CRYSTAL LAKE PLANNING AND ZONING COMMISSION
SPECIAL MEETING
MONDAY, JULY 9, 2012
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, Goss, Greenman, Jouron, Lembke, Skluzacek, and Hayden were present. Mr. Gavle was absent.

Mr. Hayden asked those in attendance to rise to say the Pledge of Allegiance. He led those in attendance in the Pledge.

Michelle Rentzsch, Director of Planning and Economic Development, and Elizabeth Maxwell, Planner, were present from Staff.

Mr. Hayden stated that this meeting is being televised now as well as being recorded for future playback on the City's cable station.

APPROVE MINUTES OF THE JUNE 20, 2012 PLANNING AND ZONING COMMISSION MEETING

Mr. Skluzacek moved to approve the minutes from the June 20, 2012 Planning and Zoning Commission meeting as presented. Mr. Jouron seconded the motion. On roll call, members Esposito, Goss, Jouron, Lembke, Skluzacek, and Hayden voted aye. Members Greenman and Batastini abstained. Motion passed.

2012-42 COOPER – 132 Ashton Ln. – PUBLIC HEARING

Variation (Article 3-200) to allow a deck to encroach 7 ft. into the required 20-ft. rear yard setback and be as close to the property line as 13 ft.

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.

Rich Cooper was present to represent his petition. Mr. Cooper said he would like to expand his 4-foot by 4-foot deck to 8 feet by 8 feet so the deck can be useable for a grill, chairs, table, etc. The lot backs up to a heavily wooded area. His current deck is only as wide as the staircase leading down to the back yard. Mr. Cooper stated that there is only one place to put a deck on this lot, which requires the variation. He stated that this addition to the deck would not change the drainage on the lot.

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 if Mr. Cooper was the original owner of the home. Mr. Cooper said yes. Mr. Goss asked what the square footage of the home is. Mr. Cooper said approximately 3,100 square feet. Mr. Goss said the home takes up just about all of the possible building space on the lot. He added that there was a similar request for a home nearby just a few meetings ago. Mr. Goss said there is a certain expected space between structures on two lots and this deck would encroach into the open space between them. Mr. Cooper said there is a lot of space between this deck and the open space of the church behind him. Mr. Goss said the wooded property can be expected to develop at sometime.

Mr. Skluzacek asked if this home had a walkout basement. Mr. Cooper said no. Mr. Skluzacek asked if there is a patio. Mr. Cooper said yes that there is a paver patio. Mr. Skluzacek said the patio is useable space. Mr. Cooper said the deck is more the landing for the staircase.

Mr. Greenman asked if there were any restrictions placed on the plat that were recorded. Ms. Maxwell said there are no notes on the plat. Mr. Greenman said he understands what the petitioner is trying to do but it puts the land behind him at risk. When they look at variations there is one thing that needs to be met, which is a hardship. There is no unusual topography issues or an unusually shaped lot. Mr. Greenman said he doesn't see the hardship. Mr. Cooper said the back yard is a problem because of the drainage and utility easements. There is no physical way to build a usable deck outside of easements. He agrees that there is no hardship as previously described for this lot.

Mr. Jouron asked if the Homeowners' Association approved the deck. Mr. Cooper said he only notified the surrounding property owners in writing but not the association. Mr. Jouron said sometimes in the Covenants it states that the Association must approve the deck as well.

Mr. Batastini said these are smaller lots and agrees with Mr. Goss. He is concerned for the property adjacent to the west which is currently wooded. Mr. Batastini said there will be other homeowners who will want larger decks. He doesn't want to be difficult with this petition but he can't support the request.

Mr. Goss said he also has a 10 foot utility and 10 foot drainage easement on his lot because when it was built there was vacant land behind it.

Mr. Hayden said in the past, they struggled with developers who wanted to put very large homes on the smallest lot possible. They were told by the developer that the future homeowner would be made aware of what could or couldn't be done on the lot but more often than not it didn't happen. Mr. Hayden said there is one significant requirement which is that a hardship be proven and the petitioner has stated that there is no hardship. Mr. Cooper said the only hardship is that this is deck addition will not impact the drainage or the easements themselves.

Mr. Hayden asked if the petitioner had any options. Ms. Maxwell said the paver patio could be added onto so long as the drainage is not altered. Mr. Hayden encouraged the petitioner to look toward other options.

Mr. Goss moved to deny 2012-42 Cooper Variation at 132 Ashton Lane. Mr. Esposito seconded the motion. On roll call, all members voted aye. Motion to deny passed.

2012-46 DALY – 862 Wimbleton – PUBLIC HEARING
Variation (Article 3-200) to allow a covered front porch to encroach 3 ft. 2 inches into the required 30-ft. front yard setback and be as close to the property line as 16 ft 10 inches

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.

Brian and Mary Daly were present to represent their petition. Mr. Daly passed around a photo of what they would like to do to the front entrance to their home. He said they would like to cover the steps leading into the home. In the winter they get iced over and they are concerned that someone will fall. Mrs. Daly said she has difficulty getting up stairs and this will give her a place to hold onto.

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 if they spoke with their neighbors. Mr. Daly said yes and they were in favor of it. Mr. Goss said he is always trying to remove the snow from the roof that is over the front door.

Mr. Skluzacek asked if the entryway would be to the end of the stoop. Mr. Daly said it would be the stoop and one step. Mr. Skluzacek said this would make the entrance much safer and he doesn't have a problem with the request.

Mr. Greenman said this makes sense and the Findings of Fact listing in the report are met. The hardship was identified and it won't have a negative impact at all.

Mrs. Lembke and Mr. Jouron don't have a problem with the request. Mr. Batastini said it is a nice addition.

Mr. Hayden said he doesn't have any concerns with the request. He understands the hardship. Mr. Hayden asked if the petitioner reviewed the conditions listed in the staff report and if there are any concerns with them. Mr. Daly said he has no issues with the conditions.

Mr. Batastini moved to approve the Variation (Article 3-200) to allow a covered front porch to encroach 3 ft. 2 inches into the required 30-ft. front yard setback and be as close to the property line as 16 ft 10 inches at 862 Wimbleton with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:

A. Application (Daly, received 06/21/12)
B. Plat of Survey/Site Plan (L B Harvard, dated 01/02/75, received 06/21/12)
C. Construction details (Banyan Builders, undated, received 06/21/12)

2. A variation to allow encroachment into the required front yard setback by 3 feet 2 inches for a covered front porch stoop.

3. The petitioner shall comply with all of the requirements of the Engineering and Building, and Planning and Economic Development Departments.

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

2012-45 ASHTON POINTE (RYLAND HOMES) – N. RR Tracks; W. Pingree Road – PUBLIC HEARING
Final PUD Amendment to allow a new set of homes plans by Ryland Homes

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.

Matt Pagoria with Ryland Homes was present to represent the petition. Mr. Pagoria said their Bryn Mawr project will be coming to an end soon and they wanted to find something else to do in Crystal Lake since they have a good working relationship with the City. He said there are 41 remaining lots in Ashton Pointe which they are under a contract to purchase. They are proposing 8 plans with the square footage ranging from 2400 to 3800 square feet. Their proposed plans are mostly 3 car garages and 4 bedrooms.

Mr. Hayden asked if the petition had any concerns with the suggested conditions listed in the staff report. Mr. Pagoria said no. When the lots were platted, they are small. Some lots will have restrictions and in a few instances the home will take up most of the buildable area. They have not purchased the lots yet and it hinges on if the new home plans are approved.

Mr. Hayden said the petitioner is requesting a Final PUD Amendment to allow the home plans presented to be used in this development. He said some of the Commissioners have concerns with the lack of buildable space remaining on the lot after the home is built. Mr. Pagoria said he doesn't know how to proceed. Mr. Hayden asked what the petitioner is really asking for. Mr. Pagoria said he is concerned with condition #3B stating that no variations will be granted for certain lots. He would like a discussion on decks, etc. and what can be done on the lots. Even if the potential home owner signs an acknowledgement regarding future variations, they will still be able to ask for them. Mr. Greenman said they are planning for the future. He asked if something was put in the plat to prevent what can be requested in the future. Mr. Pagoria said he is requesting more allowable buildable area on those lots.

Ms. Maxwell said variations would need to be requested and there is concern with how close the accessory structures such as decks, sheds, etc. would be to the neighbors' accessory structures. Mr. Hayden said even if the homeowner signs the acknowledgement, that does not take away their right to request a variation but it would make it more difficult since they knew about the restriction. Mr. Goss said the buyers' attorney must point this out to their client. Mr. Hayden said this could also be in the Covenants. Ms. Maxwell said those can be amended at any time.

Mr. Batastini said he understands that when they purchase a home they would want to use the deck for a grill, table, chairs, etc. Every lot in the subdivision is small and if the petitioner's current request is approved it would be like tossing out the Zoning Ordinance for this subdivision. Mr. Pagoria asked what is the harm if all of the neighbors in this subdivision are allowed to do something different.

Steve Sebastia, 128 Ashton Lane, said he requested a copy of the proposed home plans and said no narrative was given with the plans. The proposed houses appear to be similar to the original house designs. This has not been to their Homeowners' Association so they are relying on the City to help out the neighborhood.

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

Mr. Jouron asked how big the originally approved homes for this subdivision were. Ms. Maxwell said it is in their packets. Mr. Jouron said they were concerned when this subdivision came through originally that the homes were too large for the lots which left practically nothing for the homeowner to put decks, sheds, etc on.

Mr. Batastini asked if the same standards that were approved originally such as shutters, etc. would be included in these designs. Ms. Maxwell said the shutters would be but the petitioner is not including wrapping the brick around a corner, and trim elements just to name a few. There will be 3 car garages which the existing homes don't have.

Mr. Batastini said some of the base designs seem to be very flat with no variation to give it dimension. Mr. Pagoria said they are focusing on things that will add value to the home. Mr. Batastini said the chimneys for the fire places are currently masonry. Mr. Pagoria said the optional fireplaces will not be masonry. Mr. Batastini said masonry makes it look classier.

Mr. Batastini said he likes the elevations and asked about the addition of brick. Mr. Pagoria said they found in Bryn Mawr that there were more requests for brick to be added to the elevations than what was required. Here, 23 of the 41 remaining lots are required to have brick.

Mr. Batastini said he is concerned with the lots along Pingree Road causing a visual problem with the addition of decks, etc. in the setbacks. The interior lots would become a neighbor issue.

Mrs. Lembke said the Ryland homes should be similar to the Ashton Pointe homes. She asked if Ryland has any shallow hones that will fit on these lots and allow decks, etc. Mr. Pagoria said he would check into it.

Mr. Greenman said he likes having the developer meet 7 of the 9 criteria and asked if having windows on all elevations should be added to the required elements and having the criteria to be met be 6 out of 8. He understands they need flexibility and believes that condition 3b is necessary. The buyer needs to know ahead of time about the building restrictions of the lot. Mr. Greenman said any resident can request a variation but prefer that condition 3b remain.

Ms. Maxwell said that the last amendment to this PUD had a list of criteria. There were two homes built under them. Mr. Batastini asked what are the differences between the originally approved home plans and these. Ms. Maxwell said she did not make a list. She said what are presented here are larger and more expensive homes. Mr. Batastini said it is hard to compare. Ms. Maxwell read from the list of criteria approved with the last amendment and noted the differences.

Mr. Esposito said they fought for the homes that back up to Pingree to have more detail to them in the rear. With the homes themselves being large and not leaving much room for decks, etc. it will be hard to allow them.

Mr. Skluzacek asked about vinyl siding. Mr. Pagoria said it is allowed. The Commission members asked about condition 5 that wood was required. Ms. Maxwell explained that condition #5 is only applicable if Ryland chooses to make changes to their approved home plans. Wood siding is one of the 9 criteria that can be chosen from. Mr. Skluzacek said he likes most of the elevations.

Mr. Goss said the petitioner is bringing R-1 houses into the R-2 size lots. Mr. Pagoria said the 3800 square foot house will fit on all lots. Mr. Goss said with a 3 car garage about 43% of the front elevation will be taken up by garage doors. He had a problem when the development originally came through with 3 car garages fitting comfortably on the lots. People need a useable back yard. Mr. Goss said he can only support up to 3100 square feet homes and only on certain lots. He can't support the package presented.

Mr. Esposito said some of the original approval for amenities such as shutters, masonry fireplaces, etc. needs to remain.

Mr. Hayden asked about the time frame. Mr. Pagoria said if this is approved, they will close in August and construct a model immediately. They plan to be completely done with this development in 2 years. Mr. Hayden asked about the market for the 3800 square foot home. Mr. Pagoria said it is one of their best sellers. It is shown in the product line at Bryn Mawr, in Huntley and Gilberts.

Mr. Jouron asked what size lots are in Huntley and Gilberts. Mr. Pagoria said they are 10,000 to 15,000 square foot lots. Mr. Jouron said those lots are larger than these.

Mr. Hayden said he doesn't want to tell the petitioner his business but he struggles with the size of the homes proposed for the small lots that are in this development. People want to spend more time outdoors and there won't be much of a back yard to use. He added that the variations that will be needed are unknown and concern him. He has faith in staff to take on the roll to oversee this project. Mr. Pagoria said marketing tells them this product will be successful and having homes that are up to 3100 square feet won't work financially for them.

Mr. Goss said if the lots here were larger like the ones in Huntley and Gilberts he would not have a problem with the product presented.

Mr. Hayden asked about a ranch style home. Mr. Pagoria said they have not had success with that model and it takes up more of the buildable area of the lot.

Mr. Batastini asked if condition 3b limiting variation requests on some lots are necessary. Ms. Maxwell said the owners can always ask for variations. Mr. Batastini asked who is responsible to replace the landscaping along Pingree Road. Ms. Rentzsch said the HOA and it is enforceable by the City.

Mr. Goss asked about the homes that could be placed on Lots 18 and 59. Mr. Pagoria said they will have a restriction list so the potential buyer knows what homes can go on certain lots. He added that there may be things that homeowners would want in their yard that have not be thought of now but may need a variation for. Mr. Pagoria feels that condition 3b is not needed since the decision to approve or deny is based on proving a hardship.

Mr. Batastini asked about wrapping the brick around the side. Mr. Pagoria said that adds to the cost. Mr. Batastini asked about the price point for the homes. Mr. Pagoria said they will be a little above Bryn Mawr so they will be approximately $250,000 to $330,000.

Mr. Hayden said if lived in Ashton Pointe he would want it completed and with homes that have a greater value than his. This is tough. He said they are approving the product for the PUD and NOT variations.

Mr. Batastini moved to approve the Final PUD Amendment to allow a new set of homes plans by Ryland Homes for Ashton Pointe subdivision located north of the railroad tracks and west of Pingree Road with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
   A. Application (Ashton Pointe LLC, received 06/29/12
   B. Home Plans (Ryland Homes, dated 05/30/12, received 06/29/12)

2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable. Ordinance # 6311 (allowing ranch homes) and Ordinance # 6560 are hereby rescinded.

3. The following conditions shall apply to the following lots and proposed elevations:

A. Due consideration will be given while designing residences on Lots 12, 38, 39, 48 and 68 to take into account the possibility of the side/rear facades of these houses facing the entrance to other residences. These façades shall provide interest by the addition of details or fenestration. Additional planting shall be provided on these lots to screen any accessory structures (sun rooms, screen porches, etc.)

B. Variations from required setbacks shall not be granted for any structures (principal or accessory) on Lots 12, 18, 38, 39, 47, 48, 59 and 68. Buyers will be required to sign an acknowledgment to that effect.

C. For the Carlisle and Meridian plans, some fenestration must be added to both the side elevations on all models. For the Hawthorne plan, some interest must be added to the left elevation, either through the addition of fenestration or other details.

D. For all plans, at least 3 inches wide trim is required on the patio doors.

E. Any brick shall be wrapped around the side by one (1) foot.

F. If fireplaces are to be added to the homes backing up to Pingree Road, they shall be masonry.

4. The following anti-monotony provisions shall apply:

A. No two homes which are within 2 lots side by side or face front to front shall have the same identical elevation. This does not apply to a back to back situation.

B. No two homes having lots which border in any way (without regard to streets and parks) shall have the same identical color scheme. This includes identical trim, siding and masonry color selection.

C. No two homes with identical elevations shall be allowed to have the same identical exterior color scheme.

D. No two homes with identical floor plans, regardless of elevation, shall be built next to each other or directly across the street from each other.

E. None of the lots on a cul-de-sac shall have the same model and elevation on it.

5. Variations from the proposed elevations are permitted upon staff approval as long as they meet at least seven of the following nine criteria:

A. Where siding is used as a building material, wood board siding shall be used.

B. A front porch or stoop at main entrances of the proposed homes is provided.

C. Three-car garages are designed as 2-car side loading and 1-car front-loading.

D. Front loading, side facing garages shall have windows facing the street that match the style, spacing and frequency of windows for the rest of the dwelling.

E. Front loading, front facing garages shall incorporate at least 3 architectural elements (like columns flanking doors, moldings, overhanging eaves, decorative vent covers, decorative brackets, arched lintels, garage windows, etc.)

F. Windows are required on all elevations. Long blank facades or token window/s on elevations are not permitted

G. Window and door openings must be articulated through the use of shutters, flat or arched lintels, projecting sills or surrounds. These treatments should be applied on all elevations of the dwelling.
H. Where shutters are used, they should be sized to the window such that they appear as if they can be closed and fully protect the window.
I. All facades generally, and the front façade specifically shall be articulated through the use of dormers, eyebrow windows, decorative brackets, louvers, balconies or other elements.

6. The adoption of the Ryland Home model plans shall only be for the single-family lots, Ashton Pointe LLC shall retain control and development rights of the multi-family lots.

7. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

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

Mr. Goss stated that his no vote was because the house plans are designed for "R-1" lots and these are standard "R-2" size lots.

REPORT FROM PLANNING

Ms. Rentzsch said there was no City Council meeting to report on since the July 3rd meeting had been cancelled.

Ms. Rentzsch reviewed the petition for the next PZC meeting which will be the next PZC meeting on July 18, 2012.

COMMENTS FROM THE COMMISSION

Mr. Batastini said there are several trucks that move into position in parking lots to advertise businesses after City Hall is closed on Friday. He said the Building Commissioner, Rick Paulson, was aware of the problem and is working on it.

Mr. Batastini said he has noticed that the left turn lane coming out of COG Circle onto Route 14 backs up. He is concerned that with Chick-Fil-A opening soon that it will get worse. Mr. Esposito said as soon as Pingree Road opens back up things should be back to normal. Mr. Goss said the road setup was already in place when the area was annexed into the City and the City was forced to accept it.

The meeting was adjourned at 9:30 p.m.