

Amended

**VILLAGE OF LAKE ZURICH**  
**PLANNING & ZONING COMMISSION MINUTES**  
**FEBRUARY 17, 2016**

The meeting was called to order by Chairman Stratman at 7:03 p.m.

**ROLL CALL:** *Present* –Chairman Stratman, Commissioners McCormack, Baumann, Castillo, Schultz, Riley, and Tomsovic. *Excused*: Alternate Commissioner Dannegger.

Also *present*: Interim Manager of Building & Zoning Hubbard and Zoning Compliance Officer Meyer. Chairman Stratman noted a quorum was present.

**CONSIDERATION OF MINUTES:**

**APPROVAL OF THE JANUARY 20, 2016 MEETING MINUTES OF THE PLANNING & ZONING COMMISSION:**

MOTION was made by Commissioner McCormack, seconded by Commissioner Schultz, to approve the January 20, 2016 minutes of the Planning and Zoning Commission as submitted. Upon voice vote, all in favor. Commissioners Baumann and Tomsovic abstained.

**PUBLIC HEARINGS:**

**1075-1077 S. Rand Road - Sparrow Ridge Plaza (PZC 2016-01 #1): To consider approval of Map Amendment to B-3, concept and preliminary and final Planned Unit Development, Preliminary and Final Plat of Subdivision, Site Plan, Exterior Appearance, and Special Use Permit to allow a gasoline station, drive-thru facility, outdoor dining, Child Day Care, landbanking of parking one excess of 10% above code requirements, and parking in excess of 10% above code requirements, at the Subject Property located at 1075-1077 South Rand Road and currently within the R-1\2 Single Family and B-1 Local and Community Business District - Applicant John Sfire, Sparrow Ridge Plaza LLC**

MOTION was made by Tomsovic, seconded by Commissioner McCormack, to reopen the public hearing on Application PZC 2016-1 #1 at 7:06 p.m.

Upon roll call vote:

**AYES:** 7 Chairman Stratman, Commissioners Baumann, Castillo, McCormack, Riley, Schultz, and Tomsovic.

**NAYS:** 0

**MOTION CARRIED**

Chairman Stratman swore in those wishing to testify.

John Sfire, Sparrow Ridge Plaza, summarized the changes and revisions to his proposal for the development of a five-acre panel immediately south of Deerpath Commons. Mr. Sfire displayed and reviewed the revised landscape plan (Plan A) that was reviewed by the Tree Commission at their February 2 meeting and by staff. Diversity of materials has been improved and native basin plugs have been added to the retention basin per the Tree Commission recommendations, and it meets or exceeds all village landscape requirements. \*He briefly reviewed parking, access, landbanking, and stormwater management. The water line is proposed to be looped. An on-site lift station is proposed, which will be the property owner's responsibility to maintain. \*Manhard Consultants is

satisfied with the preliminary engineering and both traffic consultants are satisfied with the traffic plan.

Discussion followed on signage. Manager Hubbard said no other gas stations in Lake Zurich have "Island Spinner" signage. Mr. Sfire said if it is not allowed, it can be removed. He addressed lighting and answered questions posed by Commissioner Baumann regarding spillage. All lighting is LED and does not spread out. Mr. Sfire discussed the gas station in detail. There will be 8 two-sided pumps with a total of 16 hoses. There are three gas stations in Lake Zurich that have diesel pumps. He does not think Murphy's will have a diesel pump due to space constraints and because the site would not be conducive to truck traffic.

Manager Hubbard read the *Recommended Conditions of Approval* on page 5 of the Staff Report dated February 12, 2016. A correction was made to Item 4 changing Lot 2 to Lot 1. Mr. Sfire did not object to any of the conditions. Commissioner Tomsovic asked that the speaker restriction include Lot 2 except for the restaurant drive-through speakers.

Brian Zabel, 565 Ascot Court, was concerned about the noise from the drive-through speaker, traffic congestion, safety, noise, and pollution. Chairman Stratman clarified that the land banked property will not be used unless it proved to be necessary and will remain landscaped. The traffic consultants anticipate 225 trips in the morning and 220 trips in the afternoon for the entire development.

Sunni and Jassi Sandhu, owners of the Marathon Gas Station at Route 12 and South Old Rand, Road said they have a petition signed by over 200 residents asking questions about the development and stating concerns about its impact on the area. Sunni did not feel it was ethical for the Village to withhold information and not inform him about the proposed gas station before he expanded his station and invested money into it. Manager Hubbard discussed how staff reacts to proposals. He said it is not practical to make an announcement each time a developer approaches staff as many developments don't move forward. Jassi said IDOT made them close and entrance and it cost them time and money. He believes the proposed gas station will slow down traffic and make maneuvers difficult. He also stated concerns about noise, safety, and over abundance of gas stations along Route 12. They are concerned that their business will not survive more than 1-1/2 years due to the competition of unbranded gasoline sales.

Peter Usofian, 1136 Village Court, had questions about how traffic was counted for the study. Tom Tyson, 1142 Village Court, recapped the issues and areas of concern raised about the development including placement and type of fencing and potential foot traffic. Mr. Tyson asked what could be done to minimize the impact to the nearby residents. Manager Hubbard clarified that the fence will be solid wood board-on-board, but it has not been determined yet if it will span the entire property or stop at a certain point. It will not be "piece meal". Mark Crosby, 1148 Village Court raised safety concerns about the gas station and referred to the gas leak at the station on Northwest Highway in Barrington. He also stated concerns about noise and light pollution.

Kalin Patel, owner of the Lake Zurich Citgo station, agreed with the concerns stated by the Sandhu's and thinks his station will be closed within one year. His fuel agreement is for a 12-year period and does not allow for negotiation. He will not be able to meet expenses if sales go down.

Village Traffic Consultant Charles Touer recapped the findings of the traffic study and explained what the conclusions were based upon. He did calculate the “worst-case” scenario. There will be a dedicated right turn lane, so traffic will not be slowed down when entering the development. IDOT will review the traffic study and make recommendations which are binding. Manager Hubbard added that the calculations show a peak stacking of 5 cars, which is adequate and will not create an unsafe situation. Calculations are based upon data collected yearly and are the average at peak traffic times. Brian Zabel said he estimates 5-600 cars per hour based on information provided by the Citco and Dunkin Donuts on Route 12. Manager Hubbard said IDOT has not made an official recommendation but has preliminarily approved the development.

John Sfire responded to concerns and comments. He reiterated his efforts to plan a development that would impact the residents as little as possible and pointed out that there could be a building within 15 feet of the property line while his development will be much farther from their homes. Mr. Sfire addressed the concerns raised about fuel spillage and said the site must comply with EPA and IEPA regulations and reviews. He is not sure at this point if he will sell the gas station or lease it. Chairman Stratman asked Mr. Sfire if he would agree to the restriction of all outdoor speakers for the entire parcel with the exception of the drive-through restaurant. Mr. Sfire agreed to the condition.

MOTION was made by Tomsovic, seconded by Commissioner McCormack, to close the public hearing on Application PZC 2016-1 #1 at 8:40 p.m.

Upon roll call vote:

AYES: 7 Chairman Stratman, Commissioners Baumann, Castillo, McCormack, Riley, Schultz, and Tomsovic.

NAYS: 0

MOTION CARRIED

MOTION was made by McCormack, seconded by Commissioner Baumann, to receive into the public record the staff review of compliance of this Application with the zoning standards as presented in Exhibit C of the staff report and to make these standards a part of the official record for the Application.

Upon roll call vote:

AYES: 7 Chairman Stratman, Commissioners Baumann, Castillo, McCormack, Riley, Schultz, and Tomsovic.

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Reilly, seconded by Commissioner McCormack, to recommend that the Village Board grant the Preliminary and Final Plat of Subdivision to allow for the proposed development.

Upon roll call vote:

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, McCormack, Riley, and Schultz.

NAYS: 1 Commissioner Tomsovic

MOTION CARRIED

MOTION was made by Commissioner Reilly, seconded by Commissioner McCormack, to recommend that the Village Board grant Concept and Final PUD approval to allow the proposed development, subject to the following conditions:

- a. Between the hours of 7:00 p.m. and 7:00 a.m., delivery and other truck traffic shall be strictly prohibited within the Subject Property. This prohibition includes loading, unloading, driving, idling, backing, and all other truck activity.
- b. Between the hours of 11:00 p.m. and 7:00 a.m., lighting and illumination on Lot 1 must be dimmed to an extent not to exceed an average foot candle level for the entire lot of 1.66 foot candles.
- c. All lots within the subdivision are prohibited from having any business or use that is open for 24 hrs. on any day of the week.
- d. No lot on the Subject Property may have any exterior music or speakers, including on the gas pumps or under the canopy area, with the exception that exterior speakers necessary for the drive-thru use on Lot 2 may be allowed.
- e. All Covenants, Conditions, and Restrictions (CCR's) must be written so that the Village of Lake Zurich has the right, but not the obligation, to enforce the provisions within the CCR's. The CCR's must be recorded with the Lake County Recorder no less than 1 year after building permit issuance for the first building on the subject property.
- f. Any amendment to the Covenants, Conditions, and Restrictions must be first authorized by the Village of Lake Zurich.
- g. The Board of Trustees shall have the right, in its sole and absolute discretion, to require the property owner or his or her successor at any time to construct the 11 parking spaces shown as "Land Banked Parking" on the Geometric Site Plan dated 2/11/16.
- h. The Applicant is required to install the landscaping as depicted on "Plan A" (dated 2/12/16). Staff and the Applicant will continue to discuss an appropriate compensating amenity, with the Village Board having the authority to require additional compensating amenities beyond the provision of landscaping as displayed on landscape "Plan A", which additional compensating amenities would be required via, and described within, the Village Ordinance authorizing approval of this Application.

- i. Signage on Lot 1, as shown on the plan "8MPD 1200 BLDG." dated January 22, 2014, is allowed with exception to the ground sign for the gas station, which shall be revised so as not to exceed 12' in height and 120 sq. ft. in area. Additionally, the "Island Spanner" signage shall not be permitted.
- j. The fence along the southern property line as shown on Geometric Site Plan dated 2/11/16 may be required to extend across the full length of the southern property line to where it would end at the southwestern corner of the Subject Property. Staff will communicate with the abutting 13 properties to determine an acceptable western terminus for this fence, and will communicate this to the Applicant at time of permit issuance. The Applicant is required to construct the length of fence along the southern property line as outlined by staff.

Upon roll call vote:

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, McCormack, Riley, and Schultz.

NAYS: 1 Commissioner Tomsovic

MOTION CARRIED

MOTION was made by Commissioner McCormack, seconded by Commissioner Reily, to recommend that the Village Board approve the Special Use Permits as outlined in the Application, subject to conformance with the conditions of approval as outlined for the PUD.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, McCormack, Riley, and Schultz.

NAYS: 2 Commissioners Castillo and Tomsovic

MOTION CARRIED

MOTION was made by Commissioner Schultz, seconded by Commissioner Castillo, to recommend that the Village Board grant Site Plan approval for the Subject Property, subject to conformance with the conditions of approval as outlined for the PUD.

Upon roll call vote:

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, McCormack, Riley, and Schultz.

NAYS: 1 Commissioner Tomsovic

MOTION CARRIED

MOTION was made by Commissioner Castillo, seconded by Commissioner Schultz, to recommend that the Village Board grant Exterior Appearance approval for the Subject Property, subject to conformance with the conditions of approval as outlined for the PUD.

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, McCormack, Riley, and Schultz.

NAYS: 1 Commissioner Tomsovic

MOTION CARRIED

MOTION was made by Commissioner McCormack, seconded by Commissioner Schultz, to recommend that the Village Board approve the Exception to the Land Development Code to allow retaining walls in excess of 2 feet in height on the Subject Property.

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, McCormack, Riley, and Schultz.

NAYS: 1 Commissioner Tomsovic

MOTION CARRIED

**STAFF REPORT:**

Manager Hubbard said at this time a warehouse expansion for Termax, a special use permit to allow massage at Deerpath Commons are on the agenda for March. This will be his last Planning and Zoning Commission meeting so he thanked the members for their cooperation and support during his tenure. Chairman Stratman and the members also thanked Manager Hubbard for his excellent work and guidance as the Village Planner and Interim Manager of Building and Zoning and wished him well.

**ADJOURNMENT:**

MOTION was made by Commissioner Baumann, seconded by Commissioner Tomsovic, to adjourn the meeting. Voice Vote, all in favor. MOTION CARRIED

The meeting was adjourned at 9:19 p.m.

*Submitted by: Janet McKay, Recording Secretary*

Approved by:

