

**VILLAGE of SUGAR GROVE
PLAN COMMISSION/ZONING BOARD of APPEALS
MINUTES of MARCH 16, 2011**

1. CALL TO ORDER

The regular meeting of the Sugar Grove Plan Commission / Zoning Board of Appeals (ZBA) was called to order at 7:02 p.m. by Chairman Irv Ochsenschlager in the Village Hall Board meeting room.

2. ROLL CALL

Plan commission/ZBA members present:

Irv Ochsenschlager, Don Meisinger, Mary Heineman, Jim Eckert, John Guddendorf, and Dave Paluch. Ryan Reuland came in late

Also present: Mike Ferencak, Village Planner; Roger Harris, President of Producers Chemical Company; Dave Swaggert, Producers Chemical Company; Jeff Szklarek, Producers Chemical Company; and Randy Block, Kestrel Management Services

3. APPROVAL OF MINUTES OF THE NOVEMBER 10, 2010

Motion made by Mr. Guddendorf and seconded by Mr. Eckert to approve the minutes of the November 10, 2010 Plan Commission meeting as presented. **The motion carried by unanimous voice vote.**

4. PUBLIC HEARINGS

a. Petition 11-004: 769 N. Heartland Drive - Special Use (Division One Fitness)

Chairman Ochsenschlager called the public hearing to order and swore in anyone there to testify. Mr. Ferencak presented an overview of the staff report previously distributed and the requests.

No other public comment was made. The Public Hearing was closed.

b. Petition 11-002: 1960 Bucktail Lane – Special Use, Variance (Producers Chemical Co.)

Chairman Ochsenschlager called the public hearing to order and swore in anyone there to testify. Mr. Ferencak presented an overview of the staff report previously distributed and the requests. The Sugar Grove Fire Protection District has reviewed the chemical list. Staff had only minor comments. They have been good to work with. Mr. Roger Harris, Owner of Producers Chemical Company gave an overview and history of the company. The company has been in business 48 years and started in 1963 in Aurora and then moved to Batavia in 1967. They currently have approximately 1000 customers and 24 are located in Sugar Grove. They have 22 employees, three of which are part time. Half of this building will be filled when they move to Sugar Grove. They are active in their community with the Chamber and the Kane County Local Emergency Planning. Dave Swaggert gave a presentation on safety highlighting NACD promoting responsible

distribution, the 12 Codes of Management Practices, that they have completed the 4th cycle reapprove program, and re-use. This is a \$30 billion industry. Containers are sent off-site for cleaning and are re-tested. There is no wastewater generated. The EPA standards and 12 Codes of Management Practices were discussed. Mr. Guddendorf confirmed that they have not had a major spill at their existing site. Mr. Swaggert stated that nothing gets off-site; there are dikes around the property for extra protection. All chemical transfers are done over concrete only. The site in Batavia is clean. They are moving because of lack of space not site issues. Phase 1 and 2 environmental studies will be needed before selling the site. Mr. Harris stated that all tanks holding chemicals also contain the fumes. There is no chance of flame because of the standards imposed. There are many federal regulations. There are no major hazardous chemicals or fire risk even if hit by a storm. The railroad will be used someday but not right away. Mr. Harris stated they are working with BNSF to review and inspect the railroad spur condition. Randy Block stated that containment dikes will be installed as well as a foam suppression system and the railroad siding will have an air pressure design "top load" not bottom load to prevent spills. There will be after hour fire district access and cameras but no security guards on premises. Mr. Harris added there will be safety data sheets, 1-800 number posted and a keybox on site. Mr. Harris stated that they do not do any production, mixing or reactions; only distribution and some solvent blending is done. There is no hazardous waste items created. There isn't much noise created and they haven't had any problems at the current or previous locations with any neighbors. The motors, fans and other equipment are not a noise problem. Mr. Harris stated there are five trucks and some make two trips per day. A maximum of ten trucks are on site at one time. Operating hours are 7 am to 5 pm and there are 5-10 deliveries or pickups per day. The road weight limit of 80,000 lbs was mentioned. The most dangerous point with the chemicals is the loading and unloading. Mr. Harris invited the Commissioners to tour their current site and this proposed site. Mr. Eckert asked about overnight parking and lighting on site. Mr. Ferencak stated the trucks would be parked outside and there are existing wall pack lights. All pumps will be located inside the building. There isn't any long-term parking planned.

Public comment from Terry Richards, property owner of adjacent mini self-storage business asked about surface water and drainage from the dock. Mr. Harris stated that there will be dikes around the perimeter of the property and a closed drain with a manual valve for batch releases after testing. Randy Block stated the testing is for a neutralized system.

Public comment from Everett Whildin, property owner to south and east stated that if there are any problems, they can be made worse by being next to the floodplain. He questioned the placement of this use at this location since there is a creek nearby that flows through the park in Duganwoods Estates.

Mr. Eckert asked about the fence and the location of 12 outside tanks.

Mr. Harris stated they've been located near the Fox River for 44 years and the full property will be diked as well as the inside of the building and around each group of outside tanks. He thanked the Commission and stated he is looking forward to moving to Sugar Grove.

No other public comment was made. The Public Hearing was closed.

c. 11-003: 1961 W. US Highway 30 – Variances (Scot Industries)

Chairman Ochsenschlager called the public hearing to order and swore in anyone there to testify. Mr. Ferencak presented an overview of the staff report previously distributed and the requests.

No other public comment was made. A motion was made by Mr. Paluch and seconded by Mr. Guddendorf to continue the public hearing on petition 11-003: 1961 W. US Highway 30 – Variances (Scot Industries) to March 30, 2011 which will be a special meeting for the Plan Commission and Zoning Board of Appeals as recommended by staff. Motion carried by voice vote.

d. Accessory Uses and Temporary Uses – Zoning Ordinance Text Amendment (Village of Sugar Grove)

Chairman Ochsenschlager called the public hearing to order. **A motion was made by Mr. Guddendorf and seconded by Mr. Reuland to continue the public hearing on petition 10-005: Accessory Uses and Temporary Uses – Zoning Ordinance Text Amendment to March 30, 2011 which will be a special meeting for the Plan Commission and Zoning Board of Appeals as recommended by staff. Motion carried by voice vote.**

5. Old Business

6. New Business

a. Petition 11-002: 1960 Bucktail Lane – Special Use, Variance (Producers Chemical Co.)

Chairman Ochsenschlager asked for the Commissioner's questions and comments prior to voting. No additional comments or questions were made.

A motion was made by Mr. Meisinger and seconded by Mr. Eckert to recommend to the Village Board approval of the special use to allow chemical processing (chemical storage, repackaging and distribution) including outdoor acid / solvent / fuel tanks, pipe support / railcar unloading and platform in the M-1 zoning district according to the recommendations as outlined and adopted in the staff report dated March 15, 2011. The motion carried unanimously by voice vote.

A motion was made by Mr. Guddendorf and seconded by Mr. Paluch to recommend to the Village Board approval of the variance request to waive the building wall material requirement thereby allowing a metal siding product on the proposed addition (a proposed canopy) according to the standards and staff recommendations as set forth in the staff report dated March 15, 2011. Motion carried unanimously by voice vote.

b. Petition 11-004: 769 N. Heartland Drive - Special Use (Division One Fitness)

This business has 15-20 customers when it's busy. Mr. Eckert questioned whether enough security is provided by the lighting on the site. There is some existing lighting on the site and staff will look into it further. Parking spaces, signage and offsite signage on State Route 47 were discussed. Mr. Reuland asked about a building permit.

A motion was made by Mr. Reuland and seconded by Mr. Eckert to recommend to the Village Board approval of the special use for a health club according to the recommendations as outlined and adopted in the staff report dated March 16, 2011. The motion carried unanimously by voice vote with Mr. Paluch abstaining.

c. 10-005: Accessory Uses and Temporary Uses – Zoning Ordinance Text Amendment (Village of Sugar Grove)

None

7. PLAN COMMISSIONER COMMENTS, PROJECTS UPDATES and MISCELLANEOUS INFORMATION

none

8. ADJOURNMENT

The meeting was adjourned at 8:45 pm.

Respectfully submitted from written notes,
Holly Baker
Substitute Recording Secretary