

APPROVED  
**VILLAGE OF LAKE ZURICH  
PLAN COMMISSION MINUTES  
DECEMBER 5, 2007**

The meeting was called to order by Chairman Cushman at 7:41 p.m.

**ROLL CALL:** *Present* - Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, and Luby. *Excused* – Commissioner Tassi. *Absent* – Commissioner Minden. *Also present:* Village Planner Gadde, Public Works Director/Engineer Heyden, and Village Attorney Browne.

**APPROVAL OF MINUTES:**

**APPROVAL OF THE NOVEMBER 7, 2007 MINUTES OF THE PLAN COMMISSION MEETING:**

Commissioner Castillo asked that his comment on the second to last paragraph on page two be amended as follows, “Commissioner Castillo stated his opposition to the project due to density.”

MOTION was made by Commissioner Crane, seconded by Commissioner Bowling, to approve the November 7, 2007 minutes of the Plan Commission as corrected.

Voice Vote, AYES have it. MOTION CARRIED.

**CONTINUED PUBLIC HEARING:**

**405 & 525 N. RAND ROAD – PRELIMINARY & FINAL PLANNED UNIT DEVELOPMENT, PRELIMINARY AND FINAL PLAT OF SUBDIVISION, REZONING LOTS 1 & 2 FROM B-1 TO B-3 AND LOT 3 FROM B-1 TO OS – SPECIAL USE PERMIT FOR A DRIVE-THROUGH RESTAURANT, OUTDOOR SEATING, AND DRY CLEANERS – SITE PLANS, AND EXTERIOR APPEARANCE PLANS FOR THE PROPOSED REDEVELOPMENT OF THE SUBJECT PROPERTY WITH AN EXISTING RESTAURANT BUILDING AND TWO MULTI-TENANT BUILDINGS – PETITIONER THOMAS R. KLEIN**

The public hearing was reopened at 7:41 p.m. The court reporter swore in those testifying.

Chairman Cushman asked the petitioner present new information or solutions to issues raised at the November Plan Commission meeting.

Katrina McGuire, representing Tom Klein of Klein Development, Inc., said they have removed the drive-through lane for the proposed restaurant from the project. She listed reasons why they are seeking a P.U.D. which is primarily due to existing nonconformities and the creation of three separate lots. Ms. McGuire listed the various forms of relief necessary as evidence of the need for a P.U.D. and areas where they exceed the Village requirements such as floor area ratio and landscape area on Lot 1. She said additional landowners will not impact the conditions of a P.U.D. They would need to amend the P.U.D. to make changes, which makes it actually a more restrictive form of zoning.

Lot 3 was discussed. Ms. McGuire said they would greatly exceed landscape requirements if Lot 3 was not a separate lot. Chairman Cushman asked why Lot 3 was proposed as a separate lot. Mr. Klein said it is a natural resource easement, and staff recommended it be a separate lot zoned Open Space. Village Planner Gadde said there must be common ownership of Lot 2 and 3.

Luay Aboona, traffic consultant, said the traffic study was revised to reflect the elimination of the drive-through and showed a marked decrease in traffic. The concerns raised in the memorandum from the Village traffic consultants to Village Planner Gadde dated December 4, 2007 (especially the second and third paragraph) were reviewed and discussed. The consultants state that "the volume of traffic on Rand Road does not readily accommodate vehicles exiting the site going northbound" and could result in a drop off in the utilization of the site due to this difficulty. Mr. Aboona did not disagree but clarified that the waiting time for left turns would vary and would be lengthy at times.

Village Planner Gadde referred to the Engineering review which recommends the establishment of an egress/ingress along the north property limit for access purposes by working with the property owners, which he believes are Sandy Point Dental. There was agreement that this easement would improve the traffic situation. Public Works Director/Engineer Heyden said staff also recommends an ingress/egress be created to the south so it is in place for any future development.

Mr. Klein said they are strongly in favor of this access but it would be dependant upon the cooperation of other property owners.

Dave Hemd, project engineer, said he had met with George Gitterly of IDOT and had been given direction regarding the right-of-way. IDOT conceptually reviewed the project and made recommendations that the petitioner accepted. IDOT will only finalize their recommendations when the Board of Trustees has approved the project.

Mr. Klein said they would be providing an irrigation system and recapped the highlights of the landscape plan.

Commissioner Bowling said she is not comfortable with the P.U.D. request and questioned if it properly meets the criteria and provides adequate compensating amenities.

The public hearing was closed at 8:33 p.m.

Chairman Cushman said he viewed the overall project favorably but had serious concerns about traffic impact to an area where serious problems already exist. He said if the traffic problems could be eliminated, he would be inclined to support the proposed development.

Commissioner Bowling also had concerns about the impact on traffic and objected to the P.U.D. She would have preferred to address the requests for variations and relief separately and not under a P.U.D. She recommended caution in approving retail when there are numerous variances requested.

Commissioner Castillo agreed with Commissioner Bowling's comments and observed that there is a great deal of retail space in the village already and some vacant stores. He viewed the P.U.D. application as a way to circumnavigate the relief requested and stated the project was too dense.

Commissioner Crane recommended the trustees consider their vision for the Village and how the proposals fit within the concept. Her areas of concern were density and traffic.

Commissioner Jackson did not have a problem with the P.U.D. and did not think the P.U.D. request should unduly influence the review of the project. He agreed that density and traffic were areas of concern. He was not comfortable with the proposed left turn for northbound traffic especially since it would compete with Golfview traffic for access.

Discussion continued on traffic concerns.

MOTION made by Commissioner Crane, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the preliminary and final planned unit development for 405 and 525 N. Rand Road.

AYES: 0

NAYS: 7 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, and Luby

MOTION FAILED

MOTION made by Commissioner Kmiecik, seconded by Commissioner Crane, to recommend the Board of Trustees approve the preliminary and final plat of subdivision for 405 and 525 N. Rand Road.

AYES: 0

NAYS: 7 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, and Luby

MOTION FAILED

MOTION made by Commissioner Kmiecik, seconded by Commissioner Bowling, to recommend the Board of Trustees approve the rezoning of Lots 1 & 2 from B-1 to B-3 and Lot 3 from B-1 to OS for 405 and 525 N. Rand Road.

AYES: 0

NAYS: 7 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, and Luby

MOTION FAILED

MOTION made by Commissioner Crane, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the special use permit for outdoor seating and dry cleaners (SIC# 721) for 405 and 525 N. Rand Road.

AYES: 0

NAYS: 7 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, and Luby

MOTION FAILED

MOTION made by Commissioner Crane, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the site plans for 405 and 525 N. Rand Road.

AYES: 0

NAYS: 7 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, and Luby

MOTION FAILED

MOTION made by Commissioner Kmiecik, seconded by Commissioner Crane, to recommend the Board of Trustees approve the exterior appearance plans for 405 and 525 N. Rand Road.

AYES: 1 Chairman Cushman

NAYS: 6 Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, and Luby

MOTION FAILED

**ADJOURNMENT:**

MOTION was made by Commissioner Crane, seconded by Commissioner Bowling, to adjourn the meeting.

Voice Vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 9:02 p.m.

*Submitted by: Janet McKay, Recording Secretary*

Approved by: March 5, 2008