The meeting was called to order at 7:30 PM by Chair Mitchell Weinstein

Public Hearings/Items For Consideration

1. Consideration of a Fence Variation Pertaining to Golf Course Lots, for the Purpose of Maintaining a Fence that Has Been Installed Along the Rear Property Line Abutting the Arboretum Golf Course at 2731 Acacia Terrace (Trustee Weidenfeld) (Staff Contact: Andrew Binder)

Andrew Binder, Associate Planner, reviewed the requested fence variation being sought by the petitioners and indicated that staff is recommending denial of the request due to the following reasons:

- *The subject property has no practical difficulties or undue hardships due to the physical shape of the property or location when compared to the adjacent properties that abut the Golf Course;*
- *Allowing the fence to remain on the subject property would impact the open character of the neighborhood, and does not coincide with the intention of the Village Code as it relates to properties abutting golf courses;*
- *There is no precedent for a variation from the Fence Code to allow this kind of variation; granting such a variation may lead to additional variations of the same nature, which will further impact the intended character of the area.*

Petitioner, William Dolak, was sworn in. Dolak indicated that his home is situated along the 11th hole on the golf course and that he and his wife did not purchase the home because it was on a golf course - rather, they really liked the home.

Dolak showed some photos of the various holes on the golf course including the 11th hole where his home is located, and indicated that they face constant and flagrant trespassing on the property by golfers that routinely help themselves to their property, searching for balls, playing the ball from wherever it lies, and approaching/scaring their daughter in the backyard.

Dolak indicated that his lot is unique due to the sheer magnitude, which he estimates to be 8 to 10 times the number of balls and number of trespassers, compared to other homes near other holes on the course. He showed diagrams of all of the holes on the golf course.

Dolak stated that his house encroaches into the playing zone and is uniquely situated among all of the 36 holes on the golf course.

Dolak stated that his home is situated behind a berm and is not visible from the golf course. He indicated that he selected the least visible fence possible and that he and his family want to peacefully coexist with the golf course.

He then showed a slide with a white barrier and no trespassing signs, which he indicated was installed by the golf course on another lot surrounding the course.

Melony Dolak, petitioner, was sworn in and thanked the commissioners. Mrs. Dolak stated that she wanted to address the concern that the Commission might be setting a precedent by approving the variation. She indicated that they do have a unique plight, and does not believe any other homeowner would come to the Commission with a similar request.

Mrs. Dolak stated that they made some changes to the property with landscaping to try to make it a deterrent. The fence was not something they wanted to install but felt that they had to.

Mrs. Dolak also indicated that her neighbor was in the audience to speak on behalf of the requested variation.

The property owner from 2721 Acacia Terrace was sworn in. He indicated that he is the Dolak's neighbor and spoke on behalf of the petitioners. He indicated that he does not get as many balls or trespassers as his neighbors and that he doesn't see any problem with the fence they have installed. He also stated that their request is for a genuine reason.

Com. Richards asked staff if there were any comments from the golf course and where the complaint came from.

Binder indicated that the staff from the golf course did not have any comments or concerns about the fence and that a complaint was received and fielded by the Village Property Maintenance Inspector.

Com. Richards asked how long the fence has been up.

Dolak indicated it has been up for two years - since July of 2021, and that the fence has essentially alleviated the trespassing problem.

Com. Worlikar asked for confirmation that the fence has been effective and that this is a unique circumstance due to the design of the golf course and the location of the trees.

Dolak concurred that it is the combination of the two things.

Com. Saxena asked what the difference is between the white golf course fence and the one the petitioners have installed.

Binder responded that neither are permitted.

Com. Saxena stated that this is clearly a problem, and asked if the golf course could make adjustments to the course to eliminate the issue.

Binder indicated that adjustments to the golf course have not been discussed at this time.

Com. Moodhe asked about the material of the fence.

Dolak responded that the fence is a linked plastic chain fence and is just in the ground deep enough to be stable.

Com. Moodhe asked for an estimate of the number of trespassers on the property since the fence has been up.

Dolak indicated that the number of trespassers has been reduced by about 98% - and stated they have had virtually none.

Com. Moodhe asked about the tee box location to which Binder provided a response.

Com. Moodhe asked the neighbor to come back to the podium and asked about the height of the trees on his property. He also asked the neighbor if he had a fence in his rear yard due to having a pool.

The neighbor indicated that his trees are not as tall and confirmed that he does have a fence due to having a pool on his property.

Com. Spunt asked for clarification about the trees.

Dolak responded that the golf balls get stuck in the tree canopy, bounce off the trees and into the yard.

Com. Spunt asked staff if the golf course could possibly trim back the trees.

Dolak indicated that the location of the trees in the field of play is more the issue.

Com. Spunt asked the petitioner if the landscaping he installed had deterred trespassers.

Dolak indicated that landscaping alone was not effective.

Com. Spunt asked staff if they could add tall bushes to the property instead of the fence.

Binder responded that yes, bushes would be permitted.

Dolak indicated bushes would be a far less attractive option than the current fence.

Chairman Weinstein asked staff if the Code provides a definition for a fence.

Village Attorney Brankin indicated that the Village Code does not define fence but provided the Oxford Dictionary definition of fence.

Chairman Weinstein asked the petitioner if the golf course has installed white stakes to delineate the area that is out of bounds.

Dolak indicated that they do install the stakes each year and that there are also a few "no trespass" signs installed by the golf course.

Chairman Weinstein confirmed the substantial decrease in trespassers. He also asked the petitioner if prior to this year, had he discussed any potential options with the golf course.

Dolak indicated they had not.

Com. Richards asked staff whether it would still be a fence without the chains in between.

Brankin indicated that if the stakes create a barrier, it would still be considered a fence.

The Public Hearing was closed at 8:10pm.

Chairman Weinstein entered the staff report into the record as Exhibit 1 and the petitioners' presentation as Exhibit 2.

Com. Richards made a motion to recommend approval of a variation to Section 15.20 of the Buffalo Grove Fence Code for the purpose of maintaining a fence that has been installed along the rear property line abutting the Arboretum Golf Course at 2731 Acacia Terrace.

Com. Moodhe seconded the motion.

Com. Moodhe spoke in favor of the motion and indicated that he walked the property, and it took him a minute to realize the fence was even there. He stated that the fence blended well with the landscaping.

Com. Moodhe stated the way this fence sits, keeps the area quite open, while still creating a deterrent, keeping people out of the yard. He indicated that he understands staff's concerns about setting a precedent. Moodhe stated this case should be the standard, as the fence does not encroach on the view of the golf course.

Com. Richards indicated that he had mixed feelings on this one; he stated he finds the behavior of the golfers appalling and feels for what the property owner is up against.

Com. Richards stated that the Village and golf course need to have a discussion about golfer behavior. He also indicated that he thinks the white fence looks worse and that he understands the property owners' plight.

Com. Worlikar stated that he is a stickler about setting precedent but that there are always exceptions to every rule. He indicated that this is really more of a barrier than a fence. He stated he thinks there is a unique circumstance here that has been demonstrated.

RESULT:	RECOMMENDATION TO APPROVE [UNANIMOUS]
AYES:	Moodhe, Spunt, Weinstein, Richards, Worlikar, Saxena
ABSENT:	Amy Au, Jason Davis

2. Consideration of an Amendment to the Planned Unit Development and Preliminary Plan Approved by Ordinance No. 2021-067 and Sign Variations to Allow the Construction of a Belle Tire and Operation of a Minor Automobile Repair with General Retail Sales Use on the Property Located at 704 E Lake Cook Road (Trustee Weidenfeld) (Staff Contact: Andrew Binder)

Associate Planner, Andrew Binder provided an overview of the project and requests.

Com. Richards asked about the north access drive and truck turning movements.

Assistant Village Engineer, Ted Sianis responded that deliveries would take place from the private drive north of the site, and that the property to the north would allow trucks to complete their turning movements to exit the site. Sianis also indicated that the private drive does not connect to the property east of the Belle Tire site.

Representatives for Belle Tire, Brandon Ferro (project architect) and Dave Brink (sign contractor) were sworn in.

Ferro provided a brief background about Belle Tire and offered to answer any questions by the Commissioners.

Com. Spunt asked about the hours of operation.

Ferro provided the general hours and indicated that the store would be open later on Mondays and Thursdays.

Com. Richards asked if there were any variances being requested for the use.

Binder responded that a variation is not necessary as the use can be considered as part of the amendment to the PUD.

Com. Moodhe asked if "Minor Auto Repair" is something defined in our code and if there are other comparable business in Buffalo Grove that have been defined this way.

Binder indicated that Minor Auto Repair is defined in the Code but was not sure if any other establishments have been granted that specific use.

Sianis indicated that Firestone would fit into the same category as an example.

Ferro provided some additional information about services offered by Belle Tire.

Com. Moodhe asked about the procedure for oil storage and removal.

Ferro indicated that an oil separator is installed in each facility that is cleaned out as required by Code.

Com. Moodhe confirmed the used tires are stored inside and asked how often they are removed.

Ferro responded that trucks come weekly to remove the tires and transport them to a Belle Tire facility in Michigan.

Com. Moodhe asked if the monument sign would be internally lit.

Brink responded, yes, it will be internally lit with LEDs.

Com. Moodhe asked about the lumen output.

Brink indicated that the lumen output would be standard for the industry, to provide adequate light.

Com. Moodhe asked about access to the site.

Binder responded there are two access points, one north of the building and one through the Ricky Rocket's site.

Com. Moodhe asked about truck deliveries.

Binder indicated deliveries will take place 2-3 times per week from the north access.

Com. Moodhe asked if there were any concerns from neighbors.

Binder indicated there were none received.

Chairman Weinstein spoke about the variations being requested. He indicated that most of them were reasonable and asked why a 600 square foot flag is needed.

Ferro indicated that 75% of stores have this flag, and that it is a standard for Belle Tire.

Chairman Weinstein asked if the other stores have smaller flags.

Ferro stated, yes.

Chairman Weinstein asked what the smallest sized flag is.

Ferro indicated he does not have the exact size.

Chairman Weinstein asked if the pole height of 60 feet was also a standard?

Ferro indicated that the poles are typically scaled to the size of the flag.

Chairman Weinstein indicated that he has concerns about setting a precedent for such a large variation request and asked if a smaller version of the flag could be proposed.

Ferro responded that Belle Tire has done smaller sizes when needed.

Com. Spunt asked if the flag would be up year-round.

Ferro responded, yes.

Com. Spunt asked about the logo "tire man".

Brink indicated that Belle Tire acquired tire man, which is why that is now part of the logo.

Com. Moodhe asked about the size of the flag at the Palatine location.

Ferro indicated he thinks it was the full-size flag, but he would have to look it up to confirm.

Chairman Weinstein asked staff if the flag variation could be removed from the package.

Village Attorney, Brankin replied yes, but that it may be handled better with a not to exceed number. He indicated if the commission is not in favor of granting any relief for the flag the commission would need to make two separate motions.

Com. Worlikar discussed the other sign variations.

Binder indicated the requests are due to the corporate standards of Belle Tire.

Brink indicated that this sign package is smaller than Bell Tire usually puts up and that the west wall signage is important to see from roads leading to site access.

Chairman Weinstein asked about the location of the flagpole and if it will hang over Lake Cook Road.

Binder pointed out the flag radius shown on one of the plans, confirming that it would not overhang onto Lake Cook Road.

Ferro indicated that the flag has a 30-foot radius.

Chairman Weinstein indicated that he does not want to set up a situation where they would have to come back for the flag size. The Commissioners discussed the flag size and agreed that they would be ok with a not to exceed amount of 400 square feet and a pole height not to exceed 50 feet.

Chairman Weinstein entered the staff report into the record as Exhibit 1.

The Public Hearing closed at 8:49 PM.

Comm Richards made a motion to recommend approval of the amendment to the Planned Unit Development and Preliminary Plan approved by Ordinance No. 2021-067 and Sign Variations to allow the construction of a Belle Tire and operation of a Minor Automobile Repair with General Retail Sales on the property located at 704 E Lake Cook Road, subject to the following conditions:

- 1. The proposed project shall be developed in substantial conformance with the plans attached as part of the petition, with the exception of the proposed flag and flagpole which shall not exceed 400 square feet in area and 50 feet in height respectively.*
- 2. The Final Engineering plans shall be submitted in a manner acceptable to the Village.*

3. *Any directional or incidental signage added to the sign package shall be reviewed administratively by staff.*
4. *The Final landscape plans shall be submitted in a manner acceptable to the Village Forester.*
5. *The landscaping on the site shall be maintained in compliance with the approved landscape plan in perpetuity.*

Com. Worlikar seconded the motion.

Chairman Weinstein spoke in favor of the motion indicating that overall, this is a great project that fits in with the other uses, the variations are reasonable, noting his concerns about the flag size.

Com. Moodhe spoke in favor of the motion and indicated that this use will keep the flow of what is already going on Lake Cook Road. He stated that the proposed solution is a reasonable compromise for the flag.

RESULT:	RECOMMENDATION TO APPROVE [UNANIMOUS]
AYES:	Moodhe, Spunt, Weinstein, Richards, Worlikar, Saxena
ABSENT:	Amy Au, Jason Davis

Regular Meeting

Other Matters for Discussion

Approval of Minutes - None to Approve

Chairman's Report

Committee and Liaison Reports

Committee Liaison provided an update on the last Village Board Meeting.

Staff Report/Future Agenda Schedule

Staff indicated that there will be a meeting on November 15th to discuss special use amendments for Torah Academy, the Golf Dome at Rylko Park and Parkchester Park.

Public Comments and Questions

Adjournment

The meeting was adjourned at 8:54 PM

Action Items

Kelly Purvis

11/1/2023

APPROVED BY ME THIS 1st DAY OF November, 2023

Mitchell Weinstein, Commissioner