

**Minutes**  
**Planning Commission/ZBA Meeting**  
**Village of Port Barrington**  
**69 S. Circle Avenue, Port Barrington, IL 60010**  
**Tuesday, March 12, 2019**  
**7:00 p.m.**

**I. Call to Order**

This meeting was called to order at 7:08 p.m.

**II. Roll Call**

Present included Chairman Weiner, members Nelson, Disclafani, Kotarski, Benson and Ashley.

Others included Petitioner Brent Sherman, Attorney Lisa Waggoner, Village Attorney Jim Bateman, Deputy Clerk Schroeder and members of the public.

**III. Consideration of Approval of the Minutes of the Public Hearing Meeting of February 12 and March 5, 2019**

*Motion: Benson moved, seconded by Ashley, to approve the February 12 and March 5, 2019.*

*All Ayes – Motion Carried 5-0 / 1 abstain*

**IV. Continued Public Hearing: Petitioner, B. Sherman, LLC, 28965 W. Roberts Road, Port Barrington, IL 60010**

An Application for Approval of one or more Text Amendments to the Port Barrington Zoning Code, including but not limited to Section 154.037, "Permitted Uses", thereof, to add the indoor storage of non-hazardous materials as a Conditional Use in the BG Zoning District and amend Appendix B, the "Table of Permitted Uses", in Chapter 154, "Zoning Code", accordingly, and to change the caption of Section 154.117 to be "\$154.117: Planned Developments";

An Application for Approval of one or more Text Amendments to Appendix B of the Port Barrington Zoning Code, including but not limited to Section 154.037, "Permitted Uses", thereof to add a Planned Development as an authorized Conditional Use in the BG Zoning District and in all other Zoning Districts;

An Application for Approval of a Conditional Use Permit for a Planned Development, Phase 1 of which will be the construction, establishment, operation, and maintenance of an approximately 80,000 square foot secured indoor self-storage facility for non-hazardous materials and related stormwater management facilities, and Phase 2 of which will be the construction, establishment, operation, and maintenance of a an approximately 4,000 square foot retail space in a separate building with a separate parking area, and related underground utilities all in in the BG Zoning District; and

An Application for Approval of a Conditional Use Permit for the construction, establishment, operation, and maintenance of an approximately 80,000 square foot secured indoor self-storage facility for non-

hazardous materials and related stormwater management facilities in the BG Zoning District on a parcel of land totaling approximately 8.98 acres, more or less, within the corporate limits of the Village of Port Barrington.

## **V. Comments**

Village Attorney Bateman noted that although the sworn in testimony is closed, comments can be accepted. At this time, Attorney Bateman swore in those wishing to make comments.

John Wallor of 457 Farnsworth, retired resident noted that has experience with development/traffic studies, therefore he understands the process and that developers can . Mr. Wallor expressed his concerns with the proposed use and development. Mr. Wallor suggested that the Petitioner work together with the community on a development that will be beneficial to the community.

Thomas Burkholder of 440 Farnsworth expressed that he opposes the proposed development and noted that he doesn't know any homeowner in favor of this.

Ron Thelin of 209 Eastwood Court expressed that he opposes the proposed development.

Jody Thelin of 209 Eastwood Court noted that she agrees with resident Wallor.

Elaine Bell of 406 Farnsworth Circle noted that the petitioner indicated at the last meeting he offered the property to the village and since he said they denied the offer, if he would be willing to offer the property to Lake County Forest Preserve. Resident Bell questioned if there would be a wall at the back of the proposed building facing the neighborhood. Chairman Weiner noted that the back of the building wall would face the neighborhood.

Lynn Fosco of 311 South Circle Avenue noted that she called the village to ask about the validity of the property that was offered by the petitioner.

Village Attorney Bateman indicated that the Village President has no recollection of the property being offered to the village. Petitioner Sherman noted that it was before the current president term. Bateman noted that the President was a trustee in prior terms and has not heard of the offer.

Chairman Weiner asked if there were any further public comments, with no response the comments portion of the meeting was closed.

Chairman Weiner asked for comments from the BPZ/PC members.

Member Kotarski noted that he heard that if the 80,000 square wasn't viable the petitioner would consider would building a 40,000 square foot building and build the other 40,000 square foot when the business was viable.

Village Attorney Bateman indicated that this was the first time he's heard of the petitioner building less than the 80,000 square foot building. Bateman noted that if the potential was for this use, the full 80,000 square foot building would be built.

Member Ashley expressed to do what's right for the village and that the village needs a tax base. Ashley noted that he would not approve based on there being a two phase project, but he would be OK with a one phase plan. He further noted that he would be in favor of the retail was in the first phase.

Member Kotarski questioned the petitioner if he foresees phase two developing and questioned what other risks would the village have to take for this development.

Chairman Weiner expressed that he doesn't think there is enough travel/traffic for the proposed retail. Both Members Disclafani and Nelson concurred with Chairman Weiner.

Member Kotarski noted that this type of development belongs in industrial zoning and that the proposed retail needs high volume traffic. Petitioner Sherman noted that the first phase for the self storage needs to be built first to be profitable to use the funding to build the retail. Mr. Sherman noted that the landscaping would help hind the building.

Member Benson noted that he didn't buy a house in that area because he knew that there was potential for business development, otherwise he doesn't have an issues.

Chairman Weiner pointed out that there would be lots of roof top units on the retail side.

Member Disclafani noted that there would also be retail dumpsters that would need to be enclosed.

Village Attorney Bateman pointed out that granting a text amendment would allow for a PUD which would give the village more control.

Chairman Weiner questioned the feasibility study and asked how the building was classified. Petitioner Sherman noted that he didn't know the building class and indicated that the average percentage of building use is fifty percent of net usage. Chairman Weiner informed the Petitioner that the build out for the self-store doesn't need to be the full 80,000 square foot. Petitioner noted that the business would be managed by a professional management company.

There was general discussion regarding other surrounding self storage building capacity. Petitioner Sherman noted that the self storage business in Wauconda is at 80% capacity.

Chairman Weiner asked the petitioner if he would consider reducing the square footage of the building. Petitioner Sherman noted that the proposed size is what it would be to make this work.

Chairman Weiner reiterated that he doesn't think the retail will work for this development location. Petitioner Sherman noted that he's open for suggestions other than retail, such as pre-school/daycare.

Member Nelson expressed that she feels the 80,000 sq.ft. would change the community and noted that she struggles with the other uses and their feasibility. She has concern that it will change the community will be viewed.

Attorney Lisa Wagoner pointed out that the ordinance provides for lots of landscaping.

Member Disclafani questioned if there would be security cameras all the way around the building. Petitioner Sherman replied that there would be security cameras.

Attorney Bateman suggested that the Board take a poll. Chairman Weiner took a poll of the ZBA / Commissioners on the proposed petitions.

Nelson – Nay; Disclafani – Yes; Kotarski – No; Ashley – No; Benson – Yes and Weiner noted his concern with the square footage, proposed phases and that he doesn't think retail will work in that area – No  
4 Nays and 2 Ayes

Chairman Weiner noted that the continued meeting was closed at 8:45 p.m.

**VI. Consideration of Motion(s)**

***A MOTION WAS MADE BY ZBA MEMBER AND PLAN COMMISSIONER BENSON, AND SECONDED BY ZBA MEMBER AND PLAN COMMISSIONER NELSON, THAT THE ZONING BOARD OF APPEALS AND THE PLAN COMMISSION RECOMMEND TO THE BOARD OF TRUSTEES THE DISAPPROVAL OF THE REQUEST OF THE PETITIONER, Brent Sherman, for text amendments to Section 154.037, Section 154.117, and to Appendix B of the Port Barrington Zoning Code, which motion is based upon the following findings of fact which are hereby adopted:***

- (1) The proposed text amendments are not being proposed in order to correct errors, to clarify ambiguous language, or to meet the challenge of changing conditions in the area and the zones affected.*
- (2) The proposed amendments are not consistent with the intent of the Zoning Code and its various provisions and are not consistent with the Village's Official Comprehensive Plan and Land Use Map.*
- (3) The proposed amendments will be detrimental to the development of the Village.*

***AYES: NELSON, DISCLAFANI, KOTARSKI, WEINER, BENSON AND ASHLEY***

***NAYS: NONE***

***MOTION CARRIED 6-0***

***A MOTION WAS MADE BY ZBA MEMBER AND PLAN COMMISSIONER NELSON, AND SECONDED BY ZBA MEMBER AND PLAN COMMISSIONER ASHLEY, THAT THE ZONING BOARD OF APPEALS AND THE PLAN COMMISSION RECOMMEND TO THE BOARD OF TRUSTEES THE DISAPPROVAL OF THE FOLLOWING REQUESTS OF THE PETITIONER, Brent Sherman, relative to the property commonly known as 28965 W. Roberts Road (the "Property"):***

- (1) A Conditional Use Permit for a Planned Development consisting of the construction, establishment, operation, and maintenance of an 80,000 square foot indoor self-storage facility, as well as parking and detention, as Phase I, and a separate Phase 2 consisting of the*

*construction, establishment, operation, and maintenance of a separate approximately 4,000 square foot building for retail space, including a separate parking area;*

*(2) A Conditional Use Permit for the construction, establishment, operation, and maintenance of an approximately 80,000 square foot indoor self-storage facility;*

*which motion is based upon the following findings of fact which are hereby adopted:*

*(A) The proposed self-storage building is too large.*

*(B) The proposal will not enhance the Village's tax base.*

*(C) The site will not support a retail use.*

*(D) The proposed Conditional Use Permits are not in harmony with the character of the general vicinity.*

***AYES: DISCLAFANI, NELSON, KOTARSKI, WEINER, BENSON AND ASHLEY***

***NAYS: NONE***

***MOTION CARRIED 6-0***

**VII. Planning Commission Meeting to proceed after Continued Public Hearing**

Chairman Weiner noted that the Planning Commission meeting was now in session.

**VIII. Roll Call**

Present: Chairman Weiner and members Nelson, Disclafani, Kotarski Weiner, Benson and Ashley.

Others present included Village Attorney Jim Bateman, Petitioner Ken Wagner, Deputy Clerk Schroeder and members of the audience.

**IX. Approval of Minutes of December 11, 2018**

***Motion: Kotarski moved, seconded by Benson, to approve the December 11, 2018 minutes.***

***All Ayes – Motion Carried 6-0***

**X. Ken Wagner, Variance Request – 68 South Circle Avenue, Port Barrington – Driveway/Pavement**

Petitioner Ken Wagner explained that he applied for a permit to pave his driveway and was approved to pave. He further noted that he was ticketed for the driveway being wider than 18’.

Village Attorney Bateman noted that the permit for the pavement should only of been approved for the 18’ wide pavement and a permit was issued in error. Bateman asked the petitioner if he widened the driveway with gravel. Petitioner Wagner replied no that it was 50’ wide gravel driveway before he purchased the home.

Village Attorney Bateman noted that Petitioner Wagner did produce a copy of the deed showing he owns the easement (10’ strip between lots of 219, 220 and 221).

Chairman Weiner noted that the village has offered to bring the driveway into compliance at no charge to the petitioner.

Member Benson asked if the Petitioner has evidence of previous owner permit. Petitioner Wagner noted he researched and was informed by the village there were no records on file. Member Kotarski noted that the zoning codes were updated in 1993 requiring an 18’ wide driveway.

Petitioner Wagner noted that he was just trying to improvement the property.

There was general discussion regarding whether the curve of the driveway.

Member Ashley noted that he would rather grant the variance so the village doesn’t the expense of correcting the error.

Village Attorney Bateman noted that the village is in the process of drafting an ordinance for wide driveways prior to the zoning update be grandfathered.

Member Ashley noted that variances are usually reviewed for something that is needed, not for after the fact somethings been done. Member Ashley expressed concern for the cost to the village to correct.

Member Kotarski questioned what the driveway would look like if the village made it 18' wide.

With no further comments, the Board proceeded with the following motion:

***Motion: Ashley moved, seconded by Benson, to recommend to the Village Board to accept the variation request for Petitioner Ken Wagner of 68 South Circle Avenue, Port Barrington, IL.***

***Ayes: Nelson, Disclafani, Kotarski, Weiner, Benson and Ashley***

***Nays: None***

***Motion Carried 6-0***

Bill King of 66 S. Circle Avenue thanked the Commission / BPZ for approving Petitioner Wagner's variance permit.

Lynn Fosco of 311 S. Circle Avenue noted that she supports the variance request and noted that she noticed there are lots of residents with wide driveways.

Tiara Davila of 106 Center Street noted that she was a new resident observing.

Saverio Schiro of 86 S. Circle noted that he's been a resident since 1986 and that the petitioner's driveway was that wide then. He indicated that as a tax payer, he doesn't want the village to spend money to pay for their mistake. He further noted that he noticed other wide driveways in the village.

**XI. Update: Preliminary Variance Request: Broken Oar, 614 Rawson Bridge Road, Variance from Floodplain Regulations, to construct an addition to the existing building**

Chairman Weiner noted that he had no updates at this time.

**XII. Update: 400 South Circle – Proposed Subdivide lot**

Chairman Weiner noted that he had no updates at this time. Village Attorney Bateman noted that it was his understanding

**XIII. Any and/or All New or Old Business**

None

**XIV. Adjourn**

*Motion: Benson moved, seconded by Nelson, to adjourn at 8:48 p.m.*

*All Ayes – Motion Carried 6-0*

**Respectfully Submitted,**

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**Elizabeth Schroeder**