CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, APRIL 15, 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, Jouron, Skluzacek, and Hayden were present. Mr. Greenman was absent.

Michelle Rentzsch, Community Development Director, James Richter II, Planning and Economic Development Manager, Abigail Wilgreen, City Engineer, and Paul DeRaedt, Fire-Rescue Chief, were present from Staff. Also in attendance were Vic Filippini and Dave Pardys, both Special Counsel.

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 APRIL 1, 2015 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the April 1, 2015 Planning and Zoning Commission meeting as presented. Mr. Goss seconded the motion. On roll call, all members present voted aye. Motion passed.

Mr. Hayden read a prepared statement summarizing the request as well as the action that had been taken in the past regarding litigation.

2014-58 COMMUNITY HIGH SCHOOL DISTRICT 155 – CRYSTAL LAKE SOUTH HIGH SCHOOL – 1200 McHenry Avenue – PUBLIC HEARING

Special Use Permit (Section 4-600D) for accessory structures (modified bleachers) over 900 square feet; Variations for: A. Section 3-200 A/B from the maximum height requirement of 15 feet for an accessory structure to permit 38' 1" for the proposed west bleachers and 31' 7" for the proposed east bleachers; and B. Section 4-200D4 from the required parking standard of 1,318 parking spaces to allow the existing 733 parking spaces.

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. Mr. Hayden read a prepared statement that summarized the facts of this petition, defined the Planning and Zoning Commission's purview and provided guidelines for the night's proceedings.

Lisa Waggoner, attorney, Dr. Johnnie Thomas, District 155 Superintendent, Scott Shepard, Crystal Lake South High School Principal, Joe Cole, Crystal Lake South High School Vice Principal, Josh Czerniak, architect, Thomas McCabe, engineer, and Steve Welters, landscape architect, were present to represent the petition.

Mr. Hayden asked that anyone whether for the petitioner or interested parties who would be testifying during this hearing please rise and be sworn in. The representatives of the petitioner and several members of the audience also stood to be sworn in.

Ms. Waggoner thanked Mr. Hayden for the synopsis of the request. She said they are requesting a Special Use Permit to allow an accessory structure and Variations for the east and west bleachers as well as the parking standards of the UDO. The application is complete and thorough. Ms. Waggoner stated that she has been before the Planning and Zoning Commission on other matters and knows that they are fair.

Ms. Waggoner said the property was annexed to the City in 1977 and this is the first time they have been before the City other than for the annexation. She said the buildings are exempt from City Building Codes. They have met all appropriate building and uses for the school facility. Ms. Waggoner described the surrounding land uses which are residential on three sides and a major sewerage treatment plant to the east.

Dr. Thomas reviewed his credentials and his service on several advisory boards. He has been the Superintendent of District 155 for 3 years and has been in education for 14 years. His role is Chief Executive Officer for the District. He works with the School Board and makes recommendations to the Board. Dr. Thomas said there are four high schools within the District. Three of which are located in Crystal Lake with the other in Cary. There is also an alternative High School located in Cary. Dr. Thomas said District 155 provides services to 2 counties with 10 municipalities. He added that 20% of the student body of Crystal Lake South High School (CLS) doesn't live within Crystal Lake.

Dr. Thomas said they are entrusted with educating the whole child and extracurricular activities provided by the school is part of that. Research has shown that extracurricular activities help students build skills. Another study shows that extracurricular activities have a positive impact on all students. This is a vital part of what is done at schools today.

Ms. Waggoner said the property was annexed in 1977. Dr. Thomas added that the high school building was built in 1978. He said the former bleachers were installed in 1982 and they were about 20 years old when they were installed at Crystal Lake South. Ms. Waggoner asked about the analysis that was made to replace the bleachers. Dr. Thomas said they received a report from the consulting engineer that stated the bleachers were in grave disrepair and the press box was condemned. No one could use the press box. That began the plans to replace the bleachers. They worked with an architect and the administration at CLS. They looked at the gate receipts to determine the seating capacity they would need. Dr. Thomas said when they moved forward with the project, it was presented to the Board in an open and public meeting. There were various plans that were reviewed. Changes were made to the plans and again presented to the Board. He said the plans then went through the approval process with the Regional Office of Education (ROE) which is the procedure they follow for all building projects. Dr. Thomas said in 2013 they received correspondence from the City regarding the construction of the bleachers. Construction was ongoing and the Board asked him to check on what the concerns were. He personally **visited the neighbors' homes to view the project. He reported back to the Board and he hand** delivered the letters and a meeting date was set with the

neighbors. He added that the City asked to look at the plans for the bleachers **and were delivered by their attorney.** The District didn't feel that they needed to go through the zoning process. Just prior to the meeting with the neighbors they were served with the lawsuit, so the meeting did not happen.

Ms. Waggoner stated that the School District believes they have complied with the requirements to build the bleachers but is continuing with this hearing **in accordance with a court order.** She asked if the field could be relocated on the property. Dr. Thomas said the property is land locked. To move the stadium as constructed would create hardship for the other sports and the cost would be substantial. Ms. Waggoner pointed out that the District can't purchase additional property. They would have to eliminate other fields that are used by other sports. She then asked what would happen if the bleachers were demolished. Dr. Thomas said the home games would need to be moved to another site. He said they are moving towards a 21st century facility and would be greatly harmed.

Mr. Shepard said he has been the Principal at CLS since July of 2013. He reviewed his credentials. His role as principal is to report to Dr. Thomas, manage and oversee all aspects of the high school activities, buildings, staffing, and curriculum. Mr. Shepard said the 2 largest uses of the athletic field are football games and graduation. He said it is also used for track and field and soccer as well as physical education classes. Mr. Shepard added that he was not with the District when the former bleachers were in use. He showed photos of the past and current bleachers during a home football game. The bleachers are surrounded by other facilities. People stand sometimes 3 to 5 people deep watching the games. Mr. Shepard said the new bleachers allow for handicap seating and they are safer for those using them.

Ms. Waggoner presented the gate receipt report as Exhibit 2. Mr. Hayden asked if Staff had a copy of the information. Ms. Waggoner gave a copy to Staff. Mr. Shepard said this is not a definitive count since they have student activity passes, family passes, etc. The information is for 3 years worth of game receipts and it shows that the attendance did not increase because of the new bleachers. They only made for a safer place to sit. There are also additional people who attend the games without having to pay such as the band, football players, etc.

Ms. Waggoner asked if the field could be relocated to another location on the campus. Mr. Shepard said this is a unique setup. They would need to eliminate other fields. Ms. Waggoner said it is not practical to move the facility. They have residential homes on three sides of the campus and wherever the field would be relocated to, it would have a similar result. Mr. Shepard concurred. If the bleachers were demolished and reconstructed it would have an impact on using the track. It would take a significant amount of time to remove and reconstruct and work can be done at certain times of the year. Mr. Shepard said the feedback he has received regarding the bleachers has been positive. Many parents commented after graduation as well because of the accessible seating.

Mr. Cole said he is the Vice Principal at CLS. He reviewed his credentials. His role is to work closely with the administration team for District 155 as well as ground maintenance. He also works with the Booster Club and oversees the safety and security of the building. Mr. Cole said the football games are very crowded and congested by the entrance with the previously successful teams.

Ms. Waggoner presented two letters as Exhibit 3 and 4. Mr. Cole said there was concern for the safety of the press box. The letter is dated December 20, 2012 (Exhibit 3) and the annual safety report (Exhibit 4). He read the summary from the annual safety report. Ms. Waggoner said that based on these documents the Board started reviewing the bleachers. Mr. Cole said yes. Ms. Waggoner asked about the conditions at the games with the former bleachers. Mr. Cole said there was congestion by the main gate. Their major concern was for safety and security. He added that many fans stood by the fence instead of being seated in the bleachers. It was hard to walk from one of the stadium to the other. They also had conversations with first responders in case of an emergency for crowd control. Mr. Cole again showed the photos of a home football game with the former bleachers and the current bleachers. The photo with the former bleachers shows fans standing from the fence line to the Booster buildings blocking the main entrance. Ms. Waggoner asked how things are with the current bleachers. Mr. Cole said they don't have the congestion in those areas. They do still have people standing around the fence but it is not as hazardous. People can see the activities better and grandparents can attend easier. He added that previously it was not safe.

Ms. Waggoner said the field has been used for three seasons. Mr. Cole said he attends every football game and graduation along with several soccer and tennis matches. Ms. Waggoner said the field is also used on Saturdays for football and track and field. Mr. Cole said it is used mostly in the fall and spring. Ms. Waggoner asked if the events in the fall are mostly in the evening. Mr. Cole said the majority are but not all. He added that they take pride in keeping the facility clean. Their staff picks up garbage during the game with the final pickup on Saturday morning. By late Saturday morning everything is clean. Mr. Cole said there is a locked chain link fence around the facility for security. Whoever is on duty keeps monitoring the facility during Friday and Saturday. There is also daily maintenance of the grounds – mowing, trimming, etc. He added that the site is posted and if there is any activity around the facility, people are encouraged to contact the Police Department.

Mr. Cole said parking for large events is a challenge. They do have a number of spots available and they hire off-duty police officers for traffic control. They want to be sure drive aisles remain open for emergency access. Mr. Cole said they have a good relationship with St. Elizabeth Ann Seton church and often have permission from them to use their parking lot for overflow. They have been very gracious in allowing us to use their lot. He added that there are sidewalks between the two sites. St. Elizabeth Ann Seton's lot is also used during the day by some students for parking. Mr. Cole said he has been involved with capital improvement projects/expansions in 2003 which increased the size of the school by approximately 25%. This project was approved in the usual process. Ms. Waggoner asked if the City requested any hearing at that time. Mr. Cole said no.

Mr. Czerniak gave his credentials. The past 10 years he has worked on public facilities and 6 of those are with Pre-K through 12. The projects in the last 6 years have all been submitted for permit documents to the McHenry County Authority by the State to approve the project. The projects that were approved were part of the capital improvement plan. There was no specific size for the bleachers. Mr. Czerniak said they look at each facility separately and the design takes into account the number of people who attend the events. Mr. Czerniak said the maximum capacity of CLS is 2,492. Ms. Waggoner referred to Exhibits 3 and 4. Mr.

Czerniak said Exhibit 4 was solicited by the District and addresses a number of issues with the former bleachers. An aerial photo of the facility was shown listing the issues with the previous bleachers. The structure was condemned and pad locked.

Mr. Czerniak said there was an issue with people being able to leave the facility with the home side on the east. He helped design the new bleachers. He met with the administration and Board members. Also other work was done at that time such as replacing the fence at the south end of the stadium. Ms. Waggoner showed the plat of survey for the property. Mr. Czerniak described the location and uses of the site. He added that this plat shows the current conditions. If the press box were to be relocated to the east bleachers it would reduce the height on the west bleachers to approximately 38 feet tall. The bleachers are 50 feet from the property line and the homes are about 100 feet from **the back side of the bleachers.** ~~that property line~~. That amount of space would not restrict light and air to the homes. Mr. Czerniak said if the structure was moved, the lighting would need to be changed.

Ms. Waggoner asked about the parking formula. Mr. Czerniak said the total number of spaces needed is based on the total occupancy of the stadium. He has not seen anything like this before. The parking for the school is based on the number of classrooms. Mr. Czerniak reviewed the requirements used in Cary. The Institute of Traffic Engineers requires 0.23 spaces/student and based on their maximum capacity they would need 573 parking spaces. Ms. Waggoner asked about a parking study. Mr. Czerniak said he is an advocate of a study. The only down side is in the fall with football season. Ms. Waggoner asked if the field could be relocated to somewhere else on the property. Mr. Czerniak said if it were to be moved, other playing fields and structures would need to be moved and possibly utilities, etc. If the track, field, tennis courts, and baseball field were to be moved it would cost $4 to $5 million.

Ms. Waggoner asked about the sound system. Ms. Czerniak said the equipment is in the press box and the speakers are on the west side. The system is designed to direct the sound into the stadium. If the press box were to be moved so would the equipment. There would need to be new cable placed and they would need to use directional boring to the other side. The cost would be about $100,000. Ms. Waggoner asked about the decibel level suggested. Mr. Czerniak said there is nothing found in the UDO. Ms. Waggoner asked if there are any maximum decibel levels within the County. Mr. Czerniak said he is not aware of any. He stated that sporting events are exempt by the State. Ms. Waggoner said the sound generated through the sound system can be controlled. The crowd, band, etc. can't be controlled. Mr. Czerniak said he doesn't know of any way to muffle the sound.

Mr. Welters reviewed his credentials. Ms. Waggoner asked what type of projects he has worked on. Mr. Welters said he has worked on residential, corporate, schools, etc. He used the UDO to design the landscape plan. They show landscaping behind the bleachers and described the materials to be used and they would meet the City's requirements in the UDO. Ms. Waggoner said staff has suggested a more solid screening. Mr. Welters agreed with staff's recommendation. There was not a lot of evergreen in the design. Ms. Waggoner asked about storm water issues. Mr. Welters is concerned with using too much of one variety of plantings. It is best to have a diversity of plantings. He said the plan shows a drainage swale to prevent the water runoff from going onto adjacent properties and drains to the south. He would prefer using plants that

are hearty for this area and with good screening ability.

Ms. Waggoner reviewed the Special Use Permit standards. She said the Special Use does not list a minimum or maximum size for the bleachers. The only limit in the ordinance is that they can't be greater than 900 square feet. She reviewed the standards with Dr. Thomas. The bleachers are necessary and desirable in this location. Dr. Thomas said access for all people is essential and these bleachers give those the access that they didn't have before. Ms. Waggoner said this is both necessary and desirable. She added that is it not detrimental to property values. The high school pre-dates the residences. They are willing to work with the neighbors. Dr. Thomas agreed. Ms. Waggoner said this use complies with the regulations of the zoning district except for the variations. Dr. Thomas agreed. Ms. Waggoner said this Special Use request will not negatively impact the existing off-site traffic. Dr. Thomas agreed. Ms. Waggoner said there is no need to change any public utilities. Dr. Thomas agreed. Ms. Waggoner stated that this use will not negatively impact air, noise or groundwater. Dr. Thomas agreed. Ms. Waggoner said they will maintain existing screening though none currently exists. Dr. Thomas agreed. Ms. Waggoner said the design of the bleachers meets the design standards. Dr. Thomas agreed. Ms. Waggoner said the bleachers meet all Federal, State, and County statues as well as the life safety code. Dr. Thomas agreed. Ms. Waggoner said this request will conform to any stipulations or conditions. Dr. Thomas agreed. Ms. Waggoner said this request conforms to the standards established. Dr. Thomas agreed.

Ms. Waggoner said with requesting a variation, a hardship must be shown. She said the campus is fully utilized by buildings and can't be expanded or relocated. Dr. Thomas agreed. Ms. Waggoner said they have no place to go. Dr. Thomas agreed. Ms. Waggoner added that all of the acreage for the school campus is utilized. Dr. Thomas agreed. Ms. Waggoner said this request won't alter the character of the neighborhood. Dr. Thomas agreed. Ms. Waggoner said the property is zoned "R-2" Single Family Residential and she doesn't believe that there will be any other residentially zoned property that would install bleachers. Dr. Thomas agreed. Ms. Waggoner said by going through this public hearing, they are complying with the Court Order. Dr. Thomas agreed. Ms. Waggoner said that by granting this request it will not be detrimental to the public welfare or injurious to other property. It in fact will be a safer facility for those who use it. Dr. Thomas agreed. Ms. Waggoner said the school campus has been in this location since 1978. Dr. Thomas agreed. Ms. Waggoner said this request will not impair an adequate supply of light or air to the adjacent properties nor impact their property values. Dr. Thomas agreed. Ms. Waggoner said the District will work with the neighbors and staff on screening the bleachers. Dr. Thomas agreed. Ms. Waggoner said these bleachers have made it safer for those who attend events and deter people from standing. Dr. Thomas agreed.

Ms. Waggoner reviewed the conditions listed in the staff report. She stated there are no issues with the first conditions and they will be working with Staff on the landscape plan. Condition #2 is to correct the site plan which will be done. Ms. Waggoner stated that condition #3 regarding relocation of the speaker system would have significant costs. They would ask that the speakers not be moved. She added that they can't control how people clap or cheer so they are concerned with the sound requirement. The school has been here for 27 years. Ms. Waggoner said that even with the increase in the bleachers, attendance at the games has not increased. Mr. Hayden asked if the 90 dbh level is for the speaker or overall. Ms. Rentzsch said

overall noise level.

Ms. Waggoner continued to review the conditions listed in the staff report. She said they would like to perform a parking study to show what actual demand is. They also could work on agreements with other property owners to possibly park buses at their location and move them back after a large event. Ms. Waggoner said that with Condition #5 they will work with staff on the type of berm and plantings that will work for the City as well as the neighbors. She added that they don't have any issues with Conditions 6, 7, and 8 which list the variations, address future accessory structures, and the general meeting of the comments and requirements of the various City departments.

Mr. Hayden said the petitioner contends to have met the Findings of Fact listed in the Staff Report and disagree with Conditions 3 & 4 as written of the same report. Ms. Waggoner said yes – as written. She asked that the minutes reflect the Exhibits presented at this meeting – 2, 3, and 4 as well as the Power Point presentation.

Mr. Hayden asked for the representatives for the homeowners adjacent to this property. Tom Burney, attorney, said he will have six witnesses, a Power Point presentation, and an opening statement.

Mr. Burney said he represents the adjacent homeowners on Amberwood Drive. This has been a 30-month ordeal for the homeowners. The 49-foot tall bleachers were put up with no notice to the neighbors and no opportunity to be heard. He said the City sent letters to the School District asking them to stop the construction before it got too far along. From July 24th to August 12 there was a lot of opportunity including a School Board meeting where the neighbors could have been informed but nothing was done.

Mr. Hayden swore in additional people who asked to speak.

Mr. Burney showed photos of the area and the new bleachers. He said the School District chose to make this request after 30-months of thumbing their nose that the bleachers needed approval. These bleachers would require a variation of 250% in size and the parking variation is 60% more than what is allowed.

Kim Maselbas Gurba, 1143 Amberwood Drive, said there are six pillars of character which the School District knows nothing about. They are not concerned with their neighbors and can't be trusted. When we moved into our home it was behind the small visitors' side of the field. Now the wall is 200 feet long. They were told the reason for switching sides was due to the sun being in the eyes of those attending the games. Ms. Gurba said Dr. Thomas did finally come out to see the bleachers from her back yard and said "Wow, I didn't know they were going to be so big." She said people still stand by the fence and they don't like walking across to the home bleachers since everything is far away. Ms. Gurba said the School District refused to give the neighbors the ticket sales information. She added that people park on Amberwood Drive and block driveways so the neighbors can't get in or out of their driveways. Ms. Gurba said she received an e-mail from the Algonquin Township Assessor stating that their property values were reduced. He compared it to having a gravel pit in their back yard and couldn't find another comparable in the area.

Ms. Gurba said they have put up with so much with the new bleachers. It blocks the morning sunlight and they can't take a photo in their back yard without the bleachers. There was a lot of banging and popping during the winter from the heating and cooling and hail sounds like golf balls are hitting the bleachers. Ms. Gurba said the new speakers have been turned up and you can hear them from Route 14 and past Three Oaks Recreation Area. There are classes of kids that run up and down the bleachers and now the band plays towards their homes. She added that her daughter's privacy has been invaded. They have people watching them and kids spit from the bleachers. Ms. Gurba said the area is not cleaned up every Friday and Saturday. The kids use the bleachers as a giant set of monkey bars due to a lack of supervision. She said the kids try to break into the trailer and is concerned that someone will fall and be killed. She had noticed five boys in the trailer and went back into the house to call the Police. When she came back out they had left. Ms. Gurba said there were people jogging on the track and ran the bleachers over the winter since the area was left open, they were free from snow and they started at 6 a.m. She is not sure what will happen with the water drainage since there was always a flooding issue. When water runs off the bleachers it looks like a water fall. Their privacy has been infringed upon and asks the Commissioners to vote no to the variations and Special Use Permit.

Nickie Misialek, 805 Dover Court, said she is a parent of two CLS alums. First and foremost safety is the biggest concern. She said this will be on the taxpayers' dime.

Jeff Gurba, 1143 Amberwood Drive, said this does affect their property values and future home sale. It's not just four to six games a year. Others use the field on weekends and breaks because it is not locked up. He added that the heat and cold make the steel contract and expand. Mr. Gurba said he doesn't want to use his back yard any more. His daughter is yelled at through her bedroom window and now they need to keep the window shut and the drapes closed. He said bleachers this size are not needed and the noise needs to be reduced.

Jean Bianchi, owner of a rental home on Amberwood Drive, said they purchased the home in 2005. The first time they saw the house, the bleachers were not visible from the street. They like the neighborhood and the neighbors take pride in keeping their homes in good order. No one here disputes that new bleachers are needed at CLS. Even if the bleachers were a little larger than what they previously had would be agreeable. The question is do they need a structure this large. There are many who don't understand why there was a problem until after they drive by. Ms. Bianchi said no one will want to purchase a home on this street. She added that her renters who had planned to stay in the home for a long time sent a letter to her stating they will not be renewing their lease. She read from the renters' letter. Long after the football season is over, the neighbors will be living with these bleachers 24-7. The School District is not being a good neighbor to them.

Paul Schwake, 1153 Amberwood Drive, said he voices opposition to any variations. The general standards for Special Use Permits aren't supported. All of the facilities – concession stand, wash rooms, main entrance – are all on the east side of the field. Mr. Schwake said he checked into the sunset times from the end of August through October and the sunset time for the first game of the season is 7:29 p.m. and the varsity game starts at 7:30 p.m. He said they have to put up with the bleachers 365 days a year. They have

lost value in their homes. Mr. Schwake said there was no proposal to bring the bleachers into compliance only the addition of landscaping. He said the landscaping won't reach the top of the bleachers. He asked what the School District's future plans are. More buildings on the west side of the field? There is only one entrance/exit from the area and these days that is not a good situation. Chain link fences with barbed wire on top can keep people out but it also can keep people in. Mr. Schwake added that there is an environmental impact. Sump pumps run more now than they have in the past. He added that these bleachers are the best they will ever look right now. If they are unsightly now, wait five years.

Mark Stonikas, 1131 Amberwood Drive, said his house is located on the north end of the bleachers and it has been a nightmare. On July 25, 2013 the first piece of steel was erected and he knew it was going to be immense. He contacted the City who wrote a letter to the School Board on August 1st without one reply. Mr. Stonikas is concerned with the reduction in his property value. He added that his house vibrates when the new sound system is used and doesn't stay home when there is an event. He requests denial of the request. He suggested that the bleachers be lowered to 18 feet and fully landscaped. Mr. Stonikas handed out copies of the plans for the bleachers with the addition of his home to scale which shows how large they are. His home is only 25 feet tall. If the bleachers were reduced to 18 feet it would not require major structural changes. Mr. Stonikas thanked the Commission for allowing him to finally be heard.

Charles Ahsmann, 1299 Knollwood Circle, said he is a long time resident of Crystal Lake and the head football coach for CLS. His father finally had an opportunity to watch two of his grandsons play football because the new bleachers have ramps which gives him access. Mr. Ahsmann said the bleachers are a God-send and without them his father who has Parkinson's would not have been able to see the games.

Audra Buckner, 1161 Waterford Cut, said her two sons are both in football and one is in track. She loves the bleachers. Nothing falls through and the accessibility is great. Ms. Buckner said the sophomore team does have a problem with the sun in their eyes. As a tax payer she hopes the Commission will be responsible and hope there can be a compromise.

Krista Conrad, 877 Nottingham Ln., said she has lived in Crystal Lake since 1979 and has always heard the band play at her home. The safety factor alone should allow the Special Use. Ms. Conrad said her father was able to come to the games and get around without help. She said the bleachers in Cary Grove are in bad shape and hard to get in and out of. She is a member of the Booster Club for CLS and the concession stand is their biggest fund raiser. People need to get to and from the concession stand. Ms. Conrad said that having foreclosed and rental properties in an area are detrimental to property values. She asked what the neighbors would prefer to see a brick wall adjacent to their property if the field is enclosed or the bleachers. She said they need to take into account the tax payers' money that has been spent on this. She added that it is a shame on everyone.

Kendahl O'Hara, 1706 Cunningham Ln., said she graduated from CLS, is the Booster Club President, a 36-year resident, and tax payer. There are three major fundraisers at each game and that directly affects the students. She does understand the neighbors' concerns and added that they knew when they purchased their home that the high school was adjacent. Ms. O'Hara said they all pay a lot of taxes to have a good school

system. Safety is an issue and better facilities keep up property values. She hopes this takes us off the crazy train.

Bob Fox, 546 A Prembrook, said he has lived in Crystal Lake for 24 years and is the Vice President of the Booster Club. He said the bleachers are not a structure but a destination. The students create four years of memories there. He asked that the Special Use Permit and Variations be approved. The bleachers contribute to the general welfare of the community.

Mr. Hayden called for 5-minute recess. The meeting resumed.

Mr. Burney asked to cross examine several of the District 155 representatives. Mr. Hayden agreed.

Mr. Burney asked to cross examine Mr. Czerniak. Mr. Burney asked if Mr. Czerniak only worked as the architect for District 155. Mr. Czerniak said no. Mr. Burney asked if any of the other school districts he works for have asked for zoning entitlements. Mr. Czerniak said Cary and Sycamore. Mr. Burney said Cary just went through an amendment to their ordinances to allow the height of their building addition. He added that on February 12, 2013 there were two options presented for the CLS bleachers. Mr. Czerniak said he didn't recall. Mr. Burney said the meeting minutes reflect there were two plans and asked if Mr. Czerniak had prepared the plans. Mr. Czerniak said yes that he needs to see the plans. Mr. Burney said Mr. Czerniak didn't recall the details. Mr. Czerniak said that was correct. Mr. Burney said parking standards that were used by the District are not the standards that are adopted by the City. Mr. Czerniak said that is correct. Mr. Burney said to reduce the amount of pavement was to reduce the capacity of the bleachers. Mr. Czerniak said that is correct. Mr. Burney said reducing the size of the bleachers would reduce the parking needed. Mr. Czerniak said the size did not need to be reduced. Mr. Burney said the bleachers would require more parking due to the increase in size. If the Planning and Zoning Commission and City Council don't approve the request, did the School District have a Plan B? Mr. Czerniak said no, not to reconstruct the bleachers, not at this current time. Mr. Burney asked if the bleachers are removed would that interfere with the school. Mr. Czerniak said yes. Mr. Burney said the original bleachers were demolished and rebuilt in one summer. Mr. Czerniak said yes. Mr. Burney said if they started today, could the bleachers be rebuilt. Mr. Czerniak said the bid was let in February to do the work to begin in June. Mr. Burney didn't have any further questions for Mr. Czerniak.

Mr. Burney asked to cross examine Mr. Shepard. Mr. Burney asked if Mr. Shepard had received positive feedback regarding the bleachers. Mr. Shepard said yes. Mr. Burney asked if there was any positive feedback from the neighbors. Mr. Shepard said no. Mr. Burney said there was a port-a-potty placed behind the homes and asked who decided to locate them there. Who is responsible? Mr. Shepard said if he was made aware of them being located near the homes he would ultimately be responsible. Mr. Burney said he had no further questions for Mr. Shepard.

Mr. Burney asked to cross examine Mr. Cole. Mr. Burney asked if the congestion was the reason to place the bleachers on the west of the field. Mr. Cole said yes **it was one of the reasons**. Mr. Burney asked if there were other ways of avoid congestion other than building the new bleachers. Mr. Cole said they had

tried crowd control but there is limited space. Mr. Burney asked if relocating the building is a possibility. Mr. Cole said it could be possible. Mr. Burney asked if there was a safety concern prior to 2012 and didn't do anything. Mr. Cole said it was discussed as a **district and as a** team. Mr. Burney said the school expanded in 2003 by 25%. Did the City say then that they didn't have zoning authority? Mr. Cole said it was not part of **his ~~that~~** job. Mr. Burney asked if anyone came to the City regarding that expansion. Mr. Cole said he was not aware of anyone contacting the City. Mr. Burney asked if the School District **or CLS** had been before the City asking for approval previously. Mr. Cole said yes for the **electronic digital** sign which went before the City Council **based on the recommendation of the administration at that time**. Mr. Burney had no further questions for Mr. Shepard.

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

Ms. Waggoner appreciated making their presentation to the Commission. This is a high school campus. She added that the Illinois Supreme Court will be hearing this case. Ms. Waggoner asked that the Commissioners keep in mind that the statements of the neighbors are only their opinion. There were no real estate brokers testifying about property values. She said when the School District was going to hold a meeting to talk with the neighbors, and just prior to the meeting the School District was served with a law suit. She added that they can all agree that this is unfortunate that this got to this point. She asked that they approve the request with a positive recommendation.

Mr. Goss said the Commissioners need to look at the Unified Development Ordinance (UDO). He reviewed the Findings of Fact for Special Use Permits **and the bleachers detract from the property values based on an e-mail received from a resident from the Assessor**. The bleachers exceed the bulk requirement **for height** by 2.5 times the height allowed. **The views of the school property are different now than when the homes were built.** This request does not provide adequate on-site parking and nothing states they have agreements for other sites. This impacts the entire neighborhood even across the street. As for landscaping, the structure is too tall to adequately screen and it does impede light and air from coming onto adjacent properties.

Mr. Goss reviewed the Findings of Fact for Variations. He said the current student population is approximately 1,800 and the maximum capacity for students is 2,492. The variations requested can't substantiate a hardship. He believes the School District created it **since the structure is 2 ½ times what is allowed and i**t does alter the character of the neighbor. Mr. Goss stated that he cannot support the requests.

Mr. Skluzacek agreed with Mr. Goss that the Findings of Fact have not been met **and he can't support the request either**.

Mr. Esposito also agreed with Mr. Goss. He heard a few people for the petition state that if this were a permanent structure that the height at this distance would be allowed. He agrees that something is needed but the size of this is not warranted.

Mr. Jouron said **he agrees with Mr. Goss and** he can't support the request.

Mr. Batastini said they are handcuffed. They are tax payers as well and there are good people on both sides. He agrees with Mr. Goss that the Findings of Fact have not been met and can't support this plan. He feels for the people who live west of this facility. Parking is another issue. He is sympathetic but can't support the request.

Mr. Gavle reviewed the Findings of Fact and stated that the request doesn't meet any of the criteria.

Mr. Hayden asked if they could explore a few things. He asked Dr. Thomas if he had reached out to the neighbors prior to the starting of the construction of the bleachers. Dr. Thomas said they did use public postings of their meeting. Mr. Hayden said he has been on both this Commission as well as City Council and people are always made aware of projects. It is up to them if they wish to attend the meetings. He added that he has not received the Northwest Herald for many years so he would not see the notice in the paper. Also generally the City sends notification to the property regarding City projects. Dr. Thomas said they followed school code. Mr. Hayden said if the bleachers were in another location that would impact other homes on another street. He asked if the bleachers on the east side of the field could be reduced in height and made longer north and south. Dr. Thomas said there are structures to the north and south. Mr. Jouron said the Booster buildings are to the south. Mr. Batastini asked if the bleachers on the west side of the field could be reduced **in height** and made longer north and south. Mr. Czerniak said there are light standards in the way.

Mr. Hayden said his two sons graduated from CLS. He said he wants to help the petitioner get to where they need to be by possibly reducing the height of the structure, reduce the setbacks and extend them further north and south. Dr. Thomas said that has more impact. Mr. Hayden asked if it is acceptable. Dr. Thomas said they are willing to do what they can within budgetary restraints. If the lights were removed that would impact the field and the track. Mr. Hayden said he hoped that they could figure out something but that doesn't seem like an option. He asked Ms. Waggoner what they would like them to do. Take a vote on the request as presented? Continue to another meeting? Ms. Waggoner said she didn't believe there would be a different vote in two weeks if they continued. She asked for a vote of the Commission on their request.

Mr. Esposito moved to deny the Special Use Permit and Variations for District 155 – Crystal Lake South High School at 1200 McHenry Avenue. Mr. Goss seconded the motion. On roll call, all members voted aye to. Motion to deny passed.

REPORT FROM PLANNING

Due to the lateness of the meeting, the Report from Planning and the Comments from the Commission were put off until the next meeting.

The meeting was adjourned at 11:50 p.m.