

Planning & Zoning Commission Meeting Minutes
June 13, 2012

1. Called to Order

Chairman Bonfanti called the meeting to order at 7:00 p.m.

2. Roll Call

Present: Bonfanti, Henley, Kluczny, Mytych, Schmitt,
Vachout, Veenstra

Absent: Fotopoulos, Kamide

Also Present: Bob Nissen, Arlene Kollar and Trustee Layne,
Village of Addison

PUBLIC HEARING

1. File #PZ-12-06, consideration of a request to rezone the subject property located at 35 S. Addison Road from B-P Business-Professional Office District to B2 Community Business District.

P.I.N.: 03-28-400-008

Petitioner: Charo Rivera-Fiorenzo, Owner

Mr. Tom Breen, attorney for the petitioner and the petitioner were present. Mr. Breen stated that they are requesting to rezone the property from BP Business Professional Office District to B2 Community Business District, to allow the use of the property for a clothing boutique. Mr. Breen stated the property is located at 35 S. Addison Road and is located on the east side of Addison Road. The property was rezoned BP in the 1970s. The owner is currently operating a real estate office at this site, but due to the stagnant real estate market, the petitioner would like to change the use.

Chairman Bonfanti asked if the Plan Commission had any questions. Chairman Bonfanti stated the "boutique" that you are talking about, is it women and children's clothing? Ms. Rivera-Fiorenzo stated yes only women's clothing and accessories. Chairman Bonfanti stated that he has a problem with the easement. Mr. Breen stated he became aware of the easement and indicated to Staff that he would attempt to negotiate with whoever the neighbor is. The driveway has been used as a common driveway for many years, and that property was originally owned by Mr. Richard Lucas. Chairman Bonfanti

pointed out because it is Addison Road, the people who live there have no other place to park but on that driveway, and who is responsible for snow plowing and repair of the driveway? Mr. Schmitt stated traffic that is generated from a new use from what was there, is there a big difference. Ms. Arlene Kollar of the Community Development Department stated that the traffic is about the same and no official traffic study was conducted. Chairman Bonfanti asked if the parking is ok for retail. Ms. Kollar stated yes, they actually have one more parking space then is required by Ordinance. They are required to have 8 parking spaces but will have 9 spaces. Mr. Schmitt asked about the hours of operation. Ms. Rivera-Fiorenza stated 10 am to 6 pm. Mr. Vachout asked if there will be evening hours. Ms. Rivera-Fiorenza stated no. Mr. Vachout asked if she will be open on Saturdays. Ms. Rivera-Fiorenza stated 10 am to 3 pm and no Sundays. Chairman Bonfanti asked if the Fire Department had any issues. Ms. Kollar stated that we received a letter from them and they have no issues. Chairman Bonfanti asked if the Plan Commission had any questions. There were none. Chairman Bonfanti asked for positive and negative testimony. There was none. Chairman Bonfanti asked for closing remarks. There were none. Ms. Kollar stated that there is one correction that needs to be made to the Staff Report. On Page 2, the second to the last paragraph, 133 S. Addison Road states that the property is vacant, however, Preferred Sales is operating from the site and they are not encouraging off-street walk-in business. Chairman Bonfanti closed the public hearing for File #PZ-12-06.

2. File #PZ-12-07, consideration of hearing testimony regarding a Special Use Permit for Outdoor Dining at the proposed Rio's D'Sudamerica Restaurant at 1600 W. Lake Street, Unit 102, in the B2 Community Business District.

P.I.N.: 03-19-213-017

Petitioner: Tony Perez, Owner

Mr. John Nelson, architect for the project, Mr. Tony Perez, owner and Mr. Nael Shehad, attorney were present and sworn in. Mr. Nelson stated this is about outdoor dining. The area is about 532 in square feet and the owner would like to put outdoor seating. The seating will be for dining and beverages. The plan shows seating of 24 seats with plans to scale. Vegetation will be used for a barrier as well as specific landscaping and railings to conform/blend with some of the iron work that is already there.

Mr. Shehad attorney for the project stated that they would really like the outdoor dining. The hours will be 11 am to 11 pm, with closing of the patio at 10:00 pm.

Chairman Bonfanti asked if the Plan Commission had any questions. Mr. Vachout stated normally when we have outdoor dining you have to go through the restaurant to get to the patio so we can control people who are being served alcohol from walking it out on the street. Mr. Shehad stated it will be a gated area; you will have to walk through the restaurant to get outside. Ms. Kluczny stated are you talking about a swing gate? Mr. Shehad stated in order to enter the patio area you will have to enter the restaurant to exit through the left/right door. Mr. Nelson stated the requirement for escape from this space is 2 exits. These exits need to be remote from one another, and as a result the configurations to the left and the right as a means of egress and means of exiting exist. They are presently shown without the gate and that seemed at Staff level to be ok. Mr. Vachout asked if Staff has looked this plan over and are ok with it. Mr. Bob Nissen of the Community Development Department stated they have looked this plan over several times and meet with the petitioners to review this. Chairman Bonfanti asked about the hours and what type of menu. Mr. Tony Perez stated he plans to be opened from 11 am to 11 pm, serving lunch and dinner with a South American cuisine. Chairman Bonfanti asked if the Plan Commission had anymore questions. There were none. Chairman Bonfanti asked if there was positive and negative testimony.

There was none. Chairman Bonfanti asked for closing remarks. There were none. Chairman Bonfanti closed the public hearing for File #PZ-12-07.

These files were advertised in the May 25th, 2012 issue of the Daily Herald Newspaper.

BUSINESS MEETING

1. Consideration to approve the minutes of the May 9th, 2012 meeting.

Mr. Veenstra made a motion to approve the May 9, 2012 minutes, which was seconded by Ms. Henley. Chairman Bonfanti asked if there was any discussion. Hearing none, roll call was taken. Mr. Schmitt and Mr. Vachout abstained. Motion carried.

2. Consideration of File #PZ-12-06 as described above.

Ms. Kluczny stated that she has a concern about the driveway and hoped there was communication with the owner. Chairman Bonfanti suggested they get the easement straightened out before we approve the zoning. Mr. Schmitt stated that we could make it part of the condition and that they make an attempt for it. Mr. Vachout stated he agreed and we could make it a condition subject to legal and engineering review for the purpose of whether or not they would want an easement agreement.

Mr. Vachout made a favorable recommendation for a request to rezone the property at 35 S. Addison Road from BP Business-Professional Office District to B2 Community Business District subject to further review by engineering and legal primarily for the determination whether or not the Board would want to require them to seek an easement or if they think the current situation is satisfactory, which was seconded by Mr. Veenstra. Chairman Bonfanti asked if there any questions. There were none. Roll call was taken. Motion carried.

3. Consideration of File #PZ-12-07 as described above.

Mr. Vachout made a motion for a favorable recommendation for a Special Use Permit for Outdoor Dining at Rio's D'Sudamerica at 1600 W. Lake Street in the B2 Community Business District subject to review by engineering and legal for just another look at the potential of whether to court off that area to be more secured. Bob Nissen of the Community Development Department clarified that would be possibly to add gates across the 2 outside and extend the planters down to make it an "L" and come down toward the main, which was seconded by A. Henley. Chairman Bonfanti asked if there was any discussion. There was none. Roll call was taken. Motion carried.

4. Other business as directed by the Chairman.

Chairman Bonfanti asked if there was any other business, hearing none, Ms. Henley made a motion to adjourn the meeting at 7:45 p.m. which was seconded by Mr. Vachout. Motion carried.

Respectfully submitted,

Georgianne Prince
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Recording Secretary