

**VILLAGE OF ALGONQUIN
PLANNING AND ZONING COMMISSION
Meeting Minutes
Algonquin Village Hall Board Room
August 14, 2006**

AGENDA ITEM 1: Roll Call to Establish a Quorum

Present: Commissioners, Hoferle, Neuhalfen, Sabatine, Sosine, Sturznickel, and Szpekowski.

Absent: Chairperson Auger.

Staff Members Present: Jeff Mihelich, Assistant Village Manager; Katherine Thornton, Senior Planner; Ben Mason, Planner; Frank Cuda, Village Engineer; and Kelly Cahill, Village Attorney.

Mr. Mihelich entertained a motion to designate Commissioner Neuhalfen Chair in the absence of Chairperson Auger.

Commissioner Hoferle moved and Commissioner Szpekowski seconded a motion to nominate Commissioner Neuhalfen as interim Chairperson. The voice vote noted all ayes and the motion carried.

AGENDA ITEM 2: Approval of Minutes from the July 10, 2006 meeting
Chairperson Neuhalfen entertained a motion to approve the July 10, 2006 minutes. Commissioner Sturznickel moved and Commissioner Sosine seconded a motion to approve the minutes as presented. The voice vote noted all ayes and the motion carried.

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

- Consideration of a Request for Rezoning from B-2 to O-T, Special Use Permit, Preliminary Plat of Subdivision, and Preliminary Planned Unit Development
- **Case No. 2006-14. Riverside Square**
- Consideration of a Request for a Special Use Permit
- **Case No. 2006-17. Internet Café**
- Consideration of a Request for a Special Use Permit
- **Case No. 2006-16. Vander Weit Chiropractic**
- Consideration of a Request for Rezoning from B-1 to O-T, Final Plat of Subdivision, and Final Planned Unit Development.
- **Case No. 2004-17. Riverview Terrace**

AGENDA ITEM 3: Consideration of a Request for Rezoning from B-2 to O-T, Special Use Permit, Preliminary Plat of Subdivision, and Preliminary Planned Unit Development

Case No. 2006-14. Riverside Square

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Ms. Witte called roll to verify a quorum. Present Chairperson Neuhalfen; Commissioners Hoferle, Sabatine, Sosine, Sturznickel, and Szpekowski. Attorney Cahill noted that proper legal notice had been provided in accordance with State statutes and Village ordinances. She then swore in the petitioners.

PETITIONER COMMENTS

Mr. Jerry Pinderski, Developer's Attorney, gave a brief background of the petition to develop a four-story mixed use retail/condominium building, outdoor plaza, and public parking garage located on the square block bounded by Front Street, North Harrison Street, Route 62 and Route 31 in the Old Town District. The project has been strategically planned to enhance the gateway into the Village by providing needed parking, high quality residences, and retail space while keeping with the mission statement of the Village in addition to improving and utilizing prime property. The building was designed to be unique from any view.

Mr. Joe Safin, Architect, explained the site orientation and architecture, which was planned to compliment Cornish Park. Benefits to the downtown area include parking, live/work opportunities, and the outdoor plaza. The size of the building fits nicely into the block providing excitement to Main Street.

Mr. Tom McCabe, Engineer, reviewed access points, sewer and water, and detention plans. An underground tank is proposed to collect water for slow release into existing stormwater pipes.

Mr. Vincent Olsauskas, Traffic Engineer, stated that the proposed development would not require modifications to the roadway geometry. A traffic count was performed to determine proposed traffic volumes. The analyses determined that the proposed development would not detrimentally affect the surrounding roadway network. Field surveys concurred with the analysis.

STAFF AND COMMISSION COMMENTS

Mr. Mason gave an overview of the project. The proposed development is consistent with the Village's goal of transforming the downtown into a vibrant mixed-use area, will provide needed parking, in addition to restoring property that has been a significant maintenance issue. The Historic Commission approved of the proposed architecture and design features of the project, but recommended denial of the Certificate of Appropriateness because of the size of the building. Staff recommends approval of the request for rezoning with the recommendations and conditions noted in the staff memorandum dated August 11, 2006.

Mr. Cuda stated that he is satisfied with preliminary engineering plans and will continue to work with the petitioner.

Commissioner Sturznickel acknowledged that the project is beautiful, but noted concern that there would not be sufficient parking for the building residents. Mr. Mihelich explained that each unit would be entitled to one parking space. If they wished to have another space, they would be allowed to lease a space from the Village who will control the public parking garage. *Commissioner Sturznickel* noted that the parking has been eliminated from Port Edwards, to which Mr. Mihelich stated public parking would be available. *Commissioner Sturznickel* also noted concern with the traffic impact. Mr. Mihelich stated that there would be traffic by any project built on that corner. He also stated that they have addressed the issue by limiting access only on Main Street and not Route 62 or North Harrison Street.

Commissioner Sosine also noted concerns with parking. She asked how public and private parking would be communicated, to which Mr. Pinderski answered that parking will be clearly marked with signs in addition to secured residential parking. The tenants will be issued key codes for their spaces. *Commissioner Sosine* asked how deliveries would be handled, to which Mr. Mihelich answered that deliveries will be restricted to a designated loading zone on North Harrison Street only.

Mr. Pinderski stated that marketing would clearly specify that there is one space available for each unit.

Commissioner Sosine asked why a special use permit was necessary, to which Mr. Mihelich explained that it was for the outdoor seating. *Commissioner Sosine* asked how security would be maintained, to which Mr. Mihelich stated that there could be a security guard, but video surveillance will probably be used. This can be revisited at the final review. *Commissioner Sosine* asked if the underground tank can handle a severe storm, to which Mr. Mihelich answered that it would be sufficient.

Chairperson Neuhaufen asked if there would be a charge for public parking, to which Mr. Mihelich stated that parking would remain free.

Commissioner Sturznickel asked what parking requirements were required in other towns, to which Mr. Pinderski answered they were comparable.

Commissioner Sabatine asked about the right-out on Route 31, to which Mr. Mihelich explained that this would take the impact off Front Street. *Commissioner Sabatine* asked if there was concern with the grade for the parking access, to which Mr. Mihelich explained that the grading would be reduced during construction.

Commissioner Szpekowski asked for further explanation of the vehicular access. She noted concern with parking shortages for tenants with two cars. She asked if any tenants for the retail portion of the development are known. She was concerned that restaurant usage could only add to the parking shortage.

Commissioner Hoferle suggested language should be added to the contract so that owners of the condominiums can only have one automobile. He also noted concern with the height of the building, to which Mr. Mihelich explained that the project is relative to the other buildings

surrounding the corner. The color and architecture give the illusion of a smaller building. *Commissioner Hoferle* asked if commercial use could be restricted, to which Mr. Mihelich answered that mixed use was an important component at this location.

Commissioner Sturznickel asked if the Village would be obligated to pay any association dues, to which Mr. Mihelich stated that they would not. *Commissioner Sturznickel* asked how the Village could ensure that the property was maintained, to which Ms. Cahill stated that covenants could be drafted to give the Village the right to perform maintenance if needed, and then put a lien on the property.

PUBLIC COMMENT

There was no public comment.

COMMISSION MOTION ON PETITION

Commissioner Hoferle moved and Commissioner Sabatine seconded a motion to recommend approval of the request for Re-zoning to Old Town, Preliminary Plat of Subdivision, Preliminary PUD and a Special Use Permit for Riverside Square, 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 Neuhalfen, Sabatine, Sosine, Sturznickel with reservations about the parking, and Szpekowski also with reservations. Motion carried.

AGENDA ITEM 4: Consideration of a Request for a Special use Permit Case No. 2006-17. Internet Café

OPEN PUBLIC HEARING AND ESTABLISH QUORUM

Ms. Witte called roll to verify a quorum. Present Chairperson Neuhalfen; Commissioners Hoferle, Sabatine, Sosine, Sturznickel, and Szpekowski. Attorney Cahill noted that proper legal notice has been provided in accordance with state statutes and Village ordinances. She then swore in the petitioner.

Mr. Gunter Klauser, owner, gave a presentation of the petition to open an Internet gaming center. He explained that there would be 30 computers with 30 chairs available. No food service will be offered on the property.

STAFF AND COMMISSION COMMENTS

Ms. Thornton gave a brief overview of the project explaining that Mr. Klauser will be leasing space in the Algonquin Town Center to open the only Internet gaming center in Algonquin. Highlights included hours of operation and a control mechanism to ensure that appropriate games are being used. She noted that the Police Department has reviewed this petition and do not have any concerns at this time. Staff recommends approval of the Special Use Permit with the findings of fact listed in her staff report dated August 11, 2006.

Commissioner Hoferle asked if friends would be allowed to watch if they were not playing. Mr. Klauser answered that they would be conscious of the number of people not using a terminal. He does not want it to become a hangout.

PUBLIC COMMENT

Mr. Rick Duvern, 1591 Cumberland Parkway, noted concern with garbage distributed throughout the adjacent neighborhood by shoppers who visit Algonquin Town Center. Mr. Mihelich stated that he would look into the matter.

Close Public Comment.

COMMISSION MOTION ON PETITION

Commissioner Sosine moved and Commissioner Sabatine seconded a motion to recommend approval of the request for a Special Use Permit for an Internet gaming room, consistent with the plans submitted by the petitioner, the conditions recommended by staff, and the findings of fact as presented to the Commission. The Roll Call noted the following: Ayes: Chairperson Neuhalfen, Sabatine, Sosine, Sturznickel, and Szpekowski. Motion carried.

AGENDA ITEM 5: Consideration of a Request for a Special Use Permit Case No. 2006-16. Vander Weit Chiropractic

ESTABLISH QUORUM

Ms. Witte called roll to verify a quorum. Present: Chairperson Neuhalfen; Commissioners Hoferle, Sabatine, Sosine, Sturznickel, and Szpekowski. Attorney Cahill noted that proper legal notice has been provided in accordance with state statutes and Village ordinances. She then swore in the petitioner.

PETITIONER COMMENTS

Dr. Scott Vander Weit gave a brief presentation of his request to open a 1,200 square foot chiropractic office in the River Pointe Shopping Center. The clinic will offer patient consultation, x-ray, evaluation, usage of physical therapy procedures, supplies, and supplements to relieve pain. The clinic will encourage wellness to the entire family and offer education for the prevention of future chiropractic problems. He stated that he would provide his home phone number for any after hour emergencies.

STAFF AND COMMISSION COMMENTS

Ms. Thornton stated that a special use permit was required because this petition is considered a medical office. She stated that staff recommends approval of the Special Use Permit with the findings of fact listed in the staff report dated August 11, 2006.

Commissioner Sabatine asked if x-ray equipment would be located on the property, to which Dr. Vander Weit stated that proper leading precautions have been installed.

PUBLIC COMMENT

There was no public comment.

COMMISSION MOTION ON PETITION

Commissioner Szpekowski moved and Commissioner Hoferle seconded a motion to recommend approval of the request for a Special Use Permit for a chiropractic office, consistent with the

plans submitted by the petitioner, the conditions recommended by staff, and the findings of fact as presented to the Commission. The Roll Call noted the following: Ayes: Chairperson Neuhalfen, Sabatine, Sosine, Sturznickel, and Szpekowski. Motion carried.

AGENDA ITEM 6: Consideration of a Request for Rezoning from B-1 to O-T, Final Plat of Subdivision, and Final Planned Unit Development.

Case No. 2004-17. Riverview Terrace

ESTABLISH QUORUM

Ms. Witte called roll to verify a quorum. Present: Chairperson Neuhalfen; Commissioners Hoferle, Sabatine, Sosine, Sturznickel, and Szpekowski. Attorney Cahill noted that proper legal notice has been provided in accordance with state statutes and Village ordinances. She then swore in the petitioners.

PETITIONER COMMENTS

Mr. Ryan Schmidt, Attorney for the petitioner, gave a brief presentation of the proposal to construct a mixed-use building consisting of four commercial/town home units at the northeast corner of the Algonquin Road and North River Road. The three-story walkout building will be built into the side of the hill.

Mr. Konopka, petitioner, presented recommended building changes. He noted that the Historic Commission unanimously approved the petition. The construction fits nicely into the location transitioning between the residential area and downtown. He stated that the plan is to have live/work accommodations at affordable prices.

STAFF AND COMMISSIONER COMMENTS

Mr. Mason gave a brief overview of his memorandum dated August 11, 2006. The project will consolidate two lots to create a single lot for the entire property. Required conditions highlighted included additional brick, dedicated off-street parking, and approval from the neighboring property to construct and maintain a retaining wall. Staff concurs with the Historic Commission and recommends approval of the requested re-zoning to O-T PUD, final plat of subdivision, and final planned development, consistent with the plans submitted by the developer, the findings of fact as presented and the conditions recommended by staff.

Commissioner Hoferle noted concern with the setbacks. Mr. Mihelich stated that they do comply with Village requirements. *Commissioner Hoferle* asked about the tree removal, to which Mr. Mihelich answered that a tree survey will be required and replacement of trees or a donation according to the Village's Tree Preservation Plan would be required.

Commissioner Szpekowski asked how business owners would gain access to the residential unit, to which Mr. Konopka stated that the units are accessible from the inside.

Chairperson Neuhalfen asked where the signage would be located. Mr. Mihelich noted that wall signs are permitted and should be placed between the first and second story. One monument sign is planned; no individual tenants shall be placed on the sign.

Commissioner Sturznickel asked if the space could be subleased, to which Mr. Konopka stated that it could happen, but it is not what is planned.

Commissioner Sabatine asked what will prevent the tenants from using the first floor as storage and not commercial, to which Mr. Mihelich stated that the space is to be used as commercial only and would be watched.

COMMISSION MOTION ON PETITION

Commissioner Hoferle moved and Commissioner Sturznickel seconded a motion to recommend approval of the request for Re-zoning to Old Town, Final Plat of Subdivision and Final PUD for Riverview Terrace, 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 Neuhalphen, Sabatine, Sosine, Sturznickel, and Szpekowski. Motion carried.

AGENDA ITEM 7: New/Old Business

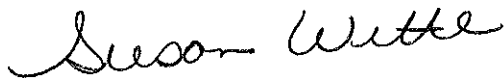
There was a general discussion on the following items:

- Vacated house on Beach Street. A permit for new construction is for one-year as long as the area is kept safe.
- Jewel will open the end of August or early September.
- Tree line on Tanglewood

AGENDA ITEM 8: Adjournment

Commissioner Sturznickel moved and Commissioner Sabatine seconded a motion to adjourn the meeting. The voice vote noted all ayes. The motion carried, and the meeting was adjourned at 9:45 p.m.

Respectfully submitted,



Susan M. Witte
Recording Secretary