

Approved
VILLAGE OF LAKE ZURICH
PLANNING & ZONING COMMISSION MINUTES
OCTOBER 21, 2020
(Electronic Online Meeting)

The meeting was called to order by Chairman Stratman at 7:01 p.m.

ROLL CALL: *Present* – Chairman Stratman, Commissioners Castillo, Dannegger, Riley, and Schultz. *Absent*: Commissioners Baumann, Giannini, and Muir. Chairman Stratman noted a quorum was present. *Also present*: Community Development Director Sarosh Saher, Innovation Director Michael Duebner, and Planner Tim Verbeke.

Chairman Stratman read the Rules of Procedure that will be followed during the online electronic meeting. Residents were given the opportunity to comment through email or in writing prior to the meeting, to participate in the virtual online meeting after preregistering, or to comment during the meeting.

CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION

Approval of the August 19, 2020 Meeting Minutes of the Planning & Zoning Commission:
MOTION was made by Commissioner Schultz, seconded by Commissioner Dannegger, to approve the August 19, 2020 minutes of the Planning and Zoning Commission as presented.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Baumann, Giannini, and Muir.

MOTION CARRIED

PUBLIC COMMENT - Directors Saher and Duebner, who have been and will continue to monitor online platforms, had received public comments through email that had been forwarded to the PZC members and would become part of the record.

PUBLIC HEARING:

MOTION was made by Commissioner Dannegger, seconded by Commissioner Riley, to open the following public hearing at 7:41 p.m. for Application PZC 2020-08, 265 N Rand Road – Planning Unit Development for a European Deli and Application PZC 2020-09 and Miscellaneous Text Amendments to the Zoning Code.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Baumann, Giannini, and Muir.

MOTION CARRIED

Those wishing to speak were sworn in by Chairman Stratman. Chair Stratman read a statement asking if participants would agree to participate in an electronic meeting and listed the conditions,

and all agreed to the conditions. Director Saher confirmed that the public hearing had been properly noticed and staff would be continually watching for comments from the public. Chair Stratman asked each commissioner if they received three letters regarding Andy's Deli from residents via email and had the opportunity to read them. Each acknowledged that they had. The letters will become part of the record.

New Applications:

A. 265 North Rand Road – Andy's Deli (former Joe's Barbershop property):

Public hearing to consider a request for a Planned Unit Development (PUD) and Zoning Map Amendment for the development of the property with a Deli/Sandwich Shop and retail store with two residential units above. Detailed information is contained within the accompanying staff report and all exhibits submitted by the applicant.

Applicant and Owner: Kolasa Real Estate Investment Inc.

Mr. Jack Zac, deli general manager, presented an overview of their proposal to demolish the existing barber shop and construct a new 3,017 square-foot multi-purpose building and operate a restaurant with residential uses on the second floor for employees. There will be a 5,706 square-foot parking lot with 19 parking spaces on the east side of the property. Mr. Zac reviewed the site plan which was designed to provide a buffer between the subject property and Sunrise Lane. The building was pushed closer to Rand Road to allow greater separation from the residents. They originally proposed a three-story building and have reduced it to two-stories. They will provide a cedar or polyurethane 8-foot tall fence between the parking lot and Sunrise Lane.

Chair Stratman referred to a letter received objecting to how the Village handled this petition. Director Saher provided further information on the PUD process, which allows more flexibility in development by allowing modifications to the Land Development and Zoning Codes. In their considerations, staff considered the history of the subject property, the PUD mechanism in evaluating the proposal, and concluded that B-1 zoning is most suitable, and standards for a PUD were met.

Mr. Zac continued his presentation and described the proposed two residential units, which are intended for staff use. The apartments will be between 800-1200 square feet. Director Saher said Village code cannot limit apartment use for deli staff only, and Mr. Zac concurred that he could not guarantee they would only be for staff use.

A question and answer period followed. Mr. Zac provided the following information: Hours of operation will be 8 a.m. - 9 p.m. seven days per week but they could close earlier depending on business. The main kitchen and bakery is located in Chicago. Access will be on Evanston with no access from Rand Road. The landscape plan was displayed and reviewed.

The meeting was opened for public comments. Director Saher received written comments from four residents that were entered into the record.

Thaye and Ralph Weber, 255 Sunrise Lane, referred to his letter dated October 21, 2020. Mr. Weber does not think the land use is consistent and objected to aesthetics, lighting, and

reduced setback. He did not see the need for transitional zoning and expressed concerns about trash pickup and deliveries in off hours. He noted there is no other retail or commercial properties in that area. He supports the use but not in that location.

Mike Hilt, 598 Dunhill Drive, said he shares many of the concerns raised by Mr. Weber. He objected to the building height of 25 feet and said the second floor would look into the bedroom of 255 Sunrise Lane and asked that the site lines be considered. He referred to the comments he made in his letter to the Village on October 21, 2020.

Directors Duebner and Saher said no additional requests to speak had been received during the meeting.

MOTION was made by Commissioner Castillo, seconded by Commissioner Schultz, to close the public hearing on Application PZC 2020-08 for a Planned Unit Development (PUD) and Zoning Map Amendment at 7:47 p.m. and move to deliberations.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Baumann, Giannini, and Muir.

MOTION CARRIED

Deliberation followed. Commissioner Castillo is familiar with the other Andy's Deli locations and felt they were in areas better suited to commercial development. He supports the use but not the location. He noted the building is a modern style of architecture and is quite large therefore not blending in with the surrounding homes. Additionally, the commercial zoning will remain even if Andy's closes, which will introduce a commercial use in a residential area. Commissioner Dannegger also objected to the use in that location, in particular the two stories and building height. He does not think the project fits in well at that location. Commissioner Schultz agrees with comments made by Commissioners Castillo and Dannegger. She feels there were too many exceptions made, and the project does not fit in the area. Commissioner Riley thought the deli portion of the building alone might fit in better but did not think this was the proper location for the proposal especially with the second floor and residences. Various commissioners thought the downtown area would be a better location.

Chair Stratman asked staff about the comments made at the courtesy review by the Board of Trustees. Director Saher recapped the comments made via a petition and in public comments. Although the petition signed by eight residents originally supported the land use, they had not been aware of the proposed residential use. The Board asked the developer to reduce the height of the building, which they did. Chair Stratman summarized the objections that had been expressed. Director Saher suggested the petitioner be asked if he would be open to changes per the options and comments that had been expressed. Mr. Zak responded to various comments and objections raised. Director Saher listed the various options available to the petitioner. Mr. Zak reported that he spoke with the property owner on the phone, and he would agree to modifications to make the proposal more favorable to

the residents and the PZC. He requested a continuance to allow time to work with staff to revise the project.

Planner Verbeke provided additional information on why the staff report showed that the project met standards. Residential development on Rand Road is rare, so transitional zoning seemed appropriate; the modern style of architecture is becoming more popular; the building height would be similar to a single story with a gabled roof; the Comprehensive Plan shows Business Zoning at that location as well as other considerations. Commissioner Castillo thanked staff for doing a thorough review but pointed out that the commissioners are called to look at projects from a different point of view.

MOTION was made by Commissioner Castillo, seconded by Commissioner Schultz, to reopen the public hearing on Application PZC 2020-08 for a Planned Unit Development (PUD) and Zoning Map Amendment at 8:20 p.m.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Baumann, Giannini, and Muir.

MOTION CARRIED

MOTION was made by Commissioner Castillo, seconded by Commissioner Riley, to continue the public hearing on Application PZC 2020-08 to the next regularly scheduled meeting on November 18, 2020 at 7 p.m.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Baumann, Giannini, and Muir.

MOTION CARRIED

B. Text Amendments:

Public Hearing to consider a request for Amendments to the Text of the Zoning Code Land Development Code and other pertinent sections of the Municipal Code for the purpose of clarifying and increasing the effectiveness of the code. *Applicant: Village of Lake Zurich*

Director Saher said the proposed amendments were for “housekeeping” purposes, did not make any substantial changes, and only provided better clarity and consistency. Changes included clarified definitions, removal of references to the Zoning Board of Appeals which had been replaced by the Planning and Zoning Commission, and revised definitions to be consistent in both the Zoning and Land Development Codes.

MOTION was made by Commissioner Schultz, seconded by Commissioner Riley, to close the public hearing on Application PZC 2020-09 for Amendments to the Text of the

Zoning Code Land Development Code and other pertinent sections of the Municipal Code at 8:27 p.m. and move to deliberations.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Baumann, Giannini, and Muir.

MOTION CARRIED

MOTION was made by Commissioner Riley, seconded by Commissioner Dannegger, 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 Applicant, and in response to questions by the PZC 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 Findings of the PZC, and to recommend that the Village Board approve the Application PZC 2020-09 for the establishment of these miscellaneous amendments to the zoning code.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Baumann, Giannini, and Muir.

MOTION CARRIED

OTHER BUSINESS - None

STAFF REPORT:

Planner Verbeke said at this time the continued public hearing on Andy's Deli and a text amendment regarding cannabis will be on the November agenda. Director Saher said the Board of Trustees is considering a recommendation allowing recreational cannabis establishments in the community. Proposed regulations will be forwarded for discussion and review. Brief discussion followed.

ADJOURNMENT:

MOTION was made by Commissioner Schultz, seconded by Commissioner Castillo, to adjourn the meeting. Voice Vote, all in favor. MOTION CARRIED. The meeting was adjourned at 8:37 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by:

