

**VILLAGE of SUGAR GROVE  
PLAN COMMISSION/ZONING BOARD of APPEALS  
MEETING MINUTES of AUGUST 15, 2007**

**1. CALL TO ORDER**

The regular meeting of the Sugar Grove Plan Commission/Zoning Board of Appeals (ZBA) was called to order by Chairman Irv Ochsenschlager at 7:01 p.m. in the Village Board Room.

**2. ROLL CALL**

Plan Commission/ZBA Members present  
Steve Benesch, Bob Dray, James Eckert, Irv Ochsenschlager

Absent  
Barbara Manzanares, Ryan Reuland, Ed Saloga  
Quorum established.

Also present  
Scott Buening, Community Development Director; Mike Ferencak, Village Planner; Pam Hirth of Teska & Associates, Planning Consultants.

**3. MINUTES - APPROVAL OF MINUTES of JULY 18, 2007**

**Dray made a motion to approve the minutes of the July 18, 2007 Plan Commission/ZBA meeting as corrected. Benesch seconded the motion. The motion carried unanimously by voice vote.**

The corrections to the minutes were as follows:  
Page 6, last paragraph, the spelling of Ochsenschlager's name was corrected.  
Page 11, first paragraph was corrected to read, Eckert had questions regarding the requirement for bay windows, saying the wording preferably should remain "~~must~~ **shall** rather than "~~shall~~"**must**.  
Page 13, last paragraph, the motion, Benesch seconded the motion to recommend approval of text amendments to Zoning Ordinance.

**4. PUBLIC HEARINGS**

**A. PETITION 07-006: MERRILL ROAD PROPERTIES - REZONING TO E-1 FROM R-1**  
(Village of Sugar Grove Petitioner)

**Opening of Hearing**

The public hearing was opened at 7:07 p.m. Quorum established as at roll call. Chairman Ochsenschlager swore in those intending to give testimony.

### **Presentation of Petition**

Ferencak presented the request. The property in question is located at 45W740 Granart Road and consists of three parcels totaling 6.69 acres. There are four existing homes on the property; two on the middle lot and a single home on each of the other two lots. These lots are surrounded by estate homes to the south and single-family homes to the north, east and west.

The properties were annexed to the Village in June 2007 and automatically zoned R-1 Low Density Residential District. The annexation was part of the donut-hole policy of the Village. The annexation agreement required that they be zoned E-1 Estate Residential District after annexation.

Upon annexation the properties were assigned new addresses by the Village.

The Comprehensive Plan designates the entire site as Estate Residential. Based upon the description in the Comprehensive Plan, the E-1 District is most compatible with the Estate Residential land use designation.

Staff recommended approval of the Rezoning from R-1 to E-1.

### **Public Input**

Staff had received several phone calls from nearby residents inquiring about the background and reason for the rezoning. Some were concerned that development might be taking place. Staff explained the hearing was solely for a rezoning based upon the Annexation Agreement.

Ross Scimeca of 560 Merrill Road, an owner of one of the subject properties, voiced strong objection to the change of address on his property. He is self-employed and the change affects his business dramatically. Ferencak explained that the Village has the ability to change addresses, not the Plan Commission/ZBA. He suggested he voice this concern to the Village Board.

Scimeca asked if the Plan Commission/ZBA minutes were posted on the internet? Ferencak said, yes they were, but not until after they have been approved by the Plan Commission/ZBA.

Scimeca also wanted to know why there were white "flags" on his property and if he could take them out since they interfere with his lawn mowing? Ferencak said he did not know their purpose. However JULIE has the authority to mark any property to identify placement of utilities.

Robert Erday, owner of one of the subject properties, questioned why only these properties were being rezoned and not the property that was annexed across the street? Ferencak explained that property had not been annexed. The owner has not been available. Buening said annexation with that property owner would be discussed shortly.

Ellen Baumanitz asked what the uses were for E-1? Ferencak explained that the E-1 District has less intensive uses. Minimum lot sizes for E-1 are greater. The list goes on.

**Close of Hearing**

With no further questions or comments from the Public or Plan Commission/ZBA, the hearing was closed at 7:21 p.m.

**5. NEW BUSINESS**

**A. PETITION 07-006: MERRILL ROAD PROPERTIES - REZONING TO E-1**

(Village of Sugar Grove, Petitioner)

**Plan Commission/ZBA Discussion and Action**

Agreeing with Staff that the Petitioner met the required standards to grant a rezoning (map amendment) and with Staff recommendation to recommend approval,

**ECKERT MADE A MOTION THAT THE PLAN COMMISSION/ZBA RECOMEND TO THE VILLAGE BOARD APPROVAL OF ITS REQUEST, PETITION 07-006, TO REZONE THE THREE LOTS ON THE NORTHWEST CORNER OF MERRILL AND BLISS ROADS FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO E-1 ESTATE RESIDENTIAL DISTRICT. DRAY SECONDED THE MOTION.**

**ROLL CALL VOTE ON THE MOTION:**

**AYES: BENESCH, DRAY, ECKERT, OCHSENSCHLAGER**

**NAYS: NONE**

**ABSENT: MANZANARES, REULAND, SALOGA**

**MOTION CARRIED**

The recommendation would be forwarded to the Village Board.

**5. OLD BUSINESS** None

**6. NEW BUSINESS**

**B. PETITION 06-013: THE LANDINGS - FINAL PLAT**

Sugar Grove Holdings, LLC, Petitioner

Ferencak, in the Staff Report, said that the Final Plat for the Landings Commercial development at the Southwest corner of Illinois Route 47 and Park Avenue was before the Plan Commission/ZBA seeking approval.

Approval of the Preliminary Plat was granted on April 3, 2007. The Petitioner submitted documents for the Final Plat, which were completed on July 27, 2007. Staff prepared comments that were addressed by the Petitioner. The Petitioner also had the engineering plans revised according to EEI's comments made July 27<sup>th</sup>.

The Comprehensive Plan designates the site as "Corridor Commercial". Offices and other commercial users have been designated for Lot 8 and would be in conformance with the Comprehensive Plan. Specific uses for the other lots are not known at this time. The commercial uses on this site would be compatible with surrounding uses.

The comments made by Staff were responded to with a number of items being resolved, as noted in the Staff Report of August 15, 2007, pages 3 and 4.

However, four items, as noted in the Staff Report of August 15, 2007, pages 4 and 5 remain open issues: items need to be submitted in regard to the wetlands, the sign face width must be corrected, vertical height of the sign must be dimensioned, IDOT's preliminary approval to the access along Route 47 must be submitted to Staff and the 10' building and parking setback line at the north end of Lot 8 must be added to the other plans. These are in addition to other conditions listed on pages 5 and 6 of said Staff Report. Should the Plan Commission/ZBA vote to recommend approval of the Final Plat, Staff recommends that those open issues be resolved as a condition for approval.

Eckert noted that the Final Plat did not indicate addresses. Ferencak explained that the Plat need only show the lots, not addresses.

Ochsenschlager asked if there would be only one cut out onto Route 47 and if it would be a right-in/right-out? Ferencak indicated that it would be only one cut and the IDOT has given that access plan an initial review. Discussion about that access led to if and when a traffic signal would be installed. Buening said a recapture agreement was already in place with

neighboring developments to share in the cost of a traffic light when warranted.

Eckert expressed concern about requiring the utility lines be underground at Lot 1. The concern being that landscaping along that line would damage those lines. Ferencak said the Village would be planting the parkway trees and would be aware of any underground utility cables. Benesch asked if any of the other lines to south would be buried? Buening said they eventually would be buried when the land next to the site was developed.

Benesch noted that condition number 2 of EEI's report concerning wetlands should be updated.

Eckert asked about the bike path and its completion. Buening said Wiseman-Hughes finished its development of the path. Other developers would be responsible for future sections of the path as it runs through their sites.

With no further questions or comments,

**BENESCH MADE A MOTION TO RECOMMEND TO THE VILLAGE BOARD APPROVAL OF THE FINAL PLAT FOR THE LANDINGS COMMERCIAL SUBDIVISION (PETITION 06-013) SUBJECT TO STAFF CONDITIONS LISTED IN ITS REPORT OF AUGUST 15, 2007, PAGES 5 AND 6. DRAY SECONDED THE MOTION.**

**ROLL CALL VOTE ON THE MOTION:**

**AYES: BENESCH, DRAY, ECKERT, OCHSENSCHLAGER**

**NAYS: NONE**

**ABSENT: MANZANARES, REULAND, SALOGA**

**MOTION CARRIED**

The recommendation will be forwarded to the Village Board.

**C. PETITION 06-SUBORD: SUBDIVISION ORDINANCE UPDATE  
REVIEW OF CHAPTERS 6-7**

(Village of Sugar Grove, Petitioner)

Eckert questioned what body would be responsible for the maintenance of ponds? Buening said that for an initial period the developer has that responsibility. After that the Homeowners Association takes on the responsibility. Should the HOA not maintain the ponds, the Village can step in and do so. If this turns out to be the case, the Village would charge the cost for maintenance to the taxes of those in the association.

Since it was not required of the Plan Commission/ZBA to vote on recommended changes at this time, after discussion it was agreed that Plan Commissioners submit their comments to Staff.

**BY MUTUAL AGREEMENT THE MATTER OF THE SUBDIVISION ORDINANCE UPDATE WAS TABLED TO THE NEXT MEETING OF THE PLAN COMMISSION/ZBA WHICH WOULD BE SEPTEMBER 19, 2007.**

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

Ferencak reported on the following:

**A. BLACKBERIE HILL:**

The request to rezone the property from R-1 to R-3 upon annexation the Plan Commission/ZBA recommend for approval was brought before the Village Board at its Committee of the Whole meeting last night. It met with a favorable response by the Board. The matter will come before the Board for a vote. The public hearing for the annexation agreement was tabled because more work had to be done in its completion.

Benesch asked if the Board would require the utilities to be buried? Buening said the Board did not want to burden the developer with that since there was only a short section involved.

**B. SETTLERS RIDGE FIRST MAJOR PDD AMENDMENT AND FIRST AA AMENDMENT**

The Village Board will discuss the conditions of the Annexation Agreement with the developer at its meeting next Tuesday. Dray questioned if Settlers Ridge had come in with any building permits? He wondered if buyers were indeed holding back from purchasing because of the cost of enhancements? Ferencak didn't know for certain if they had pulled any new permits.

**C. ZONING ORDINANCE INTERIM REVISIONS**

The Village Board took out the prohibition of neon signs because it did not want to adversely affect the business community. Eckert thought if neon was permitted perhaps the number of neon signs could be limited. It was his opinion that neon lighting was not something he would like to see in the Village. Buening said some neon signs are not unattractive. There are factors to be considered with neon when looking at the high standards the Village has set for architecture. Would it be a detraction or take away from the quality of the architecture? The use of neon depends upon the character the Village wishes to establish. Dray said he would object to neon signage in any way, shape, or form.

Hirth added that Plainfield had an issue with neon signs. It decided it did not want neon signs in its downtown area, but would allow them in moderation on corridor roadways.

**D. PLANNING SUMMIT SEMINAR**

Ochsenschlager said he found the Planning Seminar he, Eckert and Buening had attended to be interesting. They met their Plan Commission counterparts from other communities who encouraged them to attend their meetings. Several more meetings are being planned for the group. Speakers would be at future meetings to further educate those attending.

**8. ADJOURNMENT**

**BENESCH MADE A MOTION THAT THE MEETING BE ADJOURNED.  
DRAY SECONDED THE MOTION.  
THE MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

Respectfully submitted,

Nancy Zak  
Recording Secretary