



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION  
WEDNESDAY, AUGUST 7, 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 Batastini, Esposito, Gavle, Goss, Jouron, Skluzacek, and Hayden were present. Members Greenman and Lembke were absent.

Latika Bhide, Planner, was 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 JULY 17, 2013 PLANNING AND ZONING COMMISSION MEETING**

Mr. Hayden asked that the minutes be amended to reflect that for petition 2013-34 Signature Auto, the petitioner may not have correctly completed the notification. This was discovered after the meeting was held and this petition was referred back to the PZC from the City Council.

Mr. Jouron moved to approve the minutes from the July 17, 2013 Special Planning and Zoning Commission meeting as amended. Mr. Skluzacek seconded the motion. On roll call, members Esposito, Gavle, Goss, Jouron, Skluzacek, and Hayden voted aye. Mr. Batastini abstained. Motion passed.

**2013-29 DOHERTY – 5201, 5425, 4501, 4420 Route 176 - PUBLIC HEARING**

The petitioner is requesting to be continued to the September 4, 2013 PZC meeting.

**2013-36 CRESS CREEK (GEDZYK) – 580 Cress Creek – PUBLIC HEARING**

This petition is being continued to the September 4, 2013 PZC meeting.

Mr. Goss moved to continue 2013-29 Doherty Annexation and 2013-36 Cress Creek PUD Amendment to the September 4, 2013 PZC meeting. Mr. Jouron seconded the motion. On roll call, all members voted aye. Motion passed.

**2013-35 SKYRIDGE APARTMENTS – West of Randall; North of Alexandra – PUBLIC HEARING**

Final PUD Amendment to allow an additional free standing sign.

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.

Amy Landsberg, property manager of Skyridge Apartments, and Ed Ufheil, maintenance manager of Skyridge Apartments were present to represent the petition. Ms. Landsberg said that since the road improvements to the intersection of Ackman and Randall Roads, people cannot turn left into their site going west on Ackman. They are requesting another sign on the south end of their property so potential renters are able to locate their entrance. Mr. Hayden asked if they would be removing one of the existing signs and moving it to the new location. Ms. Landsberg said they were planning on a new sign.

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 what the total amount of identification signage is at Skyridge. Ms. Bhide said it is approximately 156 square feet. Mr. Goss asked what was allowed in this district. Ms. Bhide said 16 square feet at each entrance. Mr. Goss feels that a sign in the new location is warranted but feels that the sign facing Randall Road in approximately the middle of the development is not necessary and could be removed.

Mr. Esposito suggested that the sign along Ackman Road be removed and relocated to the new area.

Mr. Jouron is concerned that there will be more sign requests along Randall Road if this were to be approved.

Mr. Hayden agrees with Mr. Goss. He said the sign facing Randall Road is not needed. He would support moving the sign. Ms. Landsberg said the sign on Ackman and Skyridge could be moved. Previously they gave directions to turn at the light by CVS but now that entrance is blocked for westbound traffic. The new sign location will help. Mr. Hayden prefers the sign facing Randall be removed.

Mr. Goss asked why the "V" shaped sign. Ms. Landsberg said there is a detention area there and they want to be sure the north portion of the sign is not in that area. There is also a large utility box there. She said that they are looking at all of their options for the sign and it is possible that a "V" shaped sign would not work in that location. Ms. Bhide said the high water level for the detention area is very close to the edge of the property. The exact location and type of sign has not been nailed down. The petitioner is work with Planning and Engineering on the best location and sign type.

Mr. Hayden asked if the petitioner had any concerns with the conditions listed in the staff report. Ms. Landsberg said #7 regarding a single face sign. They would prefer the "V" shaped sign but they are not sure if that is possible.

Mr. Goss moved to approve the Final PUD Amendment to allow a relocated freestanding sign at the northwest corner of Randall Road and Alexandra Boulevard for Skyridge Club Apartments with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application, received 7-11-13
  - B. Sign Details, Quick Signs, received 7-11-13
2. The signage structure cannot be on top of or affect the structural integrity of any existing storm drain or drainage structures in any way.
3. If for any reason, access is required to any existing drainage structures within the drainage easement and the sign inhibits access, the sign is to be removed and replaced at the owner's expense.
4. The signage structure cannot reduce the detention volumes of the detention basins located in the easement.
5. The signage structure cannot impede the flow of water over, under or through the detentions and drainage easement.
6. To prevent any sight-line issues, the sign cannot be located any closer to Randall Road than the east edge of the sidewalk along Alexandra Boulevard.
7. A single-faced sign is recommended to be installed - between 5 to 10 feet back from the property line. The sign can be either at an angle or parallel to the sidewalk, but cannot encroach onto the slope of the detention basin. **The petitioner shall continue to work with staff on the best alternative, location, size, and shape of the sign.**
8. The petitioner shall address all of the review comments and requirements of the Engineering & Building, Fire Rescue, Police, Public Works, and Planning & Economic Development Departments.
9. **The existing sign in the middle of the property facing Randall Road shall be removed and may be used in the new location.**

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

**2013-15 UDO AMENDMENTS** – PUBLIC HEARING

This petition was continued from the July 17, 2013 PZC meeting.

Text Amendment to various provisions of the Unified Development Ordinance.

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

Ms. Bhide said these are a few of the UDO amendments that they had previously discussed before the Commission. The remaining items are currently being reviewed by legal counsel and will be brought before the Commission at a later date.

Ms. Bhide said there have been many accessory structures that are requiring a Special Use Permit because of the size. They are mostly the size of a 3-car garage. Mr. Esposito said the 3-car garages are the new thing. Ms. Bhide said a lot of the requests are because of the size of pool/deck combination exceeding the 6000 square feet.

The members agreed with the language suggested for this section.

Ms. Bhide said that the next provision deals in height and stories. They have had discussions at previous meetings regarding how the building height is measured and staff has suggested this revision to help alleviate the problem.

Mr. Hayden asked about a home that is on a hill. Ms. Bhide said that when measured at the curb, this would penalize those people, therefore depending on the setback of the home it is measured at the front of the home. Mr. Hayden said they need to determine how far back the home is setback.

Mr. Gavle said his yard is higher in the back than in the front and when they were adding their detached garage, they took out that portion of the "hill" to make the garage floor flat and then put retaining walls around the garage.

Mr. Hayden said if you don't have a deep lot, you would be penalized. Ms. Bhide said the language ensures that houses do not tower over others. Mr. Hayden feels they also should talk about the surrounding properties' elevations. Ms. Bhide said they can research this further and bring it back at a future date.

Matt DellaMaria, owner of the property at 1089 North Shore, stated that the reason staff is requesting this change is because of their recently proposed house. There is a lot of confusion regarding measurement of building heights and he asked that this portion be continued until he is able to research this further himself. There was a home built next to his property that is tall. Ms. Bhide said that home was built in 2005. Mr. Goss said that buildings in 2005 predate the current ordinance that is being used which was passed in 2009.

Ms. Bhide stated that she wanted to assure Mr. DellaMaria that staff has been working on this for several months. Mr. Goss agreed and said that there have been several properties that concerned the Commissioners which prompted them to request staff to check into this.

The Commissioners agreed that this should be clarified and brought back at a later date.

Ms. Bhide said the next section to be discussed is in regards to involuntary annexation. When a property is annexed involuntarily it is zoned "E" which is the most restrictive zoning district in our ordinance and there is no annexation agreement for the property. For voluntarily annexed properties, there is an annexation agreement which covers a time frame as to when items need to be brought up to City standards. Currently there are no "teeth" in our ordinance for involuntary annexations' non-conformities to be brought up to City standards such as bill boards, parking, etc. Ms. Bhide said this sets a time table to bring those items into compliance.

Mr. Goss said this has been needed for a long time. Mr. Skluzacek said if the property is annexed and then sold to another party, the new owner is not always aware of a time table to bring things into compliance. He suggested that it be recorded so it will show up when attorneys research the property that is being sold. Ms. Bhide suggested that something be recorded on the title of the property.

The Commissioners agreed with this section including the requirement to record the time table on the title of the property.

Ms. Bhide said the last section is Land Use. There are some changes recommended to the charts including allowing Food and Beverage stores in the "B-1" district; Educational Services – Junior College in the "B-1", "B-2", "B-4" and "M" districts; and Commercial Recreation such as a gym in the "M" district. She said most gyms are looking for higher ceilings and clear spaces which are available in the "M" district.

Ms. Bhide said there were also proposed changes made to the Home Occupation section. There have been several inquiries into catering out of one's home and they want applicants to be aware that there may be required changes to their kitchens due to the Building Code as well as the County Health Department requirements. Also added in this section is the elimination of flat canopies for new gas stations - they would need to now have a pitch to them – and funeral homes to have cross access agreements or an overflow parking plan in place.

Mr. Goss said that Menard's has propane tanks at multiple stations. Ms. Bhide said there are standards for outside storage but Menards predates that requirement. She said she would check into it.

Mr. Hayden asked about the selling of large vehicles such as RVs, ambulances, etc. Do dealers need a special license to sell those vehicles? Ms. Bhide said the current definition of automobile sales covered passenger vehicles – cars, pickup trucks, etc. She suggested that they could include vehicle plate classifications to the definition. Mr. Goss asked if a larger vehicle is taken in trade, can they keep it on the lot.

Mr. Hayden said this needs to be cleaned up a little bit. Mr. Jouron asked what do businesses need to do to sell those items. Ms. Bhide said that would be classified as “other motor vehicles dealer” and would have different criteria.

Mr. Hayden said the last page of the report is about political signs. He asked if they are allowed to be up 365 days a year. Ms. Bhide said in the current UDO they are classified as temporary signs and there is no time limit. They are adding a category for “Political signs” as in the previous sign ordinance. Mr. Batastini asked about political signs in residential areas. Ms. Bhide said they could change the allowable size for the signs in a Commercial/Industrial zoning different than residential. Mr. Esposito said the new signs are now 4 feet by 4 feet which is too large for a residential area. Ms. Bhide said there is no limit to the number of signs on a lot so long as the candidate or measure is certified to be on the ballot. As for political messages – that is a First Amendment right. We can’t restrict the right to express an opinion.

Mr. Goss said he has a problem with the time allowed. Mr. Batastini said there are other municipalities that do have very strict time limits for signs. He said there needs to be a limit to the visual pollution. The people putting up the signs know exactly what the municipality allows and how long they have to take care of the “problem” before tickets are issued and they will use that to their advantage. He said he can get a ticket for parking on the street over-night or speeding down a highway. He isn’t sure why we can’t ticket them immediately. Mr. Esposito said those examples are in the public right of way and the signs are not.

Mr. Batastini said they have worked hard to clean up the signs in the City and he wants this to be meaningful. He added that on weekends it is a sign free-for-all. They know exactly when staff is off and then the signs go up.

Mr. Batastini asked if the cross access requirement can be retroactive. Ms. Bhide said no.

Mr. Batastini asked about flat canopies. Ms. Bhide said that based on previous direction from the Planning and Zoning Commission and City Council they are required to have a pitch and this would be for new gas stations. Mr. Hayden asked if they need a peak or what the pitch would need to be.

Mr. Batastini asked if the parking requirement for funeral homes could be increased. Ms. Bhide said the requirements in our UDO based on industry standards. They believe if a cross access or an overflow parking plan would eliminate the problem.

Mr. Batastini said he likes when there is extra space between stripes in a parking lot. It is much easier to get in and out of your car as well as putting something into the car. Ms. Bhide said it would not be a problem for larger parking lots but it would be very difficult for small businesses. Mr. Esposito suggested high turn-over places like Menards, Home Depot, and grocery stores.

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

Mr. Esposito moved to approve the Unified Development Ordinance amendments as follows:

Section 4-600 D Accessory Structures

Special use permit required: Any individual structure, accessory to a single-family detached, single-family attached or a two-family dwelling, greater than 600 square feet **but less than 900 square feet are required to meet principal structure setbacks. Any structures greater than 900 square feet in area** are required to obtain a special use permit.

**Commentary:** The requirement for a special use permit is applicable to enclosed accessory structures including, but not limited to garages, sheds, greenhouses, playhouses, etc. This requirement **does not apply** ~~also applies~~ to other accessory structures including, but not limited to gazebos, decks, porches, terraces, etc. **as long as applicable setbacks are met.** ~~that are at least 12 inches above the average ground elevation surrounding the particular accessory structure.~~ This requirement ~~also applies~~ **does not apply** to above-ground swimming pools **or above-ground swimming pool and deck combinations as long as the applicable setbacks are met** (and is not applicable to in-ground swimming pools).

Involuntary Annexation  
Article 7 Nonconformities

**Section 7-400 Nonconformities upon annexation**

**Upon annexation of property or lot containing any non-conforming sign, parking area or other development feature, the following requirements of this section of the Ordinance shall apply. For nonconforming uses, signs, parking areas or other development features, upon annexation, an amortization period shall be established by the City Council either through an annexation agreement or within one hundred twenty (120) days after annexation.**

**The following information shall be required from the owner/operator of the nonconformity to establish the amortization period and shall be provided within sixty (60) days from the receipt of written notice from the City requesting such information:**

- (1) Scale drawing or map showing the existing use and all existing structures related to the use; a**
- (2) Written description of the existing use;**
- (3) Detailed, written description of investment in the land, buildings, structures and equipment related to and used in the use, based on most recent County Assessor's records; and**

**(4) Any other information determined necessary by the City to conduct a comprehensive review of the application.**

**Upon submittal of all information required above, or refusal to do the same by the owner/operator, the City shall schedule a public hearing on the matter before the Planning and Zoning Commission on the next open agenda. Notice given for the public hearing shall be as provided for in Article 9. The Planning and Economic Development Director shall cause to have prepared a staff report which shall be presented to the Planning and Zoning Commission. In making a recommendation on an amortization period, the Commission shall consider the staff report and recommendation; all comments received from the owner/operator and the public, and shall consider the following:**

**(1) Criteria above; and**

**(2) Unique or special circumstances which may be related to the particular request. The Planning and Zoning Commission recommendation shall be in the form of minutes of the meeting, copies of which shall be furnished to the owner/operator. The details of the established amortization shall be recorded against the property.**

Height and Story - Section 3-300 Measurements and Exceptions and Article 10 Definitions; and Land Use Article 2-200 Use Categories are to be continued to the August 21, 2013 PZC meeting.

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

### **REPORT FROM PLANNING**

- Gas Depot et al – 4410 Northwest Hwy. – PUD Amendment
- Hirshberg - 877 North Shore Drive – Variation
- Rumford-Buelow – 175 & 179 Edgewater – Variation
- Signature Auto – 970 Pyott Road – Use Variation Amendment

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

### **COMMENTS FROM THE COMMISSION**

Mr. Batastini asked about the extremely large bleachers that were recently put up at South High School. Ms. Bhide said she did not have the details but knows that staff has been working on it. Mr. Esposito said they are very big. Mr. Goss added that they are solid too.

The meeting was adjourned at 8:55 p.m.