

Approved
VILLAGE OF LAKE ZURICH
PLANNING & ZONING COMMISSION MINUTES
OCTOBER 23, 2019

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

ROLL CALL: *Present* – Chairman Stratman, Commissioners Baumann, Castillo, Riley, and Schultz. *Absent* - Commissioners Dannegger, Giannini, and Muir. Chairman Stratman noted a quorum was present. *Also present:* Community Development Director Sarosh Saher and Planner Tim Verbeke.

CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION

Approval of the September 18, 2019 Meeting Minutes of the Planning & Zoning Commission: MOTION was made by Commissioner Schultz, seconded by Commissioner Riley, to approve the September 18, 2019 minutes of the Planning and Zoning Commission as submitted.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Dannegger, Giannini, and Muir.

MOTION CARRIED

PUBLIC COMMENT

Stephanie Halen, 154 S. Pleasant Road, had comments about the presentation at the September PZC meeting on the text amendment that related to vape shops and the memorandum from Management Intern Devone Williams dated September 10, 2019. She questioned why staff compared the regulations of towns that are not nearby or similar to Lake Zurich and why the report was focused only on new establishments. Mrs. Halen felt the four challenges raised in the staff report had not been fully considered.

PUBLIC HEARING:

MOTION was made by Commissioner Riley, seconded by Commissioner Schultz, to open the following public hearings at 7:06 p.m. for Applications PZC 2019-20, 765 Ela Road, Special Use Permit; and PZC 2019-19, Text Amendment – Temporary Moratorium on establishments related to the sale, use and possession of tobacco and nicotine related products.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Dannegger, Giannini, and Muir.

MOTION CARRIED

- A. 765 Ela Road – Special Use Permit for Massage Therapy Service (PZC 2019-20)

Public hearing to consider a request for a Special Use Permit to allow for the establishment of a massage therapy and holistic healing facility. Detailed information is contained within the accompanying staff report and all exhibits submitted by the applicant.

Applicant: Jyoti Amin: Ayur-Jyoti Massage and Holistic Healing

Jason Sfire, Fidelity Group, presented his tenant’s proposal to operate a massage therapy and holistic healing facility in a vacant office, Suite 109, at 765 Ela Road in the Fidelity Corporate Park. Ms. Jyoti Amin, who was present, has operated a successful massage therapy business in Barrington for the past six years that was forced to relocate due to the sale of the building. She is a certified massage therapist with an established clientele. Mr. Sfire said there will be no additional signage. Director Saher will correct an error in the staff report/exhibits incorrectly stating the railroad tracks are on the northerly boundary of the subject property but actually are on the southern boundary.

MOTION was made by Commissioner Schultz, seconded by Commissioner Baumann, to close the public hearing on Application PZC 2019-20, 765 Ela Road – Special Use permit to allow for a massage therapy service facility at 7:13 p.m. The motion was withdrawn since the following motion includes closing the public hearing.

MOTION was made by Commissioner Castillo, seconded by Commissioner Schultz, to close the public hearing on Application PZC 2019-20, 765 Ela Road – Special Use permit to allow for a massage therapy service facility at 7:13 p.m. and 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 2019-20 which requires a special use permit for a massage therapy service facility at the property commonly known as 765 Ela Road Suite 109.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Dannegger, Giannini, and Muir.

MOTION CARRIED

- B. Text Amendment – Regulations for Tobacco and Alternative Nicotine Businesses (PZC 2019-19) Continued Public Hearing to consider a request for an Amendment to the Text of the Zoning Code and other pertinent sections of the Municipal Code to establish regulations for the establishment of new tobacco and alternative nicotine businesses and uses in the Village of Lake Zurich. *Applicant: Village of Lake Zurich*

Director Saher summarized the significant points in the Staff application and report dated October 23, 2019, for the Zoning Application for Text Amendment related to regulations for establishment of new tobacco/vape stores continued public hearing and consideration. The

public hearing had been opened on September 18, 2019 but continued to allow the community a 30-day comment period on the proposed regulations. He noted that adoption of the new regulations would result in the lifting of the temporary moratorium that currently prevents the establishment of new tobacco and alternative nicotine stores in the community. His presentation included Background (including additional discussion), General Findings, Standards for Amendments, and Staff Recommendation including Final Findings.

Discussion followed. Director Saher had been asked at the last meeting if cigar lounges could ever be allowed. He answered that cigar lounges and/or wine bars could be considered as part of the planned development process and considered on a case-by-case basis but would need to be part of an established use. The ability to relax or remove the separation or disbursement requirement for wine/cigar lounges would be addressed through PUD process. Staff will review the wording and change the language to state it must be a part of a permitted location.

Director Saher addressed how the proposed text amendment addresses the four challenges included in Mr. Williams report dated September 10. Staff has included Definitions (which he read into the record) of tobacco and alternative nicotine product stores and stands, lounges, and accessory sales and how they are defined and where they can be located. He emphasized that these uses cannot be fully restricted since they are lawful establishments, but the law allows the regulation and restriction of those types of businesses in the community. Director Saher confirmed that the wording in the moratorium passed by the Board of Trustees in December 2018 on the sale of new tobacco and nicotine related products locations would prohibit the use of recreational marijuana in such establishments. Staff will review the language to be sure recreational marijuana use and products are prohibited. He will also clarify that membership or commercial retail sale of nicotine must be disclosed. Director Saher thanked the PZC for their careful review of the proposed text amendment and for their suggestions and clarifications. He said they have been noted and will be included in the final draft that will go before the Village Board.

MOTION was made by Commissioner Schultz, seconded by Commissioner Castillo, to close the public hearing on Application PZC 2019-19, Text Amendment – Temporary Moratorium on establishments related to the sale, use and possession of tobacco and nicotine related products at 7:41 p.m. and 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 during the Public Hearing process and make these standards a part of the official record for the Application and to recommend that the Village Board approve the Application PZC 2019-19 which approves a text amendment to the zoning code to provide a temporary moratorium on establishments related to the sale, use and possession of tobacco and nicotine related products.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Dannegger, Giannini, and Muir.

MOTION CARRIED

OTHER BUSINESS

A. Application Withdrawn (Close Public Hearing) - Variation of the Minimum Landscaped Surface Area for a Pool (40 Linden Road).

Application for the zoning variation has been withdrawn as Applicant and staff have arrived at a solution to construct the pool without requiring a variation. Staff recommends that the continued public hearing from the last meeting be closed through a motion of the Commission. *Applicant and Owner: Michael and Diann Tomaino*

Planner Verbeke said the proposal had been revised by installing a one-foot concrete pad and a wooden deck and it now complied with Village Code.

MOTION was made by Commissioner Riley, seconded by Commissioner Schultz, to close the public hearing on Application PZC 2019-18, variation for an in-ground pool at the property commonly known as 40 Linden Road.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Riley, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Dannegger, Giannini, and Muir.

MOTION CARRIED

STAFF REPORT:

Director Saher gave a PowerPoint presentation on how staff and the board would like to move forward with the redevelopment of Main Street. He provided an *Assessment, Plans* for the sale of Block C and a Concept for Block A, addressed *Issues* why it has not been developed as originally envisioned, and *Future Plans*. Staff is now recommending refocusing efforts toward restoring Main Street through the use of PUDs and review and revision of the Overlay District. Recommendations include using TIF resources to explore the "National Main Street America" model with an emphasis on recognizing and reusing what already exists. Staff will facilitate discussions and gather public comments.

Planner Tim Verbeke said there are four applications received for the November meeting.

ADJOURNMENT:

MOTION was made by Commissioner Riley, seconded by Commissioner Schultz, to adjourn the meeting. Voice Vote, all in favor. MOTION CARRIED. The meeting was adjourned at 8:12 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by:

