
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
RENEE HANLON, ZONING ADMINISTRATOR
SUBJECT: DISCUSSION: GRANTING MAJOR AMENDMENT TO THE LANDINGS
PLANNED UNIT DEVELOPMENT ORDINANCE 2010-0907
AGENDA: JANUARY 9, 2017 VILLAGE BOARD MEETING
DATE: JANUARY 4, 2018

ISSUE

Shall the Village Board discuss a major amendment to The Landings Planned Unit Development (Ordinance 2010-0907).

DISCUSSION

The applicant, Param Vijay, is proposing to lease a tenant space in the building at 522 N Sugar Grove Parkway for use as a *Tattoo and Body Piercing Studio*.

The Planned Unit Development Ordinance 2010-0907 regulates the uses allowed within The Landings Subdivision. This use list does not include *Tattoo and Body Piercing Studio*. However, the use is a permitted use in the underlying zoning, B-3 Community Shopping District. If this petition is approved, *Tattoo and Body Piercing Studio* will be added to the permitted use list for lots 1-7 of this development.

The proposed amendment and the proposed use are in keeping with the Comprehensive Plan designation of Corridor Commercial. This tenant space is currently vacant.

The Planning Commission recommended approval of this major PUD amendment.

ATTACHMENTS

- Planning Commission Recommendation #17-027
- Ordinance Granting Approval of a Major Amendment to Planned Unit Development Ordinance 2010-0907 (The Landings Lots 1-7)

COSTS

All costs associated with the special use request are borne by the Applicant.

RECOMMENDATION

That the Village Board provide direction to Village staff in order to prepare an Ordinance approving a major amendment to Planned Unit Development Ordinance 2010-0907 to include *Tattoo and Body Piercing Studio* in the permitted uses list for lots 1-7.

VILLAGE PRESIDENT

P. Sean Michels

VILLAGE ADMINISTRATOR

Brent M. Eichelberger

VILLAGE CLERK

Cynthia Galbreath



COMMUNITY DEVELOPMENT DEPARTMENT

VILLAGE TRUSTEES

Sean Herron
Mari Johnson
Ted Koch
Heidi Lendi
Rick Montalto
David Paluch

R E C O M M E N D A T I O N **PC17-027**

TO: Village President and Board of Trustees

FROM: Planning Commission

DATE: Meeting of January 20, 2017

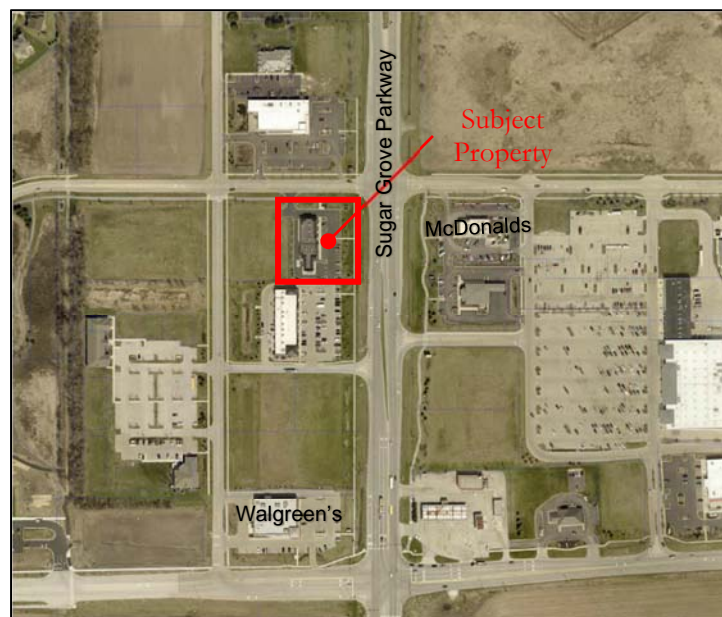
CASE FILE: 17-027

Major Amendment to Planned Unit Development Ordinance 2010-0907 (The Landings Lots 1-7)

PROPOSAL

The applicant is requesting a major amendment to The Landings Planned Unit Development Ordinance 2010-0907. The purpose of this major amendment is to add *Tattoo and Body Piercing Studio* as a permitted use on lots 1-7.

LOCATION MAP



BACKGROUND & HISTORY

The Landings Planned Unit Development was approved on April 3, 2007 as Ordinance Number 2007-0403B. Exhibit Z of this ordinance is titled *ALLOWED USES LIST (LOTS 1-7)* and lists the permitted and special uses allowed on lots 1-7 of The Landings subdivision. The list continues with permitted and special uses for lot 8. Lot 8 is the portion of The Landings located on the west side of Division Drive and is not included in this major amendment request.

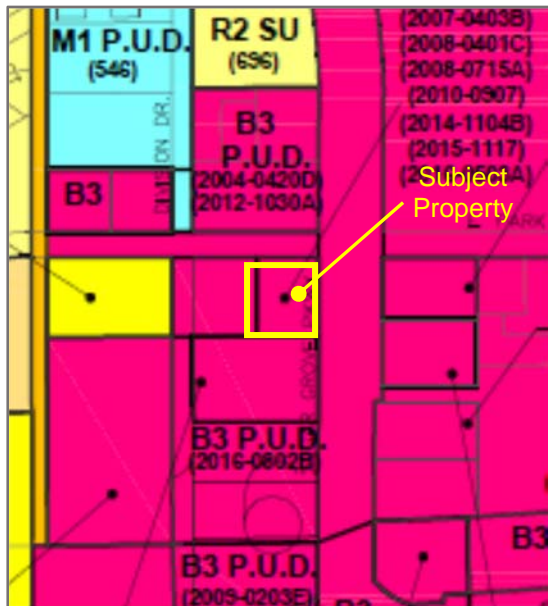
On September 7, 2010, Exhibit Z was repealed and replaced with a revised Exhibit Z entitled *ALLOWED USES LIST (LOTS 1-7)* by Ordinance 2010-0907. This amendment changed the permitted use list for lots 1-7 by including "Health Clubs."

The current petition is a request to include "Tattoo and Body Piercing Studio" on the Allowed Use List (Exhibit Z; Ordinance 2010-0907).

Section 11-4-22, *Table of Permitted Uses*, of the Village of Sugar Grove Zoning Ordinance allows "Tattoo Parlor" as a permitted use in the B-3 zoning district, the underlying zoning classification. Therefore, the PUD Ordinance is more restrictive than the Zoning Ordinance. For that reason, the petitioner is seeking only an amendment to the Planned Unit Development Ordinance and not an amendment to the Village Zoning Ordinance.

EXISTING ZONING

- Subject Property: B-3 PUD
- North: B-3 PUD
- South: B-3 PUD
- East: B-3 PUD
- West: B-3 PUD



	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

EXISTING LAND USE/FUTURE LAND USE PLAN

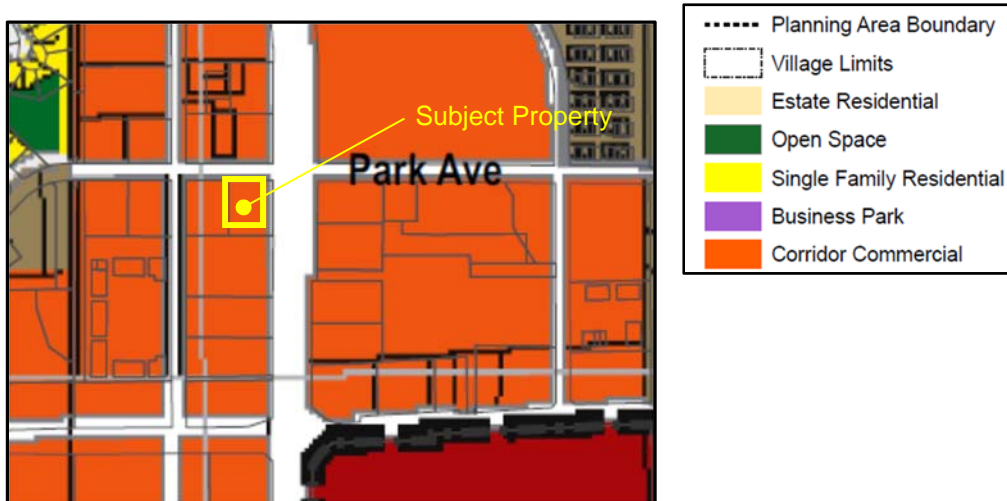
Subject Property: Multi-Tenant Building/Corridor Commercial

North: Aldi/Corridor Commercial

South: Multi-Tenant Building/Corridor Commercial

East: McDonald's/Corridor Commercial

West: Vacant/Corridor Commercial



EVALUATION

Since Planned Unit Developments are Special Uses, the Zoning Ordinance standards for special use must be considered. 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?*

The inclusion of "Tattoo and Body Piercing Studio" as a permitted use on lots 1-7 of The Landings PUD is in keeping with both the Comprehensive Land Use Plan and the Zoning Ordinance. The Comprehensive Land Use Plan designation of Corridor Commercial contemplates uses allowed in the B-3 zoning district of the Village of Sugar Grove Zoning Ordinance. This use is allowed by right in the B-3 zoning district.

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?*

This business will be located in an existing tenant space. The business will be subject to the same aesthetic controls as all other businesses in The Landings.

3. *Will the special use be hazardous or disturbing to existing or future neighborhood uses?*

This business operation will create no nuisances nor will it impede future neighborhood development.

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?

The business will occupy existing space which is well served. No additional village services will be needed.

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?

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?

This use is consistent with surrounding uses and carries no risk of creating a nuisance.

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?

The street system in this area is designed to handle regional traffic, and no changes to the existing access and circulation is proposed or contemplated with the requested amendment.

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?

No portion of this property is designated as a flood hazard 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?

There are no natural, scenic or historic features on this lot.

RECOMMENDATION

Based on the presented testimony and finding of facts, I move that the Planning Commission recommend to the Village Board approval of Petition #17-027 Amending Ordinance 2010-0907 Exhibit Z *Allowed Uses List (lots 1-7)* by adding "Tattoo and Body Piercing Studio".

AYES: Eckert, Wilson, Guddendorf, Jones, White

NAYES: None

ABSENT: Oschenschlager and Sabo

MOTION PASSED



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2018-0123_

**AN ORDINANCE GRANTING APPROVAL OF A MAJOR AMENDMENT TO
PLANNED UNIT DEVELOPMENT ORDINANCE 2010-0907
(THE LANDINGS LOTS 1-7)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 23rd day of January, 2018

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 23rd day of January, 2018

ORDINANCE NO. 2018-0123_

**AN ORDINANCE GRANTING APPROVAL OF A MAJOR AMENDMENT TO PLANNED UNIT
DEVELOPMENT ORDINANCE 2010-0907
(THE LANDINGS LOTS 1-7)**

BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, Nita Estates, LLC has requested approval of a major amendment to The Landings Planned Unit Development Ordinance 2010-0907 for lots 1-7, property legally described in Exhibit A herein; and,

WHEREAS, after due notice the Planning Commission held a public hearing on December 20, 2017, and recommend approval of the major Planned Unit Development Ordinance amendment; and,

WHEREAS, the Village Board has reviewed the request and has deemed that the Final Planned Unit Development is in compliance with the Zoning Ordinance of the Village of Sugar Grove;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: PLANNED UNIT DEVELOPMENT MAJOR AMENDMENT

The subject property described in *Exhibit A* is hereby granted a major amendment to Planned Unit Development Ordinance Number 2010-0907 by adding Tattoo and Body Piercing Studio to the permitted use list *Exhibit Z* (attached as Exhibit B hereto) pursuant to Section 11-11-7 of the Village of Sugar Grove Zoning Ordinance.

SECTION TWO: GENERAL PROVISIONS

REPEALER: That all ordinances or portions thereof in conflict herewith are hereby repealed to the extent of any such conflict.

SEVERABILITY: Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

EFFECTIVE DATE: This ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 23rd day of January, 2018.

P. Sean Michels
President of the Board of Trustees

ATTEST: _____
Cynthia L. Galbreath,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Sean Herron	___	___	___	___
Trustee Mari Johnson	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee David Paluch	___	___	___	___

Exhibit A

Legal Description

THE LANDINGS SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 16,
TOWNSHIP 38 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 18, 2007 AS
DOCUMENT 2007K122721, IN KANE COUNTY, ILLINOIS.

Exhibit B

EXHIBIT Z ALLOWED USES LIST (Lots 1-7)

Permitted Uses (including uses listed as Special Uses in the Sugar Grove Municipal Code that are hereby approved as Permitted Uses under this Development Ordinance):

I. Retail

Antique shops
Appliance, sales & service (repair services must be accompanied by sales in order to be permitted hereunder) Art and school supplies
Art galleries
Bakeries in which the manufacture of goods is primarily retailed on the premises
Battery stores (sales only, no service)
Bicycle sales and repair
Bookstores
Bridal shops Butcher shops
Camera stores
Candle shops
Candy and confectionary stores
Card shops
Cellular Telephone stores
Children's apparel shops
China and glassware stores
Christmas shops
Compact disc, cassette tape and phonograph record stores
Computer sales and service
Drug stores and pharmacies, excluding drive-thru
Florist shops
Food stores including grocery, convenience and specialty (coffee, fudge, health)
Furniture Sales
Gift shops
Handmade crafts
Hardware stores
Hearing aid stores
Herb, spices and kitchen specialties
Hobby shops
Ice cream stores and stands
Jewelry stores
Ladies apparel stores
Leather goods and luggage stores
Linen and bath shops
Men's apparel stores
Millinery and haberdasheries
Musical instrument sales and repairs
Office supply stores
Orthopedic and medical appliance stores
Paint and wallpaper stores

Pet Stores
Pewter and silver stores
Pottery shops
Retail, mail-order stores
Sewing machine sales and service
Shoe stores
Special import stores
Sports and card shops
Sporting goods
Tack shops
Toy stores
Variety and notion stores (dime stores)
Woodcraft shops
Yarn and needlework shops

2. Business Services

Animal hospital if incidental use to a pet store, provided that no overnight stay of animals are permitted
Art and design studios
Automobile driving instruction
Beauty and barbershops
Blue print and photocopy shops
Brokerage houses
Business schools
Chambers of commerce
Charitable organizations (only if all activities relating to said use are conducted indoors)
Civic associations
Clothing and costume rental stores
Coin and philatelic sales
Commercial or trade schools (dance studios, music schools or martial arts)
Credit agencies
Data processing centers
Daycare centers and nursery schools
Delicatessens
Dry-cleaning shops
Employment agencies
Furrier shops, storage and conditioning
Gift-wrapping and mailing services
Health clubs
Hotels
Interior decorating shops
Laundries
Locksmiths
Mailing services
Merchants' associations
Newspaper offices
Pet Grooming facilities if an incidental use to a pet store, provided that no overnight stay of animals are permitted
Photocopying and printing
Photographic and art studios

Picture framing
Real estate offices
Recording studio
Restaurant, without drive-through, entertainment or dancing
Security and commodity brokers
Sign contractor
Shoe repair shops
Swimming pool sales and service
Tailor and dressmaking shops
Tattoo and Body Piercing Studio
Travel agency
Video rentals

3. Professional Offices

Accounting, auditing and bookkeeping offices
Attorney and law offices
Business and management consultants
Engineering and architectural services
Insurance agencies
Investment companies
Land surveyors
Landscape architects
Professional consultants

4. Medical Offices

Chiropractors' offices
Dentists' offices
Doctors' surgeons' and/or physicians' offices
Ophthalmologists
Opticians

Special Uses (No entitlement to these Special Uses. Each use is subject to required Village approvals and conditions per all applicable ordinances):

Animal hospital (but permitted if incidental to use as a pet store, provided no overnight stay of animals are permitted)
Automobile gas station (together with mini-marts and car washes deemed similar in nature and clearly compatible with an automobile gas station by zoning officer pursuant to Section 1 1.4.05 of the zoning ordinance) (One only and only if a bank or financial institution has not been approved)
Automobile Repair Facility (One only on either Lot 5 or Lot 6)
Banks and financial institutions (including drive-up) (One only and only if an automobile gas station has not been approved)
Catering services
Clubs and lodges, private fraternal or religious
Commercial greenhouses
Drug stores and pharmacies, including drive-thru
Electrical and household appliance sales and repair (repair services must be accompanied by sales in order to be permitted hereunder)

Furnace sales and repair (repair services must be accompanied by sales in order to be permitted hereunder)
Furniture repair (repair services must be accompanied by sales in order to be permitted hereunder)
Game room
General repair shops
Lawn mower repair, with inside storage only
Libraries
Motorcycle sales, service and repair (repair services must be accompanied by sales in order to be permitted hereunder)
Nurseries
Package liquor sales
Pet grooming facilities (but permitted if incidental to use in a pet store, provided no overnight stay of animals permitted)
Physical culture and health services
Plumbing and heating shops
Radio and television: service, repair and studios
Restaurants with drive-in or drive-through service
Restaurant and eating places with live entertainment or dancing
Snowmobile sales, service & repair (repair services must be accompanied by sales in order to be permitted hereunder)
Taxidermists
Theaters and auditoriums, indoor only
Tobacco shops
Upholstery shops
Water softening service
Wholesale Direct Selling Establishments (where products are stored and distributed)
Window cleaning firm