



## PLANNING COMMISSION / ZONING BOARD OF APPEALS

### MEETING AGENDA

7:00 p.m. Wednesday, October 19, 2016

---

1. CALL TO ORDER:
2. ROLL CALL:
3. APPROVAL OF MINUTES: September 21, 2016
4. PUBLIC HEARING:
  - A. Petition #16-015: Rezoning from R-2 Single Family Detached Residential to B-1 Community Shopping District at 142 Main Street.  
*APPLICANT: Craig and Melia Zabel*
  - B. Petition #16-016: Special Use permit for pet grooming at 130 and 142 Main Street.  
*APPLICANT: Craig and Melia Zabel*
5. OLD BUSINESS: *None*
6. NEW BUSINESS:
  - A. Petition #16-015: Rezoning from R-2 Single Family Detached Residential to B-1 Community Shopping District at 142 Main Street.  
*APPLICANT: Craig and Melia Zabel*
  - B. Petition #16-016: Special Use permit for pet grooming at 130 and 142 Main Street.  
*APPLICANT: Craig and Melia Zabel*
7. COMMISSIONER COMMENTS, AND MISCELLANEOUS INFORMATION:
8. ADJOURNMENT:

**VILLAGE of SUGAR GROVE  
PLANNING COMMISSION/ZONING BOARD of APPEALS  
MINUTES of September 21, 2016 REGULAR MEETING**

1. **CALL TO ORDER**

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

2. **ROLL CALL**

Planning Commission/Zoning Board of Appeals members present:

Irv Ochsenschlager, John Guddendorf, Gregory Wilson,  
Larry Jones, and Heidi Lendi

Absent: Rebecca Sabo, Jim Eckert

Also present: Walter Magdziarz, Community Development Director  
Renee Hanlon, Planner/Zoning Administrator

3. **APPROVAL OF MINUTES**

Minutes of August 31, 2016 Special Meeting of the Planning Commission/Zoning Board of Appeals were presented.

Reading of the minutes was waived by unanimous voice vote.

Commissioner Jones moved to approve Minutes of the August 31, 2016 Special Meeting. Commissioner Guddendorf seconded the motion.

**Motion passed by unanimous voice vote.**

4. **PUBLIC HEARING**

A. **Petition 16-014: Zoning Ordinance Text Amendments (mobile homes, contractor's yards, off-street parking, et al)**

Applicant: Village of Sugar Grove

Chairman Ochsenschlager called the public hearing to order at 7:05 p.m. Community Development Director Magdziarz and Planner Hanlon were sworn in. Planner Hanlon presented a summary of the petition.

Planner Hanlon explained that the purpose of adding a cumulative special uses line item in the B-2 General Business District and the B-3 Regional Business District is to allow the same treatment of Special Uses in these districts as Permitted Uses in these districts. Given past interpretations of the ordinance, it is evident that inclusion of this language has been assumed.

Planner Hanlon explained that pet grooming is currently allowed by special use in the B-2 and B-3 districts. In 2009, a pet grooming facility was operated in a building located in

the B-1 district as a Temporary Use. Commissioner Lendi asked if anyone recalls any other pet grooming facility in the village. No one recalled any other facility. Planner Hanlon continued that it seemed appropriate to allow pet grooming as a special use in the B-1 district given the success of the previous pet grooming facility in that district.

Planner Hanlon reminded the commission that the village currently bans the establishment of mobile home dwellings in all zoning districts. This moratorium will expire next year. Upon expiration of the moratorium, the Zoning Ordinance must regulate mobile home dwellings. This amendment allows for single mobile home dwellings to be located on lots zoned E-1 Estate Residential. If two (2) or more mobile home dwellings are to be located on adjacent lots, then a mobile home park must be established. The amendment provides for mobile home parks as a planned unit development by Special Use in the E-1 district.

Planner Hanlon explained that the entirety of Chapter 12 Off-Street Parking and Loading needs to be rewritten. The reason that a complete rewrite is necessary is that many regulations for constructing off street parking are located in other titles of the municipal code. This amendment consolidates the standards for constructing and using off-street parking and loading areas on private property within the village.

**Public Comments/Questions:** None

Chairman Ochsenschlager closed the public hearing at 7:20p.m.

5. **OLD BUSINESS**

None

6. **NEW BUSINESS**

A. **Petition 16-014: : Zoning Ordinance Text Amendments (mobile homes, contractor's yards, off-street parking, et al)**

Chairman Ochsenschlager gained consent of the commission to discuss each amendment separately.

Chairman Ochsenschlager called for discussion of adding cumulative language to the special use lists of the B-2 and B-3 zoning districts. Commissioner Guddendorf moved to amend sections 11-8-5 and 11-8-6 by adding cumulative language, as proposed, to the special use lists. Commissioner Wilson seconded the motion.

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

Chairman Ochsenschlager called for discuss of allowing pet grooming by special use in the B-1 district. Commissioner Wilson moved to amend section 11-8-4 by adding pet grooming. Commissioner Lendi seconded the motion.

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

Chairman Ochsenschlager called for discuss of contractor's yard standards. Commissioner Guddendorf raised a concern that by requiring a principal building on the lot without a minimum size, one could place a small building on the site not intended for or used as an office. Other commissioners shared this concern. Commissioners directed staff to add a minimum building size of at least one thousand two hundred (1200) square feet and to add a requirement for a permanent foundation to this amendment. Commissioner Lendi moved to amend sections 11-8-6 and 11-10-2 to include standards for contractor's yard, as proposed, with the addition of building size and foundation requirements. Commissioner Guddendorf seconded the motion.

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

Chairman Oschsenschlager called for discuss of the amendment establishing regulations for mobile home dwellings. Commissioners discussed whether or not mobile home dwellings should be allowed on E-1 zoned lots. Commissioners Lendi and Jones expressed concern that allowing a mobile home next door to an existing single family residence may cause concern for the owner of the existing home. It was noted that there are not many lots zoned E-1 in the village which limits the opportunity for establishing a single mobile home dwelling. Commissioner Wilson moved to amend 11- 7-2, 11-11-3, and 11-11-5, as proposed, to include provisions for mobile home dwellings. Chairman Ochsenschlager seconded the motion.

Chairman Ochsenlager called for a vote:

**Ayes: Guddendorf, Wilson, Ochsenschlager**

**Nays, Lendi, Jones**

**The motion carried.**

Chairman Ochenschlager called for discussion of the repeal and replacement of Chapter 12 Off Street Parking and Loading. Commissioner Jones moved to repeal Chapter 12 of the Village of Sugar Grove Zoning Ordinance and replace it with new text, as proposed. Commissioner Guddendorf seconded the motion.

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

Chairman Ochsenschlager called for discuss of amending certain definitions in the zoning ordinance. Commissioner Jones moved to amend 11-3-2 with text, as proposed.

Commissioner Wilson seconded the motion.

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

## **7. PLAN COMMISSIONER COMMENTS, PROJECTS UPDATES and MISCELLANEOUS INFORMATION**

Community Development Director Magdziarz provided an update on development projects throughout the village.

Next meeting of the Planning Commission/Zoning Board of Appeals is October 19, 2016.

## **8. ADJOURNMENT**

Commissioner Lendi moved to adjourn. Commissioner Guddendorf seconded the motion.

**The meeting was adjourned at 7:50 p.m.**

Respectfully submitted,  
Renee Hanlon  
Substitute Recording Secretary

Not Approved

**VILLAGE PRESIDENT**

P. Sean Michels

**VILLAGE ADMINISTRATOR**

Brent M. Eichelberger

**VILLAGE CLERK**

Cynthia Galbreath



**COMMUNITY DEVELOPMENT DEPARTMENT**

**VILLAGE TRUSTEES**

Robert Bohler  
Kevin Geary  
Sean Herron  
Mari Johnson  
Rick Montalto  
David Paluch

# A D V I S O R Y R E P O R T

TO: Plan Commission  
FROM: Walter Magdziarz, Community Development Director  
DATE: October 19, 2016  
CASE FILE: 16-015

---

**PROPOSAL**

The applicant is requesting a rezoning from R-2 Single Family Detached Residential to B-1 Community Shopping District. If this request is approved, the applicant plans to construct surface parking on the rear of the lot which will serve the Animal Hospital at 110 Main Street.

**GENERAL INFORMATION**

MEETING DATE: October 19, 2016  
PROJECT NAME: Rezoning 142 Main Street  
PETITIONER: Craig and Melia Zabel  
ATTACHMENTS: Plat of Survey  
Concept Parking Plan



## **LOCATION MAP**



Subject Property

## **BACKGROUND & HISTORY**

The property at 142 Main Street is currently zoned R-2 Single Family Residential and is improved with a single family residential structure and detached garage. The applicants, Craig and Melia Zabel, own the two (2) lots north of the subject property at 130 and 110 Main Street. The lot immediate north was rezoned from R-2 Single Family Residential to B-1 Community Shopping in 2008. After rezoning, a surface parking lot was expanded onto the rear of the lot while the single family residential use and structure have been maintained on the front portion of the lot. This parking lot extension serves the Animal Hospital at 110 Main Street. If this rezoning request is granted, the applicant plans to expand the surface parking lot onto the rear portion of the subject property without altering the residential structures on the property.

## **ZONING MAP**

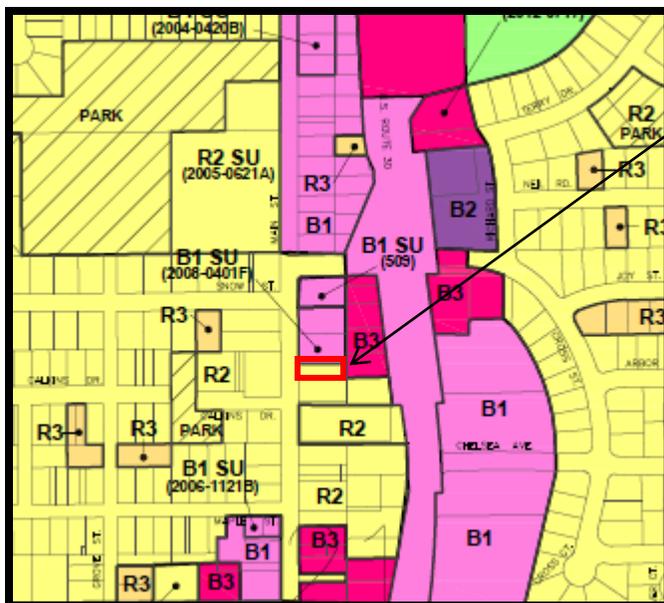
Subject Property: R-2 Single Family Residential

North: B-1 Community Shopping

South: R-2 Single Family Residential

East: B-3 Regional Business

West: R-2 Single Family Residential



Subject Property

	E1 - ESTATE DISTRICT
	R1 - LOW DENSITY RESIDENTIAL DISTRICT
	R2 - DETACHED RESIDENTIAL DISTRICT
	R3 - MEDIUM DENSITY RESIDENTIAL DISTRICT
	PDD - PLANNED DEVELOPMENT DISTRICT
	SR - SENIOR RESIDENTIAL DISTRICT
	PARK
	SU - SPECIAL USE
	B1 - COMMUNITY SHOPPING DISTRICT
	B2 - GENERAL BUSINESS DISTRICT
	B3 - REGIONAL BUSINESS DISTRICT
	BP - BUSINESS PARK DISTRICT
	M1 - LIMITED MANUFACTURING DISTRICT
	I1 - LIGHT INDUSTRIAL DISTRICT
	A1 - RESTRICTED FARMING DISTRICT

**LAND USE PLAN**

The Village of Sugar Grove Comprehensive Plan anticipates the following future land uses in the area.

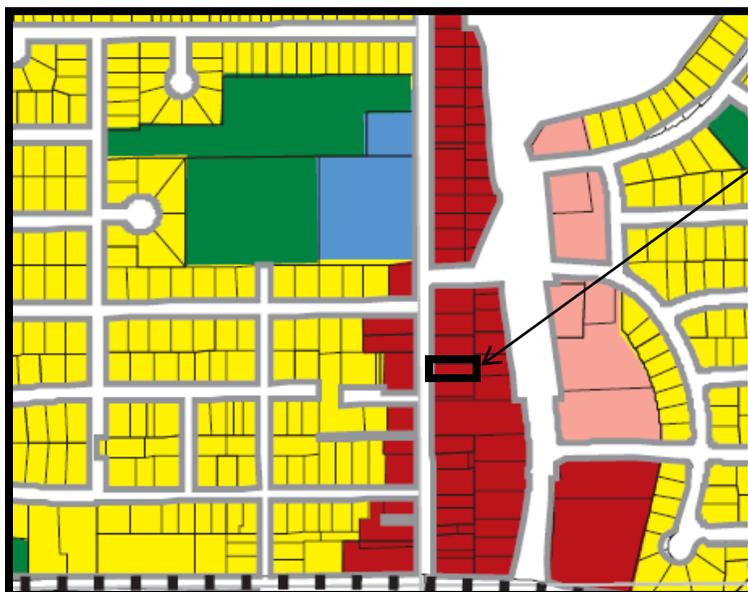
Subject Property: Town Center Commercial

North: Town Center Commercial

South: Town Center Commercial

East: Town Center Commercial

West: Town Center Commercial



Subject Property

	<i>Estate Residential</i>
	<i>Single Family Residential</i>
	<i>Multi-Family Residential</i>
	<i>Neighborhood Commercial</i>
	<i>Town Center Commercial</i>
	<i>Corridor Commercial</i>

## **EVALUATION**

When considering rezoning requests, the Zoning Ordinance provides standards for consideration. The applicants have addressed these standards in their application. Each standard is addressed below.

1. *Will the zoning change promote the public health, safety, comfort, convenience, and general welfare of the village and comply with policies of the comprehensive land use plan?* The applicant responded, "Yes".

As is indicated on the Land Use Plan above, this property is slated for downtown business uses in the future as are all the surrounding properties. This rezoning will allow the property to be put to the uses contemplated by the Land Use Plan. The Downtown Sugar Grove Plan categorizes the subject property and all surrounding properties as "transitional business". This rezoning is consistent with that plan designation as well. The plan anticipates these single family homes along Main Street will be adapted to business uses without much physical change to the buildings.

2. *Is the trend in the area consistent with this request?* The applicant responded, "Yes-Compatible with Village Plan".

This rezoning is consistent with village future land use plans. Also, this request is consistent with the 2008 rezoning of the property immediately north. The area currently contains a mix of uses typical of a downtown neighborhood.

3. *How are the permitted uses allowed by the rezoning more suitable for the property than the permitted uses allowed by the current zoning?* The applicant responded, "Allows the street to retain a residential feel while allowing the popular animal hospital to grow."

The current R-2 zoning allows only residential and home occupation uses. The B-1 rezoning, with its expanded permitted use list, will expand the opportunities for adaptive reuse of the property.

4. *Will this rezoning alter the character of the neighborhood or be detrimental to adjacent property?* The applicant responded, "The character of the street will be unaffected."

This area is described in the village future land use plans as the downtown core. Typical uses found in a downtown core are uses that are permitted in the B-1 district. It is contemplated that this neighborhood will transition from single family residential to light retail and service uses. Current plans are to leave the existing structures on the property as is; therefore, not altering the streetscape along Main Street.

Residential uses are not permitted in the B-1 district; therefore, if this rezoning is approved, the existing residential use of the property will become a legal nonconforming use. The residential use may be maintained on the property in perpetuity unless one of the following occurs; 1) the use is abandoned for 12 consecutive months, and 2) the property is damaged by 51% or more of fair market value. If either of these things occur, the owner will not be allowed to reestablish the residential use.

The subject property meets the bulk standards in the B-1 Zoning District. If the rezoning request is approved, the lot and existing principal structure will be legal and conforming.

	B-1 District Requirement	142 Main Street
Lot Area	7,000 Square Feet	8,600 Square Feet
Frontage	50 Feet	50 Feet
Street Setback	20 Feet	32 Feet
Interior Setback	5 Feet	10 Feet
Rear Setback	20 Feet	100 Feet
Transition Setback	10 Feet	Any New Construction Must Comply

The Concept Parking Plan submitted with this application meets the B-1 off street parking setback and design requirements of the Zoning Ordinance; however, no review of the viability of the project has been made. The approval of this rezoning request in no way guarantees a permit to construct the proposed parking expansion.

**PUBLIC RESPONSE**

The public hearing has been properly noticed. The Community Development Department has received inquiries regarding this rezoning request, but no formal objections have been filed.

**STAFF RECOMMENDATION**

Staff recommends approval of Petition #16-015 rezoning property located at 142 Main Street from R-2 Single Family Residential to B-1 Community Shopping.

**SAMPLE MOTION**

Based on the presented testimony, I move that the Planning Commission recommend to the Village Board approval of Petition #16-015 rezoning property located at 142 Main Street from R-2 Single Family Residential to B-1 Community Shopping.





**VILLAGE PRESIDENT**

P. Sean Michels

**VILLAGE ADMINISTRATOR**

Brent M. Eichelberger

**VILLAGE CLERK**

Cynthia Galbreath



**COMMUNITY DEVELOPMENT DEPARTMENT**

**VILLAGE TRUSTEES**

Robert Bohler  
Kevin Geary  
Sean Herron  
Mari Johnson  
Rick Montalto  
David Paluch

# A D V I S O R Y R E P O R T

TO: Plan Commission  
FROM: Walter Magdziarz, Community Development Director  
DATE: October 19, 2016  
CASE FILE: 16-016

---

**PROPOSAL**

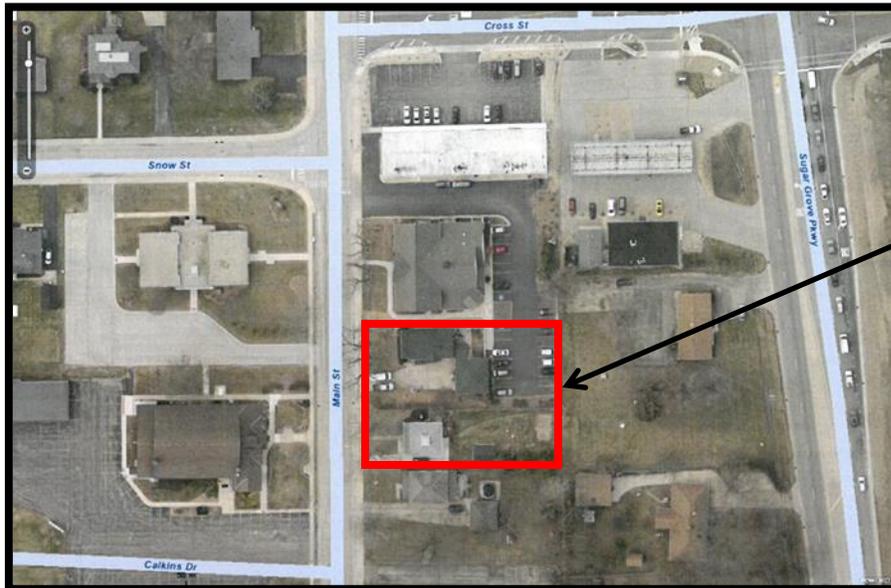
The applicant is requesting a special use for pet grooming at 130 Main Street and 142 Main Street.

**GENERAL INFORMATION**

MEETING DATE: October 19, 2016  
PROJECT NAME: Special Use Permit for 130 Main Street and 142 Main Street  
PETITIONER: Craig and Melia Zabel  
ATTACHMENTS: Plats of Survey



## **LOCATION MAP**



Subject Properties

## **BACKGROUND & HISTORY**

The property at 130 Main Street is zoned B-1 Community Shopping and is improved with a single family residential structure and detached accessory garage. This property was rezoned from R-2 Single Family Residential to B-1 Community Shopping in 2008 (Ord #2008-0401D). A surface parking lot was expanded onto the rear of the lot while the single family residential use and structure have been maintained on the front portion of the lot. In 2009, this property was granted temporary use approval for the operation of a pet grooming facility.

The property at 142 Main Street is the subject of petition #16-015 which is a request for rezoning to B-1 Community Shopping. This special use request may only be granted for this property if the rezoning is granted. If the rezoning request is denied, the current zoning designation of R-2 does not allow for pet grooming as a special use nor as a home occupation.

## **LAND USE PLAN**

The Village of Sugar Grove Comprehensive Plan anticipates the following future land uses in the area.

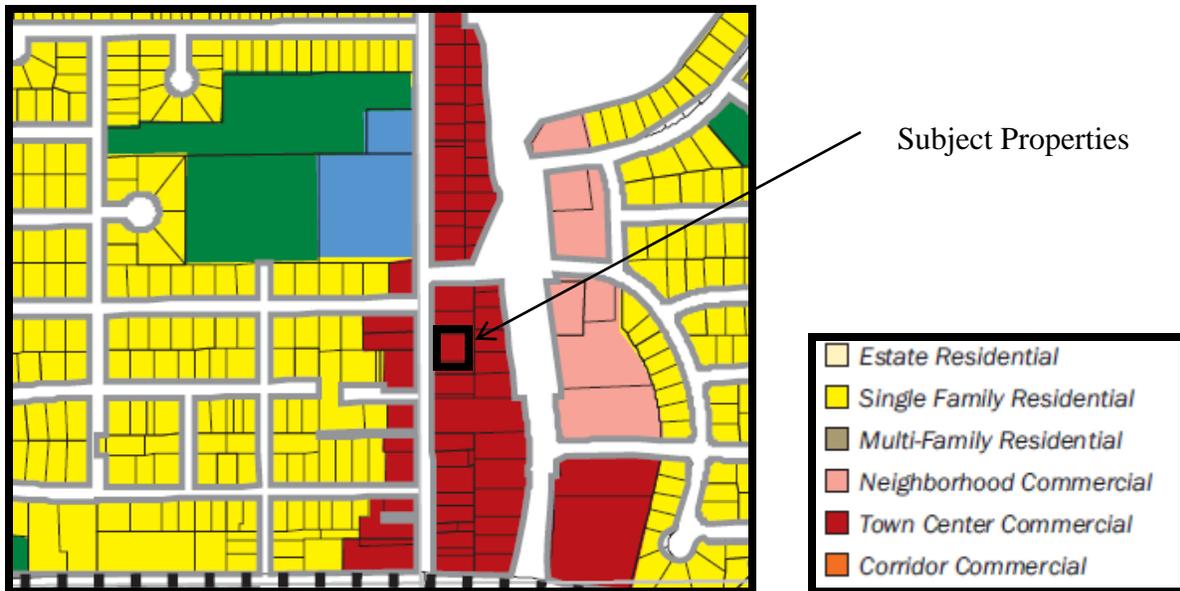
Subject Property: Town Center Commercial

North: Town Center Commercial

South: Town Center Commercial

East: Town Center Commercial

West: Town Center Commercial



## **EVALUATION**

When considering special use requests, the Zoning Ordinance provides standards to be considered. The applicants have addressed these standards in their application. Each standard is addressed below.

1. *How will the special use be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and the Zoning Ordinance?* Applicant response: "Comprehensive land use plan calls for the development of Sugar Grove's Main Street for business purposes."

The Comprehensive Plan and the Downtown Plan anticipate these lots will be used for downtown commercial in the future. The establishment of a service business, such as pet grooming, in a repurposed single family dwelling is in keeping with the goals of both plans.

2. *How will the special use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not alter the essential character of the area?* Applicant response: "House and front yard have no planned alterations."

The downtown plan envisions existing Main Street buildings being retained and repurposed. A pet grooming business could operate within such structure without significant changes to the character of the building.

3. *Will the special use be hazardous or disturbing to existing or future neighborhood uses?* Applicant response: "No."

The building at 130 Main Street was approved for pet grooming as a temporary use in 2009. Planning Division files has no information about nuisance violations or problems associated with this temporary use.

4. *Will the special use be adequately served by essential public facilities and services such as*

*highways, streets, police and fire protection, drainage structure, refuse disposal, water, sewers and schools or will the persons or agencies responsible for the establishment of the proposed use be able to provide such services? Applicant response: "Yes."*

The property is currently served with utilities adequate for a residential use. The applicant will be required to submit an occupancy permit application prior to establishing the pet grooming operation. At that time, a review of services will be completed. A special use approval does not guarantee an occupancy permit for the business.

*5. Will the special use create excessive additional requirements, at public cost, for public facilities and services, and be detrimental to the economic welfare of the village? Applicant response: "No".*

Adequate public facilities exist to serve this use.

*6. Will the special use involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors? Applicant response: "No".*

Pet grooming facilities do not typically create any of the listed nuisances. During permit review, staff will ask for assurances against any anticipated nuisances created by the business. Attaching conditions to the special use approval is also useful in preempting any anticipated problems.

*7. Will the special use have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets and highways? Applicant response: "Yes".*

Both properties are currently served by driveways with access to Main Street. The property at 130 Main Street is improved with an expansion of the surface parking lot at 110 Main Street. This parking lot has adequate access from Main Street and may be utilized for a pet grooming operation. During permit review, staff will ask for parking counts for this use and how all required parking and vehicular circulation will be accommodated.

*8. Will the special use increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief? Applicant response: "No."*

These properties are not located in nor near any flood hazard area. Staff is unaware of any flooding issues in this area.

*9. Will the special use result in the destruction, loss or damage of natural, scenic or historic features of major importance to the village? Applicant response: "No."*

As long as these properties are properly maintained, they contribute to the character of the downtown core neighborhood. An adaptive reuse of these properties should have no adverse effect on that contribution.

## **RECOMMENDED CONDITIONS**

Uses deemed unique in their operation require special use approval so that the Planning Commission may place conditions on the operation to insure compatibility with surrounding uses. Staff recommend that the Planning Commission consider attaching the following conditions to the special use permit.

- Hours of operation limited to 7:00 a.m. and 7:00 p.m.
- Property must be maintained free of animal waste.
- Any alterations to the façade of the buildings may not alter the residential character of the structures.
- All operations must be inside the building. Animals may not be left outside while waiting for grooming or pick-up.
- An occupancy permit must be obtained prior to the establishment of the business.

### **PUBLIC RESPONSE**

The public hearing has been properly noticed. The Community Development Department has received inquiries regarding this special use request, but no formal objections.

### **STAFF RECOMMENDATION**

Staff recommends approval of Petition #16-016 special use for pet grooming at properties located at 130 Main Street and 142 Main Street subject to conditions.

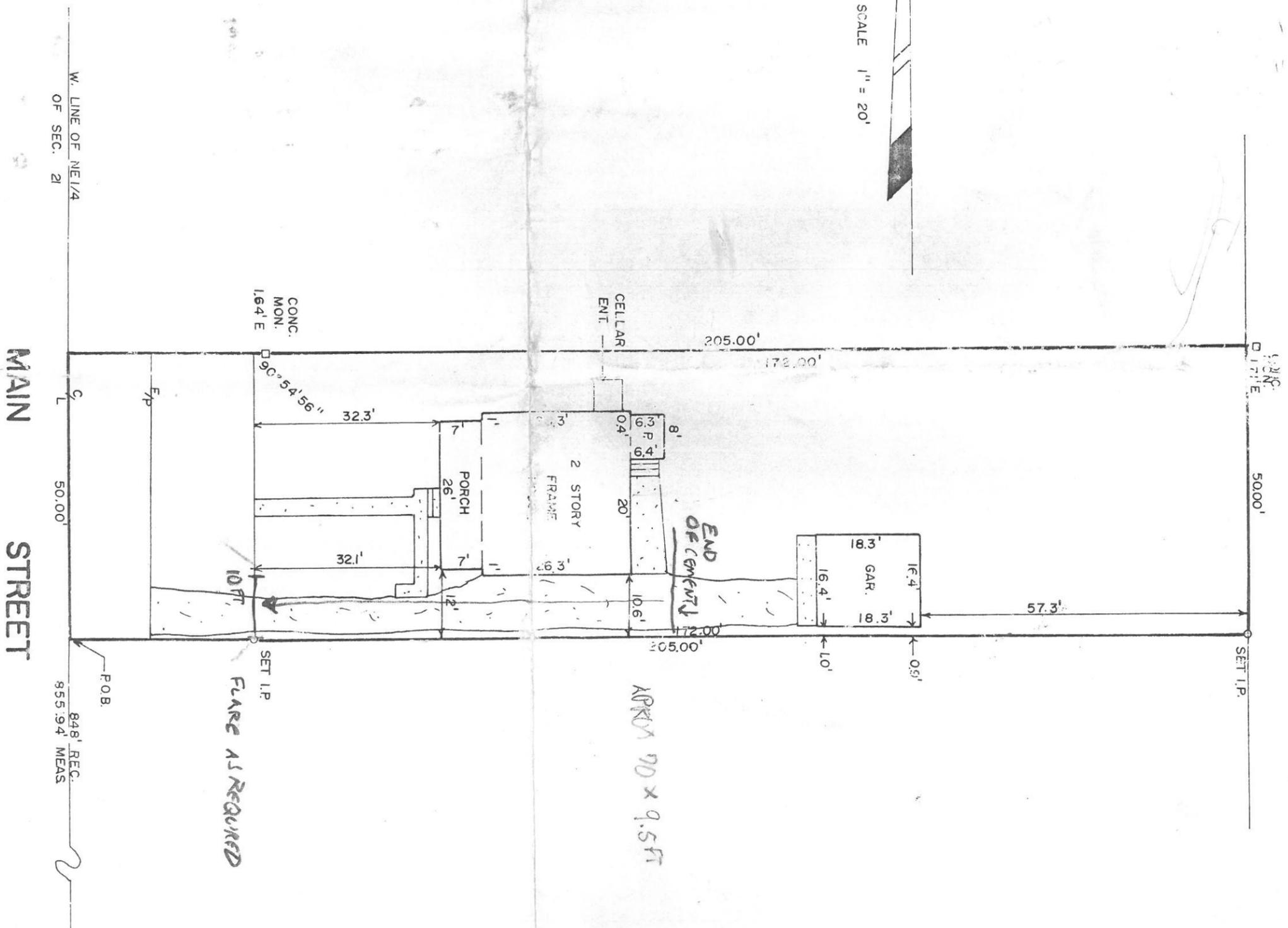
### **SAMPLE MOTION**

Based on the presented testimony, I move that the Planning Commission recommend to the Village Board approval of the Special Use permit for pet grooming, Petition 16-016, subject to the following conditions:

- Hours of operation limited to 7:00 a.m. and 7:00 p.m.
- The property must be maintained free of animal waste.
- Any alterations to the façade of the buildings may not alter the residential character of the structures.
- All operations must be inside the building. Animals may not be left outside while waiting for grooming or pick-up.
- An occupancy permit must be obtained prior to the establishment of the business.

# PLAT

THOMPSON'S SUB.



PLEASE RETURN  
TO TIM W