



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION  
WEDNESDAY, JUNE 1, 2011  
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 Esposito, Gavle, Goss, Greenman, Jouron, Lembke, Skluzacek, and Hayden were present. Mr. Batastini was absent.

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, Erik Morimoto, Director of Engineering and Building, and Rick Paulson, Building Commissioner, were present from Staff.

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

Mr. Hayden stated that this meeting is being televised now as well as being recorded for future playback on the City's cable station.

**APPROVE MINUTES OF THE MAY 18, 2011 PLANNING AND ZONING COMMISSION MEETING**

Mr. Skluzacek moved to approve the minutes from the May 18, 2011 Planning and Zoning Commission meeting as presented. Mr. Goss seconded the motion. On roll call, members Esposito, Goss, Greenman, Jouron, and Skluzacek voted aye. Members Gavle, Lembke, and Hayden abstained. Motion passed.

**2011-25 BP-McDONALDS – 7615 Route 176 – PUBLIC HEARING**

The petitioner is requesting to be continued to the June 15, 2011 PZC meeting.

Mr. Esposito moved to continue 2011-25 BP-McDonalds annexation to the June 15, 2011 PZC meeting. Mr. Goss seconded the motion. On voice vote, all members voted aye. Motion passed.

**2011-05 AHMED – 935 Hawthorne Dr. – PUBLIC HEARING**

Variations to allow an above-ground pool and a 6-foot fence in the Colony Drive setback.

Mr. Hayden stated that 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.

Sam Melei, attorney, and Ada Ahmed, owner, were present to represent the petition. Mr. Melei handed out copies of photos of the property to the Commissioners. He said they are seeking variations for the location of the pool and a fence that already exist. The pool has been in this location for 8 years and the

owners believed that Pool-O-Rama had gotten a permit from the City, but neither the owner nor the City can find evidence of a permit for the pool. Mr. Melei said this location of the pool is due to unique circumstances. This is a corner lot and the pool should rightfully be in the side yard. Due to the house location on the property, the house was pushed close to the north property line and is 10 feet from the south property line. He added that the location of the house creates a large open area where the pool is located. The pool is not close to any other structure. The corner lot has created the hardship for the pool. Mr. Melei said there is a fence around the pool as well around the yard. The back yard is very tight except for the pool area. He said the fence was originally installed as a 3-foot tall fence along Colony Drive. The owners have safety and security concerns with the pool. Mrs. Ahmed said there were neighbors who tossed trash in their pool. There are other neighbors with small children and she doesn't want them near the pool unattended.

Mr. Melei and Mrs. Ahmed reviewed the criteria for variations. Mr. Melei said this property and circumstances are unique. These variations will not alter the neighborhood and the hardship was this situation was not created by the petitioners. These variations will also not be detrimental to the neighborhood.

Mr. Melei said staff has proposed that the fence be reduced to 3 feet in height and to get building permits for both the pool and fence. They are asking that the fence remain for safety reasons.

Mr. Hayden questioned the location of Hawthorn Drive on Photo #3. It seems too close. Mr. Melei said it is not that close, the old sign is on the property.

Jeff Garby, 1089 Colony Dr., said his lot is also a corner lot and he feels their pain. He would prefer to have the fence remain since it is more pleasing than looking at the pool and back yard. Mr. Garby said the petitioner has done a nice job with the landscaping.

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. Jouron asked how long the petitioners have lived in the home. Mr. Melei said 12 years. Mr. Jouron said the pool was installed 8 years ago. Mrs. Ahmed said yes. Mr. Jouron asked when the fence was installed. Mrs. Ahmed said about 7 years ago.

Mr. Skluzacek asked what the fence height requirement was for a pool. Mr. Paulson said there are other options other than a 6 foot fence such as a self closing – self latching gate. Mr. Skluzacek said he has no problem with the variation for the pool but has a big problem with the fence variation. He does not care for that at all.

Mr. Gavle said he looked at an aerial photo of the property and there is room to put the pool in the northeast corner of the lot without a problem to the neighbor. He said the fence could them be moved back to the required setback to keep the height of the fence. Mr. Melei said the petitioner would need to

move the shed that is in the back yard and it would be tight. He said with the house location other pool locations are limited. This is a unique situation not caused by the petitioner. Mr. Gavle said he is trying to come up with a solution to this problem.

Mr. Goss said the pool could have been in the northwest corner of the property and the house location is not an issue. The builders put the largest house on each lot and the house is within the building setback requirements. Mr. Goss said when he reviewed the findings of fact, the property owner caused this situation. He can't support the variation for the 6 foot fence and the pool could be placed elsewhere.

Mr. Greenman agreed with the comments made by Mr. Gavle and Mr. Goss. He said the homeowner caused the hardship because of the placement of the pool. There are other locations for the pool. He does not support the variations. He thanked the neighbor for coming to the meeting but he feels that the fence sections don't complement each other.

Mr. Esposito said he lives on a corner lot not far from the petitioner's home. He said the pool can be moved and he can't support this request.

Mrs. Lembke asked what the setback requirements are for an accessory structure. Mr. Paulson said 6 feet from a principal structure. Mrs. Lembke said she cannot support the request either.

Mr. Jouron asked who usually gets a building permit – the home owner or the contractor. Mr. Paulson said for many years it was the homeowner who came to get the permit but now he prefers the contractor apply for the permit.

Mrs. Ahmed said she recalls her husband saying that the pool needs a permit and she can't locate any of the paper work. She said Pool-O-Rama is no longer in business so she can't check with them.

Mr. Jouron said the biggest problem with corner lots is that there is a large setback and homeowners usually are not aware of the problem. Mr. Goss said the attorney should explain what can and can't be done on corner lots at the closing.

Mr. Hayden said he agrees with the Commissioners. He could find only two findings of fact that would be answered in the affirmative – that it will not be detrimental to the public welfare and that it will not impair light or air to the surrounding properties. It also bothers him that a neighbor would prefer to see a fence instead of open area. Mr. Hayden said he can't support this request.

Mr. Melei disagreed. He said this is a corner lot but most lots in the City are not corner lots.

Mr. Skluzacek asked if the petition is denied will the pool need to be removed. Mr. Paulson said the pool will need to be removed and a permit obtained to move it to a new location.

Mr. Goss moved to deny the Simplified Residential Variations 935 Hawthorne Drive. Mr. Gavle seconded the

motion. On roll call, members Esposito, Gavle, Goss, Greenman, Jouron, Lembke, and Hayden voted aye. Mr. Skluzacek voted no. Motion to deny passed.

Mr. Skluzacek said he voted no because to move the pool would have been a hardship.

**2011-29 CHICK-FIL-A – 4812 Northwest Hwy.** – PUBLIC HEARING

Final PUD Amendment for a quick serve restaurant.

Mr. Hayden stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Joe Vavrina, engineer with HR Green and also project manager, was present to represent the petition. Mr. Vavrina said the representative from Chick-fil-A had an emergency and was unable to attend this meeting. He sends his regrets. Mr. Vavrina gave a brief history of Chick-fil-A. The company is wishing to expand in the Chicagoland area. They have been looking at Crystal Lake for over 3 years and have been working with staff to find a suitable location for the same amount of time. Mr. Vavrina said the restaurant is closed on Sundays and that will not change in the future. He said the company believes everyone needs a day off to spend with family.

Mr. Vavrina said the property is the former Hooters site. The two roadway entrance points will be retained and the site has a significant grade differential. The new building will be along the west property line. Mr. Vavrina said the drive-through allows ample stacking before and after the order board. The parking aisles are wider to allow for better maneuvering. Mr. Vavrina said they have looked at several concept plans but they didn't give the safety to the customer that this plan does.

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 he likes the plan and is concerned with the grade change. Mr. Vavrina said the sidewalk will be removed and explained changes to the sidewalk locations. Mr. Goss said he is concerned with the entrance width of 16 feet and the parking is directly across from the drive-through. Mr. Vavrina explained that the 20 – 25 employees will be parking in the lower parking spaces and there are fewer car movements than with the customers. Mr. Goss agreed that the site is difficult and appreciates how the site has been laid out.

Mr. Gavle asked about the stacking of cars in the double drive-through lane. He believes it could be shorter by one car. Mr. Vavrina said at peak times they will need all of the stacking shown. There will be directional signage. He said at one point they did shorten up the lane but using the data from other stores, it was determined to keep the extra length and to keep them separate.

Mr. Skluzacek is concerned with stacking of the cars. Mr. Vavrina said it takes longer to place an order than to pick it up. The average ordering time is 45 seconds and the average pickup time is 30 seconds.

Mr. Jouron asked about the hours of operation. Mr. Vavrina said he believes they are 6 or 7 a.m. until 9 or 10 p.m. with their peak hours during lunch and dinner. Mr. Jouron asked about delivery trucks. Mr. Vavrina showed where the delivery trucks will be parked for deliveries. He stated the deliveries will take place while the restaurant is closed. Mr. Jouron asked about the right-in – right-out on Route 14. Mr. Vavrina said they are not planning to ask IDOT to change the entrance. Mr. Jouron asked if the sign and the building elevations are typical. Mr. Vavrina said yes and they use all masonry buildings.

Mrs. Lembke said this looks nice.

Mr. Greenman said they have done an amazing job with the plan. It is an incredibly challenging site. He said it makes sense to have the building on the west side of the site. Mr. Greenman said he believes it will take longer to order the food. He knows it takes him longer than the time previously stated even if he has been to the restaurant before. Mr. Morimoto said the information provided is based on the company's experience in their other establishments. He said the site plan was a cooperative effort with Staff and there is an additional 5 feet width for a bypass lane. Mr. Greenman said his concern was also for the drive-through traffic exiting onto Route 14. Mr. Morimoto said he believes most drivers are aware and will exit to the north so they may use the signal at COG Circle. Mr. Greenman said the traffic on Route 14 has increased significantly since the entrance/exit was established some years ago. He said the diagonal parking spaces are longer and he suggested possibly shortening them. Mr. Morimoto said that extra length gives a measure of comfort to put a car into the space. He said staff is ok with it either way. Mr. Greenman asked about the total impervious surface with this site plan. Mr. Vavrina said it is 78%. Mr. Goss asked what the current impervious surface is. Ms. Rentzsch said 69%.

Mr. Esposito said he has been to Chick-fil-As in other areas. He asked why they are not requesting an electronic message sign. Mr. Vavrina said he believes all of their signs are manual message centers.

Mr. Greenman asked if they could possibly add some additional pedestrian striped area. Mr. Morimoto said this site is similar to other fast food sites and they don't believe they are warranted.

Mr. Hayden asked if there is a wrought iron style aluminum fence around the drive-through. Mr. Vavrina said the fence is enclosing the outdoor seating area. Mr. Hayden asked if larger vehicles will be able to make the swing to exit the drive-through and exit onto Route 14. Mr. Morimoto said the right in – right out is wider than typical and the drive aisles are also wider. Mr. Hayden asked with two drive-through lanes, how the customers receive the correct order. Mr. Vavrina said it does go down to one lane and explained how the employees work the drive-through. Also the ordering sign is not just a speaker box. The customers can see the employee and the employee can see the customer.

Mr. Hayden said the only thing the petitioner forgot to mention is how good the food is. He said they did a great job on designing the site.

Mr. Greenman said this petition meets all of the findings of fact.

Mr. Esposito moved to approve the Final PUD Amendment to allow for a single-story quick-serve drive-through restaurant for Chick-fil-A at 4812 Northwest Highway with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Development Application, dated 5-20-11
  - B. Site Plan, HR Green, dated 5-16-10
  - C. Architectural Plans, Chipman Design, dated 3-4-11
  - D. Floor Plan, Chipman Design, dated 3-4-11
  - E. Sign Plans, Clayton Signs, dated 5-4-11
  - F. Landscape Plan, HR Green, dated 5-16-10
  - G. Lighting Info, HR Green, dated 5-23-11
  - H. Traffic Analysis, Regina Webster & Associates, dated 5-9-10
  
2. Site Plan
  - A. The current site layout meets the fire apparatus access road requirements. The grade for the north entrance cannot exceed 10 percent.
  - B. A fire hydrant is required within 100 feet of the Fire Department connection. Suggested location would be in the main parking lot north parking island. No obstructions are allowed within three feet in all directions of the hydrant.
  - C. The locations of the proposed site signage must be at least 10 feet from the property line and not block any sight line provisions.
  
3. Architectural Elevations
  - A. The trash enclosure must be constructed of materials that match the architecture of the building. Special attention should be given to the gates, as they are especially visible upon entrance to the site. Provide plans to staff for review and approval.
  - B. Provide the details of the wrought iron fencing for the outside seating area for staff review and approval.
  
4. Landscape Plan
  - A. Provide a final landscape plan for staff review and approval that shows the location, size and varieties of the proposed foundation plantings to meet Article 4-400F4; and the parking lot landscaping to meet the provisions of Section 4-400 Landscaping and Screening Standards.
  
5. Signage
  - A. Work with staff to bring the wayfinding signage into compliance with the UDO criteria and to locate the proposed signage in areas with no sightline conflicts.

6. As a condition of the Final PUD Amendment, variations are granted to allow the proposed development plans that meet the final requirements of the Planning & Zoning Commission and the City Council.

7. The petitioner shall address all of the review comments and requirements of the Engineering & Building, Fire Rescue, Police, Public Works, Planning & Economic Development Departments and Regina Webster & Associates Traffic Consultant.

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

Mr. Hayden thanked the petitioner for coming to Crystal Lake. Mr. Jouron asked when they were planning on opening. Mr. Vavrina said they could possibly open in early spring 2012.

**2011-31 CAL ELITE KIDS – 825 Munshaw Unit B** – PUBLIC HEARING

Use Variations for a physical fitness facility and a commercial daycare in the M District.

Mr. Hayden stated that 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.

Linn Ledford and Georgette Cutler with Cal Elite Kids, Tyler Brewer with Dolphin Swim Club, and Tony Sarrillo, property owner, were present to represent the petition. Mr. Brewer said they went through a lot of controversy with this building and were able to pull it together with the help of the City. He said the building was built to have family oriented uses with the extra parking. This use will be a great compliment to his business. His business is busy during the evening and this proposed business is busier during the day. Mr. Brewer said most families with multiple children have them in various classes and while one is in a swimming class, another can be in a dance class next door.

Ms. Cutler gave the background of the business which started in 1993 with dance and gymnastic instruction. An academic preschool was added in 2009. They are very excited about coming to the Midwest.

Mr. Hayden asked if the petitioner had any concerns with the conditions listed in the staff report. Ms. Ledford said they are concerned with the number of students being limited to 29. They believe that the State of Illinois will grant them the same variation as the DCFS in California. She is certain the State will determine that they have sufficient indoor play space to allow for more students. They also rotate one class at a time outside. Ms. Maxwell stated that the City's UDO has criteria for the amount of square footage per child required for outdoor play area. Ms. Rentzsch stated it is the same as DCFS. Mr. Hayden said the use would still be subject to DCFS approval. Ms. Ledford said they believe they will receive the approval for more children. She added that there was also discussion in the report that the day care could not be at the same time as the additional classes – dance, gymnastics, etc. Mr.

Hayden said they would need a parking variation. Ms. Maxwell said yes. Mr. Hayden said the variation was not published for. Ms. Rentzsch explained that if it can be established, the criteria can be accepted.

Ms. Ledford said the preschool drop off is from 8:30 to 8:45 a.m. and the parents just drop off the children. With the afternoon dance classes usually the parents park and stay for the class. Mr. Brewer said at the swim club they usually don't have classes between 1 and 3. Ms. Ledford said there may be an overlap of classes between 4 and 5 p.m. She said they hope to be very successful and open a second facility for just the older children and this site to be for children under 6 years of age.

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. Jouron asked about their hours of operation. Ms. Ledford said the pre-school starts at 8:30 a.m. and they will probably close at 8:30 p.m.

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

Mr. Gavle said 75 square feet is very small for a play area.

Mr. Goss asked if the class rooms had moveable partitions. Ms. Ledford said the 10,000 square feet allows for a lot of flexibility. Mr. Goss asked if there were kids there all day. Ms. Ledford said the preschool is from 9 to noon and noon to 3. There are some children that come to both sessions.

Mr. Greenman said in some instances the City is more restrictive than DCFS. Ms. Maxwell said there is no set number of chairs or enrollment. She said they applied the UDO criteria and came up with 29 children. We can be more restrictive. Mr. Greenman said he is not sure how to recommend the number of students allowed. Mr. Hayden suggested that the play area is to meet the DCFS requirements for the number of students allowed. Ms. Maxwell said that is better than picking a number arbitrarily. Mr. Goss said home day cares are different and that's why we placed some higher standards on those.

Mr. Hayden said he has two concerns – Fire department concerns and the state. Ms. Maxwell said the Fire Department has reviewed the plans. Mr. Hayden said he would like to add something about parking such as to review parking after a certain period of time. Mr. Goss suggested they review the operation after a year then determine if class times need to be staggered. He also stated that this petition met the criteria provided in the UDO.

Mr. Goss moved to approve the Use Variation from Article 2, Land Use of the Unified Development Ordinance, to allow a Physical Fitness Facility for dance and gymnastic instruction and a commercial daycare as a Special Use in the M Manufacturing zoning district for Cal Elite Kids at 825 Munshaw Lane with the following conditions:



1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Cal Elite Kids, received 5/13/11)
  - B. Floor Plan (DSC LLC, dated 5/12/2011, received 5/13/11)
2. The Use Variation is granted to allow Cal Elite Kids dance and gymnastics training facility as well as a commercial daycare, as described in the application and illustrated on the floor plan. The use shall not be significantly increased, i.e., converted to a full commercial daycare or the removal of additional parking space without amending this request.
3. The tenant shall ensure the scheduling of dance and gymnastic instruction does not ~~coincide with daycare hours of operation~~ **adversely impact parking.**
4. ~~The play area will accommodate 29 kids, which shall be the maximum enrollment for the daycare use.~~ **The number of children allowed shall be subject to DCFS approval. A copy of the DCFS approval shall be provided to the City.**
5. A site plan shall be submitted that illustrates appropriate parent drop-off and pick-up area.
6. A second floor plan shall be provided which illustrates how the space will be arranged for the daycare use.
7. This use will require changes to the fire sprinkler alarm system.
8. The petitioner shall address any comments and requirements from the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.
9. **Staff is to review parking after one year of operation to determine if classes should to be staggered.**

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

**2011-32 ALEXANDER LEIGH CENTER FOR AUTISM – 620 N. Route 31** – PUBLIC HEARING  
Use Variation for an autism school in the O District.

Mr. Hayden stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Joe Gottemoller, attorney, Don Wolf, property owner, Kelly Weaver and Dory Malone with Alexander Leigh Center for Autism were present to represent the petition. Mr. Gottemoller said they are requesting

a variation for an autism school in the O district. He said the center is currently in operation in Lake in the Hills on Route 31. They know the traffic situation on Route 31.

Ms. Weaver said she is a parent of a child with autism and they started this school. They meet all of the requirements of the Illinois State Board of Education and State Fire Marshall. They have quickly outgrown the space they had originally and expanded into the space next door. They have since outgrown that space as well and found this location. Ms. Weaver said they service children from 3 to 14 years old and currently have 19 students. The facility operates at a one to one student to teach ratio. She added that a recent study has shown that 1 in 150 children are autistic. The public schools do not have the expertise to handle these children. Ms. Weaver said they have students come from Lake County, St. Charles, and Wheaton so they can't move too far from their current location so they may still come to the school.

Ms. Weaver said the size of this location will allow them to de-bus the children more quickly. The students do not come in large yellow school buses. They come in smaller buses, mini vans, taxis, etc. She said they currently have a waiting list and this space will allow them to take in and help more students.

Mr. Gottemoller said they have no issues with the conditions listed in the staff report. He said under the original approval, if additional parking is needed it will be built.

Greg Fuchs, 615 Glenbrook, asked if there are audible bells or PA system that will be used in the play ground area. He is also concerned with the number of buses and their noise.

Pam Rafford, 623 Glenbrook, said she is concerned with the fumes from the buses. Her child has asthma.

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.

Ms. Weaver said they do not use bells outside. The play area is used by one child at a time and the play time is very short. She said regarding the buses that they have no control over what the districts use to send the children to their center. Most of the vehicles are cars and cabs. Ms. Weaver said autistic children have a heightened sensitivity and have many allergies and asthma.

Mr. Hayden said he lived next door to Canterbury School for many years and there were more large buses there than this facility has. The fumes from the buses at that school were not bad. Mr. Gottemoller said that there are many trucks that travel along Route 31 which is just east of this property.

Mr. Skluzacek supports this project and said all of his questions were answered.

Mr. Gavle said the traffic on Route 31 is a challenge. Ms. Weaver said they will look at staggering the buses.

Mr. Goss said he has no problem with this request.

Mr. Jouron said this is a nice program and asked where the children go when they reach 14 years old. Ms. Weaver said they were looking into starting a high school program since there are no a lot of programs for older children.

Mr. Greenman wished them all the success in their new building. He said that this is not a franchise and the parents started this program out of their own need. He feels the surrounding property owners will be ok with this program since this is not a large school. Mr. Greenman feels the traffic along Route 31 will be more of a problem than the buses from this school. He also stated that his petition meets the criteria provided in the UDO.

Mr. Esposito asked if the school was year around. Ms. Weaver said yes but they are closed for 5 weeks out of the year.

Mr. Hayden said he can't think of a better place than this location and thanked the petitioner for their hard work and coming to Crystal Lake.

Mr. Skluzacek moved to approve the Use Variation from Article 2, Land Use of the Unified Development Ordinance, to allow an Educational Service, Elementary or Secondary School as a Special Use in the "O" zoning district for Alexander Leigh Center for Autism at 620 North Route 31 with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Kelly Weaver, received 05/16/11)
  - B. Narrative (Weaver undated, received 05/16/11)
  - C. Floor Plan (Vanderstappen, dated 01/18/08, received 05/17/11)
  - D. Site Plan (Vanderstappen, dated 01/25/00, received 05/17/11)
2. Provide a striping plan illustrating bus stacking and loading, while maintaining two-way access for vehicles and access for emergency vehicles. The plan shall also indication the location of staff parking.
3. The owner shall make a commitment to building the land banked parking if the City determines that it is needed due to a lack of parking impacting other units within the development.
4. Bus idling shall be kept to a minimum. Buses shall turn off the engines if they are stopped for more than 5 minutes.

5. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, and Planning and Economic Development Departments.

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

**2011-30 C & D RECYCLING FACILITY – 1350 S. Virginia Road** – PUBLIC HEARING

Special Use Permit, Variation for a construction and demolition recycling and processing facility and a landscape waste transfer station.

Mr. Hayden stated that the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Joe Gottemoller, attorney, David Sonne, engineer, and Don Mueller, property owner, were present to represent the petition. Mr. Gottemoller said the project is immediately north of the waste transfer station. This property was the former Crystal Lake landfill and has a barrier cap in place but it is shallow at 5-6 feet deep. This project includes two facilities; one for the sorting of construction material for recycling and one for landscape waste. He said if the materials left can't be recycled they will be taken over to the waste transfer station. Mr. Gottemoller said they are requesting to have an asphalt pad for the landscape materials.

Mr. Gottemoller said they are proposing 3 structures on the site and showed the site plan. He explained that several areas will be covered and showed a photo of the trailer that will be used for the office. It is hard to find a better location than next to the waste transfer station on top of an old landfill.

Mr. Gottemoller reviewed the findings of fact and described the surrounding property uses. They are requesting using gravel for the driveways. There is plenty of room on site to move trucks around and traffic circulation off-site is determined by the County. There is no sanitary sewer available for this site and they will meet the County requirements. Mr. Gottemoller said there is no issue with contamination on this site and they are exempt from the siting process so long as they comply with the EPA requirements. There is also no issue with mature vegetation since there isn't any.

Mr. Gottemoller stated they have no issues with the conditions listed in the report. They will comply with the IEPA standards and the City's landscaping. He stated they would prefer not to cover the storage bins since it will be easier to get the trucks in and out of those without the covers. He said the materials won't be there long.

Dan Olson, Director of Community Development for the Village of Lake in the Hills, passed out copies of a letter regarding the petition. He stated he was present to make the Commissioners aware of the Airport Hazard Zoning Regulations of the Village's Municipal Code stating a Special Use Permit is required for any recycling center within 2 miles of the airport. In this case it would also require a

variation since the petition is requesting not to cover the storage bins. Mr. Olson said their main concern is the birds this type of use will attract which would be a hazard to the planes. He has reviewed the City's report and is requesting a condition be added that the petitioners comply with the Airport Hazard Zoning Regulations.

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

Mr. Goss asked if the facility on Route 31 is for recycling and if that request is required to go through the special use process. Mr. Olson said they have no official application but it would be required. Mr. Gottemoller said this property is solely within the City of Crystal Lake. Mr. Goss asked if the Special Use is required by Lake in the Hills because this request is not going through the siting process. Mr. Gottemoller said the waste transfer station has special regulations by the EPA but this request is exempt from the siting process. Therefore the issue goes to the jurisdiction. He said if the government said the airport supersedes the City they have no problem with it. What would stop Cary from requiring a Special Use Permit for uses not in their jurisdiction? He doesn't know how they could have any authority over property that is not in their municipality.

Mr. Hayden asked if this is similar to the 1.5 mile jurisdictional review for property outside the City limits. Mr. Gottemoller said that is to allow the City to comment. The County does not need to follow those comments nor does it impose a super majority vote. Mr. Olson said the hazards that affect the airport that are beyond the municipal boundary and that is why it is a 2 mile radius.

Mr. Goss said it seems that the main interest is wild life and asked what else. Mr. Olson said the application needs to be submitted for review but the main focus is on birds.

Mr. Gavle said there is a steep drop off and is concerned with possible spillage to the lower area and contamination of the ground water. Mr. Gottemoller said the runoff drains into the storm water detention area. Staff is also requiring grass swales to slow the water and filter it. He added that this use would be on top of a landfill and if the water were to breach the barrier, it would be a much bigger problem. Mr. Gavle asked if there is standing water on the property. Mr. Sonne said there is at the very far end and at the northwest corner. Mr. Gavle said it appears that the processing area is where the storm water is coming from. Mr. Gottemoller said yes and added that they will comply with the City's stormwater process.

Mr. Goss asked if the storm water treatment will be similar to that of the waste treatment facility. Mr. Morimoto said yes but on a smaller scale because of the size of the property. Mr. Goss asked if the transfer station allows yard waste. Mr. Gottemoller said no. It is not part of their license. Mr. Goss said the truck lanes on Virginia Road will possibly need to be extended. Mr. Gottemoller said the County will require that and they will comply. Mr. Goss said he is concerned with dust. They may need to spray the area down. Mr. Gottemoller said they will have asphalt at the entrance by the road. Mr. Goss asked about connecting to City water. Mr. Gottemoller said they believe there is capacity in the line.

Mr. Goss asked if the pads would be washed down. Mr. Gottemoller said from time to time it will be done. He said this is not the same type of debris and it will not be spoiled. Mr. Goss said there will be enclosures on 3 sides. Mr. Gottemoller said yes.

Mr. Skluzacek asked how the debris will be separated. Mr. Gottemoller explained and said the trucks will be inspected as they come in.

Mr. Jouron asked if they will spray to keep the dust down. Mr. Gottemoller said they would like to use crushed asphalt to keep the dust down.

Mr. Greenman said he supports what they are doing but would prefer to have the storage units enclosed for safety reasons and that is with or without Mr. Olson's comments.

Mr. Hayden asked how they will limit the amount of processing that will be completed at this site. Mr. Gottemoller said there will possibly be some processing such as removing drywall from wood. Mr. Hayden asked about asbestos. Mr. Gottemoller said they will be checking for that. Mr. Hayden said it is unlikely that birds would be attracted to this site since it is mostly construction material and not necessarily eatable.

Mr. Sonne said they will be open Monday through Friday 6 a.m. to 4 p.m. and Saturday from 6 a.m. to noon. Their peak hours are from 6 a.m. to 8 a.m. They are expecting 200 tons of material per day and at 4 tons per truck that would be 45 trucks per day. Mr. Hayden asked if the trucks will be tarped. Mr. Gottemoller said they would be when they come to the site but when they are empty it is not required. Mr. Sonne said the trucks leaving the site full will be tarped.

Mr. Goss said this meets the findings of fact and feels that there should always be a Special Use Permit from the City for this type of use.

Mr. Hayden asked if there were any issues on the recommended conditions. Mr. Gottemoller said they did not have any issues.

Mr. Greenman said he would prefer to have the bins completely enclosed. Mr. Goss said he will make that comment after the vote.

Mr. Goss moved to approve the Special Use Permit for a construction and demolition recycling and processing facility and a landscape waste transfer station, and Variation from the requirement to provide an approved paved surface for C & D Recycling Facility at 1350 S. Virginia Road with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (received 5-13-11)

- B. Site Plan (Andrews Engineering, received 5-26-11)
- C. Project Description (received 5-13-11)

2. The “Storage Bins for Processing Materials” along the north side of the property should have a concrete or a hot mix asphalt (HMA) pad.
3. The ADA handicapped accessible parking space must be on an approved surface (concrete or a hot mix asphalt (HMA) pad) and striped. If structurally supportable, the remaining customer and employee parking spaces should also be converted to an approved surface and striped.
4. A variation from the requirement to provide an approved paved surface and from the SUP criteria as noted above is hereby granted.
5. The petitioner shall address all of the review comments and requirements of the City's consulting attorney, Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

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

Mr. Goss said if the petitioners need to satisfy the airport authority, the bins will need to be enclosed.

#### **REPORT FROM PLANNING**

There was no City Council meeting to report on.

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

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

There were no comments from the Commissioners.

The meeting was adjourned at 10:30 p.m.