11/19/24

VILLAGE OF BARRINGTON

ORDINANCE NO. 2024-4469

AN ORDINANCE GRANTING A SPECIAL USE FOR THE RENOVATION OF AN EXISTING COMMERCIAL STRUCTURE TO INCLUDE THE CONSTRUCTION OF DWELLING UNITS ABOVE THE FIRST FLOOR

(ZBA 24-05: Petitioner and Property Owner: Gurbax Saini
Property at 215-217 S. Northwest Highway)

ADOPTED BY THE

CORPORATE AUTHORITIES

OF THE

VILLAGE OF BARRINGTON, ILLINOIS

THIS 16 DAY OF December, 2024

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Illinois this 16 day of December, 2024.

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AN ORDINANCE GRANTING A SPECIAL USE FOR THE RENOVATION OF AN EXISTING COMMERCIAL STRUCTURE TO INCLUDE THE CONSTRUCTION OF DWELLING UNITS ABOVE THE FIRST FLOOR

(ZBA 24-05: Petitioner and Property Owner: Gurbax Saini
Property at 215-217 S. Northwest Highway)

WHEREAS, Gurbax Saini is the Petitioner herein and the owner of the property commonly known as 215-217 W. Northwest Highway, Barrington, IL (P.I.N.s 01-01-202-014, 01-01-202-015, 01-01-202-016, 01-01-202-017, 01-01-202-018, and 01-01-202-019) (the "Subject Property") on which is located a two-story approximately 13,400 square foot commercial structure with an attic and a partial basement, which presently consists of four (4) commercial and/or business tenant spaces on the first floor, and five (5) second floor tenant spaces with two entrances, each with a common staircase to access the second floor (the "existing commercial structure"); and

WHEREAS, the Subject Property is located within the Village's B-1 General Business Service District, and the Petitioner has submitted an application to the Village of Barrington (the "Village") for approval of a Special Use to allow the construction of residential dwelling units above a first floor consisting of commercial and/or business tenant spaces, which is a listed Special Use pursuant to Section 7.2(D) of the Village's Zoning Ordinance, and specifically, to authorize the renovation of the interior of the second floor of the existing commercial structure by the construction of seven (7) residential tenant spaces on the second story thereof, and specifically, two 2-bedroom units and five 1-bedroom units, while maintaining the existing commercial and/or business tenant spaces now located on first floor (collectively, the "Special Use"), which Special Use shall be constructed in substantial compliance with the 2024 Approved Plans which are attached hereto as 2024 Group Exhibit A and thereby made a part hereof (the "2024 Approved Plans"), subject to the Petitioner's timely and continued compliance with the provisions, conditions and restrictions as set forth in this Ordinance; and

WHEREAS, the Subject Property is commonly known as 215-217 S. Northwest Highway, is designated for commercial (retail/office) use by the 2021 Comprehensive Plan, and is legally described as follows:

LOTS 13, 14, 15, 16, 17 AND 18 IN GEORGE A. LAGESCHULTE'S SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 31, 1921 AS DOCUMENT NUMBER 7099314. IN COOK COUNTY, ILLINOIS (EXCEPT THAT PART TAKEN FOR ROAD PURPOSES IN CASE NO. 01L050286 DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID LOT 13 WITH THE EASTERLY RIGHT OF WAY LINE OF NORTHWEST HIGHWAY (US ROUTE 14) PER PLAT OF DEDICATION RECORDED JANUARY 23, 1932 IN BOOK 295 OF PLATS, PAGE 18, AS DOCUMENT NUMBER 11036332; THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 26 MINUTES 21 SECONDS EAST ALONG SAID EASTERLY RIGHT OF WAY LINE 7.567 METERS (24.83 FEET) TO THE POINT OF BEGINNING; THENCE SOUTHEASTERLY 96.251 METERS (315.78 FEET) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 211.999 METERS (695.53 FEET), THE CHORD OF SAID CURVE BEARS SOUTH 19 DEGREES 24 MINUTES 13 SECONDS EAST 95.427 METERS (313.08 FEET); THENCE NORTH 57 DEGREES 35 MINUTES 23 SECONDS EAST ALONG THE PROLONGATION OF A RADIAL LINE 8.000 METERS (26.25 FEET); THENCE SOUTHEASTERLY 8.870 METERS (29.10 FEET) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 203.999 METERS (669.29 FEET), THE CHORD OF SAID CURVE BEARS SOUTH 33 DEGREES 39 MINUTES

21 SECONDS EAST 8.870 ME1ERS (29.10 FEET) TO THE EAST LINE OF SAID LOT 18; THENCE SOUTH 00 DEGREES 26 MINUTES 21 SECONDS EAST ALONG SAID EAST LINE 20.829 METERS (68.34 FEET) TO THE EASTERLY RIGHT OF WAY LINE OF SAID NORTHWEST HIGHWAY PER DEDICATION AFORESAID; THENCE NORTHWESTERLY 122.410 METERS (401.61 FEET) ALONG SAID EASTERLY RIGHT OF WAY LINE AND A CURVE TO THE RIGHT HAVING A RADIUS OF 168.000 METERS (551.18 FEET), THE CHORD OF SAID CURVE BEARS NORTH 21 DEGREES 18 MINUTES 46 SECONDS WEST 119.720 METERS (392.78 FEET), THENCE NORTH 00 DEGREES 26 MINUTES 21 SECONDS WEST 2.398 METERS (7.87 FEET) TO THE POINT OF BEGINNING, COOK COUNTY, ILLINOIS.

(hereinafter, the "Subject Property")

WHEREAS, the aforesaid Petition for the subject Special Use was referred to the Zoning Board of Appeals ("ZBA") of this Village, and said ZBA, after due publication and notice, held a public hearing on November 12, 2024, as required by the Zoning Ordinance of the Village, and has filed with the Corporate Authorities of the Village its favorable recommendation for the approval of said Petition, subject to certain conditions and restrictions, all pursuant to law; and

WHEREAS, the Corporate Authorities of the Village do hereby find that the subject Special Use is consistent with the general intent of the Comprehensive Plan of the Village (the "Comprehensive Plan") and the Zoning Ordinance for the following reasons:

1. The proposed special use is, in fact, a special use listed and authorized in the zoning district regulations within which the property is located.

The subject Special Use, i.e., "Dwelling Units, above the first floor", is listed as a permitted Special Use within the B-1 General Business Service District in which the Subject Property is located. Therefore, this standard has been or will be met.

2. The proposed special use is consistent with the objectives of the Village's Comprehensive Plan and this Ordinance.

The 2021 Comprehensive Plan designates the land use for the Subject Property as Commercial (Retail/Office). Retaining the existing commercial use on the first floor of the building on the Subject Property in conjunction with the proposed Special Use for "Dwelling Units, above the first floor" would be in substantial compliance with the intent of the land use designation and the goals of the 2021 Comprehensive Plan for this area. Therefore, this standard has been or will be met.

3. The proposed special use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

The proposed use of the existing commercial structure on the Subject Property, i.e., mixed commercial and residential, is compatible with the other existing uses in the surrounding area as the adjacent properties consist of similar commercial and office-style buildings as well as a multi-family residential building to the east of the existing commercial structure. . The Petitioner is not proposing any site or other exterior building modifications at this time. Therefore, this standard has been or will be met.

4. The proposed special use will not significantly diminish the safety, use and enjoyment of surrounding property.

The proposed Special Use will not impact the safety, use or enjoyment of surrounding properties as the Subject Property will continue to operate in a similar way as it does today, but as a mixed use business and residential structure. The neighboring properties to the north and south are commercial and office-style buildings, and the neighboring property to the east is a multi-family residential building. There is sufficient on-site parking for the businesses and for the proposed residential units. Therefore, this standard has been or will be met.

5. The proposed special use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water and sewer, and schools, or the persons or agencies responsible for the establishment of the proposed special use shall provide adequately any such services.

The proposed Special Use does not impact any existing essential public facilities or services and will not require any new public facilities or services. Therefore, this standard has been or will be met.

6. The proposed special use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.

The proposed Special Use does not create any additional requirements at the expense of the public and does not have a negative impact on the economic welfare of the community. Therefore, this standard has been or will be met.

7. The proposed special use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The proposed Special Use is passive in nature and will not create excessive traffic, noise, smoke, fumes, glare, or odors, will be wholly contained within the existing commercial building, and the Subject Property will generally operate in a similar way as it does today but as a mixed use business/residential building. Therefore, this standard has been or will be met.

8. The proposed special use provides vehicular access to the property that does not create an interference with traffic on surrounding public thoroughfares.

The vehicular access to the Subject Property will remain unchanged, and there is adequate existing parking on the Subject Property to accommodate the existing use and the proposed residential Special Use. Therefore, this standard has been or will be met.

9. The proposed special use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The proposed Special Use will not result in the loss or damage of natural, scenic, or historic features as none exist on the Subject Property, and minimal exterior building or site modifications are proposed at this time. Therefore, this standard has been or will be met.

10. The proposed special use complies with all additional regulations in this Ordinance specific to the special use requested.

The Petitioner has not requested the Village's approval of any exceptions from the Zoning Ordinance relative to the proposed Special Use. Therefore, this standard has been or will be met.

WHEREAS, the President and Board of Trustees of the Village have also considered the following standards with respect to the approval of the requested Special Use for the Subject Property and find as follows:

11. The existing uses and zoning of nearby property.

The surrounding properties to the north and south are commercial in nature and zoned B-1 General Business Service District. The property to the east is zoned R-8 General Residential District and is a multi-family residential building. Directly west of the Subject Property is the commuter entrance drive access point. Therefore, this standard has been or will be met.

12. The extent to which property values are diminished by the particular zoning restrictions.

The Petitioner has not requested any rezoning of the Subject Property. The Subject Property has been and shall remain zoned as part of the Village's B-1 General Business Service District, and therefore, the value of the Subject Property will not be diminished by the application of the Village's current zoning regulations as there are many permitted uses that can occupy the existing building by right. The Subject Property is already improved with an existing commercial structure and has adequate parking on the Subject Property in order to accommodate the existing commercial use and the proposed residential use of the Subject Property. Therefore, this standard has been or will be met.

13. The extent to which limitation or destruction of property values of the Petitioner promotes the general health, safety, and welfare.

The Village's denial of the Petitioner's request would not affect property values, nor would it promote the health, safety and welfare of the community. The Subject Property is improved with an existing commercial structure with an adequate area for parking to sustain both the existing commercial use of the Subject Property as well as the proposed Special Use for residential dwelling units. Therefore, this standard has been or will be met.

14. The relative gain to the public as compared to the hardship imposed upon Petitioner.

There is no gain to the public if the Petitioner is denied this request as the request is not detrimental to the public. Therefore, this standard has been or will be met.

15. The suitability of the particular property for the purpose for which it is now zoned.

The Subject Property is zoned B-1 General Business Service District which is suitable for the Subject Property due to its location along Northwest Highway in the middle of the B-1 Zoning District. Therefore, this standard has been or will be met.

16. The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.

The Subject Property is not vacant. The Petitioner has advised, however, that the building on the Subject Property is not fully leased and that leasing of the second floor space has become increasingly difficult, and therefore, in light of this fact, the Petitioner is requesting the proposed Special Use as an alternative to generate interest in leasing of the building. Therefore, this standard has been or will be met.

17. The care with which the community has undertaken to plan its land use development.

The Village has taken great care in developing its land use plan and its land use regulations, and the 2021 Comprehensive Plan designates the land use for the Subject Property as Commercial (Retail/Office). The Subject Property will remain wholly commercial on the first floor, with the commercial frontage of the area being maintained, while the potential for leasing of the second floor of the commercial building on the Subject Property will be increased by the approval of the requested Special Use. Therefore, this standard has been or will be met.

18. The evidence or lack of evidence of community need for the use proposed by the property owner.

The Village understands that there is a need for additional housing opportunities in the Village, and the location of the Subject Property on Northwest Highway directly across from the access to the Metra commuter parking lot is an ideal location which has the potential to interest full or part-time commuters in leasing apartments in the building on the Subject Property . Therefore, this standard has been or will be met.

WHEREAS, the Corporate Authorities of the Village desire to grant a Special Use for "Dwelling Units, above the first floor" on the Subject Property as requested by the Petitioner, all subject to the timely and continued compliance by the Petitioner with those certain conditions and restrictions as herein set forth:

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, in exercise of the authority of this Village as a Home Rule unit, that:

SECTION 1: Findings of Fact. The Corporate Authorities of the Village find that the facts stated in the Preamble of this Ordinance are true and correct and the same are incorporated into the text of this Ordinance to the same extent as if each had been set forth in its entirety herein.

SECTION 2: Effect of Existing Ordinances. Except as otherwise amended herein, any existing Village ordinance(s) which previously granted special use(s), variation(s), planned development(s), and/or any other exception(s) from the Village Code and/or from the Zoning Ordinance relative to any portion of the Subject Property shall become null and void upon the passage of this Ordinance and the Petitioner's execution of the Acceptance page hereof.

SECTION 3: Special Use Granted Subject to Conditions. A Special Use for "Dwelling Units, above the first floor", which is a listed Special Use within the Village's B-1 General Business Service District pursuant to Section 7.2(D) of the Zoning Ordinance, which Special Use is more specifically described in Paragraph A, "Uses Permitted", below is hereby granted for and shall be specific to the Subject Property identified herein as 215-217 S. Northwest Highway, which is located within the Village's B-1 General Business Service District, which Special Use shall be constructed in substantial compliance with the 2024 Approved Plans which are attached hereto as 2024 Group Exhibit A and thereby made a part hereof (the "2024 Approved Plans") and thereafter maintained in good condition by the Petitioner and/or his successor(s) and/or assign(s), subject to the Petitioner's timely and continued compliance with the following provisions, conditions and restrictions as set forth in this Ordinance:

A. Uses Permitted:

1. A use to maintain the existing business and commercial tenant space on the first floor of the existing commercial structure on the Subject Property, and a Special Use to include "Dwelling units above the first floor", which use is a listed Special Use in the B-1 General Business Service District pursuant to Section 7.2(D) of the Zoning Ordinance, are permitted to be established and hereafter maintained in good condition within the existing commercial structure on the Subject Property. Specifically, the Petitioner shall be and is hereby authorized to renovate and convert the interior of the second floor of the existing commercial structure on the Subject Property to residential uses by constructing and thereafter maintaining in good condition seven (7) residential tenant spaces on the second story consisting of two 2-bedroom units and five 1-bedroom units, (collectively, the "Special Use"), which Special Use shall be constructed in substantial compliance with the 2024 Approved Plans which are attached hereto as 2024 Group Exhibit A and thereby made a part hereof (the "2024 Approved Plans").

2. Certificate of Occupancy: Prior to any tenant taking occupancy of any portion of the residential tenant spaces to be constructed on the second floor of the existing commercial structure on the Subject Property, a Zoning Certificate must be obtained from the Village's Zoning Official for the residential occupancy of the second floor of the building on the Subject Property.

3. Parking Lot, Vehicle Circulation; Driveway Design: The Petitioner has not proposed any modifications for either the parking area, vehicle circulation, or the driveway on the Subject Property, as adequate parking which would accommodate the subject Special Use and the existing commercial use does currently exist on the Subject Property, and therefore no variations relative to parking, vehicle circulation, or the driveway on the Subject Property are approved.

4. Snow Removal and Ice Control: The Petitioner shall provide and be responsible for adequate snow removal and ice control on the Subject Property, at the Petitioner's sole cost and expense.

5. Lighting: The Petitioner has not proposed any modifications for lighting on the Subject Property, and therefore no variations relative to lighting are approved. All lighting which is proposed to be installed on the Subject Property shall be in compliance with all applicable provisions of the Barrington Village Code.

6. Signage: The Petitioner has not requested any modifications relative to signage on the Subject Property, and therefore no such variations are approved. All signage on the Subject Property shall be in substantial compliance with the Village's sign regulations and shall be maintained in good condition by the Petitioner, at the Petitioner's sole cost and expense.

7. Landscaping: The landscaping around the monument sign, parking lot islands and along Northwest Highway must be enhanced with new mulch and plantings at the same time and shall be part of the same permit issued for the residential conversion. All planting and replacement of landscape materials shall be performed during the appropriate season and shall thereafter be maintained in good condition by and at the sole cost of the Petitioner and/or his successor(s) and/or assign(s). The Petitioner has not requested any modifications for landscaping on the Subject Property, and therefore no variations relative to landscaping are approved.

8. Refuse: Appropriate refuse containers shall be provided and a compliant refuse enclosure shall be constructed on the Subject Property at the same time and pursuant to the same permit as the residential conversion and thereafter maintained in good condition pursuant to and in compliance with the 2024 Approved Plans therefor attached hereto as part of 2024 Group Exhibit A.

9. Conditions of Approval: The Special Use herein granted is subject to the Petitioner's timely and continued compliance with the following conditions and restrictions:

   (a) The Special Use herein granted, including but not limited to the conversion of the second floor of the existing commercial structure to a residential use, shall be constructed in substantial compliance with the 2024 Approved Plans, and thereafter maintained in good condition by the Petitioner and/or his successor(s) and/or assign(s), so as to be fully compliant with all applicable provisions of the Village of Barrington Village Code, including but not limited to all building codes and fire codes adopted and/or amended by the Village from time to time, as well as all local, state and federal ADA requirements relating to both the interior and exterior of the building, the parking lot, and the Subject Property as a whole.

   (b) The entire second floor shall be converted to residential uses at the same time, and partial conversion of the second floor to a residential use shall not be permitted.

(c) No other uses shall be permitted on the second floor of the existing commercial structure once the residential uses are established unless the residential uses are fully abandoned and unless the second floor is wholly returned to commercial space.

(d) A minimum of eight (8) dedicated and signed parking spaces shall be provided on-site for the new residential units.

(e) The Special Use as herein approved shall be and remain compliant with all applicable ordinances of the Village.

(f) Except as set forth herein, any other modification(s) to the exterior of the existing commercial structure and/or any site modifications to the Subject Property as a whole shall require an amendment to this Ordinance approved by the Corporate Authorities of this Village.

(g) The Special Use herein granted shall automatically become null and void if said Special Use is abandoned or discontinued for a period of twelve (12) consecutive months, regardless of any evidence of intent not to abandon and/or to resume such use, or if the Petitioner files a written declaration with the Village indicating that the use of the Subject Property has permanently ceased.

(h) Any and all other uses of the Subject Property, other than those uses permitted pursuant to the provisions of this Paragraph A, which may otherwise be permitted under the applicable provisions of the Zoning Ordinance as now or hereafter amended, are hereby expressly prohibited and shall not be established and/or maintained without specific amendment to this Ordinance while this Ordinance and the Special Use herein granted remains in effect.

B. Easements Required:

1. The Subject Property shall be subject to such easement(s) in favor of the Village for access and maintenance of water, sanitary sewer, storm sewer, storm water management and/or drainage facilities, and for street lights, if any, which easements in favor of the Village shall be determined by the Village Manager to be reasonably necessary for the purpose of access to, maintenance of, and preservation of said improvements. All such easements shall be shown on the final engineering plans and the location, form, and substance of such easement(s) shall be submitted to and approved in writing in advance by the Village Manager and by an attorney designated by the Village Manager.

2. Easement(s) shall be kept free of shrubbery, fences and all other structures except as otherwise approved by the Village Manager. By their express terms, such easements shall require the Petitioner or the Petitioner's respective successor(s) and/or assign(s) to maintain such easements and all of the improvements located therein unless otherwise directed by the Village, and the Village shall have the right, but not the obligation, to maintain any improvements within said easements and recover the cost

incurred by the Village relative thereto from the Petitioner or from the Petitioner's respective successor(s) and/or assign(s).

SECTION 4: MISCELLANEOUS PROVISIONS

A. Binding Effect.

The provisions of this Ordinance, including, without limitation, the grant of the Special Use as set forth herein, and all the respective obligations, conditions, restrictions, limitations and rights related thereto shall run with and be jointly and severally binding upon the Petitioner, the fee simple owner(s) of the Subject Property from time to time, the beneficial owner(s), and tenants of all or any portion of the Subject Property, and any heirs, successors, and assigns of the Petitioner, and any reference to the Petitioner in this Ordinance shall also constitute a reference to the successors and assigns of the Petitioner. All obligations, requirements and rights of the Petitioner under this Ordinance shall run with title to the Subject Property and shall automatically be assigned to, be binding upon and inure to the benefit of the successors and/or assigns of the Petitioner, including but not limited to any entity acquiring any financial interest in the Subject Property and/or any subsequent owner(s) and/or beneficial owner(s) of all or any portion of the Subject Property. Without any limitation on the foregoing, but for the purpose of removal of doubt, unless said Ordinance is repealed or allowed to expire by the Corporate Authorities of the Village (either of which may occur without any further public hearing before the Village's Plan Commission), (i) this Ordinance and the Special Use herein granted shall run with title to the Subject Property, and the obligations, rights, benefits, and burdens of the Petitioner under this Ordinance shall be binding upon any party which hereafter purchases the Subject Property; and (ii) the Petitioner may assign all of its right to and interest in the Subject Property and its rights, duties, and obligations pursuant to this Ordinance to a special purpose entity created by the Petitioner for this purpose.

B. Amendment by Mutual Consent.

The Village, by an ordinance of its Corporate Authorities, and the Petitioner may by mutual consent agree in writing to amend the terms and conditions set forth in this Ordinance after a public hearing before the Village of Barrington Zoning Board of Appeals or its Plan Commission, but no purported oral amendment to this Ordinance shall be binding or enforceable.

C. Indemnity for Certain Costs and Expenses.

1. The Village agrees to cooperate with the Petitioner in defending any action which contests any aspect of this Ordinance, but all reasonable costs of defense, including attorneys' fees of defense counsel selected by the Village, incurred by the Village in connection therewith shall be paid for by the Petitioner or reimbursed to the Village by the Petitioner. The Village may require a reasonable deposit by the Petitioner to cover any anticipated cost thereof.

2. The Petitioner hereby undertakes and agrees, to the greatest extent permitted by law, to indemnify, defend, save and keep harmless the Village and its officers, trustees,

employees, contractors, subcontractors, and other agents (collectively, the "Indemnified Parties") from and against any loss, cost, damage, liability, claim or expense, including attorneys' fees, which any of the Indemnified Parties may suffer, incur or sustain from or arising out of any injuries to or death of any person or persons, or damage to or loss of any real or personal property, including but not limited to damage to the Subject Property and/or to other property in the vicinity, including but not limited to damages from storm water and/or due to flooding, resulting directly or indirectly from the use and occupancy of the Subject Property by the Petitioner and/or the improvements and uses hereby authorized, provided, however, that nothing herein contained shall obligate the Petitioner to indemnify the Indemnified Parties from any liability arising solely out of any negligent acts of the Indemnified Parties, or their respective officers, employees, contractors, subcontractors and/or or agents.

D. Remedies.

In the event the Petitioner fails to pay or reimburse the Village for any fees and/or expenses due pursuant to this Ordinance, or pursuant to the other applicable ordinances of the Village, or if the Petitioner otherwise violates this Ordinance or the other applicable ordinances of the Village, or is otherwise in default in its obligations under this Ordinance and/or under any other applicable ordinance of the Village, and has been notified of and failed to cure such default after at least thirty (30) days written notice, the Village shall be entitled to all remedies available at law and/or in equity and, in addition to all other remedies available, the Village may suspend, revoke or decline to issue any building, occupancy and/or other permit or approvals required by the ordinances of the Village and/or the Village may suspend or revoke the SUP herein granted.

E. Effect of Existing Ordinances.

Except as expressly set forth herein, the Petitioner shall comply in all other respects with the conditions and requirements of the Zoning Ordinance and the Village of Barrington Village Code (the "Village Code") (except to the extent amended herein or inconsistent herewith), and all other applicable ordinances of the Village as they may exist from time to time, including but not limited to obtaining all required permits, the deposit of all required security in the form required, and the payment of all fees in connection with the review of plans and/or the issuance of such permits.

F. Severability Clause.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that they would have approved each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

G. Exhibits.

Each Exhibit which is attached to this Ordinance is deemed to be and is expressly made a part of and incorporated into this Ordinance to the same extent as if each such Exhibit, and the plans identified therein, had been set forth in its entirety in the body of this Ordinance, provided, however, the approval of such plans for the purposes of this Ordinance and the Special Use herein granted shall not constitute approval of said plans for any other purposes under the Village Code, or any other applicable ordinances of this Village, and no grant of any variation from said ordinance shall thereby be implied.

H. Approval Authority.

1. If any provisions of this Ordinance delegate approval authority to any Village officer, employee or agent for any aspect of the SUP herein granted, then either the Petitioner, or such officer, employee or agent, as the case may be, or his or her designee, shall have the right to have any such decision of such Village officer, employee or agent, or his or her designee, reviewed, reconsidered, and a final decision thereon made by the Corporate Authorities of the Village.

2. Any reference in this Ordinance to the authority of the Village Manager to grant or deny an approval shall, whether or not so specified, include the authority for such decision to be made by one or more designee(s) of the Village Manager.

SECTION 5: This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage and approval and its acceptance by the Petitioner as provided below but only after written evidence of the Petitioner's closing on its purchase of the Subject Property has been provided to the Village Manager.

PASSED THIS 16 DAY OF December, 2024 BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustees Lohmeyer, Sheleen, Wadrasek, Duncan, Moran, Prigge and President Darch

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED THIS 16 DAY OF December, 2024

Karen Y. Darch

Karen Y. Darch, Village President

ATTESTED AND FILED THIS
16 DAY OF December, 2024.

Tony Ciganek

Tony Ciganek, Village Clerk

Published in Pamphlet Form the 16 day of December, 2024

Village of Barrington CORPORATE SEAL Cook & Lake Counties, IL

ACCEPTANCE

The undersigned states that he is the Petitioner herein and the owner of the Subject Property and has the authority to execute this Acceptance relative to the Subject Property, and the undersigned does hereby accept and agree to the provisions of the foregoing Ordinance this ____ day of _____, 2024. The provisions of this Ordinance shall run with the title to the Subject Property.

PETITIONER:

By: _____
[Signature]
Gurbax Saini

ATTEST:

_____
Its _____

AN ORDINANCE GRANTING A SPECIAL USE FOR THE RENOVATION OF AN EXISTING COMMERCIAL STRUCTURE TO INCLUDE THE CONSTRUCTION OF DWELLING UNITS ABOVE THE FIRST FLOOR

(ZBA 24-05: Petitioner and Property Owner: Gurbax Saini
Property at 215-217 S. Northwest Highway)

GROUP EXHIBIT A

2024 APPROVED PLANS

Exhibit A-1	Site Plan
Exhibit A-2	Interior Floor Plans

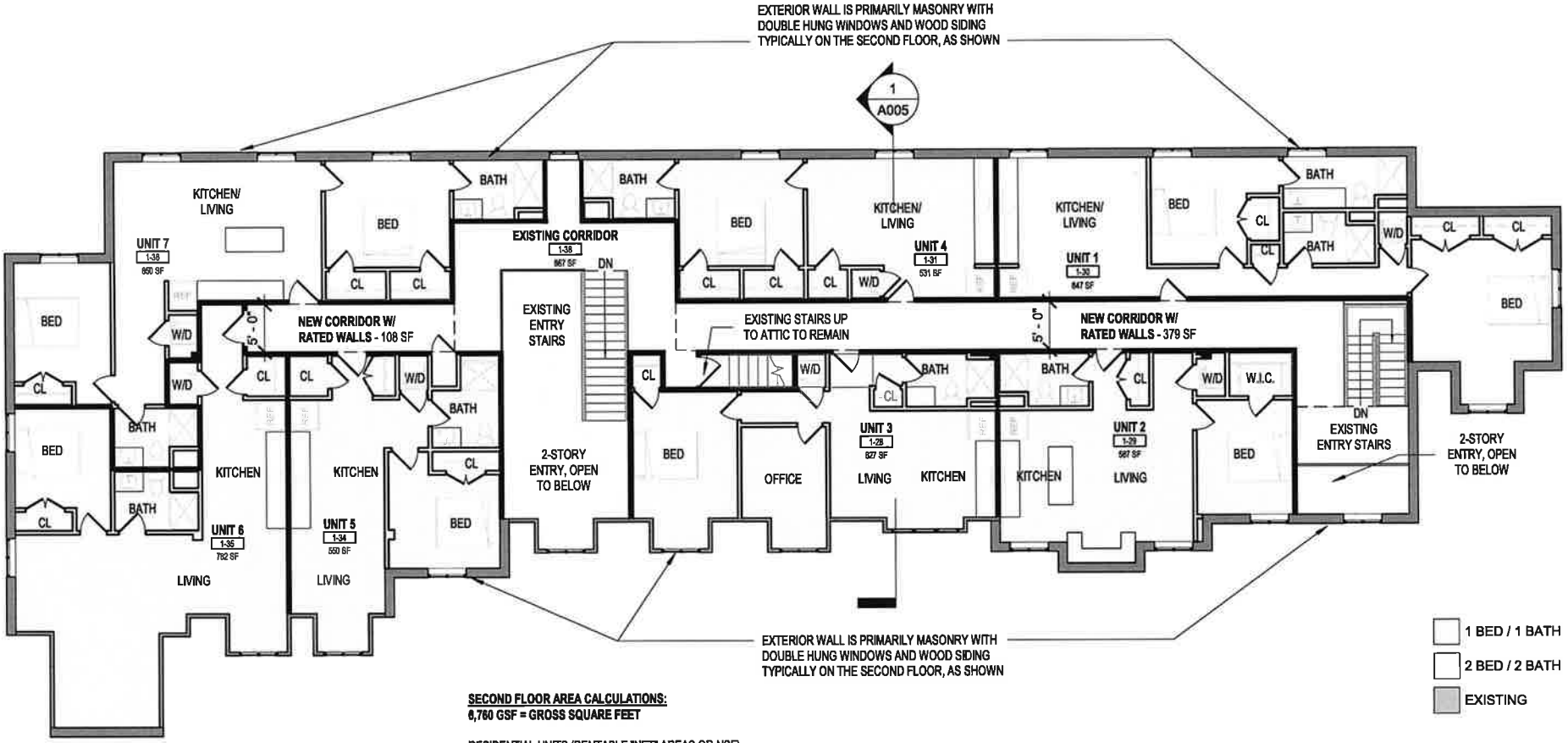
INITIAL STAFF REVIEW- INTAKE PACKAGE FOR RESIDENTIAL (SPECIAL USE) REQUEST

2024.0828

TABLE OF CONTENTS

P1- SITE DIAGRAM
P2- SITE PHOTOS
P3- SITE PHOTOS
P4- SITE PLAN AND PROPERTY/ PROJECT DETAILS
P5- EXISTING FIRST FLOOR PLAN
P6- EXISTING SECOND FLOOR PLAN
P7- EXISTING ATTIC PLAN
P8- PROPOSED SECOND FLOOR PLAN
P9- PROPOSED SECTION DIAGRAM

SITE DIAGRAM WITH PHOTOGRAPH LOCATIONS (SEE FOLLOWING PAGES)



SECOND FLOOR AREA CALCULATIONS:
6,760 GSF = GROSS SQUARE FEET

RESIDENTIAL UNITS (RENTABLE "NET" AREAS OR NSF)
847 NSF = UNIT 1
587 NSF = UNIT 2
627 NSF = UNIT 3
531 NSF = UNIT 4
550 NSF = UNIT 5
782 NSF = UNIT 6
850 NSF = UNIT 7
4,773 NSF = TOTAL UNIT AREAS

GENERAL NOTE:
THIS FLOOR PLAN ILLUSTRATES HOW THE SECOND FLOOR WOULD INCLUDE 7 TOTAL RESIDENTIAL UNITS. MINIMAL EXTERIOR BUILDING WORK IS ANTICIPATED BEYOND ROOF PENETRATIONS FOR PLUMBING VENTS AND SELECTIVE WINDOW REPLACEMENTS, IN KIND. THE RATED CORRIDOR WOULD BE 5' WIDE AND PROVIDE DIRECT ACCESS TO EACH EXISTING INTERIOR STAIR AS 2 MEANS OF EGRESS.

1 PROPOSED 2ND FLOOR PLAN

3/32" = 1'-0"

0 2 4 8 16

BARRINGTON
Be Inspired.

November 15, 2024

Village President Karen Darch & Village Board of Trustees
200 South Hough Street
Barrington, Illinois 60010

Re: ZBA 24-05 – 215-217 S. Northwest Highway – Special Use

Dear President Darch and Board of Trustees:

The Petitioner is requesting a special use to allow dwelling units on the second floor of the existing commercial building located at 215-217 S. Northwest Highway in the B-1 General Business Service District.

Jennifer Tennant, Asst. Director of DS, presented the staff report. Ms. Tennant gave an overview of the project and explanation of the requested special use. Staff finds that all applicable standards are met and recommends approval of the requested variation.

The Plan Commission discussed the request in relation to the applicable standards and determined that all standards were satisfied. The Plan Commission recommended approval of ZBA 24-05 subject to the findings and conditions listed in the Staff Report.

No members of the public were present regarding this request. No members of the public commented.

Motion:
Commissioner Windon moved to recommend approval of ZBA 24-05 subject to the findings in the Staff Report and Commissioner Lee seconded the motion. The motion carried, 4-0.

Respectfully Submitted,
Jennifer Tennant, Assistant Director of Development Services

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Zoning Board of Appeals Staff Report

HEARING DATE: **November 12, 2024– Public Hearing**
PREPARED BY: **Jennifer Tennant, Asst. Director of Development Services**

ZBA 24-05: 215-217 S. Northwest Highway – Special Use Request

PETITIONER(s): Gurbax Saini
PROPERTY OWNER(s): Same
EXISTING ZONING: B-1 General Business Service District
EXISTING LAND USE: Commercial Building
PROPERTY SIZE: 0.77 acres

The Petitioner is requesting a special use to convert the second floor of the exiting commercial office building to residential. The proposed unit mix is 2 two-bedroom units and 5 one-bedroom units for a total of 7 units. The Petitioner is requesting approval of two options for the construction:

1.) Option #1 – The Petitioner is requesting approval of a three (3) phased approach to the construction of the residential units in which the residential units would be constructed overtime and residential and commercial units would co-exist on the second floor of the building. **Staff does not recommend approval of Option #1.**
2.) Option #2 – All residential units are constructed at the same time. **Staff recommends approval of Option #2.**

SUBMITTALS/DOCUMENTATION

1. Project Summary
2. Site Photos
3. Option #1 Floor Plans – Phases 1, 2 and 3
4. Option #2 Floor Plans

SPECIAL USE STANDARDS

1. **The proposed Special Use is, in fact, a Special Use listed and authorized in the zoning district regulations within which the property is located.**
The proposed use, "Dwelling Units, above the first floor", is listed as a Special Use in the B-1 General Business Service District. *Staff finds that this standard is met.*

2. **The proposed Special Use is consistent with the objectives of the Village's Comprehensive Plan and this Ordinance.**
The 2021 Comprehensive Plan designates the land use for the subject property as Commercial (Retail/Office). Staff finds that the proposed Special Use for "Dwelling, Two-Family" is consistent with intent of the land use designation

and the goals of the 2021 Comprehensive Plan for this area. Staff finds that this standard is met.

3. **The proposed Special Use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.**
   The existing building on the subject property is compatible with the other uses in the surrounding area as the adjacent properties all consist of similar commercial and office style buildings. There are no exterior modifications to the existing building proposed in order to accommodate the proposed residential conversion of the second floor. Staff finds that this standard is met.

4. **The proposed Special Use will not significantly diminish the safety, use and enjoyment of surrounding property.**
   The proposed Special Use will not impact the safety, use or enjoyment of surrounding property. The neighboring properties to the north and south are commercial and office style buildings. The neighboring property to the east is a multi-family residential building. There is sufficient on-site parking for the business and proposed units. There will be no exterior modifications to the building. Staff finds that this standard is met.

5. **The proposed Special Use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water and sewer, and schools, or the persons or agencies responsible for the establishment of the proposed Special Use shall provide adequately any such service.**
   The proposed Special Use does not impact any existing essential public facilities or services require any new public facilities or services. Staff finds that this standard is met.

6. **The proposed Special Use does not create excessive additional requirements at public expense for public facilities and services and is not detrimental to economic welfare of the community.**
   The proposed Special Use does not create any additional requirements at the public expense and does not impact the economic welfare of the community. Staff finds that this standard is met.

7. **The proposed Special Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.**
   The proposed Special Use will be wholly contained within the existing building and the property will operate very similarly to how it does today. There are no exterior building or site modifications proposed at this time. Staff finds that this standard is met.

8. **The proposed Special Use provides vehicular access to the property design that does not create an interference with traffic on surrounding public thoroughfares.**
   The vehicular access to the site will remain unchanged. Staff finds that this standard is met.

9. **The proposed Special Use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**
   The proposed Special Use will not result in the loss or damage of natural, scenic, or historic features as none exist on the site, and no exterior building or site modifications are proposed at this time. Staff finds that this standard is met.

10. **The proposed Special Use complies with all additional regulations in the Zoning Ordinance specific to the Special Use requested.**
    The Petitioner has not requested any expectations from the Zoning Ordinance. Staff finds that this standard is met.

Additionally, the following standards shall be given consideration.

11. **The existing uses and zoning of nearby property.** The surrounding properties to the north and south are commercial in nature and zoned B-1 General Business Service District. The property to the east is zoned R-8 General Residential District and is a multi-family residential building. Directly west of the subject property is the commuter entrance drive access point.

12. **The extent to which property values are diminished by the particular zoning restrictions.** The property values of the subject property are not diminished by the zoning restrictions as there are many permitted uses that can occupy the building by right.

13. **The extent to which limitation or destruction of property values of the Petitioner promotes the general health, safety, and welfare.** Denial of this request will not affect the property value of the subject property. Staff finds that this standard is not applicable.

14. **The relative gain to the public as compared to the hardship imposed upon Petitioner.** There is no gain to the public if the Petitioner is denied this request as the request is not detrimental to the public.

15. **The suitability of the particular property for the purpose for which it is now zoned.** The subject property is zoned B-1 General Business Service District which is suitable for the subject property due to its location along Northwest Highway in the middle of the B-1 District.

16. **The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.** The property is not vacant. However, the Petitioner has indicated that the building ia not full leased and leasing of the second floor space has become increasing difficult which is why they are requesting the change of use for the second floor at this time.

17. **The care with which the community has undertaken to plan its land use development.** The community has taken great care in land use planning. The site is designated for Commercial (Retail/Office). The subject property will remain wholly commercial on the first floor therefore the commercial frontage of the area will be maintained while increasing the usability of the second floor of the property.

18. **The evidence or lack of evidence of community need for the use proposed by the property owner.** The Village routinely hears that there is a need for additional housing opportunities in the Village. In the addition, the location is directly adjacent to the Metra commuter parking lot and ideal location for full or part-time commuters.

STAFF RECOMMENDATION

If the Zoning Board of Appeals concurs with the above findings of fact, Staff recommends that the Zoning Board of Appeals adopt this finding of fact and make a motion to recommend approval of ZBA 24-05 to the Village Board of Trustees subject to the following considerations and conditions of approval:

Conditions:

1. **The entire second floor shall be converted to residential use. Partial conversion of the second floor to residential is not approved.**
2. **No other uses shall be permitted on the second floor of the building once the residential use is established unless the residential use is fully abandoned, and the second floor is wholly returned to commercial space.**
3. **A minimum of eight (8) dedicated and signed parking spaces must be provided for the residential units.**
4. **No exterior modifications to the building are proposed or approved at this time.**
5. **A compliant trash enclosure must be constructed on the property at the same time and on the same permit as the residential conversion.**
6. **The landscaping around the monument sign, parking lot islands and along Northwest Highway must be enhanced with new mulch and plantings at the same time and on the same permit as the residential**

conversion.

7. **The proposed project must be fully compliant with all building and fire codes adopted by the Village as well as all local, state and federal ADA requirements relating to both the interior and exterior of the building, parking lot and site.**