



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, APRIL 20, 2016
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, Goss, Greenman, Jouron, Skluzacek, and Hayden were present.

Michelle Rentzsch, Director of Community Development, Kathryn Cowlin, Planner, and Abby Wilgreen, City Engineer, 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 APRIL 6, 2016 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the April 6, 2016 Planning and Zoning Commission meeting as presented. Mr. Skluzacek seconded the motion. On roll call, members Esposito, Goss, Jouron, Skluzacek, and Hayden voted aye. Members Batastini and Greenman abstained. Motion passed.

Mr. Hayden stated that there are sign in sheets in the back of the Council Chambers for those who wish to speak or just note their objection or support.

2016-10 KENSINGTON (FORMERLY BRYN MAWR) – N. Rt. 176; E. Rt. 47 –PUBLIC HEARING

Comprehensive Plan Amendment to change the land use designation from Estate Residential and Office to Urban Residential, High Density Residential and Commerce; Rezoning to R-2 PUD Single-Family, R-3B PUD Multi-Family Residential and B-2 PUD General Commercial; Preliminary Plat of Subdivision to create 300 single-family lots and 203 multi-family lots with outlots for detention, open space and park site; Preliminary Planned Unit Development for a 503-lot residential development; Variations from: A. Section 3-200(A)(6) Multi-Family Residential Dimensional Standards to allow: a. A lot area less than the required 13,400 square feet to allow a minimum of 3,820 square feet, b. A lot width less than the required 80 feet to allow a minimum of 71.92 feet, c. A front yard setback of zero from the required 30 feet, d. A rear yard setback of zero feet from the required 20 feet, e. A side yard setback of zero feet from the minimum required 8 feet, f. A corner-side yard setback of less than 30 feet to allow a minimum of 3 feet, g. A yard abutting a residential district that is less than the required 50 feet to allow a minimum of 25 feet, h. A maximum building coverage of up to 80% that is greater than the maximum of 30%, i. A maximum impervious surface coverage of up to 85% that is greater than the maximum of 65%, and j. A maximum floor area ratio of up to 1.40 that is greater than the maximum of 0.60; B. Section 3-300(D) Locations of Buildings to allow townhomes that do not abut a public or private street; C. Section 5-

300(G)(1) Open Space Requirements and Standards for Conversation Design to allow 20% open space instead of the required 40%.

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.

Ken Rawson, petitioner, was present to represent the petition. Mr. Rawson said he had come before the Planning and Zoning Commission with a concept plan recently and was told the density was too high. That has since been reduced. He talked about the original plan for Bryn Mawr with the Special Service Area 45. Phase 1 of Bryn Mawr was sold to Ryland Homes who left the project after Phase I was built. Mr. Rawson said this plan includes land owned by others and he was invited to revive this development. He has had meetings with the Park District and there will be a park amongst the single family homes. He showed the area that is being donated to McHenry County Conservation District that will also be a park. That land original was planned for homes in the original Preliminary Plat. There are very old Burr Oak trees on that property and they will be saved. Adjacent to the single family there will be a park and a green belt is planned between the existing homes and proposed development. Mr. Rawson added that the drain tiles were damaged in the area. The "lake" on the property that will be donated to the McHenry County Conservation District is the head water for something to the southwest. The 2-acre lots have been removed and the land will be preserved as it is currently. A second entrance to Route 176 will be added with this development. They are also planning retail along Route 176 where office uses are currently shown.

Mr. Rawson showed the proposed plat of subdivision showing smaller single family lots and townhouses with open space. He said the big question was how to repay the bonds and he understands that they are not supposed to discuss that. The bonds are the driving force for this request. He has heard complaints that there is poor water pressure. This plan will donate area for a water treatment center as well as a Fire Rescue station since there is nothing close to this development. The townhouses are units of 3 and will back up to the MCCD space. Mr. Rawson showed all of the open space, parks, and green buffers. The park will be paid for and built in conjunction with the Park District. There will be two roundabouts in this subdivision to slow down traffic and there is a road proposed through the ComEd right-of-way which hasn't been done yet. Mr. Rawson showed the elevations for the townhouses. The idea was to have townhouses that don't look like row homes. Each is virtually an independent home with one common wall. The garages will be in the back. Only the middle unit will have two common walls and there will be a deck on top of the garage. This design gets away from the "barn look" of other townhouse developments. He also showed the floor plans for the units. Due to the mature trees, this development will look like it has been there for years. The "lake" on the MCCD property is very shallow. Mr. Rawson added that the adjacent property to the west along Route 47 is zoned for commercial uses in Lakewood. Also IDOT is scheduled to improve the intersection of Routes 47 and 176.

Mr. Hayden asked Mr. Rawson to review the Findings of Fact found in the report and to discuss the hardship for the variations requested. Mr. Rawson said financing is hard to get these days and he needed to go to a private source. The City needs \$900,000 for improvements to the sewer system. He said this isn't the old

days – build it and they will come. Out of control growth is gone and he feels this development will pump up the values of the Ryland homes. Mr. Hayden asked about the Amendment to the Comprehensive Plan. He added that finance is not a hardship and asked what the reason is for these requests. Mr. Rawson said the need to close the SSA. The density is higher because the market is different. If they don't do anything this property will be divided up. That is the hardship. He added that the hardship is to make the land useable and make the bonds current.

Mr. Hayden asked if the petitioner had any objections to the conditions listed in the report. Mr. Rawson said he will meet all of the conditions. He added that the banks won't fund the project until there is an approved Preliminary plan and they are pressed for time with this development. Mr. Rawson said this proposal is typical of what the Commission has seen before and there are enough units to upgrade the City's sewer system.

Mr. Hayden asked for comments from the Commissioners.

Mr. Goss said he has been around for about 30 years and has never seen a staff report with a disclaimer. There is too much data lacking in this development that they won't be able to come to an agreement. The density and increase in the amount of traffic is a concern. He is also not in favor of B-2 up against the single family. The plans have no measurements between buildings. This needs to be more defined than what they have. Mr. Goss said he is concerned if a Preliminary PUD is approved because rights are vested. There are certain things that need to be provided at Preliminary. There are no driveways shown. He is not comfortable with what is proposed. He understands the pressure from the banks. Mr. Rawson said the banks aren't the question. It's the taxes need to be redeemed by May 15th. Mr. Goss said there were originally 331 units and this is adding many units. Ms. Cowlin said there was an Amendment to the Annexation Agreement for townhomes, which was not executed.

Mr. Batastini said there are other concern. The townhouses around the lake are ok, but these need to be a higher end product. Also there are too many variations for a vacant property. The people who live there were told there will be large estate lots. He said this is putting the south side of town next to estate-type lots. This will hurt the property values. This proposal is not what the residents of that area signed up for and that's what bothers him the most. Mr. Rawson said Ryland did things he wasn't happy with. There was a contract with Ryland. Mr. Batastini said the homeowners believed that what they were told would be built as planned. He would prefer the property remain vacant than to stuff smaller lots behind the existing homes. He added that the traffic on Route 176 backs up to Lippold Park. He doesn't see this development as being a positive. The townhouses need to be more upscale and the number reduced. The residents bought in on the high end and now the request is to put too many units behind them. Mr. Batastini said the homes will be too large for the lots proposed and that doesn't look good. He wants what was originally approved for this area.

Mr. Esposito said this is poor planning to have the proposed type of residential at this end of the city limits. It should be smaller lots in the center of the city and getting larger as you move from the center. The more dense residential area wasn't bought by the current residents there. Mr. Rawson agrees, but the average lot size will be 10,000+ square feet. There is no demand for ½ acre lots. There is demand for smaller homes

with 2-3 car garages. Mr. Batastini said that 3 car garages on 8,500 square foot lots look out of place. Mr. Rawson said he will bring in builders and they will need to come back before you for approval of the product. Mr. Hayden said when they approve a Preliminary they won't be able to make any changes to the Final if the plan is in substantial compliance with what was approved. Mr. Rawson said he will waive the substantial compliance. Mr. Hayden said if the property is sold, the new owners won't have to comply with that. He said they need the plans before them to be approved. Mr. Rawson said they can put conditions on them. Mr. Batastini said one of the conditions could be they must be on ½ acre lots. Mr. Rawson said no.

Mr. Hayden said the staff report says it all. This doesn't meet the Preliminary Plat or PUD requirements, the engineering plans don't match the plat of subdivision and other items as well. The Commissioners take this very seriously and changes to the Comprehensive Plan and rezoning property is at the top of the list. When a perspective purchaser does their due-diligence, they find out one thing and now it's being changed. Mr. Hayden said the petitioner is requesting to change the Comprehensive Plan and rezone the property, which are the two things that protect the residents. They expected a certain lot size and the petitioner is asking the City to take those away. Mr. Rawson said the land uses are changing and this is the way it is now. He said someone will buy the land, de-annex it and do something else with it. He has stuck with this for 2 ½ years. Mr. Rawson said the City can attach any conditions they want. He won't allow anything to happen to this project. He added that he is working on another site in town and that won't be done unless the City is ok with it. They just can't do ½ acre lots.

Mr. Hayden opened the meeting for public comment.

Eric Yergens, 2417 Bryn Mawr Lane, said he is the President of the Homeowners' Association and the residents have met several times. He said the Commissioners share their concerns. Mr. Yergens read a portion of a letter from a resident. Mr. Yergens said he relocated his family from Wisconsin to this area because he wanted a larger yard for his children. He agrees that the market has changed, but they want to keep what was originally approved. They are asking the City not to approve the plans that were presented. Mr. Yergens added that the number of units keeps changing depending on the audience. They are also concerned with the entrances and the amount of traffic the additional units will create. This subdivision has many small children, no sidewalks, and the speed limit is 30 mph. He asked where the children from the new homes would attend school. If it is the Woodstock school district, they are already overcrowded and not sure how they would be able to take in more. Mr. Yergens said the homes being presented are 2-bedroom and their current homes have 4 to 6 bedrooms. Also the traffic going onto Route 176 is a big concern. They have been given many promises and have been told many different stories. The petitioner has committed to anything the residents want and then changes it. They were promised complete plans to review two weeks ago and have not received them. Mr. Yergens added that the covenants for his association, which were drafted by Mr. Rawson, are unenforceable and they are currently in a legal situation to try to correct them. Some of the setbacks in the new development are going from 30 feet to 0 feet and the side yard setback from 8 feet to 0 feet. This plan plops too large of a home on too small of a lot. He thanked the Commission for allowing them to speak.

Matt Parker, 2500 Achilles Lane, said he did research before he moved to this area. He agrees that the Woodstock schools are very crowded now and if this property is rezoned, there will be even more kids.

Larry Erback, 419 Helen Street, thanked the Commissioners for handling the zoning in this community. They are the reason they moved here. Mr. Erback said they are one of the original homeowner and they have several new neighbors so someone wants to buy that size lot and house.

Jeff Mawdsley, 2532 Achilles Lane, said he is concerned with the road layout to the property to the north having only one entrance/exit for that area. Originally there were two access points. Mr. Mawdsley's other concern is the high water table in the area. There are many sump pumps running.

Larry Finney, 2408 Bryn Mawr, said they are new to the area. The original approval was for 330 units and the builder stopped at 91. Even if this plan is approved, how will they be assured that the builder won't stop after a small number of lots?

Kathy Christensen, 2481 Bryn Mawr, said their home is right off the entrance off Route 176. She understands there will be another entrance/exit, but it is very dangerous. Ms. Christensen said they heard about the possibility of retail on this area and she doesn't want retail there.

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

Mr. Rawson said the retail portion of this request is unsubdivided and the City will have to review it in the future. There will be berms, fences etc. between the retail and the homes. He said they had requested sidewalks on one side of the street originally but they were not put in because Ryland didn't want them. As for the covenants for the subdivision, he was not the principal drafter of the declarations. Ryland wrote them and he signed them. Mr. Rawson said there won't be any increases in taxes and feels that the SSA is abominable. He said the traffic from the proposed development basically would come out of the other entrance and not the current one. As for the second access to the north property, there is a major wetland area so the second entrance/exit to the north parcel was eliminate and agrees there should be another. There will be an emergency access drive for Police and Fire Rescue. There will be commercial/retail up against the subdivision on the west with Lakewood. Mr. Rawson said he understands why the homeowners are upset with Ryland. Mr. Hayden said they are not here to discuss finances or SSAs. Mr. Rawson said they tried to have this subdivision in the City's school district but both Woodstock and Crystal Lake elementary districts were opposed to the change.

Mr. Jouron agrees with previous comments made by the Commissioners. It is very crowded and too dense. He worries about the traffic getting in and out. The original 300-foot buffer will be removed with this plan. Mr. Rawson said Lakewood wanted the buffer so it is in the agreement. He added that Lakewood needs to approve the changes to the agreement too. Now Lakewood has commercial up against the single family homes. He said that people are purchasing existing homes in the subdivision because they are mostly foreclosures. He added that this is a different world than 10 years ago. There is no place for people to

purchase gas, food, etc. The Internet is killing big box retail. Nothing is available for people in the area. They must drive miles to get something. Mr. Jouron said there are no details to the plans and he can't make a decision on what was presented.

Mr. Greenman thanked those who spoke for coming to the meeting. Nothing was presented about the hardship for the variations. He added that the Findings of Fact for the Comprehensive Plan amendment have not been met. The Preliminary PUD standards also have not been met. There are variations allowed within the PUD taking into account creativity of the subdivision, but there is not enough to allow for the number of variations requested. Mr. Greenman said the information provided doesn't meet the standards. Mr. Rawson asked what standards? Ms. Cowlin said the ones listed in the Staff Report. Mr. Hayden said a hardship for a variation is something that is not created by the petitioner. Mr. Rawson said the hardship is on behalf of the banks and the SSA. He was asked by the owners of the property to get involved with this again. He did not know he needed to address a hardship. Mr. Rawson added that if the bond issue doesn't get done this is all for nothing. Everyone thinks this property will be vacant. He appreciates the City and hasn't been before the City with something that wasn't true.

Mr. Skluzacek feels that the lots are too small, the density is too high and the traffic is a huge problem. He agrees with his fellow Commissioners. He added that the sewer capacity is not there for all of the extra units. Mr. Rawson said that without the increase in PE there won't be enough capacity for this development or in the area.

Mr. Esposito said the one thing that stuck with him is being told to "tell him what you want and he'll agree to it." The petitioner needs to submit information and ask if we agree or not. He can't support what the petitioner is trying to do here. It is beyond good planning – it's being a good neighbor. Some of this might work on the south end of town, but this is not what was being sold out here and what was being built there. Mr. Esposito said the traffic is terrible there now and there is no signal to get in and out. He can't image how it would be with a few hundred cars added to the traffic.

Mr. Goss asked if there will be a signal at either intersection. Ms. Cowlin said the traffic study did not require a signal at either intersection. The intersection of Routes 176 and 47 will be improved. Mr. Goss said there are rights that go with a Preliminary PUD approval and nothing was presented to them that could be reviewed. He can't support the request.

Mr. Hayden agrees with everything that has been said by the Commissioners and there is no need to repeat it.

Mr. Hayden said there is no need to amend the Comprehensive Plan. The Commissioners agreed. For the rezoning it will have a negative impact on the nearby properties, and will diminish property values – the Commissioners agreed. Overall, the rezoning requirements have not been met.

Mr. Hayden reviewed the Findings of Fact for the Preliminary PUD. He said the plan doesn't meet points 1, 2, 3, 5, and 6. Point 7 was not provided and points 4, 8, 9, and 10 could be met. The Commissioners agreed.

Mr. Batastini moved to deny the Comprehensive Plan Amendment to change the land use designation from Estate Residential and Office to Urban Residential, High Density Residential and Commerce; Rezoning to R-2 PUD Single-Family, R-3B PUD Multi-Family Residential and B-2 PUD General Commercial; Preliminary Plat of Subdivision to create 300 single-family lots and 203 multi-family lots with outlots for detention, open space and park site; Preliminary Planned Unit Development for a 503-lot residential development; Variations from: A. Section 3-200(A)(6) Multi-Family Residential Dimensional Standards to allow: a. A lot area less than the required 13,400 square feet to allow a minimum of 3,820 square feet, b. A lot width less than the required 80 feet to allow a minimum of 71.92 feet, c. A front yard setback of zero from the required 30 feet, d. A rear yard setback of zero feet from the required 20 feet, e. A side yard setback of zero feet from the minimum required 8 feet, f. A corner-side yard setback of less than 30 feet to allow a minimum of 3 feet, g. A yard abutting a residential district that is less than the required 50 feet to allow a minimum of 25 feet, h. A maximum building coverage of up to 80% that is greater than the maximum of 30%, i. A maximum impervious surface coverage of up to 85% that is greater than the maximum of 65%, and j. A maximum floor area ratio of up to 1.40 that is greater than the maximum of 0.60; B. Section 3-300(D) Locations of Buildings to allow townhomes that do not abut a public or private street; C. Section 5-300(G)(1) Open Space Requirements and Standards for Conversation Design to allow 20% open space instead of the required 40% for Kensington Subdivision (formerly Bryn Mawr) located north of Route 176 and east of Route 47. Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion to deny passed.

Mr. Hayden said the next step is the City Council and due to the vote at this meeting they will be required to have a super majority. That would require 5 of 7 votes to overturn this recommendation. He suggested that those in attendance come to the City Council meeting to again voice their opinions.

REPORT FROM PLANNING

- Willow Creek – 100 S. Main Street

Ms. Rentzsch reviewed the items on the agenda for the May 4, 2016 PZC meeting.

COMMENTS FROM THE COMMISSION

A resident thanked the Commissioners for their time and involvement in the Community.

The meeting was adjourned at 9:20 p.m.