CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, JUNE 3, 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, 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 APRIL 15, 2015 PLANNING AND ZONING COMMISSION MEETING

Mr. Goss recalled during the discussion for the Crystal Lake South bleachers a statement was made that the Cary-Grove and Central High Schools both had problems with their bleachers. He has spoken with staff to check the DVD and/or the transcript from the court reporter for those statements. Staff will be checking the DVD and will update the minutes accordingly. The members agreed.

Mr. Goss moved to approve the minutes from the April 15, 2015 Planning and Zoning Commission as amended adding the statement regarding the condition of the bleachers at Crystal Lake Central and Cary Grove. Mr. Esposito seconded the motion. On roll call, members Batastini, Esposito, Goss, Jouron, Skluzacek, and Hayden voted aye. Mr. Greenman abstained. Motion passed.

APPROVE MINUTES OF THE MAY 20, 2015 PLANNING AND ZONING COMMISSION MEETING

Mr. Jouron moved to approve the minutes from the May 20, 2015 Planning and Zoning Commission as presented. Mr. Goss seconded the motion. On roll call, members Esposito, Goss, Jouron, Skluzacek, and Hayden voted aye. Members Batastini and Greenman abstained. Motion passed.

2015-27 VIRGINIA ROAD MINI STORAGE – 201 S. Virginia – PUBLIC HEARING

The petitioner is requesting a continuation to the June 17, 2015 PZC meeting.

Mr. Greenman moved to continued 2015-27 Virginia Road Mini Storage to the June 17, 2015 PZC meeting. Mr. Batastini seconded the motion. On roll call, all members voted aye. Motion passed.

2015-13 CVS PHARMACY - SW Rt 14 & Virginia Rd – PUBLIC HEARING

This petition was referred back to the PZC from City Council.
Rezoning to O Office for Lot 2 only; and Variations from Article 4-400 to allow a 5-foot landscape buffer between B-2 zoned property and O zoned property, reduced from the 30-foot required.

Mr. Hayden said there were modifications made at the City Council and this petition was sent back to the PZC for further consideration of the zoning for Lot 2 and buffer requirement only. Those are the points that can be discussed at this meeting. He reminded the petitioner and their representatives that they are still sworn in.

Peter Bazos, attorney, Mark Betenhousen, Vice President Real Estate Division, and Jeremy Foss, engineer were present to represent the petition. Mr. Bazos said the original request received a positive recommendation and went before the City Council. The Council had several concerns, one of which was the amount of wall signage. They did not want more than 170 square feet. In addition they asked for more landscaping on the south end of the lot to block the headlights from the church property. Finally, the Council was uncomfortable with zoning Lot 2 "B-2" without knowing the use or having a plan for the parcel. Mr. Bazos said with Mr. Fuller's consent, they changed the requested zoning for Lot 2. Since the "O" zoning district was not included in the original notice, it was determined that a new hearing should be held.

Mr. Bazos said even if the lot was zoned "O," it would require a buffer between the lots. They are requesting a variation to reduce the landscape buffer between the two lots to 5 feet instead of the required 30 feet. Nothing else has changed from the original request. Mr. Foss handed out a list of UDO Standards and their response. Mr. Bazos said "O" is a less intense zoning than "B-2". The City Council asked for that zoning, which requires a buffer to the rear of the CVS building.

Mr. Foss showed the revised site plan and the landscaping shown on the plan is a 5-foot green space between the lots. He discussed the type of plantings that will be used. Due to the type of vegetation, the headlights from the cars entering the drive-through will be blocked. Mr. Bazos said if the "O" zoning is approved for Lot 2 it will be required to have a 30-foot buffer and 50-foot building setback to the residentially zoned church property. Mr. Hayden said the hardship is self-imposed because the owner of that lot is in agreement with the zoning. They can always request a variation when a plan is submitted and reviewed.

Mac McGrath, 238 Lincolnshire Dr., said he is the spokesman for the residents in that area. He has no objection to the petitioner's request for "O" Office zoning, if the appropriate buffering is in place. He asked how far down Circle Drive will the traffic for these parcels come. He also asked if the roadway will be further west. Mr. Hayden said what will happen on Lot 2 is not in their purview to discuss. Mr. Bazos said the street will remain in its current location and will be approximately 100 feet south of Country Donuts. Mr. McGrath said they need to be protected from the head lights. Mr. Bazos said there is a designed exit point for CVS, but they can't say that no one will go down towards the homes. It is not designed for traffic to go that way. Mr. McGrath said he wants protection. Mr. Hayden said if the light from any headlights would go through it will hit the church. Mr. McGrath said it is wide open and we will have headlights shining into their homes. Mr. Bazos said there are two homes there currently. Mr. McGrath said they will be

coming down. Mr. Bazos said there is currently traffic from the residential tenants going down that street now. The roadway will be about 100 feet shorter than it is now. He understands the comment and pointed out that this is a platted subdivision and this road is a private road. The will only pave what they need to and they can't undo a platted roadway. Mr. McGrath said they need to block the entrance there. He added that CVS will be the direct cause of the headlights and there won't be more traffic from Merlin or Country Donuts. He doesn't want the lights coming onto their properties. Mr. McGrath said something has got to be done about that.

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

Mr. Batastini said they are reviewing the rezoning for Lot 2 and the variations only. He thanked Mr. Fuller for his flexibility with the zoning of Lot 2. Mr. Batastini said Mayor Shepley's comments were very specific. He believes the variation meets the Findings of Fact and it was created by the Council's request for the zoning on Lot 2. Mr. Batastini also thanked CVS for coming back. He said we do want you here.

Mr. Esposito said there seemed to have been a disconnect. The PZC didn't want the large amount of signage for CVS. He believes they needed to stress that a little harder.

Mr. Greenman asked about the recommend conditions listed in the Staff Report. Mr. Bazos said they are in agreement. Mr. Greenman thanked the petitioner for working with the City and the residents.

Mr. Jouron said he prefers the "O" district for Lot 2. If it would be commercially zoned, there would be more cars. Also, the signage is much better.

Mr. Skluzacek said he likes this proposal better than the original. He has no problem with the request.

Mr. Goss said his opinion has not changed since the last meeting. He doesn't want zoning approved for Lot 2 until there is a plan. He feels the zoning can change when there is a plan.

Mr. Hayden said he supports the petition.

Mr. Goss said whether the lot is zoned "O" or "R-2" it would require variation.

Mr. Batastini moved to approve the Rezoning to O Office for Lot 2 only; and Variations from Article 4-400 to allow a 5-foot landscape buffer between B-2 zoned property and O zoned property, reduced from the 30-foot required for CVS Pharmacy located at 177 Virginia Street with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
    A. Application (TMC Illinois 2, LLC, received 02/17/15)
    B. ALTA / ASCM Land Title Survey (Manhard Consulting, dated 10/28/14, received 04/25/14)

C. Final Plat of Subdivision (Manhard Consulting, dated 03/27/15, received 03/30/15)
D. Site Plan (Manhard Consulting, dated 03/20/15, received 03/30/15)
E. Landscape Plan (Manhard Consulting, dated 05/18/15, received 05/20/15)
F. Tree Survey (Manhard Consulting, dated 02/12/15)
G. Elevations (Norr, dated 3/20/15, received 03/30/15)
H. Sign Plans (icon, dated 05/26/15, received 05/26/15)

2. Final Plat of Subdivision
A. Provide an easement over the portion of the former Lot 3 to accommodate the existing storm water facilities.
B. CVS shall be responsible for the maintenance of Circle Lane unless a separate easement document is prepared establishing shared or another type of maintenance among all adjacent parties.

3. Site and Landscape Plan
A. Review fire hydrant spacing, access to the fire department connection and location of the fire equipment room to ensure fire department comments have been addressed.
B. Illustrate the 2-foot projection of the columns on the site plan and any floor plans.
C. Any tree removal must meet the requirements of Article 4-300.
D. The median adjacent to the drive-through shall be increased to provide only a right-out towards Circle Lane. This portion of the median shall be mountable for trucks.

4. Traffic Study
A. Petitioner shall follow all the recommendation of the traffic study dated April 17, 2015.
B. The petitioner shall work with IDOT and McDOT to secure any permits for work in the right-of-way.
C. Any changes to the site plan required by the traffic study, IDOT or McDOT shall be reviewed and approved by the Community Development Department.

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

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

Mr. Bazos said for the PZC's information the total square footage of the signage was measured for the entire Walgreens building with the two tenants and the City Council wanted it for the use only.

2015-24 ZUKOWSKI ROGERS FLOOD & McARDLE - 50 Virginia St. – PUBLIC HEARING
This petition was continued from the May 6, 2015 PZC meeting.
Zoning variations from: A. Article 3-200(B)(1) minimum front yard setback of 40 feet along Route 14 to allow a 23.91-foot front yard setback; B. Article 4-400(F) 15-foot perimeter landscape requirements to

allow no perimeter landscaping; C. Article 4-200(E)(1)(a) 20-foot parking lot setback requirement to allow an 8-foot 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.

Kelly Cahill, attorney, was present to represent the petitioner. Ms. Cahill said the property was impacted by the widening of Route 14 and the taking of some of their property. The taking took the property out of compliance with the Zoning Ordinance and they are requesting the variations to allow the building as it currently stands. The hardship is the taking of the property by IDOT. Ms. Cahill said they have been in this location for over 50 years.

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

Mr. Skluzacek said this is all due to the State. Mr. Jouron said he is ok with the request. Mr. Greenman said the Findings of Fact are supported. Mr. Batastini said he is ok with the request.

Mr. Greenman said after looking at this request, this would be a perfect example of allowing the variations to be granted administratively, and eliminating the need to come before the PZC. He suggested that Staff check to see if this is possible.

Mr. Batastini moved to approve the Zoning variations from: A. Article 3-200(B)(1) minimum front yard setback of 40 feet along Route 14 to allow a 23.91-foot front yard setback; B. Article 4-400(F) 15-foot perimeter landscape requirements to allow no perimeter landscaping; C. Article 4-200(E)(1)(a) 20-foot parking lot setback requirement to allow an 8-foot setback for Zukowski, Rogers, Flood, & McArdle at 50 Virginia Street with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Application (McArdle, received 04/09/15)
   B. Plat of Highways (received 04/09/15)

2. The petitioner shall address all of the review comments and requirements of the Community Development, Police and Fire Departments.

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

2015-30 GIBSON – 330 E. Crystal Lake Ave. – PUBLIC HEARING

Variation from Article 3-200 from the minimum side yard setback requirement to allow a 2-foot encroachment for a detached garage.

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.

Simon Gibson was present to represent his request. Mr. Gibson said the current garage is very old and is not economical to repair. The garage is now required to be 5 feet from the property line. Due to the driveway location and the location of the septic tank on the property, he is requesting a variation. Mr. Gibson said he would like to place the garage 3 feet from the property line which would allow adequate space to maintain the side of the garage.

Mr. Hayden asked if the petitioner had any concerns with the conditions in the staff report especially the condition regarding the architectural style to match the home. Mr. Gibson said the garage will be similar to the house. He added that he would like this project to be as economical as possible.

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 this meets the Findings of Fact. Members Skluzacek, Jouron and Greenman said they have no issues with the request. Mr. Esposito said the hardship is the septic tank. Mr. Batastini agreed.

Mr. Batastini moved to approve the Variation from Article 3-200 from the minimum side yard setback requirement to allow a 2-foot encroachment for a detached garage at 330 E. Crystal Lake Avenue with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Application (Gibson, received 05/12/15)
   B. Site Plan/Survey (received 05/12/15)

2. The architectural style of the new garage shall be complementary to the principal structure. Exterior siding and trim colors shall match the principal structure.

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

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

2015-31 LABEMIS – 109 N. Main St. – PUBLIC HEARING

Variation from Article 4-700(B)(3) the requirement to measure the height of a fence from grade, to allow a 6-foot fence on a raised deck.

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.

Chris Yanckowitz and his wife were present to represent the petition. Mr. Yanckowitz said they are requesting to add on the existing railing on their deck using posts and lattice in between. He said they would like the fencing 6 feet above the existing deck. He was told they are allowed a fence 6 feet from grade, which would be 12 inches above the existing railing. If they add the 6-foot-tall posts to the deck the height would be 7.5 feet above grade.

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

Mr. Skluzacek said the construction of the fence has already started. Mrs. Yanckowitz said they put up what they were approved for with their permit. Mr. Skluzacek said it seems that the petitioners have jumped the gun to get started. He said no work should be started before Council's final approval on the variation.

Mr. Greenman asked how they got to this point. Ms. Cowlin said a permit was approved for a 6 foot tall fence from grade. The petitioners were notified that they needed a height variation if they wanted the fencing to be placed on the deck which was above grade.

Mr. Skluzacek asked how long they had the permit. Mr. Yanckowitz said about a month. Mr. Batastini said the petitioner has installed posts in accordance with the current rules and so they have built what they could legally and are waiting until they get the final approval for the variation to build the remaining of the fence. Mr. Greenman asked if they had inspections on the portions that were built. Mr. Richter said yes. Mr. Skluzacek said he has no objection to the fence, but wondered why it was started prior to the variation being approved.

Mr. Jouron asked if there is going to be a gate. Mr. Yanckowitz said there will be two entries and a handicap ramp.

Mr. Esposito said he has no problem with the request. He can see there being graffiti on the fence. Mrs. Yanckowitz said they will take care of it if it happens.

Mr. Batastini asked if the petitioner had any concerns with the conditions listed in the report. Mr. Yanckowitz said they are using a very heavy duty cedar posts and lattice. Mr. Batastini feels that the cedar will be better than the vinyl. Mr. Skluzacek said he would prefer the cedar. Mr. Batastini believed this request meets the Findings of Fact and is ok with the cedar.

Mr. Batastini noted that there is an establishment across the street has a taller fence on their deck. Ms. Cowlin said they received a variation for that in 1993.

Mr. Batastini moved to approve the Variation from Article 4-700(B)(3) the requirement to measure the height of a fence from grade, to allow a 6-foot fence on a raised deck for Labemis at 109 N. Main Street with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Application (Yanckowitz, received 05/14/15)
   B. Site Plan (Yanckowitz, received 05/14/15)

2. The fencing shall be ~~vinyl~~ **cedar**, low maintenance fencing and shall be maintained at all times.

3. The petitioner shall address all of the review comments and requirements of the Community Development, Police and Fire Departments.

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

REPORT FROM PLANNING

- Oak Hollow – S. Kent St., N. RR tracks, W. Thomas – Annex, Rezone, Prelim Plat, Variation
- 95 Grant St. – Prelim/Final PUD, Special Use Permit
- Lutter Center – WalMart - Murphy Oil - 1205 S. Route 31 - PUD Amend, Minor subdivision
- McHenry Athletic Complex - 1310 Ridgefield Rd – Final PUD Amendment
- Aldi – 5831 Northwest Hwy. – Sign Variation

Mr. Richter reviewed the items for the next meeting on June 17, 2015.

COMMENTS FROM THE COMMISSION

There were no comments from the Commissioners.

The meeting was adjourned at 8:30 p.m.