



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION  
WEDNESDAY, JULY 15, 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, Goss, Jouron, McDonough, Skluzacek, and Hayden were present. Mr. Greenman was absent.

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide, Planner, and Erik Morimoto, Assistant City Engineer, 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 welcomed the newest Planning and Zoning Commissioner, Dave Goss.

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 JUNE 17, 2009 PLANNING AND ZONING COMMISSION MEETING**

Mr. Jouron moved to approve the minutes from the June 17, 2009 Planning and Zoning Commission meeting as presented. Mr. McDonough seconded the motion. On roll call, members Batastini, Esposito, Jouron, McDonough, Skluzacek, and Hayden voted aye. Mr. Goss abstained. Motion passed.

**2009-33 MERCY HEALTH SYSTEM - 415 Congress Parkway** – PUBLIC MEETING

This petition was continued from the June 17, 2009 PZC meeting.  
Common Sign Plan Amendment for a wall sign.

Bill Supernaw and Dave, both with Mercy Health System, were present to represent the petition. Dave said everything has been submitted to the City and asked if the Commissioners received copies. Mr. Hayden said they did receive copies of the proposed sign.

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

The Commissioners did not have any questions.

Mr. McDonough moved to approve Common Sign Plan Amendment to allow larger wall signage for Mercy Health Systems at 415 Congress Parkway with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Mercy sign plan (JNB Signs, dated 4/6/09, received 6/8/09)
2. The proposed sign shall not be illuminated.
3. 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.

**2009-35 WALKUP CHURCH SUBDIVISION – 460 N. Walkup** – PUBLIC HEARING  
Final Plat of Subdivision, Variations for two 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.

Edmund Howell, attorney, was present to represent the petition. Mr. Howell said the staff report is very accurate. The property was annexed and subdivided to add parking for the church. It was their intent to sell the home but they were unable to acquire signatures from the County on the plat. There were certain things the County wanted done such as attach to the City's sewer line which is approximately ¼ mile from this site. This brings them to this point which is requesting a subdivision of the property.

Mike Walkup, 5215 Walkup, is an adjacent property owner and has no problems with the request.

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

Mr. Goss asked if the County will sign this plat. Mr. Howell said he met with the County first before submitting the plat request.

Mr. McDonough asked if this will be an orphan lot. Mr. Howell said a portion of this lot is being used by the church and is paved for parking. Ms. McDonough asked if all of the property is within the City limits. Mr. Howell said yes. Ms. Rentzsch explained that the City views Lot 1 and the church property as one lot because of the use. Mr. Howell said State law allows for a simple line change between lots but Crystal Lake doesn't.

Mr. Goss moved to approve the Final Plat of Subdivision for two lots and Zoning Variations from the required lot width and lot area requirements to permit the proposed Lot 1 for the Walkup Church Subdivision at 460 W. Walkup with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Howell, received 06/16/09).
  - B. Final Plat of Subdivision (SEC Group, Inc., dated May 28, 2009, received 06/16/09).
2. If this subdivision is approved, the new Lot 1 would be considered joined with the church lot and classified as one zoning lot.
3. The Plat shall be revised to include the 15-foot easement and easement language, for the MCCD path beyond the right-of-way along Walkup.
4. The petitioner shall address any review comments of the Engineering and Building, Fire Rescue, Police, Public Works and Planning and Economic Development Departments.

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

**2009-25 DAVENPORT FUNERAL HOME – 419 E. Terra Cotta Avenue** – PUBLIC HEARING

This petition was continued from the June 3, 2009 PZC meeting.  
Final PUD Amendment for an addition to the funeral home.

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.

Lynde Anderson, architect, and Jack Davenport, owner, were present to represent the petition. Mr. Anderson showed the elevations of the additions. He said they agree with the conditions stated in the Staff Report.

Mr. Davenport explained that they were proposing to add a garage space for a vehicle and storage on the south side of the building and add office space to the west side.

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

Mr. Goss said he voted against the original request because there was no cross access. He wants to be certain this is accomplished. Mr. Davenport said they have talked with the adjacent property owners and have their ok to park in their lots. He would prefer not to have a cross access since it would be used so infrequently. For funerals where overflow is a possibility, they could offer valet parking on their site and surrounding properties. Mr. Goss said he would prefer to get the approval from the adjacent property owners in writing.

Mr. McDonough said there is a sidewalk between this lot and the lot to the west. Mr. Davenport agreed.

Mr. Skluzacek said there is a problem parking from time to time. He asked how many funerals can be held at one time. Mr. Davenport said there can be three. Mr. Skluzacek asked if they will be adding another chapel. Mr. Davenport said they will be adding office space and a garage only.

Mr. Batastini agreed there is a parking problem. He is concerned with people making a left turn out of the lot to find another place to park when the lot is full. Most people come right after work and there is a lot of traffic on Route 176. Mr. Batastini would prefer a cross access. Mr. Davenport said there is only one space leased in the adjacent building currently. He is concerned if there is a 7-11 type business in the building to the west and having the cross access, people will go in front of his building through his parking lot to exit onto Route 176. The property to the west has full access only from Erick Street and a right-in – right-out at Route 176. Mr. Davenport said he was informed that there would be a traffic signal at Erick Street and Route 176 which will help making turns out of their property. Mr. Batastini said he can't support this without a cross access.

Mr. Hayden said he is also concerned with the parking problem and cross access. He agrees that the cross access should be required.

Mr. Batastini moved to approve the Final Planned Unit Development Amendment for an approximately 1,595-square-foot addition to the existing funeral home for Davenport Funeral Home at 419 E. Terra Cotta Avenue with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application, received 5/14/09
  - B. Site Data, Site Plan, Elevations, Floor Plans, Plat of Survey, received 5/18/09
2. All applicable conditions of the Preliminary and Final PUD approval shall apply.
3. Verify the location of the water service and confirm that the new addition is not in conflict with existing water service.
4. The use is required to provide adequate parking on-site. Arrangements for neighboring parking shall be secured and signage provided on-site so that visitors are aware of parking options in the event of funerals that generate more parking demand than what is provided on-site.
5. The petitioner shall address all of the review comments and requirements of the Engineering & Building, Fire Rescue, Police, Public Works, and Planning & Economic Development Departments.
- 6. The cross access is to be put through to the property to the west immediately.**

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

**2009-32 CRYSTAL LAKE PARK DISTRICT – 680 W. Terra Cotta Ave. – PUBLIC HEARING**

This petition was continued from the June 17, 2009 PZC meeting. Comprehensive Plan Amendment, Final PUD, Special Use Permit, Variations for a community center.

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.

Scott Puma, attorney, Kirk Reimer, Park District Director, Ann Viger, Park Planner, Tom Glalonde with Williams Architects, Tom Trychlik with Gewalt Hamilton, and Tom Polzin with Hey & Associates were present to represent the petition. Gary Overbay with CivilTech Engineering was present to represent the City's traffic consultant.

Mr. Reimer said many years ago there was a survey taken of the residents of Crystal Lake. The top two responses were that the City needed a community center and Vulcan Lakes needs to be developed. They have three committees working for months on the community center idea. The plan that will be shown at this meeting is only a conceptual plan and it may change in the future. Mr. Reimer said they have been searching for property that is over 20 acres. He said the owner of the Viking Dodge property contacted the Park District about purchasing the property. The contract allowed the Park District time to do their due-diligence for the property and they have been working with Staff and the City's consultants. Mr. Reimer stated that the Park District also held an informal neighbors meeting to share with them what the Park District had in mind. He said this site has great potential.

Mr. Puma said the site currently has existing zoning and they are requesting a Special Use to allow institutional uses, a PUD because there will eventually be more than one building, and variations. He said the parking area in front of the existing building is not marked for parking space and it has been determined that there can be more spaces there than what the Park District currently need. They are still requesting a parking variation because this is a two phase development. Mr. Puma said they are also requesting a building height variation since the property goes up in the rear. Also they are requesting a side yard setback variation because of the improvements that will need to be made along the property lines. Mr. Puma said they agree with the conditions listed in the staff report.

Ms. Viger showed the aerial photo of the property. The red line on the plan shows the division between Phase 1 and Phase 2. Phase 1 will consist of remodeling of the existing building. Phase 2 will expand the recreational space and build an aquatic center. She said the plans are very preliminary and there are many issues that they are working on. There have been discussions with IDOT and a letter of commitment from the adjacent property owner to the west for possible access to Route 14.

Mr. Trychlik showed the site plan and said they will be closing the western access to Route 176. There will be access to the site off of Reserve Drive to the east and connect to Route 14 to the west. He said they have met with IDOT and they were positive about the changes but there was no commitment. Mr. Trychlik said the access to Route 14 could also serve the residents of Andrea Lane.

Mr. Polzin said the existing property is heavily developed on the southern portion and the entire site is within the Watershed. He said that Phase 1 doesn't have any increase in impervious surface. Mr. Polzin said the property has high groundwater in places. There is an off-site tributary area which will be bypassed around the site. They have determined that the wetlands on the property are artificial and the City's consultant agrees.

Mr. Glalonde showed the initial phase renovations of the existing building. He said this plan is very conceptual. They wanted to prove that the building could work for the overall Park District needs. Mr. Glalonde showed the conceptual plan for Phase 2 for the building expansion. Most of the improvements made through Phase 1 will not be changed with the addition of Phase 2 for the building expansion.

Mr. Hayden asked the petitioner to review the hardship for the variations requested. Mr. Puma and Mr. Reimer reviewed the standards for the Special Use Permit and variations. Mr. Reimer said this use is very desirable for the community. This use won't be detrimental to the property values; it will comply with the zoning regulations, and won't impact traffic. He said they are working with IDOT regarding the road connections. Mr. Reimer said the improvements that will be done with Phase 1 won't impact the utilities but with Phase 2 they will need to connect to City sewer and water. He said they will meet all government agencies requirements and conform to the conditions of the Special Use. Mr. Hayden asked what is the hardship caused by the City's Ordinances. Mr. Puma said the variations are included in the PUD. Ms. Rentzsch said they are separate. Mr. Puma said they are seeking the variations so they can develop the property for the community's use. They are requesting the variations so they can make better use of the property and the "W-4" designation creates a hardship. The variations are for the second phase of the project.

Mr. Hayden asked if they had reviewed the conditions listed in the staff report and if they had any concerns with them. Mr. Puma said condition #9 regarding the granting of an easement to IDOT. That is a condition that should not be set by the City. Mr. Reimer said there is no stipulation on the size of the easement. We don't want to give them carte blanche with the size of the easement.

Rich Fergus, 800 Broadway, Lakewood, said he is concerned with the Watershed and building two pools.

Walter Bolisenga, 7617 Andrea Lane, said he is concerned with the petitioners seeking a blanket variation. He lives on Andrea Lane and there will be a big impact on their neighborhood. When there is a strong rain, they get a lot of water flow from this property. Mr. Bolisenga said he went

to IDOT regarding the improvements to Route 14 from Crystal Lake to Woodstock because they were going to be changing the way we could get in and out of our street. If there is an entrance/exit on the Spence property to the south, again they will not be able to get directly to their street but have to wind around. They have a hard time getting out of their area now and is concerned with the amount of traffic this will create which will make it even more difficult.

Jeff Rowe, 7603 Andrea, said his home is at the end of Andrea and is concerned with the setback variations that are being requested next to a residential area. Also he is concerned with the petitioner not knowing exactly what they want to do with the back property and asking for variations. Mr. Rowe is also concerned with the head lights from the cars that will be shining into his home.

Wayne Beto, 503 5<sup>th</sup> Ave., Marengo, said he submitted Freedom of Information requests with the Park District for consultant reports. The reports contradict each other. He is also concerned with underground storage tanks that are on the property. They will eventually leak into the lake. Mr. Beto asked about the negotiated price of the property. Mr. Hayden said the Commission doesn't get into that. Mr. Beto said it is a community project.

John Walsh, 328 Hickory Drive, is concerned with the increase in traffic because of IDOT closing off one of the entrances. Mr. Walsh said there are no sidewalks along Route 176 and isn't sure how people will be able to walk or ride their bikes there.

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 said the Park District is requesting a 50% increase in impervious coverage. Mr. Reimer said that is allowed under the new Watershed requirements. Mr. Polzin said the City contracted with Hey & Associates to review the Watershed Ordinance that was in place. He explained how the increase in impervious coverage won't impact the lake. Mr. Goss asked about the diversion of the flow from the north and east. He is concerned about the adjacent homeowners. Mr. Polzin said it will be with the natural bioswales. Mr. Goss asked if there will be any change to the infiltration in Phase 1. Mr. Polzin said no. Mr. Goss suggested that they add swales in the parking lot. Mr. Polzin said that is shown in Phase 2. Mr. Goss said he would prefer to have them added to Phase 1 as well. There are no parking stall lines marked on the current lot.

Mr. Batastini asked if soil borings were taken where the proposed pool will be. Mr. Trychlik said yes. Mr. Batastini said he is concerned with high ground water if they could put a pool there. Mr. Trychlik said it can be done. Mr. Batastini said the water table fluctuates. Mr. Reimer said the City wants to put a monitoring well on the site to check the ground water fluctuation.

Mr. McDonough asked about the regrading of the property along the eastern property line. Mr. Puma said there are a lot of Box Elder trees. Mr. Reimer said they don't want to take down trees.

Mr. Esposito asked if this helps the drainage issues on Andrea Lane. Mr. Polzin said this won't help it but it also won't make it worse.

Mr. Puma said the reports for Phase 1 and 2 were clean and didn't show any underground storage tanks. He said they will work with IDOT on sidewalks.

Mr. Hayden asked about the traffic. Mr. Morimoto said they have taken the IDOT improvements to Route 14 into account. He said Route 176 is exceeding its designed capacity now due to the lack of through lanes. Mr. Overbay said there will be IDOT improvements to Route 14 but no significant improvements will be made to Route 176. He said both the City and County have filed concerns with IDOT. They have also requested IDOT to shorten the turn lanes so people can complete their turns into the property from Route 176. Mr. Overbay said there isn't a problem with the entrance/exit until Phase 2 happens. The plan shows Reserve Drive extending to the west which would allow the residents from Andrea Lane to access their property through this site. He also said that there will not be a traffic signal on Route 14 because it is too close to the other two existing signals.

Mr. Batastini asked why the Park District doesn't want to grant an easement on Route 176. Mr. Reimer said they don't have a definite amount. They don't know if it will be 20 feet, or 100 feet. It is not spelled out what IDOT will be requesting. Mr. Morimoto said the amount will be determined at Preliminary Engineering.

Mr. McDonough asked if the roads will be public. Mr. Reimer said yes. Mr. McDonough said he is concerned with the road connecting to the west behind the properties along Andrea Lane. That would make those lots double frontage lots. Mr. Overbay said the road could not be placed south because it would be too close to the intersection at Route 176. They are also looking at alternative routes such as to Ridgefield Road. There are other options if these fall apart. Mr. Goss stated that Reserve Drive was to be a collector road but it was not built to those standards.

Mr. Batastini asked how the 100 cars an hour at peak time was determined. Mr. Overbay said they used the standard chart provided by ITE. He said this development is similar to the one in Huntley which has a 435 car parking lot. That lot is never filled. Also the traffic is over various times of the day and not like an office building where people all leave at one time. Mr. Batastini asked if this facility is large enough for today's and tomorrow's Crystal Lake. Ms. Viger said the area is currently very underserved and they want to do the best facility they can with what they have to work with.

Mr. Goss said there won't be a lot of bicycle traffic because parents won't let their kids go across Route 176. Mr. Reimer said they had looked at other sites but the cost of the land put it out of reach.

Mr. McDonough said he was surprised with the location but this could be a beautiful park. He said there are so many questions such as why a Final PUD and not Preliminary. He can't support



the variations. Ms. Rentzsch said there was a Final PUD approved for the Viking Dodge site and this request amends that PUD. Mr. McDonough said this could work but there are many issues. He said there is not enough information.

Mr. Jouron said he is ok with Phase 1 but would prefer them to come back for Phase 2 when it is more complete. Mr. Batastini said this is our Park District and it gives him more comfort knowing that it isn't just a developer coming in, doing the project, and leaving town. He agrees with coming back for Phase 2. Mr. Esposito agrees. He said Phase 2 is a little hard to swallow.

Mr. Hayden said it seems that the Park District and IDOT aren't sure what they are requesting. Mr. Reimer said the contract requires both PZC and Council approval. If not, the Park District can walk away. Mr. Goss said he is ok with the request except for the variations for Phase 2. He said he needs to know more about that phase before granting variations. Mr. McDonough said it is hard to give a Final PUD on a concept plan. He is ok with Phase 1 but not Phase 2. Ms. Rentzsch suggested that they vote on the request for the Comprehensive Land Use Plan change and the Special Use Permit but review the Final PUD Amendment and Variations at a later date. Mr. McDonough asked if the approval of those two items will work for the purchase of the property. Mr. Puma said he wasn't sure but believed they needed Final PUD as well. Mr. Hayden said they can approve the Final PUD for Phase 1 and when they come back for Phase 2 and the variations the PUD can be amended again.

Mr. Jouron said he doesn't like the sea of asphalt there. He would like to see some landscaping to break up that large area. Mr. Reimer said they don't want to do anything to the parking lot in Phase 1.

Mr. Batastini moved to approve the Comprehensive Plan Amendment from Commerce and Urban Residential to Public and Semi-Public; Final PUD Amendment for the proposed **Phase 1 of the** project; Special Use Permit for an institutional use for public recreation buildings, including, but not limited to, a recreation center and senior center, public offices, gymnasium, classrooms, day care, indoor and outdoor aquatic centers in the principal and accessory building(s); ~~and Zoning Variations from: A) Section 6.5 7 required number of parking spaces; B) Section 4.4 8 required lot coverage and impervious surface requirements; C) Section 4.4 10 building height requirements, and D) Section 4.4 side yard, rear yard and yard abutting a residential district requirements~~ for the Crystal Lake Park District at 680 W. Terra Cotta Avenue with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (CLPD, dated 5/29/09)
  - B. Preliminary site plan (Gewalt, dated 5/14/09)
  - C. Floor plans (Williams, dated 5/21/09)
  - D. Civiltech Traffic/Access Analysis (dated 6/18/09)
  - E. Preliminary stormwater management and wetland report (dated 5/29/09)

2. The final site layout(s) shall be reviewed by staff to minimize variations and for compliance with the City's ordinances.
3. The architectural plans for each phase shall be reviewed and approved by staff.
4. The landscaping and sign plans shall meet the City's ordinances.
5. ~~The following zoning variations are hereby granted:~~
  - ~~A. Section 6.5-7 required number of parking spaces;~~
  - ~~B. Section 4.4-8 required lot coverage and impervious surface requirements;~~
  - ~~C. Section 4.4-10 building height requirements, and~~
  - ~~D. Section 4.4 side yard, rear yard and yard abutting a residential district requirements.~~
6. No water main or service lines are shown on the plans. Any addition to the water system will require further review at that time.
7. Pursuant to the preliminary engineering report completed by Baxter & Woodman on behalf of the City, adequate sanitary sewer capacity currently exists to serve the Phase I plan, with the need to extend sewer to the property from the southwest corner of Route 14/176 intersection. Construction of the major trunk sewer system extension (NWATS) will need to be completed prior to the Park District undertaking Phase II. The Park District will need to participate in the cost of that project, possibly through recapture.
8. This project must consider the impacts on areas roadways and neighborhoods by addressing the recommendations of the Traffic Impact Analysis report.
  - A. The minimum access requirements for each proposed phase of development include the following (per Exhibit 6, VII.3, and VII.9 of the Traffic Impact Analysis):
    - i. Phase 1: Convert western driveway on Route 176 to right-in/right-out.
    - ii. Phase 2: Close western driveway on Route 176, modify the existing private roadway (eastern driveway on Route 176), and provide a secondary access for the site such as Oak Street via the extension of Reserve Drive.
    - iii. Phase 3: Provide a third access point for the site to either Route 14 or Ridgefield Road.
  - B. Off-site traffic calming measures may be required for Phase 2 or Phase 3 depending on the impacts to local streets in the vicinity such as Reserve Drive, Ridge Avenue, Hickory Avenue, Oak Street (south of Route 176), and the Citgo/McDonald's/Flowerwood parking lots – see VII.1 and VII.6 of the traffic analysis report for further discussion.
  - C. To mitigate potential cut-through traffic concerns for Reserve Drive, on-site traffic calming measures may be required, such as a roundabout at the four-leg intersection between the private entrance road and the Reserve Drive extension – see VII.7 of the traffic analysis report for further discussion.
  - D. Though not a requirement of the City's traffic impact analysis, off-site improvements to Route 176 not identified but not addressed by the State's upcoming US Route 14

project might be requested by the Illinois Department of Transportation as part of the Highway Access Permit – see VII.11 of the traffic analysis report for further discussion.  
E. Specific driveway locations along the private entrance road for lots directly east of the existing Viking Motors building will need to be defined with curb and gutter. No parking directly off the main entrance road should be allowed – see VII.12 of the traffic analysis report for further discussion.

F. Minor modifications to the pavement markings for the left turn lane on Illinois Route 176 should be considered, with IDOT approval, to help facilitate ingress into the site for Phase 1 – see VII.4 and VII.12 of the traffic analysis report for further discussion.

G. Include an off-street shared-use path to connect the Community Center to the regional MCCD trail in the ComEd ROW – see VII.10 and VII.13 of the traffic analysis report for further discussion. Note that the path connections will require separate easements from the adjacent property owner as the park district site is not contiguous to the ComEd ROW.

9. An easement or dedication of right-of-way along the Illinois Route 176 frontage to IDOT should be made to allow future roadway widening, such as additional through lanes or dual left turn lanes, by others. Actual size of easement or dedication to be determined at preliminary engineering.

10. The future extension of Reserve Drive shall be a public roadway designed to City standards as a minor collector (for right-of-way width, pavement width, etc.).

11. This site is within the Crystal Lake Watershed and would need to meet the requirements of the Watershed Design Manual. The City's stormwater/watershed consultant has reviewed the Zoning application and provided comments in their June 12, 2009 memorandum.

A. In general, the proposed plan meets the intent of the CLSO and the Crystal Lake Design Manual. Additional information and calculations will be required during the preliminary and final engineering review process.

B. It is not clear how the proposed impervious (parking and roadway) areas on the south side of the northern parcel will be routed to the pre-treatment facility. An additional pre-treatment basin may be required on the south side of the northern parcel – there appears to be space available in the preliminary land plan to accommodate this feature. This area will also require first flush treatment (bio-swales, etc) that is not currently shown on the plan.

C. Additional information will be required at preliminary engineering to complete the wetland delineation report and meet ordinance requirements. **However, the consultant concurs that the identified artificial wetland would not be regulated under the Ordinance** because the artificial wetland was created by the blocking of a drainage path by the deposit of spoil material. The wetland only exists due to this blocked drainage pattern. If the fill/blockage were to be removed, water flow would resume and the artificial area would cease to exist.

12. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, Police, Public Works and Planning & Economic Development Departments and the City's traffic and stormwater/watershed consultants.

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

**2009-34 PLATT – 1393 Boxwood** – PUBLIC HEARING

Variations for a shed.

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.

Kelly and Ellen Platt were present to represent their petition. Mr. Platt said they are requesting a variation for a shed they have already put in their yard. It is located in the utility easements and has received letters from the utilities allowing the shed to be in the easement. Mrs. Platt said this is the perfect location for the shed or it would have been in the middle of their yard. Mr. Platt added that a tree would have needed to be removed to put the shed where the City wants it to be.

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

Mr. Goss asked if this will create a problem with the drainage. Mr. Morimoto said there was fill added and a drain tile to the property which was not part of the permit that was requested for the shed. The condition is to move the shed two feet from the property line and restore the approved grading.

Mr. McDonough asked how the foundation could be put under the shed. Mr. Morimoto said the shed could be put on piers and closed off or use a foundation. The piers are typical for deck construction. Mr. Skluzacek asked what is under the piers. Mr. Morimoto suggested lime stone or gravel under the deck.

Mr. Hayden said the shed was not approved. Ms. Bhide said the shed was installed without a permit. Mr. Morimoto added that it doesn't meet City Code. Mr. Hayden said it needs to be built properly.

Mr. Hayden said if the utility companies need to get into that easement they will remove the shed and not replace it. Mr. Platt said he understands. Mrs. Platt handed out photos of the rear yard and the shed. Mr. McDonough said he can't believe the petitioner could get a letter from Com Ed allowing the shed in the easement. He said it is hard to vote yes because it was something that should not have been done but it is hard to say no because of the amount of work that has already been done. Mr. Platt said the topography of the property slopes down 4 feet so at one point the concrete would need to be 6 feet thick.

Mr. Skluzacek asked about the location. Mr. Hayden said if the shed is moved 2 feet they would need to remove the tree. Mr. Batastini said he likes the idea of having the tree there. It acts as a buffer. Mr. Hayden suggested the petitioners work with staff on the placement of the shed and keep the tree. Mr. Morimoto said the grading needs to be reworked so it is even on both sides so as not to cause undue hardship on any one neighbor. Mr. Hayden said he doesn't want the tree to be killed. Mr. Morimoto said if piers are used there will be minimal cutting of the root system. Ms. Rentzsch said willow trees are very tolerant of construction. They are a very hearty tree. Mr. Skluzacek suggested using piers and putting wood slats to allow the water to flow beneath it. Mr. Morimoto said that should be ok.

Mr. Jouron asked how long the shed had been there. Mrs. Platt said since April. She saw on a website that no permit was needed if a shed was under 100 square feet.

Mr. Skluzacek moved to approve the Simplified Residential Variations from: A. Section 650-45 of the City Code from the requirement that an accessory structure in a residential zone may be located within five feet of the rear lot line and within three feet of a side yard lot line to allow a shed to be located as close as 13 inches from the rear property line and as close as 18 inches from the side property line; and B. Section 650-45 of the City code from the requirement that an accessory building or structure is not located on a recorded utility or drainage easement to allow the shed to locate in a recorded Public Utility Easement and a Private Drainage Easement for 1393 Boxwood with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Platt, dated 06/02/09, received 06/11/09)
  - B. Plat of Survey/Site Plan (Howard Surveying Company, dated 04/16/02, received 06/11/09)
  - C. No Objection Letters (various, received 6/11/09)
2. A variation is hereby granted to allow the shed to be as close as 24-inches from the rear property line and 18 inches from the side property line.
3. The existing plastic tile must be removed and 24-inches of grade (measured from the property line) must be restored to the original approved elevations.
4. The shed must be installed and anchored to an approved foundation.
5. A no-objection/letter of approval from the Home Owner's Association must be submitted.
6. The petitioner shall address all comments of the Planning, Engineering and Building, Public Works, Fire Rescue and Police Departments.

Mr. Jouron seconded the motion. On roll call, members Batastini, Goss, Jouron, Skluzacek, and

Hayden voted aye. Members Esposito and McDonough voted no. Motion passed.

Mr. Esposito said he voted no because the shed was put up without a permit.

Mr. Hayden called for a 5-minute recess. The meeting resumed.

**2009-36 WATERFORD DEVELOPMENT – W. Golf Course Rd; S. Dartmoor** – PUBLIC HEARING

Final PUD Amendment for architectural changes.

Mr. Hayden explained that Mr. Skluzacek is recusing himself from the discussion of this petition. Mr. Skluzacek left the Chambers.

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.

Mike Riordan, owner of Country Homes, was present to represent his petition. Mr. Riordan said he has been building homes in Crystal Lake since 1987 that are mostly custom homes. He purchased the remaining lots of Waterford Development and he would like to change the architecture which was approved during the Final PUD process. He wants more unique elevations than what was offered, which will enhance the area. Mr. Riordan said the homes will be built in 3-5 years since they spend a lot of time on the details. He wants to have masonry fireplace chases which will add to the detail of the home.

Mr. Riordan said condition #7 regarding the architectural criteria doesn't really work since some of the elements listed can't be done on the lot widths. This also would be stricter standards than what was approved originally. He said he wants to build nice homes but would like to bring the elevations to staff for their approval instead of coming before the PZC and Council each time.

Lonnie Jeschte, 860 Waterford Cut, said he saw the sign in the parkway and received an envelope about the meeting. His was one of the original homes in the subdivision. They wanted to stay in Crystal Lake so they purchased in this subdivision. Mr. Jeschte said he doesn't want to live in Nantucket with those types of designs. He wants something consistent with what is there now.

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

Mr. Batastini said he understands the subdivision has been sold several times. He is familiar with Mr. Riordan's work in other areas of town and the all masonry fire places are a big plus. Mr. Batastini said he likes having diversity in a neighborhood so the homes don't all look alike. He added that the neighbors will be proud of what Mr. Riordan will build in this subdivision.

Mr. Jouron said he likes the architecture. Mr. Riordan said the architecture currently in the subdivision is very traditional and sometimes there is no brick at all on the homes. He hopes not to make mistakes that have been made in the past.

Mr. Esposito said these elevations look great and will be an improvement to the area. He is concerned what will happen if there are no criteria listed for this subdivision and the petitioner leaves for some reason. Mr. Riordan suggested that the criteria could be established between staff and him and that the criteria established only be for the homes he builds in this subdivision. He said staff has been very reasonable. Ms. Bhide said the Building Division usually works with the criteria to determine if the elevation is acceptable.

Mr. McDonough asked if the brick were real brick or only façade. Mr. Riordan said it would be real brick. Mr. McDonough said if the homes looked like this but not exactly like this he would be ok with that. Mr. Batastini asked if the petitioner and staff could work out the guidelines. Mr. Riordan said he can work with staff. Mr. Goss suggested that the criteria be worked out prior to moving forward to Council.

Mr. Hayden asked what the approximate price range would be for the homes. Mr. Riordan said per the County records the highest price paid for a home in the subdivision was \$481,500. His range would be approximately \$300,000 to \$400,000.

Mr. Jouron said the buildings look very nice. Mr. Jeschte yelled out that the Commissioners should stop beating the drum for the petitioner and walked out of the meeting.

Rosa Jeschte, 860 Waterford Cut, said they are asking for guidelines to protect the existing homeowners.

Mr. McDonough said the petitioner should show sensitivity to what is already there.

Mr. McDonough moved to approve the Final Planned Unit Development Amendment to allow changes to the approved architecture for the Waterford Subdivision located west of Golf Course Road and south of Dartmoor Drive with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application, received 6/26/09
  - B. Elevations A-D, received 6/30/09
  
2. All applicable conditions of the Preliminary and Final PUD approval for the Waterford Subdivision (Ordinance # 6036 and 6089) shall apply including but not limited to:
  - A. Due consideration will be given while designing residences on Lots 20 and 25 to take into account the possibility of the rear facades of these houses facing the entrance of residences on Lots 21 and 24. These façades shall provide a comparable amount of brick or masonry type

- materials as the front façade. Additional planting shall be provided on these lots to screen any accessory structures (sun rooms, screen porches, etc.)
- B. Variations from required setbacks shall not be granted for any structures (principal or accessory) on Lots 20 and 25. This condition shall be included on the Final Plat document and within the Covenants, Conditions and Restrictions document.
- C. Side load garages will be required on Lots 14, 20 and 25.
3. No height variations are granted through this PUD Amendment. The height shall not exceed 28 feet/2 stories.
- A. For Elevation D, clarification is needed regarding the roof type and the height.
4. The City's anti-monotony provisions shall apply.
- A. No two homes which are within 2 lots side by side or face front to front shall have the same identical elevation. This does not apply to a back to back situation.
- B. No two homes having lots which border in any way (without regard to streets and parks) shall have the same identical color scheme. This includes identical trim, siding and masonry color selection.
- C. No two homes with identical elevations shall be allowed to have the same identical exterior color scheme.
- D. No two homes with identical floor plans, regardless of elevation, shall be built next to each other or directly across the street from each other.
- E. None of the lots on a cul-de-sac shall have the same model and elevation on it.
5. Where brick is used on the front elevations, it must wrap around at least 1 foot on each of the sides of the buildings before termination to create a pier element.
6. ~~Specifically for Elevation D, the following changes are required:~~
- A. ~~Eliminate the eyebrow window, or replace with a dormer on the main roof mass on the front façade.~~
- B. ~~The building massing for the front elevation needs to be changed, either through lowering the height of the main roof or changing the pitch of the secondary masses to appear more balanced.~~
7. Variations from the proposed elevations are **to be** permitted upon staff approval as long as they meet **the criteria to be developed by staff.** ~~at least seven of the following nine criteria:~~
- A. ~~Where siding is used as a building material, wood board siding shall be used.~~
- B. ~~A front porch or stoop at main entrances of the proposed homes is provided.~~
- C. ~~Three car garages are designed as 2 car side loading and 1 car front loading.~~
- D. ~~Front loading, side facing garages shall have windows facing the street that match the style, spacing and frequency of windows for the rest of the dwelling.~~
- E. ~~Front loading, front facing garages shall incorporate at least 3 architectural elements (like columns flanking doors, moldings, overhanging eaves, decorative vent covers, decorative brackets, arched lintels, garage windows, etc.)~~



~~F. Windows are required on all elevations. Long blank facades or token window/s on elevations are not permitted~~

~~G. Window and door openings must be articulated through the use of shutters, flat or arched lintels, projecting sills or surrounds. These treatments should be applied on all elevations of the dwelling.~~

~~H. Where shutters are used, they should be sized to the window such that they appear as if they can be closed and fully protect the window.~~

~~I. All facades generally, and the front façade specifically shall be articulated through the use of dormers, eyebrow windows, decorative brackets, louvers, balconies or other elements.~~

8. The petitioner shall address all of the review comments and requirements of the Engineering & Building, Fire Rescue, Police, Public Works, and Planning & Economic Development Departments.

**9. If the ownership/developer of the property changes, the original elevation criteria shall be followed.**

Mr. Batastini seconded the motion. On roll call, members Batastini, Esposito, Goss, Jouron, McDonough, and Hayden voted aye. Mr. Skluzacek did not vote. Motion passed.

**2009-37 HALLOWEEN USA – 5540 Northwest Highway** – PUBLIC HEARING  
Land Use Variation to permit a temporary Halloween store.

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.

Bob Crainz with Halloween USA, and Van Lee with Inland Real Estate, were present to represent the petition. Mr. Crainz said Crystal Lake has been a great community for them in the past. This store is a division of Party Outlet but this can't fit in their current space. They would like to open around Labor Day and close by November 15. Ms. Bhide explained that the new UDO does not permit temporary businesses. They need to receive a variation approval.

Mr. McDonough asked if they will meet the Sign Ordinance requirements. Ms. Bhide said the sign that was previously on the building is larger than what is being requested.

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

Mr. Goss asked if the petitioner had been in the former Tweeter space in previous years. Mr. Crainz said no. Mr. Goss said he would like to add a condition that if the signs are not removed by November 15 that there be a penalty. That has been the issue with non-full time stores. He said this is a retail use in a retail space. Mr. Jouron asked if there will be additional signs in the windows. Mr. Crainz said there will possibly be signs in the windows so people will know they

are there. They will also have panels on the signs in front on Route 14 where Linens and Things had their sign.

Mr. Goss moved to approve the Variation from Article 2, Land Use of the Unified Development Ordinance, to allow a Halloween Store, classified a Temporary Retail Use/Activity as a Permitted Use in the "B-2" district for Halloween USA at 5540 Northwest Highway with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application packet including sign information (received 7-6-09)
2. Permits shall be obtained for the proposed signs from the Building Division.
3. The petitioner shall address all staff comments.
- 4. The signs must be removed by November 15. If not, the sign penalties go into effect.**

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

#### **REPORT FROM PLANNING**

- 2009-28 Visionworks – 5765 Northwest Hwy. – Final PUD Amendment (sign) (EM)
- 2009-20 Claus Development – 454 W. Terra Cotta Ave. – Final PUD (EM)
- EDC recommendations for economic incentives

Ms. Rentzsch reviewed the petitions for the next meeting.

#### **COMMENTS FROM THE COMMISSION**

There were no comments from the Commissioners.

The meeting was adjourned at 11:15 p.m.