



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, JULY 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 Esposito, Goss, Greenman, Jouron, Skluzacek, and Hayden were present. Mr. Batastini was absent.

Elizabeth Maxwell, Senior Planner, Kathryn Cowlin, Planner, and Dave Pardys, Special Counsel, 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 6, 2016 PLANNING AND ZONING COMMISSION MEETING

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

Mr. Hayden pointed out that there are sign in sheets in the rear of the Council Chambers on the table and asked that people sign in if they would like to speak or there are boxes to note their support or objection to the request. He read a prepared statement saying the public hearing process allows people to participate in the proceeding. He asked for participants to be respectful of others, and no outbursts. Everyone will be given an opportunity to speak and asked that comments that had been made previously not be repeated.

Mr. Hayden also read a prepared statement regarding Federal laws as they pertain to places of worship.

2015-50 CAR CARE (FORWARD CAPITAL) – 4410 Northwest Hwy – PUBLIC HEARING

Final Plat of Subdivision for a 2 lot subdivision; Variations from: A. Article 3-200 from the required 20-foot rear yard setback for Lot 1 to allow 6 inches, a variation of 19 feet 6 inches for the western building and to allow 9.84 feet for the eastern building, a variation of 10.16 feet; B. Article 3-300 and 5-200 to allow the creation of a lot without frontage along a public roadway; and C. Article 5-200 to grant a deferral from the requirement to install sidewalk and bury the overhead utility lines.

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.

Nick Standford, attorney, was present to represent the petition. Mr. Standford said they would like to

subdivide the lot and sell one of the lots. There are variations that are requested to allow the owners of the front lot to access the parcel that is landlocked. He said the easements are included in the application. Mr. Stanford said the development of this area will bring tax revenue to the area. He added that the uses will remain the same.

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

Mr. Goss said the application states that the petitioners are not requesting waiver of burial of utility lines yet it is listed in report. Mr. Stanford said yes. Mr. Goss said this request meets the Findings of Fact.

Mr. Skluzacek said there is no other access to the rear lot. Mr. Stanford said this is not a busy driveway and it shouldn't be a problem.

Mr. Esposito said he has had an issue with landlocked lots previously. He can't support the request without a road leading to the other lot.

Mr. Greenman asked what is the hardship for the variations. Mr. Stanford said the only way to sell this property is to subdivide it and receive variations. They have tried to draw the lot line as fairly as possible between the two lots to reduce the number of variations that are needed. If the subdivision is not approved, the owner of the property will not be able to make a sale. He said they are currently not using rear of the property and added that this property is a hardship on the owner and the community. Mr. Stanford said this is not being used to its fullest potential. Mr. Greenman said the Commission looks at hardship to grant a variation and a financial hardship is not under their purview. For him unless a hardship other than financial, he can't support it. Mr. Stanford said the setback rules for this property aren't applicable and they show an easement across the rear of the property because they don't know how it will be developed. They don't see any harm in this.

Mr. Jouron asked if there are any concerns with conditions listed in the staff report. Mr. Stanford said no.

Ms. Maxwell said all of these improvements are existing and the variations are based on where the line is drawn in relation to the existing buildings. She added that the variations will probably go away when the front lot is redeveloped. It is difficult to place the lot line due to the placement of the existing buildings. This subdivision does create a land locked parcel, but the petitioner is granting an easement to that lot.

Mr. Goss moved to approve the Final Plat of Subdivision for a 2 lot subdivision; Variations from: A. Article 3-200 from the required 20-foot rear yard setback for Lot 1 to allow 6 inches, a variation of 19 feet 6 inches for the western building and to allow 9.84 feet for the eastern building, a variation of 10.16 feet; B. Article 3-300 and 5-200 to allow the creation of a lot without frontage along a public roadway; and C. Article 5-200 to grant a deferral from the requirement to install sidewalk and bury the overhead utility lines for Car Care (Forward Capital) at 4410 Northwest Highway with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Forward Capital, received 10/15/16)
 - B. Final Plat of Subdivision (MM Survey C. Ltd. dated 05/12/15, received 07/12/16)
 - C. Plat of Survey (Engineering Enterprise, dated 04/01/16, received 07/12/16)
 - D. Access Easement (Schain Banks, undated, received 07/15/16)

2. Final Plat of Subdivision:
 - A. The petitioner shall note all easements on the plat and within the Easement Agreement, which the City will review and approve.
 - B. The petitioner shall work with staff to amend the Plat to correctly illustrate the sanitary sewer easement and the maintenance easement.
 - C. A Plat of Dedication must be provided for the portion of Sands Road listed as “That part being used for street purposes.”

3. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments.

Mr. Skluzacek seconded the motion. On roll call, members Goss, Jouron, Skluzacek, and Hayden voted aye. Members Esposito and Greenman voted no. Motion passed.

2016-21 ARISING CHURCH – 211 N. Virginia St – PUBLIC HEARING

Rezoning from B-2 General Commercial to O- Office; Special Use Permit for a religious organization; and Variations from: A. Article 4-900 Design Standards to allow improvements to the exterior elevations that do not meet the commercial design standards; and B. Article 4-1000 to allow two wall signs, a variation of one sign at 211 N. Virginia Street.

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 Saladin, attorney, with Pastors Nick Slaughter, Gabriel Mayes, and Mike Hutchinson, were present to represent the petition. Mr. Saladin said they are requesting to rezone the property at 211 Virginia Street which previously housed Westlane Bowl and a Special Use Permit for a church. Also, they are requesting variations from the design standards and two wall signs. The property is approximately 1.83 acres and he reviewed the surrounding property zonings and uses. Mr. Saladin said that there are generally office uses in the vicinity of this property. The property was taken over by American Community Bank. The petitioners do not own the property. He added that the building is deteriorating. Mr. Saladin said this request is not for a new retail center or restaurant. It is a request for a church whose members were leasing space in a building, which will soon be Willow Creek Church and they are seeking a new home. Pastor Slaughter said they started the church about 3 ½ years ago in his home. When the church grew, they moved to The PoinTe next to Target. They outgrew that after a year and moved to their location on Main Street. Most of their time is

spent meeting with families and small groups away from the church building. They take what they do very seriously and have seen people's lives be changed and turned around and are very committed to seeing positive changes in this community. Pastor Slaughter said they have seen it.

Mr. Saladin said the architect was not available to attend this meeting. Pastor Slaughter showed the proposed elevations of the building. They will be upgrading the existing exterior of the building and keep most of it intact, but will add windows and various other things. He said the signs that are shown on the elevations are just showing the location of the sign and not the exact size of them. They are looking for a simple, clean look. He showed the floor plan and said Phase 1 will be the sanctuary area with a stage. Also, long term they plan to have a kitchen area to be used for the outreach program. They handed out sheets showing the color pallet of the building.

Pastor Mayes said they are interested in serving the community and to be good citizens.

Mr. Saladin reviewed the staff report. He said the Comprehensive Land Use Plan designation is Commerce and believes that the requested office zoning is conducive to the area. This parcel is hidden and entrance on Route 14 will be right-in/right-out only with the new IDOT improvements. According to the Plat they do have a cross access easement with the adjacent property to the north for access to Route 176. Mr. Saladin said this is an existing building and they want to use the structure. This is not new construction. The improvements to this building will help with the property values in the area. He added that there are currently 75 parking spaces on the site which meets the ordinance for seating for 300 people. They are requesting two wall signs due to the nature of how the building sits on the property, which are practical difficulties. Mr. Saladin reviewed the standards in the report. He said the property values in the area will be enhanced and will enhance the morals and general welfare of the community. They believe this location is desirable for a church and will be taking a dilapidated building and making it useful again. This use will not negatively impact traffic in the area. Mr. Saladin said he knows the Commissioners received a copy of a letter from the current owner of the property, American Community Bank as well as a letter from the owner of the adjacent property. If a parking issue arises the City will look at the situation and will be sure it is taken care of. He added that they know the adjacent property owner was concerned that the church would be using their parking lot which also is a liability issue for them. Mr. Saladin stated that the Pastors have already told their members not to use the adjoining parking lot. He added that they are looking into leasing parking from other office uses. Mr. Saladin said the petitioners will be redoing the parking lot and landscaping will be added. The existing fence will also be rebuilt. The variations are due to the unique shape of this property and the existing building. He said the owner has tried to market the property with zero interest.

Mr. Hayden said the Commissioners received both letters from American Community Bank and the adjacent property owners. He asked if there are any concerns with the conditions listed in the staff report. Mr. Saladin said no.

Paul Quick, 220 Hickory Drive, said his property backs up to this site. He joined the church when it was just a bible study group several years ago. He and his family went for walks around the block and they prayed

that someone would use the property again. This church does embody community and the heartbeat of the community is family. This use will enhance the community and families. Mr. Quick is thankful they can present this request to the City. This Church helps everyone.

Timothy Wiedenfeld, 7010 Hillside Road, said he grew up as one of 8 kids. He attended church growing up, but never felt connected. They never got to the deeper issues. He has tried so many churches and he wasn't able to open up with the members or get help with his struggles. Mr. Wiedenfeld said there is a lot of community here and have met with members in the church who helped him through his issues one at a time. They took the time for him. He added that this is a large benefit to this community.

Mark Morrison, 628 Gaslight Drive, Algonquin, said he has been to many churches and this one is different. He and his family have been totally changed by the church. This has also helped him with his small business. Mr. Morrison added that they minister to the prisoners at the McHenry County Jail once a week. His family is in vacation in Wisconsin and he came back for this meeting and the Thursday meeting at the jail because he is passionate about helping others and the mission of the church.

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

Mr. Jouron asked if there is a pole sign on the property. Mr. Saladin said yes. Mr. Jouron said he would prefer it be removed. He would give the petitioner more wall signs if they remove that pole sign. Mr. Jouron asked about the types of activities that are held during the week at this location that might impact parking. Pastor Hutchinson said they are only at this location on Sunday. They prefer to meet at people's homes during the week in smaller groups. Mr. Jouron said his dentist is in the office building to the north and he seldom sees more than three cars in that parking lot at one time. Mr. Saladin said they did reach out to the building owner regarding leasing spots from him but the owner prefers not to do that because of liability.

Mr. Greenman thanked the petitioner for the services they provide. Not only is it good for them, but also for the larger community. The great news is that this congregation continues to grow. Mr. Greenman said this is an interesting use for this building and he has no problem with the rezoning. He doesn't want the petitioner to outgrow this too soon nor have a situation with traffic issues. They want to make sure that as the use grows that the use is beneficial to all. He added that they do need to think about additional parking and suggested that the members get used to accessing Route 176. He said he generally supports this request.

Mr. Saladin they have also reached out to the small ranch office building to the south with their additional 20 parking spaces. He said they have also discussed car pools. There are also other alternatives down the road for them.

Mr. Esposito said he is good with the request. Mr. Skluzacek said he is ok with the project. He was concerned with the entrance on Route 176, but drove by it prior to the meeting and he is ok. Mr. Skluzacek said the petitioner is doing everything right.

Mr. Goss asked about the access on Rt. 176. Ms. Cowlin said it is a full access. Mr. Goss said he would prefer to have any overflow parking at the larger office building to the north. Pastor Slaughter said the building is currently for sale so there is always hope. Mr. Goss said this request meets the Findings of Fact.

Mr. Hayden said the building has been deteriorating for many years and asked what the time line is for making the needed renovations and enhancements and also how it is funded. Pastor Slaughter said they are working with American Community Bank. Some of the demolition has been done and the improvements will be done in phases. He explained the improvements in Phase 1. He said the bank is willing to loan them the money for the improvements. Pastor Slaughter said they hope to have some of the improvements completed in September or October. Mr. Hayden asked if the petitioner was ok with the conditions listed in the staff report. Mr. Saladin said yes. Mr. Goss asked if the Special Use Permit runs with the land or the use. Ms. Cowlin said it is with the land so if this church leaves this property, another church can come in.

Mr. Jouron asked to remove the pole sign. Pastor Mayes asked if they remove the pole sign could the signs be made bigger. Ms. Cowlin said they are allowed a free-standing sign. Mr. Goss said they want a pole sign and two wall signs. Mr. Skluzacek said he would prefer a monument sign to the pole sign. Mr. Esposito feels the pole sign cheapens the use. Ms. Cowlin said they can change the copy on the pole sign so long as the sign is in good repair. If the sign needs to be replaced they would need to change it to a monument sign. Pastor Slaughter said they like the pole sign. Mr. Goss said he is ok with the two wall signs and the existing pole sign.

Mr. Greenman moved to approve the Rezoning from B-2 General Commercial to O- Office at 211 N. Virginia Street. Mr. Skluzacek seconded the motion. On roll call, all members voted aye. Motion passed.

Mr. Goss moved to approve the Special Use Permit for a religious organization at 211 N. Virginia Street. Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

Mr. Greenman moved to approve the Variations from: A. Article 4-900 Design Standards to allow improvements to the exterior elevations that do not meet the commercial design standards; and B. Article 4-1000 to allow two wall signs, a variation of one sign at 211 N. Virginia Street with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Zanck, Coen, Wright & Saladin, P.C., dated 05/18/16, received 05/23/16)
 - B. Elevations (ALA, dated 03/21/16, received 06/25/16)
 - C. Floor Plan (ALA, dated 06/17/16, received 06/27/16, edited by City Staff 7/15/16)
 - D. Survey (Condon, dated 12/12/05, received 05/23/16)
 - E. Parking Plan (City Staff, dated 7/13/16)
2. The petitioner will meet the Crystal Lake Watershed requirements for the additional impervious surface area.

3. The UDO minimum parking space requirements will be met, if the church grows, additional parking spaces will be required.

4. The petitioner shall comply with all of the requirements of the Community Development, Police and Fire Rescue Departments.

Mr. Jouron seconded the motion. On roll call, members Goss, Greenman, Jouron, Skluzacek, and Hayden voted aye. Mr. Esposito voted no. Motion passed.

2016-27 NEW DIRECTION - SOBER LIVING - 131 Ellsworth St – PUBLIC HEARING
Special Use Permit for a group dwelling.

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.

Alex Wimmer, attorney, and Christopher Reed, President of New Directions Addition and Recovery Services, were present to represent the petition. Mr. Wimmer said they are requesting a Special Use Permit for a group dwelling in the “R3A” zoning district. Mr. Reed showed a Power Point presentation and gave the history of the organization. They are looking for a location that is easily accessible to public transportation and other community resources. They provide structure and accountability for the residents and reduce the financial burden on the community. Mr. Reed reviewed the house rules the residents must adhere to. He also reviewed the Findings of Fact and said this use provides a needed service to the community. There are studies that sober living homes have no effect on property values. The use is in the appropriate district and they will meet the building and fire codes. Mr. Reed said the required number of parking spaces is easily met.

Mr. Wimmer said the property currently is improved with a duplex. Mr. Reed reviewed the plans for the building. There will be a house manager who will live in the second floor unit. There will be five people living on the first floor and six living in the basement. The basement will be brought up to code for egress. He said there are two parking spaces in the front of the property and three spaces in the rear, as well as a 3-car garage. They have more parking than is needed.

Mr. Hayden asked if the petitioners had any concerns with the conditions listed in the staff report. Mr. Reed said no.

Dave Hanson, 141 Ellsworth, said he owns the property adjacent to this property. His family lives on the 1st floor and rents out the second floor. They were notified by regular mail - not certified – with the incorrect date and received a second notice with the right date. Mr. Hanson said he had contacted the City regarding code questions and has not heard back from anyone. He is very familiar with the property and 12 people in that home is not possible. He added that the house rules will need to be modified for people who work later than the 11 p.m. Mr. Hanson said there is no parking in the rear except on grass and the City has strict

regulations about parking on the street overnight. He added that they will need to jog cars for those going to work. Mr. Hanson said this is the wrong place for this use. He asked if there will be others coming here for meetings. He added that there is no way to expand the driveway. He believes a two flat needs to have an exit on both the front and rear of the building and it is not there. This use doesn't meet the criteria and it is in the middle of a neighborhood. Mr. Hanson said you can't cram that number of people in that home. He asked about sanitary with only two bathrooms in the home. Also the homes are very close together. Mr. Hanson stated that he is all for helping these people but not here. Crystal Lake has a great night life for those what can handle it. There will be problems there and things will happen. These people need to be helped but not here.

Mr. Wimmer said there are no other group homes within 1,000 feet of this property.

Mr. Hayden said they have received a petition signed by several people and entered it into the record.

Jim Lesmeister, 185 Ellsworth, said he purchased his home in 2004. There have been at least nine people living there and they were coming and going at all hours. He said there are petitions against this use. He wants homes around him. He added that there will be too many vehicles and too many people in that home.

Tom Spantider, 140 Illinois Street, submitted more signatures on the petition and gave it to staff. Mr. Spantider said there are single family home in the area with an alley in the rear. There have been many problems with this property in the past. He has lived here for over 50 years. There are many boarded up windows in the area and he is not sure how many people live there. He added that there is a sober home in the area already and this is very close to a school on Illinois Street. Mr. Spantider asked where the funding for this home is coming from. He does understand that these people need a place to live, but why here. There are already many cars parked on Main Street at Prairie Street and it is very hard to get out. Also, when the school has special events cars park all over and sometimes double park.

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

Mr. Reed said there is a second exit on the second floor unit. The parking at the house is sufficient for this use. He added that you will never avoid liquor stores or bars for the rest of your life.

Ms. Cowlin said there is a back alley that is improved and there is gravel up to the property which is how the garage is accessed.

Mr. Greenman understands that there will be additional work to be done in the basement to increase the living area from 9 to 12 residents. Mr. Reed said yes. Mr. Greenman asked if there will be people coming in and out all day. Mr. Reed said if the residents are employed they must be within the parameters of the house rules. Third shift employment is not allowed. Mr. Greenman said that potentially all residents could have a vehicle, but that is not the case. This is very close to public transportation which is why the home is desirable. Mr. Reed said there will be transportation for organization. They will be going in one vehicle to

an event instead of several. Mr. Greenman asked if the house manager is a “live in”. Mr. Reed said yes it is 24 hours a day and there are two assistants who will be in and out of the home. Mr. Greenman asked if there are meetings that will be held at the house. Mr. Reed said yes, but for home residents. They also will be attending meetings outside of the house.

Mr. Esposito said he is concerned with the number of people in this home. Twelve adults is a lot. That is his biggest concern with this use. This is a large dormitory. He understands the parking won't be a problem because most of the residents won't have a drivers license and they can use public transportation. He is concerned with the number of people. The residents will be very close and not have much personal space. Mr. Reed said the residents will be there at night and are required to be out of the house during the day working, looking for work, or doing volunteer work. They are back around dinner time. This will be a safe place to stay at night. Mr. Esposito said his problem is with the number of residents. That house was not designed for that number.

Mr. Skluzacek asked if there would be any other rooms on the 2nd floor. Mr. Reed said the residents will be on the first floor and the basement. Mr. Skluzacek said there are only a few bedrooms for the number of people living there. He added that there are only a few bathrooms for that number of people. Mr. Wimmer asked if the comments was a concern for the residents. Mr. Skluzacek said yes.

Mr. Goss asked how this is funded. Mr. Reed said the residents are required to pay a weekly living fee. The property is funded by private donations and is paid for out right with some money left for some minor repairs. The house itself is self supportive. Mr. Wimmer said there is no state money involved. Mr. Goss asked for the difference between a multi family versus group home. Ms. Cowlin explained the definitions.

Mr. Goss said based on that the Find of Fact are met and he can support the request.

Mr. Hayden asked if a resident has a job that gets off at 11 p.m. he can't meet the curfew and that is not allowed. Mr. Wimmer said that is correct. Mr. Hayden asked where the residents will be working. Mr. Reed said they have several relationships with employment services and construction jobs. Also, many of the residents will work in retail. Mr. Hayden asked what is most prominent. Mr. Reed said they are mostly employed in construction and retail. Mr. Hayden said construction worker need the use of a vehicle to get to job site and for tool storage. He asked if there will be an impact on the neighborhood. Mr. Reed said they have not purchased the vehicle yet but it will be a 12 person van. Also, PACE is available to anyone. Mr. Reed added that there are a lot of tradesmen who will pick up and drop off the residents. Mr. Wimmer said there is also UBER available. Mr. Reed said they also could put a cap on the number of vehicles allowed at this home. They would be ok with six vehicles. Mr. Hayden said that goes a long way. Also, no guests are allowed to stay in the home whether over night or visitors during day. Mr. Reed said the only guests allowed are for one on one visits in the common area which is usually by their sponsor or case worker. Mr. Hayden asked about the 3 car garage and if it would used for meetings. Mr. Reed said they will use it mostly for storage but possibly for a gathering space for the guys. Mr. Hayden said no events. Mr. Reed said that is correct.

Mr. Hayden believes that the Findings of Fact have been met. He had two concerns on site parking and the number of vehicles. Having a cap of the number of vehicles to six helps. Mr. Reed said when they were putting together the business plan they wanted this to be self sustaining without any state funds. They determined the number of residents that would be needed as well as the zoning district they would need to go into and also the City codes. They don't want to get into a property that won't support itself. Mr. Hayden said this service is sorely needed and asked if they were purchasing the entire building. Mr. Reed said yes.

Mr. Skluzacek asked if the residents will prepare their own meals or will there be a cook. Mr. Reed said there will be a rotating schedule. Mr. Hayden said it's like a fire department. Mr. Reed said yes but different.

Mr. Greenman asked if the residents will all be male. Mr. Reed said yes. Mr. Greenman asked if this home could ever change to all female. Mr. Reed said it could possibly change but there would not be a mix of male and female. Mr. Greenman asked if this request is successful would there be 12 residents immediately or will the home be filled over a period of time. Mr. Reed said it would be over a period of time. Mr. Greenman agreed that this request meets the Findings of Fact and supports the request.

Mr. Goss moved to approve the Special Use Permit for a group dwelling at 131 Ellsworth Street with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (NDARS, dated 06/27/16, received 06/28/16)
 - B. Organization Information (NDARS, received 02/25/16)
 - C. Business Plan (NDARS, received 02/29/16)
2. The special use permit is granted for the New Directions Addiction Recovery Services. If the property is sold, the new owner must apply for a special use permit for a group dwelling.
3. The maximum occupancy for the residence would be determined by the applicable codes.
4. Meetings for the current residents, staff and guest speakers may be held on the premises and shall not be open to the general public.
5. The petitioner shall comply with all of the requirements of the Community Development Department.

6. There shall be a limit of six (6) vehicles on-site at all times for this property.

Mr. Greenman seconded the motion. On roll call, members Goss, Greenman, and Hayden voted aye. Members Esposito, Jouron, and Skluzacek voted no. The vote was 3-3 and the motion did not pass.

Mr. Esposito said his no vote was because of the number of people in the building. Mr. Skluzacek also feels there are too many people for the size of the home. Mr. Goss said the UDO allows up to 12 residents in a group home. Ms. Cowlin said that is correct and it also needs to meet the Building Codes. Mr. Hayden asked

if this could be sent on to the City Council. Ms. Maxwell said this is not a negative recommendation. The motion was to approve. Mr. Pardys said he will review the ordinance.

2015-45 UDO AMENDMENTS – PUBLIC HEARING

Amendments to various articles of the Unified Development including Articles 2, 3, 4, 7, 9 and 10.

Mr. Hayden the Certificate of Publication was in the file. He waived the reading of the legal notice without objection.

Ms. Maxwell said this is the second set of amendments. They worked on the language and clearing up some of the inconsistencies in the UDO. She reviewed the items to be amended and added that the Temporary Use Permits will be removed and Special Events will be taken care of in the City Code.

Ms. Maxwell reviewed the changes in Article 3 and Article 4. She said that if there are issues that they can be handled through our property maintenance. This helps staff with enforcement. Mr. Goss asked about fences and/or walls screening the garbage totes. Ms. Maxwell said they are looking into amendment the language and explained what is currently allowed.

Mr. Hayden talked about signs that are full color, more like a TV screen, that he saw during a recent trip. They looked very nice. Mr. Goss said that is find for an expressway, but we don't have traffic going down our highways at that speed. Ms. Maxwell said they will look at the EMC criteria.

Ms. Maxwell reviewed the other possible changes to the Articles include reducing the number of the PZC members from 9 to 7 which will help with quorum issues. They also are including an Administrative Variation process that has certain standards that must be met. They are starting small and can always add more to this process. There would still be notification to adjacent properties and if there is an objection received the request could go to PZC. Mr. Greenman asked how often does Staff receive inquiries that could possibly result in an Administrative Variation. Ms. Maxwell said there is at least 1 a month and possibly 2. Mr. Greenman said he would like to know what was approved administratively to educate himself. Mr. Goss agreed and it should include why one was approved and another was not. Ms. Maxwell said there would be a record of these and why the determination was made. Mr. Greenman said that would also provide more guidance to staff as to what possibly could be looked at for a further change.

Ms. Maxwell said the definitions in Article 10 have also been added and clarified.

Mr. Hayden asked if there would be any other amendments. Ms. Maxwell said they are looking at signs so there is more language clarification.

Mr. Hayden asked about the sign for the pink building on Route 14. Ms. Cowlin said the sign face was changed and the copy portion of the sign was added which is allowed in the ordinance.

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

this time.

Mr. Goss moved to approve the following amendments to the Unified Development Ordinance as discussed during the meeting and presented in the Staff Report dated July 20, 2016. Mr. Greenman seconded the motion. On roll call, all voted aye. Motion passed.

REPORT FROM PLANNING

- Pocketed Annexations
- Myers – 880 Abbingdon Dr – Variation fence height
- Refuge for Women – 1291 North Ave – Special Use Permit Amendment
- Maxwell – 707 Woodland Dr – Variation

Ms. Cowlin reviewed the items to be discussed at the next meeting on August 3, 2016.

COMMENTS FROM THE COMMISSION

Mr. Pardys reviewed the previous tie vote. He said that a super majority at the City Council is forced by a 2/3 negative vote. That vote did not trigger a super majority.

The meeting was adjourned at 10:20 p.m.