



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
SPECIAL MEETING
THURSDAY, AUGUST 13, 2015
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Chairman Hayden at 7:30 p.m. On roll call, members Batastini, Esposito, Greenman, Jouron, Skluzacek, and Hayden were present. Mr. Goss was absent.

James Richter II, Planning and Economic Development Manager, Kathryn Cowlin and Elizabeth Maxwell, both Planners, were present from Staff.

Mr. Hayden asked those in attendance to rise to say the Pledge of Allegiance. He led those in attendance in the Pledge.

Mr. Hayden stated that this meeting was being televised now as well as recorded for future playback on the City's cable station.

APPROVE MINUTES OF THE JULY 1, 2015 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the July 1, 2015 Planning and Zoning Commission as presented. Mr. Greenman seconded the motion. On roll call, all members present voted aye. Motion passed.

2015-42 PETERSEN PAVING – 362 Industrial – PUBLIC HEARING

The petitioner is requesting to be continued to the August 19, 2015 Planning and Zoning Commission meeting.

Mr. Jouron moved to continue 2015-42 Petersen Paving to the August 19, 2015 Planning and Zoning Commission meeting. Mr. Skluzacek seconded the motion. On roll call, all members voted aye. Motion passed.

2015-43 OAK HOLLOW – S. Ken St., N. RR Tracks, W. Thomas – PUBLIC MEETING

A motion is requested to set a public hearing date of August 19, 2015. Preliminary and Final PUD, and Final Plat of Subdivision.

Mr. Batastini moved to set a public hearing date of August 19, 2015 for 2015-43 Oak Hollow. Mr. Skluzacek seconded the motion. On roll call, all members voted aye. Motion passed.

2015-33 BMO HARRIS BANK - 5545 Northwest Hwy. – PUD Amendment – PUBLIC HEARING

This petition was continued from the July 1, 2015 and July 15, 2015 PZC meeting. Final PUD Amendment to allow changes to the freestanding signage; and Variation from Article 4-1000 sign height and area to allow a 7-foot tall freestanding sign with an area of 42 square feet.

Mr. Hayden stated that the sign had been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Hayden waived the reading of the legal notice without objection.

Doug Merritt, with Professional Permits and Jamie Maravich, with BMO Harris Bank, were present to represent the petition. Mr. Merritt said they have been working with staff since the previous hearing. He brought the final analysis of the signs and handed out copies of the reports for both locations. The findings are based on study. Mr. Hayden asked for overview of the report. Mr. Merritt said the best alternative to reducing the overall sign height from the original request is to relocate the sign to be setback 10 feet from the right of way on Northwest Highway and make the sign 1 foot taller than allowed by ordinance. He reminded the members that this location does not have a direct entrance and uses the shared entrance for the shopping center. Mr. Hayden said the request for this location remains the same – a 7-foot tall sign. Mr. Merritt agreed and said they have no concerns with the conditions listed in the report. He thanked staff for being so accommodating and understanding of the site.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Batastini thanked the petitioner for working with staff and doing their “homework.” The proposed sign is narrower. He added that they don’t want a giant billboard.

Mr. Jouron likes the new sign better and the larger letters. He is very pleased with the new sign.

Mr. Greenman agreed with comments that have been made. He looked at the comments made at the previous meeting and said there was a struggle at that meeting with regard to the hardship. He still is not seeing one. Mr. Merritt said there is sufficient data in the study that supports their request, which is not substantial. They are requesting a 7-foot tall sign. It also brings the sign in line with the travelers viewing window. The hardship is the development having low occupancy, and the sign needs clear sight lines. Mr. Merritt added that the signs along the Route 14 corridor vary greatly in height and distance from the right of way. Also the hardship is the speed of the vehicles and the number of driving lanes.

Mr. Skluzacek said he supports the request and has no problem with the height or location of the sign.

Mr. Esposito said one of the hardships is the PUD itself. He believes this request meets the Findings of Fact.

Mr. Greenman said he understands the expertise of the study and can support it generally. He supports what they are trying to accomplish.

Mr. Batastini moved to approve the Final PUD Amendment to allow changes to the freestanding signage and Variation from Article 4-1000 sign height and area to allow a 7-foot tall freestanding sign with an area of 42 square feet for BMO Harris Bank at 5545 Northwest Highway with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Professional Permits, received 05/27/15).
 - B. Revised Sign Plans (Icon dated 2/12/15, received 07/23/15)
2. Any future changes to the sign copy on the freestanding sign or wall signage shall comply with the Unified Development Ordinance, and does not require an amendment to the PUD.
3. Both parties agree to enter into a municipal utility management agreement to locate the sign in the municipal utility easement. The petitioner shall work with staff to locate the sign within the easement in a position to prevent, as practical, utility conflicts.
4. The petitioner shall comply with all of the requirements of the Community Development Department.

Mr. Jouron seconded the motion. On roll call, all members voted aye. Motion passed.

2015-34 BMO HARRIS BANK – 1105 S. IL Route 31 – PUD Amendment – PUBLIC HEARING

This petition was continued from the July 1, 2015 PZC meeting and cancellation notice for the July 15, 2015 PZC meeting.

Final PUD Amendment to a second freestanding sign; and Variation from Article 4-1000 sign height and area to allow an 11.4 feet tall freestanding sign with an area of 60.90 square feet

Mr. Hayden stated that the sign had been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Hayden waived the reading of the legal notice without objection.

Doug Merritt, with Professional Permits, and Jamie Maravich, with BMO Harris Bank, were present to represent the petition. Mr. Merritt said they spend a great deal of time dodging cars to get the site line photos. In response to the concerns discussed at the last meeting, BMO Harris is proposing to remove the back sign and ask for a reduced 11-foot tall freestanding sign on the west side of the property with a 50-foot setback from Route 31. The visibility needed for the motorist can be accomplished with this sign and setback.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Batastini thanked the petitioner for all of the work they have done. He asked for a description of a hardship for this site, that it would be helpful. Generally the sign looks nice. Mr. Merritt said the issue with the sign was brought to them by the bank customers and not being able to locate the bank. There was no visibility on the 7 lane highway and one wall sign is not legible to the north/south traffic. The multi-tenant ground sign panel would be covered with snow, landscaping, etc. Mr. Merritt said what they needed was a perpendicular sign for the north/south traffic. There are no concerns going east/west. He said the hardship

comes back to how to identify the site so vehicles can make necessary turns safely. The sign setback from Route 31 is 50 feet and based on the data in the study, this sign will be sufficient. He added that they will be removing the existing monument sign, which should not have been installed in its current location in the rear of the lot.

Mr. Batastini said he feels this meets the Findings of Fact.

Mr. Jouron said the lettering is more proportional and he is ok with the location and the height.

Mr. Greenman said he supports this request. Mr. Skluzacek and Mr. Esposito agreed that they can support the revised sign. Mr. Hayden said the more drivers take their eyes off the road to find a location, makes traveling more dangerous.

Ms. Cowlin asked about the condition regarding meeting the UDO conditions. Mr. Merritt said the only change they need is to have the sign be 11 feet tall.

Mr. Batastini moved to approve the Final PUD Amendment to a second freestanding sign; and Variations from Article 4-1000 sign height and area to allow an 11.4 feet tall freestanding sign with an area of 60.90 square feet for BMO Harris Bank at 1105 S. IL Route 31 with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Professional Permits, received 05/27/15).
 - B. Revised Sign Plans (Icon dated 06/18/15, received 07/23/15)
2. All wall signage for the building shall meet the requirements of the Sign Ordinance.
3. ~~The freestanding sign along Route 31 shall meet the requirements of the Unified Development Ordinance for area and height.~~
4. The petitioner shall comply with all of the requirements of the Community Development Department.

5. The petitioner shall work with staff on the wall signage.

Mr. Jouron seconded the motion. On roll call, all members voted aye. Motion passed.

2015-37 BEARD – 1394 Teakwood – PUBLIC HEARING
Special Use Permit Amendment for Home Daycare

The petitioner was not present. Mr. Hayden stated they would table this request until the end of the meeting.

2015-38 OSHINSKI – 103 N. Caroline St. – PUBLIC HEARING
Special Use Permit to permit an accessory structure, a detached garage, at 1,324 square feet; and

Variations from: A. Article 4-600 from the required minimum side yard setback of 7 feet to allow 3.98 feet and from the required minimum rear yard setback of 20 feet to allow 14 feet; and B. Article 7-300 to allow the expansion of a nonconforming structure.

Mr. Hayden stated that the sign had been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Hayden waived the reading of the legal notice without objection.

Mark Oshinski was present to represent his petition. Mr. Oshinski said he is requesting to add onto his existing garage. Currently, the garage is 3 feet 8 inches from the property line and the ordinance requires a setback of 7 feet. The lot is approximately a 1/2 acre. He added that instead of having a garage 26 feet he will make it a little smaller and have it 20 feet which will eliminate the variation for the rear yard setback.

Mr. Hayden asked if the petitioner had any concerns with the conditions in staff report. Mr. Oshinski said he has no problem working with staff. Ms. Maxwell asked if the garage would be left at 1 story and the overhang can't go over the property line. Mr. Oshinski said the garage will not be 2 story but there will be some room for storage in the attic.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Batastini said if the back is shortened about 6 feet that would eliminate the need for the rear yard setback variation. Mr. Oshinski agreed to have a 20 foot x 60 foot garage. Mr. Hayden asked if the petitioner was amending his request. Mr. Oshinski said yes. That will place the garage 20 feet from the rear property line. Mr. Batastini said the lot is large so there is no problem with expanding the non-conforming structure. If this were a smaller lot, he would be more concerned.

Mr. Jouron said he ok with the change. Mr. Greenman agreed and said this meets the Findings of Fact. Mr. Skluzacek agreed with shortening up the garage. Mr. Esposito said he has no issues with the request.

Mr. Batastini moved to approve the Special Use Permit to permit an accessory structure, a detached garage, at ~~1,324~~ 1,202 square feet; and Variations from: A. Article 4-600 from the required minimum side yard setback of 7 feet to allow 3.98 feet ~~and from the required minimum rear yard setback of 20 feet to allow 14 feet~~; and B. Article 7-300 to allow the expansion of a nonconforming structure for 103 N. Caroline Street with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Oshinski, received 06/29/15)
 - B. Plat of Survey (Property Lines, Inc. dated 05/06/14, received 06/29/15)

2. The garage addition shall be one-story with no dormers or openings on the side closest to the side property line and shall match the existing architecture of the garage.
3. The roof overhang shall not extend over the property line and that side of the structure shall be fire-rated to comply with all building codes.
4. The petitioner shall address all of the review comments and requirements of the Community Development Department.

5. Work with staff to confirm elevations and roof line height.

Mr. Skluzacek seconded the motion. On roll call, all members voted aye. Motion passed.

2015-41 EDMONSON – 163 Lakewood Ave. – PUBLIC HEARING

Variation from Article 3-200, Article 7-200(B) and Article 7-300(B)(4) from the minimum front yard setback requirement to allow a 7.8-foot encroachment for a covered front porch.

Mr. Hayden stated that the sign had been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Hayden waived the reading of the legal notice without objection.

Susan Edmonson and Richard Jackson, a neighbor, were present to represent the request. Ms. Edmonson said she recently purchased the property which has an existing porch. There are currently no railings on the porch and she wants to make it safe so people don't fall through it. Mr. Jackson asked about the setback and how it compares to the neighboring property. Mr. Hayden said this lot is a non-conforming lot and this is considered an expansion. Mr. Jackson said there is a commercial use next door to this property and on the other side is an empty lot. Ms. Cowlin said they use the two residential lots on the same side of the street to the north to determine the setback. Mr. Greenman said that would be your hardship. Ms. Edmonson said she is not increasing the size of the porch – only making it safe.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Batastini said the photos that were provided looks nice. This is an improvement to the property.

Mr. Jouron said he doesn't have a problem with the request.

Mr. Greenman understands that this process is hard to understand. They want to be sure the ordinances are complied with. He can support what the petitioner is trying to do. Mr. Skluzacek and Mr. Esposito are both ok with the request.

Mr. Batastini asked if there were any concerns with the conditions listed in report. Ms. Edmonson said no.

Mr. Batastini moved to approve the Variations from Article 3-200, Article 7-200(B) and Article 7-300(B)(4) from the minimum front yard setback requirement to allow a 7.8-foot encroachment for a covered front porch at 163 Lakewood Avenue with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Edmonson, received 07/07/15)
 - B. Site Plan/Survey (received 07/07/15)
 - C. Proposed Porch Picture (received 07/07/15)
2. The architectural style of the new porch shall be complementary to the principal structure. Exterior siding and trim colors shall match the principal structure.
3. The stairs providing access to the new porch shall not exceed 5 feet in width and are allowed to encroach no more than 4 feet beyond the porch, but cannot be closer than 5 feet to the property line.
4. The petitioner shall address all of the review comments and requirements of the Community Development Department.

Mr. Greenman seconded the motion. On roll call, all members voted aye. Motion passed.

2015-44 CRYSTAL SPA – 386 W. Virginia St. – PUBLIC HEARING

Special Use Permit to allow a massage establishment and a variation from Article 2-400(C)(65) to allow the business to be open at 10a.m.

Mr. Hayden stated that the sign had been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Hayden waived the reading of the legal notice without objection.

Fred Gerber and Te Yuan Gerber, business owners, and Darrell Little, property owner, were present to represent the petition. Mr. Gerber said he purchased the spa and the only thing that will be changing is the name of the business. In the future they would like to do skin care and possibly nails.

Mr. Hayden asked if there were any concerns with the conditions listed in the staff report. Mr. Gerber said no.

There was no one in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Batastini said in the staff report are listed the Findings of Fact that the requests need to meet. He

doesn't believe all of them would be met. He said 75% of window area must be open. The front windows will need to be open. A hardship would be needed if they didn't want to comply with that requirement. Also he has a question about the hours of operation. Why do they need to open at 10 a.m. Mr. Gerber said he kept the hours of operation the same as the previous business. Mr. Hayden said when a business goes out and a new one or new owner takes over, they must meet the ordinance at that time. When the original business opened, those hours of operation were allowed. Since that time the ordinance was amended. Mr. Gerber said their clients come in at 10.

Mr. Skluzacek said the windows aren't blocked by shades, but they are covered with photos that you can see out, but can't see in. Mr. Hayden said the ordinance was created so the public and Police/Fire can see into the building. Mr. Gerber said there are four tables in the front area for foot massages and this gives the customers privacy. Ms. Gerber said the customer needs to have peace and quiet.

Mr. Batastini understands people want privacy. He said they were given a floor plan for the space and this should be the lobby area. Police and first responders need to be able to see in the facility for safety. Mr. Little said the murals were put on the windows for privacy. Having the windows open would be detrimental to the clients. Mr. Batastini said there are many stations in the space, but only one licensed massage therapist. Mr. Hayden asked if Ms. Gerber is the only employee. Ms. Gerber said yes, at this time. If the business grows there will be additional employees. Mr. Batastini asked how the City will know when others are hired. Mr. Gerber said they will need to provide the City with their licenses. Mr. Jouron asked if they need a license to do nails. Ms. Cowlin said she was not sure, but if there is a license, the owners would need to provide that as well.

Mr. Greenman said the hours of operation seem fairly random. Ms. Cowlin said the hours were determined from a collaboration of various departments to promote a family friendly business. Mr. Greenman feels that 11 a.m. seems late in terms of opening. He can support the requested hours of operation, but he is not comfortable with the 100% coverage of the windows that is there currently. The layout given is not necessarily accurate. Ms. Cowlin said the floor plan was from the City's files from the previous business. Mr. Greenman understands that the new owners want to take over the business and run with it. He suggests rearranging some things so the window coverage requirements can be met and the clients still have privacy. He said to the petitioners that we are not trying to tell you how to do your business, but only giving suggestions. He wished them good luck with their new business.

Mr. Skluzacek said he is ok with the hours of operation and the mural on the windows along Route 14 are ok with him. He would prefer the windows facing the parking lot be uncovered.

Mr. Esposito feels that this request doesn't meet the Findings of Face and can't support it.

Mr. Batastini asked about licenses the City requires for massage. Mr. Richter said there are a number of business categories that require licensing from the State and that the City is working on a licensing ordinance for message establishments.

Mr. Hayden asked if there were any comments from the Police or Fire Departments. Ms. Cowlin said the Fire Department comments were more the general exit safety comments. Mr. Hayden asked about Police comments regarding the window coverings. Ms. Cowlin said the Police didn't believe they could change the window coverings since a sign variation was granted to the previous business and typically sign variations stay with property. Mr. Hayden holds to his comments. He said 10 years ago there would not have this type of condition, but in this day and age with hostage taking, etc. the first responders need to know what they are walking into.

Mr. Greenman asked if the window coverage limitations are for all windows or only the front windows. Ms. Cowlin said the variation was for all of the windows. Mr. Greenman said the intent of the ordinance is for all windows. Ms. Cowlin said yes. Mr. Greenman personally prefers to have the window coverage brought into compliance. If there is only 1 employee, the floor plan could be rearranged so the clients have their privacy. Mr. Hayden agreed.

Mr. Little said they will work with staff. Mr. Hayden suggested that they work with staff prior to the City Council meeting. Mr. Richter said this is a new request for a Special Use Permit and one of the criteria is for no window coverage, which is why it was brought up now.

Mr. Batastini moved to approve a Special Use Permit to allow a massage establishment and a variation from Article 2-400(C)(65) to allow the business to be open at 10am for Crystal Spa at 386 W. Virginia Street with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Gerber, received 07/10/15)
 - B. Interior Layout Plan (received 07/16/15)
 - C. State License (received 07/16/15)
2. The hours of operation for the massage establishment shall be 10am to 9pm.
3. Business records, including the names of clients and the services provided, must be readily available to inspect without prior notice.
4. All massage establishments subject to this section are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishment locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, that such doors may be closed.
5. Persons under 18 years of age are not permitted in a massage establishment, unless accompanied by his/her parent or legal guardian.
6. No residential use is permitted within the massage establishment at any time.

7. Alcohol is not permitted to be served in a massage establishment at any time.
8. The applicant consents to unannounced inspections by the City, its agents or employees for the purpose of determining of the provisions of this section are met.
9. Upon the petitioner's sale, transfer or relocation of this massage establishment, this special use will be considered null and void.
10. At the time any new massage therapists are employed, the owner shall provide a copy of their massage license to the City.
11. The petitioner shall address all of the review comments and requirements of the Community Development, Fire and Police Departments.

12. All windows shall comply with the requirement of no more than 25% of the window area coverage.

Mr. Greenman seconded the motion. On roll call, members Batastini, Greenman, and Jouron voted aye. Members Esposito, Skluzacek, and Hayden voted no. Motion did not pass.

2015-37 Beard – 1394 Teakwood – PUBLIC HEARING
Special Use Permit Amendment for Home Daycare

The petitioner was not present.

Mr. Batastini moved to continue 2015-37 Beard to the August 19, 2015 Planning and Zoning Commission meeting. Mr. Esposito seconded the motion. On voice vote, all members voted aye. Motion passed.

REPORT FROM PLANNING

- Virginia Road Mini Storage – 201 S. Virginia – PUD Amendment
- Bryn Mawr – N. Router 176, E. Route 47 – Conceptual Review
- Salvi – farming vacant property E. Carlemont; W. Randall – Temporary Use Permit
- Gentile-Zeitler - 237 Ash Street – Variation
- Oak Hollow – S. Kent St., N. RR tracks, W. Thomas – Ordinance revisions

Mr. Richter reviewed the items for the next meeting on August 19, 2015.

COMMENTS FROM THE COMMISSION

Mr. Hayden said some of the neighbors of Bryn Mawr are present and asked if they had any comments. Mr. Richter said there is nothing for Bryn Mawr on the agenda. Matt Parker, a property owner, said there is an

existing SSA and where can they find out about it. Mr. Richter said staff he doesn't have any details about that at this time. What was recently presented was a conceptual plan. There was general discussion at both the Planning and Zoning Commission and City Council. In response to several other questions that would normally be directed to the developer, he offered to set up a meeting with the developer if the property owners would like. Mr. Parker asked about changing the school district to Crystal Lake. Mr. Hayden said that would need to be approved by the school districts. One of the other home owners said it was mentioned at the meetings that the developer had spoken with the property owners and he had not. Mr. Batastini said they may have asked if the developed talked with the property owners but there is no requirement for that with a conceptual plan. Mr. Richter suggested that the property owners stay after this meeting and he and Ms. Cowlin will answer their questions. Mr. Greenman said they love when neighbors come in. This is the best time for them to get involved since it is still on the ground level.

Mr. Batastini asked what is happening on the property next to Ed's Rental on Route 176. Mr. Richter said that property is in the County and they are clearing trees.

The meeting was adjourned at 9:00 p.m.