



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, MAY 6, 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, Skluzacek, and Hayden were present. Mr. McDonough was absent and Mrs. Schofield was elected to the City Council.

Latika Bhide and Elizabeth Maxwell, both Planners, 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 APRIL 15, 2009 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the April 15, 2009 Planning and Zoning Commission meeting as presented. Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

Mr. Greenman said a request has been made to change the order of the agenda.

Mr. Greenman moved to change the order of the agenda to allow 2009-22 Red Wing Shoes to go before 2009-17 Fire Bar & Grill. Mr. Batastini seconded the motion. On voice vote, all members voted aye. Motion passed.

2009-22 RED WING SHOES – 1275 Randall Road – PUBLIC MEETING

Planned Unit Development's Bonus Sign Area

Penny Hughes with Hughes Signs and Jim Heisler, petitioner, were present to represent the petition. Ms. Hughes said they are requesting bonus sign area for Red Wing Shoes. Mr. Heisler said the location is on the edge of the City on Randall Road. This will be their second location. They will be keeping their location in downtown Crystal Lake. Mr. Heisler said this location will focus on the one product line.

There was no one in the public who wished to speak on this petition.

Mr. Greenman asked if the sign and colors will complement the existing building. Ms. Hughes said the sign for the business next door is also red matching the red emblem of this sign.

Mr. Hayden said he likes the proposed sign. There were no other questions from the Commission.

Mr. Batastini moved to approve the Bonus Sign Area for additional wall signage for Red Wing Shoes at 1275 Randall Road with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Heisler, dated 5/1/09).
 - B. Sign information (received 5/1/09).

2. Signage
 - A. No freestanding sign is allowed on this lot of the Crossroads development.
 - B. Due to the length of the business name, the Red Wing Shoes business is permitted 80 square feet of wall signage. Any other tenants are required to meet the Sign Ordinance, excluding Grand Appliance and TV.

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

2009-17 FIRE BAR & GRILL – 435 Angela Lane – PUBLIC HEARING

Special Use Permit Amendment to allow outdoor seating.

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.

Nino and Sargon Hermes were present to represent their petition. Mr. N. Hermes said they are requesting an outdoor seating area on the north side of the building. They experience a 50% drop off in business during the summer months. The proposed area is surrounded by commercial properties. Mr. N. Hermes said they are proposing 366 square feet with 10 tables and 48 chairs maximum. The area will be surrounded by a fence with two emergency exits. He said there won't be any TVs, speakers, music or umbrellas. The area will be only to sit and eat and talk. Mr. N. Hermes said they agree with the conditions recommended 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 asked about the landscaping issues. Mr. N. Hermes said some landscaping was there but there was a drainage issue that needed to be taken care of and the property owner took it out and pitched the sidewalk away from the building. He said they will add landscaping between their business and the spa next door. They will also be adding planters to the outdoor seating area.

Mr. Batastini said he is concerned with the parking. There are currently open units in the building and there would only be 4 spaces for them to use. Ms. Maxwell said the burden is on the new tenants for those spaces. They would need to ask for a parking variation.

Mr. S. Hermes said 95% of their traffic is after 7 p.m. and they have many people walk to their establishment. Mr. Batastini said he has been there on Friday afternoons and there have been no parking problems. Mr. N. Hermes said there is no parking problem if people would park around the back of the building.

Mr. Batastini said he is concerned with the report from the Police Department and Building Division that were with the staff report. He said there are residences close to this business and it was required to inform the Building Division of any large events that were going to be held at this establishment. Mr. N. Hermes said they know 6 months in advance for their events but sometimes they don't know until 2 weeks in advance if there is going to be a radio station, etc. at their business. Mr. Batastini said the City needs to have a heads up on the promotions. They may need other approvals. Mr. S. Hermes said they didn't believe it was a big deal and they didn't know exactly how big the event was going to be. Mr. N. Hermes said the cancer benefit was huge and that was an isolated case. Mr. Batastini said they need to inform the City of these events. He continued by stating that the Police Department opposes this request. There are noise complaints without the outdoor seating. Mr. N. Hermes said even if the Police Officer isn't present to observe a problem, they are issued a citation.

Mr. Batastini asked about how things are taken care of when there is a problem. Mr. S. Hermes said the people involved are not allowed to leave at the same time. Mr. N. Hermes added that their security people are always checking the parking lots.

Mr. Batastini said some pool tables were removed. Mr. S. Hermes said the number of tables changed originally. There have always been just 6 tables since they opened. He said they thought this would be more of a pool hall but found it wasn't being used.

Mr. Batastini said he likes the outdoor seating.

Mr. Esposito said loud music was a question for him but there seems to have been other issues raised. Ms. Maxwell said the parking calculations were based on the original floor plan presented and also a wall was removed without a permit.

Mr. Esposito said the outdoor seating is great and asked about the hours for that seating area. Mr. N. Hermes said it would be their regular business hours. He also said there will be no smoking allowed in that area. Mr. Esposito said he supports this request and none of the neighbors are present and they were notified of the meeting.

Mr. Jouron said he doesn't have a problem with this request. He said it is nice to have a bar with the owners present. This will add to the business and he also likes the change in the vestibule.

Mr. Greenman said they don't see comments from the Police Department very often. They made two comments: the noise will increase outside from this business and there will be an increase in incidents here. He asked about the current seating. Ms. Maxwell said the original parking was based on the number of seats and pool tables provided in their original floor plan. The current layout requires more parking spaces.

Mr. Greenman said he has experienced a parking problem here first hand. He has parked across the street in the other strip center's parking lot. The outdoor seating is a great idea but he can't support it. There are issues that haven't been addressed and the owners haven't done what they were supposed to do - not only with the events but also changing the kitchen without a permit. Mr. Greenman said the Commission is to look out for the best interests of the City and based on the Police and Building comments as well as his own experiences he can't support this. This also would handcuff the City and the property owner regarding the other vacant units. Mr. S. Hermes said they have talked with the Police Chief about a year ago and it seems that most of the trouble makers were gone after the first year. He said they are always telling the DJs to turn down their speakers on Friday and Saturday nights.

Mr. N. Hermes said they have stopped over 420 underage drinkers and gave the IDs to the Police Chief. He said the last noise complaint they received was about a mile away. Mr. Greenman said the report they received from the Police Department was recent. He appreciates what they are doing with underage drinkers but that's part of their job. He can't support the outdoor seating.

Mr. Skluzacek said he is all for outdoor seating but not in this location. He said there are Police Department comments and parking issues. There are two empty units and the parking burden is put on them to get a variation. Ms. Maxwell stated that there will be 4 parking spaces left to for the 2 units to share. Mr. Skluzacek said he can't support this request.

Mr. Hayden complimented staff regarding the documents that were provided from the other departments. He stated that they are required to review the Findings of Fact for any Special Use Permit and there are conflicts between the Police and Building reports and the Findings of Fact. He said they are looking at the existing business and not wanting to exacerbate the problem with adding outdoor seating. Mr. S. Hermes said they are not able to provide what customers want with no outdoor seating. Mr. Hayden said they can't bend the Findings of Fact. He said if the Police Chief is supportive of the project that needs to be brought up at the Council meeting. Ms. Maxwell said the department comments were included because they were significant.

Mr. Batastini said he doesn't want to go against the Police Department but he would like more information about other bar establishments in Crystal Lake to see what their complaints are as well as the number of calls they receive. Mr. Hayden said he is concerned with the location and being so close to the residential area. He said if this were in a different location they wouldn't be having this discussion.

Mr. Batastini said he is not sure that 48 people sitting outside will create that much noise. He said there are bars in the downtown area that have outdoor seating that is near residential. Mr. Hayden

said they need to look at the request – outdoor seating. They need to review the findings of fact but Council has the final decision.

Mr. Greenman asked the petitioners if they would like the request split up or would they like it to remain together and have one vote. Mr. N. Hermes said he would like it split up.

Mr. Batastini moved to separate the request into two separate votes “A” separate from “B & C”. Mr. Jouron seconded the motion. On voice vote, all members voted aye. Motion passed.

Mr. Skluzacek said he is concerned with parking. He suggested that 10 tables be removed from the interior at the time they have the outdoor seating. Mr. Batastini said there will be more people standing where the tables were which will cause more of a parking problem.

Mr. Batastini asked about taking additional chairs outside. Mr. N. Hermes said the chair types are different. Mr. Esposito said he would prefer outside seating be limited to 9 or 10 p.m. Mr. Hayden said voices carry a long way at night. Mr. Batastini said if there is a problem with the Special Use it can always be revoked. Ms. Maxwell said a condition would need to be added that the SUP be reviewed after one year.

Mr. Batastini moved to approve the Special Use Permit Amendment to allow: B. modification to the approved landscape plan to eliminate the landscape along the north side of the building; and C. modification to the approved floor plan to remove 11 billiard tables and add 9 new interior seating tables (36 seats) for Fire Bar & Grill at 435 Angela with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Hermes, received 04/06/09).
 - B. Interior Floor Plan (Hermes, received 04/06/09).
 - C. Outside Seating Floor Plan (Hermes, received 04/17/09)
 - D. Request Letter (Hermes, dated 04/05/09).
2. The requirements in Ordinance #6137 shall still apply as applicable.
- ~~3. The Special Use Permit for outside seating is hereby granted with the following conditions:
 - A. The outdoor seating area shall be located and designed as presented in the outdoor seating floor plan except the seating shall be limited to 10 tables and 28 chairs as stated in the Request Letter.
 - B. The tables or any other outside furniture shall not contain any signage or logos on them.
 - C. At least one additional garbage can shall be added to the outside of the building, which shall not impede accessibility of the sidewalk.
 - D. The seating area shall be signed no smoking. (NOT APPLICABLE)~~
4. Provide a plan to show how replacement landscaping will be added to the site to replace the landscape area that would be used for the outdoor seating area.

5. The Special Use Permit for a bar/tavern/lounge is valid only for Fire Bar & Grill when the petitioner holds a valid liquor license.

6. The petitioner shall address all of Building, Engineering, Public Works, Fire/Rescue and Planning & Economic Development Department staff review comments in their request for build-out permits.

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

Mr. Batastini moved to approve the Special Use Permit Amendment to allow: A. outdoor seating for an additional 12 tables (48 seats) for Fire Bar & Grill at 435 Angela with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:

- A. Application (Hermes, received 04/06/09).
- B. Interior Floor Plan (Hermes, received 04/06/09).
- C. Outside Seating Floor Plan (Hermes, received 04/17/09)
- D. Request Letter (Hermes, dated 04/05/09).

2. The requirements in Ordinance #6137 shall still apply as applicable.

3. The Special Use Permit for outside seating is hereby granted with the following conditions:

- A. The outdoor seating area shall be located and designed as presented in the outdoor seating floor plan except the seating shall be limited to ~~40 tables and 28 chairs~~ **12 tables and 48 chairs** as stated in the Request Letter.
- B. The tables or any other outside furniture shall not contain any signage or logos on them.
- C. At least one additional garbage can shall be added to the outside of the building, which shall not impede accessibility of the sidewalk.
- D. The seating area shall be signed no smoking.

4. Provide a plan to show how replacement landscaping will be added to the site to replace the landscape area that would be used for the outdoor seating area.

5. The Special Use Permit for a bar/tavern/lounge is valid only for Fire Bar & Grill when the petitioner holds a valid liquor license.

6. The petitioner shall address all of Building, Engineering, Public Works, Fire/Rescue and Planning & Economic Development Department staff review comments in their request for build-out permits.

7. Remove 12 interior tables and a total of 48 seats from the interior of the building to compensate for the outdoor seating area.

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

The PZC members recommend the City Council visit the constraints around the Special Use Permit with the Police Department.

TRAINING SESSION

UDO Section 4

Ms. Bhide stated that the UDO was adopted on April 21, 2009 and will become effective on July 21, 2009. She said there will be a 6 month and 1-year review of the UDO to make changes as necessary after staff has an opportunity to review projects using the UDO.

Ms. Bhide stated that Section 4 is the largest portion of the UDO. The street standards combine all street standards and a cul-de-sac fee was added. In the off street parking section, the way parking is calculated has changed to gross area. That will make the calculations much quicker and easier.

Mr. Batastini asked about the cul-de-sac charge. Ms. Bhide said it costs more to maintain a cul-de-sac than a regular roadway. Also it will reduce the number of dead end streets and promote connection.

Mr. Greenman asked about shared parking. Ms. Bhide said that is encouraged and they have a way to calculate shared parking. Mr. Greenman asked if there is a maximum amount of parking that can be shared. Ms. Bhide said yes up to 25% of the total required parking may be shared.

Mr. Bhide said the stacking requirements for drive-throughs have also changed and it is based on the use. The tree preservation section is identical to what we currently have and landscaping and screening requirements are not codified. Mr. Greenman asked if the maturity of the plants is spelled out. Ms. Bhide said yes. Plantings are required to be 2.5 inches DBH at planting. It is not practical to transplant a larger more mature plant as they don't tolerate the move well.

Ms. Bhide said the PUD standards have changed and a development must meet certain criteria to request a PUD. Architectural guidelines must also be met as well as any project over 50 units must be a PUD. Mr. Hayden said he can see developers breaking up a project to have fewer than 50 units. Mr. Batastini is concerned with allowing straight zoning. Ms. Bhide said that with all of the design and development standards, there should not be a need for a project to be a PUD, when it meets certain criteria. She said the code will be reviewed in 6 months to make any modifications we find are needed. Mr. Batastini said he would prefer that it be corrected now. Ms. Bhide said even straight zoning is required to meet architectural guidelines.

Ms. Bhide said the accessory structure requirements have changed a little and lighting level standards have been established. She said the design standards that were added removes the

variability between project reviews. She said they are not so strict that we will see the same building all over town. Mr. Greenman said he is concerned with the Corporate Images that are requested. Ms. Bhide said the UDO does not ban them, but still requires to have a well designed building.

Ms. Bhide said the sign portion of the UDO looks different. It has been updated so it is content neutral. Mr. Batastini said the new Taco Bell sign is very big and is very close to the road.

Mr. Jouron asked why a pole sign is shown. Ms. Bhide said it is for information on how to measure a sign.

Ms. Bhide said the members will be receiving a copy of the new UDO soon.

REPORT FROM PLANNING

- 2009-08 D.P.A.P. Inc. – 765 Duffy Drive Unit G – Special Use Permit
- 2009-14 Marks Power, et. al – 765 Duffy Dr Units A-F – Special Use Permit
- Crystal Court redevelopment concept discussion
- UDO Approval

Ms. Bhide reviewed the petitions for the next meeting.

COMMENTS FROM THE COMMISSION

Mr. Greenman asked that Walgreen's submit all of their renderings and materials for staff to review as well as the Commissioners prior to the meeting. Ms. Bhide said they are meeting with Staff next week about their Final plan.

Ms. Bhide said there is a memo in the Commissioners' packets regarding banks. She said that if the PZC would like to pursue a text amendment, a motion would be needed for this item to be brought up at Council to be referred back to the PZC. The Village of Schaumburg had a moratorium on new bank buildings. Mr. Batastini asked what the issue is about banks. Mr. Hayden said it's about sales tax.

Mr. Greenman moved that the City Council refer the restriction of bank locations as an amendment to the UDO to the PZC. Mr. Jouron seconded the motion. On roll call, all members voted aye. Motion passed.

The meeting was adjourned at 9:50 p.m.