



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, SEPTEMBER 18, 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. Mr. Greenman was absent.

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, 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 SEPTEMBER 4, 2013 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the September 4, 2013 Planning and Zoning Commission meeting as presented. Mr. Goss seconded the motion. On roll call, members Batastini, Gavle, Goss, Jouron, Skluzacek, and Hayden voted aye. Mr. Esposito abstained. Motion passed.

Mr. Hayden suggested that the order of the agenda be changed. They will hear Agenda items 3, 4, 5, and 6 before item #2. There was no objection from the members or petitioners.

2013-38 PORZEZINSKI – 186 Regal Dr. – PUBLIC HEARING

This petition was continued from the September 4, 2013 PZC meeting.

Variation to allow a deck and gazebo to encroach 10 feet into the required 20-foot rear yard setback

Ms. Maxwell said the petitioner was not present. Mr. Goss suggested that they move to the next item and come back to this when the petitioner arrives. The members agreed.

2013-43 OLSON – 1335 Knollwood Circle – PUBLIC HEARING

Variation to allow a 6-foot tall fence in a yard abutting a street (10 feet from the property line along Amberwood Dr.) instead of the maximum permitted height of 3 feet.

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.

Adam Olson was present to represent his petition. Mr. Olson said they recently moved into the home

and removed a rotted cedar fence. They would like to put up a new fence and are requesting a variation to allow them to put the fence in the building setback and square off the back yard. Without the variation the fenced back yard would be shallow and narrow.

Mr. Hayden asked if the petitioner had any concerns with the recommended conditions in the staff report. Mr. Olson 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 said he doesn't have a problem with coming out 10 feet from the house and then parallel to the sidewalk to the rear of the property. He would like to see the fence landscaped to help block the fence from the street. Mr. Goss agreed that the shape of the lot is the hardship.

Mr. Gavle said a 6 foot fence is a problem. He said most of the fences in the neighborhood are chain link or open wood. Mr. Olson said there are no sight line issues with the proposed location of the fence. He said the lot directly across the street has a fence the mirror image of what he is requesting. Mr. Gavle said he is concerned with the fence.

Mr. Esposito said he lives in the area and thanked the petitioner for fixing up the house. He said there are a lot of fences in the area and he has no problem with this request.

Mr. Skluzacek said he asked why a 6 foot fence. Mr. Olson said it's a privacy issue. They have a large sliding glass door that looks into their kitchen. They also have two very large dogs.

Mr. Batastini asked why the petitioner asked for the fence at the angle he has on the site plan. Mr. Olson said he wanted to avoid a large pine tree. He doesn't want to take it down. Mr. Batastini said they don't usually recommend approval for tall fences on corner lots. Ms. Bhide said the 10 feet is the closest point of the fence is on the west property line. She said the angle can be adjusted. Mr. Goss said he doesn't want it any closer than that.

Ms. Bhide brought up an aerial view of the site using the City's GIS map. She measured from the lot line to the tree and it is approximately 19 feet. The aerial photo also showed the location of the fence that was removed by the petitioner.

Mr. Hayden said there are no sight line issues with the location of the fence.

Mr. Batastini moved to approve the Simplified Residential Variation from Section 4-700B3 to allow a 6-foot tall fence in a yard abutting a street (~~40~~ **approximately 17** feet from the property line **depending on the location of the tree** along Amberwood Dr.) instead of the maximum permitted height of 3 feet at 1335 Knollwood Circle with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Development Application, received 8-28-13
 - B. Plat of Survey/Site Plan, Bergquist, received 8-28-13
2. A building permit is required prior to the installation of a fence.
3. The existing grading and drainage patterns cannot be altered.
4. The petitioner shall address all comments of the Engineering and Building, Public Works, Fire Rescue, Police and Planning & Economic Development Departments.

5. Landscaping shall be added along the street side of the fence to soften the look of the fence. The landscaping shall be complete by June 1, 2014.

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

2013-38 PORZEZINSKI – 186 Regal Dr. – PUBLIC HEARING

This petition was continued from the September 4, 2013 PZC meeting.

Variation to allow a deck and gazebo to encroach 10 feet into the required 20-foot rear yard setback

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.

Daniel Porzezinski was present to represent his petition. Mr. Porzezinski said he recently purchased the home and they received approval from the Homeowners' Association for the deck and gazebo. He said they received a permit for a deck and when he came to the City to change his permit, that is when he found it was illegal and could not finish the deck that was started. He said the house is pushed back on the lot and there are many easements that he can't build in. Also the lot slopes considerably. Mr. Porzezinski said he was not aware that he could not put a roof structure over the deck and it must be 6 feet from the home. Half of the deck is completed. Mr. Porzezinski showed photos to the Commissioners of his property and deck. When he purchased the home he was not aware of the building setback line on the lot. He wants to be able to build a decent size deck. The patio that is there is only 8 feet wide and is cracking. He said there isn't much that can be done with his back yard.

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

Ms. Maxwell explained that they can have a cover on the deck but it must be within the house setback while an open deck can encroach up to 4 feet.

Mr. Batastini said he can appreciate the slope of the back yard. He said the City approved the lots and

this is a good size house on the lot which doesn't give homeowners much room for anything like decks, sheds, etc. He believes this is a hardship. He added that the lot to the rear is vacant at this time. Mr. Batastini said he supports this request.

Mr. Jouron said he understands the problem but is concerned with precedent. Mr. Batastini said there was a variation for a deck already approved in that subdivision. He said they need to look at Council's history. There are many similar lots in that subdivision.

Mr. Porzezinski said he was probably told at the closing about the easements but there is so much going on then that he didn't remember it. He did come in for another permit and was told it was not allowed the way he wanted to build the deck and gazebo. Mr. Porzezinski said he is trying to be courteous to the neighbors and wants to finish this project. He said with the easements on his lot, there is no room to build anything.

Mr. Skluzacek asked how far away from the house will the hot tub be. Mr. Porzezinski said about 7 feet. Mr. Skluzacek said the hot tub should not be too close to the house. He asked about the conditions in the staff report. Mr. Porzezinski said he wants the current deck with a railing. Mr. Skluzacek said he wants the petitioner to be aware of the conditions in the report.

Mr. Gavle asked if there were any discussions with staff about the proposed project. Mr. Paulson said the petitioner had submitted plans for a stand-alone deck with a hot tub. That is not a problem. There was no reason to bring up the setback line until they came in with the change to the original permit. Mr. Gavle said if staff doesn't know what people want to do, staff can't give complete information. Mr. Porzezinski said he didn't know what he wanted and made changes as he went along. He added that he had a time restriction to build the deck and the original permit plan was modified later to attach the deck to the house. He had people helping him that are in the trades and they didn't know. Mr. Gavle said he can't support the request.

Mr. Porzezinski said the deck was built over a weekend and Staff was nice to allow me to video tape and take photos of the work. When the inspector came out that Monday was when the issue came up.

Mr. Goss asked what the Homeowners' Association approved. Mr. Porzezinski said they approved the project as presented. Mr. Goss said this lot is not deep enough. What upsets him is the Homeowners' Association approves things without knowing the code. They should say to see the City first to be sure the project can be done and then come back to the association for their ok. It's unfortunate.

Mr. Hayden feels the same way. When a developer comes before them for a recommendation, they are always telling the developer about possible future problems with homeowners wanting what others have such as decks, pools, sheds, etc. The developer says they are going to tell the potential homeowner about it. Mr. Hayden said he can't support this request either.

Mr. Batastini moved to approve a Variation from Article 3-200A and 3-200 C2r to allow a deck and

gazebo to encroach 10 feet into the required 20-foot rear yard setback at 186 Regal Drive with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Porzezinski, received 08/09/13)
 - B. Plat of Survey (Manhard Consulting Ltd., dated 05/06/10, received 08/09/13)
 - C. Deck Plans (Menards Design It, 08/05/13 and 08/07/13, received 08/09/13)
2. No walls shall be constructed around the deck enclosing it further similar to a screen porch or 3-season room.
3. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.

Mr. Skluzacek seconded the motion. On roll call, members Batastini, Jouron, and Skluzacek voted aye. Members Esposito, Gavle, and Hayden voted no. Mr. Goss voted present. Motion did not pass 3-3-1.

Mr. Batastini said he doesn't disagree with the vote. He said people don't think of all the future space challenges when they are purchasing a home, especially in this subdivision.

2013-42 CL PARK DIST – VET ACRES – 431 N. Walkup – PUBLIC HEARING

Variation to allow a climbing structure to exceed the 15-foot requirement to allow up to 43 feet.

Ms. Maxwell said the petitioner is requesting to be continued to the next PZC meeting. They hoped that the soils report would have been received prior to the meeting but they have not received it yet.

Mr. Batastini moved to continue 2013-42 Crystal Lake Park District – Veterans Acres to the October 2, 2013 PZC meeting. Mr. Jouron seconded the motion. On voice vote, all members voted aye. Motion passed.

2013-46 CRYSTAL COURT – S. Rt. 14; E. Main St. – PUBLIC HEARING

Final PUD Amendment to allow changes to the free-standing 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.

Mitch Davidhizar was present to represent the petition. Mr. Davidhizar said there is currently a free standing pylon sign with three panels for businesses. He said there is a decorative panel currently on the sign and they would like to remove that panel to allow another business to use that sign. They believe having an additional panel will help lease the property. Mr. Davidhizar said there are four property

owners within the shopping center and that will allow each owner to have a portion of the 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 will be done when the former WalMart and Cub Foods sites redevelop. Mr. Davidhizar said those buildings have the two larger spots on the top of the sign. He said currently it's a temporary agreement. Mr. Goss said he won't vote for another sign. Mr. Gavle agreed.

Mr. Skluzacek said there is no change to the size of the sign. Mr. Davidhizar said no – only replacing a panel.

Mr. Jouron said he likes the sign and changing the decorative panel for a business it not a problem. He suggested that to get more tenants space on the sign, they could divide the small panels in half. Mr. Davidhizar said that is a great idea. They could keep the two larger areas and split the remaining.

Mr. Batastini moved to approve the Final PUD Amendment to allow changes to the free-standing sign for Crystal Court Shopping Center located south of Route 14/Northwest Highway and east of Liberty Road with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Crystal Lake Shopping Center L.P., received 08/30/13)
 - B. Sign pictures (Crystal Lake Shopping Center L.P., received 08/30/13)
2. Modifications to the free-standing sign which alter the design, size or character of the sign shall be required to seek a PUD Amendment; this does not include the changing of tenant panels for new tenants.

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

2013-34 SIGNATURE AUTO – 970 Pyott Road – PUBLIC HEARING

This petition was referred back from the City Council and was continued from the September 4, 2013 PZC meeting.

Special Use Permit and Use Variation Amendment for an Automobile Dealer and Other Motor Vehicles Dealer 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. Mr. Gottemoller said the sign was posted and staff has received the affidavit and the publication certificate.

Joe Gottemoller, attorney, and Brent Pennington, owner, were present to represent the petition. Mr. Hayden stated that just prior to the start of the meeting he received documents from 8 residents who

were not able to attend the meeting stating their opinion of what they would like to see along the property line.

Mr. Gottemoller said this business has been before the City a few times. The original request was recommended for approval by the PZC and ultimately approved by City Council. The second request was recommended for denial by the PZC and sent back to the PZC from City Council. The request has been changed. They are now requesting for the City to allow them to sell “other motor vehicles” and store them on the property. They are currently there. Previously, the property had a heavy car repair shop. The originally approved use was for the petitioner to work on the cars they would be selling but there were inquiries on repairing other vehicles. They would like to be able to work on other vehicles in that shop.

Mr. Gottemoller reviewed the changes to the landscape plan which includes the addition of arborvitae plants along the west property line and on the north property line. He said the uses to both the south and north of this parcel are manufacturing with the property to the south – JA Freight – being in Lake in the Hills. The plan also shows two cement pads out on front for show vehicles.

Mr. Gottemoller said having trucks in a manufacturing zone should not be a surprise and the trucks at JA Freight come closer to the residential area than the proposed truck on this site. The stored trucks will be between 250 to 300 feet from the residential area to the west. He said this use is mild compared to what could be there. Mr. Gottemoller said the proposed landscaping on the west property line would be about 20 feet off of the line, depending on the utilities in that area and they will be able to get a lawn mower behind the landscaping.

Mr. Gottemoller said this is a relatively light use. He said it won't be detrimental to property values and the property was vacant for 3 years. He added that the variations were previously granted. They agree with not having parking along the drive aisle. There will not be any impact on public utilities since this property is on well and septic. Mr. Gottemoller stated that the trees in front of the building will remain, unless of course they are ash trees that can't be saved. He said it is unusual for a business of this type to have the building in the front with the storage of vehicles in the rear. He added that they are ok with the conditions listed in the memo dated September 18, 2013.

Inga Neuner, 947 Cardiff Dr., said that the business has been a good neighbor for the most part. There was a meeting of the neighbors and they would like a berm like the berm for JA Freight. She said they can hear the truck noise but can't see them because of the berm. Ms. Neuner added that with regular landscaping that won't be tall enough to block the sight of the larger trucks.

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

Mr. Batastini said that was a good presentation reviewing the changes. He asked about the display areas in front of the building. Mr. Gottemoller said there will be two pads and the trees will not be removed.

Mr. Batastini said they need to be careful where the pads are placed. Mr. Gottemoller said the pads are only 10 feet wide. Mr. Goss said the lot is very wide and the trees can be avoided. Mr. Batastini asked about the cruise nights. Mr. Gottemoller said that has been removed. Ms. Maxwell said the memo reflects the changes and new requests.

Mr. Batastini said he is sensitive to the homeowners with the larger trucks being parked on the lot. He would prefer a berm similar to the one on JA Freight's property. He understands that they are only using a portion of the rear property for outdoor display but he is certain that in the future they will want to expand. It is easier to put the berm in now than add to it later.

Mr. Hayden stated that every objection he received from the property owners who were not able to attend states that they would prefer a berm. The form states: *"I am not in agreement with the current plan and would like the City of Crystal Lake to deny the landscape plan in its current form, I would like the City of Crystal Lake to enforce a landscaping plan that would include a berm and pine trees that range from 6 to 8 feet tall. I would also request that prior to the installation of a berm that an engineer's report is completed in order to ensure that none of the homes surrounding the new berm will be affected negatively by its installation."* Mr. Batastini said he would like the berm to mirror JA Freight.

Mr. Jouron asked if the display pads are for light cars. Mr. Gottemoller said they would like to display anything that can be sold on that property. Mr. Jouron asked if the vehicles in the lot are more organized. Mr. Pennington said they will be moving things around to be more organized.

Mr. Skluzacek said he would prefer smaller vehicles than big box trucks be displayed in front - possibly pickups or smaller trucks. He also agrees with the berm along the west property line.

Mr. Esposito said a berm can be a nuisance but in this case it is a necessity. He would like it tall to block the larger trucks.

Mr. Gavle agreed with the berm being helpful for the neighbors. He said the parking area seems to eliminate trees. Mr. Gottemoller said they plan to save the trees but if they are ash trees, they may not be able to be saved.

Mr. Goss asked if the display pads be concrete or asphalt. Mr. Gottemoller said asphalt. Mr. Goss said he would prefer concrete. He asked if the petitioner will own the repair shop. Mr. Pennington said that has not been determined. Mr. Goss said he would also like the customer parking area to be striped. He also asked if there is anything that they won't sell. Mr. Pennington said they are currently not planning to sell semi-trucks or RVs. Mr. Goss said the petitioner should work with staff on the number of vehicles that can be parked on the property. He feels it will be less than what is currently on-site. He asked if the triple basin has been approved by the County Health Department. Mr. Pennington said that it was approved before the second request. Mr. Goss asked if there would be a lift for vehicles. Mr. Pennington said yes. Mr. Paulson said if it is portable, they need information on the lift and if it is built-

in, they need the plans. Mr. Goss asked if there will be any signage for the repair business. Mr. Pennington said yes and he wants to ask for that now. Mr. Gottemoller stated that they will divide up the current sign.

Mr. Hayden said all of the neighbors they received feedback from want a berm. Mr. Gottemoller said they are concerned with the water drainage to the residential area. He is also concerned with the height of the berm. It was easy for JA Freight to put in the berm. As they were excavating for the parking lot in the rear, they just needed to pile it there. A berm would not be economical for a new business to put in. Having dirt trucked in is expensive. Mr. Gottemoller said there is a 300 foot setback from the residential area to the storage area. There is nowhere else in the City where there was a required berm.

Mr. Hayden asked about possible engineering concerns. Mr. Paulson said a storm water permit would be required and the City's consultant would have to review it. Mr. Hayden said fundamentally the berm is a money issue. Mr. Gottemoller said yes and there is no place within the City limits where a berm was required. Ms. Rentzsch stated that there was one required for the building along Erick Street that backs up to residential. That berm is 5 feet tall with 6 feet tall landscape on it.

Mr. Batastini said with the larger trucks in the rear of the property a 6 to 8 foot arborvitae on flat ground will not cut it.

Mr. Hayden said they also need to think about what will happen down the road. The original request that was approved was for high end cars and repair of those cars prior to sale. Now the use has morphed into large trucks, ambulances, etc. and repairing any vehicles. Mr. Gottemoller said this is not encroaching into the setback. Mr. Goss said when Coventry was built in the late 1960s early 1970s, feathering of lot size was not thought of. Mr. Gottemoller said a 15 foot tall berm is too big. Mr. Goss agreed and said possibly a 6 or 7 foot berm with landscaping on top might be enough. Mr. Batastini said if JA Freight purchases the property in the future than a 6 or 7 foot berm won't be enough. Mr. Goss said that would be a change in use and would require a public hearing and Council approval. Mr. Gottemoller said he is not sure that he can agree to the berm. Mr. Hayden said that is a deal breaker. Every neighbor is requesting a berm with an engineer review and no flooding issues. He added that a condition could be added that the petitioner work with Staff regarding the size of the berm. Mr. Gottemoller said that is not practical to put in a berm the size of JA Freight. There will be engineering permits, possibly drywells, etc. The ordinance requires a fence and the property line in question is 300 feet. He said a berm is not required by ordinance for either the storage use or car repair. Mr. Hayden asked what triggers a storm water review. Mr. Paulson said 5,000 square feet of soil disturbance. Mr. Goss said they can recommend it to Council and they will make the final decision.

Mr. Jouron asked if the parking plan is for the customer parking area only or for the entire site. Ms. Maxwell said the display area is not required to be striped. They are asking for a plan of the customer parking area.

Henry Aul, 955 Cardiff, said he lived in this house when JA Freight was built and they did truck in dirt

for the berm. It is at least 8 feet tall and there are regular trees as well as pine trees on the berm for better coverage.

Mr. Gottemoller said they have no objection to meeting with the neighbors about what can be done. It makes sense to talk to the neighbors.

Mr. Goss moved to approve a Special Use Permit and Use Variation Amendment for an “Automobile Dealer” and “Other Motor Vehicle Dealer” including 2 – 10 feet by 20 feet concrete pads along Pyott Road on either side of and behind the free-standing sign for vehicle display in the M Manufacturing zoning district for Signature Auto Group at 970 Pyott Road with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Signature Auto Group, Inc., received 06/24/13)
 - B. Landscape Plan (Choice City Gardeners, dated 08/30/13, received 09/09/13)
 - C. Property Owner Acknowledgments
2. Ordinance No. 6928, including all approval conditions as applicable, remains valid.
3. No vehicles shall be parked in the drive-aisle which is the driveway area extending 25 feet beyond the end of the building as illustrated on Exhibit 2 attached to this memo.
4. Staggered evergreens 6-8 feet in height at the time of planting shall be planted adjacent to the north property line for 250 feet to screen the vehicles from the property to the north. ~~All landscape screening areas including the area adjacent to the residences and~~ **The landscape screening along the north property line shall be planted by November 1, 2013 and the berm along the west property line shall be completed by June 1, 2014.** See Exhibit 2 for landscape screening locations.
5. Landscape screening is required adjacent to any customer parking areas, this includes end landscape islands, screening adjacent to roadways or other properties, islands every 10 spaces, etc. per Section 4-400 of the UDO. Landscape screening shall be added to the east of the customer parking area where the grass area exists now.
6. Any tree removal is subject to the City’s Tree Preservation Ordinance Article 4-300.
7. Signage:
 - A. The free-standing sign shall not exceed 8 feet in height and 80 square feet in size.
 - B. The free-standing sign is required to have 1 square foot of landscape materials around the base of the sign for each square foot of signage. The landscape materials shall consist of at least 50% large shrubs and trees.
 - C. The wall signage shall not exceed 75 square feet per tenant space and shall not exceed 50 square feet per building façade or 50 square feet per individual sign.

8. The required customer parking shall be provided. Provide a customer parking plan for staff review and approval. **Determine the maximum number of vehicles that will be allowed to be displayed in the rear parking area.**

9. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.

10. The required berm along the west property line shall be 6 feet tall with 6 to 8 foot vegetation on top of it. The petitioner shall work with the neighbors on the berm.

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

Mr. Batastini said he would have voted no if the berm was not part of the conditions of approval. Mr. Hayden said to work with the neighbors on the plan.

Mr. Hayden called for a 5-minute recess. The meeting resumed.

2013-44 TEXAS ROAD HOUSE – 835 COG Circle – PUBLIC HEARING

Final PUD Amendment to allow changes to the exterior elevations and additional wall signage

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.

Emily Bernahl with GreenbergFarrow was present to represent the petition. Ms. Bernahl said they are requesting to modify the original approval for Texas Roadhouse to allow a 3rd tower element on the building and an additional wall sign. She showed what was originally approved and the revised plan. The proposal is to reduce the size of one of the towers and add a second tower of the same size. The changes are on the east elevation of the building which is where the entrance is located. Ms. Bernahl showed the proposed elevation with the 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 said most of his issues are with the signage. It is an increase of 66%. He said if the additional wall sign is approved then the sign over the door is not necessary. Also there will be over 450 LED lighting on the building which he would like to see removed. Ms. Bernahl said the LED lighting is their standard and they will probably have a problem with eliminating it. Mr. Goss said 500 feet of lighting is a lot and we don't typically allow that type of lighting.

Mr. Esposito said he originally voted no because of the amount of signage. You typically see this type of

signage along an interstate and this is not an interstate. He said he will still vote no.

Mr. Batastini said Portillos can't be seen from the roadway but they are always crowded. He said the signs are designed for the interstate especially the flags. Ms. Bernahl said they typically turn off the signs about one hour after the restaurant is closed.

Mr. Jouron said he doesn't like the LED lighting. If you build it they will come. You won't need that amount of lighting.

Mr. Gavle said the increase in signage is significant. He asked if there is any place where signage could be removed. Ms. Bernahl said for the original approval they added elements to the north elevation so the wall won't look so blank. Any elimination of signs would need to be discussed with Texas Roadhouse. Mr. Gavle said they could be removed or reduced. Ms. Bernahl said possibly the sign over the front door could be removed but there needs to be something on the wall. Mr. Goss asked about reducing the size of the signs. Ms. Bernahl said the signs are proportionate to the wall size.

Mr. Jouron said the sign ordinance needs to be met. There is too much signage. Mr. Batastini suggested shrinking the signs but he is not sure it will help them. Mr. Jouron said that is why we have a sign ordinance.

Mr. Esposito said other out lot buildings have signs on the rear elevations but they are a lot smaller. Mr. Batastini said this is a PUD, but we do have to do something about the signs. Ms. Maxwell reviewed several sign variations. Mr. Goss said those sited were farther from the road than this building. Mr. Batastini said many buildings are signs.

Mr. Hayden reviewed the amount of increase the petitioner is requesting for the various signs and LED. Mr. Goss said he doesn't care for the LED. He feels it cheapens the building. Mr. Batastini said the size of the signs are huge but the building is also harder to get to. If the size of the signs were reduced, they would look stupid on the building and is that what we want to accomplish. He added that there is no monument sign for this building.

Mr. Batastini said the LED lighting was originally approved. Mr. Goss said that is true, but without the additional signage. Mr. Batastini said the LED is not that offensive. Mr. Goss recalls many years ago when Venture came to the City and wanted to put black and white stripes over the entire front of the building. We did not allow it and it was the highest grossing store in their chain.

Ms. Bernahl said Texas Roadhouse chose Crystal Lake. This is their new prototype and the CEO is very involved with this site.

Mr. Batastini moved to approve the Final PUD Amendment to allow changes to the exterior elevations and additional wall signage for Texas Roadhouse at 835 COG Circle with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Texas Roadhouse, received 08/30/13)
 - B. Signage (Federal Heath Sign Co., dated 03/05/12, revised 08/28/13, received 08/30/13)
 - C. Elevations (GreenbergFarrow, dated 08/05/13, received 08/30/13)
2. Conditions from Ordinance No. 6870 shall remain valid, as applicable.
3. The petitioner shall address all the Departments' review comments.

Mr. Skluzacek seconded the motion. On roll call, members Batastini, Gavle, Skluzacek, and Hayden voted aye. Members Esposito, Goss, and Jouron voted no. Motion passed 4-3.

Mr. Esposito said there is too much signage. Mr. Jouron said if the signs were smaller in size he would have voted yes. Mr. Hayden likes the entire package. It is unique and the building is balanced.

2013-15 UDO Amendments – PUBLIC HEARING

This petition was tabled at the August 7, 2013 PZC meeting.

Text Amendment to various provisions of the Unified Development Ordinance

Mr. Hayden stated this petition was tabled from the August 7, 2013 PZC meeting.

Ms. Bhide said the lake lot discussion was on the Council agenda the previous evening. There is a lot of building activity on the lake and Council has asked for more input and public comment. She showed a Power Point presentation that was given at the Council meeting and said there were four items that were looked at: fences on the street side; fences on the lake side; accessory structures; and building height.

Ms. Bhide said the fences on the street side are sometimes 6 feet tall and solid screen. The recommendation is to allow all fence types up to 3 feet tall and open such as picket fences, chain link, etc. on the street side up to 4 feet tall. Ms. Bhide said staff didn't see a pattern for the fences along the lake side. Some of the fences are 3 to 4 feet tall and chain link or the open slat type. As for accessory structures, there are gazebos, seating areas, screened porches, and sheds. The recommendation is for new boat houses, sheds, or other structures are required to have a Special Use Permit. As for building height, the height per ordinance is to be measure from the lake-side of the property not the street side as it is for other residential areas within the City.

Ms. Bhide said the Council directed staff to inform the PZC of this information, to gather additional information, and hold a public hearing on the matter. This presentation is just to get this underway.

Michelle and Matt DellaMaria, 602 Edgebrook, were present. Ms. DellaMaria read a prepared statement. They purchased 2 lots on the lake and designed a home using the current setbacks. They learned on Friday that this presentation was going to be given to the City Council at yesterday's meeting and was not informed of this. Ms. Della Maria said it seems that all aspects of building on the lake are

open for discussion which will impact their new home. She added that there are many homes on the lake that have walk-out basements. These are not considered a story by real estate appraisers. Ms. DellaMaria showed a Power Point presentation. The fences along the lake are different in the different neighborhoods of the lake. North Shore is a wall of garages and fences. She said some of the detached garages remain and an attached garage is added to the property.

Ms. DellaMaria said they are looking for flexibility for homes on the lake. This should reduce the need for variations. Mr. DellaMaria said most of the lots are narrow. People design the house they want and then as for variations. Ms. Bhide said the City Council adopted changes to the ordinance in 2005 and currently any structure on the street side of a lake property requires City Council approval.

Ms. DellaMaria said she is hearing about more limitations and restrictions for accessory structures. She feels more flexibility is needed.

Ms. DellaMaria said the building height should be measured from the street side of the property and not determined by the lake's natural contours. Mr. DellaMaria said this is a very diverse area and consistency is needed. He said the homes in Lakewood don't seem more restrictive. Current homes are being expanded into a second lot.

Ms. DellaMaria said this is a big topic and it hits them personally.

Mr. Hayden asked staff what is the Council's charge. Ms. Rentzsch said this started with the two neighbors who requested fences as well as the several inquiries staff has received about building heights. Mr. Hayden said he agrees that one of the charms of lakefront property is the diversity of housing there. He suggested that the properties adjacent to the lake be a PUD. Ms. Rentzsch said one possibility is to have a separate district for lakefront properties.

Mr. Esposito said the street side is currently considered the back yard. They need to come to some sort of agreement. He thinks the street should be the front yard just like everywhere else in the City. You enter a home from the front and that is the street side. The rear yards along the lake should be considered differently. Mr. Batastini said the differences need to be acknowledged.

Mr. DellaMaria said what is proposed concerns them. They are concerned with the direction things are moving in. Ms. DellaMaria said this opens a can of worms. They are currently working with the UDO and if the requirements become more restrictive, this location becomes less desirable. Mr. Hayden said he would be surprised if the City Council opens up the entire lake property issue. They have been through that before. Mr. DellaMaria said the direction was that only a few things will be discussed and they are concerned with what is being suggested. Mr. Batastini said there needs to be some regulations. Ms. DellaMaria said people don't talk with neighbors because they requested a variation.

Mr. Hayden said the north shore area was in the County with failing well and septic systems. The City annexed the property, helped the homeowners receive grants to help with the cost of bringing in the

water and sewer. Now that they are in the City, they need to conform and that is tough. Mr. Batastini said it doesn't matter if the property is on the lake or not, they hear the same thing from people requesting variations.

Ms. DellaMaria again stated that she is concerned with the direction to more restrictions for lake properties. The home they want to build is the same as one that was built down the street and now it can't be built. Ms. Bhide said she worked on the lot analysis for the lot and she also met with the DellaMaria's in July about the house. The UDO update was in the process prior to the DellaMaria's home being reviewed. The possible changes were not because of their request. As the UDO stands currently, the home they are requesting is not permitted and needs a height variation.

Mr. Goss said a lakefront district is essential with its own requirements. People do change their grading and neighbors have water problems. He also believes that picket fences are not transparent enough for that area. Mr. Goss added that restrictions are important to keep the ambiance of the lake.

Ms. DellaMaria asked what the next steps are and how would they get the information since they seem to find out about it after the fact. Ms. Bhide said the last City Council meeting was for information only and for them to determine what direction they want to take. It was determined that there will be public hearings and possibly surveys sent to the various homeowners for their feedback. She said the property owners will be notified of any upcoming meetings. Mr. DellaMaria said their request that was recently before the PZC was held off of the City Council agenda. They are already seeing delays and what is going to happen.

Mr. Hayden gave the DellaMarias options but it is their call. They could be gambling that they may need variations, etc. This is not known at this time. He can only tell them what is in the UDO currently.

REPORT FROM PLANNING

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

COMMENTS FROM THE COMMISSION

There were no comments from the Commissioners.

The meeting was adjourned at 11:15 p.m.