



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, AUGUST 17, 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, and Kathryn Cowlin, Planner, 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 AUGUST 3, 2016 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the August 3, 2016 Planning and Zoning Commission meeting as presented. Mr. Greenman seconded the motion. On roll call, all members present voted aye. Motion passed.

2016-29 CHICAGO TITLE TRUST 4149 SUDS R US – 4616 Route 176 & 2016-30 CHICAGO TITLE TRUST 4152 – 4709 Route 176 – PUBLIC HEARING

Rezoning upon annexation to B-2 General Commercial; and Special Use Permits for: A. A drinking place; B. A tattoo parlor; C. Major auto repair; and D. Outdoor storage of materials, equipment and vehicles.

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.

Kelly Cahill, attorney, and David Brinsko, owner, were present to represent the petition. Ms. Cahill said all of the properties are owned by Mr. Brinsko. She said the City approached Mr. Brinsko regarding annexation of his property and the City assured him that the property would be annexed "as is". They are currently working on the Annexation Agreement. Ms. Cahill said they are requesting "B-2" zoning with Special Use Permits for several businesses located on the property. They will also be seeking a sign variation for the exiting sign, which was purchased in February. This is an existing use with a bar and a commercial strip center which has been operating for many years. Ms. Cahill reviewed the Findings of Fact and the owner wants to keep doing what they are doing now.

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

Mr. Goss asked about the conditions listed in the staff report on page 6. Ms. Cahill discussed improving the parking surface and said staff had agreed to a gravel surface. They will also be eliminating some of the current storage area. Mr. Goss said when businesses come into the City, there are specific regulations for some, such as the tattoo parlor. Mr. Brinsko agreed. Mr. Goss said he spoke with staff about the number of gaming terminals and that will be decided at City Council. Ms. Cahill said they are also concerned with the difference in the hours of operation.

Mr. Skluzacek said his questions had been covered by Mr. Goss. Mr. Esposito said he did not have any questions.

Mr. Greenman said there are several Special Use Permits requested for various businesses and asked of all of those are currently on this property or are there additional requests. Mr. Brinsko said they are all currently in the units. Mr. Greenman asked if the EMC sign will come in as non-conforming use and will that approval stay with property or just this petition. At some point we have to identify what we feel is important with EMC signs. Ms. Cowlin said there are two options, the sign can be accepted as a legal non-conforming use or Council can grant a sign variation for the sign. It is up to the discretion of City Council. Mr. Greenman said the Annexation Agreement can include the sign and he believes this request meets the Findings of Fact.

Mr. Jouron asked about the billboard. Ms. Cahill said they are still negotiating the agreement. Ms. Cowlin said other recent annexations have approved the bill boards to remain for the length of the current lease. There are seven years left on the current lease.

Mr. Hayden said the EMC sign was included in the legal notice, but it is not part of the staff report. Ms. Cowlin said it was included to be sure things were covered. Mr. Goss said the EMC sign has video, color, etc. Ms. Cowlin said this is a sign variation. Mr. Hayden said they can include comments regarding the EMC sign. He added that Crystal Lake is new to the gaming use and he believes the City did a good job in keeping us a high scale community. He supports the way the City Council did it. Mr. Hayden said he would like an additional conditions that the petitioner shall comply with the gaming requirements of the City. Ms. Cahill said the area for the gaming terminals in this business doesn't look bad. There are 5 machines but it doesn't look any different than if there were 3. Mr. Hayden said he wants the code uniform for all businesses within the City. It's a problem if one has 5 machines and the others are allowed only 3. Mr. Hayden said this is not a forced annexation. Ms. Cahill said not really. Mr. Hayden said if it were a forced annexation they would be discussing Estate zoning for the property and not "B-2" zoning.

Mr. Goss suggested the use of the sign comply with our ordinance. He understand this is a legal non-conforming structure. The sign is not changing only the use. Mr. Greenman completely agreed. Mr. Goss asked when the County license expires they will need to get a City license at that point and the number of gaming machines will need to meet what is allowed by the City. Mr. Brinsko said he doesn't believe there is a County license. Ms. Cowlin said when the property is annexed, they will need to get a City gaming license.

Mr. Goss moved to approve the Rezoning upon annexation to B-2 General Commercial; and Special Use Permits for: A. A drinking place; B. A tattoo parlor; C. Major auto repair; and D. Outdoor storage of materials, equipment and vehicles for the property located at 4616 Route 176 and 4709 Route 176 with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:

A. Petition to Annex (Zukowski, Rogers, Flood & McArdle, dated 07/25/16)

2. The outdoor storage should only be on an approved surface, the parking of vehicles on the grass is prohibited.

3. The petitioner shall comply with the requirements of the Community Development Department.

4. The use of the EMC sign and number of gaming terminals shall conform to the City Code.

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

2016-35 ASR PROPERTY – 5219 E Terra Cotta Ave – PUBLIC HEARING

Rezoning upon annexation to B-2 General Commercial; and Special Use Permits for: A. Major auto repair; and B. Outdoor storage of materials, equipment and vehicles.

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.

Vidura Randunne was present to represent his petition. Mr. Randunne said he was approached by the City to annex his property as is.

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

Mr. Goss asked about the conditions on page 5 of the staff report and asked if they agreed with the paving. Mr. Randunne said he wants to talk about it since it is not a grassy area and there is some gravel. Mr. Goss said the petitioner needs to work with staff on figuring out what complies. He added that this request meets the Findings of Fact.

The remaining members are ok with the request.

Mr. Goss moved to approve the Rezoning upon annexation to B-2 General Commercial, and Special Use Permits for: A. Major auto repair, and B. Outdoor storage of materials, equipment and vehicles for the property located at 5219 E. Terra Cotta Avenue with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:

A. Petition to Annex (Randunne, received 07/11/16)

2. The outdoor storage should only be on an approved surface, the parking of vehicles on the grass is prohibited.

3. The petitioner shall comply with the requirements of the Community Development Department.

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

2016-28 PLAZA FOOT MASSAGE – 16W Crystal Lake Plaza – 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 10 a.m. and close at 10 p.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.

Andy Yu, owner, and Xio Obin Liu, his interpreter, were present to represent the petition. All of the statements made by Mr. Yu was through the interpreter.

Mr. Yu said they want to open a foot massage business in the Crystal Lake Plaza. Mr. Hayden asked if the petitioner was aware of the conditions and requirements. The interpreter said they had discussed them prior to the meeting and Mr. Yu was ok with the conditions. They are requesting a change to the hours of operation. Mr. Hayden asked why they need the increase in the hours of operation. Mr. Yu said some of their customers may work late and after they finish dinner they would come for the massage.

There was no one 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 license required. Mr. Yu said nothing is required by the State that he is aware of.

Mr. Goss said condition #2 states from 8 a.m. to 10 p.m. Also, he would prefer that no alcohol be allowed at any time. He believes this meets the Findings of Fact.

Mr. Greenman believed the UDO was previously amended for the hours of operation. Ms. Cowlin said the hours were amended from 10 a.m. to 8 a.m. since previous requests had asked for that time change and they were granted. She said the variation is for one hour over the closing time. Mr. Greenman asked if they approved the starting hour at 10 a.m. and the petitioner would want to change it to 8 a.m. would they have to

come back for approval. Ms. Cowlin believes that they would not since the UDO allows the starting time of 8 a.m. Mr. Greenman asked if this is a new business or a business moving to Crystal Lake. Mr. Yu said this is a new business. Mr. Greenman asked if this will be only foot massage. Mr. Yu said they begin with massaging the head, then the shoulder, then the hands and finally the feet and back. Mr. Greenman said there appears to be a discrepancy and asked if this is a massage establishment. Ms. Cowlin said the UDO does not differentiate between a massage and foot massage. A State License is required for a massage establishment when the customer is disrobing. As long as the customer stays clothed no State License is required. Mr. Yu said they will not disrobe. Mr. Greenman said he is comfortable with the business, but wants to be sure the Commission understands what the petitioner wants to do with the business. He asked if any approved establishment had requested hours past 9 p.m. Ms. Cowlin said she did not recall. Mr. Greenman doesn't believe one hour is a problem. Mr. Goss agreed that there is no harm in the extended hour. Mr. Esposito agreed. Mr. Greenman asked if the Police Department had reviewed the request. Ms. Cowling said yes and they did not have any comments regarding the hours of operation.

Mr. Esposito said he would prefer this remain a foot massage establishment and not a regular massage when the clients disrobe. Mr. Yu said the rooms do not have any doors on them.

Mr. Skluzacek asked about the number of employees. Mr. Yu said there will be 7 to 8 people. Mr. Skluzacek said the floor plan shows doors and the rooms. Mr. Yu said there will not be any doors on the rooms. Mr. Skluzacek asked about washrooms. Mr. Yu said they are in the rear of the space.

Mr. Hayden is concerned with people getting infections from soaking in water and asked what precautions will be taken. Mr. Yu said everything is cleaned and towels are used one time only. Mr. Hayden asked if scented oils are used. Mr. Yu said only massage oil on exposed skin.

Mr. Hayden said he is troubled and asked if a condition should be added that customers will not disrobe at any time. Mr. Goss said if the business is inspected and they are doing anything other than the massage allowed they are in violation of the approval.

Mr. Goss 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 10 a.m. and close at 10 p.m. for Plaza Foot Massage at 16W Crystal Lake Plaza with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Yu, dated 06/28/16, received 06/30/16)
 - B. Floor Plan (Yu, received 06/30/16)
 - C. Certificate of Program (received 06/30/16)
2. The hours of operation for the massage establishment can be 8 a.m. to 10 p.m.
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. At least 75% of the window area of the massage establishment shall be visible, installed with clear, nonreflective windows. Blocking of windows with drapes, blinds or shelving is prohibited.
7. No residential use is permitted within the massage establishment at any time.
8. Alcohol is not permitted ~~to be served in a massage~~ the establishment at any time.
9. 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.
10. Upon the petitioner's sale, transfer or relocation of this massage establishment, this special use will be considered null and void.
11. If the business plan for the foot spa expands to include body massage, the petitioner shall submit all massage licenses to the City prior to commencing body massages.
12. The petitioner shall address all of the review comments and requirements of the Community Development, Fire and Police Departments.

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

2016-36 SUNSET LOGISTICS (JEMCO) – 1451 Virginia St – PUBLIC HEARING
Final PUD Amendment for a truck maintenance facility.

Ms. Maxwell said the petitioner is not present and suggested the request be continued to a future PZC meeting.

Mr. Goss said this creates a lot that has no connection to a public street. There is no acceptable roadway for emergency vehicles. He believes a cross access agreement needs to be presented prior to coming before the PZC for approval. There is work to be completed for this request before they are head by the PZC. The other members agreed.

Mr. Goss moved to continue 2016-36 Sunset Logistics to the September 21, 2016 PZC meeting. Mr.

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

2016-38 ATHLETICO – 6500 Northwest Hwy Unit F – PUBLIC HEARING

Final PUD Amendment to allow a total of 137.4 square feet of wall signs on a multi-tenant building.

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.

Karen Dodge was present to represent the petition. Ms. Dodge said they are going to occupy three tenant spaces in the outbuilding of Crystal Lake Plaza and they are requesting three wall signs.

Ms. Cowlin said since the report was written, it has been determined that the suggested awning will overhang into the drive aisle of the parking lot, therefore, condition #2 needs to be modified.

Mr. Jouron asked how do the requested signs compare to the strip center sign sizes. Ms. Cowlin said the most recent PUD Amendment for the Plaza was only for the rear building signs and did not include the outbuilding.

Mr. Esposito asked what is allowed for the rear building. Ms. Cowlin explained what is allowed.

Mr. Goss said he has a problem with the amount of square feet requested. He asked that the amount be reduced or have only 2 signs. The sign facing the rear building does not need to be large. Mr. Esposito said there won't be people driving by and just stopping at this business. This is a lot of signage for one tenant. He added that he doesn't know what the sign facing the strip mall does for the petitioner.

Mr. Jouron suggested a smaller sign in rear of building like the outbuildings in front of WalMart. He asked what size those signs are. Mr. Goss suggested having "Athletico" only on the rear sign without physical therapy. Ms. Dodge said that is the trademark name.

Mr. Greenman suggested the petitioner be allowed 125 square feet and they can split it up any way they determine.

Mr. Esposito said no one will see the rear sign and he agrees with the 125 square feet maximum. Members Skluzacek and Jouron agreed.

Mr. Hayden asked if the clients are mostly local. Ms. Dodge said their clients are from doctor recommendations. Mr. Goss said this is a destination and not an impulse to go to the facility. Ms. Dodge said people can stop in and they are licensed by the state. Mr. Hayden said he understands the signage on the streets and believes this use is a destination.

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

this time.

Mr. Greenman said this request meets the Findings of Fact.

Mr. Greenman moved to approve the Final PUD Amendment to allow a total of ~~137.4~~ **125** square feet of wall signs on a multi-tenant building at 6500 Northwest Highway Unit F with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Municipal Resolutions, dated 07/26/16, received 07/28/16)
 - B. Sign Package (South Water Signs, dated 03/07/16, received 07/28/16)
2. Work with staff ~~to incorporate an awning element into~~ **on updating** the façade for this outbuilding.
3. 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.

REPORT FROM PLANNING

- Harris Bank trust 114690 (D'Andrea) – 4419 Rt. 14 – Involuntary Annexation
- U Haul Storage – 4504 Northwest Hwy – Annexation

Ms. Cowlin reviewed the items to be discussed at the next meeting on September 7, 2016.

COMMENTS FROM THE COMMISSION

Mr. Esposito asked if there any been any problems with the bike trails on the roadways. Ms. Cowlin said she will ask the Engineering Division. Mr. Esposito said there are large trucks going up and down Golf Course Road and going over the speed limit. They are not giving the bike riders any room and are honking their horns at them. Mr. Jouron suggested that there be an article in the City newsletter regarding bicyclists following the rules of the road. Mr. Skluzacek said they don't stop at stop signs and it's mostly the adults.

The meeting was adjourned at 8:45 p.m.