



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, MAY 2, 2012
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, Goss, Greenman, Jouron, Lembke, Skluzacek, and Hayden were present. Mr. Gavle arrived at 7:32 p.m. Mr. Batastini was 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, 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 APRIL 18, 2012 PLANNING AND ZONING COMMISSION MEETING

Mr. Goss asked to amend the minutes. On page 7 paragraph 5 he would like it reworded as follows: "Mr. Goss said he is concerned with the criteria requirement of having the railroad so close. It seems to negate the desire to have housing so close to the workplace."

Mr. Esposito moved to approve the minutes from the April 18, 2012 Planning and Zoning Commission meeting as amended. Mr. Skluzacek seconded the motion. On roll call, members Esposito, Goss, Lembke, Skluzacek, and Hayden voted aye. Members Gavle, Greenman and Jouron abstained. Motion passed.

2012-25 LIGHTNING LAZER TAG – 19 E. Berkshire Units 4 & 5 – PUBLIC HEARING

This petition was continued from the April 18, 2012 PZC meeting.

Use Variation to allow an amusement arcade as a permitted use in the "B-1" 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.

Justin Christopherson was present to represent his petition. Mr. Christopherson said he is requesting to open Lightning Lazer Tag in the exact location of a previous lazer tag business. It will be the same space but with a smaller arcade. He said the hours of operation will be somewhat flexible to lessen any impact on the other businesses. Mr. Christopherson said he had previously owned a lazer tag business

several years ago. He is looking into security cameras both inside the building and outside and loitering will not be allowed.

Mr. Hayden asked if the petitioner has any concerns or problems with the recommended conditions listed in the staff report. Mr. Christopherson said no. He added the people will be allowed to bring in their own food for birthday parties, etc. but that he would not be serving food.

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

Mr. Goss asked if the arcade games would be age appropriate. Mr. Christopherson said there will be a mixture of age groups but the targeted age is high schoolers. He said the lazer tag equipment is very large and would be hazardous for young children to use. Mr. Goss said this request meets the findings of fact listed in the staff report.

Mr. Skluzacek said he does not have a problem with the request so long as the loitering is taken care of. Mr. Christopherson said he is looking into adding light in the back corner to increase security. Mr. Jouron asked what the hours of operation will be. Mr. Christopherson said they will be open 4 p.m. to 9 p.m. Monday through Thursday, 4 p.m. to midnight on Friday, 9 a.m. to 2 p.m. for parties only and 2 p.m. to midnight on Saturday, and noon to 9 p.m. on Sunday.

Mr. Gavle asked about curfews. Ms. Rentzsch said there are curfews in Crystal Lake. Mr. Christopherson said he will check into the curfews.

Mr. Esposito said he has no problem with the request and the parking in that center is good.

Mr. Greenman asked if there is a minimum age or height. Mr. Christopherson said the kids need to pass muster with him. If they are too small for the equipment they will not be allowed to play. Mr. Greenman asked if there are any issues with younger kids playing with other or older groups. Mr. Christopherson said if they are too small, they will have to wait for a group that is more their size. He said the parties will be at a separate time and there won't be anyone else allowed.

Mr. Hayden understands that the petitioner won't serve food and the people can bring in their own. He suggested an additional condition be added that no food is allowed outside of the building if they decide to serve food in the future. Mr. Christopherson agreed.

Mr. Goss moved to approve the Land Use Variation from Article 2, Land Use of the Unified Development Ordinance to allow an amusement arcade as a permitted use in the "B-1" district for Lightning Lazer Tag at 19 E. Berkshire Units 4 & 5 with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:

- A. Development Application, received 3-30-12
- B. Floor Plans, received 3-30-11

2. A use variation is hereby granted to allow an amusement arcade as a permitted use at this location.
3. The petitioner will advise their clients that exterior waiting or loitering is not permitted.
4. Adequate trash and recycling facilities shall be maintained within the establishment for the use of customers
5. The petitioner will contact the McHenry County Health Department to obtain any necessary permits if food is being served at this location.
6. Any signage proposed must meet the provisions of Article 4-1000, Signs of the UDO. Permits through the Building Division must be obtained for all signs.
7. 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.

8. In the future, if the petitioner decides to serve food, carry-out will not be allowed.

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

2012-27 SCHOOL DISTRICT 47 – BERNOTAS MIDDLE SCHOOL PTO – 170 N. Oak St. – PUBLIC HEARING

Special Use Permit, Use Variation to allow an electronic message center sign in a residential 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.

David Schuh, Anastasia Gruper – Assistant Principal, and Lori Stroh – President of the PTO, were present to represent the petition. Mr. Schuh said there currently is a sign for the school but it is tucked back in the bushes. They are proposing an electric message sign that meets the height requirements of the Sign Ordinance. The sign will be turned off per the requirements in the ordinance. He said the sign will be the appropriate setback from the driveway and the street.

Ms. Gruper said people don't know where they are because they can't see the sign. This electronic sign will be able to inform people what is going on at the school.

Mr. Hayden asked if they had any concerns with the recommended conditions listed in the staff report. Mr. Schuh said no.

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

Mr. Jouron said the sign will be a big help for parents. He is concerned with the hours the sign would be on. He would prefer to have the sign turned off at 9 p.m. Ms. Gruper said that is not a problem.

Mr. Esposito said his only concern is that once this school has it the rest will want it too. He lives near Crystal Lake South High School and they have an electronic sign that is very bright. Mr. Esposito agrees that there needs to be something for the parents to know what is coming up but this is an older residential area. He can see the domino effect in the area.

Mr. Gavle said that is why he is opposed to the request. There are many churches in the area. He objects to the request because this is a residential neighborhood and he is fearful of setting a precedent for other civic uses in the area.

Mr. Goss agreed with the concerns. He would be ok with a changeable copy sign. Mr. Goss added that several of the findings of fact listed in the staff report are not met.

Mr. Greenman agreed with the comments that have been made. When he first looked at this request, he was very concerned with the location being next to the residential area. He said the Commission just reviewed the electronic messaging signs in the past few months and determined what roads they would be appropriate on which are commercial corridors. This is a beautiful area and feels the sign will take away from that.

Mr. Skluzacek agreed. He said the residential zone is the biggest problem. Mrs. Lembke agreed.

Mr. Hayden agreed and said three of the five findings of fact for the variation are not met. This sign would alter the character of the area. He does not believe this meets the intent of the ordinance. Mr. Hayden said he can't support this sign but would support a changeable copy message board.

Mr. Schuh said the other schools have externally illuminated signs. All of the members were ok with that. Mr. Goss said that can be done without a variation.

Mr. Goss moved to deny 2012-27 Bernotas Middle School at 170 N. Oak Street request for a Special Use Permit and Variation. Mr. Skluzacek seconded the motion. On roll call, all members voted aye. Motion to deny passed.

Final PUD Amendment for outdoor storage, sales & display of rental trucks and seasonal items.

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.

Mike Roach, architect, was present to represent the request. Mr. Roach said they are requesting a PUD Amendment to allow outdoor storage of rental trucks as well as the seasonal sales of garden plants and supplies. Home Depot has received approval yearly via the Temporary Use Permit for the plant sales. He said recently Home Depot has teamed up with Penske trucks to rent them out of their stores. They hope to generate more business for larger items since the trucks will be available on-site.

Mr. Roach showed photos of the area from various angles both on and off the property. He said the photos show that the trucks would be very well screened. The trucks would only be in the area shown during the winter because of the plants being displayed at this time of the year. During the spring and summer months the trucks would be stored to the south. Both areas are very well screened from Sands Road. Mr. Roach said there will be no more than 6 trucks at one time. He said staff members would bring the trucks to the customer and remove them from the regular parking areas.

Mr. Hayden asked if there were any concerns with the recommended conditions listed in the staff report. Mr. Roach said no.

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

Mr. Gavle asked if staff has had to intervene between the residents to the east and Home Depot because of complaints. Ms. Rentzsch said not since the fence went up. Mr. Gavle asked how tall the trucks are. Mr. Roach said possibly 12 feet tall. Mr. Gavle suggested that they only store the trucks in the south area since that area cuts into a hill which will block the trucks further.

Mr. Hayden asked if these trucks will be in addition to the Home Depot trucks or in place of them. Mr. Roach said these trucks will be in addition to the Home Depot trucks.

Mr. Jouron asked if there will be hitches on the backs of the trucks. Mr. Roach said no. Mr. Jouron asked about the flatbed trucks that are sometimes stored on the property. Mr. Roach said the trucks they are discussing are enclosed.

Mr. Greenman asked about signage. Ms. Maxwell said they typically don't consider trucks as signage but they are to be kept away from Route 14. Mr. Greenman said there have been requests in the past regarding the storage of trucks with company names on them. He asked what will be on the side of the trucks. Mr. Roach said they will be either yellow or white and have the Penske logo on them. He said most of the renting will be done on-line.

Mr. Greenman asked if the recommended conditions are the same as the Temporary Use Permit conditions. Ms. Maxwell said they are identical except for the first condition.

Mr. Goss said he is concerned with the pickup and drop-off location up near the front. Mr. Roach said they don't want customers to go to the rear of the building to get a truck. He said the trucks won't be sitting there for hours. They will be moved quickly. Mr. Goss said he is concerned with pedestrians that are looking at product near the front of the store. He said people aren't used to driving the rented truck. He would prefer that the trucks be parked on the east side of the building, south of the main drive aisle.

Mr. Goss said as a side note that he is concerned with the current setup for the outdoor storage area drive-through. He said there needs to be a straight shot.

Mr. Skluzacek asked if there were previous problems with the storage on the side of the building. Ms. Rentzsch said this store is very high volume and the previous issues have gotten dramatically better due to the staging areas outside the fence. Mr. Skluzacek said he would prefer the trucks to be parked in the south area only. Mrs. Lembke agreed.

Mr. Esposito said there are leaves on the trees currently but in the winter the trucks will be seen. He said there is a lot of merchandise that is staged in the back and on the side.

Mr. Hayden said he appreciates the petitioner's willingness to move the trucks' parking area. Ms. Maxwell said as soon as Home Depot received the letter that the trucks could not be parked there, they were removed immediately.

Mr. Esposito stated they have had requests in the past regarding parking trucks for storage and they have been very consistent with wanting them to be in the back or as close as possible to the back.

Mr. Hayden asked if trailers are being stored. Mr. Roach said no - that there will only be 6 box trucks. Mr. Hayden asked if the petitioner was ok with the limit of 6 trucks in the southeast row of parking. Mr. Roach said there could always be a few that are dropped off late and they may be there overnight.

Mr. Hayden asked about the signs that are on the fence and what additional signs are needed. Ms. Maxwell said the signs are to show what is in the bins, etc. and the price.

Mr. Skluzacek moved to approve Final PUD Amendment allowing outside storage, sales and display for Home Depot at 4447 Northwest Highway with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Greenberg Farrow, received 4/24/12)
 - B. Site Plan (Greenberg Farrow, dated 4/18/12, received 04/24/12)

2. The dates and locations of the materials stored outside shall be as illustrated on the site plan.
3. Fenced area in parking lot:
 - A. All items stored/displayed in the parking lot area shall have some type of barrier around the entire perimeter. The barrier shall not be permanently fixed to the parking lot pavement but must be removable in nature.
 - B. Ensure 19-foot long parking stalls are maintained along the west side of the closed off area.
 - C. The drive-through lane for mulch, stone, etc. pickup shall be one-way with patrons entering from the south (entrance closest to the building). Two “No-Entry” signs shall be temporarily placed on the north side of the aisle accessible from the center drive aisle adjacent to Retail B.
 - D. Signs shall be posted alerting drivers of pedestrians crossing the drive aisle to get to and from the building and fenced-in display area in the parking lot.
 - E. The fenced area in the parking lot shall contain trees, bushes, and bagged goods only. The smaller items such as annuals, perennials and hanging baskets shall be displayed in the garden center or in the area against the garden center wall. No displays are permitted outside of the fenced area in the drive aisles or landscape areas.
 - F. Inventory cannot be displayed or stored in landscape areas or buffers, in the public right-of-way or on private access roads, or on elevated pads, ramps and similar structures.
4. Front of building between main entrances and garden center:
 - A. Tables, carts and other display items may not be placed directly adjacent to the parking/fire lane. An unoccupied area of not less than 3 feet in width shall be provided for pedestrian access between the outside display and fire lane. Displays shall not be located within, nor encroach upon, a fire lane or maneuvering aisle.
5. East side of garden center:
 - A. Storage along the side of the garden center shall be limited to live goods, mulch, bagged items and empty plant racks only.
6. The site shall remain clear of debris at all times. Seasonal clean up of items shall occur immediately after removing such items from their outdoor storage locations.
7. ~~The outdoor storage of rental vehicles shall be limited to the eastern row of parking spaces adjacent to the existing fence or along the eastern side of the drive aisle east of the building.~~ **The outdoor storage of rental vehicles shall be limited to 6 trucks and will be stored along the southeast drive aisle, east of the building.**
8. Access to the Fire Rescue Department connections and any fire hydrants cannot be blocked.
9. Displays cannot block any required egress doors from the building.

10. The conditions of the original approval ordinance #3930 shall remain applicable unless modified by this request.

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

12. The pick-up and drop-off of the rental trucks shall occur on the east side of the building and south of the main drive aisle.

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

Mr. Jouron said his no vote was because he feels this area is too busy and there will be an accident. It is very unsafe.

2012-28 PEDCOR HOUSING DEVELOPMENT – Congress Pkwy next to Post Office – PUBLIC HEARING

Preliminary PUD and Land Use Variation for a multi-family apartment development.

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.

Tom Burney, attorney, Mike Smith and Thomas Crowe with PEDCOR Investments, Matthew Peterson, architect, Kevin Serafin, PE and Peter Pluskwa with Cemcon Ltd, were present to represent the petition. Mr. Burney said this will be the third time they are presenting this to the Planning and Zoning Commission and asked that their other two presentations be treated as sworn testimony. Mr. Hayden agreed.

Mr. Smith showed a Power Point presentation. They believe they are the right long-term partner for Crystal Lake and there is a need for this type of housing in the city. Mr. Smith said demographics show that over 17,000 workers commute into Crystal Lake for their jobs and over 14,000 make less than \$40,000 a year. He said they met with the City's EDC and received their support as well as from others including Pam Cumpata, the President of the McHenry County EDC. They are proposing a 70-unit 7 building development, which will have 9+ units per acre. Mr. Smith said this is an \$18 million project. He reviewed the amenities both inside and outside of the development and there will be pedestrian connectivity both on and off site.

Mr. Smith said they have worked to address the Commission's concerns. Regarding the cross access to the south, they are providing a breakaway gate between this project and the shopping center. To address pedestrian linkages, he said Pedcor will provide walkways along Main Street as long as there are easements available.

Mr. Smith said this site was chosen because it is the best opportunity for success. There are over 748 acres of vacant commercial/industrial property within the City of Crystal Lake. They checked into the LSSI development and there are no meals supplied or nursing care provided, so a very comparable residential type project. He said without tax credits, this project won't be built.

Mr. Peterson showed the architectural renderings of the buildings. The units are 100% efficient and with having entrances to each unit on the ground floor they are very safe. He showed other "Big House" projects his firm has been involved in. Mr. Peterson showed the basic layout of the buildings as well as the basic floor plan for the different units. He showed the site plan noting where crosswalks are located and stated that this site is over parked even without counting the tandem parking. He also showed the landscape plan.

Mr. Burney asked where the architectural firm has built similar units. Mr. Peterson said they have been built in over 200 locations. Mr. Burney asked what the typical density is for this type of development. Mr. Peterson said 12-18 units per acre usually but the Crystal Lake project is closer to 9 units per acre.

Pam Cumpata, President of the McHenry County EDC, handed out an economic analysis to the Commissioners. She read a prepared statement and reviewed the position economic impact from a development such as this. She stated the McEDC has recently purchased software to allow them to input information about a development and it will calculate the impact of the development on the economy. Mr. Hayden asked what is meant by the economic impact of the development. Ms. Cumpata said it is not only during construction but afterwards. She said this software is a modeling software.

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

Mr. Jouron asked about the guest parking on the west side of the property. Mr. Peterson showed where the spaces were added. He said the parking was revised per the request of a PZC member.

Mr. Greenman said he has spent a lot of time reviewing all of the information provided. He said the product is impressive. He was not at the previous meetings but when he read the minutes there seemed to be a consensus with land use. If they don't agree that the land use is appropriate, it will save a lot of discussion time. He asked that a consensus of the Commission be taken.

Mr. Goss said he is concerned with the land use. He understands that this type of development is needed but he did not envision it to be in this area. This is prime commercial property and he is hesitant to change the land use. Mr. Skluzacek said this is the wrong location for this use. Mrs. Lembke agreed.

Mr. Gavle said he wrestled with this. He looked on Google Earth to search for other sites that would be better suited for this development in Crystal Lake. He added that he would love to have this development in Crystal Lake but not in this spot.

Mr. Hayden agreed. The development is beautiful but not in this location. Mr. Jouron agreed. Mr. Esposito said he has struggled with the land use. He has gone over it many times and he likes the project but not in this location.

Mr. Greenman said he was not at the last meeting. He agrees that this project does support the Goals and Objectives in the Comprehensive Plan but does not support the land use map. This property was a lengthy discussion when the Comprehensive Plan was being revised. They made a conscious decision not to change the land use designation and take each project on a case by case basis. Mr. Burney said they are not requesting a zoning change. He said there is a difference of opinion of the LSSI property and he feels that is already a residential project approved immediately adjacent. Mr. Hayden stated that he feels that LSSI is more of a business. That it is not an assisted living facility, but just like one.

Mr. Greenman said he understands their position. Mr. Burney stated that he feels bad that this body will unanimously deny this petition. This is an excellent project. Mr. Greenman said he respects their opinion and the purview of the City Council is different than that of the PZC which is a recommending body. He said the PZC needs to look at projects from a planning standpoint. Mr. Burney said this project is a tax credit transaction and there is a scoring system. This is the best site from the IHDA point of view. The other senior project was not awarded the grant. Mr. Greenman restated that from a planning perspective, the land use doesn't fit. He asked if the scoring took into consideration the zoning of a property. Mr. Burney said no.

Mr. Greenman said he doesn't disagree with the data provided but asked if it takes into account the land use. Mr. Smith said it takes into account threshold items. Mr. Burney said IHDA does not look at the City's map. Mr. Greenman said not 60 days ago they looked at this property and they discussed the vision for this property and area. They did not change their mind on what the property was designated. He has seen nothing to indicate the members changing their mind about the land use designation.

Mr. Esposito agreed. This property was set aside for commerce. He also struggled with the senior housing project too. This would put the traffic over the top. There would be more traffic from this site than the senior project. There will be more kids and school buses. Mr. Esposito said seniors usually don't go out during rush hour. Mr. Burney stated there was no traffic study required for this project, however, their traffic consultant was present to provide testimony of this project's traffic impact. Mr. Serafin said there would be 485 trips per day for this project as compared to 995 trips per day for an office/business park use. During the peak hours, the Pedcor use would produce 38 cars in the AM and 46 cars in the PM. A business park use would create 109 cars in the AM and 95 cars in the PM. This development would create ½ of the daily trips and 1/3 less traffic at peak hours. These figures are based on the Institute of Traffic Engineer data.

Mr. Goss said school buses are being thrown into this traffic mix. There are none there now. Mr. Smith said the loading and unloading of the buses would be on their property and not on Congress Parkway. Mr. Esposito said the buses don't load and unload on the side streets along Golf Course Road. Mr. Goss

said he is concerned with the interior of this project as well. Mr. Burney stated that there are many U-shaped roads in subdivisions. Mr. Goss said those have normal residential traffic.

Mr. Goss said the property across the railroad tracks owned by Immanuel Lutheran Church rates very high. When that was brought up previously, the petitioner stated they didn't want that property because of all of adjacent single family residential and their potential to object to this project. This property is prime business property. Mr. Burney stated that the horse has left the barn. This isn't precedent setting. Mr. Goss said he struggled with all of the developments that they had reviewed for this area. He agrees that they have a responsibility to have affordable housing and the issue that complicates this even more is that there is a need for tax credits to even consider this project.

Mr. Burney asked the Commissioners to vote in favor of this project. In their responsibility to determine this project and its impact on public health, safety and welfare, he feels this projects meets all criteria. He said the only factor is the land use issue. This won't cause a traffic problem and won't hurt the Post Office or health club. He asked what are the detriments here and what are the benefits. Clearly this housing is needed. The benefits outweigh the detriments. Mr. Goss said there is a need for senior housing because they don't want to move away from family but want to downsize.

Mr. Goss asked for a 5 minute recess. Mr. Hayden granted the request. The meeting resumed.

Mr. Burney said somehow the burden got shifted to them to prove this is the best site. The community needs this development and they feel this is a suitable location. The precedent has been set several times in this area and they don't feel this will change the other properties in this development, in fact this will enhance the immediate area.

Mr. Greenman moved to deny 2012-28 PEDCOR Development request for a Preliminary PUD and Land Use Variation located south of Congress Parkway and east of Commonwealth Drive. Mr. Esposito seconded the motion. On roll call, members Esposito, Goss, Greenman, Lembke, Skluzacek, and Hayden voted aye. Members Gavle and Jouron voted no. Motion to deny passed.

Mr. Jouron said his no vote was because this project is individual enough to merit special zoning. This will be an improvement to Crystal Lake.

REPORT FROM PLANNING

- Watkins – 903 North Shore Dr. – Special Use Permit and Variation
- Sadzeck – 958 Sheffield Dr – Variation

Ms. Rentzsch reviewed the petitions for the next PZC meeting.

COMMENTS FROM THE COMMISSION

Mr. Goss said he was called for jury duty and was questioned about being selected for a jury. He told them he didn't work for the City but was paid for being a PZC member. They consulted and he was not

selected for the jury. Mr. Goss said they need to be careful especially if it is a Crystal Lake case. If it was found out that he was a part time employee, it could have been declared a mistrial.

The meeting was adjourned at 9:50 p.m.