

Approved  
**VILLAGE OF LAKE ZURICH**  
**PLANNING & ZONING COMMISSION MINUTES**  
**JULY 17, 2019**

The meeting was called to order by Chairman Stratman at 7:02 p.m.

**ROLL CALL:** *Present* – Chairman Stratman, Commissioners Baumann, Muir, and Schultz. *Absent* - Commissioners Castillo, Dannegger, Giannini, and Riley. Chairman Stratman noted a quorum was present and Alternate Muir would be a voting member due to an absence. *Also present:* Community Development Director Sarosh Saher and Planner Tim Verbeke.

**CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION**

Approval of the May 15, 2019 Meeting Minutes of the Planning & Zoning Commission:

MOTION was made by Commissioner Baumann, seconded by Commissioner Schultz, to approve the May 15, 2019 minutes of the Planning and Zoning Commission as submitted.

Upon roll call vote:

AYES: 4 Chairman Stratman, Baumann, Muir, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Castillo, Dannegger, Giannini, and Riley.

MOTION CARRIED

**PUBLIC COMMENT**

Rob and Silkie Padula, 170 N. Old Rand Road, live near Sunset Pavilion and had questions about the hours for entertainment and the location of speakers. He thought six nights a week was excessive and there should be limitations for entertainment since they already have noise from the park.

Steve Kipperman, 134 Beech Street, had concerns about the proposed development at 1181 Centoni Drive. He noted the sloping of the property and drainage patterns and was concerned the development could exacerbate existing drainage problems. He thought that two homes on the lot would be too dense and would not blend in with the surrounding properties that have larger lots.

Scott Pappas, 1161 Centoni, felt the proposal was too dense and noted that his property as well as the surrounding homes had 150-foot frontage. He had questions about the zoning which were answered by Director Saher who clarified that R5 zoning allows 75-foot frontage, which is what Mr. Steffens proposes. The proposal also complies with setback requirements. Mr. Pappas said he shared Mr. Kipperman's concerns about drainage.

Mark Nantkin, 116 Beech Street, lives near Mr. Kipperman. He shared his concerns about drainage and asked if the wooded portion of the subject property would remain as is.

**PUBLIC MEETING:**

A. 1181 Centoni Drive – Steffens Subdivision – Plat of Subdivision (PZC 2019-15)

Public Meeting to consider a Plat of Subdivision for a new 2-lot residential subdivision to be known as the Steffens Subdivision. Detailed information is contained within the accompanying staff report and exhibits submitted by the applicant. *Applicant: Dale Steffens*

Tim Spies, project engineer, presented their proposal to create a new subdivision consisting of two single-family residences. The lots will be reconfigured into two 21,000 square foot lots. Lot 1 will have a drainage on the west side of the property, and Lot 2 will have a drainage easement along the west side of the property. He addressed the drainage patterns and stated improvements are proposed (easements and curb and gutters) which should improve drainage by directing water toward the Beech Street storm sewer. The existing impervious surface is now 3,824 square feet or less than 10%. The proposed impervious coverage will be 5,160 square feet or more than 10% which is an increase. The sanitary sewer will be increased by 50 feet. His client has agreed to clear the deadwood in the rear wooded area per staff recommendation.

Commissioner Schultz said she lives on Beech Drive and has experienced flooding. She noted concerns in the Engineering Report and would like to be assured that this proposal will not add to the existing flooding and drainage problems. She also objected to the density of the subdivision and does not think it is consistent with the surrounding homes and would prefer to see one home instead of two. She asked that the debris be cleaned and the area maintained.

Past flooding and remedies provided were discussed. Director Saher addressed the 2013 flooding event and noted the flooding was a regional problem and improvements have been made. Staff continues to monitor the drainage in the area. If the Village Engineer makes additional recommendations, approval will be conditioned upon meeting the engineering requirements as well as the cleanup in the rear of the property.

MOTION was made by Commissioner Baumann, seconded by Commissioner Muir, to receive into the public record the staff review of compliance of this Application for Final Plan with the zoning standards as presented by staff this evening, and to make these standards a part of the official record for the Application.

Upon roll call vote:

AYES: 3 Chairman Stratman, Baumann, and Muir.

NAYS: 1 Commissioner Schultz

ABSENT: 4 Commissioners Castillo, Dannegger, Giannini, and Riley.

MOTION CARRIED

MOTION was made by Commissioner Baumann, seconded by Commissioner Muir, to recommend approval of Steffens Subdivision's Plat of Subdivision with the condition that the rear wooded area on both resultant zoning lots must be cleaned of any loose, dead vegetation and enhanced for the purpose of facilitating the efficient flow of stormwater on the subject and downstream properties with the proposed storm water modifications to be incorporated into the project prior to presentation to the Village Board.

Upon roll call vote:

AYES: 3 Chairman Stratman, Baumann, and Muir.

NAYS: 1 Commissioner Schultz

ABSENT: 4 Commissioners Castillo, Dannegger, Giannini, and Riley.

MOTION CARRIED

**PUBLIC HEARING:**

MOTION was made by Commissioner Baumann, seconded by Commissioner Schultz, to open the following public hearings at 7:48 p.m. for Application PZC 2019-14, 125 North Old Rand Road - Special Use Permit for Outdoor Live Entertainment.

Upon roll call vote:

AYES: 4 Chairman Stratman, Baumann, Muir, and Schultz.

NAYS: 0

ABSENT: 4 Commissioners Castillo, Dannegger, Giannini, and Riley.

MOTION CARRIED

*New Application***B. 125 North Old Rand Road – Special Use Permit for Outdoor Live Entertainment (PZC 2019-14)**

Public hearing to consider a request for a Special Use Permit to allow for outdoor live entertainment at Sunset Pavilion. Detailed information is contained within the accompanying staff report and all exhibits submitted by the applicant.

*Applicant: Stefani Schweda Jerard, operator of Sunset Pavilion*

*Owner: Village of Lake Zurich*

Stefani Schweda Jerard, operator of Sunset Pavilion, presented her proposal to offer live music during their regular operating hours with the exception of Sunday. The music will be an acoustic type with one or two performers. Ms. Jerard is asking for approval for Monday through Saturday to allow her flexibility in scheduling performers but does not anticipate daily entertainment. She will comply with staff's recommendation that all plugged-in/amplified music will end by 8:00 p.m. She would prefer to have the speakers on the southeast corner of the deck but is also considering renting a portable platform placed near the pedestrian path as an option.

Director Saher addressed the village code as it relates to noise and reviewed staff's recommendations 1-6 in the Staff Report prepared by Planner Verbeke. He said approval will be conditioned upon;

- The use of amplifiers and or loudspeakers shall conform to the requirements of Section 3-2-16 entitled Sound Amplifiers, and shall not be operated on Sundays or between the hours of 8:00 p.m. and 9:00 a.m. on any other day.
- The operation of live entertainment shall not exceed the hours of operation of the beer garden as approved per Ordinance #2018-07-266. The live entertainment is limited to two amplifiers at a maximum of one to two performers.
- The Special Use Permit approved here, constituting this live entertainment in conjunction with the beer garden facility is Sunset Pavilion operated by Ms. Stefani Schweda Jerard d/b/a PB and S Investments, LLC, and shall be located within the premises of 125 North Old Rand Road, and shall expire if the this land use and operator requesting this Special Use Permit cease operating at the Subject Property.

MOTION was made by Commissioner Schultz, seconded by Commissioner Muir, to close the public hearing on PZC 2019-14, 125 North Old Rand Road – Special Use Permit for Outdoor Live Entertainment, at 8:06 p.m.

Upon roll call vote:

AYES: 4 Chairman Stratman, Baumann, Muir, and Schultz.

NAYS: 0

ABSENT: 4 Commissioners Castillo, Dannegger, Giannini, and Riley.

MOTION CARRIED

MOTION was made by Commissioner Baumann, seconded by Commissioner Muir, to receive into the public record the staff review of compliance of this Application with the zoning standards as presented by staff and to receive the testimony presented by the Applicants, testimony presented by members of the public, and in response to questions by the Planning and Zoning Commission Members, any testimony presented by Village Staff at tonight's Public Hearing and make these standards a part of the official record for the Application and to recommend that the Village Board approve the Application PZC 2019-14 which requires a special use permit to provide outdoor live entertainment at the property commonly known as 125 North Old Rand Road including requirements and recommendations 2 - 5 on page 9 of Staff Recommendations dated July 17, 2019.

Upon roll call vote:

AYES: 4 Chairman Stratman, Baumann, Muir, and Schultz.

NAYS: 0

ABSENT: 4 Commissioners Castillo, Dannegger, Giannini, and Riley.

MOTION CARRIED

#### **STAFF REPORT:**

Planner Tim Verbeke said there is already one application for a variation received for the August meeting with the possibility of a new business complex if the application is ready prior to the deadline.

#### **ADJOURNMENT:**

MOTION was made by Commissioner Schultz, seconded by Commissioner Muir, to adjourn the meeting. Voice Vote, all in favor. MOTION CARRIED. The meeting was adjourned at 8:11 p.m.

*Submitted by: Janet McKay, Recording Secretary*

Approved by:

