

**VILLAGE of SUGAR GROVE  
SPECIAL MEETING of the  
PLAN COMMISSION/ZONING BOARD of APPEALS  
MINUTES of April 23, 2014**

1. **CALL TO ORDER**

The meeting of the Sugar Grove Plan Commission / Zoning Board of Appeals (ZBA) was called to order at 7:03 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, Ryan Reuland, and Heidi Lendi were in attendance.

Absent: Mary Heineman and Rebecca Sabo

Also present: Mike Ferencak, Village Planner and Walter Magdziarz, Community Development Director, Kirk Albinson of Cordogan, Clark and James White-Attorney for the Petitioner, David Burg, PIRHL Development Residents: Carol Jolley-216 W Park Ave., D, Alfred & Delores Likeum-227 Caledonian, Marilyn Brusherd-134 W. Park Ave., #A, Shawn Touney-226 W. Park Ave., #D, June Sather-104 W. Park Ave., #B, Carolyn Roche-96 W. Park Ave., #D, Arlene Noviski-226 W. Park Ave., #A.

3. **PUBLIC HEARING**

a. **Petition 13-004: Senior Housing Resubdivision – Rezoning to B-3, Text Amendment, Special Use, Preliminary / Final PUD, Preliminary / Final Plat (Sugar Grove Seniors LP)**

**Chairman Ochsenschlager** called the continued public hearing to order. He then swore in those persons in attendance planning to testify.

**Petitioner Presentation: Attorney James White**, representing the petitioner, presented affidavit of notices sent and copy of publication to **Ferencak**. It was a joint notice for both public hearings. **Mr. White** explained the petitions submitted to the Village for rezoning are to rezone a portion of the A-1 Agricultural District portion of the property to B-3 Regional Business District; add a special use to B-3 for a Senior Apartment Building and a PUD for a Senior Apartment Building. This project is proposed as a 60 unit apartment building strictly for seniors on the north side of Galena Blvd. just west of Division Drive right behind Windsor West subdivision. He explained the reasons for this location for this use and facility. This will modify the Comprehensive Plan which shows this location as commercial currently. The senior housing use is part of the Comprehensive Plan but the plan doesn't designate a

specific location. This will be a three story building with many amenities on site including a walking path around the back of the building. The property to the rear would be a separate lot and is a wetland. An easement will be provided for access. Some of the variances being requested are due to this wetland. Petitioner requested a positive recommendation from the Commission.

**Public Comments/Questions:** **Carolyn Roach**, a Park Avenue resident, asked for some explanation of how the different aspects, including the refuse will sit on the land, that the reduction to landscape be reconsidered, clarification on the foot candles and lighting. **Carol Jolley**, a Park Avenue resident, asked what type of apartments these will be - 1 and 2 bedroom. **Delores Likeum**, a Caledonian Lane resident asked for clarification to the rec/kitchen room. Petitioner explained that it will be a community room within the building for the residents only to use. This is meant to be an independent living facility. **Marilyn Brusherd**, a Park Avenue resident, questioned the number of parking spaces including guests and visitors. The number has been determined from other similar projects. No covered or garage parking will be included. The closest other similar facility is located south of Mill Rd. & Orchard Rd., in Oswego. The site plan was illuminated on the screen for explanation purposes of the location of aspects of the project and relationship to the existing properties. There are some flags on site that will help one get bearings. The reduction of landscaping was reviewed and the petitioner explained where the majority of the landscaping was going. The residents were asking for more landscaping along the north edge that abuts the existing housing. The dry retention pond will have prairie grass like Windsor Wests'. No fencing is planned at this time. Dumpsters full of trash will be stored inside and wheeled out on trash day. The lighting foot candles are generally proposed at a maximum of 10 foot candles but can go up to 14 foot candles (a measure of the brightness). The front of the building and the parking area will be well lit for safety but the Village Ordinance requires that the lighting be kept very dim at the property lines. Petitioner reviewed the lighting at the perimeter of the property. There is a rear patio separated by the length of the building and a front porch at the main entrance. **Commissioner Eckert** confirmed that the majority of the well-established trees along the north edge property line will be kept. Maintenance of the trees was discussed at the lot line. Ownership of those trees is not confirmed at this time, but will be determined prior to the onset of the project. The tenants will have responsibility of the payment for the utilities. Petitioner confirmed that at this time there are no plans to turn these into condos. Amounts of the rents were discussed as well. Petitioner stated the whole intent of this development is to provide housing strictly for seniors, so the rents including the estimated gas and electric payments on a one bedroom (36 units) would range from \$400-\$970 per month. The two bedrooms (24 units) range from \$490-\$1050. Gas and electric are estimated to be about \$77 per month in the one bedroom and \$96 per month for the two bedroom. Real estate taxes are paid by the ownership which is a limited partnership that will own and operate the building. There are operating expenses which are estimated to be \$5500 per unit per year that would include things like taxes, garbage pickup, utilities, maintenance, fences, property manager on site, etc. No tax break is given

due to no impact on the schools. Schools will still get their portion of the taxes. **June Sather**, Park Avenue resident, clarified that the age requirement is 55 by at least one resident and no one can reside there that's under the age of 18. **Shawn Touney**, Park Avenue resident, asked for comparison between this property and the one in Oswego. **Petitioner** confirmed that they are comparable. Section 8 housing was discussed. Some units will be rent subsidized but they don't know how many. At least 80% of the building will not be subsidized. Rent increases are approximately 2% per year but many factors affect that number. Some years there won't be an increase. The location of the building was reviewed again. Approximately 400 feet west of Division Drive there is a curb cut for the site entrance. The site and building would be located west of that entrance. As a point of reference, from the Windsor West bike path to the north end of the proposed building is at least a football field in length. The elevation of the new path will be a couple of feet higher than the existing path.

**Chairman Ochenschlager** closed the public hearing on petition 13-004.

**b. Petition 13-004ALT: Senior Housing Resubdivision – Rezoning to SR, Preliminary / Final PUD, Preliminary / Final Plat (Sugar Grove Seniors LP)**

**Chairman Ochenschlager** called the continued public hearing to order. He then swore in those persons in attendance planning to testify.

**Petitioner Presentation: Attorney James White** stated that this is for the same property and the affidavit of notices sent and public notice have been presented to **Ferencak**. There have also been sworn petitions and applications filed with the Village in connection with this petition. This petition is for the Village adding a Senior Residential Zoning District that would limit the use of the property to seniors only so that if the developer/owner ever decided to allow any age group to rent, the Zoning District would restrict it to only seniors. He requested that this public hearing remain open until this ordinance is completed for this district and then this property can be rezoned to the SR Senior Residential District. This is the exact same project as previously discussed.

**Public Comments/Questions: A resident** asked what happens if there are not enough seniors interested. Significant market analyses have been done and this age group of people is on the increase. It is not expected to be an issue. There is also a covenant running with the land and their company is obligated to stand behind the age restriction. A resident brought up what their policy would be to address a situation where the grandparent (resident) all of sudden becomes guardian to a child under 18. The owners will discuss that and make a decision.

**Chairman Ochenschlager** asked for a motion to continue the public hearing on petition 13-004 ALT to May 21, 2014. **Commissioner Guddendorf** made a motion and it was seconded by **Commissioner Eckert**. Motion carried unanimously.

4. **OLD BUSINESS**

**None**

5. **NEW BUSINESS**

- a. Petition 13-004: Senior Housing Resubdivision – Rezoning to B-3, Text Amendment, Special Use, Preliminary / Final PUD, Preliminary / Final Plat (Sugar Grove Seniors LP)

**Commissioner Eckert** clarified the site location and current zoning and the new zoning being requested. Lot 3 will go all the way to Municipal Drive on the plat of resubdivision. **Ferencak** explained the staff report comment as to the improvements needed to the lighting plan, the foot candle deviations, and additional details and information needed on the photometric plan as well.

Staff is still working with the developer to set how the maintenance will be addressed for the wetlands on Lot 2. **Attorney White** stated that this property will be owned by a different owner than the apartment building. The flags on site delineate where the wetland is.

The existing 15' Drainage and Utility Easement across proposed Lots 1 and 3 will need to be extinguished so that the building can be placed across it. Per **Ferencak**, the easement is not needed.

The property lines and location of the curb as well as easements needed were discussed. **Commissioner Guddendorf** asked about the service vehicles that will be entering and leaving. Don't anticipate semi-trucks utilizing this intersection. The Fire District approved this schematic for emergency vehicles. **Commissioner Guddendorf** asked that the commission recommend a right turn lane be installed. It was discussed. The plat will have 3 lots on it and cross access should be included. Some trees will be removed. It was encouraged to save as many as possible.

Public sidewalk is not planned to be installed on the adjacent properties for a continuous access to the Jewel grocery store. There is a sidewalk and cross approach by Walgreens at State Route 47.

Access to Lot 2 was discussed. Also, the audio environment for the residents from the landing aircraft is still being investigated. **Commissioner Eckert** brought up a parking concern. He feels more spaces are needed. There are 69 proposed for 60 units or 1.15 spaces per unit. He'd like additional parking added due to the fact that there's no adjacent parking options available if overflow is needed. **Petitioner** stated there would be two staff on-site at a time at the most plus maybe one additional person providing a seminar. No covenants have been drafted at this time to restrict the number of spaces per unit. Studies that have been done for this type of housing indicate .65 per unit is adequate. They're confident that 69 spaces available will be more than enough. **Ferencak** stated a similar site in Oswego, once expanded, will

have 143 parking stalls for 123 apartments, or 1.16 spaces per unit. The Oswego site originally had 60 apartments and 45 spaces and this was not enough. The subject property would be a good candidate for land banking. Reconfiguration of the parking lot was also discussed. Accessible parking was verified with the State by the Village Building Inspector, Michelle Noyes. Residential projects don't require handicapped parking. However, if it were a medical use, more accessible parking spaces than shown would be required. **Commissioner Sabo** suggested a few more be added for practicality.

**Commissioner Guddendorf** asked if the FAA requires the roof to be lit. Developer stated that it's only required if much taller than the proposed building.

**Commission Eckert** verified the location of the utilities on the site as coming out of the building on the southwest corner and crossing Galena Blvd.

The Developer addressed several items in the staff report:

Under #2 they requested that the blanket easement be switched to location specific.

Under #5 they stated that ownership and maintenance of Lot 2 may take time to identify, they will identify acceptable outcomes prior to Village Board approval.

Under #16 they will evaluate the location of the sidewalks along the south of the building and the drive aisle widths will be checked by their designer.

Under #19 this is not an issue and was removed by staff. The Developer agreed to install two bike racks.

Under #30 staff agreed to work with the petitioner on this. Consistency with groundcover appearance for other properties along Galena Blvd is the staff's concern. That will be investigated.

Under #42 and 43, staff needs the details and would like to get all the information before making a decision. A detail of the poles being proposed and the number of lights is needed. The type of pole requested by the Village has been consistent requested as part of planned unit developments for the last ten years.

Under #45, the Developer noted that looping the water system is extremely costly and EEI's review is not back to staff yet. Flexibility will be given per EEI's recommendation.

Under #46, the downspouts will be tied in wherever they are close to sidewalks but there will be a combination of daylight and tied in throughout the development.

Adding #51 to consider land bank for additional parking.

**A motion was made by Commissioner Reuland and seconded by Commissioner Eckert to recommend approval of the rezoning of the eastern 402.68 feet of the property from A-1 Agricultural District to B-3 Regional Business District, pursuant to Section 11-13-11 of the Sugar Grove Ordinance along with adopting the findings of fact contained on page 5 of the staff report dated April 23, 2014. The motion carried by unanimous voice vote.**

**A motion was made by Commissioner Reuland and seconded by Commissioner Guddendorf to recommend approval of the Test Amendment to add “senior apartment building” as a Special Use in the B-3 Regional Business District and the definition of the term “senior” in the Definitions as “a person 55 years of age or older”, pursuant to Section 11-11 of the Sugar Grove Ordinance along with adopting the findings of fact on page 5 of the staff report dated April 23, 2014. The motion carried by unanimously by voice vote.**

**A motion was made by Commissioner Eckert and seconded by Commissioner Lendi to recommend approval of the Preliminary PUD for Lots 1 and 2 of the proposed subdivision, pursuant to Section 11-11 of the Sugar Grove Ordinance, including deviations from various Zoning Ordinance requirements along with adopting the findings of fact contained on pages 6-8 of the staff report dated April 23, 2014 and subject to the conditions listed in the memo dated April 21, 2014.**

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

**A motion was made by Commissioner Reuland and seconded by Commissioner Guddendorf to recommend approval of the Final PUD for Lot 1 of the proposed resubdivision, and Special Use for Lot 1 of the proposed resubdivision as a senior apartment building, pursuant to the Preliminary PUD, including deviations from various Zoning Ordinance Requirements subject to the findings of fact on pages 6-8 of the staff report dated April 23, 2014 and subject to the conditions listed in the memo dated April 21, 2014.**

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

**A motion was made by Commissioner Eckert and seconded by Commissioner Reuland to recommend approval of the Preliminary and Final Plat to create Senior Housing Resubdivision, a proposed 30.21 acre, three-lot subdivision, from two existing lots and two existing parcels, pursuant to Sections 12-4-3 and 12-4-5 of the Sugar Grove Subdivision Ordinance, including variances from various Subdivision Ordinance requirements and subject to the conditions listed in the memo dated April 21, 2014.**

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

- b. Petition 14-007: American Heartland Resubdivision – Minor PUD Amendment (American Heartland Bancshares, Inc.)

Attorney James White explained the request is for an extension of the temporary use for the lighted monument sign which is located at the corner of Waubensee Drive and State Route 47 for an additional year. Staff has no objections for this extension.

**A motion was made by Commissioner Reuland and seconded by Commissioner Guddendorf to recommend approval of a Minor PUD Amendment as described in the staff report dated April 23, 2014.**

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

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

**Senior Residential District** is essentially complete. There are a few adjustments needed prior to being approved by the Village Board. More of personal preference not superlative changes to what the Commission recommended.

7. **ADJOURNMENT**

**A motion was made by Commissioner Reuland and seconded by Commissioner Lendi that the meeting be adjourned at 9:15 p.m.**

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

Respectfully submitted,  
Holly Baker  
Substitute Recording Secretary