



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
SPECIAL MEETING
MONDAY, AUGUST 20, 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 Batastini, Esposito, Gavle, Greenman, Jouron, Skluzacek, and Hayden were present. Members Lembke and Goss were absent.

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

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 AUGUST 1, 2012 SPECIAL PLANNING AND ZONING COMMISSION MEETING

Mr. Greenman moved to approve the minutes from the August 1, 2012 Special Planning and Zoning Commission meeting as presented. Mr. Skluzacek seconded the motion. On roll call, all members voted aye. Motion passed.

2012-48 FOLEY – 274 Midlane – PUBLIC HEARING

The petitioner is requesting to be continued to the September 5, 2012 PZC meeting.

Mr. Hayden stated the petitioner is requesting to be continued to the September 5, 2012 PZC meeting.

Mr. Esposito moved to continue 2012-48 Foley at 274 Midlane to the September 5, 2012 PZC meeting. Mr. Skluzacek seconded the motion. On roll call, all members voted aye. Motion passed.

2012-60 SCHANZ – 323 Poplar St. – PUBLIC HEARING

Special Use Permit for a new 1,188 sq. ft. garage.

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.

Scott Schanz was present to represent his petition. Mr. Schanz said he would like to build a 4 car garage to house his 6 cars, bikes, tractor, etc.

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

Mr. Batastini said he is concerned with the size of the garage. It is larger than some homes. Mr. Schanz said he has 6 cars. Mr. Batastini said there is not a lot of detail in the information that they received. Mr. Schanz said he didn't want to spend a lot of money on plans if the request was not going to be approved. He added that the style and materials for the garage will match the house and there will have to be one tree removed. The plans that the PZC members received are not to scale. Mr. Batastini said he is concerned that future owners of the property will run a business out of the garage. He feels this size of a building will impact the neighbors.

Mr. Jouron asked if there would be any commercial vehicles stored in the garage. Mr. Schanz said no.

Mr. Gavle said he is surprised that no neighbors came to the meeting. Ms. Maxwell said she received one phone call from a neighbor asking what the Special Use was for. After discussing it with her, she said she did not have any objection. Mr. Gavle asked about landscaping. Mr. Schanz said it will be landscaped like the home. Ms. Maxwell said all other requirements have been met.

Mr. Greenman thanked the petitioner for the investment of time and money to enhance this property. He asked if the petitioner will be living in the home in the foreseeable future. Mr. Schanz said yes. Mr. Greenman asked about the square footage of the home. Mr. Schanz said it is about 1000 square feet. Mr. Greenman said the garage is larger than the home on the property. He said staff feels that the Findings of Fact have been met but he is not certain that they are. This size of building doesn't fit the area. Mr. Greenman said he is not in favor of the vastness of the building. If it were just over the 600 square feet he would not have a problem with it, but not having a building just shy of 1200 square feet.

Mr. Skluzacek said the area is wooded and feels the building won't be seen by the neighbors. He asked if there will be utilities brought to the building. Mr. Schanz said only electricity and there will not be any heat. Mr. Skluzacek said if the neighbors don't have a problem with this request he doesn't have any concerns.

Mr. Esposito feels that a 4 car garage is very large and it's almost commercial size. He understands that people have a lot of "toys" now but this garage is larger than the home. There is a limit of 600 square feet in the UDO for a reason and he would not like to see a garage this size.

Mr. Skluzacek asked if the structure were attached to the house would it still require a Special Use Permit. Ms. Maxwell said it would not as long as it met the setback, etc.

Mr. Batastini asked about the width of the lot. Ms. Maxwell said 66 feet and the garage meets all setbacks. Mr. Batastini feels that part of the PZC's responsibility is to protect the neighbors. It may be that they don't want to come and object because they don't want to start problems in the neighborhood.

He said that two cars will still remain outside even with a 4 car garage. Mr. Schanz said one of the cars is very small and can fit in the side.

Mr. Esposito asked about the height of the garage. Mr. Schanz said it is 15 feet to the midpoint.

Mr. Skluzacek said the only reason the petitioner needs a Special Use Permit is because it is detached from the house.

Mr. Jouron asked about a second floor in the garage. Mr. Skluzacek said due to the pitch of the roof there is not a lot of room for storage.

Mr. Hayden said the current garage will be removed and paved over for the driveway. He understands the members questioning the request. Mr. Greenman said this is why there is the requirement for a SUP for accessory structures over 600 square feet in the UDO. He appreciates what the petitioner is trying to accomplish but feels it is too large and doesn't fit the character of the neighborhood.

Mr. Hayden asked if the petitioner has any concerns with the suggested conditions listed in the staff report. Mr. Schanz said no.

Mr. Skluzacek moved to approve the Special Use Permit for a detached accessory structure greater than 600 square feet to allow a garage at 1,188 square-feet at 323 Poplar Street with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Schanz, received 07/23/12)
 - B. Plat of Survey/Site Plan (Luco Construction, dated 12-04-10, received 07/23/12)
 - C. Elevations (Schanz, received 08/09/12)
2. Front facing, front load garages shall incorporate at least two architectural elements; such as, columns flanking doors, moldings, overhanging eaves, decorative vent covers, decorative brackets, dormers, and decorative garage doors or windows that match the style, spacing and frequency of windows for the rest of the dwelling.
3. The height of the garage shall not exceed 15 feet as measured at the mid-point of the roof.
4. Expansion of the garage in size and or volume shall require an amendment to the Special Use Permit.
5. The petitioner shall comply with all of the requirements of the Engineering and Building, and Planning and Economic Development Departments.

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

Mr. Esposito said his no vote was because this would be setting a precedent with the size of the garage.

2012-63 SHELL-CIRCLE K – 220 Virginia – PUBLIC HEARING
Special Use Permit Amendment for an EMC freestanding sign

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.

Auna Foote with Corporate Identification Solutions was present to represent the petition. Ms. Foote said they are requesting to reface the existing sign and add the EMC price sign.

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

Mr. Hayden asked if there were any concerns with the recommended conditions listed in the staff report. Ms. Foote said no but they would prefer red LED numbers but amber would be ok if necessary.

Mr. Jouron said there are signs that are taller than what is allowed in the UDO. Ms. Maxwell said they may have been approved through a PUD or Special Use Permit which could allow for a different height.

Mr. Batastini asked about the Circle K brand. Ms. Foote said in some areas of the country the Circle K brand is the main brand and not Shell.

Mr. Gavle asked if the existing sign is to be replaced. Ms. Foote said no that they would be putting in new panels and the EMC.

Mr. Greenman thanked staff for the chart showing the different signs that have been approved and it shows that they are not consistent. Not even with gas stations or even by street. Ms. Maxwell said gas stations are tricky since they have a large amount of pavement. By lowering the sign, it could pose a sight line problem. She is not sure if this sign would cause such a problem if lowered. Ms. Maxwell added that there are several signs that are taller than 9 feet. Ms. Foote said if the sign were reduced in height, they would be allowed more square footage per the UDO.

Mr. Skluzacek asked why if we are stating only amber or white numbers on the sign, how can there be some signs with green or red. Ms. Maxwell said some were approved prior to the text change in the UDO and there were some that received a variation to allow the different color.

Mr. Esposito said he is ok with the refacing of the sign or even reducing the height so long as there is no sight line problem.

Mr. Hayden said there are several Findings of Fact that are not met which bothers him. He feels that they are gutting the UDO and it is so new. Ms. Maxwell said gas stations are tricky since most don't meet the criteria. Mr. Hayden feels that gas stations are unique and they should be discussed at a future meeting.

Mr. Esposito asked if something could be put in the motion that limits the EMC to gas pricing only. Ms. Foote said a regular EMC sign for text, designs, etc. can't fit in the area provided. They would need to replace the sign.

Mr. Esposito moved to approve the Special Use Permit Amendment to allow an electronic message center sign for Shell – Circle K at 220 Virginia with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Corporate ID Solutions, received 08/02/12).
 - B. Signage Exhibit (Corporate ID Solutions, dated 07/13/12, received 08/02/12).
 - C. Alta Survey (William & Works, dated 11/03/09, received 08/02/12).
2. A Special Use Permit Amendment is hereby granted to allow the EMC sign.
3. Future changes to the signage, which meet all requirements of the Unified Development Ordinance, shall not be required to amend the Special Use Permit.
4. To meet the ordinance requirement, the EMC lighting shall be amber **or white** in color **and only used for gas pricing**.
5. The petitioner shall comply with all of the requirements of the Planning and Economic Development and Engineering and Building Departments.

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

Mr. Greenman said his no vote was because he would prefer to have staff look at the height of the sign. They need to get their arms around the height requirement versus the sight line.

2012-61 UDO AMENDMENT – PUBLIC HEARING
Changes to Definitions and Subdivisions

Mr. Hayden stated that the Certificate of Publication is in the file. He waived the reading of the legal notice without objection.

Ms. Bhide said there are a few items that were not defined in the UDO. They have found that some property owners are creating land leases for a small portion of their property which is not considered a subdivision of that property. This request is to redefine subdivisions.

Mr. Greenman feels this is great and asked if this would cover the City if a property owner were to donate, give, or not charge for a portion of their property. Since there is no money exchange would this definition still work. Ms. Bhide said this definition was reviewed by attorneys but she will check into it prior to Council.

There was a question raised about the cell tower on Hillside Road. Ms. Bhide said the City was not able to review the cell tower and this would have allowed us to.

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

Mr. Greenman asked if this would need to come back to the PZC if the attorneys determine the verbiage needs to be added to. Ms. Bhide said only if it is a major change.

Mr. Batastini moved to approve the UDO Text Amendment to Article 5, Subdivision Standards and Article 10, Definitions of the Unified Development Ordinance (UDO) as follows:

Article 5, Subdivisions

Section 5-200 A 3 Exemptions

d. Interior space rent or lease

The creation of an interior space leasehold such as the rent or lease of apartments, offices, stores or similar space within a building.

e. Agricultural rent or leasehold

The creation of rent or leasehold for agricultural use of a property, provided that the use does not involve the construction of a building to be used as a residence or for any purpose not directly related to the agricultural use of the land or crops or livestock raised thereon.

Section 5-200 D. Subdivision Types

There are ~~3~~ 4 types of subdivision review with differing levels of approval required for each. The criteria for establishing the applicable review process and the corresponding level of approval for each are indicated below. Other standards within the Ordinance may also be applicable depending on the specific characteristics of the subdivision.

5. Subdivisions created by rent or lease

A subdivision created by rent or lease, including a mobile or manufactured home or recreational vehicle park, is any tract of land divided by renting or leasing portions thereof. It is owned, however, as one

parcel under single ownership (which can include a number of persons owning property in common). Subdivisions created by rent or lease are not subject to the dimensional standards of this Ordinance. Subdivisions created by rent or lease are exempt from the survey requirements of this Article, but must be submitted for review and be approved by the City before possession of any portion thereof may be conveyed in any manner. Subdivisions created by rent or lease will be reviewed in accordance with the procedures listed for Minor Subdivisions.

Article 10, Definitions

SUBDIVISION: Any change, division, re-subdivision, lease, or rearrangement of any tract, piece, or parcel of land, block, lot, or sub-lot, or any part thereof that results in two or more lots, pieces, or parcels of land or two or more discrete uses on any lot, piece, or parcel of land, block, lot, or sub-lot, or any part thereof that are not otherwise authorized by the Unified Development Ordinance.

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

REPORT FROM PLANNING

- American Auto Sales – 189 S. Main St. – Use Variation, Special Use Permit
- 4814, 4902, 4910, 4916, and 5006 State St - Annexations

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

COMMENTS FROM THE COMMISSION

Mr. Batastini said there is a company who parks their trucks on the weekend in parking lots all over town. Ms. Bhide said usually the Police Department checks into problems like this on the weekend when the Building Division is not in. She will check into it. Mr. Esposito said there are several companies who are doing it now since the other one has gotten away with it for so long.

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