

Approved
VILLAGE OF LAKE ZURICH
PLANNING & ZONING COMMISSION MINUTES
MARCH 16, 2016

The meeting was called to order by Chairman Stratman at 7:00 p.m.

ROLL CALL: *Present* –Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic. *Excused:* Commissioners McCormack and Riley and Alternate Dannegger. *Also present:* Village Administrator Ray Keller, Zoning Compliance Officer Mary Meyer, and Interim Village Planner Al Maiden. Chairman Stratman noted a quorum was present.

CONSIDERATION OF MINUTES:

APPROVAL OF THE FEBRUARY 17, 2016 MEETING MINUTES OF THE PLANNING & ZONING COMMISSION:

Commissioner Baumann asked that the recording of the meeting be reviewed so the last sentence on page 1 regarding the water loop be clarified.

MOTION was made by Commissioner Baumann, seconded by Commissioner Tomsovic, to approve the February 17, 2016 minutes of the Planning and Zoning Commission with the clarification requested by Commissioner Baumann.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

PUBLIC HEARINGS:

925 S. Rand Road - Sheng Wei Massage (PZC 2016-03 #1): To consider approval of of Special Use Permit to allow a Massage Therapy at the Subject Property located at 925 South Rand Road and currently within the R-1/2 Single Family and B-1 Local and Community Business District - Applicant John Sfire, Fidelity Group LLC

MOTION was made by Commissioner Baumann, seconded by Commissioner Tomsovic, to open the public hearing for Application PZC 2016-03 #1 at 7:06 p.m.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

Chairman Stratman swore in those wishing to testify.

John Sfire, JAS Development, LLC, presented their proposal to provide massage therapy services in the Deerpath Commons Retail Center, which requires a special use permit. Business owner Guilan Sun and her son were present. Mrs. Sun owns massage therapy clinics in Wheeling and Algonquin also. Mr. Sfire responded to violations issued in 2012 to U Massage in Naperville, which

Mrs. Sun operated. One violation was for illegal signage, which was corrected and the case closed. There was also an accusation that illegal activities beyond massages were taking place at the business, but the Naperville Police Department had not provided additional information to staff at this time. Mr. Sfire said Mrs. Sun was not aware of that accusation, and there had not been any action taken on it.

MOTION was made by Baumann, seconded by Commissioner Tomsovic, to close the public hearing on Application PZC 2016-3 #1 at 7:13 p.m.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Baumann, seconded by Commissioner Tomsovic, to receive into the public record the staff review of compliance of this Application with the zoning standards as presented by staff this evening and to make these standards a part of the official record for the Application.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

The PZC members wished to approve the petition but wanted to be certain that no action had taken place on Violation #12-1916. Their positive recommendation will be contingent upon the accusation being dismissed or unfounded. Planner Maiden will contact the Naperville staff prior to the Board of Trustees meeting and include their findings in the petition. Mr. Sfire said he had no objection to the condition but said the business continues to operate under the same name and is managed by her son. Commissioner Castillo pointed out that the PZC had not been made aware until now that the Naperville business was still operating.

MOTION was made by Commissioner Schultz, seconded by Commissioner Tomsovic, to recommend that the Village Board approve Petition PZC 2016-03#1 contingent upon receipt by the Village Staff of a release of Violation #12-1916, the case referenced in the staff report, from the Naperville Police Department, and the resolution of that case is that either no criminal charges were filed or that the case was dismissed.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Tomsovic, seconded by Commissioner Schultz, to recommend that the Village Board approve a Special Use Permit to allow a Massage Therapy Service on the subject property subject to the following condition: It is granted to and authorizes only the Applicant and her business at this location, and shall terminate at such time as the Applicant is no longer operating. It is not transferable to any other business or user.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

120-200 Telser Road - Flex Construction (PZC 2016-03 #2): To consider approval of of a Preliminary Plan and Final Plan of Subdivision, Variation to allow encroachment into conservancy soils, Rezoning from R-1/2 Single-Family Residential to I Industrial, Site Plan, and Exterior Appearances at the Subject Property located at 120 and 200 Telser Road and currently within the I Industrial and R-1/2 Single-Family Residential Zoning District - Applicant Kelly Sheehan, Flex Construction

MOTION was made by Commissioner Baumann, seconded by Commissioner Tomsovic, to open the public hearing on Application PZC 2016-03 #2 for 120 and 200 Telser Road, the Flex Construction Termax Addition at 7:21 p.m.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Baumann, seconded by Commissioner Tomsovic, to continue the public hearing on Application PZC 2016-03 #2 to the April Planning and Zoning meeting per the petitioner's request.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

Driveway Text Amendment (PZC 2016-03#3): To consider a Text Amendment to Chapter 3 of the Lake Zurich Zoning Code regarding setbacks for residential driveways - Applicant - Village of Lake Zurich.

MOTION was made by Commissioner Baumann, seconded by Commissioner Schultz, to open the public hearing on Application PZC 2016-03 #3 at 7:22 p.m.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

Zoning Officer Meyer summarized the proposed text amendment to the Lake Zurich Zoning Code amendment that would govern driveway setbacks on residentially zoned properties, which would apply to all residential properties within the Village if approved. The amendment is meant to address cases where a driveway conformed to Village Code when it was installed, but due to subsequent amendments, it cannot be replaced in the same location without a variation due to encroachment. The amendment would allow replacement in the same location as long as its original installation conformed to the Zoning Code at the time. Although the Village would prefer the properties to maintain a 3-foot setback, it has proven to be a hardship to many owners of older homes needing driveway replacement. Officer Meyer said staff would research carefully historic records to ascertain the original location of the driveway.

MOTION was made by Commissioner Tomsovic, seconded by Commissioner Schultz, to close the public hearing on Application PZC 2016-03 #3 at 7:25 p.m.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Tomsovic, seconded by Commissioner Baumann, to receive into the public record the staff review of compliance of this Application with the zoning standards as presented by staff this evening, and to make these standards a part of the official record for the Application.

MOTION was made by Commissioner Baumann, seconded by Commissioner Tomsovic, to recommend that the Village Board approve the Text Amendment to Chapter 3 of the Lake Zurich Zoning Code regarding setbacks for residential drives.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

STAFF REPORT:

The new Village Manager, Ray Keller, was introduced and welcomed by the PZC.

ADJOURNMENT:

MOTION was made by Commissioner Tomsovic, seconded by Commissioner Schultz, to adjourn the meeting. Voice Vote, all in favor. MOTION CARRIED

The meeting was adjourned at 7:28 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by:

