



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION  
WEDNESDAY, FEBRUARY 19, 2014  
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, Greenman, Jouron, Skluzacek, and Hayden were present.

James Richter II, Planning and Economic Development Manager, 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 FEBRUARY 5, 2014 SPECIAL PLANNING AND ZONING COMMISSION MEETING**

Mr. Jouron moved to approve the minutes from the February 5, 2014 Planning and Zoning Commission meeting as presented. Mr. Skluzacek seconded the motion. On roll call, members Batastini, Gavle, Goss, Jouron, Skluzacek, and Hayden voted aye. Members Esposito and Greenman abstained. Motion passed.

**2013-33 RUMFORD-BUELOW – 175 & 179 Edgewater** – PUBLIC HEARING

This petition was referred back to the PZC from City Council.

Variation from Article 4-700 Fences, Walls and Screening to allow a 4-foot high fence within the front yard setback.

Mr. Hayden stated that the petitioners were still under oath from the previous PZC meeting.

Michael Rumford and Bob Buelow were present to represent their petition. Mr. Hayden said there are no changes in the request that they had previously discussed. Mr. Buelow said they have provided letters of support from their neighbors, which are in the packets. He also wanted to review the Findings of Fact. Mr. Buelow said they have been working on this since last May. Their intent was to replace an existing fence that is in disrepair and replace it with a 4 foot wrought-iron type fence to keep their family and pets safe. They believe that a 3-foot fence is not safe and even the City Code requires a 4-foot fence for a pool. He added that he has submitted a permit for a pool for his yard. Mr. Buelow continued stating that the precedent was set in 2005 to allow a 6-foot privacy fence along the Main Beach boat launch and 4-foot privacy fence along the other side yard. When they applied for the fence permit, they were not aware of the rear/front yard classification for lake lots. Also there was nothing on the fence handout stating that lake lots are different.

Mr. Buelow reviewed the Findings of Fact detailing how they meet each of the criteria. He said lakes lots are unique with 2 front yards per the City's classification. The setbacks are based on their neighbors' setbacks and not a specific distance as in other zoning classifications in the City. He added that the hardship was not created by them but by the City's Ordinances. Mr. Buelow said the fence will not be detrimental to the neighborhood and it would diminish light or air to adjacent properties. Their goal is to protect their families and pets from the traffic on Edgewater. They do not want a solid fence that would block views of the lake.

Mr. Rumford showed a Power Point presentation of the proposed fence as well as an existing fence that was cut down from 6 feet to 3 feet and has dangerous edges. He said a big issue is the speed on Edgewater and showed a photo of the speed limit sign being covered by foliage. He showed the plats of surveys for the properties and they are requesting a uniform height of 4 feet all around the properties. They don't want to impede their neighbors' views of the lake. Mr. Rumford said the fence handout available when they were applying for the fence did not mention any restrictions for lake lots and now the handout has been revised to include the information. They are requesting a uniform 4-foot tall ornamental fence.

Mr. Buelow said their neighbors across the street are treated differently than they are because of the location of the lots. He said electric fences don't work for some dogs and they do have family members come and they bring their dogs that are not trained on the electric fence.

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

Mr. Hayden asked the Commission how they wanted to proceed: they could take no action now, which would mean their prior vote stands; or make a new recommendation to Council; or reaffirm their original vote.

Mr. Greenman asked staff to review how this request got to this point. Ms. Maxwell reviewed the process. She said that several UDO amendments were presented to City Council for review and possible adoption including the fence height and type for lake lots. Council chose not to amend this section of the UDO. Mr. Goss said the ordinance has not changed. Mr. Greenman agreed and stated that it is important for the petitioners to discuss the Findings of Fact. He supports what the petitioners are trying to accomplish here and he is not sure why the City is making these property owners jump through so many hoops. Mr. Greenman said he will not change his original vote.

Mr. Batastini said he was not in favor of the UDO change and Council broke up the amendments in sections – approving some and not others. He doesn't care for fences along the lake but understand about the safety factor.

Mr. Hayden said the petitioners are requesting a 4 foot, see-through fence but it states the variation is for

the fence height. Someone could come in for a solid fence. Ms. Maxwell said if the Commission determines there is a hardship, a restriction could be put in the variation that it must be a wrought-iron type fence.

Mr. Goss said he would prefer to affirm the Commission's previous vote.

Mr. Jouron asked about the pool permit. Mr. Buelow said he has submitted a permit for a pool. He is not allowed to enjoy his yard the same as other residents of Crystal Lake.

Mr. Greenman polled the Commissioners if the Findings of Fact has been met. Seven of the members said they had not been met.

Mr. Goss moved to reaffirm the Planning and Zoning Commission's previous vote which was to deny the Variation from Article 4-700 Fences, Walls and Screening to allow a 4-foot-high fence within the front yard setback for 175 & 179 Edgewater. Mr. Batastini seconded the motion. On roll call, members Batastini, Esposito, Gavle, Goss, Jouron, Skluzacek, and Hayden voted aye. Mr. Greenman voted no. Motion passed.

Mr. Greenman feels the Findings of Fact have been met. There are restrictions that are unique to that property. The petitioners did not create the hardship – the City did.

**2014-06 IAFIGLIOLA – 817 Village Road** – PUBLIC HEARING

This petition was continued from the February 5<sup>th</sup> PZC meeting.

Variation to allow an encroachment in to the required rear yard setback of 20 feet to allow a setback of 12 feet for an addition to the residence.

Mr. Hayden stated the petitioners were still under oath from the previous PZC meeting.

John Jackowski, architect, and Mr. Iafigliola were present to discuss the petition.

Mr. Hayden thanked the petitioners for providing the photos. They were very helpful.

Mr. Jackowski said the encroachment into the setback is essentially the same as the current deck but it would be a building instead.

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

Mr. Goss asked if they had contacted the Homeowners' Association. Mr. Iafigliola said he had tried several times but has not received a reply. Mr. Goss asked if the drainage on the lot was ok with Engineering. Ms. Bhide said yes.

Mr. Jouron said he spoke with the President of the Association earlier in the week and she knew nothing about this request. Mr. Iafigliola said he was contacting a gentleman who did not get back to him.

Mr. Hayden said that the Commission does not normally take into consideration private covenants during review of petitions.

Mr. Batastini said the photos help a lot. This addition is in character with the homes in the neighborhood and it meets the Findings of Fact. He said the lot is very shallow and it would be hard to do something reasonable.

Mr. Greenman asked about the lot. Ms. Bhide said the lot meets the required square footage and area for lots in that district but a typical lot is usually deeper and less wide.

Mr. Hayden thanked the petitioner for the additional information and he happily supports the project. It also meets the impervious surface requirements.

Mr. Batastini moved to approve a Variation to allow an encroachment in to the required rear yard setback of 20 feet to allow a setback of 13 feet for an addition to the residence at 817 Village Road with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Application, Iafigliola, received 1-20-14
  - B. Plat of Survey/Site Plan, Decker, dated 6-7-99, received 1-20-14
  - C. Plans/Elevations, Jackowski, received 2-13-2014
2. The proposed addition shall be architecturally consistent with the existing residence with respect to style, building materials, roof lines and colors.
3. The addition, including the overhang/eave can be located no closer than 13 feet to the rear property line.
4. All existing grading and drainage patterns must be maintained as originally designed and built and no adverse drainage conditions to the neighboring property are permitted.
5. Location of any rear yard underground utility services must be confirmed to avoid any potentials conflicts with the proposed addition.
6. The faux windows underneath the addition will be lined with a translucent film to minimize the visual impact of the storage from neighboring properties.
7. The petitioner shall address all comments of the Community Development, Public Works, Fire Rescue and Police Departments.

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

**2014-09 900 PYOTT ROAD** – PUBLIC HEARING

Variations from Article 3-200 B6 to allow a building addition to extend 40 feet into the required 50-foot rear yard setback and to allow an impervious surface coverage of 81% rather than the 70% permitted.

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

David Schaefer, architect, was present to represent the petition. Mr. Schaefer said they would like to put an addition on the rear of the building in two phases. The lot as it exists currently as 77% lot coverage and because the additions would be over existing parking lot, the increase in lot coverage would only be to 81%. He said the plans were revised based on the comments they received from staff. Mr. Schaefer said the adjacent property to the west is zoned “Residential” and it is the City’s water tank location. They are asking for a reduction in the setback to 10 feet instead of 20 feet because of the water tank. Mr. Schaefer said a variation was granted to the property to the south for setbacks on the north and west property line. Also there is an oversized detention area on the property to the south. This property and the adjacent property are owned by the same person, and they will be able to connect to it if necessary. He said putting on the additions will increase employment in the area.

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

Mr. Goss asked what the size of the detention area is. Mr. Schaefer said he did not have that information. Mr. Goss asked if Public Works had any concerns with the building addition coming right up to the sewer main easement. Ms. Maxwell said staff is asking that the second phase be pulled back to allow trucks to get to the sewer main easement if needed. Mr. Goss said he is concerned with the parking of employees from the business to the north in this lot. With the additions, there will be just enough required parking for this site. Mr. Esposito asked if this is a 24 hour operation. Mr. Schaefer said no it is 8 to 5. Mr. Esposito said most people who go to the restaurant to the north use this lot after 5 so he doesn’t believe there will be a problem.

Mr. Jouron asked what they will be manufacturing in the additions. Mr. Schaefer said the owner has antique cars and they will be stored there as well as having a wash bay.

Mr. Skluzacek is concerned with the impervious surface.

Mr. Greenman asked what the setback would be if the adjacent property were the same zoning. Ms. Maxwell said 20 feet.

Mr. Gavle asked if there are well on the City’s property. Ms. Maxwell said she did not believe there was a well there.

Mr. Batastini is concerned with the impervious surface too. It may be that this use has outgrown the site. He understands that it is a variation for the setback adjacent to the water tank, but that is a lot of impervious surface. Mr. Schaefer said all of the rain water is kept on-site and they may need to add dry wells.

Mr. Goss said this property has already lost property due to road widening and lost even more just recently. Mr. Greenman asked what the size of the original lot was before the land acquisition. Ms. Maxwell said she was not sure. Mr. Hayden recalled that the front yard was much larger than it is currently.

Mr. Hayden had a concern with noise since this property is near a residential area, which is where he used to live. He said this is a good location for this use since there is very little noise associated with it.

Mr. Greenman asked if the land had not been taken from this property, would an addition be able to be put on the street side of the existing building. Mr. Schaefer said he believed it would have, fit but the office portion of the building would have been between the two warehouses. Mr. Greenman said the hardship is due to the land acquisition.

Mr. Goss moved to approve the Variations from Article 3-200 B6 to allow a building addition to extend 40 feet into the required 50-foot rear yard setback and to allow an impervious surface coverage of 81% rather than the 70% permitted at 900 Pyott Road with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Schaefer, received 02/04/14)
  - B. Plat of Survey/Site Plan (Professional land Surveying, Inc., dated 10/18/13, received 02/04/14)
2. Work with staff to add some landscape materials near the east property line in the landscape island and to the north and south of the parking lot to help screen the proposed overhead garage doors of phase 2.
3. Prior to the issuance of a building permit, the petitioner shall provide a Plat of Easement dedicating the MUE, along the western property line, for review and approval by staff. The petitioner shall record the easement and provide 1 Mylar and 5 paper copies to the City.
4. The petitioner shall address all of the review comments and requirements of the Engineering and Building, and Planning and Economic Development Departments.
- 5. Provide shared detention agreement with adjacent lot for Staff to review, prior to City Council meeting.**
- 6. Ensure no shared parking agreement with the business to the north is needed during their**

**business hours.**

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

**2014-08 TERRA COTTA SHOPS - CL RIB HOUSE – 540 E. Terra Cotta Ave. – PUBLIC HEARING**

Text Amendment to define Bingo and to allow them as a Special Use Permit in the B-2 Zoning District; and a Special Use Permit to allow a Bingo at 540 E. Terra Cotta Avenue.

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

Joe Gottemoller, attorney, and Dave Faccone, operator, were present to represent the petitions. Mr. Hayden stated that they would need to review each separately – UDO Amendment and then the Special Use Permit request.

Mr. Faccone said the Crystal Lake Rib House just moved across Route 176 to a larger location and with a banquet hall. They would like to allow 501C3 Charities to run bingo in the banquet hall area. This is a good way for the charities to raise their needed funds to continue their work.

Mr. Gottemoller said the City's UDO does not have a bingo hall or parlor classification. The request is to allow bingo as a Special Use Permit in the "B-2" zoning district. He added that there are licenses and approvals through the State of Illinois that are required along with specific record keeping.

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

Mr. Jouron said he helped write the original Bingo law for the State of Illinois. He asked what type of license the petitioner has. Mr. Faccone said he has the required State license and the charities must go through the process for themselves.

Mr. Batastini asked about parking requirements. Ms. Maxwell said they have not found any similar uses close to Crystal Lake. Staff uses the American Planners Association parking standards, which they look at uses throughout the country not just our area and recommend one (1) space per three (3) seats. Mr. Batastini asked if the amendment would allow a stand-alone bingo hall or would it be required to have a restaurant with it. Ms. Maxwell said it can be stand-alone.

Mr. Goss said he is struggling with the "B-2" district and added that churches hold bingo nights and they are in residential areas. Ms. Maxwell said she was not certain if the City requires a separate license for that activity or if it is considered part of the church's use. She does know that we do not require a Temporary Use Permit for bingo nights. Mr. Goss suggested a possible overlay district. His main

concern is how it is addressed in the UDO.

Mr. Batastini asked if a bingo hall is a good use in that district. Is that the district that would be best for that type of use?

Mr. Hayden asked if this use was under the gambling statutes for the State. Ms. Maxwell said no – it is a different statute. Mr. Hayden is concerned that this would put a foot in the door to allow slots, pull tabs, etc. Mr. Gottemoller said slot machines are not for fund raising. He said the specific statute is designed to raise revenue for non-profit groups.

Mr. Batastini asked if there was a similar use nearby. Mr. Gottemoller said years ago they had a bingo hall at the Milk Pail in Dundee, but he isn't sure if it is still running.

Mr. Hayden said he would prefer more research be done before any decision is made. Mr. Batastini said parking can be a challenge in the "B-2" district now.

Mr. Greenman said this is only about bingo and nothing else. He agreed that more information is needed. Ms. Maxwell said she tried to research it but there is not a lot of information available on-line. Mr. Hayden asked if the petitioner had a timing issue and needed to move this forward to Council. Mr. Gottemoller said if the Commission is not comfortable he would prefer that more information be gathered. Mr. Goss suggested a month continuation. Mr. Greenman suggested checking in areas with higher retirement such as Arizona, Florida, etc.

Mr. Batastini moved to continue the UDO Amendment discussion to allow a Bingo Hall to the March 19, 2014 PZC meeting at allow Staff additional time to research bingo facilities in other communities. Mr. Goss seconded the motion. On roll call, all members voted aye. Motion passed.

Mr. Gottemoller asked if the Commission could discuss the Special Use Permit even though they would not be voting on it at this meeting.

Mr. Esposito recused himself from the Special Use Permit discussion due to a possible conflict of interest.

Mr. Gottemoller said the bingo hall would be an ancillary use to the restaurant. Mr. Hayden asked about the seating capacity. Mr. Faccone said the Fire Department has determined their seating capacity is 294. Mr. Gottemoller added that there are only 95 parking spaces there. The answer isn't necessarily the district this use would go into but the conditions that would need to be met. Not everyone is going to be able to meet the requirements the City placed on that use.

Mr. Hayden asked if a bingo hall should be an ancillary use to a restaurant or a stand alone. Mr. Gottemoller said that is up to City Council. Mr. Hayden asked if people would just come in and play bingo. Mr. Gottemoller said yes, but most people want to eat something.



Mr. Goss said no minors would be allowed in the banquet area while bingo is being played. Mr. Gottemoller said that is correct. Mr. Goss said the biggest problem is parking. They will need a lot of parking off-site and not across Route 176. Overcoming parking will be a big job.

Mr. Greenman said that shopping center is not set up for easily getting around especially with the way the lot is currently plowed. There is what is to be a two-way aisle and it is currently allowing only 1 car through. He doesn't want to be put the petitioner in the situation of having a parking problem. We need to come up with options for them.

Mr. Gavle is concerned with parking as well. He also feels it is too small of a space for this use.

Mr. Jouron asked if more than one charity organization can share in the fundraising for one bingo session. Mr. Faccone said only one organization per day.

Vince Esposito, former Grand Knight of the St. Thomas Knights of Columbus, said this was brought before the Knights several years ago. He felt this would be a good opportunity for the members to raise money for the charities the Knights support. Mr. Esposito feels that this is no different than Nick's Pizza holding their fundraiser nights with 10% of the proceeds going to an organization. He believes this would be a great thing to be available to organizations.

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

There were no other comments from the Commissioners.

Mr. Batastini moved to continue the Special Use Permit discussion for a Bingo Hall at 540 E. Terra Cotta Ave. to the March 19, 2014 PZC meeting. Mr. Jouron seconded the motion. On roll call, all members voted aye, except Mr. Esposito who did not vote. Motion passed.

#### **REPORT FROM PLANNING**

- SMK Center – 835 Virginia St. – SUP to allow TV repair in “M” District
- City of Crystal Lake - City pump house - Route 176 & Erick St. – Variation for addition

Mr. Richter stated there are no items scheduled for the meeting on March 5, 2014 so the meeting will be cancelled. The next regularly scheduled meeting will be March 19, 2014.

#### **COMMENTS FROM THE COMMISSION**

There were no comments from the Commissioners.

The meeting was adjourned at 10:00 p.m.