



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, JUNE 5, 2013
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, Skluzacek, and Hayden were present. Members Batastini and Lembke were absent.

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

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

APPROVE MINUTES OF THE MAY 15, 2013 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the May 15, 2013 Special Planning and Zoning Commission meeting as presented. Mr. Greenman seconded the motion. On roll call, all members present voted aye. Motion passed.

APPROVE MINUTES OF THE FEBRUARY 27, 2013 WORKSHOP

Mr. Skluzacek moved to approve the minutes from the February 27, 2013 Workshop as presented. Mr. Goss seconded the motion. On roll call, members Esposito, Goss, Greenman, Jouron, Skluzacek, and Hayden voted aye. Mr. Gavle abstained. Motion passed.

2013-15 UDO AMENDMENTS – PUBLIC HEARING

The petitioner is requesting to be continued to the June 19, 2013 PZC meeting.

Mr. Esposito moved to continue 2013-15 UDO Amendments to the June 19, 2013 PZC meeting. Mr. Jouron seconded the motion. On voice vote, all members voted aye. Motion passed.

2013-22 GOODWILL – LUTTER CENTER – 1000 Central Park Blvd. - PUBLIC MEETING

A motion is requested to set a public hearing date on June 19, 2013.

Preliminary and Final PUD with variations for a retail store.

Joe Gottemoller, attorney, Sam Schmitz, President, and Ben Bernsten, Director of Retail and General Council both with Goodwill Northern Illinois, and Brian Blakemore with McClellan Blakemore Architects were present to represent the petition. Mr. Hayden started to swear in the presenters and Mr.

Gottemoller told him that this wasn't the public hearing. Mr. Schmitz said they were before the PZC almost 4 years ago to present their conceptual plan for review. Since that time they have added stores in DeKalb, Huntley, McHenry, and Ottawa. Those buildings are all similar to the one in Carpentersville. They estimate the sales tax from this outlet to be about \$100,000 annually. Mr. Schmitz added that they are also one of the greenest companies in the country. If they receive unusable items they are bundled and recycled usually to either go to other countries or to companies that turn them into rags. They also recycle over 60,000 computers or computer parts annually. He added that they have in each of their outlets a community room for other organizations to use. Also they employ student workers from the Pioneer Center in their Huntley location and high school students in their McHenry location. They are very proud of each participant in their outlets.

Mr. Bernsten described the operation standards for the outlet. They don't store donated goods outside nor do they use donation boxes that are in many parking lots. He said Goodwill is driven by donations and not the shopper. Mr. Bernsten showed the site plan showing a drive-through with an overhang for the convenience of the donor and there is rarely any stacked cars waiting to donate. The items are sorted immediately after arrival. They do use security cameras and will report any violations that occur and because of that, dumping of items is rare. Mr. Bernsten said they use a trash compactor which is located inside the store which eliminates "dumpster diving."

Mr. Blakemore said they have completed many of the stores in this area. The store will be approximately 19,500 square feet and showed the elevations of the building.

Mr. Hayden asked if the intent of the petitioner was to go through this presentation at the public hearing in two weeks. He asked because they are not sworn in and this is testimony. Mr. Gottemoller said they wanted the PZC to be sure what they were requesting since the property is currently vacant and they intended to repeat all of this testimony at the public hearing.

Mr. Blakemore showed an aerial photo of the property and surrounding area as well as the elevations and floor plan for the building. He said the monument sign will be at the intersection/point of the property. The sign will have a brick base that matches the building. Mr. Blakemore showed photos of recently built stores.

Mr. Gottemoller reviewed the variations that they will be requesting. He said the entire WalMart center drains to the detention area behind this property which is very large and deep. They are planning to provide landscaping towards the WalMart side of the property but not as much to the industrial side. Mr. Gottemoller added that landscape islands make sense for parking lots the size of WalMart but this parking lot is not a large lot. He added that their design is more a combination of the WalMart and Pauly Toyota. This makes sense to them because they are between the two. They will also be amending the PUD to allow the Goodwill monument sign. The original PUD allowed for only the one monument sign for the entire shopping center and this building will be 600 feet from Route 31.

Mr. Hayden asked if there was anyone in attendance who would not be able to attend the public hearing

in two weeks had any comments. There was no one in the public who wished to comment on this petition.

Mr. Goss moved to set the public hearing for 2013-22 Goodwill for June 19, 2013. Mr. Gavle seconded the motion. On roll call, all members voted aye. Motion passed.

2012-86 TONYAN – 145 Erick Street – PUBLIC HEARING

Rezoning upon Annexation to “M” Manufacturing District.

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

Bill Bligh, attorney, and Dan Tonyan, owner, were present to represent the petition. Mr. Bligh said they are requesting to annex the property at 145 Erick Street. It is surrounding by the City on all 4 sides. They are requesting the property be rezoned from “A-1” in the County to “M” Manufacturing in the City. This zoning matches the other property in the area. Mr. Bligh said the reason for the annexation is the tenant in the building to the north needs additional outside storage which would be available on this site.

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 Annexation Agreement addresses the screening. Mr. Bligh said there will be a 6 foot tall fence surrounding the storage area. Ms. Maxwell said there will be an exhibit attached to the Annexation Agreement.

Mr. Greenman asked how this zoning was chosen since there is a single family home on the property. Ms. Maxwell said the property is adjacent to Manufacturing zoning and the Comprehensive Land Use Plan calls for this property to be Manufacturing. She said they reviewed the uses and gave this the best zoning classification possible. Ms. Maxwell added that the City has reached out to all of the property owners whose property is not within the City limits but is surrounded by the City to annex their property. This would clean up the boundary lines. Mr. Greenman said he is not in favor of the single family home being on the lot. Once that use is allowed it is always allowed. Ms. Maxwell said if the home is abandoned or demolished, it would not be allowed to be rebuilt. Usually when property that was built in the County is annexed into the City, we accept the property as is.

Mr. Hayden said this is basically a housekeeping issue and the City Council reviews and approves the Annexation Agreement. Ms. Maxwell said they tried to chose the best zoning for this property and it makes sense overall. Ms. Rentzsch said the Commission will be seeing a lot more of this type of annexation in the future. Typically a single family residence is turned into an office in these areas.

Mr. Skluzacek asked if the access to the storage area would be from the lot to the north. Mr. Bligh said they are currently working on an agreement with the property owner to the north. Mr. Skluzacek asked if the gravel drive would be closed off. Mr. Tonyan said it will stay since they will need it to get to their storage area, but there will also be an access from the north property for the other storage area. Mr. Skluzacek asked if there will be two storage units. Mr. Tonyan said yes. Mr. Bligh said there is one currently on the property and a second will be added which is not fenced in now. Mr. Skluzacek said the storage areas should be fenced in and out of the site of the road.

Mr. Greenman moved to approve Rezoning upon annexation from A-1 (McHenry County) to M Manufacturing (City of Crystal Lake) for the property located at 145 Erick Street. Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion passed.

Mr. Skluzacek recommended that the City Council review screening for all of the storage areas on this property.

2013-24 ZICCARDI – 7808 Virginia Road – PUBLIC HEARING

Use Variation to allow a single family residence in the “M-L” Manufacturing Limited District.

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

Lisa Ziccardi was present to represent her petition. Ms. Ziccardi said she is interested in purchasing the property at 7808 Virginia Road to live there and have a dog day care and overnight boarding. She has been boarding dogs on a small scale in her home for over 10 years. The boarding is allowed in the zoning district but she is requesting approval to be able to live in the home. The building has a working kitchen and bathrooms. All she would need to put in is a shower. Ms. Ziccardi said this house has a very large back yard and shd will put in a 6 foot fence. There is currently no industrial going on in the area and described the surrounding properties. She said there has been a preoccupancy inspection done by the Building Division and there are no major issues. She has clients that need this type of business.

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

Mr. Goss said the petitioner was present during the discussion for the previous petition discussion and the same would apply here. This property was forced annexed and then rezoned to the “M-L” District. He can’t support the request. Mr. Goss said the problem is having someone live there. He has no problem with the pet care, but using the building as a residence is not appropriate in that district.

Mr. Greenman agreed. He applauds what the petitioner is trying to accomplish and pet care is perfect for that location. If the surrounding properties get developed, it would impact the petitioner. Mr. Greenman

said they need to protect her as well as future owners. Ms. Maxwell said if the use is vacated the approval would also be vacated. Ms. Ziccardi said she did not care what would be put in next to her. This is her dream – her passion. Mr. Greenman said he is not sure that living there is a good idea.

Mr. Gavle agreed that this is a good location of the dog day care and there are no neighbors close by to be disrupted. He does support the request, but he will listen to the other members since they have been on this Commission for some time and have previous knowledge of other requests.

Mr. Skluzacek said he has no problem with the dog day care in this location, but does not care for it to be used as a residence. Ms. Ziccardi said someone would have to be with the dogs that are boarded. Mr. Skluzacek said he can't support the variation to live in the home.

Mr. Jouron said there have been a lot of modifications to the area due to Three Oak Recreation Area. He doesn't have a problem with the request and feels that it is less abusive of the land.

Ms. Ziccardi again stated that this is her dream to have a business like this and she won't stop until she achieves it.

Mr. Hayden said that usually they hear from neighbors that don't want any type of manufacturing near them much less next to them.

Mr. Skluzacek said he is concerned with setting a precedent. Mr. Hayden said if the petitioner wants to live there where her business would be – why not.

Ms. Maxwell said this is not straight Manufacturing zoning but "M-L" Manufacturing Limited which is not as permissive as Manufacturing.

Ms. Ziccardi said this is the perfect location and she will do anything to achieve her dream. She said this was a residence at one time. Mr. Greenman said they try to look at every angle and the City Council does have the final decision.

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

Mr. Jouron moved to approve the Use Variation from Article 2 Land Uses to allow a single family residence in the M-L Manufacturing Limited zoning district for Ziccardi at 7808 Virginia Road with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Ziccardi, received 05/13/13)
 - B. Plat of Survey (Leipnitz, dated 10/06/2003, received 05/13/13)

C. Floor Plan (Ziccardi, received 05/13/13)

2. A garage shall be constructed to allow for at least 1 car to be parked inside.
3. The residential use shall not be increased in intensity and used for multi-family, group or family care.
4. Signage shall be consistent with the Office Signs standards in the UDO.
5. A 6-foot high solid fence shall be constructed as part of the occupancy requirements to meet the Limited Use Criteria.
6. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.

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

2013-25 WHITNEY – 91 S. Walkup – PUBLIC HEARING

Variation to allow an accessory structure in the front yard setback.

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

James Whitney was present to represent his petition. Mr. Whitney said he wants to remove his existing garage, which is an eyesore, and replace it with an addition on his home but he needs a variation from the front yard setback to do it. He will adhere to the required setbacks. Mr. Whitney added that this is not a regular City lot.

Mr. Hayden asked if the petitioner had any concerns with the conditions listed in the staff report. Mr. Whitney 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. Goss asked if the addition will meet the required setbacks. Mr. Whitney said yes. Mr. Goss said he has no issues with this request.

Mr. Greenman said the City defined front yards without taking into account this lot. The Findings of Fact are supported and the hardship is the uniqueness of the property.

Mr. Gavle asked if the petitioner had spoken with the neighbors. Mr. Whitney said yes and they did not have a problem with it. He said he has more neighbors than most City lots because of the location.

Mr. Skluzacek said he has no problem with it and asked about the address being on Walkup. Mr. Whitney said at one time the access was off of Walkup. The sewer connection is still off of Walkup.

Mr. Skluzacek moved to approve the Simplified Residential Variation from Article 4-600, Accessory Structures and Uses, to allow a garage (accessory structure) in the front yard setback for 91 S. Walkup with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, received 5-17-2013
 - B. Plat of Survey/Site Plan, AES, received 5-17-13
2. A variation to allow an accessory structure in the front yard is hereby granted.
3. The proposed addition must meet all other density and dimensional standards including building height, lot coverage, impervious coverage, etc.
4. The proposed addition must be architecturally compatible with the existing residence.
5. Any addition to the residence (principal structure) must be at least 5 feet from the garage (accessory structure).
6. Overhang/eave is not allowed less than 4'-0" to the property line. Overhang/eave that is 4'-0" to 5'-0" from the property line shall be constructed to have a 1-hour fire-resistance rating. This rating shall be tested for exposure from the underside.
7. A grading plan consisting of existing and proposed grades is required. Existing grading and drainage patterns must be maintained.
8. 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.

2013-26 BARTLEY SQUARE – SW Bard and Huntley Roads – PUBLIC MEETING
Conceptual PUD review for 80 apartment units.

Bill Franz, attorney, and Ron Flubacker, architect, were present to represent the conceptual review. Mr. Franz said the previously approved townhouse plan died in the water in 2007. They wanted to wait to see if the market would rebound but it is not the case for that type of housing. Now the market is very

strong for rental housing. Mr. Franz said he is not requesting affordable housing.

Mr. Flubacker showed photos of the existing property and surrounding area. He showed the conceptual site plan showing 2-3-story apartment buildings and 1-single story commercial building. They will have the buildings closest to Huntley and Bard Roads to allow for a park/wetlands area between the single family homes and this development. That will allow for the possibility of bike trails/walking paths, etc. Mr. Flubacker said the apartment buildings will have underground parking – one space for each of the apartments with the additional parking to be for second cars and guest parking. The commercial building is shown to be approximately 12,000 square feet. The apartment buildings will have 38 units in each and each apartment is approximately 1,000 square feet. They will be 1- and 2-bedroom units. Mr. Flubacker showed 3-D drawings of the buildings and surrounding areas. This is a very preliminary stage and they are asking for comments from the Commissioners before they would go any further.

Mr. Hayden asked if there was anyone in the public who wished to speak about this matter. There was no one in the public who wished to comment on this petition.

Mr. Jouron said the density is too high. He likes the underground parking and said that usually people have at least two cars in a household. He is concerned with number of outdoor parking spaces that would be available. Mr. Flubacker said they meet the City's parking requirements which is based on the number of bedrooms per unit. They also provide the required amount of guest parking. He said this is a high end development and underground parking is expensive. Mr. Jouron asked what the petitioner feels is the reason they should receive the density bonus. Mr. Flubacker said they have dropped down 1 unit per acre since the plans were submitted to staff. He said the buildings and apartments will be high end and the buildings will be of masonry.

Mr. Skluzacek agreed that the density is too high. He would also like another entrance to get to the parking lot but it would eliminate parking spaces. Mr. Flubacker said Bard Road has about a 12 foot slope to it but they would check into another entrance.

Mr. Gavle said with the amount of vacant retail space in Crystal Lake he feels that 6 retail spaces is a lot for that particular area. Mr. Flubacker said that what is shown on the conceptual plan is the maximum that they would have for a commercial building. It will possibly be reduced. There is also a possibility of a drive-through for one of the units. Mr. Gavle said it would be good to see a development on that property.

Mr. Esposito said it is too dense and there will be a lot of traffic created from this use. He added that three stories seem a bit tall for that area. Ms. Bhide said 35 feet/3-stories is allowed in that zoning district. Mr. Flubacker said the buildings shown are 34 feet 10 inches at the highest point. He said there will be a traffic study done but they are planning to improve the intersection of Bard and Huntley Roads.

Mr. Greenman asked if staff know the rental occupancy rate. Ms. Rentsch said it is 93% for Crystal

Lake. Mr. Greenman asked if that is consistent in McHenry County. Ms. Rentzsch said it is slightly lower.

Mr. Greenman said he is not sure that apartments are right for this area. He feels they are better suited for a location near the rail line or public transportation. Mr. Greenman added that the underground parking is a brilliant idea. He is not sure they will get the type of renter that they are looking for in this area. Mr. Franz said they found after the townhouses were designed and built in Wedgewood that they are too large. People wanted less square footage. He said the commercial building is important. Mr. Franz added that the view from the water tower may hurt with rentals on that side of the buildings. Mr. Greenman said he supports the retail there. That is a lot of people in a small area and this higher scale development has a very limited group.

Mr. Goss said the entrance on Bard is very close to the Huntley Road intersection. Mr. Flubacker said it is moveable. Mr. Goss said this is double the density that the petitioner received for the townhouse development previously approved. Mr. Flubacker said this development beats the other development hands down. There is 30% less coverage of the lot. They will be conducting a traffic study to be sure exactly what improvements would need to be done.

Mr. Goss said it looks like this type of development belongs more in the core of Crystal Lake. There was mention previously of the view of the water tower being a problem but the other building overlooks the roof of the commercial building. He said the issues are density, need a traffic study, and the commercial and apartment buildings need to be done at the same time or the commercial probably won't be done. Also the uses are important.

Mr. Hayden agrees that this type of development would be better suited for the downtown area or even close to MCC. He believes that this type of development would have a negative impact on the property values of the higher-end homes in the area. He said the site layout lacks creativity based on the previous plan. That was a beautiful and creative project. Mr. Franz said this plan is the first conceptual review. He thanked Mr. Hayden for his kind comments about the previous plan for he too thought it was a beautiful plan. This conceptual plan is a long way from preliminary and he didn't want to refine the plan if it won't get off the ground.

Mr. Hayden said this development would need a density bonus and on the surface it doesn't warrant it. Mr. Flubacker said they designed this plan to allow a larger buffer between the single family homes to the south and this development. Mr. Hayden said he agrees with what has been said and possibly there is not enough room on this site for apartments. He was surprised by the rental occupancy rate but with a high price point, he is not sure where the need is at.

Mr. Goss asked if Crabtree needed to be vacated. Ms. Bhide said the City Council had already acted on that request as part of the previous development.

Mr. Franz said he understands that density is an issue and he wants to build in this area. The bank will

finance this plan. He said other communities are begging for developments like this one. This development will allow older residents to stay in this area. It is important to keep those people here. Mr. Franz thanked the Commissioners for their comments.

REPORT FROM PLANNING

- BeBe's Dog Day Spa – 15 Morgan St. – SUP Amendment
- Fuhler – 905 Pyott Rd. – Variation
- Induction Heat Treating Corp – 775 Tek Dr. – Variation

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

COMMENTS FROM THE COMMISSION

Mr. Goss asked how the order of the agenda is determined. Ms. Rentzsch explained.

Mr. Hayden asked about Title Max window signs. Ms. Maxwell said she knows that the property maintenance inspector was at the site, but she is not sure what the determination was. Mr. Paulson said he was not sure of the time frame given to the business.

Mr. Hayden said that his neighbor told him of a problem at 1000 Shadowood. The sump pump hose is directed to discharge over the sidewalk and there is moss growing on the walk. It is extremely slippery and his neighbor had fallen. Mr. Paulson said he will be sure it is added to the inspection schedule for the next day.

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