



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION  
WEDNESDAY, OCTOBER 2, 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. Mr. Batastini was absent.

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 SEPTEMBER 18, 2013 PLANNING AND ZONING COMMISSION MEETING**

Mr. Jouron moved to approve the minutes from the September 18, 2013 Planning and Zoning Commission meeting as presented. Mr. Goss seconded the motion. On roll call, members Esposito, Gavle, Goss, Jouron, Skluzacek, and Hayden voted aye. Mr. Greenman abstained. Motion passed.

**2013-29 DOHERTY –Annexation** – PUBLIC HEARING

This petition is being continued to the November 6, 2013 PZC meeting

Mr. Goss moved to continued 2013-29 Doherty Annexation to the November 6, 2013 PZC meeting. Mr. Jouron seconded the motion. On voice vote, all members voted aye. Motion passed.

**2013-41 LUMBER LIQUIDATORS – 4500 Northwest Hwy.** – PUBLIC HEARING

This petition is being continued to the November 6, 2013 PZC meeting.

Mr. Goss moved to continue 2013-41 Lumber Liquidators to the November 6, 2013 PZC meeting. Mr. Jouron seconded the motion. On voice vote, all members voted aye. Motion passed.

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

This petition was continued from the September 18, 2013 PZC meeting.

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

Ms. Maxwell stated that the Crystal Lake Park District has withdrawn their request. They will be using from time to time a temporary climbing structure that comes on a trailer.

Mr. Hayden stated that the petition has officially withdrawn.

**2013-45 KIDS CONSIGNMENT SHOP - 5150 Northwest Hwy. Unit 8** – PUBLIC HEARING  
Special Use Permit to allow a Consignment Store (classified as a Used Merchandise Store).

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.

Jeaninne Carlini was present to represent her petition. Ms. Carlini said she is requesting a Special Use Permit for a consignment shop. She has already invested in new carpet, fixtures, computer and printer, computer programs, and has purchased inventory from a consignment shop that is closing in Palos Park. She said a 3-year lease had been signed prior to knowing a Special Use would be required. Ms. Carlini reviewed her business credentials. There are three kids' consignment shops in the area – McHenry, Algonquin, and Carpentersville. She said the Angel's Wings is a resale shop that is very close and their profits go to help animals in need. Ms. Carlini said she has already been contacted by many people wanting to use the consignment shop. Their hours of operation will be Monday through Saturday from 10 a.m. to 5 p.m. and they will close at 8 p.m. on Thursday. If the merchandise is not sold within 90 days, the owner of the property may pick up the merchandise or it can be donated. She will use Angel's Wings as their donation location.

Mr. Hayden asked if there were any concerns with the conditions listed in the staff report. Ms. Carlini said no. She also passed around photos of the shop.

Tracy Kroening, 1188 Ridgewood Circle, said she has known Ms. Carlini for several years and she always goes above and beyond the call of duty. Ms. Kroening said she knows that the petitioner will do an amazing job with this store. She added that the petitioner is also a recent cancer survivor and is a very strong person.

Patricia Carr, 3601 Sutton Woods, said this shop will help many people in this area.

Pam Osmanski, 6 Laurel Valley, Lake in the Hills, said she owns a dental office just down the street from this property. She said the community is still trying to recover from the economic downturn and people are trying to cut wherever they can. Kids clothing is a big expense and this shop will help everyone.

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

Mr. Goss asked which unit the store will occupy. Ms. Carlini said it is where "Signs Now" was. Mr. Goss asked about the vehicles parking overnight. Ms. Carlini said at this time they are not anticipating

any but there may be a large vehicle in the future. Mr. Goss said if there is a vehicle in the future it should park in the areas shown on the map in the staff report. Ms. Carlini agreed.

Mr. Jouron asked how the merchandise will be brought into the store. Ms. Carlini said there is a rear door as well as a large garage door. There is a display in front of that door but it can easily be moved so the garage door can be used.

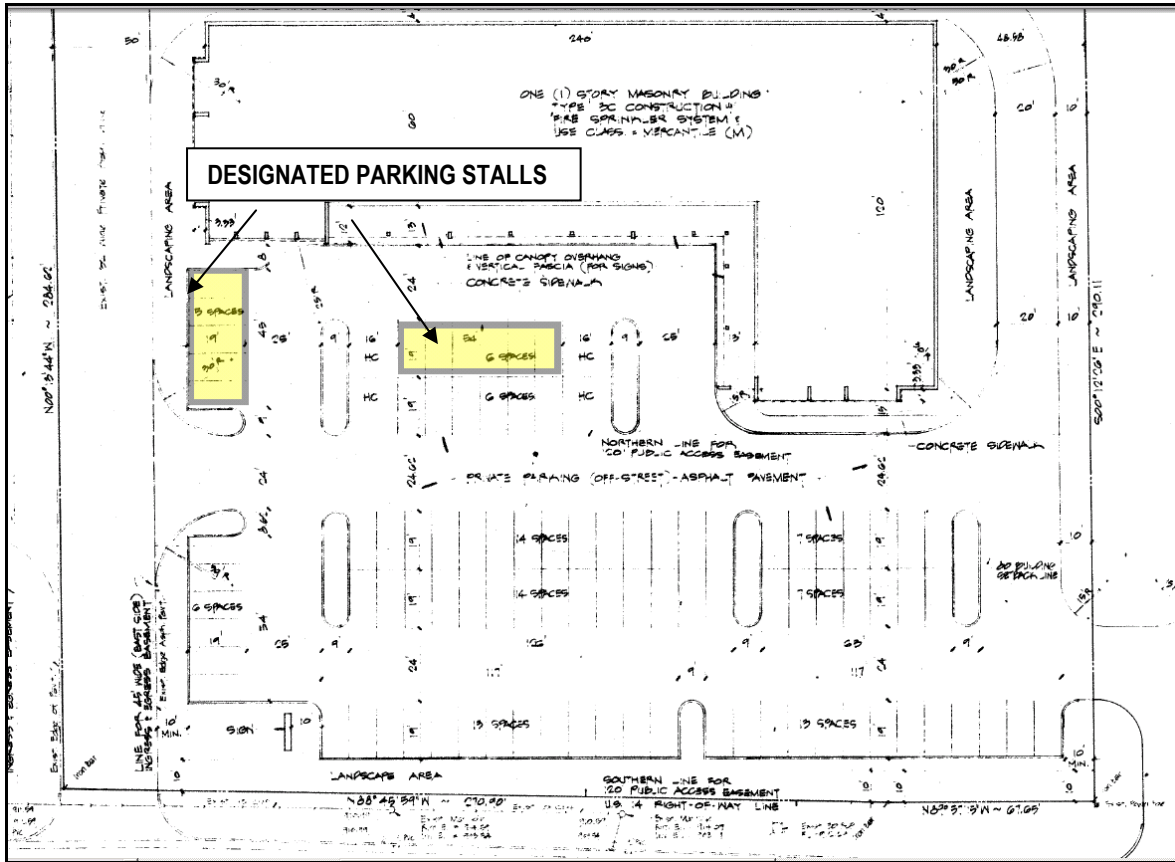
Mr. Greenman said he looks forward to the petitioner joining the business community of Crystal Lake. He added that all of the Findings of Fact listed in the staff report have been met.

Mr. Skluzacek said he has no problem with the request. Mr. Gavle said he also supports this project.

Mr. Hayden thanked the people in attendance for their glowing comments about the petitioner. He said the petitioner will be a semi-partner with Angles Wings. Ms. Carlini said she does not know the owner of the business but they do have a mutual friend. Mr. Hayden said this sounds like a great partnership.

Mr. Greenman moved to approve the Special Use Permit to allow a Consignment Store (classified as a Used Merchandise Store) for Too Cute Consignment at 5150 Northwest Highway with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application, Carlini, received 9-3-13
  - B. Plat of Survey, Geudtner, received 9-3-13
2. Sign permits are required for all exterior signage and all signage (including any window signage) must meet the requirements of the Unified Development Ordinance.
3. Any vehicle stored on-site for longer than 24 hours will be parked in one of the designated stalls **along the west side of the property, north of the entry drive.** Vehicle cannot be parked in any parking stall in the row of parking along Northwest Highway.



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

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

**2013-47 SKY HIGH VOLLEYBALL – 215 Exchange Ste E – PUBLIC HEARING**

Land Use Variation and a Special Use Permit pursuant to Article 2, Land Use of the Unified Development Ordinance to allow a volleyball facility as a special use in the “M” district at the specified location

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.

Joe Gottemoller, attorney, and Scott Harris, owner of Sky High Volleyball, were present to represent the petition. Mr. Harris handed out their current media guide. He said they train young athletes and have outgrown their current space. Mr. Harris said they will be going from 34,000 square feet to 50,000

square feet. The business started in Crystal Lake and they want to stay here. They have won 8 national championships in the past 10 years.

Mr. Gottemoller said they are moving straight north. In 2002, the petitioner received approval for this site but their current location became available and they took that. He said that the teams practice mostly after school and tournaments are usually from December to June. In addition to the 205 parking spaces they could also use the area along the truck docks which could be another 60 or so spaces. Both buildings are owned by Cobolt.

Mr. Hayden asked about the parking comparison used in the staff report. Ms. Bhide said that is the closest she was able to find and doesn't feel that parking will be an issue. Mr. Gottemoller said the only issue currently with parking is when Willow Creek and Sky High have events at the same time.

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 about grandstands for the tournaments. Mr. Harris said they have 3-row bleachers that are put out around the courts for tournaments.

Mr. Greenman congratulated the petitioner on such a successful program and he is glad they are in our community. He said the Findings of Fact in the staff report have been met. Mr. Greenman asked if the increase in size will bring in larger tournaments. Mr. Harris said they will be adding two more courts which will allow them to add 8 teams to the tournaments.

Mr. Gavle also congratulated the petitioner on their success. He said Sky High is the leader of the pack.

Mr. Hayden said he had a niece that was involved with Sky High and not only got a scholarship for college but is now a college coach.

Mr. Greenman moved to approve the Land Use Variation and a Special Use Permit pursuant to Article 2, Land Use of the Unified Development Ordinance to allow a volleyball facility as a special use in the "M" district at the specified location for Sky High Volleyball with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:

- A. Application, Harris, received 9-6-2013

- B. Floor Plan, received 9-6-2013

2. A use variation is hereby granted to allow a special use for the proposed use classified as 'all other amusement & recreation facilities' at this location.

3. If the facility is expanded in area or intensity, the petitioner shall be required to seek a SUP amendment.
4. The petitioner shall provide a schedule of operations including practice times, game or tournament dates/times, or other significant activities that may affect traffic/parking so that potential traffic conflicts can be evaluated and avoided. The petitioner shall work with staff to ensure that their tournaments or other large events would not negatively affect the available parking or general safety of people utilizing the subject property.
5. All exterior doors must be clearly marked with a door number and have adequate lighting to ensure numbers are visible in the dark
6. The petitioner will contact the McHenry County Health Department to obtain any necessary permits for food being served at this location.
7. All proposed signage must meet the provisions of Article 4-1000 H, Industrial Signs of the UDO. Permits through the Building Division must be obtained for all signs.
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.

**2013-49 EVANGELICAL FREE CHURCH - 575 E. Crystal Lake Ave.** – PUBLIC HEARING  
Variation from Article 4-700 Fences, Walls and Screening to allow a 4-foot-high fence within the front yard setback and in the right-of-way.

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.

Dave Palsgrove and Dan Shank were present to represent the petition. Mr. Palsgrove said they are requesting a variation to allow a 700 foot long 3-rail cedar fence along their property line. There is a previously installed fence along a portion of their property line and there is a platted right-of-way on the southern portion of the property.

Mr. Hayden asked if they were having trash problems. Mr. Palsgrove said there is gravel, vehicles, trash dumpsters, etc. on the southern portion of the property.

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 about Oak Hollow Road being platted. Ms. Maxwell said the road dead ends at the end of Ashton Pointe's property and the road is platted, but not built, up to the County property adjacent to the church's property. Mr. Goss said they will deal with the fence with the County property is developed.

Mr. Greenman said it is clear that the owners want to take care of their property and contain the problem. They need to understand that this fence is in some respects temporary. Mr. Palsgrove said they understand. Mr. Greenman asked if the petitioner had any concerns with the conditions listed in the staff report especially conditions 2, 3 and 4. Mr. Palsgrove said they have no concerns with the conditions.

Mr. Skluzacek asked why they needed a variation from the front yard. Ms. Maxwell said it is because there is a platted roadway on the property which makes that a front yard. Mr. Skluzacek said he does not have a problem with the request.

Mr. Gavle said a split rail fence is not as durable as a chain link and there may still be a lot of continued vandalism. Mr. Palsgrove said they have worked with neighbors in Ashton Pointe. This fence is more to define the property line and they know it won't keep people out. Their intent for the fence was to keep out vehicles and trash dumpsters. It's more a "good neighbor" fence.

Mr. Hayden said he doesn't have a problem with the request. Mr. Greenman said they meet the Findings of Fact. He added if the right-of-way was not platted, the petitioner would not be before the City with this request. That is the hardship.

Mr. Esposito moved to approve a Variation from Article 4-700 Fences, Walls and Screening to allow a 4-foot-high fence within the front yard setback and in the right-of-way for Evangelical Free Church at 575 E. Crystal Lake Avenue with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:

- A. Application (E-Free Church, received 09/16/13)

- B. Plat of Subdivision (TFW Surveying, dated 07/15/04, received 09/16/13)

2. An opening in the fence shall be provided along the north side of the dedicated right-of-way, aligning with the existing sidewalk on Oak Hollow Road, to allow for a future sidewalk extension prior to the full roadway extension by others.

3. When the roadway occurs, the fence will need to be removed from the portion that lies within the right-of-way. Additional modifications or fence removal may also be necessary beyond the right-of-way to meet other Unified Development Ordinance requirements.

4. Fence posts cannot be placed in any Municipal Utility Easement and the installer will need to verify water main and sewer locations to avoid utility conflicts, especially through the right-of-way.

5. Submit final construction plans for review and obtain a building permit from the Engineering and Building Department.
6. 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, all members voted aye. Motion passed.

**2013-48 COUNTRY FINANCIAL – 120 N. Walkup** – PUBLIC HEARING

Special Use Permit to allow an internally illuminated sign along Walkup Rd in the Downtown 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.

Eric Dohman, sign contractor, and William Layer, owner of the property, were present to represent the petition. Mr. Layer said he started working for Country Companies now County Financial 15 years ago. They had issues with their original location on Route 14 and are looking to move on to a better location. He said he has purchased this building on Walkup and wants to keep the historic look of the building. Mr. Layer said he is requesting to relocate the sign on the property so it is no longer parallel to the street and that way clients and potential clients can see where he is located. Most of their business is during evening hours and in the winter the sign will need to be lit. He said the sign they are proposing is low key. There won't be any flashing lights just simple and straight forward.

Mr. Hayden asked if the petitioners had read the conditions listed in the staff report and if they had any concerns. Mr. Layer said he is concerned with the lighting. They don't want to be a sore thumb in the neighborhood but they want to be found. The current sign is externally illuminated. Mr. Layer read a letter of support from Bob Wagner, owner of the neighboring business. Mr. Dohman said only the letters will light up at night and there are a few signs in the area that are similar to this sign.

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

Mr. Gavle asked when the lighting would be turned off. Mr. Layer said about 9 or 10 p.m. but he would like have it on dimly overnight. Mr. Gavle said he would be happier if it would turn off at dusk. Mr. Layer said in the summer that would not be a problem but during the winter it gets dark very early and his clients need to be able to find him. Mr. Paulson stated that the requirement in the UDO is for the signs to be turned off between 11 p.m. and 7 a.m. That would be easier for enforcement. Mr. Layer said that would be acceptable to him.

Mr. Skluzacek said he would prefer an externally illuminated sign and agrees that the direction of the



sign should be changed. Mr. Layer asked why should be sign be externally illuminated. Mr. Skluzacek said it would set a precedent for the area. Mr. Layer said he looked at another building for sale in the area at the southwest corner of Walkup and Crystal Lake Avenue and that building has an internally illuminated sign that is about 8 feet off of the ground. Mr. Dohman said it is easier to read an internally illuminated sign and it is hard to evenly light an externally illuminated sign.

Mr. Esposito agreed with Mr. Skluzacek especially in that area. Some of the buildings in the area are residential and some are businesses. He isn't sure he wants to start putting up the type of sign proposed in this area. Ms. Bhide brought up the satellite photo of the property on Walkup and Crystal Lake Avenue showing the sign. Mr. Goss said that doesn't meet the current ordinance. Mr. Dohman showed the Commissioners a sign lighting comparison.

Mr. Greenman asked about the UDO restrictions. Ms. Maxwell said the sign lighting must be turned off by 11 p.m. Mr. Greenman asked if that restriction needs to be added to the conditions. Ms. Maxwell said it could be if the Commissioners wish. Mr. Greenman said they appreciate the petitioner keeping his business in Crystal Lake. He said he can support the request. Externally illuminated signs have a great amount of light bleed.

Mr. Jouron said they have heard every argument about signs. He believes that the same cars go through the intersection of Walkup and Woodstock Streets every day. They have tried to protect the character of the Downtown Area and externally lit signs are usually nicer looking.

Mr. Layer said he has certain constraints with the parent company regarding signs. It's a straight forward sign – there is a company logo and no block letters. The building is a unique place and other than the sign replicating the building, it won't match. Mr. Dohman said they plan to match the color of the building when possible. Mr. Hayden is concerned with interior vs. exterior lighting and not the color. Mr. Layer asked if the Special Use Permit for the sign could be revoked. Mr. Hayden believes that once it is approved it can't be revoked.

Ms. Maxwell said the Park District sign received a variation and was approved prior to the UDO. Mr. Goss said it is also a changeable copy sign. Mr. Dohman asked when the UDO was passed. Ms. Maxwell said 2009. Mr. Goss said there are no internally illuminated signs on the west side of Walkup and he wants to maintain the character of the neighborhood which means similar signs to what is existing. Mr. Dohman asked if everything else is ok except for the illumination. Mr. Goss said he would rather not have plastic with an external illumination. Mr. Dohman said there is a lot more maintenance with a wood sign. Mr. Goss said he is ok with turning the sign. Mr. Layer said he has to purchase materials for the sign from the parent company. Mr. Skluzacek asked if they are mandating that the sign be internally illuminated. Mr. Layer said no, but he must go before them with any changes to signs. Mr. Goss prefers a wood sign but other materials are ok so long as the sign is externally illuminated.

Mr. Skluzacek moved to deny the Special Use Permit to allow an internally illuminated sign along Walkup Road in the Downtown District for Country Financial at 120 N. Walkup. Mr. Esposito seconded the motion. On roll call, members Esposito, Gavle, Goss, Jouron, Skluzacek, and Hayden voted aye. Mr. Greenman voted no. Motion to deny passed.

**2013-51 KORTE - 185 N. Main Street** – PUBLIC HEARING

Variations: A. to allow an architect's office - classified as a 'Professional Office' in the "R-3B" district; B. the required number of 5 parking spaces to allow 3 spaces; and C. to allow a freestanding sign, 6 square feet in area, closer than 10 feet to the right-of-way.

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.

Andrea and Brian Korte were present to represent their petition. Mr. Korte said both he and his wife are licensed architects and have had their business in Crystal Lake for over 13 years. That wanted a permanent location for their business. Their business hours are 8:30 a.m. to 5 p.m. Monday through Friday. Sometimes their clients do come to their business but most of the time they go to their clients. This location is only 2 blocks from their residence so they will be able to walk to work most of the time. Mr. Korte said if they lived in this house, their architectural business would be allowed but since they will not be living in this location, it requires a variation. He said they did run their business out of their home for 2 years.

Mr. Korte said they would like to add a ground sign of 6 square feet in front of the building. It will not be illuminated at all. They were looking for a site on Main Street between Crystal Lake Avenue and Route 176. A business use is not completely foreign to this area and re-reviewed the other uses in the area. He said they are also asking to expand the 2<sup>nd</sup> floor of the house by 150 square feet which would make the house more useable. It could be converted back to a single family home if they were to leave. The house is very small – 990 square feet and they will work with staff on the location of the sign.

Mr. Hayden asked if they had any concerns with the conditions listed in the staff report. Mr. Korte said no. Mr. Hayden said that condition #2 grants the approval for this business only. Mr. Korte said they understand.

Steve Rooney, 181 N. Main Street, said he owns the adjacent property and did not receive any notification about this meeting until today. Ms. Bhide said the list of surrounding property owners was created from the County's records. Mr. Rooney said this will impact his apartment building. They advertise the units as being in a residential neighborhood. The character of the area will be impacted. Mr. Rooney added that had he known about the meeting he would have had an attorney present. He said this use will impact his property values.

Mr. Hayden said if the petitioner lived in the home and ran his business from that home, the use would

be allowed. Mr. Rooney asked if the sign would be allowed. Mr. Hayden asked if the sign were the issue. Mr. Rooney said business use and sign. Mr. Hayden said the use is permitted as a home occupation. Mr. Rooney said he also objects to the new parking area that would impact the row of hedges. Mr. Korte said they won't be putting in the additional parking. They have three spaces – one in the garage and two on the driveway. He said staff will monitor the parking situation and if additional parking is needed they will put it in. Mr. Rooney said the egress for the apartment building is right there and it will be impact. Mr. Hayden said if parking becomes an issue, they will be required to put more in and it would be off of Sherman.

Jan Lawson, 217 Main St., said she has no problem with living in the home and running a business. She is concerned with the precedence this will set for the area - business uses mixed in with residential. There are plenty of vacancies in town where this use would be more appropriate.

Charles Shanlever, 210 Ellsworth St., said he is ok with the business in the home so long as there is no sign. That will lead to more businesses. Ms. Bhide said home occupation uses are allowed a sign. Mr. Korte said they are not requesting a zoning change but only to allow the business with a sign. He said the sign can be removed.

Charisse Haas, 181 Main St., said she moved here from Detroit and tells people that she is one block after the businesses. She will be looking out her window and see concrete and a sign. She also didn't receive any notification. Mr. Hayden said only the property owners are notified of the hearing.

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

Mr. Korte said they don't want to change the character of the neighborhood. The only difference is the business will be in the building. Mrs. Korte said this location is very close to their home. This is the best fit and they want to stay close to downtown. They were attracted to this property because it's a cute little home.

Mr. Goss said he likes that no additional parking is needed. He is struggling with this request. This is no different than the area south of Route 14 on McHenry Avenue. He asked why they need a variation if the home occupation is allowed. Ms. Bhide said it is because they won't be living in the home.

Mr. Jouron asked what size sign is allowed for a home occupation. Ms. Bhide said 1 square foot and they are requesting 6 square feet. She added that the address doesn't count as signage. Mr. Jouron said it is a nice sign but possibly too big.

Mr. Greenman thanked those in attendance for coming. It's always nice to hear from the residents. He said it is nice that the petitioners want to keep their business in Crystal Lake. The property will be improved and the area will increase in value. Mr. Greenman said this sends a message to others that it's

ok for businesses to move into this area and that's not what they want to see. The area is not for business. He would prefer that the petitioners keep looking in Crystal Lake for a location for business.

Mr. Esposito said there is a home occupation down the street from him but there is no sign. He is ok with the use, but not a sign.

Mr. Skluzacek said he has no problem with them living and working in the same home but he can't support the use if they aren't living in the home. Also he doesn't want a sign there.

Mr. Gavle said he likes the slight expansion of the building but can't support the use if they are not living there.

Mr. Hayden said from a neighbor's perspective, this should be a plus – no loud parties, etc. The variation for parking is a plus – no additional paved area. The variation for expanding a non-conforming use – the small changes proposed makes the house more attractive. By far the last variation request is the hardest. He feels it all boils down to the sign. That is the only visible means to know a business is there. That's an issue. He would like to say yes but understands the neighbors' complaints and that is a problem. Mr. Korte said they can eliminate the sign. This is not a retail use that needs a sign.

Mr. Hayden stated that the petitioners have officially withdrawn the sign request.

Mr. Hayden took a straw poll of the Commissioners. Mr. Goss said he has other issues other than the sign. Mr. Jouron, Esposito, Skluzacek, Gavle and Hayden said they were good with the request.

Mr. Greenman said the difference is not the sign but the petitioner not living there. If the business is allowed than they should be entitled to a sign. Mr. Goss said this is not a residential use and we are essentially rezoning this property to office. That would open the entire area to business. Mr. Hayden said this is the government telling people what they can do on their property. He said if people start a business out of their home and move out, nothing really changes. Mr. Greenman said it does change because it's a business and not a residence. Mr. Esposito said this would open a can of worms. Mr. Jouron agreed.

Mr. Jouron recalled a business use being run out of a home on McHenry Ave. south of Route 14. There were issues there.

Mr. Goss moved to approve a Use Variation to allow an architect's office - classified as a 'Professional Office' in the "R-3B" district; and Variations from: A. The required number of 5 parking spaces to allow 3 spaces; B. To allow an existing nonconformity to expand for 185 N. Main Street with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application (Korte, received 9-13-13)

- B. Site Plan (Korte, received 9-9-13)
- C. Proposed Elevations ~~and Sign Details~~ (Korte, received 9-26-13)

2. This Use Variation applies to Korte Architecture only. A new use variation would be necessary for another user, or if the scope of this use is increased.
3. The following variations are granted:
  - A. From the required number of 5 parking spaces to allow 3 spaces;
  - B. To allow an existing nonconformity to expand, as specified in this petition;
  - C. ~~To allow a freestanding sign, 6 square feet in area, closer than 10 feet to the right-of-way.~~
4. The available parking at this location will be monitored by staff for a period of one year following occupancy. If parking issues are noted, the petitioner will be required to provide additional parking by adding pavement off the existing driveway of Sherman Street.
5. A Building Permit is required for the site alterations and any interior alterations.
6. The petitioner shall work with staff to determine the placement of the freestanding sign such that the sign will not block the sight line triangle for vehicles utilizing Sherman Street. No wall signage is permitted.
7. 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. Jouron seconded the motion. On roll call, members Esposito, Gavle, Jouron, and Hayden voted aye. Members Goss, Greenman, and Skluzacek voted no. Motion passed.

Mr. Goss said this effectively would be rezoning the property. It's not fair to allow this use here and not allow others. This is not truth in zoning.

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

**2013-52 SELECT RECOVERY – 1095 Pingree Rd.** – PUBLIC HEARING  
UDO Text Amendment and Special Use Permit to allow a repossession lot

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.

Tony Sarillo, property owner, and Kellin Schomaker, Select Recovery business owner, were present to represent the petition. Mr. Schomaker said he currently owns a repossession business in Wisconsin and wants to expand into Illinois. Mr. Sarillo said in 2008 and 2009 he was granted a PUD Amendment to

allow outside storage. This use would use some of the available outside storage as well as an office suite in the building. The outside storage would be approximately 150 feet by 150 feet for vehicle storage.

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 often do vehicles enter or leave the site. Mr. Schomaker said it depends. He said the vehicles can remain up to 14 days and then they are taken by truck to auction. Mr. Goss asked if this would be in the same area as the truck/van storage. Mr. Sarillo said yes. Mr. Goss asked about the access to the fenced area. Mr. Sarillo said there are two – 15 foot gates one on the north and one on the south. They will be using the south gate. Mr. Goss asked if there were security cameras. Mr. Sarillo said yes. Mr. Goss asked how tall the fence is. Mr. Sarillo said 6 feet tall. Mr. Goss said he would prefer the area to be paved. He also asked how many vehicles could be put in that area. Mr. Schomaker said there could be as many as 30 vehicles at one time. Mr. Sarillo said they would prefer not to pave the area. They still want to put another building back there eventually. Mr. Goss suggested putting a sealer on the gravel. Mr. Sarillo said it is asphalt grindings that is permeable.

Mr. Jouron asked if the storage would be for autos only. Mr. Schomaker said yes. Mr. Jouron asked if there would be business hours. Mr. Schomaker said the office hours will be 9 a.m. to 5 p.m. Monday through Friday.

Mr. Greenman asked about lighting. Mr. Schomaker said it's on the building. Mr. Greenman asked about snow removal. Mr. Sarillo said they do plow the area as if it were paved. Mr. Greenman asked if the vehicles are in good order. Mr. Schomaker said yes and this would look like any other parking lot. Mr. Greenman is concerned with leaks. Mr. Schomaker said they are mostly newer cars and not junk cars. Mr. Greenman asked if people try to repossess the repossessions. Mr. Schomaker said no.

Mr. Skluzacek asked where the current storage items will be placed. Mr. Sarillo said they will move the items towards each other. He said there is room.

Mr. Greenman asked about the vehicles. Mr. Schomaker said the vehicles are picked up and taken to the lot. If the person works it out with the bank/lender they can come to pick up the car. If not, it goes to auction.

Mr. Hayden said one of the conditions is to comply with the Collateral Recovery Act. Mr. Schomaker said they will. Mr. Hayden said that act covers RVs, trucks, boats, planes, etc. Mr. Schomaker said he doesn't do large items but they have picked up a boat once. He added that the State comes to inspect and approve the site.

Mr. Hayden said the Collateral Recovery Act is scheduled to be repealed. Ms. Maxwell said there will probably be a new act to replace it. Mr. Hayden said they may not like what is going to be covered by the new act. He said there are a lot of pieces to the puzzle. Ms. Maxwell said anything is more

restrictive than what the City has because the City has nothing in the ordinances to cover this. Mr. Hayden is concerned that the State may not have anything in place. Mr. Schomaker said they have to follow the rules of the bank as well. Mr. Goss suggested that if the act is repealed the use will be reviewed by staff.

Mr. Jouron asked what would happen if they run out of storage space. Mr. Sarillo said that is all that they have.

Mr. Goss moved to approve the UDO Text Amendment and Special Use Permit to allow a repossession lot for Select Recovery at 1095 Pingree Road with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Select Recovery Inc., received 09/23/13)
  - B. Site Plan (Pingree Rakow, dated 09/14/13, received 09/23/13)
2. A video monitored security system must be installed at the property.
3. The fence shall not block the required Fire Department access.
4. Any spills must be cleaned up and reported as required by IEPA and City ordinances.
5. The petitioner shall comply with 225 ILCS 422 Collateral Recovery Act and acquire all necessary licenses. **If the State repeals the Act, this petitioner will work with staff to reestablish criteria.**
6. The petitioner shall address all of the review comments and requirements of the Police, Fire Rescue, Engineering and Building and Planning and Economic Development Departments.

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

#### **REPORT FROM PLANNING**

- Signature Auto – 970 Pyott Rd – Amendment
- Porzezinski – 186 Regal Dr. – Variation
- Olson – 1335 Knollwood Circle – Variation
- Texas Road House – 835 COG Circle - PUD Amendment
- Crystal Court – S. Rt. 14; E. Main St. – PUD Amendment
- DellaMaria – 1089 North Shore Dr. – Variations

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

Mr. Paulson reviewed the recent permits approved recently.

**COMMENTS FROM THE COMMISSION**

Mr. Greenman suggested that staff review used merchandise stores. Is the distance necessary? Ms. Maxwell said staff has been reviewing several sections of the UDO and this section is included. Mr. Greenman said they seem to complement each other.

The meeting was adjourned at 10:20 p.m.