



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, JANUARY 7, 2015
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, Kathryn Cowlin and Elizabeth Maxwell, both Planners, 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 DECEMBER 3, 2014 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the December 3, 2014 Planning and Zoning Commission meeting as presented. Mr. Skluzacek seconded the motion. On roll call, members Esposito, Gavle, Goss, Jouron, Skluzacek, and Hayden voted aye. Members Batastini and Greenman abstained. Motion passed.

2014-31 CANYON CROSSING - SE East Street and Route 176 – PUBLIC HEARING

The petitioner is requesting to be continued to the January 21, 2015 PZC meeting.

Mr. Esposito moved to continue 2014-31 Canyon Crossing to the January 21, 2015 PZC meeting. Mr. Batastini seconded the motion. On roll call, all members voted aye. Motion passed.

2014-54 VIRGINIA ROAD MINI STORAGE – 201 S. Virginia Road – PUBLIC HEARING

This petition was continued from the December 3, 2014 PZC meeting.

Special Use Permit to allow a Preliminary PUD for multiple buildings on a zoning lot and for mini-warehousing/self-storage; and Variation from Article 4-1000 Signs from the maximum size for the wall signs and from the height and area size limits for the free-standing sign

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

Tom Zanck, attorney, Steve Schwartz, petitioner, Joe Misurelli, consultant, Mark Sullivan, architect, and Ryan Swanson, engineer, were present to represent the petition. Mr. Zanck said this property is the former Alexander Lumber site. They are proposing development of this property in two phases with the

first being the self storage business. He said there are significant bushes on the property and provided a landscape plan to staff. Most of the property is asphalt remaining from the previous use. Mr. Zanck said they are requesting to enhance the existing building which will be used for climate controlled storage and add other buildings for regular storage. He added that they are requesting two roadside signs – one is a pylon sign at Rakow Road and Virginia Road and the other a monument sign at Dartmoor and Virginia. They are also requesting wall signage.

Mr. Schwartz said this site is not within the well-head protection areas. They also tested the percolation of the site which goes to the south and southwest – not toward the Three Oaks Recreation Area. He showed a Power Point presentation. The aerial photo of the site showed both Phases 1 and 2. Phase 1 will be the majority of the site including the existing building and the new storage buildings. Phase 2 will be the lot at Rakow and Virginia. They are not certain what will be developed on Phase 2 at this time. Mr. Schwartz showed the sign locations on the site plan. The sign proposed for Rakow is a 9 foot tall pylon sign with a brick base and aluminum covering over the pole. One of the conditions is to have a monument sign on Rakow and Virginia Road. It would be hard to see the sign on Rakow Road with the height of the bushes along Rakow. Also, the buildings will be blocked with the same bushes.

Mr. Schwartz showed the elevations of the existing building, which will have additional brick and other materials. They are also proposing wall signs on the north and south elevations. The building is approximately 100 yards away from Virginia Road, which is why they are requesting additional square footage. He said the proposed building height is 10 to 11 feet at the peak for the non-climate controlled building and there is no reason to have plantings in the end islands by those additional buildings since it won't be seen.

Mr. Schwartz showed a perspective of the site showing the pylon sign at Rakow and Virginia and added that if a monument sign would be used some of the bushes would need to be removed so the sign could be seen. He also showed a perspective of the site from Dartmoor and Virginia showing the current and additional landscaping as well as the proposed monument sign. Mr. Schwartz said the proposed pylon sign will look more like a raised monument sign because of the addition of the brick and aluminum. He also showed a site plan showing the location of all of the signs for the development including the wall signs. He also included in his presentation photos of the site from various angles as it currently exists. Several of the angles showed the building to the north and how it can be seen over the bushes but not their existing building. They believe their enhancements address the City's concerns.

Mr. Sullivan said this has been an interesting building to work on. Portions of the building will be repainted to a Terra Cotta red color. The large overhead doors will allow their clients to drive into the building and get to their storage areas. He said the accent color for the building will be an evergreen color and the band will wrap around the building. Due to the nature of the storage business, there will not be a need for the windows except in the office area. They have tried to give the existing building interest with adding colors, textures, etc. The office portion of the building will be given a different treatment so potential customers will be able to locate it easily. Mr. Sullivan added that the front of the existing building will be modified to show "garage doors" to make it look like storage units.

Mr. Zanck said this use is consistent with the area, and welcomed questions from the Commission.

Kathleen Martinez, owner of 161 Virginia Road immediately to the north of this site, said she supports the proposed use. Currently, East Dartmoor Drive has a no parking restriction and she hopes that continues so their semi-truck deliveries will not have any issues. She asked that the security fence be landscaped so it is not easily seen. Ms. Martinez said the location of the sign at Virginia and Dartmoor is a concern. The tenants of their building have been discussing a sign for their property and suggest that the two properties work cooperatively on the size and location of the sign. Ms. Martinez also suggested that there be a no access to the cul-de-sac portion of the street from this property.

Phil Murphy, owner of the storage facility on Teckler, said he has no issues with the use. He handed out information to the Commissioners regarding the UDO requirements. The UDO prohibits overhead doors facing the roadway. He said they are basically signage. Also, the UDO only permits one wall sign not the two the petitioner is requesting and they are oversized. Mr. Murphy is also concerned with the fencing. The UDO requires a solid wood fence as screening while the petitioner is requesting to use chain link fencing. He would prefer the developer use the wrought iron-type fencing like he was required to use. It is also a safety factor with people being able to see into the site. He also stated that the metal material proposed for the additional building is not similar to what was approved for the new storage facility on Teckler. He had included in his handout photos of storage units that use similar materials and after several years start to deteriorate. Mr. Hayden asked about the fencing. Mr. Murphy said he would prefer the fencing to be similar to what he was required to do.

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

Mr. Zanck said this is a PUD of which the signs are an important part. Each development and PUD is unique. He said the landscaping for this site is extensive and the chain link fence is integrated in some of the fencing.

Mr. Schwartz said Phase 2 of the property is currently asphalt and they will comply with the City's Codes. It could be a commercial development or possibly more storage units.

Mr. Goss said if Phase 2 is a different owner, the sign proposed for that intersection would not be permitted because it would be an off-premises sign. He would prefer one monument sign and it be closer to meeting the ordinance. Self storage is not an impulse stop. Usually people check the yellow pages or investigate sites before they go to them. Mr. Goss said he doesn't see the need for the pylon sign. He added that the site plan shown in the Power Point presentation shows on both the north and south sides of the building immediately adjacent to the building. Mr. Schwartz said it is a matter of practicality. There is an overhang on the building and the landscaping won't survive. Mr. Goss said there is room on three sides of the building to soften the look of the building. Mr. Schwartz reiterated that the landscaping would not survive.

Mr. Goss asked if there would be two electronic entrances/gates to access the storage units. Mr. Schwartz said yes. Mr. Goss asked about the fence along Rakow Road. Mr. Schwartz said there will be fencing from the back end edge of the building along the existing asphalt. Mr. Goss said he is concerned that the asphalt area will become a hang out since it will not be fenced to keep people out. Mr. Schwartz said people won't congregate there. Mr. Goss said it is a big open area.

Mr. Gavle said there are already two existing detention areas on this property and he would like them to cover the amount of detention needed for this development without adding to them. Mr. Swanson said the existing detention areas have a high infiltration rate. He added that Virginia and Rakow drain to those areas as well. Mr. Schwartz said they have met with staff about this site and are working with staff on this. Mr. Swanson said the final plans will include a plan to clean out the detention areas.

Mr. Esposito agreed with Mr. Goss regarding the signs. The square footage of the sign is too much. He said Staff's recommendation is closer to what he would prefer. He also agrees with the statement about the fake garage doors.

Mr. Hayden stated the UDO does not permit such doors. Would a variation be needed for the ones shown? Mr. Batastini said there are other things that can be done to break up the building other than the garage doors. Mr. Hayden also asked about the fence requirement. Ms. Maxwell said wood is required but staff has administratively allowed the wrought iron type fencing to be used. Mr. Hayden said he wants to be certain the legal notice that was published is correct. Ms. Maxwell said they don't typically publish specific variations for a PUD.

Mr. Esposito asked if the doors are architectural features and where the garbage will be kept. Mr. Sullivan said the garbage is typically kept in the building. Also the garage doors are more ornamental and need to break up the building and they would be windows if windows could be used.

Mr. Skluzacek said he likes the garage doors and asked if the parking meets the requirements. Mr. Schwartz said they will meet the parking requirements. Mr. Skluzacek asked if there will be landscaping in the islands. Mr. Schwartz said yes. Mr. Skluzacek said the pylon sign is not necessary. The one monument sign on Virginia is good enough. He also would like the wall signs to comply with the UDO.

Mr. Greenman said he was not at the previous meeting, but did read the report and the minutes. He asked if there was another idea or way to do what you want to accomplish with the main building. Mr. Sullivan said they could possibly make the panels smaller. Mr. Greenman said there is not a lot to work with. He suggested changing the color to be closer to the brick. They do look a lot like doors. Mr. Sullivan said he didn't want to use a color that is close to the brick because the wall would turn in to one massive wall. He said that most people don't use the yellow pages any more. People use the internet or notice it when they are driving by. He wants the building to stick out in their minds.

Mr. Greenman asked Ms. Martinez to restate the last comment she had made regarding access to the site. Ms. Martinez said she would suggest that access from this site to the cul-de-sac be restricted.

Mr. Greenman said he supports the concerns raised by Mr. Goss. He asked if there was any opposition to the wrought iron type of fencing. Mr. Schwartz said it is the cost.

Mr. Jouron said he is very opposed to the pylon sign along Rakow Road. The City has been working very hard for many years to eliminate them. Everyone tries to outdo the first sign. He said if Phase 2 is developed differently, it would make the pylon or monument sign an off premise sign. Mr. Jouron asked about the size of the signs. Mr. Schwartz said they are the same size. Mr. Jouron said the building signs are too large. This is a nice area and improving the building will do more for the developer than the signs. He added his concerns about people beating up the renovated building and asked if the materials to be used are durable. Mr. Sullivan said the materials are very solid. There will also be bollards at strategic points of the building to protect it. Mr. Jouron said the signs need to be closer to the UDO.

Mr. Batastini asked what the petitioner was thinking for Phase 2. Mr. Schwartz said it could be more storage buildings. He has developed shopping centers previously. They need to be aware of the market place at that time. Mr. Batastini asked if this is the best use for the property. Mr. Schwartz said many retail properties have gone back to the banks. The only question is to what the market will allow for Phase 2. Mr. Batastini asked what were the materials that were approved for the other storage facility. Ms. Maxwell said they are insulated panels. Mr. Goss added that there is landscaping as well. Mr. Batastini said this facility is not very visible from the road.

Mr. Batastini said there is a storage facility in town that has brick half way up the buildings. It seems that people tend to avoid hitting the buildings. Mr. Schwartz said the existing building is brick and the other buildings will be metal panel. There will be 24 hour cameras for the site and people will be able to access their units 24-7 by using the key pad. He said what they have designed is appropriate. Mr. Batastini said he is not too excited about the possibility of additional storage units on the corner property. He would want a better product closer to the road. Mr. Schwartz said Phase 2 could need to come through the process as a Preliminary and then a Final PUD. Mr. Batastini said he would prefer the wrought iron type fence because of the look. He is not a fan of chain link. He does appreciate the additional landscaping. Mr. Batastini agrees with the comments regarding the signs and the building should be landscaped. Mr. Schwartz said landscaping would be detrimental to the building. Mr. Sullivan said the building materials go to the ground.

Mr. Hayden agreed with the comments made. He said that when people move out of a unit they sometimes leave things they don't want behind and feels that the garbage needs to be more accessible. Mr. Sullivan said there will be a dumpster inside the building and there will be another towards the back of the property. Mr. Hayden asked if the building would be unmanned for a significant amount of time. Mr. Schwartz said no. Mr. Hayden asked if there will be a separate company to run the business. Mr. Schwartz said yes.

Mr. Hayden asked if there were any issues with the proposed conditions as well as the mini storage criteria in the staff report. Mr. Zanck said they will meet A, B and part of D of the storage facility criteria. They do not want a solid wood fence. Mr. Zanck said the Commissioners need to open their minds regarding the signs. If there is another use for the Phase 2 lot there will be a sign on that corner. This is a different situation. Mr. Schwartz said if and when the right use comes along will determine the Phase 2 lot. Mr. Batastini asked if they will have a monument sign at the corner of Rakow and Virginia, why not abandon the other sign that is requested. Mr. Schwartz said people will pass the use before they can see the sign. Mr. Batastini said he can see the sign at Rakow but eliminate the other. One sign can take care of both. Mr. Zanck said they agree with the conditions listed in the staff report and ask that the variation for the signs be considered.

Mr. Goss said the petition as presented does not meet the Findings of Fact.

Ms. Maxwell asked about the materials to be used on the buildings so there is no confusion. Mr. Sullivan said the insulated material is to be use on the existing building only and not the additional buildings. The additional buildings will have the corrugated metal.

After discussion of the changes to the conditions for this petition, Mr. Greenman said the petition would meet the Findings of Fact with those changes.

Mr. Goss moved to approve the Special Use Permit to allow a Preliminary PUD for multiple buildings on a zoning lot and for mini-warehousing/self-storage ~~and Variation from Article 4-1000 Signs from the maximum size for the wall signs and from the height and area size limits for the free-standing sign~~ for Virginia Road Mini Storage at 201 S. Virginia Road with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Pearl Street Commercial LLC, received 11/24/14)
 - B. Preliminary Engineering (ARC Design, dated 11/21/14, received 11/24/14)
 - C. Elevations (Sullivan Goulette & Wilson, dated 11/21/14, received 11/24/14 and 12/18/14)
 - D. Site Plan (ARC Design, undated, received 12/18/14)
 - E. Floor Plans (Sullivan Goulette & Wilson, dated 11/21/14, received 11/24/14)
 - F. Landscape Plan (ARC Design, undated, received 12/18/14)
2. Site and Landscape Plan
 - A. Landscape screening or architectural details shall be added to the building to soften the elevations as the elevations all face a roadway or the MCCD Prairie Trail and will be highly visible.
 - B. With the Final PUD, provide a final landscape plan.
 - C. The site is required to provide 29 parking spaces, 29 compliant spaces shall be provided.
 - D. Phase 2 is required to apply for Preliminary and Final PUD approvals.

E. Foundation green areas or plantings shall be added to the front and two sides of the building up to the overhead doors. The green areas may include planters.

3. Elevations

- A. A sample color and material board shall be presented with the Final PUD application for all exterior materials on all buildings.
- B. The parapet on building 2 should not appear tacked on, it should wrap the corner and look more of a substantial part of the building.

4. Signage

- A. The wall signage for the primary building shall not exceed 150 square feet in area.
- B. The freestanding signs **sign** shall be reduced to 32 square feet in area.
- ~~C. The cantilevered sign shall be changed to a monument sign. The petitioner shall be permitted to remove existing landscaping along Rakow Road to appropriately locate the sign for visibility. All details for the location of this sign, including the landscaping to be removed, and the aesthetics of the sign shall be provided at Final PUD for review and approval.~~
- D. The petitioner shall provide foundation plantings at the base of each of the monument signs and shall comply with all other requirements of the Unified Development Ordinance.

5. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, and Public Works Departments and of the City's Stormwater Consultant.

6. Fencing shall be a 6-foot aluminum "wrought iron style" fence along Dartmoor, as well as the entry ways on both sides of the building and from the entry way off Virginia all the way to Rakow Road. The fence along Rakow and the bike path may be chain link.

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

2014-52 POTTER - 1730 Moorland Ln – PUBLIC HEARING

Variation from Article 4-700 B 3 to allow a 6-foot high fence 6 feet 4 inches into the required 30-foot corner side yard setback.

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.

Jeff Potter, owner, was present to represent the petition. Mr. Potter said he lives on a corner lot and his patio is in the back and some on the side of the house. He would like to put in a 5 foot ornamental fence around the patio which would encroach into the building setback.

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

at this time.

Mr. Batastini asked if the petitioner wanted a 5- or 6-foot fence. Mr. Potter said he doesn't really care for fences and after he submitted the request he feels that 5-foot would be sufficient.

Mr. Greenman asked about the hardship for the variation. Mr. Potter said he lives on a corner near a school. If the variation is not approved, the fence he would install would go right through a portion of the patio. He added that he has extensive landscaping on that side of the yard. Mr. Richter brought up an aerial photo of the property showing the existing landscaped area. Mr. Potter said the fence will not be seen because of the landscaping.

Mr. Gavle asked where the fence would go between this home and the neighbor's. Mr. Potter explained that the fence would be in the mulch bed and would be about 5 feet from the property line. That way he can get a mower in that area.

Mr. Esposito said he lives on a corner lot and has no problem with the request. Mr. Skluzacek said he has no problem with the request. Mr. Hayden concurred.

Mr. Batastini moved to approve the Variation from Article 4-700 B 3 to allow a 6-foot high fence 6 feet 4 inches into the required 30-foot corner side yard setback at 1730 Moorland Lane with the following conditions:

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

- A. Application (Potter, received 11/18/14)
- B. Plat of Survey / Site Plan (Potter, received 11/18/14)

2. The variation is to allow the fence to be constructed approximately 6 feet 4 inches into the required 30-foot side yard to encompass the patio area. No other structures or obstructions should be placed within the 30-foot corner side yard.

3. The petitioner shall address all of the review comments and requirements of the Community Development Department.

4. The fence shall be a "wrought iron open style" type fence.

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

2014-55 EXPRESS EMPLOYMENT – 580 E. Terra Cotta Ave. – PUBLIC HEARING
Special Use Permit to allow an Electronic Message Center (EMC) sign.

Mr. Hayden stated that the sign had been posted. He said the surrounding property owners were notified

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

Penny Hughes with Hughes Signs and Susan Witfield, Administrative Assistant with Express Employment were present to represent the petition. Ms. Hughes said they are requesting to install an EMC sign in an existing sign location. She said there are approved EMC signs on Route 176. Ms. Witfield said most of their clients are Crystal Lake residents and with an EMC sign they will be able to advertise jobs that are available. She explained the types of positions they fill for their clients.

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 there is an EMC sign at Brilliance Honda near the intersection of Routes 14 & 176. Ms. Hughes said there is also one at Brew and Grow just west of the railroad tracks and Walkup Avenue. Mr. Goss said both of those signs were approved by City Council and were not heard by the Planning and Zoning Commission. He would prefer that the UDO be amended to include portions of Route 176 instead of granting variations. Ms. Hughes said this is a commercial area similar to Brilliance Honda.

Mr. Gavle believes that there are areas along Route 176 that are commercial and has no problem with the request. Mr. Esposito said the EMC signs are creeping into mixed areas. He does like the sign and this location.

Mr. Skluzacek asked about the lot size. Ms. Hughes said it is 1.16 acres. Ms. Witfield said the building is set back on the property. Mr. Skluzacek said the property doesn't meet the lot size requirement. Ms. Witfield said this sign is more a public service sign. They are not selling anything, but trying to match up clients with perspective employees.

Mr. Greenman thanked Ms. Witfield for a better understanding of the company. He is not certain that a variation should be granted. This petition does raise questions that can be reviewed with the City Council. Ms. Witfield said there are EMC signs already on Route 176. Mr. Greenman said he would suggest that they move forward to City Council who makes the final decision. He added that the PZC needs to look at the City's interests as well as others.

Mr. Jouron said he doesn't want to set a precedent. This sign is more a public service than having items for sale.

Mr. Batastini asked about the size of the sign. Ms. Hughes said that size was allowed at one time. Mr. Batastini said he doesn't want to have one sign after another since this is a smaller lot. Mr. Richter said the PUD conditions restrict it to one sign and there will not be a second sign on the property to the west. Also, this is a single tenant for this building. He said staff was comfortable with this sign in this area since it is mostly commercial.

Mr. Goss said he would like to ask City Council to refer this back to the PZC for further discussion of a UDO Amendment in this area.

Mr. Batastini said he is concerned when a proposed sign is across from residential like the sign for the YMCA.

Mr. Hayden said when he initially looked at EMC signs and possible areas to allow them in, there was a lot of discussion. They came up with the restrictions to control them. He said the PZC has not approved an EMC sign for areas outside the areas listed in the UDO. Ms. Hughes said the EMC sign was approved for Mayfair Carpet on Main Street. Mr. Goss reminded everyone that the vote was no unanimous.

Mr. Batastini moved to approve the Special Use Permit to allow an Electronic Message Center (EMC) sign at 580 E. Terra Cotta Avenue with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Greeno, received 11/21/14)
 - B. Site Plan (Unnamed, received 11/21/14)
 - C. Sign Plans (Hughes Signs, received 12/10/14)
2. A minimum of 1 square-foot of landscape per square-foot of sign area shall be planted alongside the sign. The landscape shall consist of trees, bushes and flowers. Provide a landscape plan for review.
3. The site is missing the required PUD landscape along the front of the property. Work with staff to replace this landscape by June 1, 2015.
4. The sign shall meet the EMC criteria listed in Article 2-400 #61 with the exception of a(i) and a(ii).
5. The petitioner shall address all of the review comments and requirements of the Community Development Department.

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

2014-59 PENCE – 145 W. Crystal Lake Ave. – PUBLIC HEARING

Variations from Articles 3-200, 3-300(B)(3)(a) and 7-300(B)(4) from the minimum corner side yard setback requirements to allow a 7-foot encroachment for an addition that will be added to the existing nonconforming principal structure

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.

Ralph Pence was present to represent his petition. Mr. Pence said the addition that was put on the home several years ago was inferior. He would like to remove it and expand the house out 14 feet and also remove the detached garage and add an attached garage. He said the street and neighborhood deserve the improvements.

Mr. Hayden asked if the hardship was the layout of the lot which was done many years ago.

Mr. Goss said this request is to extend the existing setback but not encroach closer to the road.

Mr. Hayden asked if there were any concerns with the conditions listed in the staff report. Mr. Pence said no. He added that there are about 10 different materials used on the house. Ms. Cowlin said the condition in the report is to be sure the plans that were submitted are followed.

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

Mr. Batastini supports this project. Mr. Greenman stated that the Findings of Fact are supported. Mr. Skluzacek asked if the garage that is on the lot line will be removed. Mr. Pence said yes. Mr. Skluzacek said he can support the project. Mr. Gavle and Mr. Goss both have no problem with the request.

Mr. Batastini moved to approve the Variations from Articles 3-200, 3-300(B)(3)(a) and 7-300(B)(4) from the minimum corner side yard setback requirements to allow a 7-foot encroachment for an addition that will be added to the existing nonconforming principal structure at 145 W. Crystal Lake Avenue with the following conditions:

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

A. Application (Pence, received 09/05/14)

B. Survey Preferred Survey, Inc., dated 10/23/14, received 12/15/14)

C. Building Renovation and Addition (John M. Behrens, Architect, dated 12/03/14, received 12/15/14)

2. The variation from Article 3-200, 3-300(B)(3)(a) and 7-300(B)(4) from the minimum corner side yard setback requirement to allow a 7-foot encroachment of an addition is hereby granted.

3. The addition to the property may not increase the encroachment of the front yard setback by more than 7-feet.

4. Style, colors and materials shall be continued to the existing principal structure. Subsequent exterior modifications shall be reviewed by staff. If it is determined that the changes are significantly different than these plans reviewed through the variation, the petitioner may be required to revisit the Planning and Zoning Commission and City Council for approval.

5. The petitioner shall address all of the review comments and requirements of the Community Development Department and Fire Rescue Department.

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

2014-57 UDO AMENDMENT – PUBLIC HEARING

Allow vapor lounges as part of a retail e-Cigarette location in the “B-2” and “B-4” zoning districts.

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

Ms. Maxwell said this is a housekeeping matter. The e-cigarette/vaping is not described in the UDO.

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

Mr. Batastini asked if the Council opposed the use in restaurants, etc. Ms. Maxwell said several options were presented to City Council and the City Council chose not to regulate their use. Mr. Richter said the Council gave the business owners the opportunity to regulate it themselves. Mr. Hayden said the State recently updated the Statute. Ms. Maxwell said the City’s requirements match the State’s. She added that some vaping stores currently have areas that are more gathering places.

Mr. Jouron said this can be dangerous. Mr. Hayden said the chemicals are same as what are in antifreeze.

Mr. Esposito said this is like it was back in the 1950s when they said that cigarette smoking was not harmful. He can’t support this.

Mr. Greenman said this sounds like we are allowing a lounge concept instead of just allowing them to try the product. Ms. Maxwell said that information was also given to the City Council.

Mr. Hayden said he disagrees with the concept, but this is housekeeping.

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

Section 2-300 Permitted Uses Table

TABLE 2-300 PERMITTED USES TABLE															USE CRITERIA	NAICS
	F	E	RE	R-1	R-2	R-3A	R-3B	O	B-1	B-2	B-4	M-L	M	W		
Food Services and Drinking Places																
Vapor Lounge (as part of an e-cigarette retail store)										P	P					

Article 10-Definitions

ELECTRONIC CIGARETTE / E-CIGARETTE: Any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation. “Electronic cigarette” or “e-cigarette” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any other product name or descriptor. The term “electronic cigarette” does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.

E-CIGARETTE RETAIL STORE: A retail establishment that derives more than 80% of its gross revenue from the sale of electronic cigarettes and related products, and in which the sale of other products is merely incidental. “Electronic Cigarette Retail Store” does not include an e-cigarette department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

VAPE: To inhale and exhale the vapor from an e-cigarette.

VAPOR LOUNGE: An area with seating and tables where customers of an electronic cigarette retail store may vape or sample electronic cigarette products before purchase.

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

REPORT FROM PLANNING

- Lapetina – 8611 Huntley Rd – Annex, SUP
- My Happy Place Comics - 19 B Berkshire Dr – Special Use Permit
- Blomsness Thebault – 6813 Sands Rd. – Annexation referral
- County Zoning request – 10216 Route 31 unincorporated Algonquin
- Smith Cartage Co (Algonquin Tr 1086) – 7013 Sands Rd. – Annexation
- Doherty – 4420, 4501, 5201, & 5425 Rt. 176 - Annexation

Ms. Maxwell reviewed the items for the next meeting on January 21, 2015.

COMMENTS FROM THE COMMISSION

Mr. Goss asked that staff send a request to City Council asking for the EMC signs on Route 176 be referred back to them for future review.

There were no other comments from the Commissioners.

The meeting was adjourned at 10:50 p.m.