

Approved
VILLAGE OF LAKE ZURICH
PLANNING & ZONING COMMISSION MINUTES
APRIL 17, 2019

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

ROLL CALL: *Present* – Chairman Stratman, Commissioners Baumann (7:02 p.m.), Castillo, Dannegger, Giannini, Muir, and Schultz. *Absent* - Commissioner Riley. Chairman Stratman noted a quorum was present and Alternate Muir would be a voting member due to an absence.
Also present: Community Development Director Sarosh Saher and Planner Tim Verbeke.

CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION

Approval of the March 20, 2019 Meeting Minutes of the Planning & Zoning Commission:

MOTION was made by Commissioner Schultz, seconded by Commissioner Muir, to approve the March 20, 2019 minutes of the Planning and Zoning Commission as presented.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger, Muir, and Schultz.

NAYS: 0

ABSTAIN: 1 Commissioner Giannini

ABSENT: 2 Commissioners Baumann and Riley.

MOTION CARRIED

PUBLIC COMMENT - None

PUBLIC MEETING

- A. 555 Oakwood Road – Greenhill Subdivision – Plat of Subdivision and Plat of Vacation (PZC 2019-08)

Public Meeting to consider a Plat of Subdivision for a new 4-lot subdivision to be known as the Greenhill Subdivision, and a Plat of Vacation of lots, parcels and easements from the School Trustees Subdivision, Donata Subdivision and Donata II Subdivision.

Applicant: Smalley Steel Ring

George Nesbitt, Smalley steel Ring COO, provided background and historical information about his company that manufactures mechanical parts. They intend to expand their company and are requesting approval of a subdivision of six parcels. Smalley intends to reconfigure the lots to provide for future expansion of their company, provide for additional future development, and accommodate stormwater infrastructure. The proposed subdivision will contain four lots. Mr. Nesbitt narrated a PowerPoint presentation displaying the plat of survey and depicting the proposed reconfiguration of the property and a timetable for future development.

MOTION was made by Commissioner Baumann, seconded by Commissioner Dannegger, to receive into the public record the staff review of compliance of this Application for Final Plan 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: 7 Chairman Stratman, Commissioners Baumann, Castillo, Dannegger, Giannini, Muir, and Schultz

NAYS: 0

ABSENT: 1 Commissioner Riley

MOTION CARRIED

MOTION was made by Commissioner Baumann, seconded by Commissioner Muir, to recommend approval of Greenhill Subdivision's Plat of Subdivision and Plat of Vacation.

Upon roll call vote:

AYES: 7 Chairman Stratman, Commissioners Baumann, Castillo, Dannegger, Giannini, Muir, and Schultz

NAYS: 0

ABSENT: 1 Commissioner Riley

MOTION CARRIED

PUBLIC HEARINGS:

MOTION was made by Commissioner Baumann, seconded by Commissioner Schultz, to open the following public hearings at 7:16 p.m.

Application PZC 2019-09, 106 Butterfield Court – Variation;

Application PZC 2019-10, 455 South Rand Road – Amendment of PUD

Upon roll call vote:

AYES: 7 Chairman Stratman, Commissioners Baumann, Castillo, Dannegger, Giannini, Muir, and Schultz

NAYS: 0

ABSENT: 1 Commissioner Riley

MOTION CARRIED

New Applications

B. 106 Butterfield Court – Side Yard Variation for a Shed (PZC 2019-09)

Public hearing to consider a request for a Variation to allow for the construction of a shed that will encroach into the required 7-foot side yard setback. Detailed information is contained within the accompanying staff report and all exhibits submitted by the applicant.

Applicant: Mr. Patrick Doyle

Patrick Doyle, resident and owner of 106 Butterfield Court, presented his proposal to construct a shed that will encroach into the required 7-foot side yard setback. He showed pictures of his property with the proposed shed in the locations it could be constructed without encroachment and where he would like to build it. His property is a wedge-shaped parcel in a subdivision with marshy areas, which he believes provided a hardship in locating a good place to construct the shed that would not encroach and not be unsightly. Mr. Doyle believes it would blend in better and be less unsightly if constructed where he proposes. His neighbor, Patricia Trice 27 Butterfield Road, wrote a letter supporting Mr. Doyle's proposed location of his shed.

Discussion followed. Concerns were raised about setting a precedence, but due to the irregular lot shape, marshy soil, the petitioners attempt to select a location that would be less conspicuous, and his neighbor's support, some members of the PZC agreed to grant the variation but recommended

there be no further mitigation or variations granted for the shed or accessory structures and additional screening may be required as a condition of approval. Mr. Doyle agreed to the conditions.

MOTION was made by Commissioner Muir, seconded by Commissioner Castillo, to close the public hearing on PZC 2019-09 at 7:54 p.m.

Upon roll call vote:

AYES: 7 Chairman Stratman, Commissioners Baumann, Castillo, Dannegger, Giannini, Muir, and Schultz

NAYS: 0

ABSENT: 1 Commissioner Riley

MOTION CARRIED

MOTION was made by Commissioner Giannini, seconded by Commissioner Castillo, to receive into the public record the staff review of compliance of this Application with the zoning standards as presented by staff and to receive the testimony presented by the Applicants, testimony presented by members of the public, and in response to questions by the Planning and Zoning Commission Members, any testimony presented by Village Staff at tonight's Public Hearing and make these standards a part of the official record for the Application and to recommend that the Village Board approve the Application PZC 2019-09 which requires an amendment to the zoning code Section 9-3-11-C-2, Residential Minimum Yards: Side Yard, to allow for the construction of a shed that will encroach into the required 7-foot side yard setback at the property commonly known as 106 Butterfield Court. No further variations would be allow on this project site by the Applicant, and additional screening may be required if there if are any modifications to the existing site as presented. The recommendation is based on the extraordinary and extenuating circumstances the Applicant has presented relative to the site location based on the consistently wet ground area, affording him greatest use of his property.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Castillo, Dannegger Giannini, and Muir.

NAYS: 2 Commissioners Baumann and Schultz

ABSENT: 1 Commissioner Riley

MOTION CARRIED

C. 455 South Rand Road – Amendment of Existing PUD for a new Retail Building (PZC 2019-10)

Public Hearing to consider a request for an amendment to the existing Planned Unit Development (PUD) to allow for construction of a new four-tenant retail building on the property along with associated site improvements.

Applicant: Tim Benson of Midwest Design and Construction LLC, (Designer for Owner)

Tim Benson, Midwest Design and Construction, and John Sofer, presenter their proposal to demolish the existing building at 455 South Rand Road and construct a new 8,640 square-foot four tenant retail building at the site of the former Giordano's Restaurant. A portion of the existing parking area will be reconfigured providing 65 parking stalls with 29 along the periphery of the property along the frontage of Rand Road and Route 22. The Village Board approved a PUD on February 3, 2016, allowing the construction of a three-tenant 8,290 square-foot building which expired on February 3, 2018. Mr. Benson said the approved PUD actually allowed for four tenants

and followed the same footprint. Midwest Design intends to redevelop the property in a similar manner with an increase from three to four tenants, an increase in building size from 8,290 to 8,640 square feet, changes to the location and number of parking spaces provided, and different elevations. The site plan was displayed and reviewed.

John Sfire, 745 Ela Road, owner of Village Square shopping center, said he supports the development of that site but pointed out several differences in the approved 2016 PUD and the current proposal. Mr. Sfire said Midwest Design had not contacted him to discuss their proposal and how it could impact his shopping center nor was he asked about a cross-easement parking arrangement. For safety reasons, he objected to the eight parking spaces that back up into the access drive, the location and access through the traffic lane needed to reach the trash enclosure, and the proposed access for deliveries. He said they could construct a sidewalk going out to Route 22 so they could offload back spaces onto the entrance on Route 22. Mr. Sfire stated his willingness to work with Midwest to alleviate these safety issues. Mr. Sofer thanked Mr. Sfire for his suggestions and stated his willingness to work with him but said it is important that the project move forward quickly because he has two signed leases. Mr. Sfire pointed out these suggestions had been made by staff and were included in their report.

Chili Shabani, 422 Callaway Blvd., LaCrosse, Wisconsin, said he is with Windy Ridge and is also the property owner. He said they thought the PUD had already been approved and did not realize there were new issues since the changes proposed were very minor. He would be willing to scale back the size of the building by 400 square-feet to the 2016 proposed size if it was an issue. They will not ask to increase the 4,000 s.f. allocated for restaurant use in the future and apologized for a misunderstanding on their part.

Commissioner Castillo said these issues were discussed when the proposal came up for review in 2016, and it had been approved with many contingencies. He thought the current proposal should have had a courtesy review, which would have provided an opportunity to resolve some of the issues being discussed tonight.

After discussion, the PZC recommended approval with the condition that the petitioner and Mr. Sfire meet with staff present to resolve the outstanding issues prior to it being presented to the Board of Trustees.

MOTION was made by Commissioner Schultz, seconded by Commissioner Dannegger, to close the public hearing on PZC 2019-10 for 455 South Rand Road, an Amendment of Existing PUD for a new Retail Building, at 8:39 p.m.

Upon roll call vote:

AYES: 7 Chairman Stratman, Commissioners Baumann, Castillo, Dannegger, Giannini, Muir, and Schultz

NAYS: 0

ABSENT: 1 Commissioner Riley

MOTION CARRIED

MOTION was made by Commissioner Schultz, seconded by Commissioner Dannegger, to receive into the public record the staff review of compliance of this Application with the zoning standards

as presented by staff and to receive the testimony presented by the Applicants, testimony presented by members of the public, and in response to questions by the Planning and Zoning Commission Members, any testimony presented by Village Staff at tonight's Public Hearing and make these standards a part of the official record for the Application and to recommend that the Village Board approve Application PZC 2019-10 request for approval of an amendment to the existing Planning Unit Development at 455 S Rand Road to establish a new retail building based upon the condition that and the concerns raised by the adjacent property be resolved with Village staff before this Application reaches the Village Board.

Upon roll call vote:

AYES: 7 Chairman Stratman, Commissioners Baumann, Castillo, Danegger, Giannini, Muir, and Schultz

NAYS: 0

ABSENT: 1 Commissioner Riley

MOTION CARRIED

STAFF REPORT:

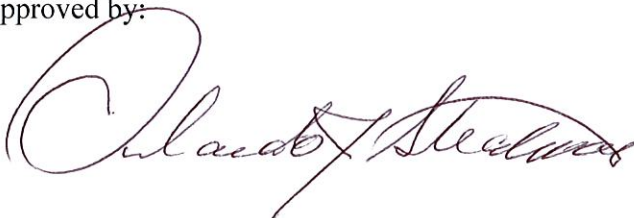
Planner Tim Verbeke said there have not been any applications received for the May meeting but there is still time for applications to be submitted.

ADJOURNMENT:

MOTION was made by Commissioner Baumann, seconded by Commissioner Muir, to adjourn the meeting. Voice Vote, all in favor. MOTION CARRIED. The meeting was adjourned at 8:46 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by:

A handwritten signature in cursive script, appearing to read "Randy Steadman". The signature is written in dark ink and is positioned below the "Approved by:" text.