



CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, JUNE 3, 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, McDonough, Skluzacek, and Hayden were present. Mr. Jouron was absent.

Michelle Rentzsch, Director of Planning and Economic Development, and Elizabeth Maxwell, Planner, 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 MAY 20, 2009 PLANNING AND ZONING COMMISSION MEETING

Mr. Skluzacek moved to approve the minutes from the May 20, 2009 Planning and Zoning Commission meeting as presented. Mr. Esposito seconded the motion. On roll call, members Batastini, Esposito, Greenman, Skluzacek, and Hayden voted aye. Mr. McDonough abstained. Motion passed.

2009-25 DAVENPORT FUNERAL HOME – 419 E. Terra Cotta Ave. – PUBLIC HEARING
The petitioner is requesting to be continued to the July 15, 2009 PZC meeting.

Mr. Esposito moved to continue 2009-25 Davenport Funeral Home at 419 E. Terra Cotta Ave. to the July 15, 2009 PZC meeting. Mr. Batastini seconded the motion. On roll call. All members voted aye. Motion passed.

2009-29 ANDERSON MOTORS – 360 N. ROUTE 31 – PUBLIC MEETING
Common Sign Plan Amendment for sign changes.

Paul Vance was present to represent the petition. Mr. Vance said BMW has requested the signs be updated. They have been putting them off for a while but the time has come to change the signs. He said the "Anderson" and "BMW" signs will be taken down from the building and they are requesting 4 signs. There are to be two directional signs and a replacement for the main sign with a sign that matches the height of the business across Route 31. The "Service" sign will remain on the building.

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

Mr. Batastini said he doesn't have a problem with this request. He said the petitioner has worked

very hard with the City when they were changing the Mazda building. Mr. Batastini stated this dealership always looks nice.

Mr. Greenman said he looked at this request and thought of what other dealerships in Crystal Lake have for their signage. He said the situation is challenging to the Commission. The business across Route 31 is not in the City limits and therefore the City has no control over their signage. That puts this dealership at a disadvantage and it is unfair to hold Anderson to the City's standards because the competition is out of the City's authority. Mr. Greenman said because of that he supports this request.

Mr. Hayden said he doesn't have a problem with the request. He said this is a great dealership and appreciates their business.

Mr. Batastini moved to approve the Common Sign Plan Amendment for Anderson Motors at 360 N. Route 31 with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Anderson Motors signage plan (Elmore, dated 5/12/09)
2. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, and Public Works Departments.

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

2009-31 BUFFALO WINGS & RINGS – 1520 Carlemont Dr. Units A-C – PUBLIC MEETING

Bonus Sign Area for a wall sign.

Dorothy Janik with SignX was present to represent the petition. Ms. Janik said they are requesting to amend the current PUD that allows for Bonus Sign Area. She said the Sign Ordinance allows for additional square footage because of the number of letters in the sign. Their request is for a small square footage bonus that is allowed in the Sign Ordinance but 0.75 square feet larger than what is allowed by the PUD.

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

Mr. McDonough asked if the sign on the handout provided is to scale. Ms. Janik said yes.

Mr. Batastini said he doesn't have a problem with the request.

Mr. Greenman asked if this was the business that was open, then closed and will reopen with a different owner. Ms. Maxwell said yes. It is the same franchise but a different owner. Mr. Greenman said he agrees with the request. Mr. Hayden agreed.

Mr. Batastini moved to approve the Bonus Sign Area for additional wall signage for Buffalo Wings and Rings at 1520 Carlemont Drive Units A-C with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Sign X, received 5/29/09).
 - B. Sign Exhibit (Sign X, dated 5/29/09, received 5/29/09).
2. Requirements of Ordinance #5894 shall remain valid as applicable.
3. All other signage shall meet the requirements of the sign code.
4. Due to the length of the business name, the Buffalo Wings & Rings business is permitted 57.75 square feet of wall signage.

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

2009-21 SCHAFER SUBDIVISION – S. Rt. 176; W. Lippold Park – PUBLIC HEARING

This petition was continued from the May 20, 2009 PZC meeting.

Preliminary Plat of Subdivision and Preliminary PUD Amendment for 5 single family lots.

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.

Ed Dean, attorney, Bill Schafer, owner, Ralph Schmidt, engineer, and Kevin Gerida with Planning Resources, were present to represent the petition. Mr. Dean and Mr. Schafer stated that the property is owned by Mr. Schafer and had received approval for a 4 lot subdivision and is now asking for a 5 lot subdivision. They said the project meets the standards set forth in the report. The original PUD and Plat showed the 4 lots clustered and the new plat shows 5 lots that are more spread out across Coronado Vista. These lots are larger than the original plan.

Mr. Schmidt said the advantage of this plan is a lower density as well as better placement and design of the homes. They are very aware of the homes across the street and they don't want head lights shining in the existing homes. He said this plan had a more detailed review by the City's consultant. Mr. Schmidt said the new plan allows for the elimination of storm sewer work in the rear of the lots which will save more of the trees on the property. There will also be less mass grading of the property than with the other plan and the water runoff will be kept on this site. Mr. Schmidt said this is a better use of the site.

Mr. Gerida said there are 5 wetland areas delineated on this plan and are located in the low areas of the property. These are true wetlands and the boundaries are very distinct. He said the City's consultant confirmed the delineation is accurate.

Mike Fedoran, 5707 Coronado Vista, said he is concerned with the larger lots. More trees will

be taken out because of having more lots. He said this is a nice secluded area because of the trees and if they are eliminated, there will be noise from Route 176 and light from Lippold Park. Mr. Fedoran said over the past 2 years his sump pump has run every 5 minutes for weeks. He said some of the larger oak trees on the property are falling over because of the amount of water on the property. Mr. Fedoran said he would prefer to see the rear of the homes and another road be put in for these homes. He also said the construction traffic is going to be a problem.

Mr. McDonough asked where Mr. Fedoran's lot is on the plat. Mr. Fedoran showed the location of his lot which is across the street from Lots 3 & 4.

Ray Thompson, 5708 Coronado Vista, said he lives across from the proposed Lot 5. Mr. Thompson said he is no expert but there were 13 trees over the winter that came down because they were rotted out. He said there is standing water on that property and sometimes the water runs across the road. Mr. Thompson said he doesn't understand nor agree with the wetland study. Mr. Hayden asked if Mr. Thompson had to pick one plan which of the two would it be. Mr. Thompson said he likes the original plan because it had neighbors' support.

Mr. Thompson said his home is slightly higher than Mr. Fedoran's home but at times his sump pump also runs for long periods of time. He said there is a lot of water there and doesn't understand the study that approves this.

Karen Sullivan, 5707 Coronado Vista, said she is a licensed realtor and this will impact the values of their homes. She believes they will lose between \$40,000 and \$50,000 on the value of their homes. The sump pumps in the area run all the time. Ms. Sullivan said she didn't like the first plan and doesn't like the current plan. The new plan won't block the noise and the lights. Ms. Sullivan said this is a privately maintained road and the trees help take up some of the water, therefore, the water will increase. She reminded the Commissioners that the homeowners can completely clear their lot of trees after it is purchased.

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

Mr. Schmidt said that there will be less trees removed because the larger lots allows them better placement and design of the homes. The square footage of the home is less than the original plan. Mr. Schmidt said regarding the lights from Lippold Park, that the trees on the east property line are being left alone. They have not done a light study but possibly the Park District needs to put shields on the lights. Mr. Hayden said that was discussed when the Park District came before the City for approval. The lights needed to have shields.

Mr. Schmidt said there is an existing problem with the drainage at the corner and feels the water being directed from these proposed lots to the north will not be a problem. He also said one of the plans showed a road leading to Route 176 and was rejected. Mr. Schmidt said the construction traffic is a temporary thing and they want the road to remain as is. They don't want to widen the road or add curb and gutter.

Mr. Gerida said he is not a soils scientist but knows that the soils are wet. Urban Forest Management did the tree survey for the City. There are many oak and hickory trees on the property and oaks are not conducive to wet areas. Mr. Gerida said he is a certified arborist and there are many reasons trees blow over and in this case there could be several reasons. He can't be certain that they fell over because of the wet soils.

Mr. McDonough asked about the elevations of the homes. Mr. Schmidt said there won't be a lot of earth work done on this site and the homes won't have high pads. Mr. McDonough asked about the wetlands. Mr. Schmidt said all of the wetlands will remain and they are leaving room around them. Mr. McDonough asked what assurances the existing homeowners have that their road will be repaired. Mr. Schafer said it will be repaired and there will be a bond for the repairs. Ms. Maxwell said she is not sure how this will work because the road is private.

Mr. Batastini asked about any changes to the wetlands because we have had a wet fall. Mr. Gerida said the past two years have been very wet. Mr. Batastini said he has spoken with a landscaper who said oaks are very sensitive trees. He asked if they can expect more trees to die because of grading, not just the homes. Mr. Gerida said they have looked at it in depth and there are many things that can be done, such as root pruning. Mr. Batastini asked about what percentage of the lot will be graded. Mr. Schmidt said there may be significant grading on Lots 1 and 2. Mr. Batastini asked how many boring samples were taken. Mr. Gerida said he believes there were 8 and he did not receive a copy of the location map for the borings.

Mr. Batastini said the road is a concern to the neighbors and asked if there is a Homeowners' Association. Ms. Sullivan said there is no association. They just take care of it themselves. Ms. Maxwell said a condition could be added requiring a Letter of Credit be held for road repairs.

Mr. Batastini asked if Schafer Buildings will be building the homes. Mr. Schafer said as of now they will be but things could change. Mr. Batastini said they have seen many plans for this property and it is a very cool area. He said the proposed layout is better than the original and he supports this plan.

Mr. Esposito said he has a problem with the road since it is private. He asked if the City can make these lots pay their fair share of the road upkeep. Mr. Esposito asked if there will be basements in these homes. Mr. Schafer said yes. Mr. Esposito said there will be sump pumps running night and day. Mr. Schmidt said the home on Lot 1 will probably have a crawl space.

Mr. Esposito said the City has a Tree Preservation Ordinance for larger lots but if this property is subdivided the homeowner can take down all of the trees on their lot. Ms. Maxwell said the tree preservation plan associated with the approval would protect the trees and it could also be added to the covenants for the subdivision. She said there is a maximum amount of impervious surface that is allowed on each lot and Staff needs to know which trees will be removed. Mr. Dean said this lot was originally part of the Crystal Vista subdivision. This portion was annexed into the City but the remaining lots, the existing homes to the south, were not. He said if there is a

Homeowners' Association, these lots can be part of it. Mr. McDonough said the neighbors stated there is no association currently. Mr. Dean said he was not aware of one. Mr. Esposito said anyone can take advantage of not paying their share of the road upkeep.

Mr. Skluzacek said he is concerned with the road during construction. Mr. Dean said there was an agreement previously regarding repairing the road. Mr. Skluzacek said he knows that Mr. Schafer would take care of it but he wants this to be legal.

Mr. Skluzacek asked about the outlot ownership. Mr. Schafer said he will retain the ownership of the outlot. Mr. Batastini said that is usually deeded to the property owners of the subdivision. He is not sure that lot is buildable. Ms. Maxwell said there would need to be variations and a detention area would need to be put in. Mr. Schafer said that possibly the Park District would be interested since they own the property to the west. Mr. McDonough said that actually the outlot would be Lot 6. Ms. Rentzsch stated that it is an outlot and it can't be built on or sold off. Each homeowner will own an undivided interest share of the outlot.

Mr. McDonough asked if the road upkeep could be added to the covenants. Ms. Rentzsch said it could be a plat restriction and a bond could be put up for the repairs of the road, too.

Mr. Greenman thanked the neighbors for coming to this meeting. He said one thing to remember is that there is already an approved plan for this property with 4 lots. They are here to discuss 5 lots and he understands their concerns. They need to determine if there is a greater impact with 5 lots than 4. Mr. Greenman said he wants some assurance that the buffer is maintained so the light pollution won't be worse. Mr. Dean said they don't have a lot of control over the Park District. Mr. McDonough asked how deep the buffer is between this property and Lippold Park. Mr. Thompson said it is about 15 feet deep. Mr. Schafer said the Park District also has evergreens along the lot line. He said they could create an easement that nothing is cut down in this area. Mr. Hayden asked how they would determine if the light pollution was worse. Mr. Greenman said however the light is measured now it would be measured exactly the same way then.

Mr. Greenman is concerned that if there is another review of the property that the wetland areas won't change again. Ms. Maxwell said she doesn't know for certain. Mr. Gerida said he is not sure why there were changes. He said he had seen a study from several years ago that was similar to the current report.

Mr. Greenman asked if there is a possibility of more trees being removed because there are 5 lots. Mr. Schmidt said there is more opportunity for home placement around trees than to have to remove them. There is also less sewer work in the back yards which will save more trees. Mr. Greenman asked if the impervious surface remains the same with 4 or 5 lots. Ms. Maxwell said they are held to 5% in the watershed.

Mr. Hayden said this is actually amendment the PUD for the number of lots. Everything else remains exactly the same as previously approved. Mr. Hayden said he is also is a licensed realtor

through the State of Illinois and he respectfully rejects that this subdivision will devalue homes in the area. He said the current home values are not declining because of new homes but by the state of the current economy. His personal opinion is the builder builds a good product and they need to focus on the amendment to the PUD. Mr. Hayden feels that the new plan is a much better plan and the conditions cover them nicely.

Mr. McDonough said he believes it's not necessarily the light falling on the properties but the light standards being seen. Mr. Greenman said he is concerned with making the situation worse.

Mr. Dean said the plan is far better than before. It has taken about 9 years to get to this point. He said it should be more appealing to have the lots spread out and there is less impact on trees. Mr. Hayden said he was recently on the Technical Advisory Committee and became very familiar with the watershed and the City's consultant. He is very comfortable with the consultant.

Mr. Batastini moved to approve the Preliminary Plat of Subdivision for five single-family lots and one Outlot; and Preliminary PUD Amendment to allow "R-1" Single Family district standards (lot area, lot width, yard setbacks, heights of principal and accessory structures) for an additional lot, Lots 1 through 5 for Schafer Subdivision located west of Lippold Park; south Route 176 with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Site improvements plans [Preliminary Plat, Concept Plan and Tree Preservation Plan] (Heritage Land Consultants, dated 4-29-09, received 4/30/09)
2. Variations approved as part of the March 18, 2008 approval are still valid.
3. Extend the Conservation Area Easement over all of Outlot A.
4. Tree Preservation
 - A. The petitioner shall be required to comply with the requirements of the Tree Preservation Ordinance. At Final PUD, provide additional information in the CC&R's regarding tree preservation, a note on the final plat prohibiting tree removal not consistent with the plans and additional details regarding tree protection during construction.
 - B. Provide a more detailed tree protection plan and detailed "development area building boxes" illustrating the trees to be removed with the Final PUD submittal to be incorporated within the construction documents for review and approval by staff.
5. The petitioner shall address all of the review comments of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments, as well as those of the storm water consultant.
- 6. A bond for the private road shall be secured to ensure its return to the original condition.**

7. Language shall be drafted in the covenants that a contribution be made by the new home owners proportionately by the number of lots for road maintenance.

8. The covenants shall reflect ownership of Outlot A be deeded to the 5 home owners equally.

9. All care shall be taken that current light pollution is kept to a minimum.

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

2009-24 MORGAN – 53 Gates Street – PUBLIC HEARING

Variations for an addition to the house to add a third unit and an enclosed garage.

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.

Jeanne Morgan was present to represent her petition. Ms. Morgan said she has owned the property since 1994. She wants to improve the property and add a 3rd unit to the home as well as a new garage. The current garage is on the lot line and she will also be improving the driveway – paved instead of gravel. Ms. Morgan said the exterior improvements to the home will be in keeping with the neighborhood and will meet the recently approved Pattern Book.

Ms. Morgan said there is a 4 unit apartment building, commuter parking lot and single family homes across the street and surrounding this property.

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 he is opposed to this request because of the increase of density. This is a very small lot and doesn't see the hardship for the variations. Ms. Morgan said 3 units are already permitted in this area but the lot is small. She said there is an easement that she cannot purchase which would make the lot large enough. This is a good use of the property with apartments next to the commuter parking lot. Ms. Morgan said she want to improve the building so it looks like a large single family home and it will be an improvement to the neighborhood.

Mr. McDonough said he likes the request. This property backs up to a commuter parking lot and the property will be improved. He said there was another home in the area that recently received approval for variations. Mr. Batastini asked if the specific improvements could be added to the conditions. Ms. Maxwell said yes. Mr. Hayden asked about the time line for the repairs. Ms. Morgan said the exterior repairs would be done at the same time as the room addition and the garage.

Mr. Esposito said he is not a big fan of residential variations but there are conditions on this lot that can't be taken care of any other way. He is ok with the variations requested.

Mr. Skluzacek said he would like to see a new garage there. It would improve the area.

Mr. Greenman said he appreciates what the petitioner is trying to do but can't support it. He said he is struggling with the lot size. This approval would deliver a message to the area that converting to multi-family is the way to go. Ms. Morgan read from a section of the Staff Report – "Comprehensive Land Use Plan" which stated that a goal to have high quality housing that supports a variety of life styles.

Mr. Batastini said across the street is single family and if this is approved they could turn into multi-family. He doesn't feel this is the way to go. Ms. Morgan said most of the single family homes are on the other side of Gates. This property is along the commuter parking lot and there is a 4-unit apartment building next door.

Mr. Hayden said he is torn. He is concerned with the lot size. The property is already used for multi-family and doesn't feel that adding a unit will make a difference. Mr. Hayden said it is hard to visualize what the home will look like with the upgrades. Ms. Morgan said she didn't want to put a lot of money into it before she knew if the City would approve it. Mr. Hayden said the remodeling of the entire exterior carries a lot of weight. It's a win for everyone. Ms. Morgan said she will have an architect do a good job. They need to meet the pattern book and it will match the existing homes in the area.

Ms. Morgan said she sent more letters than what the City required for notification of surrounding properties and no one is at this meeting. Mr. Hayden asked if anyone received a call about this request. Ms. Rentzsch said she spoke with a neighbor across the street. She gave him a copy of the staff report. Mr. Batastini said he spoke with that same neighbor and he didn't seem to be concerned about it. Ms. Maxwell said the improvements to the home will need to meet the pattern book.

Mr. McDonough moved to approve the Variation from Section 650-68 to allow: A. The use of a non-conforming lot zoned R-3B for a 3-unit residence; B. Rear yard setback of 6.5 feet from the required 20-foot rear yard setback, a 13.5-foot variation; C. Front yard setback of 20.5 feet from the required 21.65 averaged front yard setback, a 1.15 foot variation for the existing house; and D. Lot area of 8,712 square feet from the required 9,380-square foot requirement, a 668-square foot variation for 53 Gates Street with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Morgan, received 05/04/09)
 - B. Plat of Survey (Robert Yarbrough, unreadable)
 - C. Site Plans [site layout, first floor plan, second floor plan, elevation] (Morgan, received 05/04/09)

2. The simplified residential variations are hereby granted to allow:
 - A. The use of a non-conforming lot zoned R-3B for a 3-unit residence,
 - B. A rear yard setback of 6.5-feet from the required 20-foot rear yard setback,
 - C. A front yard setback of 20.5 feet from the required 21.65 averaged front yard setback, a 1.15 foot variation for the existing house, and
 - D. A lot area of 8,712 square feet from the required 9,380-square foot requirement, a 668-square foot variation.
3. The petitioner shall submit a tree removal permit and plans for staff review and approval prior to any tree removal.
4. Work with staff to incorporate architectural changes to the proposed addition in keeping with the Pattern Book, e.g. the addition should look like a separate volume. The addition can incorporate a different roof plane, dormers or gables to help distinguish the long façade.
5. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, Police, Planning and Economic Development and Public Works Departments.

6. The petitioner shall work with staff on the remodeling and upgrading of the property including but not limited to siding, roofing, gutters and fascia.

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

Mr. Batastini said his no vote was because he was opposed to the non-conforming lot. Mr. Greenman agreed.

2009-20 CLAUS DEVELOPMENT – 454 W. Terra Cotta Ave. – PUBLIC MEETING
Final PUD for a multi-tenant retail building.

Joe Gottemoller, attorney, and Todd Clause, owner, were present to represent the petition. Mr. Gottemoller said this property is across Route 176 from St. Thomas Church and Fair Oaks Nursing Home. He reviewed the Preliminary approval conditions that are listed in the staff report. They will be using the same materials that were approved by Council. Mr. Gottemoller asked what is meant by “pedestrian elements” so he is sure they are know what it is for the future. The plan has not changed. They are still showing sidewalks in front of the buildings. He also said that the proposed signage generally meets the ordinance. They don’t have any tenants at this time to show what the signage could be. Mr. Gottemoller said there was a tree survey done for this property previously and they want to adjust the tree planting.

Mr. Gottemoller questioned adding shrubs between this property and the property to the east. He said it has been used for a business and will never go back to being a residential use. It is currently for sale or rent. He also said they would like to continue to use Hey & Associates for the watershed consultant. They know that Hey & Associates are not the current consultant for

the city but they did the original review and don't want to start over again.

Ms. Maxwell explained that the pedestrian elements also included the building being stepped in and out so it wasn't one long flat building. The petitioner did the majority of the "pedestrian element" changes to the project. She said staff would like a wider sidewalk area but if the PZC feels the elements have been met that is ok. Ms. Maxwell said they need a color board for the project to be sure the colors aren't too bright. She continued and said the original report from Hey & Associates was sent to the City's current consultant, Christopher Burke, to review the revised plans based on that report. Their response came back as questions and not comments.

Mr. Batastini said they wanted high quality materials for this project. Ms. Maxwell said this was approved by Council.

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

Mr. Batastini said he spoke with construction people and he is not comfortable with the materials to be used. He thinks this is a rat hole that we are going down. There are other strip centers along Route 176 that were held to a higher standards and this is not fair to them. Their cost per square foot is higher than this will be.

Mr. McDonough said he can't vote for this project. He didn't support it during the Preliminary process and feels this is a bad use for this property. Mr. Gottemoller objected and said this was approved as Preliminary with the materials shown.

Mr. Skluzacek said he has seen some buildings that used this material and they seem to be holding up well.

Mr. Greenman said the petitioner did what the City told them to do. He said the following Preliminary conditions can be removed: 6A – pedestrian elements have been met and the Tree Preservation required replacement.

Mr. Hayden asked if the petitioner worked with the neighboring property owners for the cross access. Ms. Maxwell said they are shown on the plans. Mr. Gottemoller said they have dedicated the area on their plan and it is up to the City to work with the adjacent property owner to make it happen.

Ms. Maxwell said the landscape plan will change and 6 trees will be removed if the Tree Preservation replacement were removed. She said that staff is also requesting clarification on signs of similar design. Is it the font used? Size? Logo area? Mr. Greenman feels that the signs should complement each other but not necessarily be the same font. They were looking for a more residential feel to this project. Mr. McDonough suggested a sign panel. Mr. Gottemoller said they used a sign panel on the buildings in front of WalMart by O & S. It has been working very well. Mr. Greenman said the rendering that was given to the Commission is not what they want to see for this building. All of the Commissioners agreed.

Mr. Greenman asked about the shrubs along the east property line. Ms. Maxwell said they were concerned with headlights from the drive-through hitting the property to the east. There will also be plantings added to the island so it is not just grass.

Mr. Esposito moved to approve the Final Planned Unit Development for a 10,671 SF commercial in-line retail building for Claus Development at 454 W. Terra Cotta Avenue with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Claus Development Group, Inc., received 04/23/09)
 - B. Final Engineering 13 sheets (Condon, dated 04/09/09, received 04/23/09)
 - C. Elevations (Sinsuk Kang Architects, dated revised 4/21/09, received 04/23/09)
 - D. Sign Plan (Sinsuk Kang Architects, dated revised 04/21/09, received 04/23/09)
 - E. Final Landscape Plan (Flamingo, dated 09-12-08, revised 10-3-08, received 04/23/09)
 - F. Final Engineering Report (Condon, dated 9/26/08, received 04/23/09)
 - G. Tree Preservation Plan report (Urban Forest Management, Inc. dated 5/24/02, revised 9/5/08)
2. All conditions from Preliminary PUD Ordinance # 6393 shall remain valid, as applicable.
3. Architecture
 - A. A plan that illustrates the material and colors and a sample board shall be submitted with the Final PUD submittal.
 - B. Please indicate how roof top mechanical units will be screened.
 - C. Provide awnings similar to end tenant suites over side windows.
4. Signage
 - A. All wall signage must be of similar design **and complement each other**. A tenant sign criteria shall be submitted to illustrate the design style.
 - B. The monument sign shall be revised to comply with the Sign Ordinance.
 - C. **Use the O & S agreement from the out building at WalMart as the model for the sign panel.**
5. Landscape plan
 - A. Shrubs to provide screening from drive-through traffic and headlights shall be planted along the east property line.
 - B. Shrubs and other ground cover shall be added to the landscape island on the east side of the driveway entrance.
6. The owner shall ensure a proper tenant mix to meet the parking requirements.

7. The petitioner shall address all of the review comments of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments, as well as comments from the City's storm water consultant, Christopher B. Burke Engineering **except for Preliminary conditions 6A – pedestrian elements.**

Mr. Greenman seconded the motion. On roll call, members Batastini, Esposito, Greenman, Skluzacek, and Hayden voted aye. Mr. McDonough abstained. Motion passed.

2009-23 FOSS CAR SALES – 4803 Rt. 176 – PUBLIC HEARING

Final PUD Amendment for exterior changes for an auto sales lot.

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 Gabe Foss, petitioner, were present to represent the petition. Mr. Foss said he currently holds a license from the state to sell used cars. He has been selling cars on-line for 7 years. Mr. Foss said he would like to purchase this property to keep his cars so they would be in one location. There will not be any car repairs taking place on this property. The cars are ready to sell when they arrive here.

Mr. Gottemoller said this property is on the south side of Route 176 by Mistwood. It was originally an electrical shop and the shop portion of the building will be demolished as well as the rear of the building. A small area for an office is all that is needed. He said the parking for customers will be in the front and the remaining area will be parking for the cars to be sold. Mr. Gottemoller said they are concerned about a 24 foot aisle around the building. They don't want people driving around the building to see the cars. Mr. Gottemoller commented about meeting the architectural standards and said the building will be repaired but they can't really add brick to the building. It is important to note that this use would be allowed at this site under the UDO but because it was a previously approved PUD they needed to go through the process.

Karen Coleman, 763 Silk Oak Lane, said there have been trees removed from this property and no one seems to know who removed them. Ms. Coleman said there are several vacant car dealerships on Route 14 that could be used for this purpose and doesn't see the need to have this business in this location. She said this will negatively impact the neighborhood. There is no plan for snow plowing at this time. Ms. Coleman is also concerned with the proposed berm and drainage on their property. That corner is very wet. She said the other car dealership uses a loud speaker during the day and sometimes leaves it on at night so they hear the phone ringing.

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

Mr. McDonough asked about the area for customer parking. Mr. Gottemoller said it would be the 5 spaces in front. The remaining area would be for the sale cars. Mr. McDonough asked if

there will be a show car on a pedestal. Mr. Foss said there is no room for that. Mr. McDonough asked about signs. Ms. Maxwell said they are allowed a 50 square foot freestanding sign in front and wall signs. Mr. McDonough suggested that they add a condition that there not be any auto repair at this location. Mr. Gottemoller said they won't have the building for it. Mr. McDonough said that recently there were auto repair businesses that came before the City and there were complications. He would prefer that this not happen here.

Mr. Batastini said the property is on Route 176 and is designed for commercial businesses. There won't be any paging unless the petitioner wants to page himself. He said this is an appropriate use.

Mr. Esposito asked about security lighting. Mr. Gottemoller said they will meet the City regulations.

Mr. Skluzacek said he has no problem with the request.

Mr. Greenman asked if the cars will be sold from the lot or on the internet. Mr. Foss said he won't turn down a sale if it happens on the lot. He said the advertising is done on-line. Mr. Greenman said the use and zoning is appropriate along Route 176. It's the petitioner's livelihood and if the neighbors feel there is a problem he is certain they can have a conversation with the petitioner to resolve it. Mr. Greenman wished the petitioner good luck in his new venture.

Mr. Hayden asked about the sales tax. Mr. Foss said it is paid to the state and he doesn't know where it goes from there. Mr. Gottemoller stated that the City receives their share of the tax for an in-state sale but he wasn't sure what happens when the sale is out of state. Mr. Hayden asked where the cars come from. Mr. Foss said he purchases the cars from auctions, private parties, or trade-ins. Mr. Hayden asked where the cars are repaired. Mr. Foss said he must use a licensed repair shop and he uses one in Woodstock. Mr. Hayden asked if they will sell boats and motorcycles. Mr. Foss said no. Only cars and pickup trucks. Mr. Hayden asked if the petitioner will sell cars on consignment. Mr. Foss said he doesn't do that now but is considering it.

Mr. McDonough asked if there was a landscape plan submitted. Ms. Maxwell said they are to submit a landscape plan. Mr. Batastini asked if the plantings on the berm die for some reason, does the City do anything. Ms. Maxwell said they try to keep up with checking landscaping. It will need to be replaced.

Mr. McDonough moved to approve the Final PUD Amendment to allow exterior changes to the building and site for an automobile sales lot for Foss Car Sales at 4803 Route 176 with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Foss, received 05/13/09).

B. Site and Engineering plan (Matt Stahl, dated 04-03-09, revised 05-04-09, received 05/13/09).

C. Lighting plan (Rudd Lighting, dated 4/10/2009, received 5/13/09)

2. Any tree removal requires compliance with Article 4-300 Tree Preservation.
3. A landscape plan, which complies with Article 4-400 Landscaping and Screening Standards, is required for review and approval.
4. The conditions established in the original PUD Ordinance #5838 remain valid, as applicable.
5. All exterior building materials are subject to review and approval by staff and shall be in accordance with Article 4-900 C Commercial Design Standards.
6. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Fire Rescue, and Public Works Departments.

7. The property will not be used for automobile repair.

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

REPORT FROM PLANNING

- 2009-26 Walgreen's - 315 N. Route 31 – Final PUD
- 2009-17 Fire Bar & Grill – 435 Angela Ln – Special Use Permit Amendment
- 2009-30 Darlington Court Condos

Ms. Rentzsch reviewed the petitions for the next meeting.

COMMENTS FROM THE COMMISSION

Mr. Batastini said the vacant property in Native Run West needs to be mowed again. He asked if there will be sidewalks west of Talcott Glen. Ms. Rentzsch said there is to be a sidewalk link. Mr. Batastini said he has seen people walking in the street going to the train station.

Mr. Batastini asked about the trees that were removed by the Freeze. Ms. Rentzsch said that was being checked into.

Mr. Esposito said McHenry Avenue and Dole Avenue are both in need of resurfacing. They have both gotten beaten up from the truck traffic.

Mr. Hayden said he sees that Pyott Road relocation is moving along. He asked if we have a time table. Ms. Rentzsch said it is not a City project so we don't have any idea.

The meeting was adjourned at 11:00 p.m.