

APPROVED
LAKE ZURICH BOARD OF TRUSTEES
REGULAR MEETING
70 East Main Street

Monday, August 6, 2007, 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

Meeting was called to order at 7:34 PM.

Present were Village President Tolomei, Trustees Branding (8:35 pm), Callahan, Johnson, McAvoy, Poynton, and Taylor. Also present were Village Administrator Dixon, Village Attorney Burkland, Deputy Chief Finlon, Public Works Director/Village Engineer Heyden, Finance Director Martynowicz, Fire Chief Mastandrea, and Building/Zoning Director Peterson.

2. PLEDGE OF ALLEGIANCE

3. PRESIDENT'S REPORT

A. Presentation of Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association to Finance Department

A Certificate of Achievement for Excellence in Financial Reporting was awarded to the Village of Lake Zurich by the Government Finance Officers Association for fiscal year ending April 30, 2006 and marks the 19th consecutive year the Village received this award. President Tolomei presented this award to Assistant Finance Director, Albert Walczak. Finance Director Jeff Martynowicz thanked his department and staff members for their assistance in preparing these financial reports.

4. PUBLIC COMMENT

President Tolomei asked the public to hold their comments regarding the Holiday Inn Express until discussion under Other Business and suggested these comments be limited to new testimony.

Dennis Abbott, 216 W. Main Street, suggested the Village provide port-a-potties for special events being held at the promenade.

Carl Childres, 946 Honey Lake Road, requested the Board resolve their decision on the Holiday Inn Express tonight.

5. PUBLIC HEARING – annexation petition from Astor Development, North of Lake Zurich Industrial Park, east of EJ & E Railroad

Kelly Sheehan, Flex Construction, 244 Telser Road, Lake Zurich, was available to answer any questions from the public.

Village Administrator Dixon advised the Board that counsel recently received the development agreement and did not have the opportunity to review in its entirety. The annexation petition for Astor Development will need to be deferred until the next Board meeting to allow time for review and given an opportunity to vote.

The public hearing opened at 7:43 pm.

No comments were offered.

The public hearing closed at 7:43 pm.

MOTION was made by Trustee Taylor, seconded by Trustee Poyton, to continue the Public Hearing for the Astor Development at the next Board meeting of August 20, 2007.

Voice vote, all in favor.

MOTION CARRIED.

6. APPROVAL OF MINUTES

Trustee Poyton pointed out the minutes under Other Business, Consent Agenda Item G, do not accurately imply what the Board was suggesting and questioned when the amended sewer agreement would be available for review. Village Attorney Burkland advised the Board a copy of the agreement will be forthcoming.

A. Regular Village Board meeting July 16, 2007

MOTION was made by Trustee Johnson, seconded by Trustee Callahan, to approve the Regular Village Board meeting minutes of July 16, 2007.

Voice vote, all in favor.

MOTION CARRIED

7. CONSENT AGENDA

A. Warrant dated August 6, 2007. The Finance Committee recommends approval and the Board of Trustees approves the Warrant dated August 6, 2007 in the amount of \$233,549.32 which includes the following items over 5% of the total:

1. LZ Fire Pension Fund	\$63,339.77	27.12%
2. Radicom	\$33,595.00	14.38%
3. Staples & Son Landscaping	\$25,157.00	10.77%
4. Constellation New Energy	\$23,682.45	10.14%
5. Bell Fuels	\$15,994.34	6.85%

B. Recreation Fall Brochure. The Public Works Committee recommends approval and the Board of Trustees approves the Recreation Fall Brochure as presented.

C. Bid award, main fire station parking lot. The Public Works Committee recommends approval and the Board of Trustees approves the award of a contract for the Fire Station #1 north parking lot to Chicagoland Paving in the amount of \$15,894 with the possibility of the amount being reduced due to work done by Village employees.

- D. 225 Oakwood, Resolution accepting a plat of dedication. The Public Works Committee recommends approval and the Board of Trustees approves A Resolution Accepting the Plat of Dedication of the easterly 33 feet along Oakwood Road for Public Highway Purposes. (Assign RES. #2007-08-06A)
- E. 225 Oakwood, Resolution accepting public utility easement. The Public Works Committee recommends approval and the Board of Trustees approves A Resolution Accepting the Plat of Public Utility Easement for the 225 Oakwood Road project. (Assign RES. #2007-08-06B)
- F. Ordinance transferring property (Well 11) from LZCUD#95 to Village. The Public Works Committee recommends approval and the Board of Trustees approves AN ORDINANCE REQUESTING THE TRANSFER OF PROPERTY FROM CUSD#95 TO THE VILLAGE PURSUANT TO THE LOCAL GOVERNMENT PROPERTY TRANSFER ACT. (Assign ORD. #2007-08-512)

MOTION was made by Trustee McAvoy, seconded by Trustee Taylor, to approve the Consent Agenda as read.

AYES: 5 Trustees Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 1 Trustee Branding

MOTION CARRIED

8. ADMINISTRATOR'S REPORT

No report.

9. ATTORNEY'S REPORT

No report.

10. COMMITTEE AND TRUSTEE REPORTS

No report.

11. OTHER BUSINESS

- A. Courtesy review referral. 225 Oakwood Road, request for review of landscaping and paving.

Jeff Pahios, 24675 W. August Lane, questioned the need for this item to be on the agenda when the parking lot was already paved. Building/Zoning Director Peterson explained that a portion of the parking lot was paved under permit; however, a portion of the north lot has not been paved pending review from the Zoning Board.

This item will now move forward to the Zoning Board for review without recommendation from the Board.

- B. Freed, 195 S. Rand Rd. Holiday Inn Express Development (former Frank's Nursery property). Consideration of application materials and AN ORDINANCE APPROVING A REDEVELOPMENT PROJECT INCLUDING A HOTEL AND

RETAIL BUILDINGS AT 195 SOUTH RAND ROAD (FORMERLY FRANK'S NURSERY PROPERTY). (Assign ORD. #2007-08-513)

Jennifer Mooney, of Joseph Freed and Associates, described the four separate buildings that encompass the planned unit development as well as the agreed upon compensating amenities. Ms. Mooney reiterated the developer's desire to resolve the concerns of the residents and Board; i.e., onsite landscaping, setbacks, roof height, security, noise, lighting, etc. A meeting with the neighbors and developer was held last Monday evening to discuss these concerns and hopefully reach a solution. To help screen the view of the building, the petitioner has offered additional landscape packages for the residents to choose from, which can either be planted on their property or behind the hotel. Ms. Mooney concurred a security camera would be installed if the Board deemed it necessary.

Village President Tolomei asked for a show of hands to see who was in favor or against the project. President Tolomei then opened the meeting to public comments pertaining to this project and respectfully requested they be limited to new information.

Rich Albrecht, 144 S. Pleasant, thanked the Board for their commitment and strongly feels the construction of this building will affect his property values due to the height and close proximity of this building. When moving into this neighborhood, Mr. Albrecht perceived future development of the nearby property would be built within the zoning codes.

Jeff Halen, 154 S. Pleasant, thanked the developer for providing additional landscaping but still believes it's insufficient to screen the residents from the three story building. The Plan Commission voted against the hotel due to its close proximity to the residents and questioned why the Board would vote against this group. Mr. Halen was hoping the hotel could be moved closer to Rand Road and a large berm built between the pond and residential area.

Stephanie Halen, 154 S. Pleasant, commented on four areas; 1) asked the Board to make an informed decision by reviewing pertinent plans, 2) questioned why specific documents were not available to the neighbors during the review process, 3) how developer donations could include a new sign already built at Paulus Park, and 4) suggested all residents get involved especially those living near vacant or commercial land.

Paul Fajnor, 548 Regency Dr., agrees with all the comments made so far and feels the approval of this development contradicts with the Village's mission statement.

Aaron Karstons, 162 S. Pleasant Dr., believes the construction of this building goes against Village Code in that it will have an adverse impact and dominate the

immediate neighborhood. Mr. Karstons thanked the developers for meeting with the residents and hoped a solution could be reached that was in the interest of both parties.

Gayle Fox, 151 S. Pleasant, agrees with all the comments made by her neighbors and feels there are not enough parking spaces and too many buildings on this size lot.

Trustee Branding arrived at 8:35 pm.

Dennis Abbott, 216 W. Main St., disagrees with comments made so far and feels Lake Zurich needs a hotel.

Mike Weber, 126 S. Pleasant, is not against the hotel being built in Lake Zurich as long as the building is built within the context of the code.

Angelina Kula, 201 S. Pleasant, agrees everyone is in favor of a hotel in Lake Zurich but would not want that hotel in their backyard. Ms. Kula also questioned how the landscaping could exceed code when the property uses do not allow for a hotel.

Scott Gallier, 903 Lancaster, strongly encourages the Board to approve the hotel and find a way to meet the resident's concerns.

Mark Ernst, 60 S. Rand Road, supports the development of the property as a hotel. A hotel is a good neighbor since it brings low volume traffic and quiet areas.

Jim Tarbet, 1195 Cedar Creek Dr., has no objection to the construction of a hotel on this property. However due to issues of height of the building, set backs, lack of buffers, and density of property, the project should be rejected.

Al Froehde, 230 Prairie Lane, advised everyone he lives within 200 ft. from the new Route 22. He has no landscaping or buffer and sees no reason for these residents to complain about this new development.

Carl Childres, 946 Honey Lake Road, reminded the Board that a hotel used to be situated exactly where Village Hall stands today.

Village President Tolomei closed public comment.

For clarification purposes, President Tolomei advised the public that zoning codes allow a hotel as a permitted special use. A planned unit development always has a large amount of variances due to several buildings being placed on one large lot.

Trustee Callahan asked Ms. Mooney to explain the new landscape options offered to the residents and what additional plantings would be placed behind the hotel.

Trustee McAvoy addressed some of the comments of the residents; such as proximity to others, buildings facing a direction other than the street, crime, and property values. Trustee McAvoy feels Rand Road is the only place for a hotel in the Village.

President Tolomei does not feel the size of the building is that much larger than the Knollwood apartment building and likes the overall shape and size since it is different than all the retail buildings located on Rand Road.

Trustee Poynton read some highlights of the feasibility study done by Mr. Holtz. He agrees with the concept of having a hotel in the Village but would prefer the buildings be placed in a different location on the subject property.

Trustee Johnson stated residents have criticized the empty buildings in the Village but explained there are a limited amount of developers bringing in new projects to fill those empty buildings. He hopes changes to the process can be made so residents can be more involved from the beginning, before a developer incurs large expenses.

Trustee Branding questioned whether the different buildings that make up this P.U.D. could be sold individually. Village Attorney Burkland explained that it is a possibility but each owner would have to abide by this agreement. A prepared statement, which included the history of this project, was read by Trustee Branding. The petitioner has repeatedly been asked to revise this property but declined. Trustee Branding feels this project is too dense for this location and asked the Board not to settle with this plan.

Trustee Taylor reminded everyone that regardless whether the hotel is approved or not, something would be developed on the Franks property. Trustee Taylor concludes this project eliminates the problems often seen at other developments; such as noise, garbage, lights, and deliveries behind the property.

Trustee Callahan concurs with Trustee Taylor and further discussed the berms and landscaping. Ms. Mooney discussed the numerous changes that have transpired since the project was first proposed on November 27, 2006.

President Tolomei agrees with recent comments made and believes this project is bringing something new into the Village.

Village Attorney Burkland read the drafted changes to the ordinance incorporating what was discussed and agreed upon at this meeting. Warranties and maintenance for both onsite and offsite trees was discussed at length.

Jeff Halen, 154 S. Pleasant Road wanted confirmation the ordinance would be redrafted to include proper grading to the rear of the pond.

Trustee Poynton questioned how a sign already built at Paulus Park would be considered a compensating amenity to the Village. Village Administrator Dixon explained the Village would be reimbursed for the cost of the sign so that this additional money could be spent within the park for other items part of the Master Plan.

MOTION was made by Trustee McAvoy, seconded by Trustee Taylor, to approve an ordinance approving a redevelopment project including a hotel and retail buildings at 195 South Rand Road (formerly Frank's Nursery property) as now amended pursuant to the discussion and incorporated in ordinance #2007-08-513.

AYES: 4 Trustees Callahan, Johnson, McAvoy, and Taylor

NAYES: 2 Trustees Branding and Poynton

MOTION CARRIED

12. EXECUTIVE SESSION for the purpose of discussing pending, probable, or imminent litigation.

MOTION was made by Trustee Taylor, seconded by Trustee Callahan, to adjourn to Executive Session and to not reconvene to open session.

AYES: 6 Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

MOTION CARRIED

13. ADJOURNMENT

Meeting adjourned at 10:00 pm.

Respectfully submitted: *Gloria M. Palmlad, Village Clerk*

Approved by: _____
President John G. Tolomei