

**VILLAGE OF WAUCONDA  
ZONING BOARD OF APPEALS/PLAN COMMISSION  
Meeting Minutes  
April 21, 2010**

**CALL TO ORDER:**

Chairman Steve Madsen called the meeting to order at 7:00 p.m., and Dave Wanshek led in the Pledge of Allegiance.

**ATTENDANCE;**

Roll Call was taken:

	Present	Absent
Rob Fosness	x	
Dave Jakubek	x	
Ernie Kosty	x	
Matthew Kurland *	x	
Frank Lahrman	x	
Dave Wanshek	x	
Steve Madsen, Chairman	x	

\* Arrived at 7:10 p.m.

Village Staff and Consultants Present: Chief Doug Larsson, of Wauconda Police Department; Joe Schwarz, Building Commissioner, Village of Wauconda; Peter Karlovics, of the Law Office of Rudolph Magna Village Attorney; and Chris Miller, of Rolf C. Campbell & Associates Village Planning and Zoning Consultants.

Others Present: Salvatore Martorina, Myrna Galvez, Ismael Galvez, John Christofalos

**APPROVAL OF APRIL 7, 2010 MINUTES:**

Chairman Madsen asked the Members if there were any questions or concerns with the minutes as drafted. A motion was made by Ernie Kosty and seconded by Frank Lahrman to approve the December 16, 2009 Minutes. There was no further discussion.

Roll call was taken:

	Aye	Nay
Rob Fosness	x	
Dave Jakubek	x	
Ernie Kosty	x	
Matthew Kurland	absent	
Frank Lahrman	x	
Dave Wanshek	x	
Steve Madsen, Chairman	x	

**PUBLIC HEARING:**

421 W. LIBERTY STREET – Marquez Corporation – Ismael Galvez, President  
Zoning Conditional Use Permit for a Dance Hall  
Zoning Petition # 10-01

The public hearing was opened by Chairman Madsen.

Village Attorney Karlovics swore in all parties interested in providing testimony regarding the hearing.

Chris Miller reported that the Village is in receipt of a required legal notice publication and of neighbor notice cards and provided background information on the petition including the applicants request for a dance hall as part of reopening a former Sports Bar & Grill on the subject property. Mr. Miller also provided information regarding current zoning of GB, location of property, existing use being vacant and formerly an off-track betting facility, comprehensive plan designation of commercial and surrounding land uses and zoning as contained in a consultant memorandum dated April 14, 2010.

**Petitioner's Testimony:**

Ismael Galvez stated his plans to reopen a former Sports Bar & Grill with an event room to be used for dancing and other larger gatherings. Mryna Galvez described the current facility as presently having a bar, a small grill area, an area for sit down dining and a large event room where there would be a dance floor and sit down tables around the dance floor in addition to restrooms in the rear of the building. She indicated the front portion of the facility would be open normal business hours, and the event room would be open generally for special occasions such as birthdays, graduations. These gatherings may include catered food. On Friday and Saturday nights the event room may be open for public gatherings with either a DJ or live band performing when not reserved for a private party with these events occurring between 9 p.m. and 3 a.m.

**ZBA/Plan Commission Questions and Comments:**

Member Fosness questioned whether the applicant has other similar businesses, whether they would be serving alcohol and what the targeted age of patrons is. The applicant indicated that this is their first venture into this type of business, that they would be applying for a liquor license and their target age is 25 and older.

Steve Madsen questioned whether entertainment will occur every Friday and Saturday night? He also asked whether there is adequate parking to serve both the proposed use and other retail uses in the center. The petitioners stated they hope to have events every Friday and Saturday. Chris Miller responded to the parking questions and referred to comments contained in the Rolf C. Campbell consultant memo dated April 14, 2010 which notes that the shopping center as a whole lacks adequate parking given the size of the buildings within the center and uses of the center when compared to the Village Zoning requirement for parking. He further stated that the center appears to have appropriate parking for retail and office uses, but not perhaps for entertainment venues.

Dave Jakubek questioned the occupancy capacity of the building. A specific number has not been estimated, but it was thought to be similar to the occupancy of the off-track betting facility.

Ernie Kosty requested a clarification as to the anticipated hours of operation and whether there would be security provided. The applicants indicated the front portion of the facility would be open during normal business hours and the event room would be open for special events during these hours and on Friday and Saturday night from 9 p.m. to 3 a.m. when there would be a DJ or live music playing. Five securities personal would be on duty on Friday and Saturday nights.

Frank Lahrman questioned how many jobs may be created by the business, and the applicant stated they estimated 8 to 9 jobs would be created.

Matthew Kurland questioned whether parties would be private or public. The applicants indicated that they would be both private and public.

**Public and Other Comments:**

Chairman Madsen opened the public hearing to other comments and public comments.

Chief Doug Larsson, Wauconda Police Department addressed the Commission and presented three Exhibits identified as Exhibit A, B, and Group Exhibit C. Exhibit A consisted of a report on "Prior Incidents at 461 W. Liberty St 176 WA". Chief Larsson stated that a similar business operated on the opposite side of the Wauconda Shopping Center at 461 W. Liberty Street as Dos Hobonaros and during the time the business operated there was a

high level of incidents where police were called to the business placing a substantial burden on the Police Department.

Exhibit B consisted of a memorandum from the Village of Buffalo Grove's Police Chief Steve S. Balinski to Village Manager William Brimm dated September 2, 2009 outlining Police Department concerns and recommendations associated with Dance Clubs within the Village.

Group Exhibit C consisted of three news articles related to dance clubs. In summary Chief Larsson questioned whether a dance club or similar business is appropriate for the Village.

In response to Chief Larsson's testimony the applicant stated that their intention is not to have a dance club as the Chief described but more of an event facility.

John Christofalos stated that he is the co-owner with 50% interest in the shopping center and that he is opposed to the use being permitted based upon his experience with Dos Hobonaros and concurred with Chief Larsson's testimony. He also stated he is in the process of challenging the other owner who signed the petition to permit the application to be filed.

Attorney Peter Karlovics advised the Commission that they should take no action on the petition until it can be substantiated that the petition is a valid petition given that one of the owners has not given consent to the application.

Chairman Madsen, after some discussion, requested of the petitioner how long it may take to provide the Village with documentation to establish who has authority to sign on behalf of the property owner, and requested a motion to continue the public hearing.

**Motion:**

A motion was made by Matthew Kurland and seconded by Dave Jakubek to continue the public hearing to Wednesday, May 19, 2010 @ 7:00 p.m. at the Wauconda Village Hall.

Roll call was taken:

	Aye	Nay
Rob Fosness	x	
Dave Jakubek	x	
Ernie Kosty	x	
Matthew Kurland	x	
Frank Lahrman	x	
Dave Wanshek	x	
Steve Madsen, Chairman	x	

**ANNOUNCEMENTS**

No announcements

**ADJOURNMENT:**

No adjournment.

Meeting Ended without adjournment at 8:10 p.m.

Draft Minutes prepared by: Chris Miller, Rolf C. Campbell & Associates, Planning and Zoning Consultant. The draft minutes have been prepared for review with the Village Attorney and other Village Staff before being presented to the Village ZBA/PC for review and consideration for approval.