



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, NOVEMBER 3, 2010
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Chairman Hayden at 7:30 p.m. On roll call, members Batastini, Gavle, Goss, Greenman, Jouron, Lembke, and Hayden were present. Members Esposito and Skluzacek were absent.

Mr. Hayden asked those 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, and Latika Bhide, Planner, 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 OCTOBER 20, 2010 PLANNING AND ZONING COMMISSION MEETING

Mr. Goss moved to approve the minutes from the October 20, 2010 Planning and Zoning Commission meeting as presented. Mr. Batastini seconded the motion. On roll call, members Batastini, Gavle, Goss, Greenman, Lembke, and Hayden voted aye. Mr. Jouron abstained. Motion passed.

2010-61 AARON'S SALES – 6107 Northwest Highway Unit C – PUBLIC HEARING

This petition was continued from the October 20, 2010 PZC meeting.
Special Use Permit to allow outside storage of trucks.

Mr. Hayden stated that this petition was continued from the previous meeting. The petitioner was sworn in at that meeting.

Casey Pristou was present to represent the petition. Mr. Pristou said he was directed at the previous meeting to contact the property owner for Cash for Gold regarding parking in the rear parking lot. He said he was able to contact the owner with the help of staff. The owner was agreeable to the parking of his trucks for a fee but there was a catch. Mr. Pristou said the owner stated he is actively marketing the property and if it is sold or the other unit leased Aaron's Sales may have to vacate the parking spaces. He said he will park on that lot for now but he is requesting approval for parking his vehicles next to the building his business is in if he needs to move them.

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

Mr. Goss said that is exactly what they were looking for and the wording on the condition should be changed to reflect the change, if those parking spaces are needed behind Cash for Golf.

Mr. Gavle asked if the vehicles will be parked on the side of the building, towards the back. Mr. Pristou said yes. Mr. Gavle said he has no problem with this request.

Mr. Batastini thanked the petitioner for his efforts.

There were no other comments or questions from the other Commissioners.

Mr. Hayden also thanked the petitioner for making an effort to contact the owners of the other parking lot.

Mr. Goss moved to approve the Special Use Permit for outside storage of trucks for Aaron's Sales and Lease at 6107 Northwest Highway with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Development Application, (Casey Pristou, received 10-01-10)
 - B. Site Location showing vehicle storage area (National Shopping Plaza, received 10-01-10)
2. ~~The outdoor storage is limited to Aaron's Sales and Lease for a maximum of four vehicles. No wrecked, inoperable or other vehicles not associated with the business are permitted to be stored overnight.~~ **The trucks are to be parked in the rear parking lot of 6119 Northwest Highway. If in the future the Cash for Gold building is sold or the empty unit leased and the parking spaces in the rear of the building are needed for that use, the trucks shall be allowed to park in the 6107 Northwest Highway parking lot on the building side and towards the rear.**
3. **If not in the rear parking lot of 6119 Northwest Highway,** the vehicles must be parked in the parking lot alongside the building in the designated locations on the site plan. Based on the length of the specific vehicles at this site, vehicles that would encroach into the drive aisle must be parked perpendicular to the parking spaces.
4. The vehicles cannot block any required egress points or installed fire protection connections, such as fire hydrants or fire department connections.
5. 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

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

2010-63 SOLDAN – 242 Ridge – PUBLIC HEARING

Simplified Residential Variation (Section 4-700B3) to allow a 6-foot tall fence in a yard abutting a street instead of the maximum permitted height of 3 feet.

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.

Virginia and Joe Soldan were present to represent the petition. Mrs. Soldan said their request is for installation of a 6 foot fence on a corner lot. She said the permitted 3 foot tall fence would not hold in her 3 dogs. Mrs. Soldan said the hardship is being on Route 176. The fence will keep her animals in and will create a sound barrier. She said with all of the things they have in their yard – pool, patio, etc. this extra room will help with their summer activities.

Jeanette Hill, 239 Ridge Avenue, said she lives across the street and noise is incidental to living on a busy road. Ms. Hill said she is afraid that the fence will block the sight of drivers and buses use that intersection every day. She said being a neighbor she noticed that the kids and dogs play in the front yard and not the back yard. She feels this fence is very close to the road and no one else has a fence that close.

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

Mr. Batastini asked how far the fence comes out. Ms. Bhide said it is approximately 8 feet from Route 176. Mr. Batastini asked how far from the shoulder of the road. Ms. Bhide explained the sight line triangle for that intersection and stated the fence is outside that triangle. Mr. Batastini said they have been very consistent with fence variations on corner lots but this lot is on Route 176 and that is a hardship. He was looking at how the house was set on the lot and if the house was in a different position they would be able to place a fence in a better location. Mr. Batastini said he is comfortable with this request.

Mr. Greenman said the Commission has been incredibly consistent with not approving fence variations on corner lots. He believes the hardship is the configuration of the corner lot and the location of the house on that lot. Mr. Greenman said he does not have any issues with the findings of fact.

Mrs. Lembke agreed.

Mr. Jouron asked how far the fence would be from the side of the house. Mrs. Soldan said 15 feet. Mr. Jouron asked why it will be installed to the front of the house. Mr. Soldan said they want to install a patio as well.

Mr. Gavle asked if it would be a solid wood fence. Mrs. Soldan said yes.

Mr. Goss agreed with the previous comments made by the Commissioners. Mr. Hayden agreed.

Ms. Bhide said the petitioner's submittal shows the fence at 12 feet from the house (8 feet from the property line) and not 15 feet. The publication was for the 12 feet and it can't be closer than 8 feet from the road without encroaching into the sight triangle for the intersection.

Mr. Jouron stated he has never voted yes for a fence variation on a corner lot but this is a special case and it is not setting a precedence.

Mr. Hayden asked if the petitioner had any concerns with the conditions listed in the staff report. Mrs. Soldan said no.

Mr. Batastini moved to approve the Simplified Residential Variation (Section 4-700B3) to allow a 6-foot tall fence in a yard abutting a street (8 feet from the property line along Terra Cotta Ave.) instead of the maximum permitted height of 3 feet at 242 Ridge Avenue with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Development Application, received 10-08-10
 - B. Site Plan, Bailey, received 10-08-10
2. A building permit is required prior to the installation of a fence.
3. Any additional accessory structure, within the fenced area, such as a swimming pool must be located behind the building line unless an additional variation is obtained.
4. The petitioner shall address all comments of the Engineering and Building, Public Works, Fire Rescue, Police and Planning & Economic Development Departments.

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

2010-66 SIEVERTSEN – 755 Blackthorn – PUBLIC HEARING

Simplified Residential Variation (Section 4-700B3) to allow an 8-foot tall fence in the rear yard, instead of the required maximum of 6 feet, a variation of 2 feet.

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.

Arleen and Larry Sievertsen were present to represent their petition. Mr. Sievertsen said they would like to install a fence along their south property line which would be a continuation of the existing fence. He said a portion of the fence was removed about a month ago. He presented photos of the lot and a letter

from his neighbor supporting the fence variation. Mr. Sievertsen said the proposed fence would be of the same design as the existing fence as well as the fence topper. This fence will enable them to control their property and not be left up to the adjacent property owners to maintain a fence.

James Zoellick, 750 Blackthorn, feels that the fence would be a good idea and it would save their view from the back yard.

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

Mr. Goss said they can't connect the two fences but can butt up against it. Mr. Sievertsen said he spoke with the owners of Northern Illinois Tree and they agreed to allow him to connect to the remaining fence. Mr. Goss said that agreement would need to be submitted to staff. He asked if the tree service cut logs and did their grinding in the back. Mr. Sievertsen said yes. Mr. Goss said that would be a hardship.

Mr. Gavle said there is 56 feet between this fence and the Northern Illinois Tree fence.

Mrs. Lembke agreed with the hardship for this variation. Mr. Greenman said it is supported by the findings of fact. Mr. Batastini agreed.

Mr. Batastini moved to approve the Variation (Section 4-700B3) to allow an 8-foot tall fence in the rear yard, instead of the required maximum of 6 feet, a variation of 2 feet at 755 Blackthorn with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Sievertsen, received 10-14-10)
 - B. Plat of Survey (Property Lines, Inc., received 10-14-10)
2. The petitioner shall address all comments of the Engineering and Building, Public Works, Fire Rescue, Police and Planning & Economic Development Departments.

3. The petitioner shall submit the agreement letter to connect to the neighbor's existing fence at time of permit.

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

2010-62 COLONIAL CAFE – 5689 Northwest Highway – PUBLIC HEARING

Final PUD Amendment to allow an addition and elevation changes to the existing structure and parking layout and the addition of new outdoor seating; Minor Subdivision to create 3 lots; Variations from the maximum permitted impervious surface coverage and an approximately 25-square-foot electronic message center and wall signage greater than the maximum permissible 150 square feet; Deferral from the

installation of sidewalks and parkway trees along Route 14 and Liberty Road.

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.

Tom Anderson and Clint Anderson, both with Colonial Café, and Burt Andrews, architect, were present to represent the petition. Mr. T. Anderson said the last time he was before the City was when they took over the former Golden Bear restaurant and now they are before the City to relocate to the former Baker's Square restaurant. He said they want to remain in Crystal Lake.

Mr. Andrews said the building is across from the current Colonial Café and has been vacant for several years. There are some changes they want to make to the site such as adding a connection in front of the building to connect the two parking lots. He showed the seating plan for the restaurant which shows the main entrance to be moved to the center of the building and they plan for outdoor seating when the weather cooperates. Mr. Andrews showed the elevation drawing as well as a photo of the recently opened restaurant in St. Charles. He described the materials and colors to be used on the building and showed the signs on the east and west elevations. Mr. Andrews said they are requesting to remove the existing sign and replace it with an eleven (11) foot tall sign that includes an electronic message center.

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

Mr. Batastini asked why they want to move. Mr. T. Anderson said they can purchase this building instead of renting. Mr. Batastini asked about the 65% impervious coverage. Ms. Bhide said this building was built prior to that requirement and the conditions are not changing. Mr. Batastini asked about the deferral of the parkway trees. Ms. Bhide said there are significant easements along the front of this center that would prohibit the planting of trees.

Mr. Batastini said the interior of the restaurant looks great and it is like a 1950s diner. Mr. C. Anderson said it is called "urban contemporary." It's not really a 50s diner but more a mixture. Mr. Batastini said the exterior centerpiece is eye catching. Mr. C Anderson said they will also use some of those tile materials inside the building.

Mr. Batastini said he would prefer the sign height meet the current UDO requirements and asked about the very specific conditions for the message center. Ms. Bhide said those were the criteria from when message centers were briefly allowed by right.

Mr. Greenman said the color scheme is eye catching and he is pleased to see that they want to stay in Crystal Lake and purchase the property. He agrees that the sign should meet the UDO height requirements which are reasonable. He supports this project.

Mrs. Lembke said she would prefer the sign meets the UDO requirements.

Mr. Batastini said he wants to clarify his concern is with the height of the monument sign and not for the wall signs. He said they seem to be to the scale of the building.

Mr. Jouron said recently they were shown a concept plan for the revitalization of the Crystal Court Shopping Center and asked if this compliments that plan. Ms. Rentzsch said the plan showed restaurants along Route 14 and this would not inhibit the redevelopment behind the building. Mr. Jouron said he would prefer the sign meet the height requirements of the UDO. He likes the project and wishes the petitioner good luck.

Mr. Gavle said there was no south elevation shown. He hopes that they follow through with the building features on that side of the building. Mr. Andrews said there is not much opportunity in the rear because of the trash enclosure. Mr. C. Anderson said the bottom of the building is brick. Mr. Jouron said the stores look at the rear of this building and he agrees that the rear should have the same features as the front.

Mr. Goss said he likes the connection of the two parking lots. He stated that no other restaurant in Crystal Lake has a message center sign and is concerned with that. Mr. Goss would prefer the sign in front meet the UDO height.

Mr. Hayden said the more he looks at the elevation the more he likes it. It's very different. He calls it fun. Mr. T. Anderson said they have been doing business for more than 50 years and he has been told they can't be "your dad's same old place." This is their new direction.

Mr. Hayden feels they will be very successful. He said the City has softened their approach to message center signs. Mr. C. Anderson handed out an alternative sign which meets the height requirement of 9 feet in the UDO.

Mr. Batastini said he agrees with Mr. Goss but likes the revised sign. He feels that the message center is cleaner looking than having a board with letters missing. Mr. Jouron asked if the message would stay or roll. Mr. C. Anderson said the requirement is that the message must remain for 5 minutes. Mr. Paulson said it must remain for a minimum of 5 minutes. Mr. Greenman asked if the sign would be used for anything else such as special events. Mr. C. Anderson said no because it can get out of hand. Mr. Paulson said other message boards in the City have been used for Amber Alerts. Mr. Goss said the City has the ability to override the message in the case of Amber Alerts. He said there are people who do hack into the system for the message centers so they need to be very careful.

Mr. Hayden asked if the message center could be 20 lines with different font sizes. Ms. C. Anderson said the message center would be only one color and if you use more than 3 lines it is very difficult to read. In response to a question, Ms. Bhide said the Chamber sign is a video board. Mr. Paulson added the Cassidy Tire sign is a video board also, but not used for that.

Mr. Greenman feels that with the exposure on Route 14 and the color scheme of the building that could be considered signage. He feels strongly about the additional signage on the sides of the building not meeting the UDO. Mr. Goss agreed. Mr. Batastini asked about the sign variation. Ms. Bhide said the variation is for the three wall signs and there are no awning signs. Mr. Greenman said the outdoor seating is great but reminded the petitioner that any lettering on awnings or umbrellas is counted as signage. Mr. Batastini preferred to reduce the size of the wall signs since there is a monument sign and message center. He doesn't see the hardship for the additional wall signage square footage. There is a lot of exposure there.

Mr. Batastini moved to approved the Final Planned Unit Development Amendment (Article 4-500) to allow an addition and elevation changes to the existing structure, a change in the parking layout and addition of new outdoor seating; Minor Subdivision to create 3 lots; Variation (Article 3-200 B) from the maximum permitted impervious surface coverage of 65% for lots in the "B-2" district; and Variations (Article 4-1000) to allow an approximately 23.25-square-foot electronic message center within a ~~11'-2"~~ **9'** tall free-standing sign ~~and wall signage greater than the maximum permissible 150 square feet~~; Deferral from the requirement to install sidewalks and parkway trees along Route 14 and Liberty Road for Colonial Café at 5689 Northwest Highway with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Development Application, received 10-08-10
 - B. Minor Subdivision Application, received 10-08-10
 - C. ALTA/ACSM Plat of Survey, Condon, dated 10-07-10, received 10-08-10
 - D. Final Plat of Subdivision, Condon, dated 10-08-10, received 10-08-10
 - E. Architectural Plan Set, Larson and Darby, received 10-08-10
 - F. Sign Details, American Sign Factory, ~~received 10-08-10~~ **dated 11-3-10 for the monument sign**
 - G. Façade Color Elevation, received 10-08-10
2. As a condition of the PUD, a variation from the provision of the UDO is granted to allow:
 - A. An impervious surface coverage greater than the maximum permitted 65% for lots in the "B-2" district to allow the existing configuration with the proposed changes
3. Final Plat of Subdivision
 - A. The Plat shall meet all the requirements of Article 5-200 G 3 b, including but not limited to, names of owners; exact location, width and name of all streets and dedication status; and area of each lot indicated on each lot or in a key on the plat.
 - B. Provide for 2 subdivision property corner monuments and the remaining property corners to be set.
4. A deferral until an area wide program is hereby granted for the following UDO requirements:

- A. From the requirement to install sidewalks along Route 14 and Liberty Road
 - B. From the requirement to install parkway trees.
5. Private utilities within the proposed subdivision traverse the lots. Provide evidence that the maintenance and repair of these utilities has been addressed.
6. Provide details for any landscaping to be removed on-site. All removed landscaping must be replaced on-site with staff approval.
7. Provide details of the proposed trash enclosure. Enclosure shall be constructed to match the architectural detail of the principal structure and contain a securable gate to minimize blowing refuse.
8. No parking signs are required to maintain adequate fire apparatus access to the east and south.
9. Provide material and color samples (including awnings) of all exterior materials to be used to be used on the building for review and approval by the Planning and Zoning Commission and the City Council
10. Signage
- A. The free-standing sign as proposed is located in the water and sewer easement. A maintenance agreement is required to be executed with the City. If the city requires work on the underlying utilities and the sign has to be removed and/or is damaged, the sign owner is responsible for the repair and/or replacement of the sign.
 - B. The free-standing sign shall be reduced to a 9 foot height to meet the provisions of the UDO.
 - C. Variations to allow an approximately 23.25-square-foot electronic message center ~~and wall signage totaling 208.5 square feet is hereby granted.~~ **Within the 9 feet tall sign and the wall signage is to meet the UDO.**
 - D. The EMC sign shall be illuminated by amber or white LED. Undue brightness is prohibited (Intensity level not to exceed: Day: 5,000 nits; Night: 1,000 nits). The EMC must have an automatic phased proportional dimmer which must be used to reduce nighttime brightness levels. Written certification from the sign manufacturer indicating that light intensity is factory preset to not exceed levels specified above is required. Messages must stay stationary for a period of no less than 5 minutes.
 - E. Any additional wall signage (To-Go sign, etc.) shall be accommodated within the ~~208.5~~ **150** wall signage allowance.
 - F. Provide details of proposed directional signage. Directional signage must meet the requirements of the UDO.
 - G. No signage is permitted on any umbrellas for the proposed patio seating **and/or awnings on the building.**
11. 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.

Mr. Jouron seconded the motion. On roll call, members Batastini, Gavle, Greenman, Jouron, Lembke, and Hayden voted aye. Mr. Goss voted no. Motion passed.

Mr. Goss stated his no vote was for the message center on the sign only and not on the overall project.

REPORT FROM PLANNING

- 2010-55 Lukas - 1764 Andover - Variation
- 2010-58 Donaldson – 567 Larium Lane – Variation
- 2010-60 Straight Shooters Gallery – 560 Beechcraft - Special Use Permit

Ms. Rentzsch reviewed the items that are scheduled for the next PZC meeting.

COMMENTS FROM THE COMMISSION

There were no comments from the Commission.

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