



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
SPECIAL MEETING
MONDAY, NOVEMBER 19, 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. Members Batastini and Gavle 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, Latika Bhide and Elizabeth Maxwell, both Planners, and Rick Paulson, Building Commissioner, 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 NOVEMBER 7, 2012 PLANNING AND ZONING COMMISSION MEETING

Mr. Esposito moved to approve the minutes from the November 7, 2012 Planning and Zoning Commission meeting as presented. Mr. Goss seconded the motion. On roll call, all members present voted aye. Motion passed.

2012-114 MENARDS – ARCHWAY CENTER – 4850 COG Circle – PUBLIC HEARING
Final PUD Amendment for outdoor storage, sales, and display for a fueling 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.

Jim Hartman, General Manager for Menards, and Bryan Summers, General Manager for Ferrell Gas, were present to represent the petition. Mr. Hartman said Menards wants to promote clean fuels so they would like to have a propane fueling station at this location. He added that in the future they may be allowing fleet vehicles to fill up also. Mr. Hartman said currently Menards has a cylinder exchange program.

Mr. Hayden asked if the petitioners had any concerns with the recommended conditions listed in the staff report. Mr. Hartman 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 asked if this fueling station is self-serve. Mr. Hartman said no that trained and certified employees would be dispensing the fuel. Mr. Jouron asked if they needed a more protective fence. Mr. Hartman said they will have concrete bollards to protect the area. Mr. Jouron asked about the hours of operation. Mr. Harman said it would be the same as the store.

Mr. Greenman said this is a great idea and asked if there were other locations. Mr. Hartman said there are. Mr. Summers said they have been installed, but they are waiting for the State Fire Marshall to approve them. They are in Melrose Park, Bridgeview, Fox Lake, and Antioch as well as a few other locations. Mr. Greenman asked if the location should be moved so there will be no traffic conflicts. Ms. Maxwell said there should only be a traffic conflict if a fleet car that has the connection on the driver's side needs refueling. If there are a lot of conflicts, Staff will look at it then. Mr. Greenman said they usually try to be in front of an issue. When is it determined that there is a problem? Mr. Paulson said Menards routinely restripe their parking lot every 2 to 3 years so Staff can review it at that time.

Mr. Greenman stated that the request generally meets the Findings of Fact listed in the Staff Report and he can support this request.

Mr. Skluzacek said he is concerned with the tank fill up being on the driver's side of the car. Mr. Hartman said there will be employees there to help direct traffic. They will move the striping if necessary, but an employee will be available to assist customers. Mr. Skluzacek said this is not like filling a regular gas tank.

Mr. Esposito said this is probably the best spot for the tank. He can support this. Mr. Esposito said there are a few stores that had cylinder refill stations but they were removed. This is a great idea. They will certainly be busy in the summer.

Mr. Goss asked if an employee would be full time. Mr. Hartman said yes. Menards would have a certified employee working at the store at all times. Mr. Summer said the tank is key operated and not everyone can use it. Mr. Goss feels the hose should be inside the fence for security reasons. Mr. Summer said the State is looking into allowing other trained and certified operators use the systems other than Menards employees.

Mr. Hayden said earlier Mr. Hartman said there would be someone manning the station at all times and then he stated that there would be someone from the store that would come out to take care of the refilling. Mr. Hartman said there will not be someone out there all of the time, but that a trained employee would always come out to assist customers.

Mr. Hayden asked if the Fire Department had any issues with the request. Mr. Summers said most Fire Departments don't have a problem with the system. Mr. Hayden said it is the traffic issues that may not be resolved. Mr. Hartman said there should not be many fleet vehicles filling up initially and they can restripe the area if necessary. Mr. Hayden asked if our Fire Department had any concerns. Ms. Maxwell said the Fire Department looked at the security of the tank and were ok with it. The Engineering Division looked at the traffic.

Mr. Hayden asked if the hours of operation could change. Mr. Summers said it is not available at this time but in the future it could be that a trained person would fill up after hours and pay with a credit card. Mr. Hayden said in the future the State may not require a trained person to dispense the propane. Mr. Summers said that the person must be trained and it is in the National Fire Prevention Code.

Mr. Jouron asked if there is enough space for car stacking. Ms. Maxwell said vehicles can pull up and wait in the striped area for an employee to fill them up. Also there are dedicated parking spaces for cylinder refills. There could possibly be a traffic issue if multiple RVs and fleet vehicles come to fill up at the same time.

Mr. Hayden stated that many companies are going with propane for their company vehicles.

Mr. Goss asked if everything is above ground except the electric. Mr. Summers said yes.

Mr. Jouron asked if the location should be moved because of semis going up and down the aisle to the east of the proposed location. Mr. Hartman said they want to be able to see the location from the office.

Mr. Esposito suggested adding a "Call" button if no one is there and people get busy in the office.

Mr. Hayden said when a store down the street added a gas station, it was required that someone be stationed there the entire time the fuel can be dispensed. They had to add a small building for the attendant.

Mr. Hayden said hats off to Menards for looking to the future. He asked if they should add a condition about reviewing the traffic situation after a few years. Mr. Goss said what happens if this doesn't take off until after that time frame. He added that this is not a new technology. When he was in California in the early 1970s he worked for a company that used propane vehicles.

Mr. Skluzacek asked if the cylinders are examined prior to filling. Mr. Summers said they will be examined and also checked for an expiration date.

Mr. Goss moved to approve the Final PUD Amendment for outdoor sales, storage and display for a propane fueling station for Menards located at 4850 COG Circle with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Jim Hartman, received 11/15/12)
 - B. Site Plan (Menard Inc., dated 8/13/12, revised, 11/13/12, received 11/15/12)
 - C. Propane tank details (Menard, Inc., dated 08/06/12, received 11/15/12)
2. Additional advertising signs, beyond what is illustrated on these plans, are not permitted, unless they are on a temporary basis in compliance with the UDO.
3. Menards shall monitor the vehicle conflict and parking situation. If the store manager or City staff find that there are numerous vehicle conflict issues with the location of the propane fueling station, Menards shall work with the City to revise the parking layout in this area.
4. The conditions of the original approval ordinance #5164 A and subsequent PUD Amendment Ordinance #5402 shall remain applicable, unless otherwise amended by this request.
5. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue and Planning and Economic Development Departments.

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

2012-107 SMK CENTER – THE OTHER SIDE – 93 Berkshire Dr Unit G – PUBLIC HEARING

This petition was continued from the November 7, 2012 Special PZC meeting.

Use Variation and Special Use Permit for a sober night club in the “M” Manufacturing 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.

Chris Reed and Mike were present to represent the petition. Mr. Reed said they are a non-profit organization and provide a substance free club-type environment. They remove the negative stigma attached to sober living and provide a fun place to hang out in a sober community. There are not many places to go without substances. Mike said they have people come from other counties as well as other states to be at this club.

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

Mr. Skluzacek asked if there will be age restrictions. Mr. Reed said yes – no one under 18 is allowed entry. They will be open Thursday, Friday, and Saturday nights and will have different theme nights such as movies, ping pong, etc. They will occasionally have live bands and they have one night that is for 18 and under. Mr. Skluzacek asked how they are going to curb people from bringing in alcohol. Mr.

Reed said nothing can be brought in from the outside or taken outside from the establishment. They currently have vending machines with can drinks.

Mr. Jouron asked if they will serve non-alcoholic drinks such as Virgin Blood Mary. Mike said they will not since they are trying to stay away from anything related to alcohol. Mr. Jouron asked if there would be dancing. Mike said yes. Mr. Jouron asked if this would be like a sports bar. Mr. Reed said they are not geared to be a sports bar.

Mr. Goss asked if the occupancy for the unit has been determined. Mr. Paulson said they are waiting for a detailed floor plan. Mr. Goss said sometimes the property owner has his employees from the restaurant across the street park in this lot so parking may be tight.

Mr. Jouron asked about the hours of operation. Mr. Reed said the hours will be 8 p.m. to 2 a.m. The only competition would come from the North Wall which is open until 9 p.m. on Friday and Saturdays. Mr. Jouron asked what they would do if someone came intoxicated. Mr. Reed said they try to handle it themselves but if not they call the police.

Mr. Reed said they have been operating out of this location for a few months until they were found and told to go through this process.

Mr. Hayden asked about the funding. Mr. Reed said they are currently funding it themselves. They do charge admission of \$10 at the one party they have a month with a live band. He said they don't have the resources to open a "teen bar" in another location. Mr. Reed said he runs his construction business out of the office in the front of the building.

Mr. Greenman asked how long they have been operating. Mr. Reed said about 6 months. They have made connections with substance abuse groups. Mr. Greenman asked what they see in the future. Mr. Reed said they would eventually like to move into a more permanent location and be open 7 days a week.

Mr. Hayden asked if the petitioners had any concerns with the recommended conditions listed in the staff report. Mr. Reed said no. Mr. Hayden asked if they read condition #8 regarding the Codes they would need to bring the space up to. Mr. Reed said they are aware of them. Mr. Hayden said this is a noble cause but he is not sure this is the right place for it. He asked if there were times while they were open that the Police Department had to be called. Mr. Paulson said he was contacted by the Police Department because of the number of people who were outside of the building as well as inside. Mr. Goss asked if there is enough light in the rear parking lot for this type of vehicle traffic. Mr. Paulson said he did not recall.

Mr. Greenman said the Findings of Fact listed in the Staff Report for both the Special Use Permit and the Variation are generally met. He said they are only asking for Thursday, Friday and Saturday. Mr.

Hayden said if they want to expand their time, they can come back. Mr. Paulson said there aren't many people there on Thursday night but Friday and Saturday there are a lot of people. Mr. Hayden asked about noise complaints. Mr. Reed said there have been several events with many people.

Mr. Hayden suggested that they look at the age restriction for a maximum age too. He is concerned allowing 40 year olds hang out with 18 year olds. Mr. Reed said that is something they will look into.

Mr. Esposito moved to approve Use Variation and Special Use for a 'Nightclub without alcoholic beverages' to allow a sober nightclub within the "M" zoning district at this location for The Other Side located at 93 Berkshire Drive Unit G with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Creed, received 10-17-12)
 - B. Floor Plan (Creed, received 10-17-12)
2. This Use Variation and Special Use applies only to The Other Side. The use shall not be intensified without amending the Special Use.
3. Noise, odor or vibration levels generated by this use shall be kept to a level not creating a public nuisance to the surrounding businesses and/or immediate area.
4. The petitioner will be responsible to ensure that adequate parking is available on-site. If it appears that parking is not adequate, then the petitioner will restrict the number of patrons.
5. To prevent noise from carrying throughout the area, and especially to immediate neighbors, the doors shall be kept closed except as patrons enter and exit. The doors shall not be propped open during business hours.
6. The petitioner shall work with the Police Department to address any concerns they may have, including regarding security, and if requested, institute additional regulations.
7. The petitioner shall submit a floor plan with clearly marked dimensions of each area available for this use for evaluation of the allowable occupant load.
8. The unit was originally built as a manufacturing/storage/office use. The change of use to the proposed 'A-2' assembly use will require the unit to meet the applicable requirements of the International Building Codes, National Electric Code, and Illinois Plumbing Code. These include, but are not limited to:
 - A. Exiting from the mezzanine and building
 - B. Exit signs and emergency lighting
 - C. Stairs and guardrails

D. Bathroom facilities

E. Determine occupant load of the space including the mezzanine

9. Fire alarm notification devices may need to be altered. The sprinkler system may require alterations to ensure proper spacing and clearances from obstructions.

10. The petitioner shall be responsible for ensuring the area around the business is kept clean and free of trash, debris or graffiti.

11. The City reserves the right to periodically review the operation for any potential problems. If problems (on-site or within the immediate area), including, but not limited to, disorderly conduct or disturbing the peace, result from this use, the special use may be subject to review and revocation by the City of Crystal Lake.

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

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

2012-112 JASTER'S - 414 W. Virginia – PUBLIC HEARING

Special Use Permit for a drinking place and a variation from the required number of parking spaces.

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.

Mark Saladin, attorney, and Adam and Mellissa Harjung were present to represent their petition. Mr. Saladin said the petitioners have purchased the former Creperie restaurant and there is approximately 1,100 square feet vacant. They would like to open a higher end – classy neighborhood bar. Mr. Harjung said he has a family member who owns a successful bar and they have been looking for a neighborhood for some time. They will have smaller craft beers and wines as well as cheese. Mr. Harjung said they live in the area and want to stay in the area. This is an historic building and they want to do something creative.

Mr. Saladin said they are requesting a Special Use Permit for a “drinking place” and a variation from the required number of parking spaces. The building sits on a lot with no place to park except for the four parking spaces alone Pomeroy. The spaces are reserved for the tenants who live above the space. Mr. Saladin said this is part of the Virginia Street Corridor TIF district. The District’s goal is to encourage walking traffic. He said it is hard to find a business for this building because of the parking requirements. He added that Pomeroy is already congested and they would put up signs to restrict

parking in the adjacent lot. They will have complimentary valet parking that would be able to use on-street parking. Mr. Saladin said they understand the safety concerns with parking across Route 14.

Mr. Saladin said the hours of operation would be 4 p.m. to 1 a.m. during the week and Friday and Saturday from 4 p.m. to 2 p.m. which mimics the liquor license. The number of patrons would be small and there won't be any live music or video games. The food items would be limited since there is no grill.

John Valus, owner of 234 Pomeroy, said he is concerned about the parking for his 4 unit apartment building. Mr. Hayden said the Commissioners had received a letter and photos from Mr. Valus prior to the meeting. Mr. Valus is concerned where the cars will park and there is nothing to stop people from parking their own cars and not use the valet service. He is afraid that people will take the easiest route and park either in his lot or on Pomeroy. Mr. Valus added that the owners of Vogue Cleaners have had damage to their building after having cars towed. Metro Bowl downtown has a problem with the bar next door even with the towing signs being posted. He said there is already a problem with noise from Taco Bell late at night. Mr. Valus stated there was an incident at The Cottage a few years ago as well. Where will the delivery trucks park to unload? There is virtually no parking in front of the building. Also where will the snow be piled?

Ryan Kellerman, 380 Oriole Trail, said they have had problems with The London Club patrons parking on Oriole Trail and leaving ruts in their parkways. The people park as close to the gate that is in the fence along Oriole Trail. Mr. Hayden said they have complimentary valet parking as well. Mr. Kellerman suggested that a crossing light be added on Route 14 for the patrons of the bars and restaurants in that area to safely cross Route 14.

Gary Riegler, 440 Oriole Trail, said they have problems with people from Andy's Restaurant parking on their street. They won't park in the lot that Andy's Restaurant built a several years ago.

Vanessa Baker, 415 Oriole Trail, said she has been impacted by The Living Room. There are beer bottle tossed over the fence and there is a lot of noise.

John Enright, 370 Oriole Trail, said he has lived in the home from over 8 years. When John Evan's Restaurant opened they received a parking variation. They immediately noticed a problem with parking on both sides of the street. He said people park on the parkway which creates ruts. That location has parking and this request does not. Mr. Enright said the neighborhood deals with this continually.

Brian Jakubowicz, the owner of the building, understands the feelings of the neighborhood. He has improved the building and wants to rent it out. He asked how he can find a tenant if there is a problem with granting a variation.

Robert Ewing, 423 Oriole Trail, said there also is a problem with ADA requirements for the building. The owners did a great job in renovating the building. They need a situation like they previously had – a phone store or window store.

Mike Ryan, 222 Pomeroy, said he is concerned with #2 of the Findings of Fact and believes the bar use will reduce the value of his home.

Mr. Kellerman asked if once the petitioners have a license for a “drinking place” is there anything in place that will keep them from changing the “plan” they presented – no live music, etc.

Maurice Bello, 424 Oriole Trail, asked if the City was planning on help businesses by creating parking. He noticed that parking was removed in front of some of the businesses when the streetscape was done. Mr. Hayden said the TIF area is a vast improvement over what was there. Mr. Bello said the town is full of bars but the problem here is where the patrons will park.

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

Mr. Saladin said they came before the City with their eyes wide open about the parking problem. They are more than willing to help alleviate the problem. This use won't have very large crowds and the owner of the building is trying to fill his building. He said they would like to work with everyone to come up with a solution. Mr. Saladin said the parking request is for a variation from 8 parking spaces when actually they do have 4. Therefore the request is really for a variation of 4 parking spaces. He said Staff's interpretation is conservative and cites the maximum variation of 8 yet the reality may be different.

Mr. Saladin reviewed the criteria for Special Use Permits and Variations listed in the Staff Report. He said there are unique circumstances with the lot and building. This use will not impact the property values or increase congestion of public streets. Mr. Saladin said that this will be a very low key neighborhood bar. There are other similar uses up and down Route 14. He added that they will assist where they can with the parking issues.

Mr. Goss asked if there was a discussion when creating the plans for the TIF district improvements about a crossing light. Ms. Bhide said Route 14 is a State-controlled right-of-way and it is unlikely that they will permit it. Mr. Goss said he has a problem with people walking across Route 14 and also with them parking on Oriole Trail.

Mrs. Lembke suggested that the petitioner contact Vogue Cleaners to use their parking after hours. Mr. Harjung said he was told that a previous business had approval to use some of the parking spaces in the Taco Bell lot.

Mr. Esposito said parking is a problem with occupancy of 48. The patrons will not want to cross Route 14 – it's the suburban parking syndrome. Also there are many activities for the school and two churches on the other side of Route 14 that may make parking difficult at times. Mr. Esposito said the other businesses on Route 14 also use the parking by the Chamber of Commerce. He likes the business idea but can't get over the parking problem. People are going to park where they want and he suggests they contact other businesses to see if they can use their parking.

Mr. Skluzacek said it would be a nice business but parking is an issue and he can't support the request.

Mr. Greenman said no matter how you look at it the variation is for the total 8 required parking spaces. The four spaces that were discussed earlier are allocated for the tenants. They can't let the business try at the expense of the neighborhood. He suggested the petitioners talk with the residents to help come up with a solution. Mr. Greenman said that reviewing the Findings of Fact in the report, this use will endanger the public safety because of the parking situation. The request does not meet most of the Findings of Fact for the Variation or Special Use.

Mr. Jouron asked if the EDC made any comment on this petition. Ms. Bhide said they did not consider this request. Mr. Jouron asked if there would be a TV for football games. Mr. Harjung said there would be one and when it was off it would turn into a mirror. Mr. Jouron said he can't support the request. This is a difficult location. At least in the downtown area there are parking lots that can be used.

Mr. Saladin asked for a continuation so they will have an opportunity to talk with other businesses regarding use of their parking lot after hours.

Mr. Goss moved to approve continue 2012-109 Jester's to the December 5, 2012 PZC meeting. Mr. Jouron seconded the motion. On roll call, all members voted aye. Motion passed.

2012-111 MILESTONE THERAPY – 400 S. Federal – PUBLIC HEARING

This petition was continued from the November 7, 2012 PZC meeting.

Preliminary/Final PUD for a medical office building.

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.

Bo Strom, developer, Shabbir and Sakina Kapadia, petitioners, were present to represent their request. Mr. Strom said they are requesting to develop a new Milestone Therapy. They currently have two locations and they wish to consolidate. Mrs. Kapadia said this will be a great addition to the neighborhood. They don't want the building to look like a regular medical facility. She said the unique elevation makes it more inviting for the children.

Mr. Hayden asked if the petitioners had any concerns with the conditions listed in the revised staff report. Mr. Kapadia said no.

Mr. Kapadia said they provide therapy for children as well as other activities. They will have two waiting areas – one is quiet and the other is where children can play. Some children spend a lot of time there sometimes several hours so the quiet room gives them an opportunity to do homework.

Mr. Strom believes this request is straight forward.

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 how long do students stay at this facility. Mrs. Kapadia said they may be there for 2 hours. Mr. Goss said he was surprised with the number and size of some of the service rooms. Mrs. Kapadia said several of the rooms are not used all of the time. Mr. Goss asked if several students can be seen at one time. Mrs. Kapadia said yes.

Mr. Esposito thanked Mrs. Kapadia for what she does. He said the building looks great and asked if they had brought samples of the materials to be used in the building. Dave Hemple, from Charles River Development, showed the samples of the colors and materials to be used in the building.

Mr. Greenman said this is a perfect spot for this use. He wished them the best of luck in their new facility.

Mr. Goss said the standards listed in the UDO have been met.

Mr. Goss moved to approve the Preliminary and Final PUD for Prelim/Final PUD for a medical office for Milestones Therapy at 400 S. Federal Drive with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Milestones Therapy, received 11/01/12)
 - B. Elevations (ALA Architects, dated revised 11/02/12, received 11/14/12)
 - C. Site Plan and Engineering Plan (Northwestern Engineering Consultants, dated 10/24/12, received 10/31/12)
 - D. Landscape Plan (Nierman Landscape & Design, dated 11/01/12, received 11/14/12)
2. Site and Landscape Plan
 - A. The landscape plan shall illustrate parking lot perimeter landscape, which meets Article 4-400. Additional landscape material is required along the perimeter of the parking lot.

- B. The landscape materials along Federal Drive shall be similar in species and layout as the Crystal Lake Business Center Unit 4 Landscape Plan. Additional landscape material is required along Federal Drive.
- C. A fire hydrant shall be available within 100 feet from the Fire Department connection and not closer than 1.5 times the height of the building.

3. Elevations

- A. The stone base on the front of the building shall be wrapped around the entire building including the front CMU columns.
- B. The CMU block on the north and south sides shall be styled and sized to match the front elevation and include a window and trim within the CMU area.
- C. A sample color and material board shall be presented with the Final PUD application.

4. If any trash bins are stored outside, a trash enclosure that matches the style, materials and color of the building, is required to be constructed.

5. Any ground or roof mounted mechanical equipment must be screened from view from adjacent properties or roadways, per the UDO requirements.

6. 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. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

REPORT FROM PLANNING

There was no City Council meeting to report on.

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

COMMENTS FROM THE COMMISSION

Mr. Esposito wished everyone a Happy Thanksgiving.

The meeting was adjourned at 10:00 p.m.