CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, OCTOBER 15, 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, 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 OCTOBER 1, 2014 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the October 1, 2014 Planning and Zoning Commission meeting as presented. Mr. Batastini seconded the motion. On roll call, members Batastini, Esposito, Gavle, Jouron, Skluzacek, and Hayden voted aye. Members Goss and Greenman abstained. Motion passed.

2013-60 LAPETINA – 8611 Huntley Road – PUBLIC HEARING

Comprehensive Land Use Plan Amendment from Estate Residential to Commerce; Rezoning upon annexation to the "B-2" Highway Service; Special Use Permits for: A. Rental buildings for Cold Storage; B. Outside Storage of campers, boats and trailers in designated fenced-in areas; C. Residential rental of one single-family house; and D. Sale of landscape products, limited to boulders, stone, sand, dirt and sod.

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.

Thomas Zanck, attorney, asked that this request be tabled to later in the meeting. The petitioners had an emergency earlier and they are on their way. There was no objection from the Commission

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

Conceptual Planned Unit Development Review for a 14-lot single-family subdivision.

Mr. Hayden stated this is a conceptual review to receive feedback from the Commission and the public.

Thomas Zanck, attorney, and Steve Greenberg, developer, were present to represent the request. Mr. Zanck said they were before the Commission in 2012 with a 27 townhouse unit development. The developer took the information from the meeting including not using the alley and lower density, and worked with staff on this plan. They are now proposing 14 single family units. They enlarged the lots, upgraded the product and feels this is much more pleasant for the area.

Mr. Zanck showed the newly revised site plan showing the extension of Sherman Street into the site. The density is reduced and the lots are wider. They originally wanted to create a development similar to the development south of the YMCA with zero-lot-line. Mr. Zanck showed the elevations of the homes and added that there are a variety of different elevations so there will be no problem with the monotony code. He stated they want to come back to request rezoning and a Preliminary PUD.

Mr. Hayden opened the public portion of the meeting.

Frances Barciak, 227 Glen Ave., stated the access road does flood sometimes. Mr. Greenberg said they will be working with the City on the grading. Mr. Barciak asked what type of fence they would have. Mr. Greenberg said they were not certain of the type of fence but he was leaning towards a composite fence that looks like wood but lasts longer. Mr. Barciak asked if there would be a Homeowners Association. Mr. Greenberg said yes. Mr. Barciak asked about the emergency access. Mr. Greenberg said they would like to use the type of pavers that allow grass to grow through them. They need to emergency access for the first responders in case they need to get to the train tracks, homes, etc. from another direction. Mr. Barciak asked if there will be an access to Route 176. Mr. Greenberg said no. IDOT will not allow an access point that close to the train tracks.

Shirley Teetsov, 231 Glen Ave., asked if the developer was confident the units will sell. Mr. Greenberg said they believe this is a nice product and they want this to be an extension of the neighborhood. This development is within walking distance of downtown Crystal Lake, a park and the train station for Chicago. Mrs. Teetsov said the homes proposed are not like the homes that are already in the area. Mrs. Teetsov said their property taxes will go up because of this development. Mr. Hayden said it is a good thing if your property values go up which means when you sell your home it is worth more. Mrs. Teetsov asked if they knew how many homes are for sale in Crystal Lake. Mr. Hayden said he had no idea but he put his mom's townhouse up for sale and there is a contract pending after just a few days. He feels the market is not great, but is turning around. Mr. Greenberg said the prices of homes are increasing and there is not a lot of new construction being offered. They feel this will fill a void. Mrs. Teetsov said there is a home near hers that has been up for sale for several years. She is afraid these homes will sit there and not be sold. She is also concerned with only one way in and out of the development. Mrs. Teetsov added that she would not like to live close to the railroad tracks.

There was no one else who wished to speak at this time.

Mr. Batastini said they do appreciate the development taking their comments and coming back with a

new conceptual review. He agrees with not using the alleyway and likes the creativity and product shown. Mr. Batastini is concerned that in the future Route 176 will need to be widened in this area and the back yards of 4 homes will be in the way of the expansion. He added that he would like the lots wider. Mr. Greenberg said they have already taken out units and putting in the needed improvements to the roads, utilities, etc. are expensive. This plan is the best overall. He said they have increased the lot widths from 20 feet to 30 and 34 feet with a minimum of 10 feet between the units.

Mr. Batastini asked if the extension of Sherman would be a private road or City maintained. Mr. Greenberg said the road will be built to City standards, but privately maintained and plowed. Mr. Batastini said private roads are initially ok, but eventually the Homeowners Association wants the City to take over the maintenance. He added that the road is narrow and there should be restriction on parking in the street. Mr. Greenberg said they have two parking areas for guests. Ms. Maxwell believes there won't be any parking on the street. Mr. Batastini said this parcel is tough. He is concerned about precedent for other similar lots in the City. Also there are no sidewalks shown. Mr. Greenberg said they can put in sidewalks if they connect to others.

Mr. Batastini said there is a beautiful White Pine on the site and asked if it will be kept. Mr. Greenberg said probably not. Mr. Batastini said he appreciates the creativity.

Mr. Greenman agreed that this parcel is challenging and appreciates the efforts that have been made to this point. He said this plan uses a bonus density and asked what the density for the property would be without the bonus. Ms. Maxwell said losing 3 or 4 units would be close. Mr. Greenman asked about the square footages of the homes. Mr. Greenberg said they would range between 2,500 and 2,800 square feet. He builds custom homes and a building guideline will be established. He doesn't want to say "you can't do this." This is a smaller product, but still allows for creativity of the potential owner.

Mr. Greenman asked who this development will be targeted to. Mr. Greenberg said young families, empty nesters, and divorcees. Mr. Hayden said that is a lot of square footage for an empty nester. Mr. Greenberg said the price point will range from $275,000 to $325,000 depending on the amenities that are added. Mr. Greenman feels the homes are on the large side for this property. He asked what their time frame is. Mr. Greenberg said they would like to come back in a month or two for Preliminary PUD and start building next summer. Mr. Greenman asked about the build-out time frame. Ms. Maxwell said they would not be restricted with the smaller number of lots. Mr. Greenman said he likes the concept, but believes that they would need to eliminate 30% of the units if the density bonus is not granted.

Mr. Esposito said he likes the concept. His home is about 2,800 square feet and is on a much larger lot than these. He feels a smaller home would be 1,800 to 2,000 square feet. Mr. Esposito is also concerned with the size of the back yards for pools, decks, kids play equipment, etc. Mr. Greenberg said the footprint of the home can change depending on what they want in the rear yard. He said what is shown on the plan is just a building envelope. Mr. Esposito said he likes the design, but is concerned with the snow removal and where it will be put. Mr. Greenberg said they have not worked on that yet.

Mr. Jouron said he prefers this to an office building. He asked about the front yard setback. Ms. Maxwell said they are proposing 20 feet. Mr. Jouron said the typical setback is 30 feet, which allows for parking cars on the driveway without covering the sidewalk. He asked if fences would be permitted in the development. Mr. Greenberg said no.

Mr. Skluzacek said he likes the concept but would prefer the footprint of the homes be smaller. These are large homes on small lots. People don't think about decks, patios, etc. when they are purchasing a home. Mr. Greenberg said if they had smaller homes they would need more units to make this development work.

Mr. Gavle asked about the depth of the water table in that area. Mr. Greenberg said he did not bring that information with him. Mr. Gavle said that will determine if basements will be allowed. Mr. Greenberg said they will be bringing up the property so there should not be a problem. Mr. Gavle said he generally likes the layout.

Mr. Goss asked about the dedication of Sherman Street. Mr. Greenberg said it will be brought up to City standards. Mr. Goss said there is a sidewalk on Route 176. He added that they receive many variation requests for decks, patios, sheds, etc. due to large homes on smaller lots. He suggested that an easement be put on the plat for decks, patios, etc. so people will know where they can put them. Mr. Goss asked about the groundwater. Mr. Greenberg said he doesn't believe there will be a problem since the water doesn't come up from the ground. If there is it will be addressed. Mr. Goss asked with a $300,000 home and no direct access to Route 176, who will buy. Mr. Greenberg said the cul-de-sac is safer for families with young children.

Mr. Hayden said the size of the homes seems large. Mr. Greenberg said the square footage that was quoted would be for the entire building box shown on the site plan and the homes won't necessarily be that size. They need to have that size home on that size lot to help pay for the improvements – roads, utilities, etc. Mr. Greenberg added that they don't want a tract home.

Mr. Hayden said the property was originally zoned for manufacturing uses, was rezoned to office, and then rezoned to residential. Mr. Hayden asked the udeince which zoning class they prefer. Mr. Barciak said office won't go on this property without access to Route 176. Mr. Hayden said they went into more detail than usual with this conceptual review.

Mr. Goss said he has no problem with the density, but is concerned that there is a lot going on a small lot. He is certain that there will be many variations requested. Mr. Greenberg said they could state in the covenants what size decks/patios are permitted. Mr. Goss said the lots that back up to Route 176 won't be allowed to have a 6 foot fence in the rear since they are a double frontage lot. Also no parking should be allowed on the cul-de-sac and only in designated areas. He still wants access to Route 176.

Mr. Gavle said he is concerned about the water table. Mr. Skluzacek said he would prefer smaller homes. The concept is ok. Mr. Jouron said it is a hardship that access can't be made to Route 176. Mr.

Esposito is concerned with the back yard size. Mr. Greenman appreciates the concept. Mr. Batastini said he would prefer property line be wider for the lots on the east and west property line. Mr. Greenberg said even if the lots are wider that doesn't deepen the back yard.

Mr. Hayden said he hoped the discussion was helpful.

Mrs. Berg, 201 Glen Ave., said she won't be able to get out of her garage/driveway during the construction due to street being torn up. Mr. Hayden said this is a conceptual review meeting and that can be discussed later.

2014-35 MATTRESS FIRM – 5501 Northwest Highway – PUBLIC MEETING
Conceptual Planned Unit Development Review for a 7,800 square foot building.

Mr. Hayden stated this is a conceptual review to receive feedback from the Commission and the public.

Mike Liyeos was present to represent the request. Mr. Liyeos said the building is the former Pauly Toyota and the building has been vacant for some time. He said Mattress Firm has recently decided to enter the Chicago market and they want to be close to Sleepies. The property is zoned "B-2 PUD" and they want to renovate the building to look brand new. Mr. Liyeos said even though this is a conceptual review they sent notices to the surrounding property owners. They did not hear from anyone. He added that the buildings in the back are leased on a month-by-month basis and they have no plans for the buildings at this time.

There was no one who wished to speak on this matter.

Mr. Batastini said he would love to have this store in town and there are many places available. They have talked about a vision for this area of town that would take advantage of the view of Three Oaks Recreation Area. Mr. Batastini said he can't support this use at this location. He said they had talked about possible restaurants, bars, etc. that would benefit from the view. He doesn't see mattress or retail on this site. He said it is hard to approve a use just to fill up the space because when something else comes along this is not available.

Mr. Greenman agreed. The challenge is not only what is in front of the store, but equally what is behind the property. There are other options. Mr. Esposito agreed. He said they do want business on Route 14, but there is space behind this building that is closer to the recreation area. Mr. Jouron agreed. He would prefer a restaurant there. Mr. Skluzacek said he would also prefer something else. He isn't sure there is enough room in the back to have another use. Mr. Gavle said most businesses would want to be seen from the main road and not be blocked by another building. Mr. Batastini agreed.

Mr. Liyeos said currently there are no views of the lake from this building because of the buildings in the rear of the property. Those buildings are very unsightly.

Mr. Goss said when Anderson VW was approved there was a 20 foot easement added in the rear of the property for a boardwalk around the lake. If there was another building in the rear, they would need parking and there may be a problem with room between the buildings for the traffic.

Mr. Liyeos said this property is rather small – about an acre. A national restaurant would not go on a parcel that is that small. If they don't go on this site, they will go to another town. They don't have a problem with dedicating an easement for the boardwalk.

Mr. Goss said more than one lot would need to be acquired to accomplish their vision for the area. They really shouldn't do this piecemeal. Mr. Batastini said they need to look at the area and not just a lot. Mr. Liyeos said this is a great vision, but it has been vacant for several years. Mr. Hayden said that time was during a national downturn and things are starting to come back.

Mr. Liyeos said he understands the City needs to start somewhere with this area. This is a great space for a retailer who wants to be on Route 14 and the building does not look at the lake. They could put in shared access and shared parking agreements.

Mr. Goss said the rear of the building would need more architectural features. Also, a knee wall in the front would set off the building. He is glad to hear that they would be willing to work with a second use for the lot.

Mr. Esposito suggested that a monument sign be similar in style to the Three Oaks Recreation Area.

Mr. Liyeos said their goal is to consolidate. He said most people don't know that several of the mattress stores are owned by the same parent company. He added that their marketing people see something in this area that tells them that we should be here.

Mr. Hayden thanked Mr. Liyeos for presenting a conceptual plan.

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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.

Thomas Zanck, attorney, Joseph and Elaine Lapetina, petitioners, were present to represent the petition. Mr. Zanck said this property was proposing annexation nine years ago and the City Council wanted a portion of the property to be dedicated to expand the roadway. The petitioners did not want that and the request died. He said the general nature of the area has changed over those years and they are requesting annexation with the zoning of "B-2 PUD" General Commercial Planned Unit Development. Mr. Zanck added that the petitioners are willing to dedicate the right-of-way. He said they would like to market the property as "B-2PUD" and understand that nothing further can be done with the property. The sale of landscape products by the owners will continue and they will be sure the property is maintained.

Mr. Hayden said this request was heard earlier this year. He said nothing has changed from the original request. The property the cell tower is on is not included in the annexation and asked why. Mr. Zanck said there are long term leases on the property and there is a stipulation in the agreement that the zoning of the property can't change. He added that they are not requesting to subdivide the property.

Mr. Goss said the farming district in the City's UDO requires many acres of land. It doesn't make sense from a public safety standpoint to keep that property out of consideration. Mr. Jouron asked what the zoning is now for the property. Mr. Zanck said Agriculture and a conditional use for the cell towers. Mr. Goss said the City has a boundary agreement with Lakewood that is enforceable until 2021. Mr. Lapetina said they would annex his property in a heartbeat. Mr. Goss said the northeast corner of Red Tail and Ackman is residential. He added that he doesn't see the need for any stronger zoning district than "B-1" Neighborhood Commercial and doesn't recall that property has been rezoned without knowing the future uses.

Mr. Goss said there have been issues in the past with enforcement in the County for this property, but believes it stems from an absentee owner. Also, Lake in the Hills can't reach this property because Lakewood is blocking them. Mr. Zanck said the general neighborhood is moving toward commercial. This would be ahead of the curve.

Mr. Skluzacek doesn't understand why the cell tower property is being left out of the annexation. Mr. Zanck said there will be easements to the cell tower to service them. He added that they will consider annexing the cell tower property after the towers are removed. Mr. Skluzacek said the City would not have a problem with cell towers. Mr. Zanck said the rezoning would violate the agreement. Mr. Jouron asked how long the agreements are for. Mr. Lapetina said one agreement is for 10 years and the other is for 5 years. Mr. Zanck asked why the towers are an issue. Mr. Batastini said it doesn't make sense to leave that property out. Mrs. Lapetina said there would be a lot of red tape to go through for the City. Mr. Richter explained that a Special Use Permit would be required, but could be part of the annexation request. He doesn't recall that there has been an annexation of property with a portion of the parcel left out without it being subdivided out. Mr. Zanck said there is a first for everything.

Mr. Hayden again stated that they have reviewed this before and not much has changed. He can only support this if the entire parcel is annexed. He understands that the owners get the zoning which makes the property more saleable, sewer and water availability, etc., but what does the City get out of this.

Mr. Zanck asked what the Commissioners think. Mr. Goss said "B-1" zoning especially without a plan. Mr. Zanck said there is no plan – only what is there now. Mr. Goss said they should bring the property into compliance with the City Code with a sunset clause. Mr. Zanck said that will be done when the property is developed. Mr. Goss said there is no time table for that and he can't accept it. Mr. Gavle said this is a challenge and hoped this would be more conciliatory. Mr. Skluzacek agreed with Mr. Goss.

Mr. Goss said this is the same request that was before the Council in 2005 except for the right-of-way. He can't see the Council changing their opinion. Mr. Zanck said the neighborhood is changing. He said he has spoken with the City Council and they said to come back to the PZC.

Mr. Jouron asked if the petitioner didn't feel the tower would have been approved if in the City. Mr. Lapetina said the company putting up the tower said not to annex to the City. Mr. Goss said there are towers on private property within the City limits and there are some that are on City owned property.

Mr. Hayden suggested that the property be zoned "RE" Residential Estate with the understanding it will be rezoned when a plan is presented. It has been done before with the Kaper property along Randall Road. Mr. Esposito said he agrees that the zoning can be changed when there is a plan.

Mr. Greenman said he can't support "B-2" zoning there and the cell tower property would need to be included. He agreed that the residential zoning that was granted for the Kaper property as a "place holder" does work. He would also like a time limit on the uses. Mr. Goss said an annexation agreement is in effect for a maximum of 20 years. Mr. Greenman said this is our opportunity. What do we want to see happen here.

Mr. Batastini said he wants to annex the entire parcel and agrees that "B-2" is not the right zoning for this property. He wants the property to be brought into compliance and is concerned that the County citations have not been addressed over the years. He said the City will be in the same boat. Mr. Zanck said those citations given to the Commission are from 2004-2006. Mr. Batastini said he is trying to understand the circumstances. If the City asks you to do things how will that work? Mr. Zanck said the citations from 2005 were what prompted the annexation process. The County thought the property was annexed and it was not. Mr. Lapetina said a former renter went to the County about things that they said were going on with this property and they weren't. Mr. Batastini said what is best for everyone is to annex the entire parcel and zone it "B-1" not "B-2."

Mr. Hayden said he wants to move this forward.

Mr. Zanck asked for a 5 minute recess to discuss things with his client.

Mr. Hayden called for a 5 minute recess. He asked Staff to give the reports due to the lateness of the hour.

REPORT FROM PLANNING

- Business Anniversaries (Rita Corporation, Paul Hyland Salon, R/K Autobody, Ralph Helm Inc.)
- Forge Fitness – 141 N. Main St. – Variation
- Affinity for Gaming – 19 E. Berkshire Dr. – UDO Amendment – Special Use Permit
- Heisler – 131 Baldwin Ave. – Variation
- TC Industries – Grant

Mr. Richter reviewed the items for the next meeting on November 5, 2014.

The meeting resumed.

Mr. Zanck asked to be continued to the first meeting in January. Mr. Richter said there is a provision in the UDO that a petition can't be continued more than 60 days without renotification of the property owners and publication of a legal notice. Mr. Zanck agreed to the first meeting in December.

Mr. Goss moved to continue 2013-60 Lapetina Annexation to the December 3, 2014 Planning and Zoning Commission meeting. Mr. Greenman seconded the motion. On roll call, all members voted aye. Motion passed.

COMMENTS FROM THE COMMISSION

There were no comments from the Commission.

The meeting was adjourned at 10:45 p.m.