

**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, MAY 15, 2024**

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 Petition for a Special Use to Allow a Home Daycare at 4 Brucewood Ct (Trustee Weidenfeld) (Staff Contact: Kelly Purvis)

Deputy Director Purvis, provided a background on the subject property and the request.

The petitioners and homeowners, Michael Afolabi and Titilope Afolabi, were sworn in.

Mr. Afolabi stated they are looking to provide a daycare for 8 to 10 children and has been residing on the property for 4 years. His wife has a strong affection for children and they also have a child of their own. Due to the unavailability of daycare facilities in Buffalo Grove, they decided to establish their own daycare to address the need for childcare in the area. They are open to suggestions on minimizing noise disturbances and plan to have the children play outside for only an hour, between 10 and 11 in the morning. Mrs. Afolabi further indicated that they intend to walk the kids to the park regularly for additional outside playtime.

Com. Moodhe asked Staff if there was any major issues with the inspections that were completed.

Purvis stated that there were standard items that were concerns during the first inspection such as the fence gate, smoke detectors and water temperature for hand washing. She stated that the second inspection all the items were addressed.

Com. Moodhe asked if most other home daycares are in residential neighborhoods.

Purvis confirmed.

Com. Moodhe asked if commercial daycares are located in commercially zoned districts.

Staff provided zoning districts and locations for other commercial daycares located in the Village's Business Districts.

Com. Moodhe indicated that there is a detailed plan for emergencies and asked about driveway capacity.

Mr. Afolabi stated they have room for 8 cars within the driveway.

Com. Moodhe asked if they anticipate if all cars will come at once for drop-off or pick-up.

Mr. Afolabi said no.

Com. Davis asked if there was to be an influx of traffic and or number of cars coming to drop-off or pick-up their child, how do you plan to enforce the traffic restrictions?

Mr. Afolabi stated that they currently have space in the garage for two cars, but there is room for eight cars overall. He stated that they will communicate with the parents to

park their cars in the driveway, leaving enough space to maneuver and ensuring that there will be room for as many cars as needed.

Com. Saxena asked staff what the main substance of the objections to the requested daycare were.

Purvis stated that the concerns were the noise of the children playing in the backyard, traffic issues, and the general use of a home daycare within the residential neighborhood.

Com. Saxena asked about how long the kids will be outside to play each day.

Mr. Afolabi stated that they will be outside for an hour each day, weather permitting, so the kids can enjoy the outdoors and limit the noise from the play in the backyard.

Com. Saxena asked how they plan to handle the noise from the neighbors.

Mr. Afolabi stated they are kids and will try their best they can to limit noise and are open to hear feedback from the neighbors regarding noise issues.

Com. Saxena asked, how will they plan to manage the safety of the kids while outside.

Mr. Afolabi stated that the yard has been inspected and has plenty of grass in the backyard with a fence. The kids will also be supervised.

Com. Saxena asked about putting signage up regarding the daycare.

Mr. Afolabi stated that the kids will be playing in the backyard so there is no need for signage. He stated that they have a safe space in the backyard.

Com. Saxena asked if they are planning to take in special needs kids.

Mr. Afolabi stated that they are new and have not been trained yet, but they could be open to it in the future.

Com. Au asked if they have clients already in mind or committed to the daycare.

Mr. Afolabi stated yes and no. They got asked about it by neighbors once they went through the state approval but have not heard from anyone as they have are working through the Village approval process for the daycare.

Com. Au asked staff if there have been any noise or violations with the existing or previous home daycares within the Village.

Purvis stated that there have not been any issues with noise or violations with existing or previous home daycares within the past 10 years.

Com. Worlikar asked the Petitioner if they will be adding 6 children to the daycare, since they already have 2 kids of their own to meet the maximum number of children within the Code of 8.

Mr. Afolabi said yes. He continued that the state requirements are more children than what the Village's requires so they will have a total of 8 children within the home.

Purvis provided the definition and requirements of a number of students within a home daycare per the Village requirements.

Com. Worlikar asked about the standards of when they are able to have the children outside.

Mr. Afolabi stated that they have not come across that yet, but will not be letting the kids outside when it is too cold for them.

Com. Worlikar asked if they have two possible children for enrollment.

Mr. Afolabi stated it depends on when the daycare is approved by the Village.

Com. Spunt asked if the hour outside was going to be in the afternoon, if they had playground equipment, and if the primary spot within the house for the daycare will be in the basement of the home.

Mr. Afolabi confirmed.

Chairperson Weinstein asked about the process regarding the State Department of Children and Family Services (DCFS) license for a daycare and how long the process was.

Mr. Afolabi stated it was a long process that started about three years ago. The State required background checks on him and his wife and also asked a lot of questions regarding the reason for the daycare and why they wanted to open a home daycare.

Chairperson Weinstein asked if there were one or more inspections done on the house by the DCFS.

Mr. Afolabi stated there was more than one inspection done by the DCFS.

Chairperson Weinstein asked if there was more than one inspection done by the Village.

Mr. Afolabi confirmed.

Chairperson Weinstein asked about hours of operation and asked if they plan to operate from 6:30 AM to 6:00 PM.

Mr. Afolabi confirmed.

Chairperson Weinstein asked the Petitioner if they fully understood the daycare criteria and would meet all the requirements listed in the Village Code and understood that they would have to renew every two years for a daycare.

Mr. Afolabi confirmed they understand the requirements and the renewal of the license.

Chairperson Weinstein asked Staff if there were complaints regarding the daycare while the license was pending, what would typically happen.

Purvis stated it would be treated like any other property maintenance or nuisance complaint that the Village received. The Village would out our property maintenance inspector and they would receive a notice of violation. They would be given a specific amount of time to correct that violation and then go through the adjudication process if things were not corrected. She continued that during the two-year period, the Village could also rescind the license if there were ongoing issues.

Chairperson Weinstein asked how long the Petitioner has lived in the house.

Mr. Afolabi said for four years.

Chairperson Weinstein asked, prior to submitting the petition for the daycare, if they approached or asked any of their neighbors about their plans.

Mr. Afolabi said they talked to two neighbors near their home about their plan and they had no issues with it.

Rachel Erlichman, 14 Crestview Terrace, and Marc Erlichman, 14 Crestview Terrace, were sworn in.

Mrs. Erlichman stated that she lived in her home for 32 years. She continued that out of all her neighbors, she is the youngest one at 61 years old. She mentioned that most of her neighbors are around the age of 80-90 years old. She continued that she had been in contact with Kelly Purvis regarding the Special Use process and told her that she would recommend people to come to the meeting. However, she stated that most of her neighbors are old and didn't want to come out. So she has a signed petition from the ten neighbors whose yards touch the rear yard of the subject property and stated that nobody wants a daycare. She stated that many neighbors have been in their homes since they were built and raised their children together, and they do not want this business in their area or any other business in the area. She stated that she noticed the last meeting was supposed to be on April 17 and noticed the next day, there was a trampoline in the backyard of the property. She stated that all surrounding properties don't want this business. She stated this is nothing personal as she has raised three children of her own but noted that having the kids inside for 12 hours and only outside for 1 hour is ridiculous. She stated that this daycare is not a feasible option, particularly in this area due to the age of the residents in the area that range from 60 to almost 90 years old. She continued with another issue with the cul-de-sac is that the snow plow does not go through there, and the whole cul-de-sac will not be shoveled. She continued there is a whole school of issues that come up with this daycare with the driveways and the traffic created and safety issue of other properties.

Mr. Erlichman stated that this area is the original Buffalo Grove in 1957, and the houses were built residential, which is the intent of why they moved here. He stated that their main concern is the outside noise as the subject property is located in a cul-de-sac and impacts more houses than a normal residential home because of the central location. He stated that another issue is that the neighborhood is transitioning and has a couple houses in the area that he has some concerns about from a safety standpoint. He stated that 222 St Mary's is transient section 8 housing with eight plus men living in the home, which is a concern. He continued that 38 Crestview and 8 Crestview are also transient homes. He stated that he would like the neighborhood to continue to be a residential, quiet neighborhood. He said that he believes the kids should be outside for longer than an hour when it is a beautiful day outside.

Mrs. Erlichman stated that she has recently filed complaints with the village regarding property maintenance, but the village has not responded.

Chairperson Weinstein entered the photos and the neighbors' petition into the exhibit. The Commissioners reviewed the documents that were submitted.

Mr. Afolabi thanked everyone for their time. He continued that the trampoline in the backyard does move and is not static and has had friends come and use the trampoline. He continued that they are limiting the time outside to 1 hour due to the noise concerns from the neighbors. He stated that their neighbor is 80 years old and respects their ideas to have peace and accommodate their concerns.

Com. Spunt asked Staff if the Village does clear the cul-de-sac.

Binder stated that the road is a local road, and the Village is obligated to clear it of snow when a snow event occurs.

Mr. Afolabi stated they never had problems with the cul-de-sac not being cleared of snow.

Com. Moodhe asked Staff that the DCFS has a restriction of 12 students for daycare and the Village has a restriction of 8. He stated that he grew up in Buffalo Grove, and his friend's house had 12 children in the home. He asked if the Village can control the number of children in a home.

Brankin stated that limiting people to having 12 kids is self-evident.

Com Davis moved for a positive motion recommendation, seconded by Com. Moodhe.

Com. Au was in favor of the motion as she stated it was a good idea. She stated that bringing children to the neighborhood is a great way to make sure people know that this is a friendly community with a playground nearby. She stated this is a great opportunity since there have been no previous issues or concerns from other similar home daycares in the past within residential districts in Buffalo Grove. In addition, since they passed all inspections and requirements of DCSF and the Village, she has no concerns.

Com. Davis is in favor of the motion. He stated this is a very easy thing to do off the books, but he appreciates the petitioner coming through the process.

Com. Saxena stated that he is in favor of the motion as the Petitioner has gotten all the correct approvals by the State and would be nice for the neighborhood to have kids around.

Com. Moodhe spoke in favor of the motion. He stated that his kids were in a home daycare for a number of years and understands how helpful they are. He stated that since they are going through the correct process, we know who they are and what they will do to comply with the regulations. He stated that having 8 children in a residential neighborhood is not a big deal and children playing in the yard is a good thing to have.

Chairperson Weinstein spoke in favor of the motion. He stated that he always will have concerns when neighbors of the surrounding property in question are concerned, but for him, it boils down to what the criteria and the rules and ordinances are and whether the petitioner has addressed them. He stated that, given both written and oral testimony, the evidence suggests that the criteria are met.

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

2. Consider a Zoning Variation for the Purpose of Constructing a Three-Seasons Room that Would Encroach into the Required 40-Foot Rear Yard Setback at 2280 Apple Hill Ct S. (Trustee Weidenfeld) (Staff Contact: Andrew Binder)

Associate Planner Binder, provided a background on the subject property and the request.

Zach Zielinski, the Petitioner, and Jia Cheng, property owner, were sworn in. Mr. Zielinski provided an overview of the request.

Com. Worlikar asked Staff if the request is similar other neighborhoods in the Village due to the rear yard setback that the PZC often reviews.

Binder stated that there is a precedent with these variation requests as most of them that we see are under 33% encroachment into the rear yard and most of them are

related to a 30-foot setback variation. This request is within the 40-foot rear yard setback variation and is under the 33% requirements that allows the PZC to approve.

Com. Worlikar clarified that if this structure was a separate, accessory structure, it would be allowed outright without a variation.

Binder confirmed.

Com. Au asked if there has been any concerns from the neighbors regarding this proposal.

Binder stated that Staff has not received any calls or inquires regarding this request.

Com. Au asked if the Petitioner has talked to their neighbors about the proposed addition.

Cheng stated yes, and she said she had one of her neighbors come to the meeting.

Com. Saxena asked that since the sunroom can't be flipped or rotated because of the chimney, even if the sunroom is adjusted, it still would need a variation.

Binder confirmed.

Dr. Todd Spohnholtz, of 2270 Apple Hill Ct, stated that he is present to support the request. He stated that his next door neighbor did the neighborly thing and gave him a heads up on what they are looking to do. As a homeowner for 15 years, he stated that he enjoys the view of his neighborhood and the proposed request is minimal and he has no issue with the requested addition.

Com. Davis moved to grant the variation. Com. Worlikar seconded the motion.

Chairperson Weinstein talked about the criteria and stated that the request is a minimal intrusion into the rear yard setback, is not affecting anybody, and does not affect the neighborhood in any negative way.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Moodhe, Spunt, Weinstein, Au, Worlikar, Davis, Saxena
ABSENT:	Kevin Richards

3. Consider a Special Use for a Health Club in the Industrial District at 1637-1639 Barclay Blvd (Trustee Weidenfeld) (Staff Contact: Andrew Binder)

Associate Planner Binder, provided a background on the subject property and the request.

Chairperson Weinstein stated that he does know the Petitioner, as his daughter shadowed Sarah for a summer in her physical therapist business to gain some experience in physical therapy hours. He stated there is no conflict.

Brankin confirmed that there is no conflict.

Associate Planner Binder, provided a background on the subject property and the request.

Chairperson Weinstein stated that he does know the Petitioner, as his daughter shadowed Sarah for a summer in her physical therapist business to gain some experience in physical therapy hours. He stated there is no conflict.

Brankin confirmed that there is no conflict.

Sara Miranda, the Petitioner, provided an overview of her business operations.

Com. Moodhe asked if the new business would be in addition to her business in Arlington Heights.

Ms. Miranda stated no, that they are moving their business to Buffalo Grove and she is leaving her Arlington Heights location which is also located in an industrial area.

Com. Moodhe asked if they have had any problems with her existing business in an industrial area.

Ms. Miranda said not at all and indicated that her business is not one that requires a storefront. She stated that she used to be in a storefront in Buffalo Grove and likes the industrial area as her business is more of a destination. She talked further about the low impact of her business having one-on-one physical therapy.

Com. Moodhe asked if Staff has seen any issues with these types of businesses in the industrial area.

Binder stated he has not been aware of any issues with these businesses in the industrial area as he stated they kind of blend in and don't have any impact on the surrounding businesses.

Com. Spunt asked if business will have more space in Buffalo Grove compared to their current location.

Ms. Miranda stated no, they are downsizing and are moving due to new owners of her existing space.

Com. Davis made the motion to recommend approval. Com. Moodhe seconded the motion.

Com. Moodhe spoke in favor of the motion as recreational uses fit into the industrial area.

Chairperson Weinstein agreed and spoke in favor of the motion due to the low traffic impact and low number of clients and employees.

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

Regular Meeting

Other Matters for Discussion

Approval of Minutes

1. Planning and Zoning Commission - Regular Meeting - May 1, 2024 7:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Moodhe, Spunt, Weinstein, Au, Worlikar, Davis, Saxena
ABSENT:	Kevin Richards

Chairman's Report

None

Committee and Liaison Reports

05/15/2024

None

Staff Report/Future Agenda Schedule

Staff provided an update regarding the upcoming PZC schedule.

Public Comments and Questions

None

Adjournment

The meeting was adjourned at 9:06 PM

Kelly Purvis

APPROVED BY ME THIS 15th DAY OF May, 2024

Mitchell Weinstein, Commissioner