

Corrected  
**VILLAGE OF LAKE ZURICH  
PLAN COMMISSION MINUTES  
APRIL 15, 2009**

The meeting was called to order by Chairman Cushman at 7:33 p.m.

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

*Also present:* Village Planner Gadde and Village Attorney Kirlin.

**APPROVAL OF MINUTES:**

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

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

Voice Vote, AYES have it. MOTION CARRIED.

**PUBLIC HEARING:**

KIMCO REALTY CORPORATION – TO CONSIDER AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT AND SITE PLANS FOR 195 SOUTH RAND ROAD – ZONED IN THE VILLAGE’S B-3 REGIONAL SHOPPING CENTER DISTRICT – FOR CHANGING THE RESTAURANT USE TO GENERAL B-3 BUSINESS USES - ROBERT BOWMAN, AGENT

The public hearing was opened at 7:37 p.m. The court reporter swore in those testifying.

Robert Bowman, Kimco Realty Corporation, (JFA FNC Lake Zurich, LLC) said this project is a joint venture between Joseph Freed and Associates and Kimco Realty Corporation. Mr. Bowman said that their leasing team aggressively marketed the pad situated between Starbucks and the Holiday Inn Express Hotel for restaurant use but were not successful due to the poor visibility from Rand Road, number of vacant restaurant spaces within the Village with better visibility, and scaling back of expansion plans for restaurants due to the economic downturn. They have concluded that the current restaurant use is too restrictive and could render the pad “unleaseable” and impossible to develop. They propose leasing 6,000 s.f. to a medical office tenant and are asking for flexibility to pursue other permitted B-3 retail service uses including a restaurant.

John DeWolfe addressed marketing. He stated that between Joseph Freed and Kimco companies there were large marketing connections. Even so they have been unable to attract an appropriate restaurant to the site although they are willing to continue looking for restaurant uses. He said possible uses for the multi-tenant building are a pediatric dentist and a health club although they do not have a signed contract for the health club yet. The use proposed at the Planning and Development Committee meeting was a dialysis center.

Stephanie Halen, 154 S. Pleasant Road, read a prepared statement listing reasons why the Village should not approve the amendment to the PUD. She said the use fits with the hotel and Starbucks

and asked that the Village work with Kimco to continue searching for a restaurant including expansions of existing Lake Zurich restaurants.

John DeWolfe said he will follow up with Freed and get a listing of local restaurants that were contacted about the site.

Jim Tarbett, 1195 Cedar Creek Drive, referred to the original presentation and how the proposal was presented as a hospitality center. He said the project was too dense and the developer said the layout, uses, and density were necessary to make it work. Now they should be required to remain within the approved PUD and the Village should deny the amendment.

Mike Holtz, owner of the new Holiday Inn Express, said he spent \$8 million to build the hotel. From the beginning was promised by Freed that a Starbuck's and a restaurant were in the plan. He said he relied upon this promise and needs the restaurant to serve the hotel customers.

Aaron Karstens, 162 S. Pleasant Road, said the residents asked that the project be slowed down and more thought be put into the planning process. The residents were told that this was the best use for the property. The developer should be required to stick to the plan he proposed. He pointed out that the Village may loose out on sales tax revenue if there is a non-retail use in the place of the restaurant.

Commissioner Bowling said the Plan Commission was told that certain uses and a certain layout were needed for the PUD to succeed when the project was originally brought forward two years ago. Commissioner Bowling asked that they keep searching for a restaurant even if they need to wait until the economy picks up rather than put in the wrong use.

Commissioner Crane said she was very uncomfortable giving up the restaurant and had earlier asked for clarification from Mr. DeWolfe on marketing methods.

Commissioner Luby said the developer must honor the PUD and their commitment to the Holiday Inn, the residents, and the Village.

The public hearing was closed at 8:10 p.m.

Commissioner Castillo had comments regarding marketing and asked the development team to expand their marketing efforts and look for a restaurant.

Chairman Cushman said the Plan Commission gave up a number of things that are normally required because they were told the PUD would need to be a certain way for it to be successful. The Plan Commission and the residents had many concerns yet approved the development.

MOTION made by Commissioner Crane, seconded by Commissioner Bowling, to recommend the Board of Trustees amend the PUD for 195 S. Rand Road.

AYES: 0

NAYS: 7 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Luby, Stratman, and Tassi.

MOTION DENIED

MOTION made by Commissioner Tassi, seconded by Commissioner Luby, to recommend the Board of Trustees amend the site plan for 195 S. Rand Road.

AYES: 0

NAYS: 7 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Luby, Stratman, and Tassi.

MOTION DENIED

**PUBLIC MEETING:**

**BISH CREATIVE DISPLAY, INC. – TO CONSIDER SITE PLAN AND EXTERIOR APPEARANCE APPROVAL FOR THE PROPOSED 15,042 –SQ. FT. OFFICE/WAREHOUSE FACILITY ON LOT 7, ASTOR SUBDIVISION ZONED IN THE VILLAGE’S I-1 LIMITED INDUSTRIAL DISTRICT – PETITIONER ROBERT WARDANIAN, ASTOR DEVELOPMENT II, LP**

The Plan Commission received the Engineering review and the Application for Exterior Appearance Approval Subsections 21-103 A and B from Flex Construction Corporation this evening. Several Plan Commission members objected to being asked to review an incomplete submittal and being given reviews the night of the meeting. Staff was asked to explain the sequence of events.

Village Planner Gadde said the applications were submitted one week late, and staff tried to do their review in a short time. The Engineering review was not ready in time to be put in the packets which is why it was being distributed this evening.

Kelly Sheehan, Flex Construction Corporation, presented their petition for site plan and exterior appearance approvals for an office/warehouse in the industrial park. Astor Development will be acting as the developer, Flex Construction Corporation will be acting as the design building for this project, and the end user will be Bish Creative Display, Inc.

Ms. Sheehan described the exterior appearance, which will be a precast structure with an eave height of 25 feet 6 inches and stained with earth tones. Thirty regular parking spaces with two handicapped spaces are proposed. There will be two depressed docks in the rear of the building and one 12 x 14’ overhead door. She said there was a meeting yesterday with the Village Engineering staff, and staff did not have a problem with the parking encroaching into the side yard easement by 2.5’ on the west side. There will be no retaining walls that exceed two feet and hopefully none at all. Engineering drawings are being revised.

The timing of the incomplete review and submittals were discussed again. Several Plan Commission members again objected to approving a plan that was in flux without a complete staff review, developer responses to staff review, and a final plan. Village Planner Gadde said quite a few items had been addressed in the meeting with Public Works Director/Engineer Heyden and it could be approved subject to Engineering review and approval. Commissioner Castillo said the Plan Commission has asked repeatedly to have complete submittals before them for their review.

Chairman Cushman asked Ms. Sheehan if she would like to continue her item since it appears that the Plan Commission might not approve it if it is brought forward for a vote. She responded that she would like a vote tonight.

MOTION made by Commissioner Tassi, seconded by Commissioner Stratman, to recommend the Board of Trustees approve the site plan for the proposed 15,042-sq. ft. office/warehouse facility on Lot 7, Astor Subdivision.

AYES: 0

NAYS: 3 Commissioners Crane, Stratman, and Tassi.

ABSTENTIONS: 4 Chairman Cushman, Commissioners Bowling, Castillo, and Luby

MOTION DENIED

MOTION made by Commissioner Crane, seconded by Commissioner Bowling, to recommend the Board of Trustees approve the exterior appearance for Lot 7, Astor Subdivision.

AYES: 7 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Luby, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

**OTHER BUSINESS/ANNOUNCEMENTS:**

Commissioner Luby asked why the seminar put on by Holland and Knight that the Plan Commission is invited to is on a weekday and Plan Commission members must travel to it. He asked that a workshop or seminar be held on a Saturday in Lake Zurich if possible.

Village Attorney Kirlin said this is a free seminar her firm puts on. She will pass on the comments and look into video taping it so others can benefit from the presentation.

**ADJOURNMENT:**

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

Voice Vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 8:44 p.m.

*Submitted by: Janet McKay, Recording Secretary*

Approved by: \_\_\_\_\_