

**VILLAGE of SUGAR GROVE
PLAN COMMISSION/ZONING BOARD of APPEALS
MINUTES of SPECIAL MEETING
JUNE 6, 2007**

1. CALL TO ORDER

The Special Meeting of the Plan Commission/Zoning Board of Appeals (ZBA) was called to order by Chairman Irv Ochenschlager at 7:01 p.m. in the Public Works Building.

2. ROLL CALL

Plan Commission/ZBA members present:

Steve Benesch, Bob Dray, James Eckert, Barbara Manzanares, Irv Ochenschlager

Absent: Ryan Reuland and Ed Saloga

Quorum established

Also present:

Scott Buening, Community Development Director; Mike Ferencak, Village Planner

3. APPROVAL of MINUTES of the APRIL 18, 2007 PLAN COMMISSION/ZBA MEETING

Dray made a motion, which was seconded by Benesch; to approve the minutes of the Plan Commission/ZBA meeting of April 18, 2007 as presented.

The motion carried unanimously by voice vote.

4. PUBLIC HEARINGS

None

5. OLD BUSINESS

None

6. NEW BUSINESS

PETITION 07-055: PRAIRIE GLEN - MINOR PUD AMENDMENT (THE WINDHAM GROUP PETITIONER)

Ochenschlager explained the requests being made by the Petitioner.

The Petitioner requested minor amendments modifying the PUD Agreement:

to allow the use of vinyl (a high-grade with a thickness of not less than .042") or aluminum siding and to require the installation of trees, shrubs and other landscaping, exclusive of grass and parkway trees, of a retail value of \$2,000.00 per residential lot where vinyl or aluminum siding is used on such lot.

In November 2006, a Minor PUD Amendment was approved by the Village Board for this development. That Minor PUD Amendment included changes to this same Appearance section of the PUD Agreement. The amendments approved changed the number of lots that would require masonry fireplaces from 219 lots to 40 lots and changing the vinyl and aluminum siding requirement from allowing vinyl and aluminum siding on the 53 lots east of Municipal Drive (when a minimum of 130 square feet of brick or stone is used on the home's front facade) to not allowing aluminum and vinyl siding on any of the 219 lots throughout the development.

Jamie White, Attorney representing the Petitioner, was given the floor to present the request. The requests being made, he believed did not change or alter the spirit and intent of the approved PUD. This request in essence is a continuation of previous negotiations with the Village Board. Part of the requested amendment is to allow the removal of the requirement for the hardieboard siding and to allow for the aluminum or high-grade vinyl. They have been working with potential developers who want to come in and start on this development as soon as possible. The requirement of the use of hardieboard construction materials proves to be a deterrent in marketing homes for this development.

White went on to say that their first request was to allow either aluminum siding or high grade vinyl as to eliminate the hardieboard requirement. The second part of the request is to make up for what would be called that aesthetic change; use of the higher-grade vinyl so there would not be a rippling effect and to add a landscaping requirement. At this time the only landscaping requirement is sod for the front and side yards and a parkway tree. What they are proposing in place of the hardieboard would have a value of \$2,000, exclusive of the sod and parkway tree. Elaborating on the proposed landscape package, White distributed a plant material selection sheet and plan formulated by an interested builder, Mr. Faganel. The idea of the plan and plant list is to allow the homebuyers to select the plants they would prefer to have included in their landscaping. Village Staff requests, that if there were that amount of plant material involved, they would prefer that the Homeowners Association enforce it, not the Village.

White went on to say there had been a third request which was in regard to temporary promotional signage. This issue was discussed with Staff and it was agreed that if the signs were made smaller, they would be allowed without needing an amendment. Therefore it was stricken from the requests.

In response to Ochsenschlager's question of clarifying the amendments that had been made previous to those in question at the moment, Buening explained that the use of vinyl siding to hardieboard and elimination of the masonry requirement was an amendment previously approved by the Village Board. Now the request was to eliminate the hardieboard requirement and go to aluminum or vinyl siding throughout the subdivision.

Eckert had several questions. He asked that request number two be corrected to include the use of aluminum siding. He wanted to know who the true owner of the property was. White responded that it was LLC and is under a trust.

Benesch questioned who would be responsible for enforcing the thickness of the vinyl siding? Buening answered, the Building Department would check that and oversee that minimum requirements are being met.

Dave Faganel was given the floor to inform the Plan Commission/ZBA of the housing market situation at present. Basically he believed the requirement for hardieboard makes it difficult to sell homes. He felt it was an added cost for a feature that buyers did not consider a priority. Buyers preferred to put their money in other features such as porches, landscaping and good elevations. Ochsenschlager questioned if there was a major price difference between hardieboard and vinyl siding. Faganel said the difference was hardieboard was approximately \$6,000 more. He said that vinyl requires less maintenance than aluminum and hardieboard.

With no further discussion either by the Petitioner or Plan Commission/ZBA Chairman Ochsenschlager called for a motion on the Petitioner's requests.

Dray made a motion to recommend to the Village Board approval of the requests petitioned for in Petition 07-005, those being to modify Paragraph 11A and Exhibit E of the PUD Agreement to allow the use of vinyl siding (high-grade with a thickness of not less than .042") and/or aluminum siding And also requiring the installation of trees, shrubs and other landscaping, exclusive of grass and parkway trees, of a retail value of \$2,000.00 per residential lot where vinyl and/or aluminum siding is used on such lot. Also approval is recommended with the acceptance of Staff's recommendation that the landscaping be enforced by the Homeowners Association.
Benesch seconded the motion.

Discussion on the motion: Benesch noted that in most cases a Homeowners Association (HOA) is not created until a certain percentage of homes have been built. If this were the case in this instance, who would be enforcing the landscaping requirements? White said the developer would be in control of enforcement until it was time to turn the responsibility over to the HOA.

Roll call vote on the motion

AYES: Benesch, Dray, Eckert, Manzanares, Ochsenschlager

NAYS: None

ABSENT: Reuland and Saloga

Motion carried by unanimous vote. The Petition would be forwarded to the Village Board with the

Plan Commission/ZBA recommendation.

7. PLAN COMMISSION/ZBA COMMENTS - PROJECT UPDATES and MISCELLANEOUS INFORMATION:

Ferencak reporting.

a. Norris Road Cell Tower

The Cell Tower petition was discussed at the Village Board COW meeting the previous night. The Board favored approving the cell tower requests subject to the conditions that had been listed, some of which were slightly modified.

Eckert had attended the meeting when the Cell Tower was discussed. He said the Petitioner had additional representatives in attendance presenting further details on the plans for the site. They also brought up information that had not been presented at the public hearing before the Plan Commission/ZBA. One item was in regard to bringing in portable generators. Ferencak said the Petitioner plans to have a professionally drawn and implemented landscape plan for the site. Also, the Petitioner agreed to have the proposed new building match the existing building at Staff's recommendation. The fence bordering the site would be of wood. The representatives also offered solutions to alleviating noise coming from the site.

Eckert learned there had been a meeting between the Cell Tower Petitioner and Staff between the Plan Commission/ZBA meeting the Village Board meeting. Ferencak explained that the Petitioner hoped to have Staff's support of their proposal going to the Board. Some of the changes made as a result of that meeting were made due to the fact that there are telecommunication laws that supercede some of the Village's laws. Ferencak went on to say the Village Attorney's opinion was that the Village was obligated to approve it with the conditions set down. The Village Board will schedule action on the Petition at a regular Board meeting.

Eckert asked what the Village's position would be if the Cell Tower owners wanted to add other things to the site (other than additional antenna)? Ferencak said some kind of process will be built into the approval with conditions for the Village to review future requested modifications. Provision for removal of the tower and lease expiration are still being negotiated between the Petitioner, Village Attorney and Staff.

The generators would be powered by either gasoline or diesel fuel, as opposed to natural gas. Natural gas being the fuel the Plan Commission/ZBA believed would be the source. The Petitioner said they plan to build a berm underneath the generators along with a tray in the event there is a fuel leak.

Eckert said the representatives could not specifically say what the frequency of testing would be on the site.

Eckert offered supplying Plan Commissioners/ZBA with the information supplied by the Petitioner.

b. Subdivision Ordinance

The proposed amended Chapters of the Subdivision Ordinance thus far completed will be discussed at a Village Board meeting in two weeks. Staff and the Consultants have put in quite a bit of work on amending the Chapters that follow. Stemming from the work, a handbook giving an overview of the application and development process was created. This handbook should be of value to developers, Staff and others involved with the development process.

c. Downtown Study

This study was also discussed at the Village Board's meeting. The plan was reviewed and only a couple of minor changes were made by the Board. Teska Associates, the Village's planning consultant, updated the map incorporating the changes made. The Board is looking to adopt the study officially in some form at a later date.

d. **Aldi Food Store**

Eckert asked when the Aldi food store could be expected to open? Would it be the 21st of June?
Ferencak indicated that was the date scheduled for the store's opening.

8. **ADJOURMENT**

**Benesch made a motion, which was seconded by Dray that the Special Meeting of the Plan Commission/ZBA be adjourned.
The motion carried by unanimous voice vote.**

The meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Nancy Zak
Recording Secretary