

**VILLAGE OF ALGONQUIN
PLANNING AND ZONING COMMISSION
Meeting Minutes
William J. Ganek Municipal Center-Board Room
May 14, 2018
7:30 p.m.**

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

Absent: None

Staff Members Present: Ben Mason, Senior Planner, and Kelly Cahill, Village Attorney.

AGENDA ITEM 2: Approval of Minutes from the April 9, 2018 Meeting.
A motion by Commissioner Hoferle to approve the April 9, 2018 minutes as presented was seconded by Commissioner Sturznickel 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 Rezoning, Final PUD and Special Use Permit
Case No. 2018-07 Fox 14 Marina
Petitioner: Garry and Kim Zack, Property Owner

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Mr. Farnum called roll to verify a quorum. Present: Commissioners Hoferle, Szpekowski, Postelnick, Laipert, Neuhalfen, Sturznickel and Chairperson Patrician. Farnum announced a quorum was present. Chairperson Patrician opened the public hearing and asked for petitioner comments.

PETITIONER COMMENTS

Ms. Cahill verified that proper notice of the meeting had been posted. Ms. Cahill swore in the petitioners. Representing the petitioner was Garry and Kim Zack, property owner. Mr. Zack explained they purchased Ericson Marine last year and have owned Fox 14 Marina in Fox River Grove for the past fifteen years. Their customers are asking for the marina to add a restaurant. The proposal for this year would be to sell packaged liquor from their ship store and have a mobile food cart. In the following couple years, they would work to build a small restaurant on the property.

Chairperson Patrician then asked for Staff Comments.

STAFF COMMENTS

Mason reviewed his staff report for the Commission. The petition is for re-zoning the property to B-1, Business to allow for a restaurant. Currently the property is zoned R-1, Residential and received a special use permit in 1986 for the marina use. There are ten buildings on the property, two of which would be demolished for additional parking. Restaurant customer parking will be required to be added on the parcel on the west side of Harrison Street if there is a need for more spaces. A special use permit is requested for outdoor dining and the marina use under the new B-1 zoning. Final PUD approval is also requested for a house on the marina to be used as residential in the future under the new B-1 zoning. The restaurant

building shall have brick around the base on all four sides and the roof color shall be earth tone. The petitioner shall also be required to provide a floodplain delineation to the Building Department for the area where the restaurant would be built. Staff recommends approval of the re-zoning, special use permit, and Final PUD with the conditions listed in the staff report.

COMMISSION QUESTIONS/COMMENTS

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

Commissioner Postelnick asked what the restaurant hours will be, to which Ms. Zack stated their current marina hours of operation are 9 to 5, 7 days a week but they aren't sure at this time what the restaurant hours would be. Mr. Zack stated their vision for the restaurant would be family-oriented, open for lunch and dinner but not have live bands and very late hours. Postelnick asked how many permanent piers are at the marina, to which Mr. Zack stated 150 and they are interested in adding guest piers but are not sure if that will be possible.

Commissioner Laipert asked about the timeline for selling packaged liquor, to which Mr. and Ms. Zack stated packaged liquor is something their customers have asked about and they believe would be well received but it is not a priority for the marina.

Commissioner Sturznickel asked if the marina would like to add video gaming, to which Mr. Zack stated no, it is against their beliefs.

Commissioner Hoferle asked if the boat storage and parking across the road on the west side of Harrison Street would all be blacktopped, to which Mr. Mason clarified no, just an amount necessary to meet an excess restaurant customer demand. Commissioner Hoferle made the observation that the marina could think even larger in scope than their current plans, for serving as a destination and attraction on the river.

Commissioner Szpekowski congratulated the petitioner on their investment cleaning up the property and plans for enhancing the marina. Szpekowski expressed concern about paving the parking lot across the street and stormwater runoff issues, to which Mr. Zack stated there is an existing gravel area at the bottom of the hillside that could be blacktopped without causing a problem but his goal would be to minimize any paving to keep as much green space as possible.

Chairperson Patrician stated it was good to see the improvements the marina is proposing and asked if the final construction plans would come back before the commission for review, to which Mr. Mason stated the building elevation provided by the petitioner is what would be approved as part of the Final PUD at this time, and additional review by the Planning and Zoning Commission and Village Board would only be required if significant changes are proposed.

PUBLIC COMMENT

Chairperson Patrician called for public comments.

Paulette Ryg, 705 N. River Road, expressed support for the petition and commended the new marina owners on all the work they have done to clean up the property over the past year. She looks forward to a more vibrant marina with music and supports the changes they are requesting.

Jeanette Runge, 1231 Victoria Court, expressed concern about noise and is opposed to the restaurant use as the business would come at a cost to the neighbors.

Pam Delnagro, 115 Brook Street, stated she does not have a problem with the restaurant proposal, however she noted there have been parking issues on her street due to customers or guests of the marina. Mr. Zack encouraged her to please contact the marina with any parking issues, as they want to be a good neighbor and will address any instances of guests parking off-site the marina property.

COMMISSION MOTION ON PETITION

Chairperson Patrician entertained a motion to approve the request for re-zoning the marina from R-1, Residential to B-1, Business, Final PUD, and Special Use Permit for the marina use and outdoor dining. Commissioner Sturznickel moved and Commissioner Laipert seconded a motion to recommend approval of the request consistent with the findings of fact listed in the May 14, 2018 Community Development memorandum and the conditions recommended by staff.

The Roll Call noted the following: Ayes: Commissioners Laipert, Neuhalfen, Szpekowski, Postelnick, Sturznickel, Hoferle and Chairperson Patrician. Nays: None. Absent: None. Motion carried 7-0.

AGENDA ITEM 5: Request for a Special Use Permit
Case No. 2018-08 Markwalder Animal Care Clinic
Petitioner: Dr. Dan Markwalder, Property Owner

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Mr. Farnum called roll to verify a quorum. Present: Commissioners Hoferle, Szpekowski, Postelnick, Laipert, Neuhalfen, Sturznickel and Chairperson Patrician. Farnum announced a quorum was present. Chairperson Patrician opened the public hearing and asked for petitioner comments.

PETITIONER COMMENTS

Ms. Cahill verified that proper notice of the meeting had been posted. Ms. Cahill swore in the petitioners. Representing the petitioner was Dr. Dan Markwalder, property owner, Jerry Majewski, Attorney, and Bob Edwards, RWE Management Company. Mr. Edwards explained the request is to add overnight boarding services at the existing veterinarian clinic. He stated a small addition to the building is proposed to accommodate a room for the kennel, which would include a sound / odor wall to separate the area from the main office and exam rooms.

Chairperson Patrician then asked for Staff Comments.

STAFF COMMENTS

Mason reviewed his staff report for the Commission. The clinic received Final PUD approval in 1997 and the petition is for a Special Use Permit to add the overnight kennel service. The petitioner is requesting an 8' tall privacy fence around the outdoor exercise area and additional screening will be incorporated in a 10' landscape buffer between the fence enclosure and the south property line. Mason stated staff supports the 8' tall fence – which is two feet taller than village code standards – to provide increased security for the dogs and prevent them from trying to jump over the enclosure. He also noted the petitioner has provided a spec sheet for the proposed PVC fence material which would be an acceptable alternative and less maintenance than a wood fence.

COMMISSION QUESTIONS/COMMENTS

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

Commissioner Sturznickel asked if 24-hour care is provided, to which Mr. Edwards stated the clinic is not open 24 hours and any animals requiring more intensive monitoring are cared for at one of the clinic's other facilities.

Commissioner Laipert asked if the dogs are crated, to which Mr. Edwards stated yes, the addition would accommodate 20 indoor kennel crates to provide a service to their customers who might prefer the comfort of leaving their pet at a veterinarian facility when away on vacation.

Commissioner Postelnick asked if the kennel could accommodate more high energy dogs like his, to which Dr. Markwalder stated the proposed boarding service is more aimed at low-maintenance geriatric dogs or those recovering from surgery.

Commissioner Hoferle asked if the outside exercise area will be artificial grass, to which the petitioner stated yes.

PUBLIC COMMENT

There was no public comment.

COMMISSION MOTION ON PETITION

Chairperson Patrician entertained a motion to approve the request for a Special Use Permit for overnight kennel services. Commissioner Hoferle moved and Commissioner Sturznickel seconded a motion to recommend approval of the request consistent with the findings of fact listed in the May 14, 2018 Community Development memorandum and the conditions recommended by staff.

The Roll Call noted the following: Ayes: Commissioners Laipert, Neuhalphen, Szpekowski, Postelnick, Sturznickel, Hoferle and Chairperson Patrician. Nays: None. Absent: None. Motion carried 7-0.

AGENDA ITEM 6: New/Old Business

The commission asked about the progress on Main Street reconstruction.

AGENDA ITEM 7: Adjournment

A motion to adjourn the meeting was seconded and a voice vote noted all ayes. The motion carried and the meeting was adjourned at 9:05p.m.

Respectfully Submitted,

Benjamin A. Mason, Senior Planner