

APPROVED
**VILLAGE OF LAKE ZURICH
PLAN COMMISSION MINUTES
March 18, 2009**

The meeting was called to order by Chairman Cushman at 7:30 P.M.

ROLL CALL: *Present* - Chairman Cushman, Commissioners Bowling, Crane, Luby Minden, and Stratman. *Excused* – Commissioner Tassi

Also present: Village Planner Gadde and Village Attorney Paula Kirlin, and Building Director Daniel A. Peterson (arrived 7:45 p.m.).

APPROVAL OF MINUTES:

APPROVAL OF THE FEBRUARY 18, 2009 MINUTES OF THE PLAN COMMISSION MEETING:

MOTION was made by Commissioner Minden, seconded by Commissioner Bowling, to approve the February 18, 2009 minutes of the Plan Commission as submitted.

Voice Vote, AYES have it. Commissioner Crane abstained. MOTION CARRIED.

ZONING CODE AMENDMENTS: To consider various amendments to the Lake Zurich Zoning Map necessary and appropriate to: rezone the open space commonly known as Oak Ridge Nature Park abutting 351 Lions Drive, and the extension of this Park across Lions Drive commonly known as 500 Lions Drive from R 1 / 2 to OS.

The public hearing was opened at 7:32 p.m. Vijay Gadde requested that this hearing be continued to later in the evening.

MOTION made by Commissioner Crane, seconded by Commissioner Straman, to continue this item until after the Astor Development public hearing.

Commissioner Jackson arrived at 7:35

Voice Vote: Ayes have it. Commissioner Jackson abstained. MOTION CARRIED.

Commissioner Castillo arrived at 7:40

Astor Development II LP: To consider text amendments to the Lake Zurich Zoning Code, special use permits, plat amendment, site plan and exterior appearance approval for the proposed 28,924 sq.ft office warehouse facility on Lot 1, Astor Subdivision, zoned in the Village's I-1 Limited Industrial District.

The public hearing was opened at 7:41 p.m. Chairman Cushman swore in those testifying.

Kelly Sheehan, Flex Construction, presented the proposal for the site to be known as Oasis Development. The site consists of 2.66 acres and will include 2 buildings. One building will be a multi-tenant condominium building consisting of 8 units, each with an enclosed 1800 sq. ft. outdoor storage pad, 67 parking spaces and no loading docks. The other building will consist of a single tenant building of 5600 sq. ft. that is currently under contract with S&S Research and Development and will include 22 parking spaces. Truck Masters is under contract to relocate from an existing location in the industrial park to one of the condo units thereby requiring a special use for Truck Masters only. She also stated that another local business is looking to relocate to one of the condo units. Each of the buildings will be 17'6" in height. She stated that both buildings will be neutral in color scheme and constructed of pre cast. She further detailed the zoning text, plat, special use and other approvals they are seeking as outlined in the memo dated 3/12/09 from Village Planner Gadde. Ms. Sheehan stated that companies that they have spoken to are seeking units such as these with the outdoor storage pad. In response to question by Chairman Cushman as to why these units are unique, Ms. Sheehan stated that although outdoor storage is allowed in the industrial park, they are typically associated with free standing buildings and not condo units. As to the outdoor storage areas, Ms. Sheehan detailed the conditions that would be in place:

1. The outdoor storage area would not be allowed to be sublet.
2. No idle pallet storage or bulk flammable liquid.
3. No landscape material.
4. No storage over 8 ft. in height.

There was discussion as to limits on storage of vehicles for Truck Masters while waiting for repairs versus long term storage. Village Planner Gadde noted that special conditions can be attached to the special use permit for this use. In response to Commissioner Lubys' concern about noise and work outdoors, Mr. Peterson stated that conditions to the special use can be added to address this. Ms. Sheehan added that Flex will have limits outlined in the condominium declaration such as in the 220-244 Telser Road condo units and have fees levied by the condo association to the occupant to get the area into compliance as required by the condominium rules.

Commissioner Crane inquired about the number of parking spaces, landscaping and the amount of impervious surface. Ms. Sheehan replied that the tenant of the free standing building is requiring 22 spaces, and the condo units will get 8 spaces each. She added that the overall Astor Development meets the code requirements for open space for floor area ratio. Vijay added that staff will need clarification from applicant's landscape architect in regards to the 15% requirement for parking lot landscaping.

Ms. Sheehan discussed the request for reduction in sewer/water connection fees from \$76000 to \$36000 in which Chairman Cushman noted that this needs to be discussed with the Village Administration. Mr. Robert Wardanian, President of Flex spoke in regards to the impact of fees and the economy, adding that this project will provide industrial space to those businesses that cannot afford building their own space. In addition, he noted that the location and topography of this site is very difficult to work with and would be very difficult to get a single user for it.

There was lengthy discussion regarding allowing outdoor storage in this district where it has not been previously allowed. Commissioners expressed concern over what might actually be in these outdoor areas and the impact it would have on the I-1 district. Would construction equipment over 8' in height be allowed, finished products, food product and so on. In response, Ms. Sheehan noted that they will require that anything stored over 8' in height would have to be moveable and/or on a trailer. It was determined that staff meet with Flex to discuss what would be permitted under classifications of Fire Code and hazardous materials. Commissioner Bowling asked if the Plan Commission could put conditions on what could be permitted in the outdoor storage area, giving the Village authority to regulate uses in the storage area versus a condominium agreement. It was determined that the Village and Flex Construction could itemize acceptable outdoor storage uses and make it part of the special use ordinance and recommendation from the Plan Commission, thereby giving the Village the tools to enforce. Ms. Sheehan added that the Village will also have the ability to regulate and review the type of business/storage as part of the occupancy permit process. Ms. Sheehan added that FLEX would provide a copy of the condo declaration to staff and also have the association put up a bond to insure compliance. Village Attorney Kirlin also noted that Flex, as part of the approval, could give the Village authority to enforce rules in the condominium agreement should the Village so desire.

Scott Unger, 568 Cortland Drive, Lake Zurich, credited the Plan Commission with getting business back into the Village, but he cautioned about reducing fees. He also asked that the Village be careful in granting text amendments without really knowing what business is going to go into those units.

Jim Tarbet, 1195 Cedar Creek Drive, Lake Zurich, asked if it would be possible that developers submit copies of the covenants and make them part of the approval ordinance in which Commissioner Bowling replied that the Commission is going in that direction.

There was further discussion on possible outdoor usage, including restrictions on types of uses and controlling noise at this site. It was determined that this area does not back up to residential area and there is a 20' berm and rail road adjacent to the subject property. Mr. Peterson noted that in a previous special use permit for auto repair, there were no special conditions recommended to the Board by the Plan Commission since the Plan Commission did not approve that project. Mr. Peterson added that the Plan Commission needs to decide first if they want to permit outdoor storage in the I-1 industrial district and if so, the Village staff can work on what restrictions there should be. In response to Commissioner Castillo's question, Mr. Peterson added that a petitioner or future business would have to come back to the Village for an amendment to that list if a use is not specifically listed as being permitted.

MOTION made by Commissioner Crane, seconded by Commissioner Bowling, to recommend to the Board of Trustees approval of the Zoning Code text amendments: (a) to allow outdoor storage in I-1 District with the following exceptions: (i) idle pallet storage, (ii) bulk flammable liquid, (iii) no storage above 8 feet in height with the

exception of permitted vehicles and (iv) permitting only those uses which are agreed to/enumerated by Village staff, Village Attorney and petitioner before presenting findings to the Village Board.

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

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Bowling, seconded by Commissioner Castillo, to recommend to the Board of Trustees approval to amend Section 17-103 A(16) of the Zoning Code to permit a variation to the landscape surface area, decreasing it from the current 20 percent to 16 percent for a zoning lot within a defined industrial subdivision; provided however, that the combined total landscape surface area for all lots within the subdivision shall not be less than the I-1 District minimum (30 percent).

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

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Crane, seconded by Commissioner Stratman to recommend to the Board of Trustees approval of Special Use Permits: (a) Special Use permit for automotive repair for Truck Masters; (b) for outdoor storage listed above on the Subject Property; (c) for excess parking (from 34.76 to 92 spaces) on the Subject Property.

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

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Crane, seconded by Commissioner Bowling to recommend to the Board of Trustees approval of Plat Amendment to reconfigure Lots 1 and 2 of Astor Subdivision by moving .51 acres from Lot 1 to Lot 2.

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

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Crane, seconded by Commissioner Bowling to recommend to the Board of Trustees approval of Site Plans for Oasis Development with the condition that the petitioner and village landscape architect reach agreement regarding the 15 percent landscaping of the parking lot.

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

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Crane, seconded by Commissioner Bowling to recommend to the Board of Trustees approval of the Exterior appearance as presented.

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

NAYS: 0

MOTION CARRIED

MOTION made seconded to adjourn for break.

Voice Vote, AYES have it MOTION CARRIED. Meeting adjourned at 9:20 p.m.

MOTION made and seconded to reopen **PUBLIC HEARING FOR ZONING CODE AMENDMENTS. HEARING** reconvened at 9:31 p.m.

ZONING CODE AMENDMENTS: To consider various amendments to the Lake Zurich Zoning Map necessary and appropriate to: rezone the open space commonly known as Oak Ridge Nature Park abutting 351 Lions Drive, and the extension of this Park across Lions Drive commonly known as 500 Lions Drive from R 1 / 2 to OS.

Building and Zoning Director Peterson recapped the events of this parcel, noting that this parcel was continued by the Plan Commission due to concerns of residents and Commission members about the poor condition of 351 Lions Drive. Mr. Peterson reported that improvements to the property have since been made; 90% of the clean up work has been completed with assurances from the Park and Recreation Department that the rest will be taken care of.

Patrick Beck 210 Parkway, Lake Zurich thanked Mr. Peterson for his involvement, but added that he has noticed that pallets have been dropped off since the initial clean up and that the building is in a state of disrepair. He noted that the Commissioners just spent over an hour discussing storage in an Industrial District; something needs to be done about the storage at the Village site. Mr. Beck also noted that it is his understanding that road salt will now be stored on the site. Mr. Peterson replied that the salt storage is only temporary due to contract obligations with supplier. Mr. Peterson stated that he will continue to monitor the site.

MOTION made by Commissioner Crane, seconded by Commissioner Stratman to recommend to the Board of Trustees rezoning the open space commonly known as Oak Ridge Nature Park abutting 351 Lions Drive, and the extension of this Park across Lions Drive commonly known as 500 Lions Drive, from R 1 / 2 to OS.

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

NAYS: 0

MOTION CARRIED

PUBLIC MEETING:

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

MOTION made by Commissioner Crane, seconded by Commissioner Stratman, to continue this item to the May 20, 2009 Plan Commission meeting.

MOTION CARRIED

ADJOURNMENT:

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

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

NAYS: 0

Voice Vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 9:45 p.m.

Submitted by: Carol Lustig, Recording Secretary

Approved by: _____ 4/15/09