

Corrected
**VILLAGE OF LAKE ZURICH
PLAN COMMISSION MINUTES
MARCH 5, 2008**

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

ROLL CALL: *Present* - Chairman Cushman, Commissioners Bowling, Crane, Kmiecik, Luby (7:40), and Tassi. *Excused* –Commissioners Castillo, Minden, and Jackson.

Also present: Village Planner Gadde and Village Attorney Norton.

APPROVAL OF MINUTES:

APPROVAL OF THE DECEMBER 5, 2007 MINUTES OF THE PLAN COMMISSION MEETING:

MOTION was made by Commissioner Crane, seconded by Commissioner Tassi, to approve the December 5, 2007 minutes of the Plan Commission as submitted.

Voice Vote, AYES have it. MOTION CARRIED.

PUBLIC HEARINGS:

320 E. ROUTE 22 – SPECIAL USE PERMIT FOR MANUFACTURING OF PICKLES (SIC#2035) ON SUBJECT PROPERTY ZONED IN THE VILLAGE’S I-2 GENERAL INDUSTRIAL DISTRICT – PETITIONER JEFF OZIEMKOWSKI, NORTHSTAR PICKLE, PEPPER & KRAUT CO., LLC

The public hearing was opened at 7:35 p.m. The court reporter swore in those testifying.

Jeff Oziemkowski, North Star Pickle Co., LLC, gave a Power Point presentation on their plans to operate a pickle, pepper, and kraut preparation and distribution company in the vacant building formerly occupied by Dycast/Citation. They intend to initially occupy 25,289 square feet and hopefully expand into the entire 85,470 square-foot building.

Mr. Oziemkowski answered questions about truck deliveries, odors, combustible materials, and water supply and discharge as follows. The doors will be kept closed for control purposes, odor and ventilation will be vented within the building, the refrigeration will be non-ammonia based, shipping hours will be 6:30 a.m. – 4:30 Monday through Friday with very, very rare perishable deliveries during peak growing seasons, no combustible materials will be used, cleaning solutions will be USDA approved and biodegradable, the PH will be raised on the discharged water, kept in a holding tank, and hauled away. The other tenant is unknown at this time. He understands that the improvements detailed in Ordinance #2006-01-407 relating to site improvements granted to the previous owner must be installed. He will agree with all Fire Department requirements.

Items in a memorandum to Planner Gadde dated March 3, 2008, from Sara E. F. Gensburg, Ltd, Architecture/Design Company, and from Wolf Staroske, Skirmont Mechanical Contractors, Inc., were briefly discussed. Ms. Gensburg addressed issues raised by staff. Mr. Staroske addressed concerns regarding the water and sanitary service.

Mike Hilt, Lake Zurich Industrial Council, said the members of the Industrial Council met with Mr. Oziemkowski and discussed the same issues raised by the Plan Commission and believes North Star will be a good fit in the industrial park. They do not have any outstanding concerns.

Jim Tarbet, Cedar Creek Drive, commented on the odor of vinegar and said acetic acid has low vitality. He thinks North Star will be a good fit.

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

MOTION made by Commissioner Kmiecik, seconded by Commissioner Bowling, to recommend the Board of Trustees approve a special use permit for manufacturing of pickles (SIC #2035) on the subject property zoned in the Village's I-2 General Industrial District at 320 E. Route 22 conditioned upon the petitioner complying with the terms of all requirements in Ordinance 2006-01-407 and all requirements of the Engineering and Fire Departments.

AYES: 6 Chairman Cushman, Commissioners Bowling, Crane, Kmiecik, Luby, and Tassi.

NAYS: 0

MOTION CARRIED

PUBLIC MEETING:

258 CLAIR VIEW – MODIFICATION TO THE LAND DEVELOPMENT CODE TO INCREASE THE HEIGHT OF RETAINING WALL FROM 2 FEET TO 12 FEET ON THE SUBJECT PROPERTY ZONED IN THE VILLAGE'S R-4 P.U.D. – PETITIONER ADAM SHAF

Building and Zoning Director Peterson provided preliminary and background information about the house under construction and near completion, which will be the Shaf residence at 258 Clair View. The site plan was displayed and reviewed. A retaining wall from 2 feet to 11 feet in height with an average height of 7 feet was constructed due to the change of grade. Building and Zoning Director Mary Meyer states in her Zoning Review dated February 11 that there is no record of the retaining wall being reviewed for construction or documentation related to the wall within the permit file. Staff is concerned about the field changes made, structural integrity, and location of the utilities if they are under the foundation. Mr. Shaf has informed staff he constructed the wall because he believed the wall was reviewed and approved and is therefore requesting a modification to the Land Development Code to allow the wall over 2 feet in height.

Adam Shaf said due to the severe grade change, he was required to bring in many loads of dirt. His main concern was the structural integrity of the retaining wall, so he hired a structural engineer and submitted the structural drawings in November 2007. Mr. Shaf said he did not realize that he needed approval on his plans and thought he only had to submit a plan approved by a structural engineer, which he had done. He said he submitted the engineering plans to the Village on November 23, they were officially received by the Engineering Department on December 7, and denied on December 8, 2007. Mr. Shaf said he changed the materials from concrete to unilock. He offered to remove a portion of the retaining wall to prove that it is structurally sound.

Director Peterson conceded that there are challenges in developing that property. The issues are the retaining wall exceeds the maximum height allowed by the Land Development Code, and the project was not built according to approved plans.

Mr. Shaf said his sanitary sewer was moved by his sewer contractor closer to the cemetery which allows adequate room for repairs and maintenance.

MOTION made by Commissioner Bowling, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the modification to the Land Development Code to increase the height of the retaining wall from 2 feet to 12 feet on the subject property zoned in the Village's R-4 P.U.D.

AYES: 0

NAYS: 6 Chairman Cushman, Commissioners Bowling, Crane, Kmiecik, Luby, and Tassi.

MOTION FAILED

OTHER BUSINESS/ANNOUNCEMENTS:

Commissioner Bowling stated her disapproval of certain retail projects that have been approved. She recapped issues related to the Wicke's Furniture Store, which was in receivership when it was approved and built and is now closing. She said the Plan Commission and the Board of Trustees knew about Wicke's being in receivership and still approved the project even though she and others cautioned against approving it, and now a "big box" store will be empty and waiting for a new tenant that may not be as desirable as a furniture store was. Commissioner Bowling said not all retail projects merit approval and should be scrutinized more carefully for its merits and a good fit with the particular site and with the community. She was also disappointed that the Board of Trustees overturned the Plan Commission recommendation to deny the approvals for the Thomas Klein 405 & 525 N. Rand Road P.U.D. application and did not give proper merit to some of the concerns raised by the Plan Commission.

ADJOURNMENT:

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

Voice Vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 9:08 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by: 4/2/08