

**VILLAGE OF ALGONQUIN  
PLANNING AND ZONING COMMISSION  
Meeting Minutes  
William J. Ganek Municipal Center-Board Room  
August 12, 2013**

**AGENDA ITEM 1:** Roll Call to Establish a Quorum

Present: Chairperson Patrician; Commissioners Hoferle, Szpekowski, Sabatine, and Sturznickel.

Absent: Commissioner Neuhaufen and Zaplatynsky.

Staff Members Present: Russ Farnum, Community Development Director; Katherine Parkhurst, Senior Planner; Ben Mason, Senior Planner; Dan Lynch, Christopher Burke Engineering; and Kelly Cahill, Village Attorney.

**AGENDA ITEM 2:** Approval of Minutes from the July 8, 2013 Meeting.

Chairperson Patrician entertained a motion to approve the July 8, 2013 minutes. Commissioner Hoferle motioned and Commissioner Sabatine seconded a motion to approve the minutes as presented. The voice vote noted all ayes and the motion carried.

Chairperson Patrician noted that the following items would be brought before the Planning and Zoning Commission for consideration this evening.

- Consideration of a Request for a Final Planned Unit Development (**Case No. 2013-11. Oakridge Court Lot 2**)
- Consideration of a Request for a Rezoning from B-1 and R-2 to O-T, Final PUD, Plat of Consolidation, and Special Use Permit (**Case No. 2013-10. Oktober Wolfe Cidery and Restaurant**)

**AGENDA ITEM 3:** Consideration of a Request for a Final Planned Unit Development (**Case No. 2013-11. Oakridge Court Lot 2**)

**OPEN PUBLIC MEETING AND ESTABLISH QUORUM**

Mrs. Parkhurst called roll to verify a quorum. Present: Chairperson Patrician; Commissioners Hoferle, Sturznickel, Szpekowski, and Sabatine. Absent: Commissioners Neuhaufen and Zaplatynsky.

**PETITIONER COMMENTS**

Representing Algonquin Penney II, LP, was Lee Christensen, the property owner. Mr. Christensen walked the Commissioners through the site location, architecture of the building and the tenants proposed for the outlot building in the Oakridge Court shopping center.

## STAFF AND COMMISSION QUESTIONS/COMMENTS

Mr. Mason gave a brief overview of his memorandum of August 12, 2013. He explained the petition is for a final planned unit development to allow a multi-tenant retail building in the Oakridge Court shopping center located between Chase Bank and Sonic. The petitioner has already modified the site plan per staff comments to eliminate two rows of parking and replace with landscaping. The site is over parked and this area can later be used for parking if the tenant mix in the retail building requires additional parking. Staff requested the entire building be constructed of brick, eliminating the dryvit around the top of the building. The petitioner revised the plans to show the Commission additional brick at the rear of the building. Staff recommends the final planned unit development.

*Chairperson Patrician* inquired if there were any Commissioner questions or comments.

*Commissioner Hoferle* asked if the following issues from the staff memos were addressed: parking, traditional storm sewer design, lighting fixtures. Mr. Christensen stated these issues have all been addressed. *Commissioner Hoferle* stated the building is visible for all sides and he feels the entire building should be brick with no dryvit. Mr. Christensen mentioned the outlot building materials and design tie in with the overall shopping center, as the in lines stores have dryvit for the sign band area.

*Chairperson Patrician* asked Commission members to state their opinions on dryvit versus brick.

*Commissioner Szpekowski* stated she prefers all masonry. *Commissioner Szpekowski* asked if there would be room in the future for a drive-through at this location. Mr. Mason stated that is not being considered at this time. If the developer wished to have a drive-through in the future, they would come back before the Commission for a special use permit and the traffic flow pattern would be evaluated at that time. *Commissioner Szpekowski* inquired where the monument sign would be located and why a multi-tenant building was getting a monument sign. Mr. Farnum stated the monument sign will be located along Randall Road and will only have two panels no matter how many tenants are in the building.

*Commissioner Sabatine* noted he prefers a full masonry building.

*Commissioner Sturznickel* noted he is fine with the dryvit on the building. Dryvit used to be more of a concern when the entire wall was dryvit and people and cars were hitting it.

*Chairperson Patrician* asked for clarification on the consistency of the building to the inline stores. Mr. Mason stated the inline stores do have dryvit at the top of the building for the sign band area. However, the majority of outlot buildings on Randall Road, including in this shopping center, are all brick. Mr. Mason showed where the petitioner had added additional brick to the rear and sides of the building. Staff is still recommending the entire building be brick.

## **PUBLIC COMMENT**

Chairperson Patrician called for public comments. There was no one wishing to make any comments.

*Chairperson Patrician* stated the majority of the Commission prefers full masonry building; however that is not the opinion of all the members. There will be landscaping at the rear of the building that will help to screen the rear doors.

*Commissioner Hoferle* suggested that the brick pilasters on the front of the building, on either side of Sleepy's sign, be raised up to the roof line.

## **COMMISSION MOTION ON PETITION**

Chairperson Patrician entertained a motion to approve the request for a Final Planned Unit Development for Oakridge Court Lot 2. Commissioner Sturznickel moved and Commissioner Hoferle seconded a motion to approve the request for a final planned unit development for a multi-tenant building on Lot 2 of Oakridge Court, consistent with the conditions recommended by staff and the findings of fact as presented to the Commission, with the additional brick pilasters. The Roll Call noted the following: Ayes: Chairperson Patrician; Commissioners Hoferle, Sabatine, Sturznickel, and Szpekowski. Nays: None. Absent: Neuhalfen and Zaplatynsky. Motioned carried.

## **CLOSE PUBLIC MEETING**

**AGENDA ITEM 4:** Consideration of a Request for Rezoning from B-1 and R-2 to O-T, Final Planned Unit Development, Plat of Consolidation and Special Use Permit  
(Case No. 2013-10. Oktober Wolf Cidery and Restaurant)

## **OPEN PUBLIC HEARING AND ESTABLISH QUORUM**

Mrs. Parkhurst called roll to verify a quorum. Present: Chairperson Patrician; Commissioners Hoferle, Sturznickel, Szpekowski, and Sabatine. Absent: Commissioners Neuhalfen and Zaplatynsky.

## **PETITIONER COMMENTS**

Ms. Cahill swore in the petitioner and verified that proper notice of the meeting had been posted. Representing the petitioner were David Kasprak, O'Kelly + Kasprak, LLC; Jim Ridley, Ridley Studios; Steve Spicer, Spicer Construction; and Val Benner, Executive Chef. Mr. Kasprak explained that the development petition consists of property at 120-299 North River Road, with a restaurant proposed along the river and a cidery on a vacant lot across the street. The restaurant and cidery buildings will have a residential design, to blend with the surrounding neighborhood. The cidery will have a tasting room open to the public, but it will primarily be a production facility for distribution. Estimated hours of the cidery would be 9:00am-5:00pm, and the restaurant would be open from 10:00am-10:00pm during the week and have later hours on weekends.

## **STAFF AND COMMISSION QUESTIONS/COMMENTS**

Ms. Parkhurst gave a brief overview of her memorandum of August 12, 2013. She explained the petition involves demolition of all existing buildings on the property, construction of two new buildings and parking, retention of the existing boat docks, a plat of consolidation for the two parcels on the east side of N. River Road, rezoning to O-T, Final PUD, and a special use permit for outdoor seating and live music. Ms. Parkhurst stated that the petitioner has been very cooperative working with staff to address the village's comments with regard to the site plan and engineering. She noted the N. River Road corridor is a diverse mix of uses, including a motel, residential, and marina uses. The proposed architecture compliments the Old Town design aesthetic and the development would be consistent with the village's plans for downtown revitalization and conforms with the village's zoning code. The petitioner did a tree survey and the majority of trees were of low quality and will be removed, however the new landscape plan shows extensive replacement landscaping to provide a buffer around the perimeter of the property. Access to both properties will be off N. River Road and a pedestrian crosswalk will be installed to connect the two sides. The site plan includes loading areas for trucks on each property, so that deliveries can be made without blocking traffic on River Road. The photometric plan meets village standards and no light will trespass onto adjacent properties. Ms. Parkhurst read the findings of fact from the August 6, 2013 Teska Associates memorandum and the August 12, 2013 Community Development staff report. She stated staff recommends approval of the petition with the conditions listed in the August 12, 2013 Community Development staff report, which include that if there are noise or odor complaints, the village can require measures to abate the issue.

*Chairperson Patrician* inquired if there were any Commissioner questions or comments.

*Commissioner Sturznickel* expressed concern about traffic and whether the River Road intersection at Route 62 could be converted to a right-in/right-out, to which Ms. Parkhurst stated the village has not asked for any changes to the Route 62 intersection which is a state road. He asked if the petitioner will be required to pay a fee-in-lieu of any tree replacement that is not added back on site, to which Ms. Parkhurst confirmed that yes the developer will be required to pay a fee.

*Commissioner Sabatine* inquired whether water and sewer is available for the property, to which Ms. Parkhurst stated yes utilities are available on River Road and the petitioner will also connect to water on Hubbard Street. He expressed concern about potential noise issues from the proposed live music on the restaurant patio. He asked about trash generated by the businesses, to which Ms. Parkhurst stated it would be the same as any other restaurant and that the petitioner will be composting their left-over fruit scraps from the cidery process and will store the compost indoors. He asked whether there will be lighting for safety purposes at night, to which Ms. Parkhurst stated the development will include two street lights, flashing lights for the pedestrian crosswalk, and lighting at the entrances to the property.

*Commissioner Szpekowski* stated that she has some concern about traffic, but that the pedestrian crosswalk proposed by the developer helps to address safety. She asked if there is adequate turning radius in the cidery parking lot to accommodate a tour group bus, to which Mr. Kasprak stated yes the site has been engineered to accommodate turning movements for large vehicles.

She asked about water usage demand by the cidery use, to which Mr. Kasprak stated cider is made of 90 percent juice and 10 percent water so the water demand will not be significant.

*Commissioner Hoferle* asked about the business plan for the cidery, to which Mr. Kasprak stated a portion of the cider produced will be used in the restaurant, but the majority will be distributed to other outlets. He asked if there would be any connection to Hubbard Street, to which Mr. Kasprak stated it is not feasible from an engineering standpoint.

*Chairperson Patrician* asked if the cidery would produce an odor, to which the petitioner's executive chef Ms. Benner stated several filters and scrubbers are installed into the facility to screen out any odors during the production process. He asked about noise from the live music outdoors, to which Ms. Parkhurst stated the village could limit hours for music should there be complaints. He asked about how a tree survey is developed, to which Ms. Parkhurst stated the petitioner submitted a certified tree survey that included locations and species of all trees four inches or greater in diameter. The trees are ranked 1 (low quality) through 6 (high quality). The proposed tree removal is required to be replaced by new trees on site or the developer is required to pay a fee. For the subject property, the large majority of trees to be removed were rated poor quality or poor condition, and only 56 trees were rated to be decent condition or better.

#### **PUBLIC COMMENT**

*Chairperson Patrician* opened up the hearing for public comment. Ms. Cahill sworn in each person wishing to address the Commission.

Mr. Neil Costello, 111 N. Hubbard Street, questioned whether there is adequate width on the property to install the proposed sidewalk along River Road. He stated he is concerned about loss of trees, water usage, odors, snow removal due to the site's steep grade, traffic, and truck deliveries which could back-up traffic and cause delays on River Road. *Chairperson Patrician* clarified that delivery trucks will not be parked on River Road, but will have entrances and designated loading areas off-street on the restaurant and cidery properties for making deliveries.

Mr. Boguslaw Bonczak, 102 Wood Drive, expressed concern about traffic, pedestrian safety, noise from live music, and a commercial use in a residential area. He also stated he thinks the village has an unfair policy of allowing a developer to remove trees, but won't allow individual residents to remove trees on their own property. Ms. Parkhurst clarified that the village does indeed allow tree removal on private property; for trees less than ten inches in diameter, no permit is required and for trees greater than 10 inches in diameter, a resident simply need fill out a tree removal application and there is no fee charged if the tree is diseased or dying.

Ms. Barb Apland, 121 N. River Road, expressed concern about traffic, tree removal, and lighting. She stated she owns the property immediately south of the proposed cidery and questioned whether some of the trees slated for removal are in fact on her property, to which Ms. Parkhurst explained the developer was required to perform a tree survey within their property boundary, and that the property will be staked out and have silt fencing put up during construction to ensure that there isn't any impact on the adjacent lots. She also asked about the proposed street lighting and whether it would spill over onto the neighboring homes, to which

Ms. Parkhurst stated the developer was required to prepare a photometric plan to demonstrate no light will trespass off-site and that the village requires all light fixtures to be directed downwards.

Mr. Brendan Costello, 113 N. Hubbard Street, stated there are nine children that live on N. Hubbard Street and he expressed concern about the safety of kids if a restaurant and bar were to be allowed, which could possibly result in impaired motorists.

Mr. Steve Nomikoudis, 114 N. Hubbard Street, expressed concern about the future use of the proposed cidery building, should the business fail.

Ms. Maria Kordas, 102 Wood Drive, stated her opposition to a commercial use on the property.

Ms. Florence Kruk, 301 N. River Road, expressed concern about traffic and the impact of construction on underground springs.

Mr. Gary Ryg, 705 N. River Road, expressed concern about traffic and speeding on River Road.

Mr. Jason Brooks, 71 N. River Road, expressed concern about traffic, noise from live music, and the proposed commercial use in a residential area. He also stated the sanitary sewer on River Road is connected to a pump station that has a temporary generator when the power goes out, but he questioned whether the intensity of the proposed use could be supported by existing sewer infrastructure.

Ms. Paulette Ryg, 705 N. River Road, expressed concern about traffic and speeding on River Road, and stated that residents should have the right to cross safely across the street to get to their boat docks.

Ms. Alexis Costello, 113 N. Hubbard Street, expressed concern about traffic, odors, noise from the cidery manufacturing, and the proposed commercial use in a residential area.

*Chairperson Patrician* called for any additional public comments. There was no one else wishing to make any comments.

## **CLOSE PUBLIC COMMENT**

## **COMMISSION MOTION ON PETITION**

*Chairperson Patrician* inquired if there were any final comments or questions from commission members.

*Commissioner Hoferle* asked how the site's slope can support a parking lot that meets grade requirements, to which Mr. Kasprak explained the parking lot has been designed with multiple tiers to break-up the slope from the rear of the property down to River Road. He also asked how stormwater runoff is being addressed, to which Mr. Kasprak explained the site's parking lot will have permeable pavers, to allow water to seep down into the ground. Mr. Dan Lynch, Village

Engineer, confirmed that the permeable pavers proposed for the parking lot will allow for water to pass through; he also noted that with regard to utilities for the site, Public Works has determined there is sufficient water and sewer capacity for the development and water to the site will also be looped up to Hubbard Street for fire protection purposes.

*Commissioner Sabatine* asked how many driveway entrances there would be for the restaurant, to which Mr. Kasprak stated there will be two.

*Commissioner Patrician* asked what the distance is between the property and the Route 62 intersection, to which Ms. Parkhurst stated it is approximately 900 feet. He also asked what steps could be taken to improve pedestrian safety, to which Ms. Parkhurst stated the speed limit is 25mph on N. River Road which is enforced by the Police Department and that Police could also assist with traffic control if the restaurant was to have a large special event. She also mentioned staff is requiring the petitioner install the pedestrian crosswalk in the most visible area of their frontage on River Road, and there will be pre-emption lights pedestrians will activate to alert motorists.

Chairperson Patrician entertained a motion to approve the request for Rezoning from B-1 and R-2 to O-T, Final PUD, Plat of Consolidation, and Special Use Permit. Commissioner Hoferle moved and Commissioner Sturznickel seconded a motion to approve the request for Rezoning from B-1 and R-2 to O-T, Final PUD, Plat of Consolidation, and Special Use Permit consistent with the plans submitted by the petitioner, the conditions recommended by staff and the findings of fact included in both the August 6, 2013 Teska Associates memorandum and August 12, 2013 Community Development staff report. The Roll Call noted the following: Ayes: Commissioners Hoferle, Sabatine, and Sturznickel. Nays: Chairperson Patrician and Commissioner Szpekowski. Absent: Neuhaufen and Zaplatynsky. Motion failed. There is no formal recommendation from the Planning and Zoning Commission as four votes are needed for a motion to be approved or denied.

## **CLOSE PUBLIC HEARING**

### ***AGENDA ITEM 5:*** New/Old Business

### ***AGENDA ITEM 6:*** Adjournment

Chairperson Patrician entertained a motion to adjourn the meeting. Commissioner Sabatine motioned and Commissioner Hoferle seconded a motion to adjourn the meeting. The voice vote noted all ayes. The motion carried, and the meeting was adjourned at 10:15 p.m.

Respectfully Submitted,



Katherine Parkhurst  
Senior Planner/Recording Secretary