



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, FEBRUARY 18, 2009
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

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

Michelle Rentzsch, Director of Planning and Economic Development, Elizabeth Maxwell, Planner, and Rick Paulson, Building Commissioner, were present from Staff.

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

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

APPROVE MINUTES OF THE FEBRUARY 4, 2009 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the February 4, 2009 Planning and Zoning Commission meeting as presented. Mr. Greenman seconded the motion. On roll call, members Batastini, Esposito, Jouron, Schofield, and Greenman voted aye. Members McDonough, Skluzacek and Hayden abstained. Motion passed.

2009-05 WRISTEN – 7218 Virginia Rd – PUBLIC HEARING

This petition is being continued to the March 4, 2009 PZC meeting.

Mr. Esposito moved to continue 2009-05 Wristen to the March 4, 2009 PZC meeting. Mr. McDonough seconded the motion. On roll call, all members voted aye. Motion passed.

2009-04 MACIAS – 1338 Fair Oaks – PUBLIC HEARING

This petition is being continued to the March 4, 2009 PZC meeting.

Mr. Esposito moved to continue 2009-04 Macias to the March 4, 2009 PZC meeting. Mr. McDonough seconded the motion. On roll call, all members voted aye. Motion passed.

2008-80 CRYSTAL LAKE BRAKE & AUTO - 6200 Berkshire – PUBLIC HEARING

This petition was continued from the January 21, 2009 PZC meeting.

Special Use Permit for outside storage of vehicles; Zoning Variation from the required 6-foot solid screen of fence, earth berm or dense evergreen growth; Zoning Variation [Section 650-39 F (1) [2] and 650-39 F (4)] from the requirement to provide landscape islands at the ends of parking rows and each 10 spaces; and Zoning Variation (Section 650-39 C) from the requirement to provide a 24-foot

drive aisle at 90 degree parking and a 13-foot drive aisle at 45 degree parking.

Mr. Hayden stated this petition had been continued from a previous meeting. He swore in the petitioner again.

Bruce Barry, business owner, was present to represent his petition. Mr. Barry said he supplied Staff with a parking lot layout for their review. He said there were some members who had concerns with leaking vehicles and showed a pan that can be placed under the vehicles. Also the safety issues with Fire Rescue have been resolved earlier in the day.

Mr. Hayden asked if there were any concerns with the revised conditions. Mr. Barry said no.

Brian Gatza with Family Pet Center said he would prefer that there not be a fence. If there were a fence installed, his parking would not be accessible to his clients. He would prefer that the driveway along Berkshire be one way towards the parking area and it be posted or striped for no parking.

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

Mrs. Schofield asked if that area along Berkshire will be striped. Mr. Barry said yes. Mrs. Schofield asked if that is a condition. Ms. Maxwell said it could be added but they are subject to this plan. Mrs. Schofield said she is pleasantly surprised with this parking plan. She also would prefer that a condition be added regarding the striping.

Mr. Jouron asked if there is enough room to move the cars. Ms. Maxwell said it will be tight. Mr. Jouron asked where the fence will be located. Mr. Barry said he is requesting a variation from the fence.

Mr. Skluzacek asked how many spaces would be lost if they had diagonal parking. Ms. Maxwell said they would probably eliminate a few from each row. Mr. Skluzacek said even with a mid-size car it will be tight. If those spaces were eliminated would there still be enough parking for the building. Ms. Maxwell said Gerber has their own parking to the north of the building. Mr. Skluzacek said he has a problem with the way this is laid out. He would like a condition added that if this plan presents a problem they will need to change the design.

Mr. McDonough said this parking plan will be impossible to navigate unless you have a mini car. He said none of the north side spaces are shown on this plan. He said if the plan were redesigned to be safer, they would reduce the parking by 7 spaces but they shouldn't have to redesign this for the petitioner.

Mr. Esposito said there are too many spaces crammed into this space. He can't see this plan working.

Mr. Greenman thanked the petitioner for working together. He agrees that something needs to be done with the center section. Ms. Maxwell said that area was previously striped by the Family Pet Center as one of their requirements. Restriping would eliminate several spaces but the situation would be safer. Mr. Greenman suggested that they work with Staff on the parking layout.

Mr. Batastini asked if there will be signs posted to designate which business those spaces are for. Mr. Barry said it hasn't been an issue yet. Mr. Batastini said the landscaping had been asked for previously and he wondered how this would be taken care of. Ms. Maxwell said Gerber would be installing the landscaping. Mr. Barry said he has a verbal agreement with his landlord, Gerber Auto.

Mr. Hayden said the petitioner is requesting 3 variations and they need to demonstrate hardships for each. He is concerned about the well protection areas and stated there have been issues in the area previously. Mr. Hayden is concerned with the light weight pan the petitioner is proposing. He said a good wind will blow those around. He said the site plan showing the landscaping and site lighting has not been submitted.

Mr. Barry started discussing the fence. Mr. Hayden said it can also be landscaping. Mr. Barry said the owner will take care of the landscaping. Mr. Hayden said the petitioner only received a verbal agreement from the owner and it is not worth the paper it is not written on. He said it has taken City Staff 2 ½ years to get to this point for the entire site. Things were approved and promises made in the past that were never completed. He is concerned with the history of the property itself. This is not a reflection on the petitioner but it does weigh on his mind. Mr. Hayden asked what the hardship is for the screening. Mr. Barry said it would be a hardship for the business to put up a fence. The other businesses would not have access to the area.

Mr. Hayden asked about the drive aisles. Mr. Barry said all of the parking is not currently being used. He wanted to show the maximum that could be parked there. Mr. Hayden asked about the leaking fluids. Mr. Barry said they went with a pan and not a mat. Ms. Maxwell said the Public Works Director didn't note any concerns with the business using the pan. They don't usually get cars that have been in a collision. She said there is a condition in the revised staff report that the petitioner is to use the pan for leaking cars. Mr. Hayden said the use has not changed and he doesn't understand why the comment changed.

Mrs. Schofield asked what the required number of parking spaces is for these uses. Ms. Maxwell said she doesn't have accurate floor plans for each business. Mrs. Schofield asked why would they have 93 spaces if that is not the required number. Mr. Gatza stated he was required to have 33 spaces per our Zoning Ordinance and has 30 per his lease agreement.

Mrs. Schofield said the drive aisle variation could go away if they knew the number of spaces needed for those businesses. Mr. Barry said he was asked at the last meeting to show how many cars could be parked on the site. Mrs. Schofield said she is not comfortable with the layout and she has a problem with creating variations but not a problem with the Special Use Permit request.

Mr. McDonough said this plan doesn't meet the parking ordinance requirements for spacing. There is plenty of parking but it needs to be drawn correctly.

Ms. Maxwell said Gerber and the pet center parking requirements are set. Another suggested condition would be that no work on vehicles shall take place outside of the building.

Mr. Hayden said there is a lot of junk and debris on the property currently. Mr. Barry said it is not his. Mr. Hayden said that is the problem they have been having in the past is that everyone says it's not their stuff that the City is complaining about. Mr. Batastini said they get a lot of "it's not my junk" or "it's not my car." This property has been a challenge and this request is not helping the City. They are not getting to a solution.

Mr. Paulson said enforcement has been a problem. There were several vehicles on the site with no license plates and flat tires. They couldn't determine whose cars they were. He asked the PZC to give him solid conditions for the SUP to give him enforcement capabilities to follow through.

Mr. Batastini said the petitioner's former site on Route 14 was always in terrible condition. Mr. Hayden asked if they are going to make the situation worse by approving this request. Mr. Batastini asked if they go through the adjudication process and they state it isn't their car then what. Mr. Paulson said the laws have changed and the Police are no longer allowed to run the VIN to help the Building Division out.

Mr. Batastini moved to deny 2008-80 Crystal Lake Brake and Auto. Mr. Esposito seconded the motion. On roll call, members Batastini, Esposito, Jouron, Skluzacek, and Hayden voted aye. Members Greenman, McDonough, and Schofield voted no. Motion to deny the request passed 5-3.

2009-06 LUTTER CENTER – 1125 & 1145 Route 31 – PUBLIC HEARING

Final PUD Amendment to allow signage on the back of the retail buildings.

Mr. Hayden stated that the fees have been paid, and the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Joe Gottemoller, attorney, and Jim Stuckmann, property owner, were present to represent the petition. Mr. Gottemoller said they are discussing the two outlots in front of Wal Mart that are connected with an arch. He said unless you are going northbound on Route 31 you won't be able to see the fronts of the buildings and the signs showing what businesses are located there. Having signs on the rear of the building will increase the commercial dollars that are kept in the City. Mr. Gottemoller said the signs will help traffic circulation. These are double fronted buildings and they would prefer 50 square feet per sign instead of the suggested 20 square feet by staff.

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

Mr. Batastini agrees with the request. The signs are needed in the rear of the buildings. Mr. Gottemoller said the drawings are not shown to scale. Ms. Rentzsch said the requested 50 square feet would be huge. Mr. Batastini suggested that the size of the sign be the same on the front and rear. Mr. Greenman agreed that the signs are needed but would prefer 20 square feet. Mr. Esposito agreed but suggested 30 square feet. Mrs. Schofield agreed that the signs are needed but they are more directional and would prefer a smaller square footage.

Mr. McDonough said he would prefer using way finding signs at the drive aisles of the buildings. He doesn't believe that the wall signs are necessary and it will set a precedence.

Mr. Batastini said it would be helpful to have the dimensions of the signs. Mr. Hayden agrees with the concept of the wall signs but is concerned with the square footage. Mr. Gottemoller said they are allowed 50 square feet in the front. Mr. Stuckmann said the signs in the front do not use all of the 50 square feet that is allowed. Mr. Hayden said this is a unique situation.

Mr. Stuckmann said he has spent a lot of time with staff on the original sign criteria. Mr. Gottemoller said these buildings are multi-tenant users and not a single user for the out building. Mr. Batastini said he wants what will look best on the rear of the buildings. Mr. Gottemoller said the signs on the front of the building seem to work and suggested that the signs on the rear not be any larger than the front. He said they are agreeable to use the sign criteria that has been established for the front of the building on the rear. Mr. Paulson said that would make the reviews of any signs easier since they are both the same criteria.

Mr. McDonough said this will set a precedence. There are no other outlot buildings in Crystal Lake that have signs on the rear. We will be hearing this in the future that we allowed it here why not for their building. Mr. Esposito said Caribou Coffee has signs on the front and rear of the building. Mrs. Schofield said they have a double entrance. Mr. McDonough said they want to reduce signage not increase it. Mr. Gottemoller said this is not increasing the signage along the road frontage.

Mr. Batastini moved to approve the Final PUD Amendment to allow signage on the rear of the retail buildings for Lutter Center at 1125 & 1145 Route 31 with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Central Park Place LLC, received 01/30/09).
 - B. Elevation and signage exhibit (Direct Design LTD Architects, dated 01/12/09, received 01/23/09).

~~2. Update the tenant sign criteria plan to include the provisions for rear building wall signs with no more than 20 square feet in area, per sign.~~

3. The conditions established in the original PUD Ordinance #6107 are still valid, as applicable.

4. The petitioner shall comply with all of the requirements of the Planning and Economic Development and Engineering and Building Departments.

5. The original PUD tenant sign criteria shall be enforced for the rear of the buildings, which allows a length up to 70% of the suite width and letters to be 24" high or 30" if double stacked.

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

2009-07 GINGRAS – 337 Charlotte – PUBLIC HEARING

Variation from front yard setback for a porch.

Mr. Hayden stated that the fees have been paid, and the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Patrick Gingras was present to represent his petition. Mr. Gingras said he was redoing the front porch on the home and found it to be unstable and the walkway was gathering water towards the house. He moved the stairs to come out towards the street and that encroaches into the setback by 2.5 feet. Mr. Gingras said all he wants is to improve his neighborhood and this porch matches up with the neighbors' porch setbacks.

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

Mr. Jouron asked about the old porch. Mr. Gingras said they took down the porch because it was decaying and they put the stairs in front. He showed photos of the porch to the PZC members.

Mr. McDonough asked if any staff has inspected the porch. Mr. Paulson said the inspector went to see it and it is in for permit. Mr. McDonough said this is after the fact. Mr. Gingras said he didn't know he needed a permit and neither did his contractor.

Mr. Skluzacek said he has no problem with the variation but doesn't like that the work was done without a permit.

Mr. Esposito said he doesn't care for the petitioner not finding out if a permit was needed and he can't support the request. Mr. Hayden said the question is the variation and not how the

petitioner went about it. Mr. Greenman disagreed. He said the petitioner has not met the local ordinance requirements. There are procedures in place that were not followed.

Ms. Rentzsch stated that recently there was a case of work being done without a permit and variations were needed. She said the Council did approve that request but the petitioner was required to go through the City's adjudication process. There were fines levied.

Mr. Esposito said the porch was built which created the need for variations.

Mr. Skluzacek moved to approve the Variation (Section 650-68 B.1 a (3)) from the averaged front yard setback of 28-feet to allow a front porch constructed at 21.43-feet, a variation of 2.57 feet beyond the 4-foot exception for Gingras at 337 Charlotte with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Gingras, received 01/23/09)
 - B. Site Plan (Gingras, received 01/23/09)
2. The simplified residential variation is hereby granted to allow the front porch and stairs 21.43-feet back from the right-of-way, an encroachment of 2.57-feet (2-feet 7-inches).
3. The front porch, rear deck and sidewalk were completed without the required building permit. A building permit will be required and an inspection performed, if the variation is granted.
4. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, and Planning and Economic Development.

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

2009-08 D.P.A.P. INC. – 765 Duffy Drive Unit G – PUBLIC HEARING
Special Use Permit, Variations for outside storage of vehicles.

Mr. Hayden stated that the fees have been paid, and the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Daria Pierzynska was present to represent her petition. Ms. Pierzynska said they are requesting a Special Use Permit for overnight parking.

Tom Knutson, owner of 2 of the units in the building, said he is not opposed to the SUP if it is restricted to a designated area. Each unit in the building is allotted 5 parking spaces and he doesn't want this approval to create a hardship for the other tenants. Mr. Knutson asked what happens if this

is approved and things aren't being taken care of. What is the recourse? Mr. Hayden said there is an adjudication process in place that will help streamline the process. Mr. Knutson said he would like to see the spaces signed for the petitioner's use.

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

Mrs. Schofield asked how many parking spaces are required for this type of business. Ms. Rentzsch said 4. Mrs. Schofield stated that there will only be one left for outside storage. Mr. McDonough asked how many people work there. Ms. Pierzynska said 3 people but they have room for 5 cars inside their space. Sometimes they wait 2 weeks for a customer to pick up their car and it is not convenient to keep moving the car in and out of their unit. Mrs. Schofield is worried that this business will take up other tenants' spaces.

Mr. Batastini said auto repair is usually a one-tenant building not multi-tenants. He would like to limit this use to a single tenant building since other tenants in this building need their spaces.

Mr. McDonough said originally the petitioner stated that they would not be having any outside storage. Mr. Batastini said if they have 4 cars parked outside and one employee there is no place for anyone else to park.

Mr. Knutson said the end tenant space, which he owns, is currently vacant and there have been cars parking there which gives the impression to possible tenants that there is no remaining parking for their business. Ms. Rentzsch stated that the petitioner wants to use their 2 rear spaces for outside storage. Ms. Pierzynska said they have been in this location for 2 years and it wasn't an issue until recently.

Mr. Greenman asked if the business had a drop box for keys. Ms. Pierzynska said they don't and if a tow truck wants to drop off a vehicle, they are called to see if there is room for it.

Mr. Batastini said he is trying to accommodate the business but there is a problem for enforcement and the neighbors. He can't support it.

Mr. Hayden asked what the petitioner is currently doing. Ms. Pierzynska said they applied for the Special Use as soon as they knew about it.

Mr. Knutson said there are two auto repair businesses in this building as well as other businesses that are parking trailers, etc. outside overnight. Ms. Rentzsch said all of the tenants were sent letters regarding the SUP requirement.

Mr. Batastini said this is an enforcement challenge. Mr. Paulson said they reacted to a complaint and they were hoping the other tenants would come in together.

Mr. McDonough said there won't be a wrecked vehicles stored outside. Ms. Rentzsch said this is

a requirement because of the proximity to Vulcan Lakes.

Mr. Hayden suggested that they continue this request so the outside parking can be resolved all at one time. He said the business can continue as it currently is without worry of additional tickets, etc. He said the Council would possibly continue this until all of the tenants have been determined if they need a SUP or not. Ms. Rentzsch said the complaint was made against the property not one particular business. Mr. Greenman said there is a potential impact on the other tenants. Mr. Batastini said even if all of the businesses come to one meeting, that won't change that each tenant has 5 parking spaces. Ms. Rentzsch said they need more details about the other businesses and Staff could help them better utilize this site and on street parking.

Ms. Pierzynska said she gave information to each of the tenants for their packets and hopes that they come in soon. Ms. Rentzsch said some of the businesses are getting their information together and will be submitting soon.

Mrs. Schofield moved to continue 2009-08 D.P.A.P Inc. to the April 1, 2009 PZC meeting. Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

2009-09 COMMUTER CAR CARE – 82A Railroad – PUBLIC HEARING

Special Use Permit, Variations for a hand car wash.

Mr. Hayden stated that the fees have been paid, and the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Don Stites was present to represent his petition. Mr. Stites said they want to start a business to hand wash commuters' cars. It will be on a subscription only basis and each subscriber will have a specific day for their car wash. He said that oil changes could also be purchased and they will not be done at this site.

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

Mr. Batastini said this is a terrific idea and the business plan was very complete. Mr. McDonough agreed. Mr. Greenman said this is incredibly creative and said he would like to add a condition to the approval as to exactly how this business is to be run. Ms. Maxwell said it is spelled out in the staff report but a condition could be added. Mr. Greenman said it is because if the business is sold and the new owner wants to do things a little differently, this would protect the City. Mr. Hayden said there was a hand car wash in another location in town that was approved and then wanted to switch to a mechanical equipment car wash.

Mr. McDonough asked about the paving. Mr. Stites said he doesn't own the property and the owners don't want to pave the area since the gravel has been there for some time. Ms. Maxwell

said it is their intent to improve the City whenever possible with paving, lighting, landscaping, etc. Ms. Rentzsch said the owners did sign the application acknowledging the petitioner's request.

Mr. Hayden asked how the subscribers know the day their car is to be washed. Mr. Stites said they will be contacted the day before and can reschedule their day if necessary.

Mr. McDonough suggested that the gravel be regraded annually. Mr. Batastini said the asphaltting of that area would probably require additional engineering. Ms. Maxwell said it would need to be reviewed.

Mrs. Schofield moved to approve the Special Use Permit to allow a car wash; Variation (Section 650-58 A) from the requirement to provide 5 car stacking spaces; and Variation (Section 650-39 H 1) from the requirement to provide an approved surface for parking lots to allow the existing compacted gravel lot for Commuter Car Care at 82A Railroad Street with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Stites, received 1/30/09).
 - B. Application packet [business description and floor plan] (Stites, received 1/30/09).
2. The Special Use Permit as described in the petition submittals is approved to permit only a hand carwash utilizing a water containment mat and water reclamation system.
3. ~~The petitioner shall pave the area behind the building within 1 year of commencing operation.~~
4. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.
- 5. The business shall be as detailed in the business plan presented at the PZC meeting allowing only one (1) car to be hand washed at a time with no automated equipment.**

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

REPORT FROM PLANNING

- 2008-82 Crystal Lake Park District-Veteran Acres – 431 N. Walkup – Special Use Permit
- 2009-03 Vulcan Lakes Improvement Plan – Special Use Permit

Ms. Rentzsch reviewed the petitions for the next meeting.

COMMENTS FROM THE COMMISSION

There were no comments from the Commission.

The meeting was adjourned at 10:30 p.m.