



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, AUGUST 5, 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 Esposito, Goss, Greenman, Jouron, Skluzacek, and Hayden were present. Members Batastini and McDonough were 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.

Mr. Hayden stated that item 4 on the agenda – Crystal Lake Park District – has elected not to request the variations and will go to the City Council at their meeting on August 18, 2009.

APPROVE MINUTES OF THE JULY 15, 2009 PLANNING AND ZONING COMMISSION MEETING

Mr. Goss said he would like added to the minutes on page 8 that he stated Reserve Drive was to be a collector road but it was not built to those standards.

Mr. Esposito moved to approve the minutes from the July 15, 2009 Planning and Zoning Commission meeting as amended. Mr. Skluzacek seconded the motion. On roll call, members Esposito, Goss, Jouron, Skluzacek, and Hayden voted aye. Mr. Greenman abstained. Motion passed.

2009-39 CRYSTAL CREEK – NW Miller & Randall – PUBLIC MEETING

A motion is requested to set the public hearing date for August 19, 2009

Preliminary PUD, Rezone, Comprehensive Land Use Plan Amendment for a mixed use project.

Moises Cukierman, Vice President of Lexington Homes, was present to represent their petition. Mr. Cukierman thanked the Commission for the opportunity to present this request. He said there was a concept plan presented to the Commission in January which showed a mixed use development. The originally planned commercial use is not feasible in this market. Also in 2004 there was a plan presented to the City for a commercial project but the County was requiring a significant land taking. Mr. Cukierman said that based on the comments made at the concept plan presentation they have modified their plan. He said the north/south road has been redesigned, a larger buffer and landscape areas were added; a sidewalk network has also been added. Because of these changes the density has dropped and the parking ratio has improved.

Mr. Cukierman said this plan is sensitive to the changing marketplace. The result is larger open space next to the creek and a sizeable buffer between the homes and this development.

Mr. Hayden asked if there was anyone in attendance who would not be able to make the next PZC meeting and wished to speak on this matter. There was no one who wished to speak.

There were no questions from the Commissioners.

Mr. Goss moved to continue 2009-39 Crystal Creek – Lexington to the August 19, 2009 meeting for their Public Hearing. Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

2009-38 McHENRY CO. MENTAL HEALTH – N. 620 Dakota St. – PUBLIC HEARING
Variation for building height.

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.

David Hemple with Charles River Development, and Francis Gosser, attorney for the McHenry County Mental Health Board, were present to represent the petition. Mr. Hemple said the Mental Health Board wants to expand their existing building to bring all of their operations to one location. They looked at several options and are strongly looking at the property to the north of their existing building which is land locked. He said they are requesting a height variation for the building. The MCMHB needs a two story building to house all of their operations. Mr. Hemple showed a color rendering of a possible elevation. He said that Lots 12 and 13 of the office park are zoned “M” which would allow a 45 foot tall building without a variation and those lots are adjacent to this property. The reason for the request is to give them design latitude since a building design has not yet been finalized. If the variation is not granted the MCMHB will have to sell their current building at a substantial loss in this market and purchase other property.

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 why they would need 45 feet for a 2-story building. Mr. Hemple said they are discussing a first floor meeting room that would hold more than 200 people. The Board would like all people who attend the meetings to be able to see, which would mean they need to angle the floor. This would require additional ceiling height which in turn would require the mechanicals on the roof to be taller and they need to be screened. Mr. Goss asked about a different style roof. Mr. Hemple said that is a possibility but the slope of the roof would virtually eliminate ice damming on the roof. Mr. Goss asked if there are other buildings in the area that are 45 feet tall. Mr. Hemple said not at this time.

Mr. Skluzacek asked if the grading of the parking lots would be the same. Mr. Hemple said yes.

Mr. Skluzacek said there would need to be retaining walls installed between properties. Mr. Hemple said yes. Mr. Skluzacek said he doesn't care for the 45 foot height and doesn't want to set precedent in the area.

Mr. Greenman said he appreciates that the MCMHB wants to remain in Crystal Lake. This is a great resource for the community. He would not be comfortable with granting a variation to allow the 45 foot tall building. He would prefer that a plan be submitted so they know what it will look like prior to granting a variation. Mr. Greenman stated that he is not opposed to granting a building height variation but prefers to know exactly what is being proposed. He does understand that the lot is land locked but that is not a hardship. Mr. Hemple said the Board does not want to purchase the property unless they are certain that a height variation may be obtained.

Mr. Esposito said he would prefer to see a plan so they can be certain it fits in the area.

Mr. Hayden said he is the odd man out. He said this request is more like asking for a Preliminary approval. This is a PUD and the Commission will get another chance to review it. The petitioner is only asking if the City would grant a variation. Mr. Hemple said that is correct. He said the condition of the sale of the property is that they receive a commitment that they can possibly go as tall as 45 feet. Mr. Hayden said the petitioner may or may not need all of the 45 feet for their design but they would have the latitude to design it.

Mr. Greenman stated that he understands what is needed but he struggles with making a recommendation for a design they have not seen. He is not sure that is good planning principles. Also the Commission may not be comfortable with the plan presented but won't have the option to deny it because of the granting of the variation now. Mr. Hemple said the City will review the final plan. Mr. Greenman asked staff what the Commission can do to demonstrate the City's willingness to work with the petitioner. Ms. Rentzsch said this is an unusual way to handle this but this property is a PUD and some lots surrounding it are zoned Manufacturing which allows a 45 foot tall building. She suggested that the variation be granted based on the Final PUD approval.

Mr. Jouron suggested allowing 40 feet and the petitioner would ask for the additional height at Final if needed. Mr. Greenman said the Commission could go up to 45 feet to be determined at Final PUD. Mr. Goss said he would be comfortable with 35 feet with the condition that the variation could be up to 45 feet at Final PUD approval.

Mr. Gosser said they have not purchased the lot and don't want to build something that would be unattractive. They also don't want to purchase the property and not be able to build on it. He said they are planning to purchase the property in a month or two and they would work with the City to have an attractive building.

Mr. Esposito said he is concerned that it would set precedent up and down the street. Mr. Hayden said that is one of the fundamental reasons for a PUD. Mr. Goss asked if the motion was approved for 35 feet with the possibility of 45 feet at Final, could the Council change the

approved height because this was a positive recommendation. Ms. Rentzsch said yes.

Mr. Goss moved to approve the Variation from maximum principle building height of 25 feet to allow 35 feet and to consider the final variation at Final PUD and design for up to 45 feet for a mansard roof for the McHenry County Mental Health Board for the rear parcel behind 620 Dakota Street with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Charles River, dated 7/8/09)
2. The petitioner shall address all of the staff's review comments.

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

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

Mr. Hayden stated that the Park District request will be heard at the City Council meeting on August 18, 2009.

2009-40 HALLOWEEN EXPRESS – 5831 B Northwest Hwy. – PUBLIC HEARING
Variation to allow a temporary retailer.

Mr. Hayden stated that the fees have been paid. He said the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Chris Ferris was present to represent his petition. Mr. Ferris said they are requesting approval to open a temporary Halloween Express store. He has operated the store in Crystal Lake for the past two years and in the same location. Mr. Ferris said the ordinance has changed which is why he is before the Commission.

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 when the temporary use is over – November 1. Mr. Ferris said they usually move out of the space by November 15. Mr. Goss said the sign must be removed by November 15 or the sign penalties will apply. Mr. Ferris agreed.

Mr. Skluzacek asked if the space was currently vacant. Mr. Ferris said they have not moved in yet.

Mr. Greenman asked if they had read the staff report and have any concerns with the conditions suggested. Mr. Ferris said he does not have a problem with the conditions. Mr. Greenman said the signs look very temporary because of the use of banners. Mr. Ferris said they can tweak the

signs to meet the municipality's requirements. He is very flexible.

Mr. Hayden said he supports this because this petitioner has past history with the City. There was another use like this granted at the last meeting. He said the ordinance has changed which does not allow temporary businesses and is concerned that they are flying in the face of the new ordinance so soon after it was enacted. Mr. Ferris said he wished almost every City would have an ordinance like this. He said this gives the City more control over pop up businesses since some don't always follow the Codes.

Mr. Goss suggested that he has no problem with having administrative approvals for businesses that have been in the City previously. He would like that change be brought up to Council.

Mr. Ferris asked about condition #2 and asked what that was referencing. Ms. Maxwell said that is the pylon sign.

Mr. Greenman moved to approve a 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 Express at 5831 B 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 (Ferris, received 7/15/09)
2. The freestanding sign shall be a sign panel and not a banner, the background color must be off-white instead of black.
3. Window signs shall comply with the Unified Development Ordinance and shall not exceed 25% overall window or door area.
4. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.
- 5. All signage shall be removed by November 15th, if not the petitioner is subject to the penalties in Article 9 Administration in the Unified Development Ordinance.**

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

2009-41 COUNTRY CORNERS – 230 Virginia St. – PUBLIC HEARING
Final PUD Amendment

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.

Charles Margosian III and Charles Margosian Jr. with Highland Management, were present to represent the petition. Mr. Margosian III said they were before the City approximately 15 months ago to renovate the façade of the building and those improvements were completed this past spring. Even with the significant investment in the property, there is a 40% vacancy rate. They are requesting an additional sign and also changes to the existing signs to bring them up to date. Mr. Margosian III said they are in competition with Algonquin and Lake in the Hills and he can't offer street presence. The TJ Maxx and panel below it belong to tenant spaces as part of their lease agreement.

Mr. Margosian III said the neighboring center has 6 separate signs along Route 14, the Commons Shopping Center with Jewel has 6 signs and Crystal Point has 5. They are requesting an additional sign and modifications to the two existing signs.

Mr. Margosian Jr. said they have owned the center since 1992 and this additional sign will allow the smaller tenants sign space along Route 14 since the building is set far back from the street. He read a letter from the owner of Great Clips in support of the additional sign.

Thea Johnson, part owner of the pizza shop, said they have had a temporary sign out along Route 14 and their business has increased. They have heard that people had no idea that they were there.

Phaisan Sangiamporn, owner of the Tia restaurant, said many people call them to say they can't find them. The sign would be very helpful.

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

Mr. Greenman asked why add a third sign and not modify the existing sign #2. Mr. Margosian III said that sign is also controlled by lease agreements. Mr. Margosian Jr. said he feels it would be classier to have an additional sign. Ms. Maxwell said the additional sign would add visibility to Route 14 and there was also concern with sight line problem if the other sign were to be modified. She said the other centers have outlots and one sign is allowed on each lot, therefore allowing them to have additional signs. This center is on one lot.

Mr. Jouron said he has looked at the property for years and always felt the signs were never correct. He is not sure if the additional sign will help since he is not sure the sign will be seen by drivers coming from McHenry Avenue. He would also prefer the current signs be modified. Mr. Margosian Jr. said they can't unless they renegotiate the lease agreements and that would be difficult. Mr. Jouron said the center does look much better.

Mr. Esposito said the center does look better and the additional sign would get the smaller tenants names out along Route 14.

Mr. Skluzacek said he has no problem with the request. He asked if there are any concerns with

the conditions in the staff report. Mr. Margosian III said there is no problem and staff is very easy to work with.

Mr. Goss said the only problem he has is with the height but he can support it.

Mr. Greenman asked if there is any way to combine signs 2 and 3. Ms. Maxwell said the petitioner would have to renegotiate the leases with the tenants, which would be very difficult and the existing sign may need to be moved to avoid sight visibility issues.

Mr. Skluzacek moved to approve the Final PUD Amendment to allow a third monument sign for Country Corners at 230 Virginia Street with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Country Corners LLC, received 7/16/09).
 - B. Site Plan (Highland Management, received 7/16/09)
 - C. Sign exhibits (Rainbow Signs, dated 6/10/09, received 7/16/09).
2. The petitioners shall provide a landscape plan and illustrate the planting of small shrubs, flowers and ground cover around the base of the sign.
3. Via this PUD approval, the third proposed freestanding sign is allowed to be:
 - A. 12 feet in height, and
 - B. Closer than 10 feet from the property line.
4. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

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

REPORT FROM PLANNING

- 2009-25 Davenport Funeral Home – 419 E. Terra Cotta Ave. - SUP Amendment
- 2009-33 Mercy Health Systems – 415 Congress Pkwy – Common Sign Plan Amendment
- 2009-34 Platt – 1393 Boxwood – Variation
- 2009-35 Church of Latter Day Saints – 460 N. Walkup – Final Plat of Subdivision, Variation
- 2009-36 Waterford Development – W. Golf Course Rd.; S. Dartmoor – Final PUD Amendment
- 2009-37 Halloween USA – 5540 Northwest Hwy. – Variation to allow temporary store

Ms. Maxwell reviewed the petitions for the next meeting.

COMMENTS FROM THE COMMISSION

Mr. Goss asked that the sign penalties condition be added to any future temporary business.

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