PLAN COMMISSION MINUTES
July 9, 2012

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Wolter, Commissioners Stauffacher, Warren, Gray, Trustee Representative David Baum and Village Planner Jeff Retzlaff. Commissioner Peck was absent and excused.

PUBLIC INPUT: None

PREVIOUS MINUTES: ***MOTION Baum second Stauffacher to Approve the Minutes from June 11, 2012.***

MOTION carried unanimously.

BMO Harris Bank – W156 N11150 Pilgrim Road. The bank is requesting approval for replacement signage for the bank building and property. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the replacement signs for the BMO Harris Bank building and property located at W156 N11150 Pilgrim Road as proposed subject to the following conditions:

1. ***If electrical equipment/components need to be replaced, electrical permits shall be obtained from the Building Inspection Department prior to installation.***
2. ***All electronic components shall be inspected and labeled by a licensed lab.***
3. ***The monument ground sign shall be revised to ensure the height (i.e. highest point including decorative sign base) does not exceed a maximum of 10 feet above the finished grade within three feet of the sign base. A revised plan sheet showing the proposed monument sign and required revisions set forth herein shall be submitted to the Village planner for review and approval prior to installation of the monument sign.***
4. ***The monument sign shall be mounted on a decorative base comprised of stone or brick that is compatible with/complimentary to the principle building. Said base shall extend a minimum height of two (2) feet above the finished grade and include the address coordinates for the property (min. 5" letter height is required).***
5. ***A landscape plan shall be prepared that shows the minimum required amount of landscaping around the monument sign base, i.e. min. 3' radius extending outward and around said base. Said plan shall be submitted to the Village Planner for review and approval prior to installation of the monument sign.***

MOTION carried unanimously.

WLCFS – Christian Family Solutions – W175 N11120 Stonewood Drive. Daniel Degner, CEO for WLCFS is requesting approval for monument signs for the office building and property. Planner Retzlaff summarized the proposal. He said the property was previously a multi-tenant building and had 2 monument style tenant signs. He explained that because the sign code changed to only allow 1 monument sign per business, the 2 existing signs are non-conforming. He added that if the new signs had not already been installed, the non-forming signs could remain if only the sign face was replaced.

Dan Degner, CEO WLCFS explained the signs were generously donated and installed without his knowledge before obtaining the proper permits and approvals. He asked to keep the 2 signs because when people come for counseling, they are not thinking clearly and a second sign would direct them if they missed the first sign.

Planner Retzlaff said the Board of Zoning Appeals would need to decide if multiple signs are allowed and Plan Commission does not have the authority to approve 2 signs. Chairman Wolter said a variance would be needed. Planner Retzlaff said Plan Commission could approve the 2 signs subject to the determination of the Village Attorney.

MOTION Baum second Stauffacher to Approve one (1) replacement monument sign for the WLCFS office building located at W175 N11120 Stonewood Drive subject to the following conditions:

1. ***WLCFS shall submit a revised site plan indicating the final monument sign location and associated landscaping to the Village Planner for review and approval prior to installation. Only one (1) monument sign shall be permitted in the street yard adjacent to Stonewood Drive.***
2. ***Depending on the final sign location, additional landscaping that complies with the minimum requirements, i.e. min. 3' radius around the sign base may be required. If necessary, the revised site plan shall identify the type, quantity and location of the required landscaping around the sign base.***
3. ***The existing flood lighting shall be screened with landscaping or shielded to reduce glare/visibility from the public right-of-way.***
4. ***If electrical equipment/components need to be replaced, electrical permits shall be obtained from the Building Inspection Department prior to installation.***

MOTION to Amend Baum second Stauffacher to add Condition #5 to allow 2 signs as presented if the Village Attorney indicates that Plan Commission is allowed to grant 2 signs..

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Scott Strutz – N97 W16341 Tippicanoe Ct. The property owner is requesting approval to install a 6' high residential privacy fence in the front yard of the property. Planner Retzlaff summarized the proposal.

MOTION Baum second Warren to Approve the 6' high privacy fence as proposed for the Scott Strutz property located at N97 W16341 Tippicanoe Court subject to the following conditions:

1. ***A building permit shall be obtained prior to installation***
2. ***A minimum setback distance of 2' is required from the nearest point of the fence to the cul-de-sac right-of-way.***
3. ***The fence shall comply with all other residential fence requirements in Section 17.50(2)(f) of the Zoning Code.***

MOTION carried unanimously.

Christian Life Center – W156 N9666 Pilgrim Road. Pastor Hanthorn, agent for Christian Life Center, is requesting renewal of Conditional Use Permit #12-04 to allow the continued operation of a church from the property. Planner Retzlaff summarized the proposal.

Pastor Hanthorn explained that he discovered the expired CUP and wanted to renew it. Chairman Wolter said he appreciated him coming forward to do so.

MOTION Baum second Warren to Approve an extension of Conditional Use Permit #12-04 for Christian Life Center Inc. to allow the continued operation of a church from the property located at W156 N9666 Pilgrim Road subject to the following revised conditions:

1. ***If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to mitigate or eliminate harmful effects associated with the use but are subsequently insufficient to do so, or for similar cause based upon consideration for the public comfort, safety and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
2. ***Church activities shall be limited to the tenant area currently in use with any significant increase in area or other change in use subject to review by Village staff and/or the Plan Commission and Village Board as part of an amended CUP.***
3. ***This CUP shall be valid for a period of five (5) years from the date of adoption and may be renewed for a subsequent five year period if deemed appropriate by the Village Board.***
4. ***Any exterior building modifications (including exterior lighting) and/or site***

improvements require review/approval by the Village. All exterior signage, including temporary signs, require a permit from the Village. Interior renovations may require a building permit; the owner is responsible for contacting the Village and obtaining all necessary permits or approvals.

5. ***This conditional use permit shall be non-transferable. In the event there is a change in the operation of the church by Christian Life Center Inc. subject of this CUP, this CUP shall be become null and void. A new CUP shall be required in order for any new or different church to commence operation from this property.***
6. ***The property owner shall continue to pay property taxes on the subject property to the extent required by law.***

MOTION carried unanimously.

Gail & Greg Heinzen – N140 W19155 Cedar Lane. The Heinzen's, owners of a 6.6 acre residential property are proposing an amendment to Section 17.41 (Residential Accessory Buildings) that would allow two (2) attached garages on a residential dwelling in the Rs-1 Single Family Zoning District. Planner Retzlaff summarized the proposal. Mr. Heinzen said he had been given bad information and got into a lot of trouble. He said has been working with Trustee Kaminski and Baum to make things right. He said he collects cars and does not want to put them in an outbuilding.

Trustee Kaminski spoke in support of the Heinzen's. She asked why 2 attached garages are not allowed, what difference does it make. She said the Heinzen house design is aesthetically appealing and hopes the ordinance moves forward so that anybody, when constructing a home, can build two attached garages, if they look like the home and have continuity. The past is the past and the Heinzen's want to make it right and move forward.

MOTION Baum second Gray to Approve the proposed amendment to Section 17.41.

Planner Retzlaff said the amendment language was written by Heinzen and the process and support of the amendment is what you do when you request a variance. He said the Heinzen's went to the Board of Zoning Appeals and were denied a variance. He said this code change is for their specific circumstances and if we start making code changes based on individual desires it is a slippery slope for the next person coming in wanting to change the code for their circumstances if they don't get what they from the Board of Appeals. Commissioner Gray said the language should be rephrased and questioned if it was a bad idea to approve the change.

Planner Retzlaff said he did not have other people complaining about the code – only the Heinzen's. He explained the code was changed a few years ago to make

it easier for everyone to have a bigger garage and detached accessory buildings. He said the code used to be restrictive until the Building Inspector came to him asking for a change because of a number of issues and complaints due to restrictions. Trustee Kaminski said the Village Attorney was working on language and it should be worded so it does not specify just for collectable cars and must look like the house and have continuity.

Trustee Baum said the 2 garages will not impact the neighbors and the house looks pleasing so he supports the change. Commissioner Gray said the wording in the amendment needs to be worded correctly.

MOTION to Amend Gray second Warren to have the Village Attorney look and draft language and written to not accommodate one specific case.

MOTION to Amend carried unanimously.

Commissioner Stauffacher said this is not a reason to change the code. He said this could look terrible on a different situation and he doesn't agree with the reasons. Trustee Baum responded by asking why Mr. Heinzen can't enjoy his property if there is no hardship and it will not affect anybody. Stauffacher said you don't change the code because it is right for one situation. No ordinance that we have is designed for one person and one set of circumstances. He said we have zoning ordinances because you cannot do anything you want regardless if it affects your neighbor or not.

Commissioner Warren said the Heinzen's should have appealed the Board of Zoning Appeals decision and he was nervous about changing the ordinance for an individual situation.

Trustee Kaminski said the ordinance should be drafted correctly and could discuss the garage can't be more than x percentage of the square footage of the house. She said it doesn't hurt anyone to have 2 garages as long as it looks good.

MOTION to Amend Gray second Stauffacher to Postpone action until the Village Attorney drafts language.

Gray added that Planner Retzlaff should be a part of drafting the language. Retzlaff stated he did not propose the amendment and asked for direction. He said there are many questions to be addressed including:

- Should the change include Rs-1 zoning only or apply to other zoning districts
- Should there be a limitation on parcel size
- Should there be a limitation on 1 or more or should there just be 2 attached garages
- Restrict use
- Percentage or maximum square footage

- What other limitations and parameters
- Aesthetics.

Planner Retzlaff explained the ordinance was revised because the Building Inspector told him there were problems with the current limitations on accessory buildings and he discovered every couple of years there was an amendment to the accessory building requirement because of some problem. Retzlaff worked with the Building Inspector and proposed a sliding scale to be used as part of the rules that allowed more and bigger accessory buildings for everyone that was based on the size of the property.

Chairman Wolter asked if there are additional points for the Planner and Attorney to look at so the change is not specific to Mr. Heinzen but written in a Village wide format so it incorporates different types of situations and is also fair.

Trustee Baum debated the definition of garage asking if a garage is just for vehicles or could it be a work area. Planner Retzlaff questioned if he is asking him to re-write the concept of a garage. Commissioner Gray suggested requiring Plan Commission approval as a safeguard if someone proposes 2 garages. Stauffacher supported her idea. Chairman Wolter defined the idea as not having to redefine the term garage and any proposal for more than 1 attached garage would need Plan Commission review.

Commissioner Warren said Board of Zoning Appeals should decide on a case by case basis and if denied the applicant should follow the appeal process.

Planner Retzlaff said changing the zoning code is the only avenue the Heinzen's have to try and get what they want to comply with what they already constructed. Baum said or they could have a different interpretation of the names of the spaces.

MOTION to Postpone carried 3-2 (Baum, Warren)

Planner Retzlaff said it is someone problematic for him to fix a problem he doesn't believe exists and what if in crafting language that doesn't fit with what Mr. Heinzen wants or are you telling staff to craft the wording to accommodate the things you've kicked around and make sure that what Mr. Heinzen wants fits in with the regulations being drafted. Chairman Wolter said yes, but not only for Mr. Heinzen's purpose but for future other buildings or builders that want to do something similar.

Trustee Baum said he is trying to change the mindset of what a garage is, and then we don't need to do this at all. Retzlaff suggested eliminating the number you can attach as vehicle storage and create as many rooms as you want and they don't count against your garage allowance because the garage allowance is only for detached buildings. Trustee Baum said don't change the code, change the word on the floor plan and allow a u-shaped garage that is all connected and is one

giant space. It is a solution for this particular case.

Planner Retzlaff asked if Planning Commission is directing him to change his interpretation on the plan. Trustee Baum said he can support the position that these spaces are contiguous and all the same use therefore they are 1 attached garage. Chairman Wolter said Plan Commission is looking for 2 things. One being to look at the code to change and accommodate and the other to look at the floor plans to see if it falls within the 1 attached garage allowance versus 2 separate.

Commissioner Stauffacher said he wants Planner Retzlaff to give his opinion and views once the code is revised.

ANNOUNCEMENTS: Commissioner Gray said she noticed as landscape plans are brought forward for review with site plans they are not stamped by a registered landscape architect. Planner Retzlaff said there is no specific requirement for landscaping plans to be prepared by a landscape architect. Chairman Wolter asked Commissioner Gray if the stamp should be required in the future and requested that she be involved in helping the Village create a list of acceptable trees and bushes.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant