



Village of Elburn
301 E. North Street
Elburn, IL 60119

VILLAGE OF ELBURN
PLANNING COMMISSION AGENDA
TUESDAY, JULY 3rd, 2018
7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment
5. Approve the Planning Commission Minutes: JUNE 5th, 2018
6. Open the Public Hearing Regarding the Application from Troy and Elisabeth Peacock for a variance at 261 E. Shannon St. to allow construction of a detached garage that is larger and taller than the Village of Elburn Zoning Ordinance allows.
7. Public Hearing Regarding the Application for a Variance of 216 E. Shannon St. to allow construction of a detached garage that is larger and taller than the Village of Elburn Zoning Ordinance permits.
8. Close the Public Hearing Regarding the Application for a Variance of 216 E. Shannon St. to allow construction of a detached garage that is larger and taller than the Village of Elburn Zoning Ordinance allows.
9. Vote on Finding of Facts.
10. Recommendation to the Village Board regarding the Application for a Variance of 216 E. Shannon St.
11. Other Business
12. Adjourn

MINUTES
 VILLAGE OF ELBURN PLANNING COMMISSION/ZONING BOARD OF APPEALS
 JUNE 5, 2018

Members Present: Commissioners Ryan Anderson, Mary Gustafson, Rob Houtz, Chris Mulvihill, Chairman Jeff Metcalf

Members Absent: Chris Gould

Staff Members Present: Village Administrator John Nevenhoven, Building Commissioner Tom Brennan, Village Attorney Bob Britz, Mayor Jeff Walter, Trustee Pat Schuberg

Others Present:

David Mangurten 1121 Lake Cook Rd Deerfield, IL	Lynn Means (GHA) 625 Forest Edge Dr Vernon Hills, IL	Dan Bartel 236 Ream Elburn, IL	Brian & Debbie Terpstra 212 Ream Elburn, IL
Bob & Teri Michek 1157 Snow Elburn, IL	Julie Schmidt 1158 Snow Dr Elburn, IL	Erik Jensen 1176 Walker Ct Elburn, IL	Larry Dzielawa 1110 Walker Ct Elburn, IL
John Dillon 1137 Walker Elburn, IL	Rick & Jane Smith 1136 Snow Dr Elburn, IL	Leroy Herra 452 W Reader St Elburn, IL	Wayne Byerhof W Shannon St Elburn, IL
Elburn Herald Reporter Susan O'Neill	Attorney John Regan	George Hanus Owner of entire subject development	Phil Prescott Elburn, IL

1. Call to Order – Chairman Metcalf called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance – Chairman Metcalf led the assembly in the Pledge of Allegiance.
3. Roll Call – A roll call ensued.
4. Public Comment – None
5. Approve Minutes – A motion to approve the April 3, 2018 and May 1, 2018 Planning Commission minutes was made by Commissioner Mulvihill and seconded by Commissioner Anderson. The motion unanimously carried by voice vote.
6. Open the Public Hearing Regarding the Application for a Special Use of Grand Property Group, LLC, Owners of "Taco Bell" to allow a Drive Thru at the Prairie Valley Commercial Center – A motion to open the public hearing was made by Mulvihill and seconded by Anderson. A roll call vote ensued. Ayes: Anderson, Gustafson, Houtz, Mulvihill, Metcalf. Nays: None. Motion carried.
7. Public Hearing Regarding the Application for a Special Use of Grand Property Group, LLC, Owners of "Taco Bell" to allow a Drive Thru at the Prairie Valley Commercial Center – Village Admin Nevenhoven said the Planning Commission previously voted on a plan but it was changed prior to the Village Board's action. We are essentially starting the process over. The petitioner will present their plan to the Commission and what is voted on tonight will be forwarded to the Village Board for action.

Petitioner's Attorney John Regan (who represented the original developer in 2007) was present and introduced his witnesses. The plan being considered tonight is what was previously presented to the Village Board based on comments from the Planning Commission. Regan continued there were traffic concerns expressed at previous meetings. A traffic expert will discuss traffic within the commercial development including full occupancy of all buildings. The subject property is at the intersection of Illinois Routes 47 and 38. In 1992 when the original PUD was approved and the

property was annexed, this corner was designated to be a highly dense commercial use because it is the busiest intersection in town. The comprehensive plan adopted in 2013 shows the parcel as commercial which fits with the proposed Taco Bell use. The Planning Commission did make a motion at a previous meeting if the exit onto Walker was removed, it would be a favorable impact. The plan has been revised based on this recommendation.

At this time, Village Attorney Britz swore in everyone (petitioners and public) who planned to present testimony or ask questions.

Architect David Mangurten gave a brief summary of previous meetings held with the Planning Commission in January, February, March and April of this year. The original meeting was a pre-filing meeting where the Planning Commission suggested the exit onto Walker. In February, the plan showed the different layout with the drive thru along the north property line with an exit onto Walker. In March, the plan (with the exit onto Walker) was voted down by the Planning Commission but there was a non-binding vote to remove the Walker exit. As a result, the plan was changed to what it looks like this evening and was presented to the Village board. Village Planners, Teska, prepared a report and the current plan is now in compliance. A ground sign which meets the setback and area requirements is requested. This sign is important to move traffic efficiently throughout the development. Deliveries will occur after hours. All food is prepared offsite so there will be no odors or fumes in the neighborhood. Regarding fencing along the north boundary, there are a lot of utilities in the area and a brick fence is not feasible without disturbing the utilities (storm, sanitary, electricity, etc.). The proposed fencing will duplicate the synthetic fencing used at the Fire Station which is closer to adjoining residences than the subject development.

Senior transportation engineer, Lynn Means, gave an overview of elements that helped come to conclusions relative to traffic. She explained observations during peak traffic periods, traffic counts in surrounding areas and industry standards used to determine how much traffic would be generated. Adjacent buildings on the site were taken into consideration to ensure future traffic flow will be acceptable. Means' firm has been involved with this site since inception. Turn lanes were designed for this site and will accommodate traffic on the parcel. During peak times, Taco Bell will generate 1-2 cars per minute and 50% of those customers come from traffic that was already passing by. Drive thru stacking was studied during peak hours and the highest amount at any time is six cars—the subject site allows stacking of seven vehicles with an additional two for a total of nine. Typically, no more than three vehicles will be in queue. Parking for the Taco Bell is ample for onsite use. Means discussed how traffic will enter and leave the subject development from all directions. Taco Bell studies show 70% of their business goes through the drive thru. There are ten parking spaces at the restaurant and will likely require employees park in remote areas so not to impact customer parking.

George Hanus introduced himself as the owner of the entire shopping center. He thanked the Planning Commission for their vision of the community. Hanus continued he has been a corporate citizen for over ten years in Elburn and pays taxes. He reminded the Commissioners they represent his interests as well. When the development was built in 2008, it was the beginning of the recession. Hanus said he has been in business 48 years and has built hundreds of similar properties and they normally are well received. For the subject property, there are private investors and there were no incentives from Elburn. Sales tax is collected that pays for municipal services and property tax supports the schools. He urged the Commissioners to look at his position. He and his partners developed the subject parcel in 2008 hopeful Elburn was one of the communities on a projectory of good living. The intersection of Illinois Routes 38 and 47 was marked as an intensive economic usage. Hanus said he and his partners feel they are entitled to these uses. It was researched as to why there are so many empty storefronts in the development. A reputation that business is not welcome in the most intense location in town bodes a very serious trajectory for economic growth. NIMBY (not in my backyard) seems to be the emotion. The Planning Commission previously turned down this request but then held a nonbinding vote if the Walker Drive access was removed, they would have voted differently. The developers have done everything exactly as Elburn wanted and is merely exercising their right of petition the government to allow us to do what we believe we are entitled and to help promote revenue and reverse the trend of declining enrollment at Kaneland, attract good teachers, etc. Taco Bell is a good company and Hanus said they were cut a low rent

deal to get action going not only within this development but in Elburn. It is our motivation to create activity for more tenants. We are asking what we believe we are entitled to and what we believe we should do as civic citizens. If people are prepared to say commercial development of reasonable national tenants won't be accepted in this town, they also say the schools will go down, taxes will increase and residents will have to pick up the slack. Per recommendation, the access to Walker was closed and we are asking the Village of Elburn to give us the highest and best use of the property.

Chairman Metcalf opened the floor for the audience to ask questions. He said there will be a time limit of five minutes and he asked that comments not be repetitive.

Dan Bartel, 236 Ream Dr – Asked about traffic studies and whether or not they were conducted in communities similar to Elburn. Also asked when the traffic counts were done. Lynn Means said the counts were conducted in January. She gave an overview of studies conducted as well as turn analyses for cars and trucks in order to ensure adequate circulation. The intersection was developed to accommodate the entire subject site for retail, restaurants, etc. The fluctuation of traffic can be accommodated.

Kim Montaneri, 1112 Snow Dr – Asked how it was determined the majority of traffic will exit on First Street and not Walker. Means said although the Walker intersection can accommodate, do not expect a significant amount of traffic will use Walker to go south.

Phil Prescott (no address given) – Inquired which Taco Bells were observed and whether they compare with the Village of Elburn. Means listed the locations which included some western suburbs. Industry standards were used to compile traffic data based on locations throughout the country related to drive thru queues. Fast food restaurants are successful on high volume streets. When Prescott stated there was an incentive for Means to make recommendations in favor of her client, Nevenhoven stated the Village had their planning consultants, Teska, also review the work. Means added everything was reviewed by IDOT and reiterated everything was performed in accordance to industry standards.

John Dillon, 1137 Walker Ct – Inquired if a parking variance is also being considered this evening. Village Attorney Britz said only the special use for a drive thru is under consideration tonight. Nevenhoven stated the variances were reviewed by the Village's planning consultants. It was pointed out the Planning Commission may make their motion with conditions if they wish. Dillon inquired if the building height is considered a major change to the PUD. Nevenhoven stated only the special use for a drive thru is being considered this evening. If the building does not meet requirements when a building permit is sought, we will go through this process again.

Erik Jensen, 1176 Walker Ct – Inquired why the proposal is better this time than the first time. Commissioner Anderson explained the flow is changed. Jensen inquired how many developments similar to the subject property is next to a residential neighborhood. Attorney Regan stated Walker is considered a collector street, not residential. Regan added there is 40K SF of use designed in this development and all traffic will go in or out on state highways or collector streets.

Kim Montaneri, 1112 Snow – Inquired about fencing. Since it has been stated a brick wall is not possible, a material to block noise, light, etc. from residences is requested. This is especially crucial with the drive thru on the north side of the building. Montaneri stated absolutely NIMBY. While more business in Elburn is her desire, she is adamantly against this proposal at this location—there are many small children in the area. Montaneri said the rent in the subject development is more than double what it is in other complexes in Elburn. Stated there are families in this rural town who are more important than a little extra revenue. If approved, there will be an extra 400-500 cars in the area daily and the majority will use Walker and First Street (which was not included in the study) which has long wait times during peak hours. With signage at Route 47 and Walker, motorists will use Walker for access.

Larry Dzielawa – Purchased his home in 2002-2003 and has been a long-time tax payer as well. He also looks at the Planning Commission to protect residents. It was stated at previous meetings that the subject property is not the right fit for the proposed use—too many things can go wrong.

John Dillon, 1137 Walker – It has been stated there are a lot of utilities in the parkway yet the utilities have never been marked. Dillon suggested the developer call JULIE to find the underground utilities to verify whether or not a brick wall is possible. If a brick wall is not possible, Dillon suggested a precast brick-looking fence as an alternative. The Teska planning letter has been revised since the last meeting. Dillon asked why Taco Bell representatives are not present this evening.

Chairman Metcalf asked the Commissioners if there is a desire to add stipulations in the motion regarding the brick wall. Commissioner Mulvihill stated the speaker for the proposed drive thru is at a much lower elevation and volume than the speakers at the fire station. Commissioner Anderson said he will rely on Village staff to know where the utilities are located and whether or not a brick wall is possible.

Dan Bartel, 236 Ream Dr – Stated there will definitely be noise from the drive thru and is concerned with Taco Bell's hours of operation and its location next to a residential property. Stated the building design will not be harmonious with the remainder of the development. Increased traffic and deliveries after hours will create noise. Urged the Commission to deny the Special Use Permit.

Attorney Regan said the proposed use is 2K SF in a development with 40K SF of commercial space. This is a commercial corner.

Michael Montaneri, 1112 Snow Dr – Stated if the drive thru was on the south side of the building, it would be a different story. All other tenants will face south. Montaneri said when his family moved next to the commercial space, the buildings were in place and they made a conscious decision they could live with it. Never did they ever think half of one of the buildings would be demolished so this scenario can take place. The proposal will change the look, the feel, etc. There are kids playing outside all the time and safety is a concern. Montaneri had his home appraised and the agent said 10% of the value is subtracted due to the proposed use. With the possibility of a drive thru on the north side of the property, the agent said the ability to sell their home is drastically reduced. If this is approved, he will petition the Village for a 6' privacy fence to protect his family. In general, the proposal will be a traffic magnet and the drive thru is a whole other animal. Typically you don't see drive thrus backing up to residential neighbors. With the amount of meetings this proposal has gone thru, this is an extremely complex issue and there is evidence this is probably not a good fit for this parcel. It would be better elsewhere, not here. There has to be logical planning in towns and you can tell those communities who were thoughtful and didn't just jam something in. Local opinion is important for the Village to consider—is it worth messing up the area for the revenue? After living in his residence for eight years, he knows the traffic pattern in the area and Walker will be a main access.

8. Close the Public Hearing Regarding the Application for a Special Use of Grand Property Group, LLC, Owners of "Taco Bell" to allow a Drive Thru at the Prairie Valley Commercial Center – Being no further discussion, a motion to close the public hearing was made by Anderson and seconded by Mulvihill. A roll call vote ensued. Ayes: Anderson, Gustafson, Houtz, Mulvihill, Metcalf. Nays: None. Motion carried.

9. Vote on the Findings of Facts – Chairman Metcalf read aloud the findings of fact as follows:

The Village Board may, after receiving a recommendation from the Planning Commission in the manner hereinafter set forth, approve, approve with conditions or deny a special use, pursuant to the procedures set forth herein.

The Planning Commission shall not recommend, nor the Village Board approve a special use, unless it shall find, based upon the evidence presented to the Planning Commission in each specific case that the special use:

- a. Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Zoning Ordinance.
- b. Will 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 that such use will not alter the essential character of the same area.
- c. Will not be hazardous or disturbing to existing or future neighborhood uses.
- d. Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures., refuse disposal, water, sewers and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- e. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village of Elburn.
- f. Will not 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.
- g. Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.
- h. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief.
- i. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the Village of Elburn.

A roll call vote ensued. Ayes: Anderson, Gustafson, Houtz, Mulvihill, Metcalf. Nays: None. Motion carried.

10. Regarding the Application for a Special Use of Grand Property Group, LLC, Owners of "Taco Bell" to Allow a Drive Thru at the Prairie Valley Commercial Center – A motion to recommend the petition be approved was made by Mulvihill and seconded by Anderson. A roll call vote ensued. Ayes: Anderson, Gustafson, Houtz, Mulvihill, Metcalf. Nays: None. Motion carried.

11. Other Business – None

12. Adjourn – Commissioner Mulvihill motioned to adjourn the meeting at 8:53 p.m. with Commissioner Gustafson seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Diane McQuilkin
Village Clerk



MEMO

To: Village Board of Trustees
From: Tom Brennan
Subject: Variance Request at 261 E. Shannon St.
Date: 06/28/2018

A public hearing before the Planning Commission regarding 261 E. Shannon St. is being requested by Troy and Elisabeth Peacock. The purpose of this public hearing is to hear comments for and/or against the construction of a detached garage. The petitioners are seeking relief from section 4.7 (E & G) of the Village of Elburn's Zoning Ordinance to allow a larger and taller building than the Ordinance permits.

The petitioners have met all of the submittal requirements.