

**PLANNING, BUILDING AND ZONING COMMISSION SPECIAL MEETING
VILLAGE OF HAWTHORN WOODS
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS
THURSDAY, OCTOBER 6, 2011
6:00 PM**

MINUTES

I. Call to Order and Roll Call

Chairperson Rein called the meeting to order at 6:00 pm. Roll call indicated that the following members were present: Chairperson Rein and Commissioners Merkel, Thomas, LaGro and Kaiser. Commissioner Salvi arrived at 6:05 pm. Commissioner Lindquist was absent. Also in attendance were CAO Lobaito and acting Village Attorney Mr. Pat Brankin. Village Board Trustee Liaison DiMaggio arrived at 6:30 pm.

II. Opportunity for the Public to Address the Commission

There were no members of the public that desired to address the Commission.

III. Public Hearings

A. Public Hearing for the Consideration and Recommendation of a Zoning Text Amendment – Title 9, Section 9-8B-4: Special Uses Within the AB Agricultural Business District – Addition of Snow Plowing Operations – Applicant, Village of Hawthorn Woods.

The public hearing was opened with a motion by Mr. Thomas and a second by Mr. Merkel. All Commissioners present voted YES in favor of opening the public hearing.

CAO Lobaito explained the background and rationale for the text amendment, as referenced in the Staff memo provided to the Commission. There were no comments or questions by the general public or other members of the audience. With the intent of the text amendment and Staff recommendation being clear, there was no significant discussion among Commissioners.

The public hearing was closed with a motion by Mr. LaGro and a second by Mr. Thomas. All Commissioners present voted YES in favor of closing the public hearing.

A motion to recommend approval of the zoning text amendment concerning the addition of snow plowing operations was made by Mr. LaGro and seconded by Mr. Thomas. All Commissioners present voted YES in favor of recommending approval of the zoning text amendment.

B. Public Hearing for the Consideration and Recommendation Upon Annexation of (1) Rezoning of Property located at 24414 N. Old McHenry Road to AB Agricultural Business with Special Use Permits for Accessory Agricultural Buildings; Cultivation of Field and Garden Crops; Fences; Greenhouse, Nonretail; Landscape Architect Office; Landscape Contracting

Business, Snow Plowing Operations and Equipment Yard; and Nursery, Tree or Shrub, Retail or Nonretail; and (2) Future Business/Commercial/Retail Uses.

The public hearing was opened with a motion by Mr. Thomas and a second by Mr. Merkel. All Commissioners present voted YES in favor of opening the public hearing.

CAO Lobaito explained the background, various details and Staff recommendations, as referenced in the Staff memo provided to the Commission. Ms. Lobaito also stated that tonight's public hearing included potential future business/retail uses on the property. Chairperson Rein swore in all members of the audience intending to address the Commission.

Mr. Bob Atwater, owner of Apex Landscaping, 3145 Landwehr Road, Northbrook, Illinois, addressed the Commission and members of the public, providing a history of the Apex business and the scope of their business operations. He provided on-screen photographs for viewing by the Commission and public, showing a number of views of their current Northbrook facility. In a side-note, CAO Lobaito reported that an unscheduled visit was made to the Apex Northbrook location by Hawthorn Woods Code Enforcement Office Dan Thake, and that his report on the site visit was completely positive. In addition, there were no Northbrook Police Department complaints found about the facility or its operations.

Mr. Atwater indicated that he intends to buy the existing Pugsley & LaHaie LTD landscaping business and property generally located at the southeast corner of Old McHenry and Quentin roads in unincorporated Lake County, and will seek annexation into the Village of Hawthorn Woods. He generally intends to recreate their Northbrook facility and current business operations as seen in the photographs he presented, and this will include snow plowing services.

Mr. Atwater stated that approximately 55 vehicles of various types will be involved at their new Hawthorn Woods facility, but that no new buildings are being added on the property at this time. Ms. Rein stated that Apex will create a parking area on the property that is appropriate for their operations, and that the parking area will conform to Hawthorn Woods requirements including landscaping screening per a plan to be approved at a later date. Mr. Atwater also reported that a traffic study has been completed with the Lake County DOT, and that the County is not requiring any changes in roadway configuration or traffic control signs/signals due to their operations.

Mr. Atwater presented to the Commission information on how he believes his request meets the three standards for the issuance of a special use permit:

1. That the proposed use is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvement in the vicinity; and
3. That the proposed use will comply with the regulations and conditions specified in the zoning code for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

Three members of the public living near the property addressed the Commission and expressed various concerns, including the potential for increased traffic due to snow plowing and general operations, the possibility of undesirable views into the property from their homes, concern about currently unknown future uses on the property, and concerns that their residential properties might become forcibly annexed by the Village of Hawthorn Woods.

CAO Lobaito offered clarification to these members of the public, indicating that the Apex request for annexation into the Village of Hawthorn Woods is strictly voluntary, and that the Village cannot forcibly annex Forest Lake properties. Mr. LaGro expressed concern about the scope of the Lake County DOT traffic study, and the determination that no turn lane or traffic controls are required. He indicated that the entrance to the property is at a "bottle-neck" area of Old McHenry Road, between Quentin Road and Lagoon Drive, and that there is substantial traffic present at certain times of the day. A primary concern is for vehicles turning left out of the property to go northwest-bound on Old McHenry Road. Mr. Robert LaHaie, current owner of the property, stated that he does not expect any great impact on traffic from the new operations.

Mr. Thomas sought clarification regarding approval of any future uses on the property, including what the process would be in considering such currently unknown uses, and that a site plan specific to any such future uses must be approved before they would be allowed. CAO Lobaito stated yes, there would be a full public meeting process for the use being sought at that time. Ms. Rein suggested that due to the current time of year, Village Staff should consider allowing Apex to install any new landscaping in the spring of 2012.

The public hearing was closed with a motion by Mr. Merkel and a second by Mr. Thomas. All Commissioners present voted YES in favor of closing the public hearing.

On the matter of recommending approval of rezoning of the property, a motion to do so was made by Mr. LaGro with a second by Mr. Merkel. All Commissioners present voted YES in favor of recommending rezoning approval.

On the matter of recommending approval of special use permits subject to:

- A) Allowing for all **existing** buildings; any additional requests for buildings, structures, parking would require an amended Special Use Permit.
- B) Site plan prepared by InfraLand Engineering Consultants and dated March 10, 2011.
 1. Installation of a driveway and parking lot as depicted on the site plan in accordance with all Village ordinances and regulations.
 2. Screening and landscaping around the open parking area in accordance with Section 9-11-3H3 of the Village Code, done within six months of property purchase closing, and subject to review and approval of the landscaping plan by village staff,
- C) Adherence to the business plan submitted by Robert Atwater, Apex Landscaping, Inc. dated October 6, 2011.
- D) Adherence to all other applicable ordinances and regulations, including but not limited to the determinations of the County per the traffic study.

E) Existing residential uses shall be allowed. However, at such time as any residential use for any of the structures ceases for any reason whatsoever, residential use shall not be allowed to be re-established in that structure.

a motion to do so was made by Mr. LaGro with a second by Mr. Thomas. All Commissioners present voted YES in favor of recommending special use permit approval.

On the matter of recommending consideration of future business/commercial/retail uses, yet to be determined, a motion to do so was made by Mr. Kaiser with a second by Mr. Salvi. All Commissioners present voted YES in favor of recommending consideration of future business/commercial/retail uses on the property that may be beyond the scope of current business operations, specifically those uses that are permitted under the B Business zoning district, upon site plan approval by the Village Boards, **excluding** automobile and boat sales shops, motor vehicle sales establishments, tobacco shops, automobile service facilities including oil change, brake and muffler repair and other similar services, automobile service station for the sale of petroleum products and permitted retail goods, liquor stores and public utility facilities..

C. Public Hearing for the Consideration and Recommendation of a Zoning Text Amendment – The Addition of Chapter 18, Solar Energy Systems – Applicant, Village of Hawthorn Woods.

The public hearing was opened with a motion by Mr. Salvi and a second by Mr. Thomas. All Commissioners present voted YES in favor of opening the public hearing.

CAO Lobaito explained that this action simply and more appropriately places the amendment concerning solar energy systems in the Zoning Code instead of the Building Code.

The public hearing was closed with a motion by Mr. Thomas and a second by Mr. Merkel. All Commissioners present voted YES in favor of closing the public hearing.

A motion to recommend approval of the placement of the zoning text amendment in the Zoning Code rather than the Building Code was made by Mr. Thomas, with a second by Mr. Kaiser. All Commissioners present voted YES in favor of recommending approval of placement of the text amendment in the Zoning Code.

D. Public Hearing for the Consideration and Recommendation of a Zoning Text Amendment – Title 9, Section 9-3-12; Skateboard Pipes and Ramps.

The public hearing was opened with a motion by Mr. Thomas and a second by Mr. Merkel. All Commissioners present voted YES in favor of opening the public hearing.

CAO Lobaito reported that Village concern has arisen regarding what types of recreational equipment should properly fall within the definition of “Playground Equipment,” and indicated that the Village needs to conduct more research into the types and definitions of recreational equipment that may be considered to be “Playground Equipment.” Staff recommends that this public hearing be continued until November 8, 2011, to allow time for further research to be conducted.

A motion to continue this public hearing to November 8, 2011 was made by Mr. Salvi with a second by Mr. Thomas. All Commissioners present voted YES in favor of continuing the public hearing. The public hearing remains open at this time.

E. Continuation of a Public Hearing for the Consideration and Recommendation of a Zoning Text Amendment – Title 9, Chapter 12; Signs – Applicant, Village of Hawthorn Woods.

This public hearing has remained open as a result of a continuation vote at the September 13, 2011 meeting.

CAO Lobaito assured Commissioners that the Village Attorney will review the zoning text amendment for conflicts of any kind prior to Village Board review. Commissioners reviewed the amendment page-by-page and discussed issues as they arose. One of the first issues was a general lack of understanding about the definition of a “foot-candle.” A foot-candle is a standard unit of measure for illumination, and is relevant in developing an acceptable requirement for illumination of signs, buildings and other areas, to be sure that they are neither too bright nor too dim. Ms. Lobaito performed an Internet search during the hearing, and successfully found the official definition of a foot-candle. As described, Commissioners generally found the level of illumination equal to one foot-candle to be a very soft, rather dim light level – essentially the amount of light given off by one candle. Mr. Thomas recommended that the Village purchase a standard light meter for future measurements as needed.

In general discussion, Ms. Lobaito noted that “public” signs are considered to be “exempt signs.” Mr. Kaiser raised the question: Is a flag a sign if it has words on it? He suggested adding “words” to paragraph G on page 10. Also, on page 12, delete the letter “s” on D1.

For section 9-12-8, under subheading General Standards (1): Commissioners discussed whether or not a sign can contribute to the overall architecture of a building. This discussion flowed, in part, from the issue of horizontal versus vertical sign orientation, and whether or not vertical signs are acceptable to the Village. Mr. Thomas suggested that the text amendment simply state that horizontally oriented signs are preferred. Ultimately the Commission consensus was to strike paragraph #1 entirely, and address sign orientation as the need arises.

Mr. Kaiser noted there are capitalization errors on page 15 in sentences 1 and 2 of paragraph C1 (the E in Every should be lower case). Ms. Rein noted that, on page 18, after F. Regulatory Signs, the line “Signs Accessory to Automobile Service Stations: Items for sale on the premises” should be labeled (G) and should include the phrase: “Items for sale on premises shall not be openly displayed outside of the principal building.” The “Unified Sign Plan” section which follows, should be relabeled as (H).

A motion to close the public hearing was made by Mr. Salvi with a second by Mr. Thomas. All Commissioners present voted YES in favor of closing the public hearing.

A motion to recommend approval of the zoning text amendment concerning signs was made by Mr. Salvi with a second by Mr. Thomas. All Commissioners present voted YES in favor of recommending approval of the amendment.

F. Continuation of a Public Hearing for the Consideration and Recommendation of a Zoning Text Amendment – Title 9, Chapter 9A; Architectural Overlay District Ordinance – Applicant, Village of Hawthorn Woods.

This public hearing has remained open as a result of a continuation vote at the September 13, 2011 meeting.

Commissioners had a brief final discussion about the text amendment for the Architectural Overlay District, including a discussion about “aesthetic” lighting versus lighting for signage, walkways and parking areas that must be oriented generally downward (i.e. in basic compliance with the reduced scattered light concept of the International Dark Sky Association standards). The issue of not scattering light outward and upward into the night sky appeared to be of general importance to Commissioners. The consensus was that light intended for illumination of signs, buildings, walkways and etc., should be focused where it is needed and not beyond the area of its intended purpose.

CAO Lobaito indicated that before the amendment comes before the Village Board it will have been thoroughly reviewed by Village Planning Consultant Al Maiden as well as the Village Attorney. In paragraph N3, Ms. Rein questioned the definition of “appropriate entity,” in paragraph B3 (on page 20 re: Pedestrian and Bicycle Access) suggested a coma after the word “pathway,” and, on page 23 re: Furniture; Structures; Planters in H2 deleting “a” before resting and adding an “s” to the end of “spots.”

The public hearing was closed by a motion from Mr. Thomas and a second by Mr. LaGro. All Commissioners present voted YES in favor of closing the public hearing.

A motion to recommend approval of the zoning text amendment for the Architectural Overlay District was made by Mr. Merkel with a second by Mr. Kaiser. All Commissioners present voted YES in favor of the recommendation.

IV. Approval of Minutes

A. Approval of the Minutes of the September 13, 2011 Planning, Building and Zoning Commission Meeting.

Mr. LaGro abstained from discussing and voting on the minutes since he was absent at the September meeting.

Mr. Merkel noted that he had said, “more single family homes on smaller lots in the future.” Ms. Lobaito noted the typo OIF in the heading on the front page of the minutes. Mr. Thomas noted that he found himself listed as “Mr. Arnold.” Mr. Kaiser noted that “signature model” should be capitalized. Ms. Rein noted that Trustee Liaison DiMaggio was present at the meeting, having arrived at 6:15 p.m. Ms. Rein also suggested adding the word “applicant’s” to Section III, paragraph one, sentence three (as in The Village rejected the applicant’s Plan...)”

A motion to approve the corrected Minutes was made by Mr. Thomas with a second by Mr. Salvi. All Commissioners present (except Mr. LaGro, who Abstained) voted YES in favor of approving the Minutes.

V. Department Head Report

CAO Lobaito noted that the interview process for selecting a new Village Attorney is ongoing. She also noted that beginning in 2012 a Village attorney will be present at all future Planning, Building and Zoning meetings. She also advised that the Village court appeal on the matter of the annexation of property at Quentin Road and Route 22 is ongoing. Finally, Toll Brothers will be back with an amended PUD at the November 2011 meeting.

VI. Discussion

No further discussion of Village business took place.

VII. Adjournment

With a motion to adjourn the meeting from Mr. Thomas and a second from Mr. Salvi, the meeting was unanimously adjourned at 9:10 pm.

A handwritten signature in black ink, appearing to be 'J. Salvi', with a long horizontal line extending to the right.