



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, OCTOBER 16, 2013
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Vice Chairman Greenman at 7:30 p.m. On roll call, members Batastini, Esposito, Gavle, Goss, Jouron, Skluzacek, and Greenman were present. Mr. Hayden was absent.

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide, Planner, and Rick Paulson, Building Commissioner, were present from Staff.

Mr. Greenman 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 OCTOBER 2, 2013 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the October 2, 2013 Planning and Zoning Commission meeting as presented. Mr. Skluzacek seconded the motion. On roll call, members Esposito, Gavle, Goss, Greenman, Jouron, and Skluzacek voted aye. Mr. Batastini abstained. Motion passed.

2013-15 UDO AMENDMENTS – PUBLIC HEARING

General Discussion

Mr. Greenman said this item was tabled from a previous meeting to allow staff the opportunity to gather more information on the various possible amendments to the UDO. He stated that this is a public hearing and the public comment portion of the meeting was still open.

Ms. Bhide said staff tried to incorporate the comments that were previously made by the Commissioners. She said the information was then sent to legal counsel for their review.

Mr. Greenman suggested they review the items by UDO articles.

Ms. Bhide said legal counsel informed staff that restricting uses to a certain property and not that district constitute 3d spot zoning and was not legal.

Mr. Jouron asked about the auto dealer classification especially for larger vehicles such as fire engines. Ms. Bhide said it is defined in the standards.

Mr. Batastini asked for clarification of the "L" designation on the chart. Ms. Bhide said that use is a limited use, which meets the criteria listed in the UDO is permitted. If it does not, a Special

Use Permit is required. She added that there is more clarification added to the Home Occupation description. That will forewarn any potential home occupant that there may be other regulations that they may need to adhere to such as Health Department requirements, building modifications, etc.

Mr. Greenman said a few residents are now in the audience and asked them if they wished to speak on anything in particular. Michelle DellaMaria, 602 Edgebrook, said they were interested in the accessory structure locations. Mr. Greenman said they were discussing the items in order unless Ms. DellaMaria was under a time crunch. Ms. DellaMaria said she would wait.

Ms. Bhide said currently gas station canopies have flat roofs. They are proposing to change the item to require a minor pitch to the roof. Mr. Batastini asked if a current canopy was to fall and the owners were to replace it, they could still have a flat roof. Ms. Bhide said yes if the design is part of the SUP approval. Mr. Greenman added that if it is a different design, a pitched roof would be required. Ms. Bhide said yes. Ms. Rentzsch said they would need to amend their approval as well.

Ms. Bhide said they are suggesting to remove the requirement for a Used Merchandise store to be located more than 1,000 feet from an existing similar use. Mr. Goss said the original reasoning behind the distance was so we wouldn't turn into another Richmond-type area. Mr. Batastini said there are a lot of resale shops along Route 14. Mr. Goss said the downtown area definitely needs that control as well as the Virginia Street Corridor. Mr. Batastini suggested a percentage and not a distance. Mr. Greenman asked if it would be businesses or floor space. Mr. Goss said it would be hard to do on Route 14 and added that if the economy gets tougher, we will see more. Ms. Bhide said staff will check into this further.

Ms. Bhide said with the proposed changes to the UDO, funeral homes would be required to have either a cross access agreement or approval of other arrangements for over-flow parking. It would depend on what was adjacent to the funeral home. If the property is vacant, they would need to make other arrangements for parking and it be approved. It gives the owner leeway but at least one of the options is required. Mr. Batastini said the best example is the funeral home on Route 176. It is hard to get out of and people who are not familiar with the area have a problem finding the ins and outs of the other lots. Ms. Bhide said there was a lot of discussion for cross access when that use came in. Mr. Jouron said they would post signs stating where other parking is available. Mr. Goss asked if they could force a cross access when they are already there or if a funeral home developed in the County comes into the City. Ms. Bhide said no. With new funeral homes if they don't want to do either, they can request a variation and go through the process. Ms. Bhide said it can be reworded to make it clear that it is either one or the other.

Ms. Bhide said they are proposing to allow automobile sales as an ancillary use to Major Automotive repairs if they comply with certain standards. They would also be limited in the type of vehicles allowed and display areas must be on approved surfaces only. Mr. Goss asked if this is only for new uses. Ms. Bhide said yes. Mr. Goss said there is a place in town that always has cars hanging over the sidewalk and blocks the sight line of a very busy intersection. He

understands that some of the property was taken from him for road widening but he was also well compensated. Mr. Batastini said he would like to see a larger setback of vehicles from the property line adjacent to residential. Ms. Bhide said major auto repair is not allowed in the "B-2" district. Mr. Batastini said there is a use next to the Freeze that is major auto repair. Mr. Goss said the ownership changed and it does look better now than before. He asked when a use that is no longer permitted in a district is deemed abandoned. Ms. Bhide said 6 months.

Mr. Greenman said when major auto repair abuts residential there should be a 30 foot buffer. Ms. Bhide said that would be for new uses – not current uses.

Mr. Goss said sight line triangles need to be enforced. Mr. Paulson said he would contact the Police Department.

Mr. Greenman asked if the definition is how we want to define it or is it ok this way. Mr. Goss said it doesn't fit some of the existing businesses in town. Ms. Bhide said they used the NAICS code that breaks it down. She will review the definition and bring it back to the Commission.

Ms. Bhide said there are not many changes to the signage portion of the UDO. They have added information brought up by legal counsel when they reviewed it. Mr. Greenman questioned if 32 square feet is ok for a residential area. Mr. Batastini asked if the homeowner would be ticketed or the candidate if they have more than the allowable number of signs on their property. He said the candidate should because they know the rules, while the typical homeowner would not be aware of it. Mr. Paulson said the most popular size signs are 4 ft. x 4 ft.

Mr. Greenman asked about the number of days a sign is allowed to be posted. Ms. Bhide said 61 days. Mr. Batastini suggested a shorter time. Ms. Bhide believes it is in the State's election code. Mr. Batastini said he would prefer 30 days prior to election and 7 days after. Ms. Bhide said she will ask legal counsel. Mr. Greenman asked if any municipality has anything different than 61 days. He asked staff to check into that. Mr. Goss also suggested that the person on the sign must be on the ballot in that jurisdiction to have a sign posted. If they are not on the ballot - no sign. He noted that there are several candidates who post signs during election time even if they are not up for re-election at that time.

Ms Bhide said that for accessory structures on the street side for lake lots currently a variation is needed. Staff is recommending that it be a Special Use Permit. The property owner needs to prove hardship for a variation which is hard to prove, while with a Special Use Permit they only need to meet those criteria.

Ms. DellaMaria said they are looking for clarification between variation and Special Use Permit. Ms. Bhide said a variation request needs to prove a hardship and Special Use standards are easier to meet. It is the same process but different standards. Mr. Goss said as long as there are no variations from the setbacks; he believes this could be administratively approved. Mr. Greenman said the process would be sped up and it accessory structure would still be reviewed.

Ms. DellaMaria said the language is a double negative. Ms. Bhide said she will revise it.

Ms. Bhide said there are approved landscape plans that need to be maintained and several have not been. This language is added to spell out the responsibility for it to be maintained. Mr. Batastini said there is a development near his home that the landscaping – large pine trees – have been devastated by disease and they were removed. He asked if they would need to be replaced. Ms. Bhide said that if they are on any approved landscape plan, then they need to be replaced. Mr. Jouron said there are a few properties on McHenry Avenue that said they wouldn't remove trees but there were. Ms. Bhide said a part of the final occupancy inspection includes the approved landscape plan.

Ms. Bhide said a double stripe between parking spaces was suggested by the PZC and staff is suggesting it be for parking lots over 200 spaces. Mr. Goss asked if a business needs to restripe their lot would they be required to double stripe. Ms. Bhide said no. Mr. Batastini said it has no teeth. Mr. Paulson said any parking lot work must get a permit to ensure that the accessibility code for parking is up to date.

Ms. Bhide said there was some confusion previously as to who can sign a PUD amendment application. Staff had checked and we have been doing it properly but it wasn't listed in the UDO. She added that it depends on the Homeowners' Association wording if they are able to sign an application or if all of the property owners must sign off on it. Mr. Batastini said usually associations are run by just a few people.

Mr. Goss said the wording for Automotive Dealers for the use table is confusing. Ms. Bhide said she will reword it so it is clearer.

There was no one else who wished to speak on this matter. The public comment portion of the meeting was closed.

Mr. Goss asked about the setback from residential for automotive repair. Ms. Bhide said there is a 50 foot buffer/landscaping that is required. Mr. Batastini said there is no room for that on Route 14 but it does give residents protection.

Mr. Goss moved to approve the amendments to the UDO as follows:

Article 2-200 Use Categories

D. Interpretation

2. Where the Zoning Administrator determines that a use not mentioned is of a type, scope, or impact that does not fit any existing use category, the Zoning Administrator may request the Planning and Zoning Commission and City Council to initiate the process for a text amendment to incorporate the specific use into this Ordinance ~~at its proposed location. An approval does not create a right for a similar use within the same zoning category~~ **within the specified zoning district.**

TABLE 2-300 PERMITTED USES TABLE

		F	E	RE	R-1	R-2	R-3A	R-3B	O	B-1	B-2	B-4	M-L	M	W	USE CRITERIA	NAICS
COMMERCIAL																	
Major Automotive Repair uses with Automobile Dealer as an ancillary use													L	L		2-400C-64	
Food and Beverage Stores	Supermarkets and Other Grocery (except Convenience) Stores									P	P	P					445110
Educational Services	Junior Colleges								P	S P	S P	S P	S P			2-400C-22	611210
Personal & Laundry Services	Funeral Homes								L		P L	P L				2-400 C-63	812210
	Crematories								L		L	L				2-400C-15	
Signs	Electronic Message Center (EMC) Sign except Gasoline Electronic Pricing Signs										S L					2-400C-61	

Commercial Recreation	Physical fitness facilities, weight training centers, strength development centers, weight loss center							P	P	P	P	P	P								
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Article 2 Land Uses

Section 2-400 Limited and Special Use Criteria

3. Home Occupations

All Home Occupations must comply with the following standards:

a. General: The use for the occupation must be clearly incidental to the use of the dwelling as a residence, so that its existence is not apparent except for the signage as provided in Article 4-1000, Signs of this Ordinance. Any home occupation must not alter the exterior residential character of the dwelling or the neighborhood.

b. Use: The uses permitted as home occupations may include, but are not limited to:

- (i) Instruction in music, musical instruments, home crafts and arts and dance provided the total class size does not exceed 4 students at any time;
- (ii) Tutoring, limited to 4 students at any time;
- (iii) Home Day Care, subject to the standards listed in Section 203C-26;
- (iv) Offices offering professional services including, but not limited to, architects, brokers, engineers, insurance agents, lawyers, real estate agents, accountants, consultants, stockbrokers, financial planners, urban planners, etc;
- (v) Offices of salesmen, contractors, sales representatives or manufacturers representatives provided that no retail transaction shall take place on the premises, except through telephone, facsimile, telegraph or mail communication, electronic or wireless communication;
- (vi) Studios of artists, authors, composers, photographers, sculptors;
- (vii) Workrooms of dressmakers, seamstresses and tailors;
- (viii) Workrooms for home crafts, crafts and trade people, including, but not limited to model making, rug weaving, lapidary work and cabinet making.
- (ix) Limited personal services including, but not limited to cosmetology, massage therapy, etc.
- (x) Office of a home-based call center agent.

The following uses are prohibited as home occupations:

- (i) Human or animal care facilities, such as hospitals, clinics, stables, veterinarian clinics, kennels;
- (ii) Repair shop (excluding personal or small household goods repair such as clock repair, cutlery sharpening, watch repair, etc.);
- (iii) Rooming/Boarding House;
- (iv) Rental Outlets (including but not limited to rental of mobile homes, trailers, camper trailers)
- (v) Contractor Yards;
- (vi) Scrap/Salvage Services; and
- (vii) Automobile Repair Services.
- (viii) Eating and drinking establishments
- (ix) General Retail

c. Size: The Home Occupation may not occupy more than 20 percent or 500 square feet of the gross floor area of the dwelling unit, whichever is less;

d. Ownership: The Home Occupation must be managed and owned by a person residing in the dwelling

unit;

e. Employment: It does not depend on the employment of more than one employee other than members of the immediate family living in the structure, provided however that appropriate off-street parking must be provided for the non-resident employee;

f. Site Design: The site design must comply with the following requirements:

- (i) An entrance may not be specifically dedicated for the home occupation, unless otherwise required by law;
- (ii) No alteration may be made which changes the exterior residential character or appearance of the dwelling. Home Occupations that require a structural alteration of the dwelling to comply with non-residential building codes are prohibited. This prohibition does not apply to modifications required to comply with any accessibility requirements;
- (iii) The Home Occupation may not require or use outdoor storage or involve conducting business activity outdoors;
- (iv) No commercial display of materials, merchandise, goods, or equipment is visible from the exterior of the dwelling;
- (v) Signage is restricted to an unlighted name plate or business sign with an overall size of no more than 1-square-foot, per the provisions of Article 4 -1000, Signs.

g. Operation: The Home Occupation does not require the delivery or shipment of materials, merchandise, goods, or equipment other than by parcel delivery businesses. Sale of merchandise directly to customers on premise is not permitted.

h. The Home Occupation must be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence; and

i. The Home Occupation must be operated in accordance with all applicable laws and, if any state, federal or local permit or license is required.

Note: Certain home occupations may require approval by the McHenry County Health Department and involve modifications per the Building Code. It is the applicant's responsibility to check and ensure that all applicable McHenry County Health Department and all applicable local, county, state and federal requirements are met.

13. Gasoline Stations (with and without convenience stores)

Gasoline stations must comply with the following standards:

a. Location: Gasoline stations are not permitted within the City's wellhead protection areas. Stations in the Crystal Lake watershed require a site specific analysis by the City's watershed consultant.

- b. Environmental impact: No gasoline station shall commence operations unless it has first provided an environmental impact statement from a qualified expert in the related field that the use will not negatively affect ground water resources or contaminate the soil.
- c. Screening: Gasoline stations adjacent to residential properties shall provide a 6 foot tall solid screen consisting of a solid wooden fence, in accordance with the provisions of Article 4-700, Fences, Walls and Screening or opaque landscaping along the perimeters of the property abutting the residential district or use, in accordance with the provisions of Article 4-400, Landscaping and Screening Standards.
- d. Canopy: **Flat canopies are not permitted. Canopies must have a minimum 4:12 pitch.** The edge of the pump canopy shall be setback at least 15 feet from all property lines
- e. Curb cuts: There shall be a maximum of 2 curb cuts per property. Corner lots shall be limited to 1 curb cut per street frontage. Curb cuts for corner lots shall be located at least 75 feet from the intersection, or as deemed appropriate by the City Engineer.
- f. Vending machines: One vacuum and one air compressor shall be permitted on-site. Vending machines are treated as outside sales and display. Refer to the handout on Outdoor Sales, Service, Storage and Display available through the Planning and Economic Development Department for further clarification.
- g. Outside sales: Outside product display and sales of seasonal items are prohibited.
- h. Propane tanks stored in 1 locked metal cage are not treated as outside sales and permitted subject to the approval of the City's Fire Prevention Bureau. For any other outside display and sales, refer to the handout on Outdoor Sales, Service, Storage and Display available through the Planning and Economic Development Department for further clarification.
- i. Monitoring: Monitoring wells finished at appropriate depths and locations best suited to detect a contaminate plume are required to be designed and located by a groundwater professional for stations within the Crystal Lake watershed or as determined by the City Engineer.
- j. Electronic Pricing Signs: Electronic pricing signs must be requested as part of the Special Use Permit.

63. Funeral Homes

All Funeral Homes must comply with the following standards:

- a. **Cross-access agreements with adjoining properties are required to handle overflow parking. Where a cross-access is not possible, other arrangements approved by the City Engineer is necessary. Where cross-access is provided, accommodations must be made such that pedestrians are able to utilize the parking safely.**

64. Major Automotive Repair uses with Automobile Dealer as an ancillary use.

All automobile dealers as an ancillary use to Major Automotive Repair uses must comply with the following standards:

- a. **Vehicles for sale: Vehicles available for sale are limited to automobiles and light trucks, such as sport utility vehicles, and passenger and cargo vans.**
- b. **Display areas: All vehicle display areas must be paved with an approved surface (Approved surface shall mean asphalt/bituminous, concrete/P.C.C. and any surface that is approved by**

the City Engineer). Display areas shall be setback a minimum of 5 feet from all adjacent property lines and 10 feet from roadways.

- c. **Site Plan:** A striping plan for the parking lot, illustrating the location of the customer/employee parking, display area for vehicles for sale, location of any screening materials for the principal use including fences or landscape, and on-site circulation patterns must be provided. Areas for customer and employee parking and vehicles for sale must be clearly identified on the site plan. The required number of parking spaces must be maintained at all times.
- d. **Landscaping:** Landscaping is not required within or surrounding vehicle display areas. Parking lot landscaping in accordance with Article 4-400, Landscaping and Screening Standards shall be provided for employee and customer parking areas.
- e. **Signage:** All signage including all vehicle and window signage must meet the provisions of the UDO for Industrial Uses.

Article 4-600 Accessory Structures and Uses

E. Location of Accessory Structures

2. Side and Rear Yards

- b. For residential uses fronting Crystal Lake: Accessory buildings or structures are not permitted in the side and rear (street) yards. **Accessory buildings or structures in the rear (street) yard are permitted as long as they meet the setback requirements of the Ordinance.** Signs (in compliance with Section 4-1000, Signs); mailboxes; flagpoles; fences (in compliance with Section 4-700, Fences, Walls and Screening) are excluded from this requirement. All existing accessory structures located in side and rear (street) yards as of May 16th, 2006 are considered as legal non-conforming structures and shall conform with the requirements set forth in Article 7, Non-conformities of this Ordinance.

Article 4-300 Tree Preservation

B. Exemptions

- c. Properties for which a landscaping or tree preservation plan was approved, pursuant to the terms of an annexation agreement, special use permit or other agreement or ordinance, as long as the development activity is in compliance with said approved plans. **It is the property owner's responsibility to maintain the landscaping per the approved plan.**

Section 4-200 Off-Street Parking and Loading

H. Dimensional Standards for Parking Spaces and Aisles

1. General

The minimum dimensional standards for standard vehicle parking spaces and parking lot aisles shall

comply with Table 4-200 H (1), Dimensional Standards for Parking Spaces and Aisles. **All parking spaces shall be separated by painted stripes or an approved alternative method of space separation. Where a single stripe is used, the stripe shall be four inches in width. For parking lots greater than 200 spaces, a double stripe design is recommended. Double stripes for space striping are recommended as they help parkers center their vehicles between stripes, maximizing the space between vehicles. The double stripe shall be separated by eighteen inches and parking spaces shall be measured from the center to center of double stripes. Parking facilities shall be regularly restriped to provide clearly visible separation between spaces.**

Where wheel stops are provided, an overhang of 1 1/2 foot is permitted.

Article 9 Administration

Section 9-200 Specific standards and other requirements for applications for development approval

E. Planned Unit Developments

12. Amendment to a Final PUD Plan - For residential Planned Unit Developments, when amending an approved Final PUD Plan, unless the Home Owners' Association, where one is present, is authorized to act on behalf of the entire development, every property owner within the PUD is required to consent to the amendment to the PUD.

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

REPORT FROM PLANNING

- Kids Consignment Shop - 5150 Northwest Hwy. Unit 8 – Special Use Permit
- Sky High Volleyball – 215 Exchange Ste E – Use Variation, Special Use Permit
- Country Financial – 120 N. Walkup – Special Use Permit
- Evangelical Free Church - 575 E. Crystal Lake Ave. – Variation (fence)
- Korte - 185 N. Main Street – Variations
- Lakeview BC 2 - Select Recovery – 1095 Pingree Rd. – UDO Amendment, SUP

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

COMMENTS FROM THE COMMISSION

Mr. Greenman asked if they will receive the recap of the surveys and public input regarding lake lots.

Ms. Bhide said they will receive it in the future.

The meeting was adjourned at 8:45 p.m.