

Corrected

VILLAGE OF LAKE ZURICH
SPECIAL PLAN COMMISSION MINUTES
JUNE 27, 2007

The meeting was called to order by Chairman Cushman at 7:45 p.m.

ROLL CALL: *Present* - Chairman Cushman, Commissioners Castillo (8:02), Crane, Jackson, Kmiecik, and Peterson. *Excused* - Commissioners Bowling, Minden, and Tassi. *Also present*: Village Planner Gadde, Assistant Village Engineer Lebbos, and Village Attorney Furr.

CONTINUED PUBLIC HEARING:

FRANK'S NURSERY REDEVELOPMENT – TO CONSIDER A SPECIAL USE PERMIT FOR A HOTEL, RESTAURANT, & OUTDOOR SEATING - PRELIMINARY AND FINAL PLAT OF SUBDIVISION, PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT, SITE PLANS AND EXTERIOR APPEARANCE PLANS FOR THE PROPOSED MIXED-COMMERCIAL DEVELOPMENT AT 195 SOUTH RAND ROAD ZONED IN THE VILLAGE'S B-3 REGIONAL SHOPPING DISTRICT – PETITIONER JOSEPH FREED & ASSOCIATES, MANAGING AGENT

The public hearing was reopened at 7:46 p.m. Chairman Cushman swore in those wishing to testify.

Jennifer Mooney summarized the changes to the proposal based upon recommendations from staff and comments from the Plan Commission and residents at the June 6, 2007 Plan Commission meeting. She responded to staff comments in letter dated June 27, 2007, sent to Village Planner Gadde via e-mail. Revised elevations were displayed, but did not reflect a reduced building height. An alternate elevation with the roof height 40-feet 7-1/4 inches and height to the eve of 30-feet 8-inches was displayed. The option shows the building at 31 feet tall, so only the roof and the sign pediment exceed the allowed 35-foot building height maximum. Changes to the exterior appearance plan include a lighter colored brick (sample displayed), additional brick in the façade, ornamental grills, an arched canopy, redesign of the front entrance area, arched windows on the first story and front windows, and other changes to the side elevations. There were also changes made to the exterior appearance plan of the retail building. Landscaping was increased and windows were added on two elevations to improve the appearance from Rand Road.

A site line study showing what would be visible from the existing home behind the hotel and at the property line was distributed and reviewed. Ms. Mooney said only the hotel roof would be visible from the backyard, and no hotel residents could see into the backyard. The study assumed a 12-foot fence would be installed in place of the existing 6-foot fence. The fence would need to be installed on the resident's property because there was no room on the applicant's property due to the retention area. The fence would also help prevent problems related to safety. Another option would be to install 40-50 arbor vitae plants for a landscape barrier. There are existing trees spanning 25-30 feet on the berm, which already provides buffering. Improvements to the landscape plan were discussed and had been reviewed by the Village landscape consultant.

A summary of variations had been prepared by Ms. Mooney. She said they are proposing to divide the property into four separate lots, which has created most of the variations. If they kept it as one

parcel, most of the variations would not be needed. She said a 30-35-foot setback is required between their development and the residences and they are providing three times what is required. The hotel is 114.2 feet from the property line, while Frank's Nursery was 315 feet. Using the landscape plan, Ms. Mooney delineated the parking and said it meets Zoning Code requirements. They are providing 248 parking spaces plus 11 handicapped accessible spaces. She said the developer is proposing various amenities to the Village as part of the P.U.D. including a push-button for pedestrian crossing on Route 12 and plantings in Paulus Park.

Village Planner Gadde clarified that the Route 12/Rand Road Corridor Guidelines were guidelines only and would not require a variation. He also addressed the 15% landscape parking lot requirement and said the developer is able to design their plan as long as they meet or exceed the requirements.

At this time, Chairman Cushman opened the meeting to public testimony. He explained to the residents that a hotel is a permitted special use. Commissioner Castillo added that a 35-foot tall building 35 feet from the property line could be allowed.

Aaron Carstons, 162 Pleasant Road, read a letter dated June 24, 2007, that stated various concerns the residents of Willow Ponds, Knollwood, and the surrounding neighborhoods had. They are strongly opposed to a hotel being erected on that site and were concerned that property values would be adversely impacted and had concerns about safety. Mr. Carstons distributed photographs and gave a presentation to illustrate the sight distance from various locations using a 24" piece of wood as a marker.

Jeff Halen, 154 Pleasant Road, presented the highlights from a letter he had written responding to the presentation at the June 6, 2007 Plan Commission public hearing. Mr. Halen objected to a hotel in close proximity to a residential area and to the height of the building. He pointed out that the sight lines would be different for different residences. He had questions about security and safety in the nearby neighborhoods and had concerns about drainage. He questioned what would happen if the hotel was sold. Mr. Halen gave a petition to Village Planner Gadde stating opposition to the proposed hotel development and said the hotel should be located in the industrial park.

Mike Weber, 126 S. Pleasant, said he agreed with comments made by Mr. Carstons and Mr. Halen. He said the number of variances needed illustrate that the proposed development would not be a good fit, and the height is in conflict with the Zoning Code.

Gail Fox, 151 S. Pleasant, asked if a shadow study had been done. She said she will be able to see into the hotel from the second story of her home. Ms. Fox said she is adamantly opposed to the proposed hotel.

Rick Albrecht, 144 S. Pleasant, stated his agreement with comments made by his neighbors. He said a 12-foot fence would be an unattractive fortress, and he would not derive any comfort from it. Mr. Albrecht researched setback and height requirements before purchasing his home last September and did not expect a project like this to be proposed. He is opposed to the height variance.

Nancy Strauts, 1053 Poplar Court, said she is an original owner in the Knollwood Subdivision. She provided some historical information and questioned if it was the right thing to do to allow the

K-Mart and Frank's Nursery developments and changing from residential to retail. Mrs. Strauts stated her objection to the hotel and questioned many specifics about the development.

John Nelson, 1034 Aspen Court, questioned if the water lines and infrastructure could handle the proposed development. He believed there would be added crime from the hotel.

Tom Brodner, 1037 Aspen Court, said the hotel will have a negative impact on the neighborhood and the community as a whole.

Yong Hong Guo, 166 S. Pleasant, agreed with the earlier comments. She said her house is the one that they measured the sight distance from. She is opposed to the hotel and would be in a prison with a 12-foot wall behind her house.

Biepal Sing, 185 S. Pleasant, said his front yard would look at the hotel, and the hotel residents would look into his bedroom.

Gary O'Brill, 1102 Poplar, stated his opposition to the hotel and his agreement with comments made by his neighbors.

Dawn Lightner, 119 S. Pleasant, agreed with the comments made by her neighbors and is opposed to the hotel.

Anthony Pifer, 1061 Wilmette Terrace, had safety concerns and did not want to bring strangers into the neighborhood.

Liz Brahner, 548 Regency, Mossley Hills Subdivision, said she would see the hotel from her bedroom and did not support it even in the industrial park. She said there is no economic need, and people can drive to Palatine where there are three hotels.

Mindy Kuehl, 1060 Wilmette, has a five-year old child that she would be concerned about. She said there are many children in the neighborhood, and the hotel would create a bad environment.

Ricardo Garcia, 122 Willow Court, is the president of the subdivision home owners association. He said Willow Ponds and Willow Subdivisions oppose the hotel.

Angelina Coola, 201 S. Pleasant, said she has worked in a hotel, and there are many undesirable people and crimes do occur. She questioned what would happen if the hotel was sold after 15 years to a poorer quality hotel chain. She said the hotel will adversely impact the residents and not provide any benefit. She was told by realtors that their property values would be lowered by 5-10%.

Vladimir Kroshinsky, 1035 Aspen Court, said he grew up in Lake Zurich. He appreciated the good atmosphere in the Village but did not think it would continue if the development is built.

Cheryl Schwarz, 1189 Hunters Lane, stated her concerns about the hotel threatening her safety, security, and "comfortability".

Luba DuBovis, 178 S. Pleasant, said she agreed with comments made by her neighbors.

Cameron Baugh, Knollwood, asked for those opposed to the hotel to raise their hands. Most people in the room raised their hands.

Gail Fox, 151 S. Pleasant, asked if a hotel was planned for Deer Park.

Mike Weber, 126 S. Pleasant, cited various references to the Zoning Code that he feels do not support the proposed uses.

Steve Scanlon, 1165 Hunters Lane, questioned if there was an economic demand or need for the hotel and asked if it would have an impact on traffic or the timing of the traffic signals.

Jim Bullion, 1093 Poplar Court, said he was advised by staff not to pursue his plans for an addition because it required too many variances. Mr. Bullion asked why staff would entertain this proposal since it needed so many variations.

Jan Suttie, 85 Linden, the Heights Subdivision, said she is also representing some of her neighbors. They support the Knollwood residents that are opposing the development.

Nancy Strauts, 1053 Poplar, questioned the need for the hotel and said the proposed location was not appropriate for a hotel.

John Petro, 1031 Aspen, agreed with his neighbors' comments. He grew up and attended Lake Zurich schools and returned to the community and wants to protect his investment.

Dale Perrin, Executive Director of Lake Zurich Chamber of Commerce, said Lake Zurich is a growing community with 20,000 residents and 2,000 businesses. Mr. Perrin said the Chamber receives 12-24 calls per month looking for local hotel accommodations, and there is a big need for a hotel. He thinks it would be often occupied by people coming to Lake Zurich to visit their relatives. Mr. Perrin said this is a growing area, and it is a luxury to look out your window and not to look into a house or a business.

Stephanie Halen, 154 Pleasant Road, asked why all residents were not notified of the public hearing and only those within 250-feet of the property and questions why residents supporting the hotel were not present.

Rick Albrecht, 144 S. Pleasant, questioned who would use the hotel.

Commissioner Castillo said District 95 championship sports facilities draws people to the area for playoffs and other events and they could use the hotel. Chairman Cushman said who would use the hotel is not germane to the review of this proposal.

RECESS: The meeting was recessed from 10:01 to 10:12 p.m. and reconvened with a quorum present.

Yah Jessica Wang, 166 S. Pleasant, said she would be directly impacted by the hotel and would lose privacy because her bathroom and bedroom would look at the hotel. The hotel would block the sun and create noise.

Jim Tarbet, 1195 Cedar Creek Drive, had responses to comments made about property taxes, the quality of life in Lake Zurich, and offered several opinions. He asked the Plan Commission to take a better look at the project and not support it as it was proposed.

Chairman Cushman had prepared a list of issues raised in the public testimony and asked the development staff to respond to them.

Mike Holtz, owner and developer of the proposed hotel, addressed comments about the need, "rebranding", and safety. He said they had a feasibility study done that found this location to be excellent. He would share it with the Board but not the general public. He said he had invested a great deal of money into this project already and would invest \$7 million before it was done. They only way he would sell it would be if he was offered more money. The average daily rate is the key to the selling price, so it was to their advantage to keep it attractive and charge a good daily rate. Holiday Inn has very strong franchise agreements that would cost him a great deal of money to get out of his agreement. Regarding safety, Mr. Holtz said it is very important that people feel safe or they will not stay at the hotel. He said it is an 86-room hotel with no bar, restaurant, or convention center so it could only be supply a room and would not attract people for other reasons. Other issues he addressed included the age of his staff, noise from heating and air conditioning, and graffiti. Mr. Holtz said the windows only open 4" for safety reasons. There are individual heating and air conditioning units for each room. Disturbances and noise would not be allowed because it would disturb the hotel residents. Security cameras are not typically provided but could be installed if it was necessary.

Village Attorney Furr addressed the conditions of the special use. He said a number of options are available to the Board of Trustees. They do have the authority to assign the special use to the applicant, but it would be quite restrictive and could be cumbersome.

Ms. Mooney summarized the conclusions from the traffic study which said the addition of vehicles would be negligible, and the delay for signalized intersections would be 10-16 seconds and non-signalized 3.4-10.2 seconds. Their traffic consultant recommended changing the timing of the lights.

Assistant Village Engineer Lebbos said the proposed retention facility will be retro-fitted for the additional capacity. Any existing flooding was caused by the lack of maintenance to the restrictor. He said the infrastructure is in place, and there is adequate capacity for water and sanitary sewer.

Project architect John Lorman addressed the calculations on light blockage. The hotel would block the sunlight for the closest yard behind it for one hour past sunrise.

There will be no loading dock. There are very limited deliveries that probably will be brought by UPS to the front door. There will be one 6-yard refuse enclosed container that will be emptied 2-3 times per week.

Ms. Mooney discussed the requested variations, which she addressed from a planning perspective. She said the property is a deep, narrow site, and the retail demands proximity to Route 12. She noted 22 requested variations but Village Planner Gadde added 3 more. In her list of variations, variations #7 through #18 are all for setbacks not related to the residential area but setbacks from properties within the development. The landscape surface area as a whole actually exceeds requirements, but when broken down by lot requires three variations. The floor area ratio has

changed because the detention pond lot and the hotel lot were consolidated. Staff calculated the revised floor area ratio to be .55.

Village Planner Gadde said the following must be added to the requested variations: modification to the Land Development Code for a retaining wall in excess of two feet, variation for floor area ratio, and variation to allow a fence in excess of 7 feet.

Assistant Village Engineer Lebbos said the existing detention pond was built prior to the code changes so a variation will be needed because the regulations have changed. He said a variance may be needed for water impoundment. He provided historical information about the storm water easement and further described the retention area.

Mr. Carstons, Mr. Albrecht, and Mr. Halen had additional questions that Chairman Cushman allowed the staff or the developer to answer.

The public hearing was closed at 11:17 p.m.

Discussion followed among the Plan Commission members. Several said it was difficult to balance the issue of the hotel and the concerns of the residents against the issue of vacant retail property. Most Plan Commission members said the hotel would be too close to the residential neighborhoods and would have an adverse impact.

MOTION made by Commissioner Kmiecik, seconded by Commissioner Peterson, to recommend the Board of Trustees approve a special use permit for a hotel, restaurant, and outdoor seating for Frank's Nursery redevelopment at 195 S. Rand Road.

AYES: 1 Chairman Cushman

NAYS: 5 Commissioners Castillo, Crane, Jackson, Kmiecik, and Peterson

MOTION DENIED

MOTION made by Commissioner Crane, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the preliminary and final plat of subdivision Frank's Nursery redevelopment at 195 S. Rand Road.

AYES: 1 Chairman Cushman

NAYS: 5 Commissioners Castillo, Crane, Jackson, Kmiecik, and Peterson

MOTION DENIED

MOTION made by Commissioner Crane, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the preliminary and final planned unit development for Frank's Nursery redevelopment at 195 S. Rand Road.

AYES: 1 Chairman Cushman

NAYS: 5 Commissioners Castillo, Crane, Jackson, Kmiecik, and Peterson

MOTION DENIED

MOTION made by Commissioner Peterson, seconded by Commissioner Crane, to recommend the Board of Trustees approve the site plans for Frank's Nursery redevelopment at 195 S. Rand Road.

AYES: 1 Chairman Cushman

NAYS: 5 Commissioners Castillo, Crane, Jackson, Kmiecik, and Peterson

MOTION DENIED

MOTION made by Commissioner Crane, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the exterior appearance plans for the proposed mixed commercial development at 195 S. Rand Road.

AYES: 1 Chairman Cushman

NAYS: 5 Commissioners Castillo, Crane, Jackson, Kmiecik, and Peterson

MOTION DENIED

ADJOURNMENT:

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

Voice Vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 11:33 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by: _____ 8/1/07