

APPROVED
**VILLAGE OF LAKE ZURICH
PLAN COMMISSION MINUTES
OCTOBER 21, 2009**

Chairman Cushman would be late to the meeting so a motion was proposed by Commissioner Crane, seconded by Commissioner Minden, to appoint Commissioner Castillo as Chair pro tem until Chairman Cushman arrived.

Voice Vote, AYES have it. MOTION CARRIED.

The meeting was called to order by Commissioner Castillo at 7:31 p.m.

ROLL CALL: *Present* - Chairman Cushman (8:30), Commissioners Castillo, Crane, Luby, Minden, Stratman, and Tassi. *Excused:* Commissioners Bowling and Jackson.
Also present: Planning Manager Gadde, Building and Zoning Director Peterson, and Village Attorney Kirlin.

APPROVAL OF MINUTES:

APPROVAL OF THE SEPTEMBER 16, 2009 MINUTES OF THE PLAN COMMISSION MEETING:

MOTION was made by Commissioner Stratman, seconded by Commissioner Crane, to approve the September 16, 2009 minutes of the Plan Commission as submitted.

Voice Vote, AYES have it. MOTION CARRIED. Commissioner Tassi and Commissioner Luby abstained.

PUBLIC HEARINGS:

Zoning Code Text Amendment: To consider an amendment to Section 10-102 of the Zoning Code related to Loading Spaces and Docks facing Public Right-of-Way – Petitioner Steven Bly, Echo, Inc.

The public hearing was opened at 7:34 p.m. The court reporter swore in those testifying.

Planning Manager Gadde said the Plan Commission directed the applicant and staff to prepare a Zoning Code text amendment because the petition brought forward by Echo illustrated how severely restrictive the loading dock regulations could be to smaller lots. The proposed amendment to Section 10-102 of the Zoning Code would allow one loading dock or space to face a public street if the zoning lot is 200 feet or less in width with certain conditions.

Michael Hilt, Echo, Inc., said there was an excellent cooperative effort between the Industrial Council and staff, and Echo has no objections to what is being proposed this evening. He displayed and reviewed the site plan for the proposed Echo building addition and addressed truck maneuvering.

Commissioner Castillo asked that care be taken so that landscape screening does not impact visibility for the trucks and asked that safety is considered. The Plan Commission asked that a balance between aesthetics and safety be reached between staff and the petitioner.

The public hearing was closed at 7:48 p.m.

MOTION made by Commissioner Crane, seconded by Commissioner Tassi, to recommend the Board of Trustees approve an amendment to Section 10-102 of the Zoning Code related to Loading Spaces and Docks facing the Public Right-of-Way with the provision that the issues discussed regarding screening will be further discussed between the petitioner and staff to be sure that it complies with Village requirement for screening and safety.

AYES: 6 Commissioners Castillo, Crane, Luby, Minden, Stratman, and Tassi.

NAYS: 0

MOTION CARRIED

Lake Zurich Oaks Subdivision: - To consider a Zoning Code text amendment, preliminary and final plat of subdivision, and site plan approval for the proposed Lake Zurich Oaks Subdivision at 104 Robertson Avenue zoned in the Village's R-4 Single-Family Residential District – Petitioner Jan Jozwiak

The public hearing was opened at 7:52 p.m. The court reporter swore in those testifying.

Planning Manager Gadde said the application is to rezone Lot 2 as multi-family. After discussion with the petitioner's attorney, they have decided to come forward with a text amendment to allow the existing multi-family structure as an allowable non-conforming structure. The proposed text amendment would make three exceptions to Subsection 11-103 to Subsections C (structural alterations), H (damage or destruction), and I (termination of certain uses).

Village Attorney Kirlin summarized the current regulation (Section 11-103 of the Zoning Code) and explained the proposed Zoning Code text amendment which would add new Subsection J. She read the exceptions for Renovation of Certain Buildings in Residential Districts as proposed in Section J and provided further clarification. Planning Manager Gadde added that all conditions proposed have been met with this building.

Attorney Paul Hammer, representing Jan Jozwiak, provided historical and background information about the multi-family building on the property, which is thought to have been built in 1859. It operated as Nestlerest, a picnic/resort operation from 1951 until 2004. The changes to the Lake Zurich Zoning Code in 1994 resulted in the building being classified as non-conforming.

Project engineer, Peder Finnberg, described the proposal to loop the water main, storm water proposal, and detention plans. The water will be stored and treated on the back side of Lot 5 and will use a "rain garden." He further described the "rain garden" process of filtration where the water filters very slowly through the soils.

Planning Manager Gadde said the "rain garden" is a fairly new concept that has been used within the Village before but never by the lake. Public Works Director/Engineer Heyden reviewed the plans and had not noted any objections, but a formal Storm Water Pollution Prevention Plan is required per NPDES Phase II regulations.

Terry VanAlstine, project land surveyor, pointed out that the storm sewer from Robertson Road runs into the lake without filtration. The water will now be taken off of Robertson Road and filtered, which is an improvement. He reviewed the plat of survey and the proposed resubdivision. Mr. VanAlstine said the plat of survey effects Lots 2, 3, and 14 in the Kate W. Goodwin Subdivision and Lots 1 and 2 and D & E in Froelich's Subdivision in the South Shore Subdivision. Mr. VanAlstine does not recommend the resubdivision of Froelich's and recommends allowing the plat of subdivision to go through as a resubdivision of both pieces instead of two separate subdivisions.

Ted Basinyek, project architect, displayed photographs and described the proposed remodeling. The only structural change will be the addition of a beam for support. The existing building will remain as it is today with only minor interior remodeling and renovation. The interior changes will be made to facilitate fire code requirements.

Property owner and developer Jan Jozwiak provided additional information about the "rain garden" process, which is highly recommended. He plans to build his retirement home there and live on property. He said he has a good design and a project that does not need any variations. Mr. Hammer said the entire subdivision has lake rights. Lake use would be confined to Lots 1 and Lot 8. There is common use of the lake by the whole subdivision, but Mr. Jozwiak is not planning on having the whole subdivision enjoy the lake.

Chairman Cushman arrived at this time.

Planning Manager Gadde said one more parking space is needed, the landscaping is satisfactory, and the outstanding issues are minor in nature.

Cheryl Greever, 68 Robertson Road, said her original issues were related to storm water, but she has become much more concerned about the proposal after hearing staff speak about the exceptions that would be granted to the multi-family house. She thought there were three apartments proposed but the petitioner intends to have four, which concerns her. Ms. Greever noted that the parking would be adjacent to her house.

Scott Garrison, Tree Commission Chairman, recapped the findings of the Tree Commission and listed the tree counts. Most trees slated for removal are of poor quality but some good trees will be removed because they are in the path of the road or too close to the houses. He recommends the petitioner hire an experienced firm to take measures to protect the tree roots.

Chairman Cushman recapped the issues raised. Commissioners Minden and Crane had concerns about the detention system and wanted reassurance that the lake quality would be protected.

Mr. Hammer responded to Ms. Greever's comments. He explained that the fourth apartment will take the place of the commercial area of the building.

Ted Basinyek displayed and reviewed the building plans describing the location and size of each unit in the 4,900 gross s.f. building.

Mr. Jozwiak addressed questions regarding screening and fencing. A five-foot board-on-board privacy fence is depicted on the site plan. An iron fence is proposed for the Robertson Road side, and a six-foot fence on the south side of Lot 8.

Village Attorney Kirlin responded to Ms. Greever's comment regarding abandonment of use and said there would be an exemption from abandonment if all the other criteria is met and provided further clarification of the Zoning Code as it relates to this project.

Mr. VanAlstine said the subject property has 4.7 acres of land and 1.5 acres under water. An additional parking space could be added. The existing retaining wall will remain and no new retaining walls are proposed. He responded to Ms. Greever's comments regarding the boundary dispute and said they intend to split the difference in the disputed amount with Ms. Greever.

The public hearing was closed at 9:14 p.m.

Village Attorney Kirlin read the terms of the proposed Subsection J and explained how it addressed structural alterations. Planning Manager Gadde clarified that a maximum of four units at any given time are permitted. He said the Plan Commission can make a recommendation on whether the building should be returned to multi-family or single-family if it is damaged or destroyed.

Discussion followed on the provisions governing the changes or destruction to the building and the exemption to damage or destruction. The proposed water filtration system was discussed, and it was agreed that staff should validate the efficacy of the filtration system. Commissioner Minden requested a response from the EPA and wanted the Board of Trustees to be aware of the concerns about the filtration system. Commissioner Tassi asked that recommendations in Village Arborist Walkington's memorandum dated August 10, 2009 be complied with.

Building and Zoning Director Peterson clarified the Village's operational process, and said these concerns would be raised at the preconstruction meeting with many of the issues governed by regulations that the petitioner would be required to follow.

MOTION made by Commissioner Crane, seconded by Commissioner Minden, to recommend the Board of Trustees amend Zoning Code Section 11-103 adding new Subsection J as presented this evening.

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

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Tassi, seconded by Commissioner Crane, to recommend the Board of Trustees approve the preliminary and final plat of subdivision for the Lake Zurich Oaks Subdivision.

AYES: 7 Chairman Cushman, Commissioners Castillo, Crane, 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 as presented including a recommendation that the village

staff review the efficacy of the water cleansing process proposed by the petitioner and that the recommendations of Shawn Walkington's August 10, 2009 Lake Zurich Oak Subdivision memorandum regarding trees be taken into consideration and an IEPA assessment of the water cleansing process be requested.

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

NAYS: 0

MOTION CARRIED

PUBLIC MEETING:

Illinois Masonry Corporation: To consider a site plan and exterior appearance approval for the proposed 10,000 square-foot addition to the Illinois Masonry Corporation facility at 200 Telser Road zoned in the Village's I-2 General Industrial District – Petitioner Patrick Vacala, Telser Road Partnership, LLC

Ross Bennett, Vice President of Illinois Masonry, presented their proposal to construct a small addition (that will be the center of the building when the future previously approved addition is constructed), parking lot expansion, and expanded outdoor storage. The Village has extended the special use permit to expand the outdoor storage area. Zoning Inspector Meyer states in her Zoning Review dated October 13, 2009 that due to the change in exterior and site plans, an extension would not be granted to those approvals requiring the need for new approvals.

Mr. Ross described the existing traffic pattern and the loading and unloading process and contrasted it to what is proposed. There is currently only one entrance to the building. The addition will allow trucks to pull in directly in a horseshoe pattern and exit out the existing drive. The trucks will drive through the building in the proposed addition. No trucks will be running while in the building. All required safety devices will be installed. Mr. Ross said the drawings will be revised by the architect and all required submittals will be delivered to staff in time for the Board of Trustees review on November 2. The overhead doors were intended to be 22' wide and 14' tall but Planning Manager Gadde said they must be 15' tall. Mr. Ross agreed to the change. He proposes a 10-foot chain link fence with privacy slats that will screen the outside storage. Mr. Ross said they will be in compliance regarding outdoor storage.

Commissioner Crane asked about water service. Mr. Ross said there will be no problem bringing the water off the road to the new building. Planning Manager Gadde said engineering will review the plans and make a determination.

Village Attorney Kirlin said a performance bond in lieu of a LLC is adequate.

MOTION made by Commissioner Crane, seconded by Commissioner Tassi, to recommend the Board of Trustees approve the site plan for Illinois Masonry Corporation at 200 Telser Road.

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

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Crane, seconded by Commissioner Stratman, to recommend the Board of Trustees approve the exterior appearance plan for Illinois Masonry Corporation at 200 Telser Road.

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

NAYS: 0

MOTION CARRIED

OTHER BUSINESS/ANNOUNCEMENTS:

Planning Manager Gadde listed the upcoming agenda items.

ADJOURNMENT:

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

Voice Vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 10:00 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by: _____ 11/18/09