



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, APRIL 7, 2010
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, Goss, Jouron, McDonough, Skluzacek, and Hayden were present. Members Esposito and Greenman were absent.

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

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, were present from Staff.

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 MARCH 17, 2010 PLANNING AND ZONING COMMISSION MEETING

Mr. Skluzacek moved to approve the minutes from the March 17, 2010 Planning and Zoning Commission meeting as presented. Mr. Goss seconded the motion. On roll call, members Batastini, Goss, and Skluzacek voted aye. Members Jouron, McDonough, and Hayden abstained. Motion passed.

2010-16 BLACK INK TATTOO – 540 E. Terra Cotta Ave. Suite F – PUBLIC HEARING

This petition was continued from the March 17, 2010 PZC Meeting.
Special Use Permit to allow a tattoo parlor

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.

Dan Serafino was present to represent his petition. Mr. Serafino said he would like to open a tattoo shop. He brought his portfolio of his work if the Commission wished to see it.

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 staff if they had reviewed the signage for this request. Ms. Maxwell said they have not received it but understand there will be neon signs in the windows and the wall signage will meet the sign ordinance criteria.

Mr. Skluzacek asked if there are any special licenses that are required for this type of business. Mr. Serafino said he is in the process of getting this approved through the County Health Department.

Mr. Serafino said he is concerned with the plans that were presented for this use. He said the plans show three work stations – 2 for tattoos and 1 for piercing. He said there will be three work stations but all three will be for tattooing and piercing. Ms. Maxwell said the parking is based on the number of work stations and not what happens at each station.

Mr. Jouron asked about the hours of operation. Mr. Serafino said they will be open from 1pm to 9pm Monday through Saturday and 1 p.m. to 5 p.m. on Sunday.

Mr. Batastini asked if the signs in windows were restricted. Ms. Maxwell explained that the new UDO states that 25% of the windows must not be covered. The City is asking businesses to voluntarily comply with the new regulation. Mr. Hayden asked if there is a difference if the sign is inside the window or out. Ms. Maxwell said the revised UDO now states only 25% of the windows may be covered if the signs are either affixed to the glass or inside the glass. This was changed at the request of the Police Department for safety reasons.

Mr. Hayden asked who did the floor plans for the business if the petitioner is concerned with how the work stations are labeled. Mr. Serafino said there was a tattoo business located in this space previously and those are the plans that they had used. Mr. Hayden asked if there were any problems with the recommended conditions in the staff report. Mr. Serafino said he doesn't have a problem with the conditions.

Mr. Skluzacek moved to approve the Special Use Permit to allow a tattoo parlor for Black Ink Tattoo at 540 E. Terra Cotta Avenue Suite F with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Darkwater Tattoos II LLC, received 9/14/09).
 - B. Floor Plan (Mark Elmore Associates Architects, received 2/24/10)
2. This Special Use Permit is granted specifically for Black Ink Tattoo Inc., in Suite F, 540 Terra Cotta Ave. Any increase in the intensity of the use will require an amendment of this SUP.
3. If the use is not established, this Special Use Permit shall terminate one year from the date of approval.
4. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments

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

2010-18 AMERICAN MATTRESS – 7109 Pingree Road – PUBLIC HEARING

Special Use Permit for outside storage of a vehicle

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 Mitchell was present to represent the petition. Mr. Mitchell said they are requesting a Special Use Permit to allow them to park their delivery trucks outside. He said the trucks are visible from Route 14 but is set back about 75 feet from the road.

Mr. Hayden asked if the petitioner had any concerns with the conditions listed in the staff report. Mr. Mitchell said he has no problem with the suggested conditions.

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

Mr. Batastini asked about the parking of the trucks. Mr. Mitchell said the trucks have been parked there on and off for the past 20 years. He said there are other companies that have been parking trucks near Route 14 so they can use them as additional signage. When those trucks were tagged by the City, they (American Mattress) were too. Mr. Batastini said he would prefer no trucks be seen from Route 14. He knows the City has requested other businesses to store their delivery trucks off-site. Ms. Bhide said there is a problem getting insurance for the vehicles if they are stored off-site. She added that two vehicles are permitted to be stored on site but so they are not seen from an arterial street. Ms. Bhide said there is no parking available in the rear of this building.

Mr. Mitchell said the trucks are only parked there after 5 p.m. until the next morning. These trucks are not semis but smaller delivery trucks.

Mr. Skluzacek asked if the petitioner can use the fenced area on the property. Mr. Mitchell said they use that for trailers containing old mattresses that have been picked up. He said that truck has been broken into several times and they would prefer these trucks not be stored back there. Mr. Skluzacek asked if they would park the trucks next to the building. Mr. Mitchell said the trucks come back about 5 p.m. and the store is open until 9. Mr. Skluzacek said the trucks could be moved next to the building when the store is closing. Mr. Mitchell said they also have customers picking up mattresses. He said they have looked at several locations to park their trucks.

Mr. Batastini said this is unique here. It's an older building and has not been a big problem with trucks there. There doesn't seem to be a secure area on this property to put the trucks. Mr. Mitchell said this isn't really outdoor storage but only parking the trucks over night. He said they don't want to park next to the handicapped parking spaces which would make it difficult for the person backing up to be able to

see around the trucks. He added that there are several businesses that use older trucks that are falling apart to park in front of their business and are used as signage. The trucks they have are used for delivery daily.

Mr. Goss said he would prefer the trucks to be parked close to the building especially overnight. Mr. Mitchell said that area next to the building is a higher elevation and the trucks would be more noticeable than where they are parked now.

Mr. Hayden said he thought they were going out of business. Mr. Mitchell said they are moving to the space next to the space they are currently in.

Mr. Hayden said there is a compelling argument since there have not been any problems with these trucks in the past and they are not as obtrusive as other businesses' trucks. Because of the building and area, the trucks look like they should be there. Mr. Hayden added that he does have an issue with businesses who put trucks out near Route 14 to get additional exposure. Mr. Mitchell said he is trying to keep this area looking nice.

Mr. Jouron asked if approval of this use would set a precedence. Ms. Bhide said that since this was a Special Use not a variation it was site specific and would not set a precedent. Mr. Batastini said the hardship is there are no parking spaces behind the building. Mr. Hayden suggested that the petitioner work with staff to find the least obtrusive location for parking the trucks.

Mr. Batastini moved to approve the Special Use Permit for outside storage of delivery vehicles for American Mattress at 7109 Pingree Road with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, received 3-5-10
 - B. Plat of Survey, Conway received 3-5-10
2. The outdoor storage is limited to American Mattress for a maximum of 2 delivery vehicles. No wrecked, inoperable or other vehicles that are not used for delivery in the day-to-day operation of the business are permitted to be stored overnight.
3. The delivery trucks must be parked in a designated parking stall and not along a drive aisle so as to avoid impeding cross-access.
4. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.
- 5. The petitioner work with staff to find the least obtrusive location for parking the trucks.**

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

2010-19 SCHMIDT – 148 Lakewood Ave. – PUBLIC HEARING

Special Use Permit to allow an accessory structure over 600 square feet

Mr. Hayden said he had spoken with Mr. Schmidt, the petitioner, just prior to the meeting and he requested to be continued to the May 5, 2010 meeting. Ms. Schmidt was going to speak with his neighbors about his request.

Mr. Batastini moved to continue 2010-19 Schmidt Special Use Permit to the May 5, 2010 PZC meeting. Mr. McDonough seconded the motion. On roll call, all members voted aye. Motion passed.

2010-10 SAM'S CLUB - 5670 Northwest Hwy – PUBLIC HEARING

Final PUD Amendment and a Final Plat of Re-subdivision to create a 1 acre lot within the parking lot; Variations to allow a building without frontage on a public street, and to allow a reduced number of required parking spaces

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.

Gretchen Westerkamp was present to represent the petition. Ms. Westerkamp said they are requesting a Final PUD Amendment, Plat of Resubdivision and variations. She said the only issue they have is condition #4 regarding the cross access road. Ms. Westerkamp said WalMart does not feel this is in their best interest and is requesting to be continued to a future meeting unless the Commission decides to remove the condition.

Ms. Maxwell said she met with the Engineering Division regarding the Camelot School site which needs an emergency access to the rear of their property towards Sam's Club and Crystal Pointe. There has been no discussion with the owners of Crystal Pointe Mall. Ms. Maxwell said WalMart does not want another access point because of the pedestrians crossing from the parking lot to the building. She said if the Commission wants to leave that condition in, this request should be continued to a future meeting.

Mr. Hayden said the Police and Fire Departments have not had an opportunity to comment on that condition.

Mr. Jouron said when Sam's was going in and a cross access was required by the City, it was Crystal Pointe Mall who didn't want the access point where the stop sign is currently on the Sam's Club property.

Mr. Hayden asked how much time does the petitioner want. Ms. Maxwell said she will try to contact the

owners by the end of the week. Ms. Westerkamp asked to be continued for a month.

Mr. Jouron moved to continue 2010-10 Sam's Club to the May 5, 2010 PZC meeting. Mr. Batastini seconded the motion. On roll call, all members voted aye. Motion passed.

2010-20 ASHTON POINTE – N. Railroad Tracks; W. Pingree Road - PUBLIC HEARING

Final PUD Amendment to allow design criteria rather than approved model plans.

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.

Larry Vitous and Wally Krawczyk, both with Kenar, were present to represent the petition. Mr. Krawczyk said they have been working diligently with the neighbors and the City. They are entertaining the idea of selling some of the lots to other builders and they would like to have architectural criteria in place instead of specific floor plans and elevations. Mr. Krawczyk said they used the approved plans and covenants to create the key points for the criteria.

Mr. Vitous said they agree with the recommended conditions except for the roof matrix. They can't agree with something since they don't know what the building beneath the roof will look like. Mr. Krawczyk said they want to keep the aesthetics of the subdivision so they need to be creative.

Mr. Hayden stated there are several people signed up to speak and object to this request. Mr. Krawczyk said he didn't believe they are objecting to this.

Cathy Oehlerking, 156 Ashton Ln., said she did attend the meeting that was held on Monday with Kenar about the proposed changes. Mrs. Oehlerking feels that a 1800 square foot model is too small for their development. That is more the size of a starter home. She did not pay that price for her home to live in a starter home neighborhood.

Mr. Batastini asked what the sizes of the existing models are. Mr. Vitous said they range from 2360 to 3100 square feet. Mr. Jouron asked what the average size of the existing homes is in the subdivision. Mr. Krawczyk said he wasn't sure but it was a good mixture.

Mrs. Oehlerking said there was an amendment to the PUD a few years ago to allow ranch style homes but none of those have been sold. She said she doesn't want a small home next to her.

Jeff Rugan, 144 Ashton Ln., said he purchased a mid-size unit. He is concerned with a smaller home being put between 2 larger homes. Mr. Rugan said they have also lost value in their homes because of the economy and doesn't want the value to be further eroded.

Rich Cooper, 132 Ashton Ln., said he was not able to attend Monday's meeting with Kenar. He is not sure why Kenar isn't advertising their subdivision. Mr. Cooper also stated he wasn't sure why Kenar didn't come up with additional floor plans instead of allowing other developers.

John Reinert, 3018 Oak Ridge Road, said he has built several homes in town and feels that this will diversify what's available in the subdivision. He doesn't believe that property values will be hurt.

Nichole Nowak, 140 Ashton Ln., asked the Commission not to give the concession to Kenar. She said the square footage of the home is too low and would prefer something greater than 2300 square feet. Ms. Nowak said the property owners within the subdivision have not been given control of the Homeowners' Association. They want to take it over so they can show they have a neighborhood. She said the subdivision currently doesn't look welcoming because of the weeds in the vacant lots and the sign in disrepair. She reviewed several selling techniques such as web presence, wording use in the MLS listings, photos of homes showing mostly the garage, etc. Ms. Novak said there is limited sales presence as well. Even the BBB gives Kenar an F. They need to sell Ashton Pointe as a neighborhood, with parks, good schools, Metra within walking distance, etc. Ms. Nowak added that experts agree that Chicagoland has stabilized. She asked that the Commission not approve the concessions.

Bruce Oehlerking, 156 Ashton Ln., said he had built a few homes. He said the size of the homes is a consideration.

Marily Nowak stated she has been a real estate agent for over 30 years. She agrees with the homeowners that their property values will be hurt by allowing smaller homes in this subdivision. Ms. Nowak said there are currently 6 homes on the market and they would sell easier if they had 4 bedrooms in this price range.

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 everyone can identify with the current marketplace. Part of the issue is the vacant lots. Also the HOA has not been turned over to the property owners. Mr. Vitous said they are in the process of turning over the HOA. Mr. Batastini feels it is not a good idea to have every home design reviewed by the HOA. Mr. Vitous said it is part of the Declaration of Covenants to have an Architectural Review Committee comprised of 2 resident members and 1 from the builder. The covenants say the guidelines are to be followed but the City has final say.

Mr. Batastini said there are to be certain lots with masonry products in their elevations but there are only 10 lots that remain that are required to have brick. He is concerned with opening this development up to another builder. Mr. Batastini also feels that 1800 square feet is too small and would prefer to see what the models will look like because of a possibility of lesser value and standards. He said he can't do this to the residents of this subdivision.

Mr. Skluzacek said 1800 square feet is too small. Mr. Jouron said this is a drastic cut and having

different builders is a concern. Mr. Batastini said he is not opposed to other builders. Mr. Jouron said he is concerned about the materials to be used.

Mr. Goss said he doesn't care for the 1800 square foot units. This isn't a large subdivision and people had faith in what they were told when they were purchasing their homes.

Mr. Hayden said he purchased his home in Four Colonies and the next phase of the development allowed smaller homes. His home is worth between \$25,000 to \$50,000 less than the same style home in another unit of Four Colonies. Mr. Hayden reviewed the Findings of Fact and these changes will have an impact on the existing home values. He is not opposed to smaller homes but they don't go along with the existing large homes in this subdivision.

Mr. Krawczyk said there are 4 homes that range between 2360 and 3100 square feet. He understands that 1800 square feet is not acceptable but now larger homes are not acceptable. They are prepared to go to 2000 square feet. They are trying to help the residents and make this development successful. Mr. Krawczyk said they need to build homes that are smaller and more affordable. They are trying to establish criteria and are willing to work with the neighbors but they need to have the smaller homes.

Mr. Hayden said the petitioner is looking for help and he knows that everyone is in the same position. The City had nothing to do with the downturn but neighbors are looking for help. The \$8000 tax credit will be gone at the end of this month and that would have been the people who would have been looking for the smaller homes.

Mr. McDonough asked how the criteria will be written so as to protect the architecture. Mr. Vitous said the criteria calls out where things can be placed. The guidelines are exactly the same as the plans that were originally approved and key points that were discussed. He said this is to lower the square footage and to get away from the 4 to 5 plans that were originally approved. Mr. McDonough said he is concerned with the property values.

Mr. Batastini said Kenar originally wanted the "R-2" zoning while the City wanted larger lots. The goal here is to protect the neighbors. Mr. Krawczyk said they want to sell the remaining lots and keep the quality. Mr. Batastini said he is not confident that the criteria will protect the neighbors. Mr. Krawczyk said they don't want cookie cutter homes. They want proactive builders.

Mr. Hayden recognizes the economic times but they have an obligation to the homeowners. They don't want to sit here and redesign the project. He said there are two options – the developer can either work with staff to make this more palatable or the Commission can vote on this tonight.

Mr. Batastini said the criteria needs to be tightened up. We need to do everything we can to protect the neighbors.

Ms. Maxwell said staff will work with the petitioners on the criteria. Mr. Hayden said staff can facilitate

the discussions but is not a mediator.

Mr. Goss moved to continue 2010-20 Ashton Pointe to the April 21, 2010 PZC meeting. Mr. McDonough seconded the motion. On roll call, all members voted aye. Motion passed.

2010-22 BRYN MAWR TOWNHOUSES – E. Route 47; N. Route 176 – PUBLIC MEETING
Conceptual Review

Joe Gottemoller, attorney, and Ken Rawson, owner, were present to represent the petition. They showed a Power Point presentation showing the property history including Indian trails, and aerial photos from 1939. Mr. Gottemoller showed the revised Comprehensive Land Use Plan for Lakewood showing Commercial and a sports complex immediately to the west of this site. The original plan for this subdivision showed virtually no open space except wetlands.

Mr. Gottemoller said when they were before the Commission previously for a review of the townhouses it was in a different area which abutted the single family homes. Now they are discussing the townhouses on the far west end of the project which would be a minimum of 1,000 feet from the nearest built single family home. He said when the original subdivision came through the process there was no conservancy developments, etc. Mr. Gottemoller said this conceptual review will require an Amendment to the Annexation Agreement and would still need to come back before the Commission for Preliminary and Final PUD as well as rezoning.

Mr. Rawson said he was given a copy of the approved plan for the recent townhouses at Miller and Randall Roads with the clustering. In this development, there is a much greater distance between the townhouses for autos. Mr. Rawson said they did contact several of the neighbors about the switch in the location.

Mike DuCharme, 2387 Achilles Ct., said they were not told about this meeting and found out about an hour or two prior. After the previous meeting he thought someone would have contacted them about this meeting. Mr. Hayden said this is purely a conceptual plan and notification is not required. Mr. DuCharme said many of the concerns brought up at the previous meeting are still relevant. He said they are zoned for ½ acre lots and believes that townhouses are not appropriate in this area. Mr. DuCharme said the City went to the trouble of having ½ acre lots here. Also there still is no sewer capacity to finish their subdivision much less to have townhouses. Mr. Hayden said this is conceptual and there have been no engineering plans done. Mr. DuCharme said townhouses don't belong anywhere near him. He said the petitioner came before the City last fall and kept being continued but they never went to Council. He said this concept plan doesn't fly either.

Paulette Bransom, 2465 Bryn Mawr Ln., said there are no sidewalks in this subdivision and there are many kids that wait for the school bus, walk the dogs, and ride their bikes in the street. Adding more traffic to this area is dangerous. Also these townhouses will be more for new homebuyers which will

hurt their property values. Ms. Bransom asked if the developer will reimburse the property owners for any loss in home values because of the townhouses. She said this is a waste of time and the homeowners will take the brunt of what is done here.

Lynn Byzezinski, 2457 Bryn Mawr, said this will open up their community. Mr. Rawson said Ryland Homes purchased only 91 lots. He is not aware of any representations Ryland made to the homeowners. As of right now there is no exact location of the road connections. Actually there should be two access points to any subdivision for safety reasons. Ms. Byzezinski asked what type of townhouses would be put there with this economy. Mr. Rawson said they don't have a product, price line, etc. yet. It's too early. Ms. Branzinski started asking more questions of the petitioner and Mr. Hayden said he needed to cut off this off. This meeting is not for cross examination. Ms. Byzezinski said the petitioner doesn't have any concerns for the people who moved in there.

There was no one else who wished to speak. Mr. Hayden closed the public discussion of this conceptual plan review.

Mr. Gottemoller said there are many things that need to be done in the development that are well beyond the purview of the Commission. He said they can't help if the marketplace has changed – it is a fact of life. Home prices will not be coming back soon. Mr. Gottemoller said they are only before the Commission for their input on a possible townhouse development in this area. He added that all road networks in the City connect for safety reasons. There needs to be more than one way in and out of a subdivision.

Mr. McDonough asked if the Preliminary PUD was approved. Mr. Gottemoller said yes. Mr. McDonough said if there were no Preliminary PUD approval, the clustering would be a good idea. Mr. Rawson said two sides of this property will be commercial. Having townhouses and preserving open space is more acceptable now and this would be a buffer between the single family homes and commercial uses.

Mr. Goss said he looks at this differently. This will still be residential zoning. It won't be going from office to residential. He asked if the entrance locations on Route 176 have been approved by IDOT. Mr. Gottemoller said yes – two entrances have been approved. Mr. Goss said he is willing to consider this concept plan. Mr. Rawson said it would be hard to sell single family homes that have commercial development on two sides.

Mr. Goss said originally he had a problem with the road layout because of the wetlands but this is better.

Mr. Rawson said if the development goes bankrupt, the bank will sell the lots for 10 cents on the dollar or whatever they will be able to get for them and what will be built is nothing like what is be now.

Mr. Batastini asked why not clustered single family homes instead of townhouses? Mr. Rawson said he understands that townhouses are the thing and especially when combined with clustering and conserving

land. Mr. Batastini said that would be a good buffer from the commercial but he is concerned with the traffic. Especially with the Route 176 improvements not being slated for many years. He listed several approved townhouse developments that have not started to be developed.

Mr. McDonough said he likes the clustering design. Mr. Batastini said he doesn't want to see townhouses. Mr. Skluzacek said he possibly likes the townhouse design but wants to know what's going around there. Mr. Jouron said the plan looks nice but doesn't feel the plan should change because of the economy. It's not fair to the people who live there. Mr. Goss said he is good with the design. Mr. Hayden said he is up in the air. He said he wouldn't say no but he does have a concern and the project needs to be upscale.

Mr. Rawson said a mixed use community is more sustainable and cheaper for the City to maintain.

REPORT FROM PLANNING

- 2010-11 Crystal Lake Auto Body – Foxx Motor Sports – 6096 Commercial Rd. – Variation
- 2010-15 Metra Ridgefield Station – Ridgefield Road - Preliminary PUD
- 2010-13 Animal Hospital – Carlemont – Preliminary PUD
- 2010-17 Bryn Mawr – 2475 Ajax - PUD Amendment (Front yard setback)
- T10-15 Smolen – 605 Lochwood – Temporary Use Permit - Front yard ice rink

Ms. Bhide reviewed the items to be discussed at the next PZC meeting.

COMMENTS FROM THE COMMISSION

There were no comments from the Commissioners

The meeting was adjourned at 11:05 p.m.