

Revised
VILLAGE OF LAKE ZURICH
PLANNING & ZONING COMMISSION MINUTES
MAY 18, 2016

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

ROLL CALL: *Present* –Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic. *Excused:* Commissioners Baumann, Castillo, and Dannegger.

Also *present:* Village Administrator Ray Keller, Asst. Village Administrator Roy Witherow, Building Services Supervisor Mary Meyer, and Interim Village Planner Al Maiden.
Chairman Stratman noted a quorum was present.

CONSIDERATION OF MINUTES:

APPROVAL OF THE APRIL 20, 2016 MEETING MINUTES OF THE PLANNING & ZONING COMMISSION:

MOTION was made by Commissioner Riley, seconded by Commissioner Schultz, to approve the April 20, 2016 minutes of the Planning and Zoning Commission as presented.

Upon roll call vote:

AYES: 3 Chairman Stratman, Commissioners Riley and Schultz

NAYS: 0

ABSTENTIONS: 2 Commissioners McCormack and Tomsovic

MOTION CARRIED

PUBLIC HEARINGS:

MOTION was made by Commissioner McCormack, seconded by Commissioner Tomsovic, to open the seven public hearings as followings:

Application PZC 2016-03 #2, 120-200 Telser Rd. Termax;

Application PZC 2016-05 #1, 532 W. Rt. 22 Copper Fiddle Distillery;

Application PZC 2016-05 #2, 1200 Flex Ct. Tuf-Tite;

Application PZC 2016-05 #3, 951 S. Rand Rd. IL. Dept. of Motor Veh.;

Application PZC 2016-05 #4, 832 S. Rand Rd. Wagly Pet Care Services;

Application PZC 2016-05 #5, 300 E. Rt. 22 U-Haul;

Application PZC 2016-05 #6, Z. Z. Text Amends. Soils-Site Pl.-Ex. Appearance

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

Chairman Stratman said due to the large Agenda this evening, he would swear in anyone wishing to testify or ask any questions regarding any of the seven Applications that are on the Agenda tonight. He swore in all those wishing to testify on any agenda item.

A. 120-200 Telser Road - Flex Construction (PZC 2016-03 #2): Continuation of the April 20, 2016 Public Hearing where the Planning & Zoning Commission approved a Motion to continue the Public Hearing to this May 18 2016 date. The Public Hearing is 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 McCormack, seconded by Commissioner Tomsovic, to continue the public hearing on Application PZC 2016-03 #2 for 120 and 200 Telser Road, the Flex Construction Termax Addition until the next regularly scheduled Planning and Zoning Commission meeting on June 15, 2016 at 7:00 p.m.

Upon roll call vote:

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

NAYS: 0

MOTION CARRIED

B. 532 W. Route 22 - Copper Fiddle Distillery (PZC 2016-05 #1) Request for a Text Amendment to the Village Zoning Code concerning live entertainment as an accessory use an an amendment to an existing Special Use for Copper Fiddle Distillery in the existing B-1 Business District.

Fred Robinson, co-owner of the Copper Fiddle Distillery, presented his petition to have live entertainment. He has been having small bands and acoustic performances, which have been allowed under a temporary authorization. He would now like to have to have permanent approval under a special use permit. The owner of Goodyear Tire, Jim Iverhouse, has and will continue to allow parking on his adjacent lot.

Ed Socki, 303 Whitney Road, said he lives behind the subject property. They do not want the "open mike" or entertainment frequency to increase since their bedroom faces the business. Mrs. Socki presented a letter from Lou Auer, 252 Whitney Road, that was read into the record by Chairman Stratton. The letter states that the music disturbs her sleep although she has not filed any complaints and asked that the petition be denied. Chairman Stratman emphasized that there would be no change in the music, which would still end by 10:30 p.m. but only the type of approval that would allow it would change. Commissioner Tomsovic asked if there were any measures taken to improve sound proofing to which Mr. Robinson said no.

MOTION was made by Commissioner McCormack, seconded by Commissioner Tomsovic, to close the public hearing on Application PZC 2016-05 #1 at 7:23 p.m.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

Discussion followed on soundproofing. Mr. Robinson said he has had live entertainment for two years without any complaints and that no one came to the Courtesy Review at the Board meeting on April 4, 2016 to object. He reiterated his desire to be a good neighbor and willingness to respond to complaints. He would agree to investigate soundproofing measures if necessary and only if they were within reason including cost.

MOTION was made by Commissioner McCormack, 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 and reflect that the conditions have been met in all categories.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Reilly, seconded by Commissioner Tomsovic, to receive into the public record the letter dated May 14, 2016 from Lou Auer that was received and read into the record this evening.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner McCormack, seconded by Commissioner Tomsovic, to recommend the Village Board approve the Zoning Text Amendment.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner McCormack, seconded by Commissioner Tomsovic, to recommend the Village Board approve the Amendment to the Special Use Permit at the Subject Property subject to the following conditions:

1. The posting by the business of the Maximum Occupancy Number that is to be provided by the Village.
2. The live entertainment should not continue after 10:30 p.m.
3. The petitioner should investigate possible improvements to help to control the volume of any noise disturbances associated with the live entertainment.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

C. 1200 Flex Court - Tuf-Tite Expansion (PZC 2016-05#2): Request for a Zoning Text Amendment, Variations, Site Plan Approval and Exterior Appearance Approval for the expansion of the existing Tuf-Tite building in the existing "T" Industrial District.

Kelly Sheehan, Flex Construction, reviewed the proposed plan for the Tuf-Tite expansion and described the exterior appearance, which will match the existing facility. She outlined the new parking, which is 43 new regular spaces with access from Telser Court, 9 regular spaces with access from Flex Court, and 2 additional handicapped accessible spaces. She said she gave a letter to Supervisor Meyer from the Industrial Council stating that they support the expansion.

Planner Maiden asked that a correction be made to Item A-2 - Materials on the Staff Review of Compliance (Exhibit F). He said the standards have been met. He briefly summarized the scope of the proposed Text Amendment and said staff supports it. Regarding open loading dock doors, he said the expansion will shield the doors from the view of the public. Ms. Sheehan said all loading will take place at the rear of the building. There will be a reduction in the number of doors, which will result in renumbering them to assist public safety.

MOTION was made by Commissioner Tomsovic, seconded by Commissioner McCormack, to close the public hearing on Application PZC 2016-05 #2 at 7:40 p.m.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Tomsovic, seconded by Commissioner Schultz, to receive into the public record the staff review of compliance of this Application with the zoning standards with corrected comments as presented by staff this evening, and to make these standards a part of the official record for the Application. and reflect that the conditions have been met.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner McCormack, seconded by Commissioner Reilly, to recommend the Village Board approve the Zoning Text Amendment as submitted this evening.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Tomsovic, seconded by Commissioner McCormack, to recommend the Village Board approve the Variation at the Subject Property as submitted this evening.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Tomsovic, seconded by Commissioner McCormack, to recommend the Village Board approve the Site Plan approval for the Subject Property subject to the following conditions:

1) That the Site Plan submitted for Development Permit and Building Permit shall address the comments noted in the Village Engineer's Report, the Village Landscape Consultants Review Memo, and the Village Staff Review Memos.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Tomsovic, seconded by Commissioner Schultz, to recommend the Village Board grant Exterior Appearance approval for the Subject Property as submitted this evening.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

D. 951 S. Rand Road - Illinois Department of Motor Vehicle Licensing and Testing Facility (PZC 2016-05#3): Request for a Zoning Text Amendment and Special Use approval for this use in the existing B-3 Business District.

MOTION was made by Commissioner McCormack, seconded by Commissioner Tomsovic, to continue the public hearing on Application PZC 2016-05 #3 for 951 S. Rand Road, Department of Motor Vehicles, until the next regularly scheduled Planning and Zoning Commission meeting on June 15, 2016 at 7:00 p.m.

Upon roll call vote:

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

NAYS: 0

MOTION CARRIED

E. 832 S. Rand Road - Wagly Pet Care Services (PZC 2016-05#4): Request for a Special Use approval for this use in the existing B-3 Business District.

MOTION was made by Commissioner Reilly, seconded by Commissioner Tomsovic, to continue the public hearing on Application PZC 2016-05 #4 for 832 S. Rand Road, Wagly Pet Care Service, until the next regularly scheduled Planning and Zoning Commission meeting on June 15, 2016 at 7:00 p.m.

Upon roll call vote:

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

NAYS: 0

MOTION CARRIED

F. 300 E. Route 22 - U-Haul (PZC 2016-05#5): Request for a Special Use Approval, Site Plan Approval and Exterior Appearance Approval for this use in the existing "I" Industrial District. The request for the Special Use approval had previously not included in the submissions to the Planning & Zoning Commission at that time and the village board Tabled the

consideration of the Planning & Zoning Commission’s recommendation. The Applicants have now submitted additional documents including a Site Plan and other documents for review with the Planning & Zoning Commission Village Planning & Zoning Commission’s recommendations to the Village Board. The Applicant is working with Village Staff to resolve pending issues, and they are requesting that the matter be continued to the June 15, 2016 Planning & Zoning Commission Meeting/Public Hearing and Village Staff supports this request.

MOTION was made by Commissioner McCormack, seconded by Commissioner Tomsovic, to continue the public hearing on Application PZC 2016-05 #5 for 300 E. Route 22, U-Haul, until the next regularly scheduled Planning and Zoning Commission meeting on June 15, 2016 at 7:00 p.m. Upon roll call vote:

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

NAYS: 0

MOTION CARRIED

G. Village Zoning Code Text Amendments (PZC 2016-05#6): Request for Text Amendments to the Village Zoning Code concerning Chapter 8, Article C., Natural Resource Protection, Chapter 20 Site Plan Review, and Chapter 21 Exterior Appearance Review.

Planner Maiden introduced the proposed Zoning Text Amendment which would allow the Village Engineer to review Natural Resource Protection regarding Drainageway Protection and the Village Manager or his designee to approve Site Plans and Exterior Appearance applications for minor modifications that do not require a public hearing. A question and answer period followed with staff providing clarifications on the current review process and the proposed changes. Planner Maiden said any change even if minor that required a variation would still come before the PZC. The ability would still exist to send items to the PZC if the Village Manager and/or Board of Trustees requested PZC review even if the petition did not require a public hearing. He said the amendment would also provide necessary clarification to the review process, which was recommended by the Village Attorney for consistency. Supervisor Meyer added that the change could allow staff to review new construction, but the applicant would still be required to prepare the same submittals and present them to staff for review.

Concerns raised by PZC members were the criteria for PZC review rather than staff only review, and Exterior Appearance and other reviews without out any community input through the expertise and diversity of the PZC. Planner Maiden reiterated that an application must be a permitted use within the existing zoning and not require any variances, and not be a P.U.D. or it would require PZC review. Village Administrator Keller said staff collectively will review applications to check for code compliance, which brings a combination of professional skills and different backgrounds to the process. Commissioner Reilly asked that the text amendment be reviewed in one to two years to see if it has worked out well or needs to be modified. Commissioner Tomsovic supports staff review of technical matters but thought the PZC review might be more detailed or intense as well as lending different view points to the review process.

MOTION was made by Commissioner McCormack, seconded by Commissioner Reilly, to close the public hearing on Application PZC 2016-05 #6 at 8:21 p.m.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner McCormack, seconded by Commissioner Schultz, 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: 4 Chairman Stratman, Commissioners McCormack, Riley, and Schultz

NAYS: 1 Commissioner Tomsovic

MOTION CARRIED

MOTION was made by Commissioner McCormack, seconded by Commissioner Reilly, to recommend the Village Board approve the Zoning Text Amendment subject to the following condition: That this matter be reviewed again approximately one year after these review procedures are initiated by the Village Manager, and/or the Village Staff or Village Consultants designated by the Village Manger to address the review of these matters related to the Zoning Code Text Amendments to determine if possible further refinements and/or further Zoning Code Text Amendments may be appropriate.

Upon roll call vote:

AYES: 4 Chairman Stratman, Commissioners McCormack, Riley, and Schultz

NAYS: 1 Commissioner Tomsovic

MOTION CARRIED

STAFF REPORT:

MOTION was made by Commissioner Reilly, seconded by Commissioner McCormack, to open the public meeting for any staff reports or other business at 8:24 p.m.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners McCormack, Riley, Schultz, and Tomsovic

NAYS: 0

MOTION CARRIED

Planner Maiden said staff is trying to review applications carefully to be sure they are complete and correct and any needed approvals are identified, which is why there have been several continuances. He said there is a great deal of development going on in the industrial park, which is excellent.

ADJOURNMENT:

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

The meeting was adjourned at 8:25 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by:



1/17/2017

