

**VILLAGE OF ALGONQUIN
PLANNING AND ZONING COMMISSION
Meeting Minutes
William J. Ganek Municipal Center-Board Room
January 9, 2017
7:30 p.m.**

AGENDA ITEM 1: Roll Call to Establish a Quorum
Present: Chairperson Patrician, Commissioners Hoferle, Postelnick, Laipert, and Szpekowski.

Absent: Commissioners Neuhalfen and Sturznickel

Staff Members Present: Russ Farnum, Community Development Director; Katie Parkhurst, Senior Planner; Ben Mason, Senior Planner; and Kelly Cahill, Village Attorney.

AGENDA ITEM 2: Approval of Minutes from the November 14, 2016 Meeting.
A motion by Commissioner Hoferle to approve the November 14, 2016 minutes as presented was seconded by Commissioner Szpekowski and a voice vote noted all ayes. The motion carried.

AGENDA ITEM 3: Public Comment
There was no one wishing to make any public comment.

AGENDA ITEM 4: Request for a Final PUD and Special Use Permit
Case No. 2016-13 Burger King East Algonquin Road
Petitioner: Mark Huonder, N-3 Real Estate

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Mrs. Parkhurst called roll to verify a quorum. Present: Chairperson Patrician; Commissioners Hoferle, Szpekowski, Postelnick, and Laipert. Absent: Commissioners Sturznickel and Neuhalfen. Mrs. Parkhurst announced a quorum was present.

COMMISSION MOTION ON PETITION

Chairperson Patrician entertained a motion to continue the request for a Final PUD and Special Use Permit for Burger King on East Algonquin Road. Commissioner Szpekowski moved and Commissioner Laipert seconded a motion to recommend continuing the request to the February 13, 2017 Planning and Zoning Commission meeting.

The Roll Call noted the following: Ayes: Chairperson Patrician; Commissioners Hoferle, Laipert, Postelnick, and Szpekowski. Nays: None. Absent: Sturznickel and Neuhalfen. Motion carried 5-0.

CLOSE PUBLIC HEARING

AGENDA ITEM 5: Request for a Special Use Permit
Case No. 2016-14 D'Land Construction
Petitioner: Joe DiFronzo, D'Land Construction

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Mrs. Parkhurst called roll to verify a quorum. Present: Chairperson Patrician; Commissioners Hoferle, Szpekowski, Postelnick, and Laipert. Absent: Commissioners Sturznickel and Neuhalfen. Mrs. Parkhurst announced a quorum was present.

PETITIONER COMMENTS

Ms. Cahill verified that proper notice of the meeting had been posted, and swore in the petitioner. Mr. Joe DiFronzo, owner of D'Land Construction, is looking to relocate for the main office and storage for equipment and trucks for his company. D'Land Construction is a concrete company and they specialize in municipal work for sidewalks, curbs and streets. The company currently leases space in Bensenville and he desires to own a building. Mr. DiFronzo expects to have 8-10 pieces of equipment and vehicles to be stored outside.

STAFF COMMENTS

Mr. Mason reviewed his staff report for the Commission. Outside storage is allowed with a Special Use Permit in I-1 zoning. Proper screening is required for any type of outside storage. Staff is recommending a 6' tall board on board fence to screen the equipment/vehicles and recommend that all items be kept in the fenced in area. Staff recommends moving the gate to line up with the rear wall of the building. Mr. Mason reviewed all the proposed conditions on the outside storage.

COMMISSION QUESTIONS/COMMENTS

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

Commissioner Hoferle inquired if any neighbors spoke to the petitioner. Mr. DiFronzo stated no, they have not contacted him personally. Commissioner Hoferle asked if there is any room for landscaping to soften the fence. Mr. DiFronzo stated no, the lot is currently all paved. There is existing fencing on two sides of the property, so the new fence would tie into the existing fences.

Commissioner Postelnick inquired if D'Land will only have 8 trucks or if consideration should be made counting for growth of the company. Mr. DiFronzo stated that smaller equipment would be kept in the building and the larger vehicles would be parked outside. Mr. DiFronzo stated he would like to have some flexibility in the number of vehicles stored on site for when the business grows.

Chairperson Patrician asked about the 8 vehicles now and how would he grow. Mr. Mason explained that staff's recommendation was based off the petitioner's current business and to contain the storage to the rear of the property. If the gate is allowed up the side of the building that would allow for more storage of vehicles. The petitioner would like to have the gate located up front so that the movement of vehicles on site does not involve opening and closing the gate. Staff wants to ensure the area for the storage is well defined for future property maintenance enforcement.

PUBLIC COMMENT

Chairperson Patrician called for public comments.

Mary Kamps, 1700 East Algonquin Road property owner, has owned the building since 2001. They have a dental practice in the building. She is concerned about what will be visible. She viewed the petitioner's

current storage yard in Bensenville and was concerned about what would be stored and visible. She saw flatbeds with bobcats parked on top, so a 6-foot fence will not screen this equipment.

There were no further comments, so Chairperson Patrician closed public comments.

CLOSE PUBLIC COMMENT

COMMISSION MOTION ON PETITION

Chairperson Patrician stated the Commissioners should consider the height of the fencing. Mr. DiFronzo stated the smaller equipment will be inside, the current facility does not have any indoor storage space. The proposed location has 5,000 square feet in the warehouse.

Commissioner Hoferle asked about installing an 8-foot tall fence. Mr. DiFronzo stated he is not opposed to the height of the fence. Mr. Mason stated there is currently fencing on the north side which is 6 feet.

Commissioner Szpekowski asked about flexibility for additional vehicles. Mr. Mason stated the Commission could specify where the fence and gate should be located in addition to the number of vehicles.

Chairperson Patrician asked Mrs. Kamps if there is concern about moving the gate further up in front of the garage door. She thought an 8-foot fence was a nice compromise. Chairperson Patrician inquired about the 8-foot fence now with the gate beyond the garage door.

Chairperson Patrician entertained a motion to approve the request for a Special Use Permit for D'Land Construction. Commissioner Hoferle made a motion and Commissioner Postelnick seconded a motion to recommend approval of the request for outdoor storage at 1300 Chase Street, consistent with the plans submitted by the petitioner, the findings of fact listed in the staff report and the conditions recommend by staff with the changes to those conditions as stated: Storage shall be permitted on the south side of the building provided storage does not exceed the height of the fence; the height of the fence installed on the south side of the property shall be an 8-foot board-on-board fence; the gate shall be permitted in the location as shown on the petitioner's site plan, to include the overhead garage door and the service door within the fenced area; and a maximum of 12 vehicles or pieces of equipment shall be stored outside.

The Roll Call noted the following: Ayes: Chairperson Patrician; Commissioners Hoferle, Laipert, Postelnick, and Szpekowski. Nays: None. Absent: Sturznickel and Neuhalfen. Motion carried 5-0.

AGENDA ITEM 6: Request for a Final PUD and Special Use Permit

Case No. 2016-11 OrthoIllinois

Petitioner: Don Schreiner, Rockford Orthopedic Associates

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Mrs. Parkhurst called roll to verify a quorum. Present: Chairperson Patrician; Commissioners Hoferle, Szpekowski, Postelnick, and Laipert. Absent: Commissioners Neuhalfen and Sturznickel. Mrs. Parkhurst announced a quorum was present.

PETITIONER COMMENTS

Ms. Cahill verified that proper notice of the meeting had been posted, and swore in the petitioners. Gilbert Sass, architect, and Don Schreiner, CEO for Rockford Orthopedic Associates, were sworn in and introduced themselves. OrthoIllinois is a group of orthopedic doctors based in Rockford that have a few other locations and are continuing to expand. They wish to combine the Crystal Lake and Huntley locations into one in Algonquin. They will have 14-15 providers in the new building. The services include physical therapy, x-ray, MRI, clinics, and doctor offices.

STAFF COMMENTS

Mr. Mason reviewed his staff report for the Commission. Mr. Mason explained the orientation of the building will be towards Sherman Road with access points only on Sherman, none on Randall Road. The building illustrations show a one-story building with various roof heights and material changes to provide interest to the building. Staff is recommending that the stone base be extended under the windows on all elevations to provide more uniformity to the building.

COMMISSION QUESTIONS/COMMENTS

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

Commissioner Szpekowski inquired how much landscaping will be on the side facing Randall Road. Mr. Sass showed the proposed landscaping will be trees on that side of the building. They explained they will maintain and continue to improve on the landscaping each year.

Commissioner Hoferle inquired about the lattice-type canopy for the entrance. Mr. Sass explained that it is completely covered, what showed up on the drawings is the framing for the canopy. Commissioner Hoferle inquired about the color of the materials for the building. Building material samples were shown.

Commissioner Szpekowski inquired how privacy is maintained with so many windows. Mr. Sass explained any windows in the exam rooms are up high. There are windows in the physical therapy area as they want people to see people working out and getting better.

Chairperson Patrician inquired if there is a hospital affiliation. Mr. Schreiner stated they work with both Centegra and Advocate. All insurance is accepted at this time, like Medicaid and Medicare. Chairperson Patrician confirmed that access will only be from Sherman Road, no access to Randall Road.

Commissioner Laipert asked about the size of the sign. Mr. Sass stated the logo is 6 feet. Mr. Mason explained that only two wall signs are permitted, that would include the logo.

PUBLIC COMMENT

Chairperson Patrician called for public comments. There were none, so Chairperson Patrician closed public comments.

CLOSE PUBLIC COMMENT

COMMISSION MOTION ON PETITION

Chairperson Patrician entertained a motion to approve the request for a Final PUD and Special Use Permit for OrthoIllinois. Commissioner Szpekowski moved and Commissioner Hoferle seconded a motion to recommend approval of the request, consistent with the plans submitted by the developer, the conditions recommended by staff, and the findings of fact as presented to the Commission.

The Roll Call noted the following: Ayes: Chairperson Patrician; Commissioners Hoferle, Laipert, Postelnick, and Szpekowski. Nays: None. Absent: Commissioners Sturznickel and Neuhalfen. Motion carried 5-0.

CLOSE PUBLIC HEARING

AGENDA ITEM 7: Request for a Special Use Permit
Case No. 2016-12 Medical Cannabis Dispensary
Petitioner: Ross Morreale, IL DISP III, LLC

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Mrs. Parkhurst called roll to verify a quorum. Present: Chairperson Patrician; Commissioners Hoferle, Szpekowski, Postelnick, and Laipert. Absent: Commissioners Sturznickel and Neuhalfen. Mrs. Parkhurst announced a quorum was present.

PETITIONER COMMENTS

Ms. Cahill verified that proper notice of the meeting had been posted, and swore in the petitioner. Mr. Morreale introduced himself and explained that he is a partner in the cultivation center and other dispensaries in Illinois. The State of Illinois has required strict security and control requirements for the facility which Mr. Morreale will comply with and is familiar with since he has other facilities.

STAFF COMMENTS

Mr. Farnum reviewed his staff report for the Commission. Mr. Farnum explained the State requirements and what the Village is permitted to require. Staff feels the location is appropriate and will be easily policed by our Police Department. Staff has recommended additional security measures in response to concerns by neighboring businesses and the police department, such as 24-hour video surveillance of the building and parking lot. Signage will be minimal for this location as well. Sale of the cannabis and paraphernalia can only be sold to those with a prescription.

COMMISSION QUESTIONS/COMMENTS

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

Commissioner Hoferle asked for the clarification as to the location being central in the County as noted in the report. Mr. Farnum explained the location is central in terms of population density of the County, not the physical location. Commissioner Hoferle inquired as to what was the reasoning for the restriction of 1,000 feet from Randall Road. Mr. Farnum explained that restriction was added in the Zoning Ordinance to restrict this use from taking retail space on Randall Road. Commissioner Hoferle inquired why there is a test phase or limit to the application process ending in 2017. Mr. Morreale explained there were some dispensaries that were not awarded or built in the first round of applications, so the State will be opening a second round shortly. There will only be one license permitted by the State for a dispensary to open in McHenry County.

Commissioner Szpekowski asked about facilities in Kane County and Lake County since Algonquin is located adjacent to these counties. Mr. Morreale stated there are open facilities in Mundelein, North Aurora, and Schaumburg. Mr. Morreale is part of the ownership of a dispensary in Effingham and a cultivation center in the middle of the state.

Commissioner Postelnick stated this is like a pharmacy where a patient has a prescription. Mr. Morreale explained that patients must obtain approval from their doctor, not a prescription. Then the patient must register through the State. Only those people (or their caregivers) are permitted to enter into the store and make purchases. Commissioner Postelnick inquired if this is an all cash business. Mr. Morreale stated yes. Commissioner Postelnick asked if the State legalizes cannabis if this would be a retail store or would it only be for medical users. Mr. Morreale stated it will depend how the State changes the law. Ms. Cahill explained that the Village's approval is only for medical use. The Village would have to determine how retail sales would be permitted in the Village and then this facility would need to comply.

Chairperson Patrician inquired if any consumption takes place on site. Mr. Morreale explained that no consumption is permitted in the store or in the parking lot. Chairperson Patrician inquired how employees are screened and how many there would be. Mr. Morreale explained there will be 9-10 employees as the business grows and the State has a background screening process in place that they follow. As soon as the State allows the permit applications to be submitted it should be only a couple of months before hearing back on approval.

PUBLIC COMMENT

Chairperson Patrician called for public comments. There were none, so Chairperson Patrician closed public comments.

CLOSE PUBLIC COMMENT

COMMISSION MOTION ON PETITION

Chairperson Patrician entertained a motion to approve the request for a Special Use Permit for a Medical Cannabis Dispensary. Commissioner Postelnick moved and Commissioner Hoferle seconded a motion to recommend approval of the request, consistent with the plans submitted by the developer, the conditions recommended by staff, and the findings of fact as presented to the Commission.

The Roll Call noted the following: Ayes: Chairperson Patrician; Commissioners Hoferle, Laipert, and Postelnick. Nays: Szpekowski. Absent: Sturznickel and Neuhalfen. Motion carried 4-1.

CLOSE PUBLIC HEARING

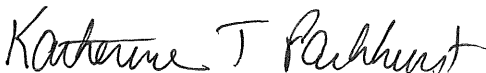
AGENDA ITEM 8: New/Old Business

There was no new or old business discussed.

AGENDA ITEM 9: Adjournment

A motion to adjourn the meeting was made by Commissioner Szpekowski and seconded by Commissioner Postelnick, a voice vote noted all ayes. The motion carried and the meeting was adjourned at 9:35 p.m.

Respectfully Submitted,



Katherine T. Parkhurst, AICP
Senior Planner