

**VILLAGE of SUGAR GROVE
PLAN COMMISSION/ZONING BOARD of APPEALS
MINUTES OF OCTOBER 19, 2005 MEETING**

1. CALL TO ORDER

Plan Commission/ZBA Chairman Irv Ochenschlager called the regular meeting of the Plan Commission/Zoning Board of Appeals (ZBA) to order at 7:01 p.m. in the Board Room of Village Hall.

2. ROLL CALL

Plan Commission/ZBA members present:

Steve Benesch, Brian Schiber, Ryan Reuland, Bob Dray, Irv Ochenschlager

Absent: Ed Saloga

Quorum present

Also present:

Scott Buening, Community Development Director; Mike Ferencak, Village Planner, Pete Wilson, Village Attorney; Nancy Zak, Recording Secretary.

3. APPROVAL of MINUTES

Benesch made a motion to approve the minutes of the October 5, 2005 Plan Commission/ZBA Special Meeting as corrected. Schiber seconded the motion. The motion carried by unanimous voice vote.

Corrections to October 5, 2005 minutes were as follows:

Page 1, regarding a second to the motion, 2. Minutes. b. the motion to approve the minutes of September 15 was seconded by Benesch. Page 2 regarding a second to the motion for Settlers Ridge Final Plat, Reuland seconded that motion.

Pages 8 and 9, the spelling of Schiber's name was corrected.

4. PETITIONS

**a. Petition 05-016: 515 N. II. Route 47 (Lot 4 Sugar Grove Center)
Final Planned Unit Development Approval
(Waterford Development, Petitioner)**

The Plan Commission/ZBA was to consider a request for approval of a Final Planned Unit Development (PUD) for a proposed retail strip center in the B-3 Regional Business District, pursuant to the requirements of the Sugar Grove Center PUD Ordinance 2004-0921C.

The Sugar Grove Center PUD was approved on September 21, 2004. The Sugar Grove Center was planned from the beginning to include a Jewel/Osco grocery store, a Jewel Express gas station, and other Final PUD approved uses on several of the lots within the development. Other lots, including Lot 4, were only given Preliminary PUD approval

and were required to come back for Final PUD approval. The petitioner has submitted a proposal for the development of a retail strip center on Lot 4 of the Sugar Grove Center.

Dave Neple, of Waterford Development, was in attendance to answer questions or further explain the PUD proposal. Schiber asked that the location of the lot in question be clarified. Ferencak said it was the lot north of the lot that is north of the Jewel Store lot, the northern most lot on the site. Although Lot 4 actually fronts Park Avenue, it has an Illinois Route 47 address. The lot is laid out as required in the PUD Agreement.

Schiber asked if the buildings proposed for Lot 4 were going to match the color renditions of the rest of the center that the Plan Commission/ZBA had reviewed previously? Neple showed a rendering of the elevations and said they were identical to what had been approved. Buening added there was no change in the elevations of the in-line shops.

Neple said they have letters of intent for the commitment of 16,000 square feet of the building.

Schiber questioned what the timing was for the development of Lot 4? Neple responded that it would be at the same time as the Jewel food store, that being the Spring of 2006. Ferencak said as individual uses come forward for Staff will determine if the uses proposed fit the Zoning Ordinance. Benesch made the comment that bank uses should be restricted.

Reuland made a motion that the Plan Commission/ZBA recommend approval of the Final Planned Unit Development for a retail center in the B-3 Regional Business District, subject to the following conditions recommended by Staff:

- 1. That the Final PUD shall substantially conform to the Site Plan by Craig R. Knoche & Associates, dated June 7, 2004. Last revised August 30, 2005; the Grading Plan, by Craig R. Knoche & Associates, dated June 1, 2004, last revised July 6, 2005; the Utility Plan by Craig R. Knoche & Associates, dated June 1, 2004, last revised August 9, 2005, the Landscape Plan by Craig R. Knoche & Associates, dated April 17, 2003, last revised July 6, 2005; and the Floor and Architectural Elevation Plan, by Camburas & Theodore, Ltd. dated July 15, 2005, except as such plans may be revised to conform to Village codes and ordinances and the conditions below.**
- 2. The site data table shall be revised so it is accurate and the building square footage shall be shown on the building on the Site Plan.**
- 3. The petitioner shall confirm that no freestanding sign is proposed on Lot 4.**
- 4. Photometric Plans shall be submitted for that portion of the lot not already constructed.**

Benesch seconded the motion.

Roll call vote on the motion:

Ayes: Benesch, Dray, Schiber, Reuland, Ochsenschlager

Nays: None Absent: Saloga

Motion carried unanimously.

Ferencak asked for assurance that there would be no freestanding sign on Lot 4. Neple said, no, there would be no freestanding sign.

**b. Petition 05-017: 489 N. II. Route 47 (Lot 6 Sugar Grove Center)
Final Planned Unit Development Approval**
(Location Finders, Inc/Chase Bank, Petitioner.

Ferencak told the Plan Commission/ZBA that the Petitioner had requested a continuance from the October 19th meeting to the November 16th Plan Commission/ZBA meeting. The plans for Lighting, Signage, Site, Landscaping and Architecture needed to be revised and the Petitioner would not have been able to submit those revisions in time for the October meeting.

Benesch made a motion to continue review and recommendation on the Final PUD for Lot 6 in the Sugar Grove Center to the November 16, 2005 Plan Commission/ZBA meeting, giving the Petitioner ample time to revise certain of the plans for the development.
Dray seconded the motion.
The motion carried unanimously by voice vote.

5. OLD BUSINESS

a. Petition 04-013: Settlers Ridge - Tree Mitigation Plan
(Kimball Hill Homes, Inc.)

The Plan Commission/ZBA is considering the request for approval of a Tree Replacement Plan for Settlers Ridge Unit 1A. The Tree Mitigation Plan was discussed at the October 5, 2005 Plan Commission/ZBA meeting. The Commission continued it to this meeting to allow staff time to prepare recommendations.

Settlers Ridge Unit 1A includes three main areas of trees as identified in the Tree Survey. The Tree Survey identified all trees larger than 6", as required by the ordinance. Together, the three areas have 229 trees consisting of eight species. The Zoning Ordinance does not take into consideration species or rating for tree replacements. Based upon the sizes of the 229 trees, replacements should total 337 trees. The Petitioner had expressed opinion at the October meeting that replacing poor quality and low type rated species was over burdensome and thought the number of replacements should be fewer than 337 trees.

Since the last Plan Commission/ZBA meeting Kimball Hill Homes had Hitchcock Design Group prepare a justification for the partial replacement of the required 337 trees. Ferencak indicated Staff was satisfied with this work and saw making use of it as a possible way to improve upon the Village Tree Replacement Ordinance. There were four criteria Hitchcock reviewed to determine which trees

to replace: replacement rate as prescribed by the Village ordinance, a species rating published by the International Society of Arboriculture, trees that are native to Illinois and invasive are considered and any tree that is in good or fair condition is considered. Using these criteria, in this case 81 trees need to be replaced. Based upon Village ordinance those 81 trees would require 122 replacement trees.

Ferencak said Staff now recommends approval of the Settler Ridge Unit 1A Tree Replacement Plan subject to certain conditions.

Rich Young, of Kimball Hills Homes, said they can come back with a specific layout of the trees being replaced on the site. He then introduced Tim Bell of Hitchcock Design Group who was present to answer any questions the Commission might have.

Dray made a motion that the Plan Commission/ZBA recommend to the Village Board acceptance of the Tree Mitigation Plan as depicted in the Hitchcock Design Group Tree Preservation memo, subject to the following conditions:

- 1. The 229 trees that have already been removed shall be replaced with 122 trees as shown in the Hitchcock Design Group memo dated October 13, 2005 and the spreadsheet titled, "Settlers Ridge, Sugar Grove, IL, Tree Preservation", (not dated).**
- 2. A Tree Replacement Plan shall be submitted showing the locations of the 122 replacement trees.**

Benesch seconded the motion.

Roll call vote on the motion:

Ayes: Dray, Reuland, Ochsenschlager, Schiber, Benesch

Nays: None Absent: Saloga

Motion carried unanimously.

6. NEW BUSINESS

- a. Petition 05-010: Black Walnut Trails Unit 5 Final Plat of Subdivision (Bellefleur Homes, Inc., Petitioner)**

Ferencak explained that Unit 5 was the last undeveloped units of the Black Walnut Trails Subdivision. It is located at the end of Hoyden Court. This unit was not subdivided since the owner remained in the original building located on the site. Unit 5 is the last Final Plat to come before the review process since the Preliminary Plat was approved for Black Walnut Trails years ago. The proposal in Unit 5 is to develop the site with 6 single-family homes, one street island parcel and public right-of-way all on 5.08 acres.

The Petitioner submitted for Final Plat approval May 25, 2005 and went to the Plan Council August 18, 2005, after which he made revisions before bringing the Plat to the Plan Commission/ZBA. Many of the issues posed by Staff have been resolved. Those that haven't would remain as conditions of approval. Ferencak said the Final Plat of Subdivision for Unit 5 substantially conforms to the approved Preliminary Plat of Subdivision. The Petitioner wishes to save as many trees as possible.

Benesch had some concern about the conservation easement on Lots 3 and 4. Ferencak said those were two of the biggest lots in the Unit, being approximately 140' to 150' deep. Benesch questioned what would happen to the existing residence on the site? Petitioner Bellefleur, who was present, indicated that home would remain and be updated to fit in with the new homes that would be built.

Schiber asked what type and price of homes were planned to be built in the Unit? Bellefleur said the homes would be custom built with a price range starting at \$700,000.

Schiber questioned if the Petitioner's engineer had seen the Staff comments and if he had no problem with the requirements? Bellefleur said his engineer did review the issues in the Staff report and had no problem with them, except the issue of tree mitigation that needs to be worked out.

Dray had questions about an architectural review committee and how a Homeowners Association would be set up for this unit? Bellefleur said they would set up their own architectural review committee and a homeowners association specific to Unit 5.

Dray asked Staff if this Unit would be subject to impact fees? Ferencak responded that the impact fee issue was finalized in the Annexation Agreement.

Benesch asked if the Fire Protection District had seen the cul-de-sac design, and what was its reaction to it? Ferencak said the FPD had reviewed the plan and felt comfortable with the cul-de-sac design.

Schiber made a motion to recommend to the Village Board approval of the Final Plat of Subdivision for Black Walnut Trails Unit 5, subject to Staff recommendations.

Benesch seconded the motion.

Staff Recommendations and twelve Conditions appear on pages 8 and 9 of the Staff Report dated Commission Meeting date: October 19, 2005.

Discussion on the motion.

Benesch wondered if there would be any problem with the existing Black Walnut Trails Homeowners Association (HOA), if Unit 5 sets up its own HOA, considering the issue of stormwater management. Buening said the separate HOA as a sub-association for Unit 5 still needed to be clarified since Unit 5 would be using Black Walnut Trails subdivision stormwater facilities. This issue would have to be resolved prior to recording of the final plat.

Dray asked if Unit 5 would be subject to the school and park donations? Ferencak said, yes, it would.

Roll call vote on the motion:

Ayes: Dray, Reuland, Schiber, Benesch, Ochsenschlager

Nays: None Absent: Saloga

Motion carried unanimously

7. PLAN COMMISSION/ZBA COMMENTS, PROJECT UPDATES AND MISCELLANEOUS INFORMATION

a. 52 Wheeler Road Variance

Ferencak reported that:

The Petition with the Plan Commission/ZBA recommendation was placed on the November 1, 2005 Village Board meeting agenda.

b. Settlers Ridge Final Plat

At the Committee of the Whole Village Board meeting, the matter of the Settlers Ridge Final Plat was approved to come before the Village Board at a future date.

c. Timbercrest

Work is still transpiring on the Annexation Agreement.

d. Stillwater

The Stillwater PUD amendment has yet to be scheduled to come before the Village Board.

e. Raging Waves Waterpark

The Village Board, after initial review of the development, asked that the Petitioners provide more specific plans and renderings of the water park proposed.

f. Prestbury Annexation No further action to report.

g. Sheds in Easements and Mailbox Requirements

No action to report on these items. They are still on the Village Attorney's agenda for review.

h. Letter Received by Plan Commission/ZBA Chairman

Chairman Ochsenschlager shared a letter he received from two Sugar Grove residents thanking the Plan Commission/ZBA for its good judgement in

recommending to the Village Board denial of the Raging Waves Water Park Petition. They appreciated the Plan Commission/ZBA's work to represent the taxpayers.

8. **ADJOURNMENT**

Benesch made a motion, which was seconded by Reuland, that the meeting be adjourned. Voice vote was unanimously in favor.

The meeting adjourned at 7:39 p.m.

Respectfully submitted,

Nancy Zak
Recording Secretary