

APPROVED
**VILLAGE OF LAKE ZURICH
PLAN COMMISSION MINUTES
JULY 18, 2012**

The meeting was called to order by Chairman Crane at 7:01 p.m.

ROLL CALL: *Present* - Chairman Crane, Commissioners Martin, Stefaniu, Stratman, and Cushman. *Excused* – Commissioners Bowling, Jackson, Luby, and Tassi.

Also present: Village Planner Gadde, Building and Zoning Director Peterson. Chairman Crane noted a quorum was present.

Planner Gadde provided additional materials for Smalley Steel Ring Company and read staff findings into the record.

APPROVAL OF MINUTES:

APPROVAL OF THE JUNE 20, 2012 MEETING MINUTES OF THE PLAN COMMISSION:

MOTION was made by Commissioner Cushman, seconded by Commissioner Stratman, to approve the June 20, 2012 minutes of the Plan Commission as submitted.

Upon voice vote, all in favor.

PUBLIC MEETING:

SMALLEY STEEL RING COMPANY: To consider a site plans for the proposed parking lot addition at the subject property, 555 Oakwood Road, zoned in the Village's I-1 Limited Industrial District. Applicant – Kelly Sheehan, Flex Construction Corporation

MOTION made by Commission Martin, seconded by Commissioner Stefaniu, to receive into the official public record of the Application the staff review of compliance of this Application with these zoning standards as presented in Exhibit B. Voice Vote, all in favor. MOTION CARRIED

Kelly Sheehan, Flex Construction, gave an overview of their proposed parking lot expansion. They intend to add parking in front of their building along Oakwood, which will require a new drive aisle. The lot encroaches into the required front yard; therefore, they will appear before the Zoning Board of Appeals to request a variation. Ms. Sheehan reviewed the parking data and described the building and property appearance as well. The engineering plans were revised to reflect staff recommendations. The new materials given to the Plan Commission provided additional information and showed the detention and utility plan revisions and additional parking data.

MOTION was made by Commissioner Cushman, seconded by Commissioner Martin, to recommend the Board of Trustees approve the site plan for Smalley Steel Ring Company, 555 Oakwood Road, as presented this evening subject to provision of storm water detention.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

MOTION was made by Commissioner Cushman, seconded by Commissioner Martin, to approve the staff recommendations on Smalley Steel Ring Company subject to the conditions set down in the motions just concluded.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

Morgan Bronze Products: To consider exterior appearance plans for the proposed façade changes to the building at the Subject Property, 340 East Route 22, zoned in the Village's I-2 General Industrial District. Applicant – Al Arns, A+M Architects

MOTION made by Commissioner Cushman, seconded by Commissioner Martin, to receive into the official public record of the Application the staff review of compliance of this Application with these zoning standards as presented in Exhibit B. Voice Vote, all in favor. MOTION CARRIED

Al Arns, project architect, reviewed the exterior appearance of the existing 60,000-square foot building that has 7,000 square feet of office space. He displayed and reviewed colored renderings of the proposed exterior appearance and photographs of the existing building. He described the proposed materials that include a dryvit finish and an expanded 8-foot metal canopy in a silverish-gray color in the same location as the existing canopy but expanded. No changes to landscaping or lighting are proposed.

MOTION was made by Commissioner Cushman, seconded by Commissioner Martin, to recommend the Board of Trustees approve the exterior appearance plan for Morgan Bronze Products, 340 East Route 22, as presented this evening.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

MOTION was made by Commissioner Cushman, seconded by Commissioner Martin, to approve the staff recommendations on Morgan Bronze Products subject to the conditions set down in the motions just concluded.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

PUBLIC HEARINGS:

Martial Arts Studio: To consider a special use permit for a martial arts studio (SIC 7999) at the subject property, 796 South Rand Road, zoned in the Village's B-3 Regional Shopping District. Applicant – James J. Grund, Deerpath Court Retail Center, LLC

MOTION made by Commissioner Martin, seconded by Commissioner Cushman, to receive into the official public record of the Application the staff review of compliance of this Application with these zoning standards as presented in Exhibit B. Voice Vote, all in favor. MOTION CARRIED

The public hearing was opened at 7:22 p.m. The court reporter swore in those wishing to testify.

John Sfire, Deerpath Court Retail Center property owner, introduced the proposal to operate a martial arts studio and outlined the hours of operation (10 – 8:30 or 9 p.m. Monday – Saturday and possibly Sunday in the future) and type of training provided. He did not anticipate any noise issues.

MOTION was made by Commissioner Cushman, seconded by Commissioner Martin, to close the public hearing at 7:26 p.m. Voice Vote, all in favor. MOTION CARRIED

MOTION was made by Commissioner Cushman, seconded by Commissioner Martin, to recommend the Board of Trustees approve a special use permit for the Applicant, Bo Yeon Kim, for a martial arts studio (SIC 7999) at 796 South Rand Road.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

MOTION was made by Commissioner Cushman, seconded by Commissioner Martin, to approve the staff recommendations on a martial arts studio subject to the conditions set down in the motions just concluded.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

SMMJ Fitness, LLC: To consider a special use permit for a physical fitness facility (SIC 7991) at the subject property, 1298 Ensell Road, zoned in the Village's I-1 Limited Industrial District – Applicant – Marco Fernandez, SMMJ Fitness., LLC

MOTION made by Commissioner Cushman, seconded by Commissioner Stratman, to receive into the official public record of the Application the staff review of compliance of this Application with these zoning standards as presented in Exhibit B. Voice Vote, all in favor. MOTION CARRIED

MOTION made by Commissioner Stratman, seconded by Commissioner Stefaniu, to receive into the official public record of the Application the staff review of compliance of this Application with these zoning standards as presented in Exhibit B. Voice Vote, all in favor. MOTION CARRIED

The public hearing was opened at 7:29 p.m. The court reporter swore in those wishing to testify.

Tom Kabowski, SMMJ Fitness, presented his petition for a special use permit to allow a fitness center in the industrial district. He provided an overview of his proposed cross-fitness training center. He said this type of fitness training requires large open space and a minimum of a 20-foot ceiling. The unit is just over 6,000 square feet. Due to space needs, he has been unable to find a location after a one-year search. He also needs concrete floors and solid walls for his equipment and usage. Mr. Kabowski said the typical business or retail location would not have this size of a building available. He anticipates 15 people per class taught by a Level 1 certified trainer.

Commissioner Cushman said there have been long-running discussions about non-industrial uses in the industrial park and questions about compatibility of uses. Discussion followed.

Mr. Kabowski did not expect any conflicts with trucks. His classes will be held at 5:30 – 6:30 a.m. and at 5, 6, and 7 p.m. He does not have staff available to work the hours between 6:30 a.m. and 5 p.m. There may be some “team” work on Saturdays by the bay door. Some activities such as lunges and sprints will be held outdoors.

Margo Griffin, 27 S. Chestnut, Hawthorn Woods, said she is an Economic Development staff member for the Village of Huntley. She said this use is too close to residences and reviewed the Standards for Special Use Permits item by item illustrating why, in her opinion, this use is not compatible. She did not agree with the applicant’s statements and gave her reasons for disagreeing. She read Mike Hilt’s letter to Planner Gadde dated June 30, 2012 that states this type of use does not fit not the current industrial use zoning. She agreed with Mr. Hilt’s comments and asked for the Industrial Zoning Study to be completed before the Plan Commission approved such a use.

Frank Gambino, 22 S. Chestnut, Hawthorn Woods, is a representative of the homeowner’s association. He said his home is between 150-200 feet from the subject property. He objected to noise from the classes and the music because the dock doors will be open since the buildings do not have air conditioning. He would not object if the doors would remain closed. As proposed, Mr. Gambino believes this will have an adverse impact on the nearby homes.

Joseph Morrissey, 32 S. Chestnut, Hawthorn Woods, said he loves fitness but would ask that the activities remain indoors with the doors shut.

John Maas, owner of Screenflex, 585 Capital Drive, said trucks come in and out of his facility at all times. He asked that the current zoning be retained and mixed uses not permitted.

Mr. Kotlowski was asked to respond to the issues raised including proximity to homes, music, noise, especially early in the morning, outdoor activities, open bay doors, and conflict with truck traffic. He said he only has music for about 10-15 minutes for the workout phase, and it cannot be loud because they need to hear the trainer’s directions. He did not expect any noise from outdoor sprints. He would not use air conditioning even if it were available because it is part of the training to endure adverse conditions. Mr. Kotlowski reiterated his desire to establish himself in a location and to stay put. He said they are still reviewing the lease but it would be for multiple years and not a one-year lease.

Mark Schultz, 815 Oakwood, business owner and Industrial Council member, said there are 24-hour shifts, and he thought there would be conflicts with industrial employees coming and going to and from work. He is concerned about parking and the addition of daytime classes. Mr. Schultz also asked if this would limit industrial growth by allowing a mixed use in the place of an industrial use.

MOTION was made by Commissioner Cushman, seconded by Commissioner Stratman, to close the public hearing at 8:28p.m. Voice Vote, all in favor. MOTION CARRIED

Some commissioners also stated their concerns about open doors and the mixed use in the industrial park. It was pointed out that industrial uses are permitted, and they could also impact the residences. Director Peterson said the Industrial Zoning Study Group had not made any recommendations yet, and this is a permitted special use at this time.

MOTION was made by Commissioner Cushman, seconded by Commissioner Stratman, to recommend the Board of Trustees approve a special use permit for the Applicant, Marco Fernandez, for a Physical Fitness Facility (SIC 7991) at the subject property with the condition that the use of the business create noise at the property no louder than would be permitted for a permitted Industrial Use.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

MOTION was made by Commissioner Cushman, seconded by Commissioner Stefanui, to approve the staff recommendations on SMMJ, LLC, subject to the conditions set down in the motions just concluded.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

MOTION was made by Commissioner Cushman, seconded by Commissioner Stefaniu, to recess the meeting to change the video tape at 8:50 p.m. Voice Vote, all in favor. MOTION CARRIED

MOTION was made by Commissioner Stratman, seconded by Commissioner Cushman, to reconvene the meeting at 8:59 p.m. Voice Vote, all in favor. MOTION CARRIED.

The meeting was recessed from 8:50 to 8:59 p.m. and reconvened with a quorum present.

DOWNTOWN FORM-BASED REGULATIONS (FBR): To consider certain text and map amendments to the following documents:

1) The set of plans, drawings, charts, and text titled “Village of Lake Zurich Planning Charette” prepared by Torti Gallas and Partners, dated December 15, 2008.

2) The “Lake Zurich Downtown Form-Based Regulations,” prepared by Torti Gallas and Partners, dated December 15, 2008.

3) Ordinance 2008-12-603 establishing the FBR Overlay District

4) FBR Overlay District Map

Applicant – Village of Lake Zurich, Presenter Todd Vanadilok, AICP, Teska & Associates

MOTION made by Commission Stratman, seconded by Commissioner Cushman, to place into the official record of the Application the staff review of compliance of this Application with these zoning standards as presented in Exhibit B. Voice Vote, all in favor. MOTION CARRIED

The public hearing was opened at 8:59 p.m. The court reporter swore in those wishing to testify.

Planner Gadde introduced the proposed changes and summarized his memorandum dated July 10, 2012 that outlines the recommendations that came from collaboration with staff and Teska & Associates. The changes had been presented to the Village Board on June 18, 2012, as a courtesy review. He noted a correction on staff recommendation B to state, “Standards for PUD” rather than “Design Guidelines”.

Todd Vanadilok, Teska & Associates, gave a power point presentation detailing the proposed amendments and allowed questions and comments during the presentation. His presentation points were also included in his memorandum dated July 12, 2012 to Village staff. He said the proposed amendments intend to clarify the development process to make it more user-friendly, to provide greater flexibility to property owners and developers in the difficult economic climate, and to maintain the Village’s ability to maintain control on design form and use.

Per his memorandum dated July 12, 2012 to Village staff, Mr. Vanadilok provided the rationale for the amendment followed by the recommended amendment for:

- 1) Combination of the FBR Overlay District with the Downtown Overlay District
- 2) Application of Overlay District and Base District
- 3) Additional of Financial Services to Permitted Uses
- 4) General Parking Standards
- 5) Village of Lake Zurich form Based Regulations (FBR)

Further review and discussion followed.

MOTION was made by Commissioner Martin, seconded by Commissioner Stratman, to close the public hearing at 9:36 p.m. Voice Vote, all in favor. MOTION CARRIED

MOTION was made by Commissioner Cushman, seconded by Commissioner Stratman, to recommend the Board of Trustees approve a combination of the original FBR Overlay District referred to in Section 7-503 of the Ordinance with the original Downtown DR Downtown Overlay District creating an expanded Overlay District as depicted in Exhibit C attached hereto.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

MOTION was made by Commissioner Cushman, seconded by Commissioner Martin, to recommend the Board of Trustees approve the removal of the following Form Based Regulations (FBR documents) referred to in Section 7-504 of the ordinance from the Zoning Code and make them standards for Planned Unit Developments specifically the set of plans, drawings, charts, and text titled "Village of Lake Zurich Planning Charette" prepared by Torti Gallas and Partners, dated December 15, 2008, and the "Lake Zurich Downtown Form-Based Regulations," prepared by Torti Gallas and Partners, dated December 15, 2008. Thus the underlying based Zoning Districts in the modified DR Downtown Overlay District regulations will control as zoning regulations.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

MOTION was made by Commissioner Stratman, seconded by Commissioner Stefaniu, to recommend the Board of Trustees approve changes to the Lake Zurich Downtown Form Based Regulations as recommended in the attached memo from Teska & Associates, Inc. dated July 12, 2012.

Upon roll call vote:

AYES: 5 Chairman Crane, Commissioners Cushman, Martin, Stefaniu, and Stratman.

NAYS: 0

ABSENT: 4 Commissioner Bowling, Jackson, Luby, and Tassi

MOTION CARRIED

MOTION was made by Commissioner Cushman, seconded by Commissioner Stratman, to approve the staff recommendations on Downtown Form Based Regulations (FBR) subject to the conditions set down in the motions just concluded. Voice Vote, all in favor. MOTION CARRIED

PLAN COMMISSION REPORT

A. Update and discussion on Business District Zoning Regulations – tabled
Plan Commission review will take place as time permits.

STAFF REPORT

A. Update on upcoming projects – Presented by Building and Zoning Director Peterson. He said he has been receiving more inquiries regarding development and has noted that development is moving forward. He provided an update on various projects and said they are moving forward quickly.

B. Next Plan Commission Meeting – August 15, 2012 – No applications received yet.

ADJOURNMENT:

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

The meeting was adjourned at 9:45 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by: /s/ Tim Jackson, Chairperson 9/19/2012