

**VILLAGE of SUGAR GROVE  
PLAN COMMISSION/ZONING BOARD of APPEALS  
MINUTES of October 19, 2011**

**1. CALL TO ORDER**

The meeting of the Sugar Grove Plan Commission / Zoning Board of Appeals (ZBA) was called to order at 7:00 p.m. by Chairman Irv Ochsenschlager in the Village Hall Board meeting room.

**2. ROLL CALL**

Plan commission/ZBA members present:

Irv Ochsenschlager, John Guddendorf, Jim Eckert, Mary Heineman, Rebecca Sabo and Don Meisinger

Absent: Ryan Reuland

Also present: Mike Ferencak, Village Planner and Rich Young, Community Development Director

**3. APPROVAL OF MINUTES of the August 17, 2011 MEETING**

On page 2, Mr. Ferencak addressed the statement regarding the tax rate changing with a rezoning. Add the last name of Hullan to Larz on top of page 3. The unidentified resident on page 3 was Renee Cook. The female resident on page 5 was Laura Michalek. The resident on page 6 was Chris Foster. Motion made by **Mr. Guddendorf** and seconded by **Mr. Meisinger** to approve the minutes of the August 17, 2011 Plan Commission meeting as corrected. **The motion carried by unanimous voice vote.**

**4. PUBLIC HEARINGS**

**a. Petition 11-014: Denny Road Estate Lot – Rezoning to E-1(Reinert)**

**Opening of the Public Hearing:**

**Chairman Ochsenschlager** opened the public hearing. He then swore in those persons that planned to testify.

**Petitioners' Request:**

**Mr. Ferencak** presented an overview of the request. The request is for rezoning of a property along the north side of Denny Road, approximately 1200' east of Bliss Road from OR-2 (office research) to the E-1 (estate) district. It's about 5.46 acres and just recently recorded a tax split to separate this property from a 40 acre site. The applicants are current residents of the Village and would like to eventually build an estate residence on the site. Due to a plat act exemption that they qualified for, the petitioner did not have to apply for a plat of subdivision for the site, only the rezoning. This type of request is usually an aye or naye recommendation without any conditions. Other factors which may need to be considered are that this property is shown on the comprehensive plan as single family residential not estate residential but the properties to the east are zoned estate residential. The land use question was reviewed with the Village Board in

December and they were ok with the change. There were some calls received from the notifications that were sent out questioning why single family zoning should be in that location with the interchange possibility at I-88 and Bliss Road in the future, but this particular site is some distance from the potential ramp. A nonconforming use is created when a rezoning to a district other than A-1 takes place but the agriculture use isn't stopped. A variance would need to be applied for and approved to avoid this, but one has not been requested for this situation so a nonconforming use would be created.

**Petitioner Presentation: None**

**Public Comments/Questions:**

**Mr. Guddendorf** requested that the proper right-of-way dedication be a condition of the rezoning and also confirmed that the petitioner is aware of the future plans for the fire department station to go on the east side. **Ms. Heineman** stated that it should be noted that a road easement should be considered for access to the property behind the fire department's property & the possible interchange. **Mr. Guddendorf** asked that the Commission include in their recommendation a dedication of right-of-way at the back of the parcel for 50-75' for the future. No further public comments were made.

**Close of Public Hearing:**

With no further comments, questions forthcoming, **Chairman Ochsenschlager** closed the **Public Hearing on Petition 11-014**.

b. **Petition 11-015: 1961 W. US Highway 30 Pump House – Variances (Scot Industries)**

**Opening of the Public Hearing:**

**Chairman Ochsenschlager** opened the public hearing. He then swore in those persons that planned to testify.

**Petitioners' Request:**

**Mr. Ferencak** presented an overview of the request. The request is similar to the requests for their addition from earlier this year. This one is for a relocation of the pump house currently in the front of the building to the back of the property by the new addition currently under construction. Some of the same variances carry over such as the building wall material, parking, and landscape variances. No building setback variance is necessary. It does include a pavement setback variance due to the drive aisle being installed at the north end of the property that wouldn't meet the side yard setback to the east. They are also requesting waiving the outdoor storage restriction in the front and corner side yards and waiving the screening requirement. Staff recommends all the variances except the outdoor storage being allowed in the front and corner side yards. There are a few conditions attached to the recommendation.

**Petitioner Presentation:**

None

**Public Comments/Questions:**

**Lenny Gaul, Manager of Scot Industries** requested more explanation of the variance not being recommended by staff regarding the outdoor storage and screening in the front and corner side yards. They are currently performing this activity and the Village is recommending that this not be done any more. **Ms. Sabo** asked if there were a particular reason for not complying with the Village Code. **Mr. Gaul** explained that it was a space issue and the way things were always done. It was pointed out that the storage of the trailers is not the issue, they can be stored; they need to be placed in a screened yard. There will be 70 parking spaces in the front of the building. There is currently enough parking for 20 trailers and 9 tractors, including parking in the drive aisle, and at this time their intent is to keep this same amount. All the trailers are flat beds and say 'Scot Industries' on them. **Mr. Gaul** stated that it hasn't been discussed at this point to perform any upgrades/changes or relocation of the fuel tanks on the property. The boundary of the property owned by Scot Industries was clarified. **Mr. Gaul** confirmed that it was previously agreed at the last meeting with Scot Industries, that additional landscaping was to be placed along the west and south property lines for a more "spruced up" look. **Mr. Ferencak** said the landscape plan in the Commissioner's packets shows what they propose. There were originally 45 pines proposed along Dugan Road (towards the north), they left 22 or 23 of them there and now show foundation plantings up against the building just north of the fuel tanks. This landscape plan hasn't been reviewed or approved yet due to when it was received. The current intent is to leave the north side of the property unscreened; no landscaping is proposed for that side. The drive width is the same all the way around. There are more trailers on site over the weekend than during the week. **Mr. Young** confirmed that every parking spot is filled.

**Close of Public Hearing:**

With no further comments, questions forthcoming, **Chairman Ochsenschlager** closed the **Public Hearing on Petition 11-015**.

**c. Petition 11-017: Temporary and Special Signage – Zoning Ordinance Text Amendment (Village of Sugar Grove)**

**Opening of the Public Hearing:**

**Chairman Ochsenschlager** opened the public hearing. He then swore in those persons planning to testify.

**Petitioners' Request:** **Mr. Ferencak** presented an overview of the request. The temporary special event section of the sign ordinance was updated in 2008 with a sunset provision that automatically repealed it on 8/15/11 so technically the Village is currently operating under the old ordinance for the short term special events sign section. This proposal requests that the updated section be permanently adopted with no sunset clause and that two new paragraphs be added;

one for requirements for maximum sign area and one for durable sign material both for temporary signs. This will be included in the comprehensive sign ordinance but this is something that staff wanted addressed immediately.

**Petitioner Presentation:**

None

**Public Comments/Questions:** No public comment made.

**Close of Public Hearing:**

With no public comment, **Chairman Ochsenschlager** closed the **Public Hearing on Petition 11-017.**

5. **Old Business**

None

6. **New Business**

a. **Petition 11-014: Denny Road Estate Lot – Rezoning to E-1 (Reinert)**

Staff did explain to the petitioner that the Fire District has plans to build a new station to the east of this property and an I-88 interchange may go to the west. **Mr. Young** feels that in discussions with the petitioner, they do understand the future potential for the surrounding properties regarding the fire station and the interchange to I-88. **Mr. Eckert** asked about the timeline for this rezoning due to the indication from the petitioner to wait to build for approximately five years. **Mr. Young** explained that the petitioners have indicated their desire to get the property rezoned so that when they're ready to build, they can do so. They have no interest in using it as an OR-2 (office / research) zoned property. They will have a septic system due to the distance away from sewer. The requirement to tie into the Village's water system is less clear and is currently being investigated. The Village's intent is to have them hook into the Village's water, if applicable. The Village is not pursuing rezoning of the entire OR-2 area at this time. Chopping up the zoning in the area was raised as a concern.

**Mr. Eckert made a motion, seconded by Mr. Guddendorf that the Plan Commission/ZBA recommend the rezoning of the property described in petition 11-014 from OR-2 to E-1, pursuant to Section 11-13-11 of the Sugar Grove Zoning Ordinance with the condition that they consider an appropriate right-of-way for Denny Road and also at the north end of the property for purposes of connection to the fire district property and setback for the interchange ramp subject to Village Attorney review.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Heineman & Sabo**

**Nays: None**

**Absent: Reuland**

**Motion carried by unanimous vote.**

**b. Petition 11-015: 1961 US Highway 30 Pump House – Variances (Scot Industries)**

**Chairman Ochsenschlager** explained there are nine requests for variances before the Commission. **Mr. Meisinger** asked about the land at the north end of the property, if there were any EPA issues due to the amount of wetness. Staff is not aware of any EPA issues or flood plain in that area.

Each variance will be reviewed and a recommendation made individually.

**Ms. Heineman made a motion, seconded by Ms. Sabo that the Plan Commission/ZBA recommend approval of the variance to waive the building wall material requirement thereby allowing a metal siding product on the proposed addition of 8,505 square feet to an existing building of 141,962 square feet (currently being expanded to 234,258 square feet), pursuant to Section 11-10-7-E-1 of the Sugar Grove Zoning Ordinance incorporating also the findings of fact as set forth on page 5 of the staff report.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Heineman & Sabo**

**Nays: None**

**Absent: Reuland**

**Motion carried by unanimous vote.**

**Mr. Eckert made a motion, seconded by Mr. Guddendorf that the Plan Commission/ZBA recommend approval of the variance to reduce by 58% the parking space quantity requirement for the existing building, current expansion, and proposed addition from 165 spaces to 70 spaces, pursuant to Section 11-12-5-E of the Sugar Grove Zoning Ordinance incorporating also the findings of fact as set forth on page 5 of the staff report.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Heineman & Sabo**

**Nays: None**

**Absent: Reuland**

**Motion carried by unanimous vote.**

**Mr. Eckert made a motion, seconded by Mr. Guddendorf that the Plan Commission/ZBA recommend approval of the variance to reduce by 100% the east side pavement setback from the required 50 feet to 0 feet on the relocated drive aisle, pursuant to Section 11-10-7-A-2-b of the Sugar Grove Zoning Ordinance incorporating also the findings of fact as set forth on page 5 of the staff report.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Heineman & Sabo**

**Nays: None**

**Absent: Reuland**

**Motion carried by unanimous vote.**

**Ms. Heineman made a motion, seconded by Mr. Meisinger that the Plan Commission/ZBA recommend approval of the variance to reduce by 100%**

**the shrub portion of the corner side yard landscape requirement of the M-1 District for the addition from 4 trees and 24 shrubs to 4 trees and 0 shrubs, pursuant to Section 11-10-7-G-1-a of the Sugar Grove Zoning Ordinance incorporating also the findings of fact as set forth on page 5 of the staff report.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Heineman & Sabo**

**Nays: None**

**Absent: Reuland**

**Motion carried by unanimous vote.**

**Mr. Eckert made a motion, seconded by Ms. Sabo that the Plan Commission/ZBA recommend approval of the variance to reduce by 100% both the interior side yard and rear yard landscape requirements of the M-1 District for the addition from 3 trees and 18 shrubs to 0 trees and 0 shrubs for the interior side yard and from 29 trees and 172 shrubs to 0 trees and 0 shrubs for the rear yard, pursuant to Section 11-10-7-G-1-b of the Sugar Grove Zoning Ordinance incorporating also the findings of fact as set forth on page 5 of the staff report.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Heineman & Sabo**

**Nays: None**

**Absent: Reuland**

**Motion carried by unanimous vote.**

**Mr. Eckert made a motion, seconded by Mr. Guddendorf that the Plan Commission/ZBA recommend approval of the variance to reduce by 100% foundation landscape requirement of the M-1 District for the addition from 6 trees and 36 shrubs to 0 trees and 0 shrubs, pursuant to Section 11-10-7-G-1-d of the Sugar Grove Zoning Ordinance incorporating also the findings of fact as set forth on page 5 of the staff report.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Heineman & Sabo**

**Nays: None**

**Absent: Reuland**

**Motion carried by unanimous vote.**

**Mr. Guddendorf made a motion, seconded by Mr. Meisinger that the Plan Commission/ZBA recommend approval of the variance to waive the requirement for a screening wall or fence for outdoor storage (including vehicle, trailer, and equipment storage) for the relocated drive aisle, pursuant to Section 11-10-7-I of the Sugar Grove Zoning Ordinance incorporating also the findings of fact as set forth on page 5 of the staff report.**

**Ms. Heineman asked if this is the motion staff is not recommending or is it #8? Mr. Ferencak confirmed it's #8.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Heineman & Sabo**  
**Nays: None**  
**Absent: Reuland**  
**Motion carried by unanimous vote.**

**Mr. Eckert made a motion, seconded by Mr. Guddendorf that the Plan Commission/ZBA recommend approval of the variance to waive the requirement to limit outdoor storage (including vehicle, trailer and equipment storage) to interior side and rear yards only (as a portion of the outdoor storage would be in the corner side yard) for the relocated drive aisle, pursuant to Section 11-4-7-E of the Sugar Grove Zoning Ordinance incorporating also the findings of fact as set forth on page 5 of the staff report.**

**Staff is not recommending approval. Mr. Eckert stated that good faith effort has been made by the petitioner by placing some trees for screening.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert & Meisinger,**  
**Nays: Heineman & Sabo**  
**Absent: Reuland**  
**Motion carried by 3-2 vote.**

**Mr. Eckert made a motion, seconded by Mr. Guddendorf that the Plan Commission/ZBA recommend approval of the variance to reduce by 100% the parkway tree requirement for the addition from 3 trees to 0 trees, pursuant to Section 12-6-11 of the Sugar Grove Subdivision Ordinance.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Heineman & Sabo**  
**Nays: None**  
**Absent: Reuland**  
**Motion carried by unanimous vote.**

**c. Petition 11-016: 65 1<sup>st</sup> Street – Special Accessory Use (American Legion)**

**Mr. Ferencak** explained this will be our first accessory use reviewed as a special accessory use under the new ordinance. Because it's in a commercial district and potentially more visible to the majority of the public we made this something that required review by the plan commission but it does not require Village Board approval. They are proposing a small deck attached to the west side of their building. It follows the same format as a special use but it doesn't require a public hearing. **Mr. Meisinger** asked for clarification on canopy and railings. Railings are proposed, but no canopy. Building permit drawings will be required. **Ms. Heineman** asked about the petitioner's intent for outdoor seating and asked if we could work with them to achieve this. **Matt McCannon** stated their current exit is non compliant and they've been asked to modify it. They also use this entrance for deliveries. There's no intention to have a stage or any formal outdoor seating. Their parking is already maxed out. **Mr. Young** confirmed with the petitioner that they have an agreement with the Township to share their parking. **Mr. Ferencak**

said if the deck is enlarged by even a couple of feet then it is questionable if it's in encroaching into the front yard. No plat of survey is available for this property and the petitioner would like to avoid having to put out the expense to get one. **Mr. Ferencak** was able to confirm using the GIS that with the size of deck being proposed that it did not encroach; any larger would not be clear without a plat of survey. Some amount of parking will need to be assigned for outdoor seating if this deck is expanded and used for outdoor seating in the future. The current zoning of the property is limiting them because the required front setback is 60'. The building itself already encroaches into the 60' setback. Rezoning the property to B-1 would reduce the front setback which would allow the deck to come forward further. The cost to the applicant would probably be about the same either way. But this would be spot zoning, since the rest of the area is zoned B-3. The Plan Commission makes the final determination on this request (for the first time). **Mr. Guddendorf made a motion, seconded by Mr. Meisinger that the Plan Commission/ZBA grant a Special Accessory Use to allow a deck in the B-3 Regional Business District, pursuant to Section 11-4-7 of the Sugar Grove Zoning Ordinance and incorporating the standards on page 3 of the staff report.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Sabo & Heineman**

**Nays: None**

**Absent: Reuland**

**Motion carried by unanimous vote.**

**d. Petition 11-017: Temporary Signage – Zoning Ordinance Text Amendment (Village of Sugar Grove)**

**Chairman Ochsenschlager** explained that this request is for the temporary and special signage that a public hearing was held on today. A text amendment is requested to 11-4-9-G and 11-4-9-H by adding paragraphs 5 and 6 which states the temporary sign must not exceed the size of 32 square feet and must be constructed of a durable material; it would also eliminate the current repeal paragraph 6.

**Mr. Eckert** asked about lighting, power and anything else supporting of that sign.

**Mr. Ferencak** stated that currently the code doesn't specify illumination for temporary signs, but the intent is that temporary signs are not to be illuminated. Electrifying any sign is a secondary cost to the permit itself. **Mr. Eckert** asked that this be noted.

No changes are proposed to the long term special event signs. That section will be brought before the Commission at a future date.

**Mr. Eckert made a motion, seconded by Ms. Heineman that the Plan Commission/ZBA approve a text amendment of sections 11-4-9-G and 11-4-9-H of the Sugar Grove Zoning Ordinance by adding paragraphs 5 and 6 which state the temporary sign must not exceed the size of 32 square feet and be constructed of a durable material and eliminating the current paragraph 6 regarding repealing it as of August 15, 2011.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Sabo & Heineman**

**Nays: None**  
**Absent: Reuland**  
**Motion carried by unanimous vote.**

**e. Petition 11-005: Off Street Parking and Loading – Zoning Ordinance Text Amendment (Village of Sugar Grove)**

**Mr. Young** stated staff decided not to bring this forward tonight and ask that this be continued to the next meeting.

**Mr. Guddendorf made a motion, seconded by Ms. Sabo asked that petition number 11-005 be continued to the next plan commission meeting.**

**Roll Call Vote on the Motion:**

**Ayes: Guddendorf, Eckert, Meisinger, Sabo & Heineman**

**Nays: None**

**Absent: Reuland**

**Motion carried by unanimous vote.**

**6. PLAN COMMISSIONER COMMENTS, PROJECTS UPDATES and MISCELLANEOUS INFORMATION**

Hi-Point Center, Batavia Enterprises and Weidner Property rezonings are all related to the TIF district. These are on hold until the TIF district is brought back before the Commission. **Mr. Young** explained that the Village Board has not made a decision on the TIF district as of yet. The current proposed area and size was reviewed. The Board is considering reducing the size and area being proposed for the TIF district #1 to 200-300 acres around the intersection of Dugan Road and US Hwy 30, including Aero Park and the Bucktail Lane industrial park with Scot Industries, the Hotel property and the Diner property being included. The second TIF area being considered would include the property around and including parts of Wheeler Road. Properties both north and south of Wheeler Road totaling approximately 400-500 acres would be included as well as property out to IL Route 47. Combined these two TIFs would be much smaller than the original proposal. The blighted property identified on Wheeler Road was reviewed.

Information is being collected and research is being done on a new light industrial zoning district which would be incorporated into the TIF district around Wheeler Road on the Weidner property. Setbacks for parking and structures and screening as well as other performance standards can be built into the zoning that can be just as effective at improving the buffer as the allowed land uses themselves. Discussion was held at the Committee of the Whole regarding preference of living by a 3 story apartment building or a light industrial / office building nicely landscaped with a 50 or 60 foot setback that is empty on the weekends. Staff is requesting that the Commissioners review a matrix they prepared of the six zoning districts related to business, office/research and industrial in the current Village Zoning Ordinance and indicate which uses they feel should be a permitted use or a special use for the new light industrial district. The set up of the matrix was reviewed and staff indicated that there may be some overlap due to amendments made and some inconsistencies throughout. B1, B2 and even some B3 uses like florists or ice cream parlor are not what staff is recommending for inclusion.

West Suburban Bank is open. Emily Kay Salon should be opening next week and Jimmy Johns has openly announced they are going in the southern most space of 472 N. State Route 47 (The Landings Lot 3) with the drive thru. **Mr. Young** stated the developer is hoping to get some good news regarding the 150-bed care facility. One more potential national food chain is finalizing plans to locate in the Village as well.

7. **ADJOURNMENT**

**Ms. Heineman made a motion, seconded by Mr. Guddendorf, that the meeting be adjourned at 8:40 pm.**

**The motion carried unanimously by voice vote.**

Respectfully submitted,  
Holly Baker  
Substitute Recording Secretary