

**VILLAGE OF ALGONQUIN
PLANNING AND ZONING COMMISSION
Meeting Minutes
William J. Ganek Municipal Center-Board Room
January 14, 2019
7:30 p.m.**

AGENDA ITEM 1: Roll Call to Establish a Quorum

Present: Commissioners Neuhaufen, Szpekowski, Laipert, and Sturznickel.

Absent: Patrician, Postelnick, and Hoferle.

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

AGENDA ITEM 2: Approval of Minutes from the December 10, 2018 Meeting.

Approval of December 10, 2018 meeting minutes postponed to the following Planning and Zoning meeting.

AGENDA ITEM 3: Public Comment

There was no one wishing to make any public comment.

AGENDA ITEM 4: Request for a Zoning Variance

Case No. 2018-18 Markwalder Animal Care Clinic

Petitioner: Dr. Dan Markwalder, property owner

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Mr. Mason called roll to verify a quorum. Present: Commissioners Neuhaufen, Szpekowski, Laipert, and Sturznickel. Absent: Patrician, Postelnick, and Hoferle. Mason announced a quorum was present. Commissioner Neuhaufen was installed as the Acting Chairperson and he opened the public hearing and asked for petitioner comments.

PETITIONER COMMENTS

Ms. Cahill verified that proper notice of the meeting had been posted and swore in the petitioners, Dr. Dan Markwalder, property owner and Mr. Bob Edwards, RWE Management. Company. The request is for the construction of a fence enclosure within a required open landscape setback area on the west side of the building. The building currently has an outdoor exercise and relief area on the south side of the property for able-bodied dogs and those staying in the overnight kennel portion of the clinic. The purpose of the new side yard fence enclosure would be for dogs recovering from surgery, to provide a separate relief area apart from the healthy dogs. There is no other place on the property to construct a small fenced enclosure given the parking lot on the east side of the building, and similar front yard landscape setbacks along Stonegate Road. The advantage to the proposed location is there is already an existing rear access door on the building. The need for this additional relief area on the property is due to the evolution in care for dogs recovering from surgery, which best practices in veterinarian care recommend segregating from the general population of able-bodied dogs.

Neuhaufen then asked for Staff Comments.

STAFF COMMENTS

Mason reviewed his staff report for the Commission. The proposal is for an additional fenced enclosure on the west side of the building, within a 30-foot landscape setback from Rolls Drive. The petitioner is aware of the open space requirement on the west side of property, and the current rear building wall is appropriately setback 30-feet from the parkway and sidewalk. The challenge is permitting a portion of the site's open space be removed that was set aside and required under the original PUD approval. Staff was not able to identify a particular hardship from the physical conditions of the property in terms of such aspects as unique lot configuration, dimensions or topography that result in the subject property being deprived of similar use and development rights that are enjoyed by surrounding commercial properties. Should the Planning and Zoning Commission choose however to recommend approval of the proposed side yard fence enclosure, staff recommends the following findings of fact be used: 1) The proposed request will not impair an adequate supply of light and air to adjacent property; 2) The proposed request will not unreasonably diminish the values of adjacent property; 3) The proposed request will not unreasonably increase congestion in the public streets or otherwise endanger public safety; 4) The proposed request is in harmony with the general purpose and intent of the Zoning Code.

COMMISSION QUESTIONS/COMMENTS

Neuhalfen inquired if there were any Commissioner questions or comments.

Laipert asked how tall of a fence the petitioner is proposing, to which Mr. Edwards stated 72 inches.

Neuhalfen asked what the clinic does currently for dogs recovering from surgery, to which Dr. Markwalder stated they are able to utilize a temporary construction fence area that is in place while an addition to the building is being completed. Neuhalfen suggested it might be a good idea to add some landscaping around the fenced enclosure if it were approved, for privacy and screening purposes, to which Dr. Markwalder stated he would be willing to do.

PUBLIC COMMENT

Neuhalfen called for public comments.

There was no one wishing to make any public comment.

CLOSE PUBLIC COMMENT

COMMISSION MOTION ON PETITION

Neuhalfen entertained a motion to approve the request for the Zoning Variance to allow the side yard fence enclosure to be constructed within the landscape setback area, based on current animal care best practices which recommend the segregation of hospitalized dogs receiving treatment from other able-bodied dogs. Laipert moved and Sturznickel seconded a motion to recommend approval of the request consistent with the petition for a 72-inch tall fence submitted by the petitioner, the findings of fact listed in the January 14, 2019 Community Development memorandum, the conditions recommended by staff with the addition of landscaping around the exterior of the fence enclosure.

The Roll Call noted the following: Ayes: Laipert, Szpekowski, Sturznickel, and Neuhalfen. Nays: None. Absent: Patrician, Postelnick, and Hoferle. Motion carried 4-0.

AGENDA ITEM 5: Request for a Special Use Permit

Petitioner: Dr. Boguslaw Bonczak, property owner

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

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

PETITIONER COMMENTS

Ms. Cahill verified that proper notice of the meeting had been posted and swore in the petitioners, Dr. Boguslaw Bonczak and Ms. Maria Kordas. The couple own an office condo unit in Fountain Square, 1212 E. Algonquin Road, and propose to open a small family medical practice. Dr. Boguslaw is a medical doctor and his wife Ms. Kordas is a trained nurse, and they would be the only employees. They anticipate limited hours to start, and seeing less than ten patients a day in the beginning.

Neuhalfen then asked for Staff Comments.

STAFF COMMENTS

Mason reviewed his staff report for the Commission. A medical office requires a special use permit. The practice would serve as a family medical office and is new to the area. The office building has shared parking and the medical practice will not negatively impact the parking needs of the building's other tenants.

COMMISSION QUESTIONS/COMMENTS

Neuhalfen inquired if there were any Commissioner questions or comments.

Sturznickel asked if the office would have medical x-ray machines, to which Dr. Boguslaw stated no.

PUBLIC COMMENT

Neuhalfen called for public comments.

There was no one wishing to make any public comment.

CLOSE PUBLIC COMMENT

COMMISSION MOTION ON PETITION

Neuhalfen entertained a motion to approve the request for the Special Use Permit for Bonczak Family Medical Office at 1212 E. Algonquin Road, consistent with the plans submitted by the petitioner, the findings of fact listed in the January 14, 2019 Community Development memorandum, and with the conditions recommended by staff.

The Roll Call noted the following: Ayes: Laipert, Szpekowski, Sturznickel, and Neuhalfen. Nays: None. Absent: Patrician, Postelnick, and Hoferle. Motion carried 4-0.

AGENDA ITEM 6: New/Old Business

Staff gave a brief update on the status of Main Street construction and several new restaurants that will be opening soon downtown.

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 8:20p.m.

Respectfully Submitted,

Benjamin A. Mason, AICP
Senior Planner