

VILLAGE of SUGAR GROVE
PLAN COMMISSION/ZONING BOARD of APPEALS
MINUTES of August 17, 2011

1. CALL TO ORDER

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

2. ROLL CALL

Plan commission/ZBA members present:

Irv Ochsenschlager, John Guddendorf, Jim Eckert, Ryan Reuland and Don Meisinger

Absent: Mary Heineman

Also present: Mike Ferencak, Village Planner and Rich Young, Community Development Director

3. APPROVAL OF MINUTES of the July 20, 2011 MEETING

Motion made by **Mr. Eckert** and seconded by **Mr. Guddendorf** to approve the minutes of the July 20, 2011 Plan Commission meeting as presented. **Mr. Eckert** asked about the reference on page 3 for a September recommendation to the Village Board for the parking standards. **Mr. Young** stated that tonight is a working meeting towards that goal. **Mr. Eckert** asked if a loss or remodel of 50% or more of a commercial business (referred to at the bottom of page 4 in the minutes) could result in them not being allowed to reopen after a fire due to parking or some other space restrictive ordinance requirement not being met. **Mr. Young** stated that the village would work with the owners to achieve compliance by coming up with other options, not just saying they can't open. **The motion carried by unanimous voice vote.**

4. PUBLIC HEARINGS

a. Petition 11-010: Hi-Point Center – Rezoning (Village of Sugar Grove)

Opening of the Public Hearing:

Chairman Ochsenschlager opened the public hearing. He then swore in those persons that planned to testify. The Village notified surrounding property owners via certified U.S. mail, posted a notice on the property and published a notice of the public hearing in the newspaper as required.

Petitioners' Request:

Mr. Ferencak presented an overview of the request. The request is a rezoning of the Hi-Point Center which is a development approved back in 1998 via an annexation agreement with a preliminary plat. It's located just west of the existing Sugar Grove Research Park and Heartland Drive. It's currently zoned B-3 Regional Business District PUD. They are proposing to rezone to M-1 Limited Manufacturing District PUD. This is consistent with the blue areas on the map and the Sugar Grove Research Park. This is in relation to the TIF but stands on its own

as a rezoning. The annexation agreement public hearing was held at the Village Board last night. The proposed rezoning is consistent with the standards in the Zoning Ordinance and is included in the staff report. Staff recommends approval of the rezoning from B-3 PUD to M-1 PUD. The term PUD was explained to the audience. The location of the property was defined and the map was reviewed.

Petitioner Presentation: None

Public Comments/Questions:

Dennis Fitzpatrick asked if this property wasn't rezoned would it still be part of the TIF. **Mr. Young** stated that the properties in the TIF must be zoned industrial or be removed. **Renee Koch** asked about contiguity of other properties adjacent to it to the east for the TIF district. **Mr. Young** stated that if this isn't rezoned then those adjacent properties would then have to be removed from the TIF as well. **Larz Hullan** asked for clarification of the maps presented; land use plan map and the zoning map. **Chairman Ochsenschlager** explained how the land use map is a plan for the Village and area and how the zoning map changes with annexations or rezonings. **Laura Michalek** commented that she felt changing the zoning of these properties to M-1 would reduce the value of her home. She feels the Wheeler Road residents would be impacted the most from these changes. There are only 13 residents along Wheeler Road and she feels that these proposed changes wouldn't produce a positive result. She stated that there are other more appropriate areas for this type of development than across from these residents. She doesn't want more industrial closer to her home. She's been in her home for 38 years and doesn't feel it's the right place for it. **Toby Koch** spoke as a resident of Windsor West and stated that he loves living in Sugar Grove but is opposed to the formation of this TIF. He stated he doesn't feel there is any reason to change the zoning or annex more property and there won't be a dime left to spend on it. **Larz** spoke of the lack of need for more buildings. There are many vacant buildings available, no need to build more. He stated that during research he didn't find one instance of increased property values when light industry was moved by residential. **Renee Koch** spoke again regarding the TIF which could be a direct result of rezoning these properties. She asked that the Commission consider tabling these rezonings until after the next Board meeting on the TIF. She asked if any one of the Commissioners live directly across from an industrial area. **Carol Jolley** asked if approving this rezoning changes the tax base amount. **Mr. Ferencak** stated that the tax assessment is not based on zoning it's based on the improvements on the property itself and the use. **Dennis Fitzpatrick** asked if the tax rate changes with the rezoning from agriculture to manufacturing. No, if the property is still farmed the tax rate remains agriculture. It's not until development of the property that the use changes to manufacturing and the tax rate changes. The annexation agreement / PUD would allow the property to continue to be farmed even though the zoning changes to M1. **Rick Genzlinger** stated that he feels there should be a buffer between the industrial and the residential. Include a more transitional area. **Dean Burkhalter** asked why the property is being proposed to change to M-1 zoning. He asked that it all be left alone. There is a lot of vacant property already around

this property so it doesn't need to change. **Larz Hullan** spoke again stating that the economy doesn't support the need for this change. He feels this change should wait. The various maps were reviewed and explained to the audience. **Gary Smith** said this residential area is the only area on the entire map surrounded by commercial / industrial. He would like to see some buffering areas added. **Chris Foster** of Carriage Hill Lane asked about how often the land use map was updated. The plan can be changed, generally about every 10 years, but it can be changed any time the Village Board and Plan Commission feel it's needed. She asked if a buffer area could be added around this residential area and what the process would be to do it. **Mr. Young** explained the process that starts with the Village Board. No further public comments were made.

Close of Public Hearing:

With no further comments, questions forthcoming, **Chairman Ochsenschlager** closed the **Public Hearing on Petition 11-010**.

b. **Petition 11-011: Batavia Enterprises Property – Rezoning (village of Sugar Grove)**

Opening of the Public Hearing:

Chairman Ochsenschlager opened the public hearing. He then swore in those persons that planned to testify. The Village notified surrounding property owners via certified U.S. mail, posted a notice on the property and published a notice of the public hearing in the newspaper as required.

Petitioners' Request:

Mr. Ferencak presented an overview of the request. The request is a rezoning of the Batavia Enterprises property which is located across from Irv Ochsenschlager on IL State Route 47 and along Wheeler Road, across from Carriage Hill Lane and Windsor West. It's the largest of the three petitions proposed for rezoning tonight. It's currently unincorporated. The annexation public hearing was held last night before the Village Board. Upon annexation into the Village, it automatically comes in as E-1 Estate Residential but the rezoning request is to M-1 Limited Manufacturing District PUD. It's very similar to the last petition except that there's no existing annexation agreement for this one so one would need to be adopted. Staff recommends the rezoning.

Petitioner Presentation:

None

Public Comments/Questions:

Renee Cook expressed aggravation that the certified notification she and her neighbors received for this property didn't indicate the annexation public hearing for last night's meeting only for the rezoning for tonight's meeting. **Mr. Ferencak** explained that State Law says what procedure the Village has to follow. Rezoning's have to have notification published in the newspaper, mailed, and the physical property must be posted with a sign, but annexation agreements do not

require a mailed notification, nor posting by sign. They only require publication in the newspaper. The TIF surrounding owners' notification only needed to be mailed. **Dennis Fitzpatrick** asked if the newspaper had to be in this community. **Mr. Ferencak** stated that this community actually has four newspapers and it only needs to be published in one of them. It was published in the Daily Herald. **Dennis** asked if a survey was ever performed regarding which paper was taken by more residents. **Mr. Ferencak** stated no, but this procedure has been followed many different times and it has never been raised as a problem. **Renee Koch** asked about the parameters for notification of the rezoning. **Mr. Ferencak** explained that State of Illinois law requires a minimum of 250' from the subject property and that is what the Village follows. For the TIF surrounding owners, the State requires notification from 750' of the subject property. **Mike Hauge** asked for clarification on this rezoning. It is a recommendation request from the Village Board for the Plan Commission to review these rezonings previously annexed. He also asked if the annexation of the other two properties was driven by the Village Board for the TIF. **Mr. Young** said yes, that's a true statement. **Mr. Hauge** always knew the vacant land behind his home would develop some day but asks that a transitional use area be placed between the single family area and industrial use being proposed. **Toby Koch** asked how much money the Village is required to spend to maintain and upkeep these properties if they're annexed and the TIF is defeated? **Mr. Young** explained that the Village doesn't maintain properties just because they're annexed. The property owners would pay property taxes to the Village at the agricultural tax rate. Currently these properties do not pay any taxes to the Village, but the Village wouldn't maintain anything additional. (The Village already mows along the right of way on Wheeler Road.) There wouldn't be any additional cost to the Village (until there's development on them) there would actually be a limited amount of increased revenue to the Village, even if the TIF didn't get approved. **Larz Hullan** asked about the increase of truck traffic along Wheeler Road with any future industrial development. **Mr. Young** explained no plan is designed yet, but truck traffic would only have access off of Route 47, not Wheeler Road like now. There would also be some type of landscape buffer between Wheeler Road and these properties. When any specific development is being proposed the design particulars would be reviewed by this Commission and the Village Board. **Larz Hullan** was concerned because the current development on Heartland caused an increase in traffic along Wheeler Road and sometimes speeding. **Mr. Young** explained that the development that would be allowed on this property would be similar to the development and types of businesses currently along Heartland Drive. **Carol Jolley** asked about the future plans for expanding Wheeler Road. **Mr. Young** explained that the current map shows it as a 2 lane corridor with a four lane Municipal Drive extension teeing into it and continuing on to intersect with Route 47. There would be intersection improvements. **Chris Foster** asked if there were any current ordinances in place to ensure the buffer area would be put in that's been discussed. **Mr. Young** explained that current setbacks and landscape requirements are in place, at a minimum. **Mr. Ferencak** added that for the M-1 District for properties at the boundary of the District the setback is a minimum of 75' for the buildings

and there's also a pavement setback for the parking lots of 40' or 50'. Within that pavement area there is also a landscape requirement that must be met, such as 1 tree and 6 shrubs every 30' along the property line. The Village could also request berms. One aspect that the Village has improved from the older development is that the building mounted lights on the M-1 buildings must point down, not shoot light horizontally like the older buildings did. Also, a greater setback distance or even a different land use can be incorporated into any future PUD or added to the land use plan. **Mike Hauge** asked about notification for any future development of the property. **Mr. Ferencak** stated that the ordinance only requires notifications to be sent if certain requests are made, such as Special Use. If the development is over 10 acres in size a PUD is required and as a form of Special Use, surrounding property owners must be notified. Any annexation agreement will be posted in the newspaper, but no notifications are sent. Development that is smaller can simply apply for a building permit. **Toby Koch** asked if the Board has considered any development of office buildings instead of all industrial development. **Mr. Ferencak** explained that M-1 zoning doesn't specifically name office as an allowable use but the Village has always allowed offices in M1 zoned areas. There is a long list of allowable uses in the code that can be reviewed online. **Laura Michalek** reiterated that whether it's an office park, light industrial or manufacturing with lights that point down, she would never buy a home across from that. It's not what she wants across from her home. **Mr. Ferencak** explained that the Patterman property that was already annexed is allowed to have some M-1 and B-3 uses on it. The two homes and barn on the property are owned by the Pattermans. The other two properties being discussed tonight haven't been annexed yet, so those would be new to the Village. The function of the Plan Commission is as a recommending body to the Village Board, not the driving voice. When asked, **Rich Young** stated the property owners are the petitioners or requesters of these three public hearings. **Rick Genslinger** asked if the Village Board accepted the County's Open Space 2040 plan. **Mr. Young** confirmed it. **Chairman Ochsenschlager** requested that all public comments made during the public hearing for petition 11-010 be added for this public hearing as well.

Close of Public Hearing:

With no further comments, questions forthcoming, **Chairman Ochsenschlager** closed the **Public Hearing on Petition 11-011**.

c. Petition 11-012: Weidner Property – Rezoning (Village of Sugar Grove)

Opening of the Public Hearing:

Chairman Ochsenschlager opened the public hearing. He then swore in those persons planning to testify. The Village notified surrounding property owners via certified U.S. mail, posted a notice on the property and published a notice of the public hearing in the newspaper as required.

Petitioners' Request: **Mr. Ferencak** presented an overview of the request. The request is a rezoning of Weidner property located west of Carriage Hill Lane.

Staff recommends this rezoning as well. The location of the property was pointed out on the map for the audience.

Petitioner Presentation:

None

Public Comments/Questions: **Carol Jolley** asked about the owners of the property. The owners are stated in the public notice. She asked about open space requirements. **Mr. Ferencak** explained that there is no requirement for the overall industrial park but each lot cannot have less than 25% green space which is usually mostly met by meeting the required setbacks. There is an access planned from West Park Ave to the Municipal Drive extension. Trucks would not be allowed on Park Avenue. Municipal Drive is planned as an arterial road so it could have truck traffic on it. **Larz Hullan** stated that even though truck traffic is not allowed on Wheeler Road it's there all the time. He asked how the Village proposes to restrict the truck traffic access. Police should be called and can do a detailed enforcement. He stated traffic volume will be a concern. A female resident stated that worse than traffic, residents will want to leave the Village. **Dennis Fitzpatrick**, a Carriage Hill Lane resident asked how far the center of Municipal Drive will be from his back yard. The alignment of the road is shown incorrect on the map. It swings out further west. So the buildings located on the east side of the road would back up to his backyard. **Mr. Ferencak** stated a landscape buffer and potentially some other type of buffer can be included if that's what's needed in any future development plans. **Dennis Fitzpatrick** then asked that it be noted that he is totally opposed to the rezoning of this property to M-1 and having a road that carries semi trucks in his backyard. All residents agreed. **Chris Foster** asked why the for sale sign says it's zoned M-1 when it isn't. **Rich Young** stated that the advertising is incorrect. Since the property is located in the County, not the Village, the County would be the one to handle any complaint regarding it. **Dennis Fitzpatrick** asked about the procedure to follow to start a petition against annexing this property. **Mr. Ferencak** stated that he is not aware of any action that surrounding property owners can take to force the Board not to annex the property it, but the residents can always circulate a petition if they so choose. The earliest time that the Board could vote to annex or zone this property would not be until October. Tonight's meeting was held to obtain public comments and opinions. **Larz Hullan** asked if he can get a copy of the recommendation of this Commission. Staff explained that the Commission will meet again next month (on 9/21) and the public is always welcome. No recommendation will be made tonight from this Commission. **Toby Koch** asked what the current zoning is for the blighted areas. It's B2 and B3, motel and restaurant along Hwy 30. **Janice Blaser** requested that this Commission consider adding more of a land use buffer not just a landscaping buffer. **Chairman Ochsenschlager** requested that all public comments made during the public hearing for petitions 11-010 and 11-011 be added for this public hearing as well.

Close of Public Hearing:

With no further comments, questions forthcoming, **Chairman Ochsenschlager** closed the **Public Hearing on Petition 11-012.**

d. Petition 11-005: Off Street Parking and Loading – Zoning Ordinance Text Amendment (Village of Sugar Grove)

Opening of the Public Hearing:

Chairman Ochsenschlager reopened the public hearing that was continued from the July Plan Commission meeting. He then swore in any persons that planned to testify. He then asked for any public comments. The public in attendance asked that this petition be explained.

Petitioners' Request: **Mr. Young** presented an overview of the request. Off street parking refers to parking regulations; the amount of parking required for certain commercial uses, like McDonald's or Jewel, not overnight residential street parking. Staff has surveyed a number of communities in northeast Illinois and reviewed some national standards in an effort to bring the Village up to speed on actual parking trends as more and more uses are invented.

Petitioner Presentation:

None

Public Comments/Questions:

No public comment was made.

Close of Public Hearing:

With no further comments, questions forthcoming, **Chairman Ochsenschlager** closed the **Public Hearing on Petition 11-005.**

5. Old Business

None

6. New Business

a. Petition 11-010: Hi-Point Center – Rezoning (Village of Sugar Grove)

b. Petition 11-011: Batavia Enterprises Property – Rezoning (village of Sugar Grove)

c. Petition 11-012: Weidner Property – Rezoning (Village of Sugar Grove)

Chairman Ochsenschlager explained that this Commission will not make any recommendations on these three petitions tonight. The petitions will be continued to the next regularly scheduled meeting of the Commission. **Mr. Eckert** asked when the Village Board was going to make a decision on the TIF. The Board continued that public hearing until the September 6 meeting. Staff will update the Commission on the status of the TIF at the next meeting, currently set for September 21, 2011. **Mr. Young** stated that at the next meeting, it may or may not be appropriate to make a recommendation. The items may be dropped or may

be continued. The Village Board can keep continuing the hearing as long as they want as long as it is to a specific date.

Mr. Eckert made a motion, seconded by Mr. Meisinger that the Plan Commission/ZBA continue all three petitions, 11-010, 11-011 and 11-012 to the next regular scheduled meeting under new business, currently scheduled for September 21, 2011.

Roll Call Vote on the Motion:

Ayes: Guddendorf, Eckert, Meisinger, Ochsenschlager, Reuland

Nays: None

Absent: Heineman

Motion carried by unanimous vote.

Calls can be made to the Village Clerk asking if this will be on the next agenda and all agendas are available on line at the Village website www.sugar-grove.il.us.

The public thanked the Commission and left.

d. Petition 11-005: Off Street Parking and Loading – Zoning Ordinance Text Amendment (Village of Sugar Grove)

Mr. Young explained that staff is not asking for a specific recommendation on the parking standards at this time but wanted to present some additional information to the Commission. **Mr. Ferencak** has expanded the chart quite a bit and added a column all the way to the right that contains some converted information from some of the other communities so it is presented in the same ratios as ours. It provides for a more “apples to apples” comparison of other communities. Over 20 are presented here. This all began due to The Landings Lot 4 and several uses that were proposed and issued building permits which have caused them to be maxed out on parking in relation to their mixed use building square footage. Two things that were being discussed in particular were banks and hair salons.

Also presented to the Commissioners was parking generation figures taken from the Institute of Transportation Engineers Manual which is an in depth study of many communities around the world and how they’ve handle different parking situations, demand, overlapping times, etc. In general they’ve determined an average for parking requirements by use from several communities surveyed. Unfortunately one of the uses staff was looking for was hair salons/barber shops and it isn’t included. **Mr. Meisinger** asked about the copy right date being 2010, whether it’s becoming out of date. This isn’t the only source.

Mr. Guddendorf asked why everything is so detailed and can’t be simplified. **Mr. Ferencak** responded that several communities simplified it, for example grouped retail stores and then listed out exceptions to a general retail parking requirement. **Mr. Guddendorf** stated he means as in the case of a mixed use building. There needs to be some practical application to it, uses change over time. Baseball card stores used to be around but aren’t any more. **Mr. Guddendorf** further explained that ultimate build out for the complex should be realized and then we use 75 or 80% and the additional can be made up on off street

parking. **Mr. Young** noted that the challenge is that the highest parking rate for a strip mall would be all restaurant which would drive up the parking requirement immensely. Sometimes there isn't nearby on-street parking as in the case of The Landings Lot 4. Extreme situations occur when not enough parking is provided and cars have to park on gravel or grass areas at peak times or the other end of the spectrum can occur where a sea of unutilized parking is left empty. **Mr. Guddendorf** said he feels it's too confusing, it needs to be simplified. Naperville's ordinance was also presented. Naperville was chosen because they've been through huge amounts of development and worked out a lot of the inefficiencies. **Mr. Ferencak** explained that many towns do have a provision for mixed use buildings, but it often just states that the total parking requirement is the sum of the individual user parking requirements for a mixed use building, such as is the case in Naperville. In Sugar Grove's code there is a joint parking facility provision that's actually more lenient than surrounding towns. It states developers may get special approval for less than the sum of the separate requirements if it reflects actual peak demand. This was used for the Prairie Glen Commercial development and staff will apply it to The Landings Lot 4 to see what it results in as a parking requirement.

Different scenarios with The Landings Lot 4 building were discussed including different computations with averages of different combinations of uses and other municipality's counts. The book from the Institute has a lot of information about peak rates. The rates of different towns were reviewed and discussed at length. **Rich Young** stated The Landings Lot 4 building is truly the textbook case. It's the conundrum of how to manage this in the future. It's not fully occupied and there is already two fairly intense uses that anchor the building. To some extent the owner is responsible. The owner is aware of the Village requirements for parking when they design the parking area. When it was planned, the parking factor that was used was from the highest parking rate use they proposed, a bank or retail at 5 spaces/1000 s.f. (office is only 3 or 4/1000 s.f.). The problem was those uses were not the uses with the highest parking rates allowed by the PUD use list. So now a beauty shop is in there, which has a higher parking requirement than a bank or retail. For the types of uses that have ended up in the center, they would have had to include more square footage for additional parking. If a restaurant like Buffalo Wild Wings, for example, were to go in the empty space, they'd have to acquire the adjacent property to the west just for parking. The design and square footage are built into the PUD, so it is already limited when it's built, but the problem develops when the end use changes to a higher requirement or one in which we are not expecting. The Village does require cross access parking. The hair salon and bank can use the parking that's on the lot to the south by the eye doctor's office and vice versa. That does allow for over flow but it can't be relied upon as a constant. If a business wants to occupy a space where adequate parking is not available, a variance can be applied for and would come before this body for a recommendation to the Board. Staff could have to tell developer/landlords that they don't have the space to provide adequate parking for the use they are

proposing. Mr. Ferencak will bring the mixed use parking chart to the next meeting so the Commissioners can review it.

Existing older buildings are a different unique situation. Many of the older buildings in town can't take on a more intensive use or sometimes even expand a current use due to lack of parking. Sometimes, additions can't even be done anyway due to other limitations such as setbacks or lot coverage. Each mixed use building is reviewed and the parking requirement is broken down by use to ensure there will be adequate parking when a new tenant moves in.

Drive-thru's have a stacking requirement. It isn't included in this because it's a different type of requirement.

The post office was also discussed. Their current building is on leased private property so they worked with the Village to meet the standards requested.

The book from the Institute uses different tracks for urban, suburban, downtown and other types of parking including offsetting demand by adding a municipal parking lot. There's a lot of on-street representation or municipal lots used. A distinction could be made for the downtown area in the new parking ordinance that certain buildings have reduced parking due to provisions for a municipal parking lot or garage in the future.

The parking requirement can be achieved with any configuration (angled, parallel, 90 degree or whichever) they can make it work as long as they meet our design standards and count. Sixty degree parking is the most efficient. Onstreet parking isn't counted in the current requirements.

Mr. Ferencak will review the averages for each use and see if the Village currently has any situations where it would be in conflict. He is also going to research 10-20 additional municipalities to have a good broad range of information for averages. The Village's allowable rate is shown at the top of the chart. The uses listed in the charts are those locating and expected in The Landings Lot 4: bank, salon, and retail. At the next meeting **Mr. Ferencak** will bring back the table with averages and how they would apply in this situation since it was what initiated this discussion. He will also review the grouping of uses from other municipalities. Sometimes there is overflow that the rates can't predict. Grand openings, peak hours, and other specific situations can create these.

Handicap parking was reviewed as well. Handicap table is based on the required number of parking spaces for that business or center whether it's an appropriate number or not. The requirement is 1 handicap space for every 25 regular spaces. These are part of the total requirement not in addition to. The standards for the spaces are set by the State. Square footage and use determine the parking, but PUD's sometimes alter the count. It can modify certain rates for certain uses.

None of the other mixed use buildings have had a situation yet where they couldn't meet the parking except this building at The Landings Lot 4 and downtown. Truck traffic was also discussed.

Loading is handled under a separate table in the Zoning Ordinance. This will be shown for reference at the next meeting but not pulled into the parking discussion at this time.

Aurora also includes a not to exceed number for big box retail; a maximum parking rate. All agreed this was a great idea.

This will be discussed at the next meeting and a recommendation for the Village Board is the goal of the October discussion.

6. PLAN COMMISSIONER COMMENTS, PROJECTS UPDATES and MISCELLANEOUS INFORMATION

Producers Chemical is being reviewed with the Fire Department for a building permit.

7. ADJOURNMENT

Mr. Guddendorf made a motion, seconded by Mr. Meisinger, that the meeting be adjourned at 9:20 pm.

The motion carried unanimously by voice vote.

Next meeting is scheduled for October 19, 2011.

Respectfully submitted,
Holly Baker
Substitute Recording Secretary