



AGENDA PACKET

VILLAGE OF LAKE ZURICH

Planning & Zoning Commission

Wednesday, February 07, 2018

VILLAGE OF LAKE ZURICH
Planning & Zoning Commission

Wednesday, February 07, 2018

AGENDA

1. CALL TO ORDER AND ROLL CALL
Chairperson Orlando Stratman, Vice-Chair Kurt Baumann, Antonio Castillo, Ildiko Schultz, William Riley, Craig Dannegger, Joe Giannini, and Alternate Mike Muir.
2. CONSIDERATION OF MINUTES
Minutes of the Planning and Zoning Commission Meeting, January 17, 2018.
Motion to approve the minutes (Voice Vote)
ATTACHMENT 1: [UNAPPROVED MINUTES](#)
3. PUBLIC COMMENT
(This is an opportunity for residents to comment briefly on matters included on the agenda and otherwise of interest to the Commission.)
4. PUBLIC HEARING
(This agenda item includes development proposals presented to the Planning & Zoning Commission for discussion and recommendation to the Village Board for final action)
 - A. Continued Applications; 99 Quentin Road – Steil Plaza (PZC 2017-5)

The applicant has requested continuance of the application while feedback from Commissioners is incorporated into revisions. For more information, please refer to the attached continued applications Staff Report.

Applicant – Patrick Taylor, Central One LLC.

Attachment 1: [99 Quentin](#)
 - B. 919 South Rand Road – SW Massage (PZC 2018-1)

Public hearing to consider a request for a Special Use Permit Amendment, to relocate an existing previously approved massage therapy business at 925 South Rand Road within the same building. Detailed information is contained within the accompanying staff report and all exhibits submitted by the applicant.

Applicant – John Sfire, The Fidelity Group

Attachment 1: [919 South Rand Road](#)

5. STAFF REPORT

(This is an opportunity for staff of the Community Development Department to report on matters of interest to the Planning & Zoning Commission)

6. ADJOURNMENT

The Village of Lake Zurich is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA coordinator at (847) 438-5141 (TDB #438-2349) promptly to allow the Village to make reasonable accommodation.

The Village of Lake Zurich is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at 847.438.5141 (TDD 847.438.2349) promptly to allow the Village to make reasonable accommodations for those individuals.

Unapproved
VILLAGE OF LAKE ZURICH
PLANNING & ZONING COMMISSION MINUTES
JANUARY 17, 2018

The meeting was called to order by Chairman Stratman at 7:00 p.m.

ROLL CALL: *Present* – Chairman Stratman, Commissioners Baumann, Castillo, Danegger, Schultz, and Muir (7:06 p.m.) *Absent* - Commissioners Riley and Giannini. Commissioner Muir will be serving as a full member this evening due to an absence. Chairman Stratman noted a quorum was present. *Also present:* Community Development Director Sarosh Saher, Associate Village Planner Katie Williams, and Asst. Village Manager Roy Witherow.

CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION

A. Approval of the December 20, 2017 Meeting Minutes of the Planning & Zoning Commission:

MOTION was made by Commissioner Baumann, seconded by Commissioner Schultz, to approve the December 20, 2017 minutes of the Planning and Zoning Commission as submitted.

Upon roll call vote:

AYES: 5 Chairman Stratman, Commissioners Baumann, Castillo, Danegger, and Schultz.

NAYS: 0

ABSENT: 3 Commissioners Giannini, Muir, and Riley

MOTION CARRIED

PUBLIC COMMENT - None

Chairman Stratman read a prepared statement that explained the function and role of Planning and Zoning Commission, stressed that they are residents of Lake Zurich who also have the best interest of the community at heart, noted that they serve as volunteers, and are charged with fact-gathering and making recommendations to the Village Board. He reminded those testifying that they have are under oath to tell the truth and reminded them to be truthful and avoid exaggeration or generalities. Commissioner Muir arrived at this time (7:06).

PUBLIC HEARINGS:

MOTION was made by Commissioner Baumann, seconded by Commissioner Schultz, to open the following public hearings at 7:08 p.m.

Upon roll call vote:

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, Danegger, Schultz, and Muir.

NAYS: 0

ABSENT: 2 Commissioners Giannini and Riley

MOTION CARRIED

Application PZC 2017-5, 99 Quentin Road, Steil Plaza;

Application PZC 2017-11, 880 N Old Rand, Life Time Athletic

Chair Stratman swore in those wishing to testify or comment.

Continued Application:

Planning & Zoning Commission Meeting Minutes, January 17, 2018

2

A. 99 Quentin Road – Steil Plaza (PZC 2017-5)

The applicant has requested continuance of the application while feedback from Commissioners is incorporated into revisions. Refer to attached Continued Applications Staff Report.

Applicant – Patrick Taylor, Central One LLC.

MOTION was made by Commissioner Baumann, seconded by Commissioner Danegger, to continue the public hearing on PZC 2017-5, 99 Quentin Road, Steil Plaza, until February 7, 2018 at 7:00 p.m.

Upon roll call vote:

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, Danegger, Schultz, and Muir.

NAYS: 0

ABSENT: 2 Commissioners Giannini and Riley

MOTION CARRIED

B. 880 North Old Rand Road – Life Time Athletic (PZC 2017-11)

Public hearing to continue consideration of the request for A Map Amendment, Development Concept Plan Approval of a Planned Unit Development to construct a new physical fitness facility. Detailed information is contained within the accompanying staff report and all exhibits submitted by the applicant. *Applicant – Aaron Koehler, Life Time Athletic*

Project attorney Katherine C. Jahnke Dale, DLA Piper LLP, introduced the team that was present this evening. She reviewed her responses to comments, concerns, and questions raised at the December 20, 2017 Planning and Zoning Commission meeting in a letter to the Planning and Zoning Commission dated January 8, 2018 as was requested (Exhibit A). She gave an overview of her presentation which will summarize the major items in their letter, comparison to other Life Time Fitness facilities, architectural items regarding height and comparison to other buildings in Lake Zurich including photographs showing the site line from Paulus Park to the subject property, storm water management and drainage, economic impact to the Village and School District 95 (conservative estimate will generate tax revenue of \$43,000 for the Village and \$200,000 for School District 95 for a total increase of \$253,000 and sales tax revenue of \$15-30,000).

Lynn Means, transportation engineer with Gewalt Hamilton, addressed their traffic generation and distribution methodology, which used a conservative traffic estimation rate. They surveyed the Vernon Hills facility at a high-membership period and found the counts were 40% lower than their projections. They did not credit pass-by traffic but counted it as new traffic in their calculations. Proposed improvements were designed to accommodate a much larger traffic volume that is anticipated. Standard traffic methodology indicates most traffic will be coming from Rand Road. Traffic increase east of the site is estimated at 60 cars per hour with 35 vehicles entering and 23 vehicles exiting during peak traffic hours or one extra vehicle per minute.

Janice Gannon, 207 N. Old Rand Road, thinks the Planning and Zoning Commission packet for tonight's meeting is biased in favor of Life Time Fitness, and the plan changes are not substantial. She would like to see the building size reduced by 50%, a berm provided, and finds the increased trip projections unacceptable.

Jeff Halen, 154 S. Pleasant, agreed with Mrs. Gannon's comments but found the information packet to be very detailed, and thinks it provided requested information and addressed concerns that have been raised. He asked why a landscape plan was not included, asked why no compensating amenities were

Planning & Zoning Commission Meeting Minutes, January 17, 2018

3

provided to the Village by the developer, and questioned the projected amount of sales tax revenue the Village would receive.

Alexandria Stone, 1380 Bristol Trails, stated her support for Life Time Fitness, which she has belonged to for years. She has found it to be family-friendly and it offers incentives to patronize local businesses. Ms. Stone does not think Life Time will lower property values and finds the building to be attractive.

Jody Kien, 805 N. Old Rand Road, lives across the street from the proposed development and believes they will be impacted the most because they are only 250-feet away from the proposed building with no buffer. Ms. Kien said she is not opposed to the project but opposes the location. She said she is speaking on behalf of Bay Shore Condominiums and asked why they are being ignored by the developer. She objected to the use, building height, noise, traffic, impact on the road, pedestrian safety, and disruption to the residential area. Ms. Kien asked that the Zoning Map amendment be denied and Life-time be limited to utilizing only the B-1 portion of the property and the R-4 portion remain residential.

Geoff Petzel, 695 Windemere, said right-of-way improvements will increase the impervious surface and asked that a condition be added prohibiting any storm water from the project to flow into the lake, that the developer manage all storm water on the site to avoid impacting the Flint Creek watershed and be handled as a "greenfield" development, and the petitioner exceed storm water management standards, and the volume of storage capacity be equal to all impervious areas.

Terry Herlihy, Lois Lane, questioned the accuracy of the photographs depicting site lines from various locations looking toward the proposed building and vice-versa. He noted that certain camera lens could alter the distance between objects and make it look farther away than it is. Mr. Herlihy read from the Village of Lake Zurich's mission statement and the newcomer's welcome packet and does not think this project is in keeping with its mission or statements to new residents. He believes that Life Time would negatively impact property values, increase traffic, create pedestrian and traffic safety problems.

John Tolomei, 190 N. Old Rand Road, had serious concerns about the stability of Old Rand Road and thought pilings would need to be driven into the soils or re-enforced concrete walls erected. He believes increased traffic will accelerate the deterioration and questioned the suitability of the soils. Mr. Tolomei said no other Life Time Fitness location has their access so close to residences.

Chad Karecki, 785 N. Old Rand Road, suggested the building be recessed to lower the height and allow for more green space.

Phil Gargano, 761 N. Old Rand Road, asked that the site access be limited to Rand Road and no access be provided onto Old Rand Road.

MOTION was made by Commissioner Baumann, seconded by Commissioner Muir, to close the public hearing on Application PZC 2017-11 880 N Old Rand Road, Life Time Fitness at 8:18 p.m.

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, Dannegger, Schultz, and Muir.

NAYS: 0

ABSENT: 2 Commissioners Giannini and Riley

MOTION CARRIED

Planning & Zoning Commission Meeting Minutes, January 17, 2018

4

A brief question and answer period followed with the developer and staff answering questions posed by the Planning and Zoning Commission members. Mr. Koehler addressed revisions to proposed site and landscaping plans including location of a 7-foot landscaped berm. He said the revised site and landscape plans tried to incorporate recommendations from the neighbors and staff, but he was open any additional recommended revisions. He said the Bay Shore residents did not reach out to Life Time and noted an increased setback from Old Rand Road from the required 10-feet to 17-feet had been provided. Mr. Koehler agreed to treat the site as undeveloped and account for all storm water run off with no credit for existing impervious areas.

Commissioner Castillo had done research of other Life Time sites and is not convinced that the predictions of minimal traffic impact is accurate. He is supportive of a fitness use but was concerned about pedestrian and vehicle safety, distracted drivers, property values, impact of a 24-hour location and the proximity to residences. Although he thinks Life Time Fitness is a good facility, he does not think this is the correct location for it.

Commissioner Muir observed that Life Time has been very accommodating to the residents' requests and has provided a detailed presentation complete with complete exhibits. He commended the residents for coming together and bringing forward their concerns. Although the development has many positives, his main concern was the location and size of the building, which could negatively impact real estate values. He thought the increased traffic could benefit the downtown development, and steps could be taken to slow down traffic and be monitored by the police.

Commissioner Baumann agreed with the other commissioners and concurred with Commissioner Castillo's research findings. He supports Life Time as a quality business and good use but not in a location that has residential property on three sides. He would like to see the use to be contained on the B-1 portion of the parcel and have the building height reduced to two stories rather than three.

Commissioner Dannerger agreed with Commissioner Muir's observations about increased traffic benefiting the downtown revitalization and appreciated the detailed presentation and information provided by Life Time. He thinks most people are not opposed to the use but don't support that location. He could support a two-story building in the same footprint. He did have concerns about pedestrian safety but thought controls such as a cross walk, signage, or speed bump could help alleviate problems.

Commissioner Schultz concurred with the previous comments. She thinks Life Time is an outstanding organization that she would welcome to Lake Zurich but has concerns about the proposed site being the right location. She did not support the zoning change because the residents relied on the R-4 portion remaining residential. Commissioner Schultz had concerns about the building size, height, proximity to residential property, and impact on the condition of Old Rand Road.

Chairman Stratman thanked Life Time for their cooperation and responsiveness to issues and concerns raised. He thinks Life Time would be a great acquisition for Lake Zurich but agreed that it is not the best location. He had been given another petition regarding Life Time Fitness that he would pass it on to Director Saher to be part of the record.

MOTION was made by Commissioner Baumann, seconded by Commissioner Schultz, to receive into the public record the staff review of compliance of this Application with the zoning standards as presented by staff this evening and to make these standards a part of the official record for the Application. In addition to staff comments, the comments made by the Planning and Zoning Commission this evening will be part of the official record for this Application.

Planning & Zoning Commission Meeting Minutes, January 17, 2018

5

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, Danegger, Schultz, and Muir.

NAYS: 0

ABSENT: 2 Commissioners Giannini and Riley

MOTION CARRIED

MOTION was made by Commissioner Baumann, seconded by Commissioner Danegger, to receive into the public record the testimony presented by the Applicants, testimony presented by members of the public, and in response to questions by the Planning and Zoning Commission members any testimony presented by Village Staff at tonight's Public Hearing.

AYES: 6 Chairman Stratman, Commissioners Baumann, Castillo, Danegger, Schultz, and Muir.

NAYS: 0

ABSENT: 2 Commissioners Giannini and Riley

MOTION CARRIED

MOTION was made by Commissioner Baumann, seconded by Commissioner Danegger, to recommend that the Village Board approve an amendment to the zoning map to rezone the easterly portion of the property from R-4 Single-Family Residential district to B-1 Local and Community Business district.

AYES: 1 Chairman Stratman

NAYS: 5 Commissioners Baumann, Castillo, Danegger, Schultz, and Muir.

ABSENT: 2 Commissioners Giannini and Riley

MOTION DENIED

MOTION was made by Commissioner Baumann, seconded by Commissioner Schultz, to recommend that the Village Board approve the Special Use for a Planned Unit Development at 880 North Old Rand Road by Life Time Fitness.

AYES: 1 Chairman Stratman

NAYS: 5 Commissioners Baumann, Castillo, Danegger, Schultz, and Muir.

ABSENT: 2 Commissioners Giannini and Riley

MOTION DENIED

MOTION was made by Commissioner Baumann, seconded by Commissioner Castillo, to recommend that the Village Board approve the Development Concept for a Planned Unit Development at 880 North Old Rand Road by Life Time Fitness.

AYES: 1 Chairman Stratman

NAYS: 5 Commissioners Baumann, Castillo, Danegger, Schultz, and Muir.

ABSENT: 2 Commissioners Giannini and Riley

MOTION DENIED

STAFF REPORT:

Planner Williams said the February meeting was rescheduled to February 7, 2018 at 7:00 p.m. A special use application allowing a massage therapy salon to relocate within the same building is the only item on the agenda. Director Saher clarified that he expects the Steil Plaza petition to request another continuance to the March meeting. He will be bringing back the educational components beginning at the March meeting.

Planning & Zoning Commission Meeting Minutes, January 17, 2018

6

ADJOURNMENT:

MOTION was made by Commissioner Baumann, seconded by Commissioner Schultz, to adjourn the meeting. Voice Vote, all in favor. MOTION CARRIED. The meeting was adjourned at 9:03 p.m.

Submitted by: Janet McKay, Recording Secretary

Approved by:



COMMUNITY DEVELOPMENT DEPARTMENT
Building and Zoning Division

505 Telser Road
Lake Zurich, Illinois 60047

Phone (847) 540-1696

Fax (847) 726-2182

LakeZurich.org

At the Heart of Community

PZC Hearing Date: February 7, 2018

STAFF REPORT

To: Chairperson Stratman and Members of the Planning & Zoning Commission

From: Sarosh Saher, Community Development Director

CC: Katie Williams, Associate Planner

Re: **Report on Continued Applications**

A. Previously continued Applications: The following item was continued at the January 17, 2018 meeting of the Planning and Zoning Commission. An update and requested action on the items is as follows:

Item 4.A. 99 Quentin Road – Steil Plaza (PZC 2017-5):

Applicant – Pat Taylor, Central One LLC

Background: An application for this development was first brought before the Planning and Zoning Commission on December 21, 2016. After being continued for several meetings, the application was eventually denied by both the Planning and Zoning Commission, as well as the Village Board. This denial prohibited the developer from returning before the Commission for two years, unless a substantially revised proposal was submitted. After further conversation with Staff, the developer was able to produce a proposal which Staff felt was substantially different from the previous, and that Staff felt would be possible to support with some minor modifications.

The developer chose to submit this new proposal for the September 20, 2017 PZC meeting, but specifically asked that no recommendation be made. The hearing was instead conducted for general discussion and to provide feedback on the project.

Requested Action: The applicant is requesting that the hearing be continued until the March 21, 2018 meeting while they continue to resolve issues with the development before assembling their submittal to the PZC.



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telser Road
Lake Zurich, Illinois 60047

Phone (847) 540-1696
Fax (847) 726-2182
LakeZurich.org

APPLICATION PZC 2018-1
PZC Hearing Date: February 7, 2018

AGENDA ITEM 4.B

STAFF REPORT

To: Chairperson Stratman and Members of the Planning & Zoning Commission

From: Sarosh Saher, Community Development Director

CC: Katie Williams, Associate Planner
Mary Meyer, Building Services Supervisor

Date: February 7, 2018

Re: PZC 2018-1 Zoning Application for 919 South Rand – SW Massage
Special Use Permit Amendment for Massage Therapy Business

SUBJECT

John Sfire, of The Fidelity Group, (the “Applicant”) requests the amendment of an existing Special Use Permit to relocate SW Massage from the tenant space commonly known as 927 South Rand Road, to the tenant space commonly known as 919 South Rand Road and legally described in Exhibit A attached hereto (the “Subject Property”). Both tenant spaces are located within the same building.

GENERAL INFORMATION

Requested Action: Special Use Permit Amendment

Current Zoning: B-3 Regional Shopping District

Existing Use Massage Therapy Services

Proposed Uses: No Change

Property Location: 919 South Rand Road

Applicant: John Sfire, The Fidelity Group on behalf of

Staff Report
APPLICATION PZC 2018-1

Community Development Department
PZC Hearing Date: February 7, 2018

Sheng Wei Massage d/b/a SW Massage

Owner: Fidelity Group LTD d/b/a The Fidelity Group

Staff Coordinator: Katie Williams, Associate Planner

LIST OF EXHIBITS

- A. Legal Description
- B. Public Hearing Sign
- C. Site Photos
- D. Aerial Map
- E. Zoning Map
- F. Parcel Map
- G. Development Application and Attachments
- H. Development Review Comments

BACKGROUND

John Sfire of The Fidelity Group (the “Applicant”), is the Applicant for the massage therapy business which is proposed to be relocated from 925 South Rand Road to 919 South Rand Road, both of which are within the same existing building on an outlot at Deerpath Commons Retail Center, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on January 17, 2018 (the “Application”) seeking:

- Special Use Permit amendment to relocate an existing Massage Therapy Business

The Subject Property is located within the Village’s B-3 Regional Shopping Zoning District. The existing Outlot within Deerpath Commons currently houses tenant spaces occupied by Eddie Z Blinds and Drapery, Be New Pilates, SW Massage (the land use that is the subject of this consideration), and the recently approved Meat and Potatoes Eatery.

The reason for the move within the same building is to free up space to allow Meat and Potatoes Eatery to occupy two adjoining tenant spaces in the building, one of which is currently occupied by SW Massage. Please recall that Meat and Potatoes came before the PZC in December, 2017 requesting approval of their new drive-through lane and outdoor seating and was approved by the Village Board on January 15, 2018. To accommodate the expansion of Meat and Potatoes into two tenant spaces, SW Massage has agreed to move out and into the vacant space three doors away.

SW Massage was originally granted approval in 2016 to operate per Ordinance 2016-4-123. Typically, staff would be able to administratively approve such a relocation within the same building. However, in this case, there is a condition within the Special Use ordinance for SW Massage that very specifically ties them to their current tenant space, thereby only allowing their

Staff Report
APPLICATION PZC 2018-1**Community Development Department**
PZC Hearing Date: February 7, 2018

relocation through an amendment of the ordinance, requiring a public hearing and Village Board approval. The developer and owner of the building, Fidelity Group, also requested the change in the meeting date based on time concerns to get Meat and Potatoes into their space by March 15, 2018 after SW Massage is able to move out and into their new space.

Pursuant to public notice published on January 20, 2018, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for February 7, 2018, to consider the Application. On January 17, 2018, the Village posted a public hearing sign on the Subject Property (Exhibit B).

Staff offers the following additional information:

- A. Courtesy Review.** No Courtesy Review was recommended as this is an existing business within the Deerpath Commons Retail Center that previously received Special Use Permit approval to operate within the center.
- B. Zoning History.** SW Massage was recommended for approval at the March 16, 2016 Planning and Zoning Commission Hearing. The meeting can be viewed at the following link:
<http://view.earthchannel.com/PlayerController.aspx?&PGD=lakezurichil&eID=303>

During the meeting, potential violations related to the business owner's establishment in Naperville were discussed. It was alleged that other activities, beyond massage services, were occurring at that location. Mr. Sfire did address that he was aware of the allegations and was confident that they were not true. He further stated that he was comfortable with leasing out his tenant space to the applicants. Upon further discussion between Commissioners, it was decided that a recommendation for approval of the Special Use could be agreed upon, with the added condition that the status of the violations in Naperville be confirmed as closed.

Staff was able to verify that there was no finding of a violation and the complaint had in fact been closed. The LZPD further indicated that they had no evidence to recommend denial of the Special Use Permit, and the permit was subsequently approved by the Village Board. Staff has additionally verified with the LZPD that since beginning operations at the location at 925 S Rand Road, there have been no violations filed against the business and its operations.

Staff additionally followed up on verification of the two other facilities in Wheeling and Algonquin that were referenced in the discussion as being owned and operated by the applicants. Staff did not find any complaints against the establishment in Wheeling. Staff also found that the location in Algonquin is no longer in operation.

- C. Surrounding Land Use and Zoning.** The subject property is located on Route 12, which is a major commercial arterial. The land immediately to the east of the Subject Property is zoned B-3 Regional Shopping district and improved with the remaining portion of Deerpath Commons and supports a variety of commercial uses. The land farther to the

Staff Report
APPLICATION PZC 2018-1

Community Development Department
PZC Hearing Date: February 7, 2018

southeast is currently being developed with the Sparrow Ridge Plaza retail center. The properties to the west are zoned within the R-5 Multi-Family Residential District and improved with older construction single family homes which are a part of The Meadows subdivision. To the north of the Subject Property and across Route 12, the property is zoned B-1 Local and Community Business and is improved with similar but smaller multi-tenant commercial buildings. The property to the south is zoned within the OS Open Space district and was set aside as a stormwater detention/natural conservation area at the time of the development of the subject retail center.

- D. Trend of Development.** The subject property is located within the thriving Route 12 commercial corridor along the southern side of the Village. The accessibility and high visibility from a major north-south arterial such as Route 12 makes the Subject Property a desirable location for many retail- and service-oriented businesses.
- E. Zoning District.** Three (3) zoning districts are provided for business and commercial uses. When taken together, these districts are intended to permit development of property for the full range of business and commercial uses needed to serve the citizens of Lake Zurich and the surrounding suburban area. The B-3 regional shopping district is intended to provide locations for major retail centers. The regulations are designed to encourage a broad range of attractive retail and compatible service uses in those centers.

GENERAL FINDINGS

Staff of the Village's Development Review Team (DRT) has evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offers findings on specific sections of the Code.

9-19-3: STANDARDS FOR SPECIAL USE PERMITS.

Staff has reviewed the plan and found that the development proposal will continue to remain in substantial conformance with the standards for Special Use Permits as outlined below.

- A. General Standards: No special use permit shall be recommended or granted unless the applicant shall establish substantial conformance with the following:
1. Zoning Code and Plan Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this zoning code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the official comprehensive plan.

Staff Response: Standard met. The development will continue to remain in substantial conformance with the purpose and intent of the B-3 Regional Shopping District, and the land use designation of the adopted Comprehensive Plan.

Staff Report
APPLICATION PZC 2018-1

Community Development Department
PZC Hearing Date: February 7, 2018

2. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

Staff Response: Standard met. The business is consistent with commercial-oriented development along the Route 12 corridor. The business has demonstrated that it does not have any substantial or undue adverse effect upon any adjacent properties and does not adversely impact the public health, safety, and general welfare of the Village. Massage Therapy Uses also continue to exist within multiple shopping centers within the Village and operate with no undue adverse impacts.

3. No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

Staff Response: Standard met. The entirety of the business will be operated within a tenant space of the building on Outlot 2 within Deerpath Commons Retail Center.

4. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

Staff Response: Standard met. The proposed development is currently served by and will continue to be served adequately by essential public facilities and services such as streets, utilities and drainage and other municipal services. No change in impact these are anticipated at this time.

5. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through the surrounding streets.

Staff Response: Standard met. SW Massage has been operating at its current location since the summer of 2016 and no increased traffic attributed to this business has been noted.

Parking is in conformance with the requirements of the zoning code. The shopping center was designed with adequate parking to accommodate the parking demand for the various types of uses that the shopping center could accommodate.

6. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Staff Report
APPLICATION PZC 2018-1

Community Development Department
PZC Hearing Date: February 7, 2018

Staff Response: Standard met. The proposed use will not result in the destruction or removal of any natural features. The proposed use would be conducted entirely within the existing lot within Deerpath Commons Retail Center.

7. Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

Staff Response: Standard met. There are no additional standards imposed on the land use by the code. The business will continue to comply with the remaining three conditions imposed through Special Use Ordinance 2016-4-123 approved on April 4, 2016. The additional conditions are as follows:

1. **The Special Use Permit is granted to and authorizes only the Applicant and his business at this location, and shall terminate at such time as the Applicant is no longer operating. It is not transferable to any other business or user.**
2. **Massage Therapy is permitted only during the normal business hours and never before 8:00 a.m. or after 10:00 p.m. on any day**
3. **Massage Therapy shall be performed only by trained therapists professionally certified by the Illinois Department of Financial and Professional Regulations.**

These conditions for approval are proposed to remain and be incorporated into the approval ordinance for the new location.

8. Positive Effect. The proposed special use creating a positive effect for the zoning district, its purpose, and adjacent properties shall be placed before the benefits of the petitioner.

Staff Response: Standard met. The proposed development will continue to contribute to the established commercial character of the shopping center located within the Route 12 corridor.

- B. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

Staff Response: Standard met. The applicant has agreed to and staff will ensure that the Applicant continues to comply with the conditions imposed on massage therapy businesses.

Staff Report
APPLICATION PZC 2018-1

Community Development Department
PZC Hearing Date: February 7, 2018

C. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Board of Trustees shall consider:

1. Benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Staff Response: Standard met. The business will continue to provide a convenient location for this service within the community.

2. Alternative Locations. Whether the purposes of the zoning code can be met by the location of the proposed use and development in some other area or zoning district that may be more appropriate than the proposed site.

Staff Response: Standard met. There is no evidence that the proposed location has been inappropriate for the land use, so an alternative location would not be any more appropriate than the proposed location. Massage therapy when not accessory to a beauty salon or doctor's office requires a Special Use Permit, so this application would require zoning relief no matter which zoning district they proposed to operate in.

3. Mitigation of Adverse Impacts. Whether all steps possible have been taken to minimize any substantial or undue adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Staff Response: Standard met. The retail center has been developed to prevent any undue adverse effect on itself or on surrounding property in relation to its location, design and operation.

RECOMMENDATION

The recommendation of the Planning and Zoning Commission should be based on the standards included in the following Sections of the Lake Zurich Municipal Code:

- Section 9-19-3: Standards for Special Use Permits

Based on the review of staff, the standards for approval continue to be met and therefore staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Staff of the Community Development Department therefore recommends the approval of Application PZC 2018-1, subject to the following conditions:

Staff Report
APPLICATION PZC 2018-1**Community Development Department**
PZC Hearing Date: February 7, 2018

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application and Cover Letter dated January 17, 2018, prepared by Mr. John Sfire
 - b. Exhibit A: Legal Description
2. Conditions B, C, and D, under Section 3 of Ordinance 2016-4-123, which are conditions related to the applicant and the operation of the business shall continue to remain incorporated within the ordinance granting approval of the business at its new location.
3. The special use constituting this massage therapy services facility is SW Massage operated by Mr. Guilan Sun; and shall be located within a commercial tenant space within Deerpath Commons Retail Center and shall expire if this massage therapy use and company requesting this special use cease operating at the property.
4. Proof of certification by the Illinois Department of Financial and Professional Regulations of all employees providing massage therapy services shall be provided prior to final occupancy of the proposed tenant space.
5. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Katie Williams
Associate Planner

Staff Report
APPLICATION PZC 2018-1

Community Development Department
PZC Hearing Date: February 7, 2018

LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

FOR 919 South Rand Road
February 7, 2018

The Planning & Zoning Commission recommends approval of Application PZC 2018-1, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **February 7, 2018** for this Application and subject to any changes or approval conditions as listed below:

6. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - c. Zoning Application and Cover Letter dated January 17, 2018, prepared by Mr. John Sfire
 - d. Exhibit A: Legal Description
 7. Conditions B. C. and D. under Section 3 of Ordinance 2016-4-123, which are conditions related to the applicant and the operation of the business shall continue to remain incorporated within the ordinance granting approval of the business at its new location.
 8. The special use constituting this massage therapy services facility is SW Massage operated by Mr. Guilan Sun; and shall be located within a commercial tenant space within Deerpath Commons Retail Center and shall expire if this massage therapy use and company requesting this special use cease operating at the property.
 9. Proof of certification by the Illinois Department of Financial and Professional Regulations of all employees providing massage therapy services shall be provided prior to final occupancy of the proposed tenant space.
 10. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.
- Without any further additions, changes, modifications and/or approval conditions.
 With the following additions, changes, modifications and/or approval conditions:

Planning & Zoning Commission Chairman

Staff Report
APPLICATION PZC 2018-1

Community Development Department
PZC Hearing Date: February 7, 2018

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 2 IN DEERPATH COMMONS SUBDIVISION, BEING A SUBDIVISION OF NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28 AND NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 11, 2005 AS DOCUMENT NUMBER 5895998, IN LAKE COUNTY ILLINOIS.

Staff Report
APPLICATION PZC 2018-1

Community Development Department
PZC Hearing Date: February 7, 2018

EXHIBIT B
PUBLIC HEARING SIGNS PRESENT AT SUBJECT PROPERTY



Staff Report
APPLICATION PZC 2018-1

Community Development Department
PZC Hearing Date: February 7, 2018

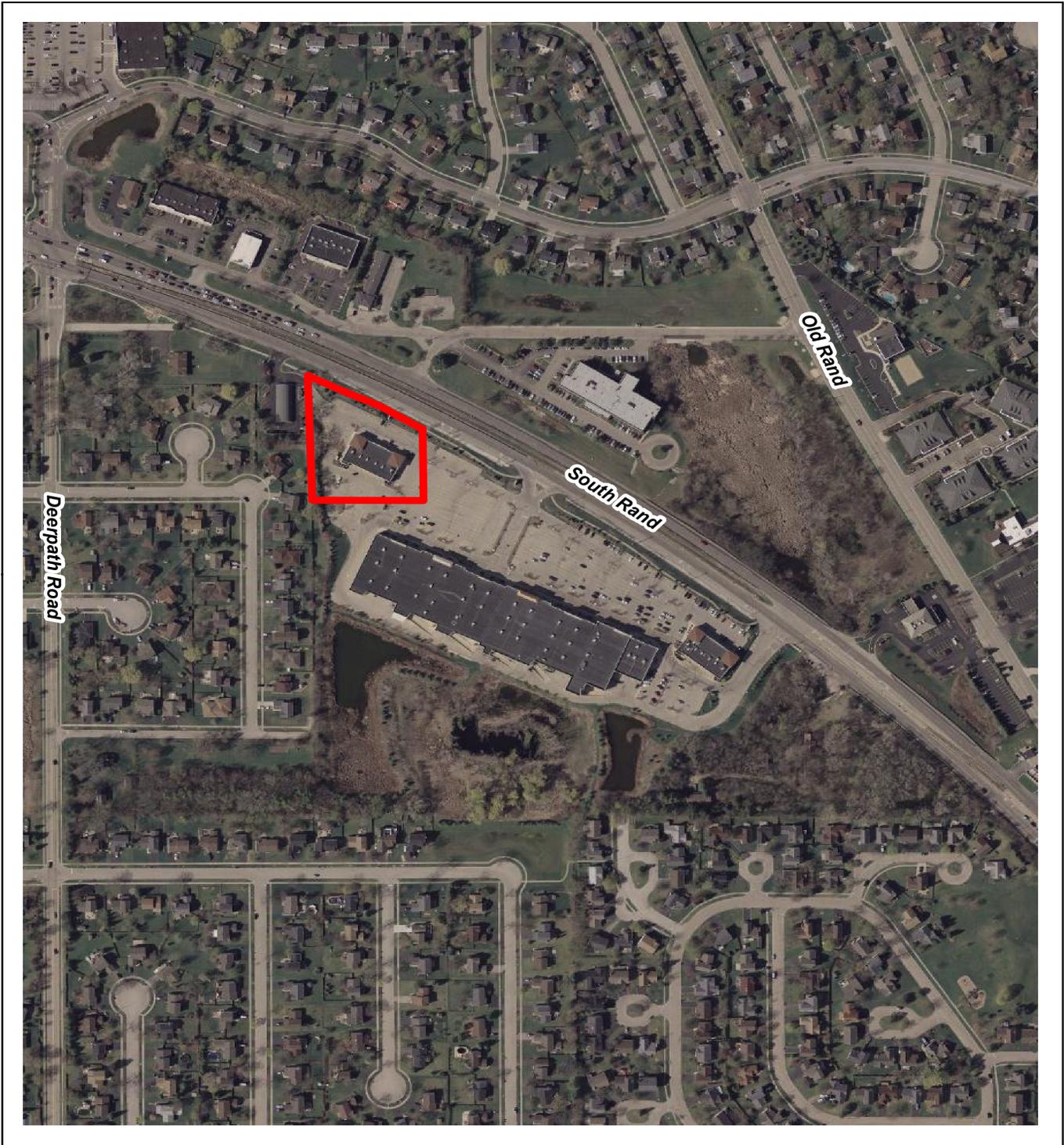
Exhibit C: Site Photos



Staff Report
APPLICATION PZC 2018-1

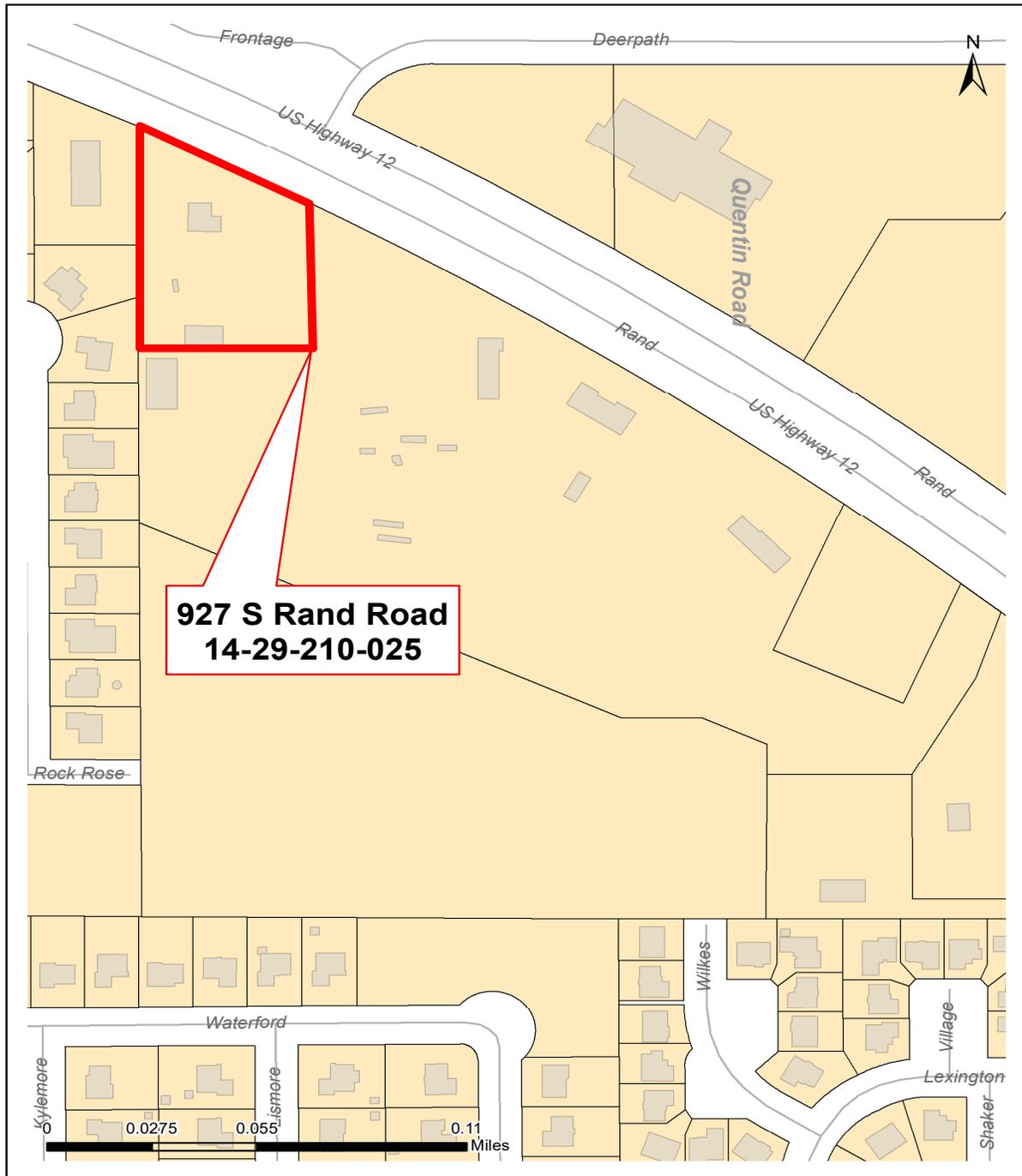
Community Development Department
PZC Hearing Date: February 7, 2018





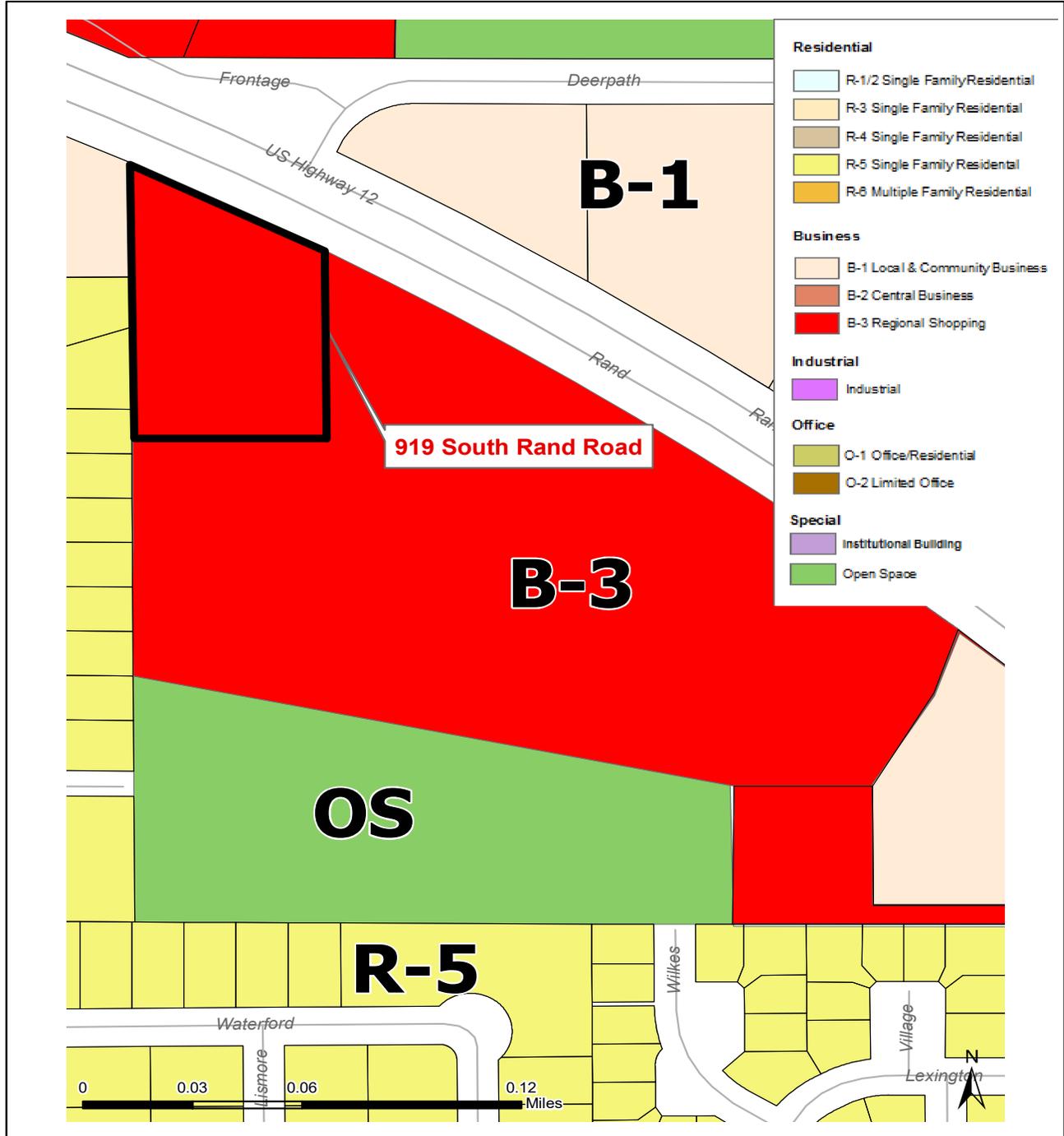
Aerial Map of 919 South Rand Road, Lake Zurich





Parcel Map of 919 South Rand Road, Lake Zurich





Zoning Map of 919 South Rand Road, Lake Zurich



**JAS DEVELOPMENT, LLC**

745 Ela Road
Lake Zurich, IL 60047
Phone: 847-438-5000
Fax: 847-438-7731
www.fidelitygrouppltd.com

January 17, 2018

Mr. Orlando Stratman
Chairperson of the Planning & Zoning Commission
Village of Lake Zurich
505 Telser Road
Lake Zurich, IL 60047

Re: Special Use Permit – Massage Therapy Services
Deerpath Commons Retail Center

Dear Mr. Stratman:

We are requesting approval of Sheng Wei Massage Therapy (owner Guilan Sun) for a Special Use Permit for a massage therapy services (7299) at 919 S Rand Road in our Deerpath Commons Retail Center. This is a permitted Special Use within the B-3 zoning. SW Massage currently has their business at 925 S Rand. This was approved in 2016 per Ordinance 2016-4-123. We are requesting to relocate their business two doors over in the same shopping center to accommodate M&P Eatery to have the end space for their drive thru.

We look forward to presenting this to the Planning Commission on February 7, 2018.

Sincerely,

JAS DEVELOPMENT, LLC

John Alan Sfire
Manager

Enc.



ANNEXATION AND ZONING APPLICATION

Community Development Department
 505 Telser Rd.
 Lake Zurich, IL 60047
 Phone: (847) 540-1696
 Fax: (847) 540-1769

(Please Type or Print)

1. Address of Subject Property: 919 S. Rand Road
 2. Legal description: Lot _____ Block _____ Subdivision Deerpath Commons

Please attach complete legal description

Property dimensions are: _____ ft. by _____ ft. = _____ square feet

If more than two acres, then give area in acres: _____

3. Property Identification number(s): 14-29-210-025
 4. Owner of record is: JAS Development, LLC Phone: 847-438-5000
 Fax: 847-438-7731 E-Mail: john.sfire@fidelitygroup
ltd.com
 Address: 745 Ela Road Lake Zurich IL 60047

4. Applicant is (if different from owner): Guilan Sun Phone: 630-999-1203
 Fax: _____ E-Mail: sunsun320223@yahoo.com
 Address: 2747 Blakely Lane Naperville, IL 60540

6. Applicant's interest in the property: Tenant
 (owner, agent, contractor, Realtor, etc.)

7. THE FOLLOWING ACTION IS REQUESTED:

Please provide a detailed explanation in a separate cover letter, explaining each zoning standard as it relates to the following applications. For the Lake Zurich Zoning Code visit www.lakezurich.org and navigate to the link for the Municipal Code.

A. VILLAGE BOARD APPLICATION TO ANNEX CERTAIN TERRITORY

All land annexed to the Village is classified automatically after such annexation in the R-1\2 Single Family Residential District. The owner must file an application for a Zoning Map amendment if he or she desires a different zoning classification for the Subject Property.

- Petition to Annex Certain Territory (Please complete attached petition)
- Application to Annex Certain Territory

B. PLANNING & ZONING COMMISSION APPLICATIONS

- Zoning Code **Map** Amendment for _____
 Zoning Code **Text** Amendment for Subsection 4-103E "Special Use"

(See Section 18-103 of the Lake Zurich Zoning Code for specific standards. In general, The Planning & Zoning Commission will evaluate the consistency of the proposed amendment with the purposes of the Zoning Code and the community need for the proposed amendment, uses, and development. If a specific parcel is the subject of this amendment, then provide the additional information listed in Section 18-103C.)

- Special Use Permit/Amendment for Massage Therapy service at 919 S Rand

(See Section 19-103 of the Lake Zurich Zoning Code for specific standards. The Planning & Zoning Commission also will consider whether the proposed special use is deemed necessary for the public convenience at the particular location and whether alternative locations have been evaluated.)

- Site Plan Approval/Major Adjustment/Amendment

(See Section 20-103 of the Lake Zurich Zoning Code for specific standards.)

- Exterior Appearance/Amendment

(See Section 21-103 of the Lake Zurich Zoning Code for specific standards.)

- Planned Unit Development/Major Adjustment/Amendment

(Planned Unit Developments are a distinct category of special use and are intended to create a more desirable environment than through strict application of the zoning and subdivision regulations. See Section 22-105 of the Lake Zurich Zoning Code for specific standards. Please list all the 'modifications' requested in the cover letter. Planned Unit Developments also require the provision of compensating amenities to the Village.)

- Preliminary and Final Plat of Subdivision/Amendment

(See Sections 10-5-2 and 10-5-9 of the Land Development Code for specific standards.)

- Modification to the Land Development Code (includes retaining walls more than 2 feet in height)

(See Section 10-6-18 of the Land Development Code for specific standards.)

- Variation for _____

(Illinois State Law requires that in order for a Variation to be granted a land-related hardship must be proven by a positive Finding of Fact for certain criteria. See Section 17-104 of the Lake Zurich Zoning Code for specific standards. Please indicate what your specific hardships are in the cover letter. Self-inflicted hardships are not eligible for a variance.)

C. COMPREHENSIVE PLAN APPLICATION

- Comprehensive Plan **Map** Amendment for _____

- Comprehensive Plan **Text** Amendment for _____

THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND CORRECT.

THE APPLICANT ALSO ACKNOWLEDGES IF THE CONSULTANT EXPENSES EXCEED THE INITIAL ESCROW DEPOSIT, THE APPLICANT WILL REIMBURSE THE ACCOUNT IMMEDIATELY.

John Alan Seifire
(Name of applicant)

JOHN ALAN SEIFIRE
(Signature of applicant)

Subscribed and sworn to before me this 17th day of January, 2018.

Rosalind J Schultz
(Notary Public)

My Commission Expires 06/24/19



JAS Development, LLC
(Name of Owner, if different)

John Alan Seifire
(Signature of Owner, if different)

Subscribed and sworn to before me this 17th day of January, 2018.

Rosalind J Schultz
(Notary Public)

My Commission Expires 06/24/19



Official Use Only

Zoning Case Number: _____ Date of Public Hearing: _____

Application Fees: _____ Annexation Fees: _____

Escrow Deposit for consultant fees: _____

Is a Courtesy Review by the Village Board required? Yes No

Traffic study required? Yes No

Any impact fees/contributions required? Yes No

Compensation amenities required? Yes No

Application accepted by: _____ Date: _____

919 S Rand
SW Massage

PIN	Name	Address	City	State	Zip	Property Address
1420404027	JAS GCII LLC	745 Ela Road	Lake Zurich	IL	60047	890 S Rand Rd
1420404028	JOHN L RACKOW, JR	83 W Main St	Lake Zurich	IL	60047	898 S Rand Rd
1420404038	Midas Realty Corporation	PO Box 52427	Atlanta	GA	30355	888 S Rand Rd
1421312006	Village of Lake Zurich	70 E Main St	Lake Zurich	IL	60047	0 Pheasant Ridge Dr.
1429210001	Village of Lake Zurich	70 E Main St	Lake Zurich	IL	60047	
1429200033	Lexington Health Care Center	665 W North Ave Ste 500	Lombard	IL	60148	900 S. Old Rand Rd
1428100020	Lexington Health Care Center	665 W North Ave Ste 500	Lombard	IL	60148	900 S. Old Rand Rd
1429200026	Sharon Pfammatter TTEE	17 E Harbor Dr	Lake Zurich	IL	60047	909 S Rand Rd
1429210008	Steven Skora	203 Fescue Ct	Lake Zurich	IL	60047	
1429210026	Deerpath Commons Retail Center LLC	745 Ela Road	Lake Zurich	IL	60047	935 S Rand Rd
1429210010	William B & Karen A Howarth	328 Denberry Dr.	Lake Zurich	IL	60047	
1429210009	Robyn L Sopocy	201 Fescue Ct	Lake Zurich	IL	60047	
1429210007	Ronald M. Bender	205 Fescue Ct	Lake Zurich	IL	60047	
1429210011	Bhagyesh & Binitaben Patel	336 Denberry Dr.	Lake Zurich	IL	60047	
1429211006	Peter G & Stacy Annis	331 Denberry Dr.	Lake Zurich	IL	60047	
1429210012	Thomas A & Elizabeth A Little	340 Denberry Dr.	Lake Zurich	IL	60047	
1429210013	Michael & Ewa Greenier	344 Denberry Dr.	Lake Zurich	IL	60047	
1429211019	Nancy Caravello	341 Denberry Dr.	Lake Zurich	IL	60047	
1429210014	Steve M Wallace	348 Denberry Dr.	Lake Zurich	IL	60047	
1429211005	David Webster	323 Denberry Dr.	Lake Zurich	IL	60047	
1420409010	Richard & Katherine Hopkins	451 Pheasant Ridge Road	Lake Zurich	IL	60047	
1420409011	J Karch & D Regent	455 Pheasant Ridge Road	Lake Zurich	IL	60047	
1420409008	Evgeny Bryukhov	443 Pheasant Ridge Road	Lake Zurich	IL	60047	
1420409009	Jatinder Singh, Kanwall H Singh	447 Pheasant Ridge Road	Lake Zurich	IL	60047	

919 South Rand Road - Page 23 of 26 - sub

John L Rackow, Jr.
83 W Main Street
Lake Zurich, IL 60047

Midas Realty Corporation
PO Box 52427
Atlanta, GA 30355

Village of Lake Zurich
70 E. Main Street
Lake Zurich, IL 60047

Lexington Health Care Center
665 W North Avenue
Suite 500
Lombard, IL 60148

Sharon Pfammatter TTEE
17 E. Harbor Drive
Lake Zurich, IL 60047

Evgeny Bryukhov
443 Pheasant Ridge Road
Lake Zurich, IL 60047

Steven Skora
203 Fescue Ct.
Lake Zurich, IL 60047

William & Karen Howarth
328 Denberry Drive
Lake Zurich, IL 60047

Robyn L. Sopocy
201 Fescue Ct.
Lake Zurich, IL 60047

Ronald M. Bender
205 Fescue Ct.
Lake Zurich, IL 60047

Bhagyesh & Binitaben Patel
336 Denberry Drive
Lake Zurich, IL 60047

Peter G & Stacy Annis
331 Denberry Drive
Lake Zurich, IL 60047

Thomas & Elizabeth Little
340 Denberry Drive
Lake Zurich, IL 60047

Michael & Ewa Greenier
344 Denberry Drive
Lake Zurich, IL 60047

Nancy Caravello
341 Denberry Drive
Lake Zurich, IL 60047

Steven M. Wallace
348 Denberry Drive
Lake Zurich, IL 60047

David Webster
323 Denberry Drive
Lake Zurich, IL 60047

Jatinder Singh, Kanwall H Singh
447 Pheasant Ridge Road
Lake Zurich, IL 60047

Richard & Katherine Hopkins
451 Pheasant Ridge Road
Lake Zurich, IL 60047

J Karch & D Regent
455 Pheasant Ridge Road
Lake Zurich, IL 60047

LEGAL DESCRIPTION OF LOT 2

Lot 2 in Deerpath Commons Subdivision, Being a Subdivision of Northwest Quarter of the Northwest Quarter of Section 28 and Northeast Quarter of the Northeast Quarter of Section 29, All in Township 43 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded November 11, 2005 as Document Number 5898998, in Lake County Illinois.

PIN: 14-29-210-025

Street Address: 919 S Rand Road
Lake Zurich, IL



DAVID STOLMAN
LAKE COUNTY COLLECTOR

PAYMENT COUPON

Tax Year 2016

PIN: 14-29-210-025



Pin 14-29-210-025
FIDELITY GROUP LTD
745 ELA RD
LAKE ZURICH,IL 60047-2337

BALANCE DUE: \$0.00

PAYABLE TO THE LAKE COUNTY COLLECTOR
1429210025000000000000000201625

Please Remit Payment To:

Lake County Collector
18 N. County Street
Waukegan, IL 60085

Property Location: 925 S RAND RD Tax Year 2016 Pin Number 14-29-210-025 Tax Code 15059 Acres 1.5
LAKE ZURICH

Legal Description: DEERPATH COMMONS FIRST RESUBDIVISION; Lot 2

Taxing Body	Rate	Land Value	
COUNTY OF LAKE	0.516424		\$233,890
COUNTY OF LAKE PENSION	0.115615	+ Building Value	\$303,161
VIL OF LAKE ZURICH	0.600292	x State Multiplier	1.0000
VIL OF LAKE ZURICH PENSION	0.491962	= Equalized Value	\$537,051
ROAD AND BRIDGE-ELA	0.009896	+ Farm Land and Bldg Value	
ROAD AND BRIDGE-ELA GRAVEL	0.042941	+ State Assessed Pollution Ctrl.	
ELA AREA PUBLIC LIBRARY DIST	0.350391	+ State Assessed Railroads	
ELA AREA PUBLIC LIBRARY DIST PENSION	0.031100	= Total Assessed Value	\$537,051
LAKE ZURICH COMM UNIT SCHOOL DIST #95	4.905911	- Fully Exempt	
LAKE ZURICH COMM UNIT SCHOOL DIST #95 PENSION	0.115100	- Senior Freeze	
COLLEGE OF LAKE COUNTY #532	0.285385	- Home Improvement	
FOREST PRESERVE	0.183408	- General Homestead	
FOREST PRESERVE PENSION	0.009497	- Senior Homestead	
TOWNSHIP OF ELA	0.095028	- Veterans/Disabled	
		- Returning Veteran	
Totals	7.752950	= Taxable Valuation	\$537,051
		x Tax Rate	7.752950
		= Real Estate Tax	\$41,637.30
		+ Special Service Area	
		+ Drainage	
		= Total Current Year Tax	\$41,637.30
		+ Omitted Tax	
		+ Forfeited Tax	
		= Total Tax Billed	\$41,637.30
		+ Interest Due as of 1/17/2018	
		+ Cost	
		= AMOUNT BILLED	\$41,637.30
		Fair Market Value	\$1,611,153
		Total Due 1/17/2018	\$0.00

919 South Rand Road - Page 26 of 26 - sub

