

APPROVED
**VILLAGE OF LAKE ZURICH
PLAN COMMISSION MINUTES
NOVEMBER 5, 2008**

The meeting was called to order by Chairman Cushman at 7:34 p.m.

ROLL CALL: *Present* - Chairman Cushman, Commissioners, Bowling, Castillo (9:35), Crane, Jackson, Luby, Minden, Stratman, and Tassi.

Also present: Village Planner Gadde, Village Attorneys Paula Kirlin and John Furr, Building and Zoning Director Peterson, Fire Chief Mastandrea, Police Chief Finlon, and Public Works Director/Engineer Heyden.

APPROVAL OF MINUTES:

APPROVAL OF THE MINUTES OF THE PLAN COMMISSION MEETING:

October 1, 2008 Regular Meeting:

MOTION was made by Commissioner Crane, seconded by Commissioner Tassi, to approve the October 1, 2008 minutes of the Plan Commission as submitted.

Voice Vote, AYES have it. MOTION CARRIED.

October 15, Special Meeting:

MOTION was made by Commissioner Stratman, seconded by Commissioner Bowling, to approve the October 15, 2008 minutes of the Plan Commission as submitted.

Voice Vote, AYES have it. MOTION CARRIED.

PUBLIC HEARINGS:

255 N. QUENTIN ROAD – ZONING CODE MAP AMENDMENT, PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT (P.U.D.), SITE PLANS, AND EXTERIOR APPEARANCE PLANS FOR PROPOSED 67,335 SQ. FT. WORSHIP, EDUCATIONAL, AND COMMUNITY CENTER ADDITIONS TO HARVEST BIBLE CHAPEL CURRENTLY ZONED R 1\2 SINGLE-FAMILY RESIDENTIAL DISTRICT – PETITIONER REVEREND WARD E. CUSHMAN

The public hearing was reopened and continued per the petitioner's request.

MOTION made by Commissioner Crane, seconded by Commissioner Tassi, to continue this item until the next regularly scheduled Plan Commission meeting.

AYES: 8 Chairman Cushman, Commissioners Bowling, Crane, Jackson, Luby, Minden, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

WICKLOW VILLAGE CONDO ASSOCIATION- AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE EXPANSION OF PATIOS AND DECKS FOR CLUSTER HOMES- PETITIONER YOLANDA STRUTZEL

The public hearing was reopened and continued per the petitioner's request.

MOTION made by Commissioner Crane, seconded by Commissioner Bowling, to continue this item until the next regularly scheduled Plan Commission meeting.

AYES: 8 Chairman Cushman, Commissioners Bowling, Crane, Jackson, Luby, Minden, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

CROWN CASTLE USA– TO CONSIDER REVOCATION OF THE SPECIAL USE PERMIT GRANTED BY LAKE ZURICH ORDINANCE NO. 2008-08-575 FOR THE TELECOMMUNICATINS TOWER AT 690 JUNE TERRACE – PETITIONER VILLAGE OF LAKE ZURICH - Petition was withdrawn by the Village of Lake Zurich

CROWN CASTLE USA– A SPECIAL USE PERMIT TO CO-LOCATE ANTENNAS AND EQUIPMENT AT THE TELECOMMUNICATIONS TOWER AT 511 CAPITAL DRIVE

The public hearing was opened at 7:39 p.m. The court reporter swore in those testifying.

David Fisher, representing the petitioner, presented a brief overview of the proposal to construct an additional antenna at 515 Capital and ground-mounted telecommunications equipment at the base of the existing tower. Mr. Fisher agreed to paint the equipment shelter any color the Village requested.

The public hearing was closed at 7:45 p.m.

MOTION made by Commissioner Crane, seconded by Commissioner Luby, to recommend the Board of Trustees grant a special use permit to Crown Castle including the recommendation to paint the building in a manner that is compatible with the other buildings in the area.

AYES: 8 Chairman Cushman, Commissioners Bowling, Crane, Jackson, Luby, Minden, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

ALL CREATURES ANIMAL HOSPITAL – ZONING MAP AMENDMENT TO REZONE THE SUBJECT PROPERTY FROM THE PROPOSED R 1\2 SINGLE-FAMILY RESIDENTIAL DISTRICT (UPON ANNEXATION OF THE VACANT LOT) AND I-1 LIMITED INDUSTRIAL DISTRICT TO B-1 LOCAL & COMMUNITY BUSINESS DISTRICT, AND SITE PLAN APPROVAL FOR THE PROPOSED PARKING LOT AT 22080 W. ILLINOIS ROUTE 22 – PETITIONER ANDREW B. COX – ALL CREATURES ANIMAL HOSPITAL

The public hearing was opened at 7:47 p.m. Since there was no one present representing the petitioner, it was decided to continue the public hearing.

MOTION made by Commissioner Crane, seconded by Commissioner Bowling, to continue this item until the next regularly scheduled Plan Commission meeting.

AYES: 8 Chairman Cushman, Commissioners Bowling, Crane, Jackson, Luby, Minden, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

The petitioner arrived at this time and was ready to present so it was decided to reopen the public hearing.

MOTION made by Commissioner Crane, seconded by Commissioner Tassi, to reopen the public hearing.

AYES: 8 Chairman Cushman, Commissioners Bowling, Crane, Jackson, Luby, Minden, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

The public hearing was reopened at 7:48 p.m. The court reporter swore in those testifying.

Doctors Andrew and Geri Cox, owners of All Creatures Animal Hospital, 1210 E. Route 22, were present to request approvals allowing the relocation and expansion the parking facilities for the animal hospital, which requires the annexation of the adjacent parcel they own at 22080 W Route 22, Lake County. Landscape architect Pamela Self provided an overview of their proposal to expand the parking lot and to change the entrance from the south side of the building to the east side of the building. The parking to the east will remain for staff use. The Route 22 entrance will stay the same. The entry driveway had been reduced due to the Route 22 expansion project.

Village Planner Gadde said staff recommends B-1 Local and community Business zoning for the entire parcel. They have had conversations with IDOT regarding a permit allowing plantings in the right-of-way. He said the petitioner is allowed to have two additional parking spaces if they desire as part of the site plan approval.

Public Works Director/Engineer Heyden said he met with the project engineer and made certain recommendations. There is a spill-out at the northeast corner in the parking lot. He suggested native vegetation plantings or a rain garden be used to filter storm water runoff.

Ms. Self agreed to put in a rain garden as recommended. Changes were made to the landscape plan to substitute three smaller ornamental trees in place of the evergreens per the recommendation of the Police Department. She said they will review the parking island and relocate trees to another part of the parking lot.

Robert Muss, 7104 N. Ozark, Chicago, owns the adjacent property at 22026 Route 22. He said the fence between their properties is dilapidated and falling down. He asked that the height of the fence be extended, foliage added for screening, and the existing trees be trimmed. He has an oil residue in his well and is concerned it comes from the parking lot run off. He spoke about a pipe and drainage problems.

Ms. Self said the fence will be replaced but cannot be taller than six feet per Village code. She said they could plant deciduous trees or plant evergreens 8-10-foot tall.

Public Works Director/Engineer Heyden addressed the concerns of Mr. Muss regarding the oil in his water. He suspects it is from the plants decomposing. The pipe is on the Shoo property, and

there is no easement allowing access to it. When the Shoo property is developed, the Village can address the pipe.

Jim Tarbett, 1195 Cedar Creek Drive, said he lives across the street from the animal hospital. He said the Route 22 expansion created problems for the animal hospital. Mr. Tarbett recommends approval and said the landscaping will be appreciated by the neighbors across the road. He did have some concerns about the recommended rezoning to B-1.

The public hearing was closed at 8:24 p.m.

MOTION made by Commissioner Crane, seconded by Commissioner Minden, to recommend the Board of Trustees approve a zoning map amendment to rezone the subject property from the proposed R1\2 Single-Family Residential District upon annexation of the vacant lot and I-1 Limited Industrial District to B-1 Local & Community Business District.

AYES: 8 Chairman Cushman, Commissioners Bowling, Crane, Jackson, Luby, Minden, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Crane, seconded by Commissioner Luby, to recommend the Board of Trustees approve the site plan for the proposed parking lot at 22080 W. Illinois Route 22 with the amendment that the petitioner replace the fence along the east property line, that the petitioner plant landscaping taller than the fence along the east property line, creation of a rain garden to improve the rain water runoff, and modification to allow two additional parking spaces in the new parking lot by removing the landscape island on the west edge of the west parking lot and remove the landscaping in the landscape island to a point adjacent to the curb.

AYES: 8 Chairman Cushman, Commissioners Bowling, Crane, Jackson, Luby, Minden, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

PUBLIC MEETING:

CONCORD CONSTRUCTION SERVICES – SITE PLAN APPROVAL FOR PROPOSED PARKING LOT EXPANSION AT 570 OAKWOOD ROAD ZONED IN THE VILLAGE'S I-1 LIMITIED INDUSTRIAL DISTRICT – PETITIONER MIKE HENDERSON

MOTION made by Commissioner Crane, seconded by Commissioner Bowling, to continue this item until the next regularly scheduled Plan Commission meeting per the petitioner's request.

AYES: 8 Chairman Cushman, Commissioners Bowling, Crane, Jackson, Luby, Minden, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

CONTINUED PUBLIC HEARING:

FORM-BASED CODE: VARIOUS AMENDMENTS TO THE LAKE ZURICH ZONING CODE AND THE LAKE ZURICH ZONING MAP NECESSARY AND APPROPRIATE TO

(1) AMEND THE TEXT OF THE ZONING CODE AND THE ZONING MAP TO REVISE PROVISIONS OF THE DR DOWNTOWN REDEVELOPMENT OVERLAY DISTRICT AND THE BOUNDARIES OF THAT DR DISTRICT (2) AMEND THE TEXT OF THE ZONING CODE BY ADOPTING NEW FORM-BASED REGULATIONS THAT WOULD GOVERN FUTURE USE AND DEVELOPMENT ON CERTAIN PROPERTY WITHIN THE VILLAGE'S DOWNTOWN REDEVELOPMENT AREA AND AMEND THE ZONING MAP TO ESTABLISH BOUNDARIES FOR THE AREAS WITHIN WHICH THE FORM-BASED ZONING REGULATIONS WOULD APPLY AND (3) AMEND VARIOUS OTHER PROVISIONS OF THE ZONING CODE AS NECESSARY TO PROPERLY INCORPORATE THE NEW REGULATIONS INTO THE ZONING CODE

The public hearing was opened at 8:31 p.m. The court reporter swore in the presenters that would be testifying.

Building and Zoning Director Peterson stated the purpose of the public hearing held on October 15 was to review the proposed creation of form-based codes and recapped the highlights of the presentation by Beth Hessler of Torti Gallas, comments made by staff and the Plan Commission, and public testimony from that hearing. Since that time, staff met with Torti Gallas and Partners and reviewed staff comments so they could be incorporated into the code. Staff also worked with the Village legal counsel to prepare a draft of the form-based regulation overlay district that will become part of the Lake Zurich Zoning Code. Attorney John Furr, Holland and Knight, and Rob Goodill, Torti Gallas and Partners were present to answer questions regarding the November 5, 2008 final draft of form-based codes which was presented. The Plan Commission is being asked to adopt the proposed zoning map amendments. Director Peterson said that the form-based code should be referred to as form-based **regulation**, which will be part of the downtown overlay that will be part of the Zoning Code.

The November 5, 2008 final draft of form-based codes was reviewed. Issues discussed included clarification on the “build-to line” with a change recommended from four-feet to one-foot and building height articulation. Director Peterson reviewed Sector 2 guidelines and noted changes to Blocks E and F. Attorney Furr commented on regulations regarding expansion.

Rob Goodill recapped various changes including the reduction of the sidewalk on Main Street from 17-feet to 14-feet with a one-foot build-to line.

Commissioner Luby questioned why high-pressure sodium lights are allowed and stated his preference for metal halite.

Debbie and Carl Lind, 5 Ironwood Court, stated their opposition to the four-story building and said it would block views. Ms. Lind said the Torti Gallas sketch is not scaled properly and the building will be more obtrusive than they indicate.

Jamie Maravich, 65 Robertson, said she reviewed the revised drawings that are being considered this evening and thanked the Plan Commission and staff for listening to the residents. She stated her preference for a 10-foot setback rather than a 6-foot setback. She recommends changing Block F, Sector 2 to residential use rather than mixed use and asked than inconsistencies on page 20 be corrected. She asked for clarification on R-4 zoning standards.

Director Peterson said Block F, Sector 2 has been stated as residential. The wording should be changed to state R-4 zoning for Block F, Sector F. Mr. Goodill confirmed that R-4 zoning in that area had been the intent.

Jeff Halen, 154 S. Pleasant Road, said the project looks dense based upon the colored maps displayed. He observed that the setbacks were minimal and would have an impact on the nearby homes. He questioned the actual elevation of the building.

Mr. Goodill referred to page 33 and said the four-story building is actually three-stories and an attic.

Discussion followed on balcony projections, cornices, and awnings with agreement that the regulations relating to them need to be further reviewed.

Commissioner Castillo arrived at 9:35 p.m.

Nancy Stevenson, 129 Robertson, had questions about the parking lot and green space that Chairman Cushman answered.

Chris Michalek, 28 Mionske, said his house is zoned I-B in the drawing and asked for clarification. Director Peterson said Mr. Michalek's home would be recommended for R-5 zoning. Mr. Michalek was concerned about his home being surrounded by I-B zoning. He was invited to meet with staff to discuss the zoning.

Jim Tarbett, 1195 Cedar Creek Drive, referred to comments made by Mr. Roache at the October 15 public hearing and to comments made by Mr. Michalek regarding encroachment of the development on residential property. Mr. Tarbett said the four-story building will block the sunlight for the Ironwood Court residents. He views form-based codes as ambiguous and thinks they should be more specific and concrete.

Attorney Furr further clarified the review process and the safeguards that are built into the form-based regulations.

A detailed review of the blocks took place. The safety and viability of underground parking was discussed.

Public Works Director/Engineer Heyden said a 12" water main was installed under Main Street, and he was unsure where it could be relocated to. The Mionske Pond overflow would also need to be rerouted.

Jeff Smith, Equity Services Group, said they are very aware of the costs related to relocation of certain utilities.

Due to the lateness of the hour and the amount of time needed to continue the review process, it was decided to call a special meeting and continue the public hearing.

MOTION made by Commissioner Tassi, seconded by Commissioner Bowling, to continue this item and call a special Plan Commission meeting for November 19 at 7:30 p.m.

AYES: 8 Chairman Cushman, Commissioners Bowling, Castillo Crane, Jackson, Luby, Stratman, and Tassi.

NAYS: 1 Commissioner Minden

MOTION CARRIED

ADJOURNMENT:

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

Voice Vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 10:34 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by: _____ 12/3/08