

MINUTES
VILLAGE OF ELBURN PLANNING COMMISSION/ZONING BOARD OF APPEALS
MARCH 6, 2018

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

Members Absent: Rob Houtz, Randy Ream

Staff Members Present: Village Administrator John Nevenhoven, Building Commissioner Tom Brennan, Village Attorney Bob Britz; Village Trustees Dave Gualdoni, Pat Schuberg & Matt Wilson

Others Present:

Michael&Kim Montanari 1112 Snow Dr Elburn	Richard & Sam Lappa 1171 Snow Dr Elburn	Drew & Gail Frasz 1N545 Brundige Dr Elburn	Atty Charles Radovich 312 W State St Geneva
Pam Petoskey 400 Parkside Elburn	Rich Andrzejewski 136 S First St Elburn	David Andrzejewski 609 W South St Elburn	Kristin Markovich 1205 Collins Dr Elburn
Leroy Herra 452 W Reader St Elburn	Sara Mitchinson 516 Saratoga Dr Elburn	John Davis 1176 Collins Dr Elburn	David Mangurten KMA & Assoc Architects (Taco Bell)
Paul Molitor 721 Ridge Dr Elburn	Carol Molitor 501 Parkside Dr Elburn	Bill Grieve, GHA Transportation Engineer (Taco Bell)	Rick & Jane Smith 1136 Snow Dr Elburn
Stephanie Butler 210 E North St, Ste B Elburn	Sam & Marita Chuang 2300 Mohawk Ln Glenview	Larry Dzielawa 1110 Walker Ct Elburn	Jim Kunzer 1143 Collins Dr Elburn
Heidi Casburn 617 Stetzer Elburn	Karen Morrison 615 W South St Elburn	John & Becka Butler 1146 Collins Dr Elburn	Allison Hendricks 4N216 Citation Ln Elburn
Mary Lappa 1171 Snow Dr Elburn	Brian & Debbie Terpstra 212 Ream Elburn	Karen Mendoza 234 Ream Dr Elburn	Michelle Klecka 264 Ream Dr Elburn
Rich Havron 43W021 Campton Hills Elburn	John & Marcy Dillon 1137 Walker Ct Elburn	Barb Pennington 2N195 Saddlewood Maple Park	Bob & Teri Michek 1157 Snow Dr Elburn
Matt Smith 424 Cambridge Elburn	Kurt Wachter 517 Saratoga Dr Elburn	Bill Potts 525 Saratoga Dr Elburn	Mike Mitchinson 549 Saratoga Dr Elburn
Roy Cruz 541 Cambridge Ave Elburn	Christopher I. Scott 412 Cambridge Ave Elburn	Jim & Mary Rose Suerth 416 Cambridge Elburn	Joanna Suhayda 893 Indigo Dr Sugar Grove
Gary Johnston 406 Saratoga Dr Elburn	David Broz 580 Cambridge Ave Elburn	David Gualdoni 524 Saratoga Dr Elburn	Jason Snow 540 Cambridge Ave Elburn
Mark Wold 508 Saratoga Dr Elburn	Seth Reed 524 Cambridge Ave Elburn	Dan Arand 402 Saratoga Dr Elburn	Laura Dempsey 43W561 Tall Oaks Tr & 529 Thryselius Dr
Erik Jensen 1176 Walker Ct Elburn	Bruce & Jean Unruh 533 Saratoga Dr Elburn	Julie Schmidt 1158 Snow Dr Elburn	Rob & Sandi Plinske 409 Cambridge Ave Elburn

Amy Burgholzer 616 Stetzer St Elburn	Jennifer Selus Wong 2400 Big Timber Rd Ste 201A, Elgin	Pat Schuberg 540 Parkside Dr Elburn	Randy Yaffe 320 Saunders Rd Riverwoods
Chris Lannert Land Planner (South St Dev)	Susan O'Neill, Reporter Elburn Herald	Neal Jacobs & Sara Smith 1414 Seaton St/Elburn	Steve Parsons Ream Dr Elburn
Kevin & Dawn Turner Ream Drive Elburn			

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 February 6, 2018 Planning Commission minutes was made by Commissioner Mulvihill and seconded by Commissioner Gustafson. The motion unanimously carried by voice vote.
6. Open the Public Hearing regarding the Application for a Special Use of Sara Smith and Neal Jacobs, Owners of “Out n’ About Daycare for Dogs” to allow a daycare and boarding for dogs at 820A Stover Drive – A motion to open the public hearing was made by Gould and seconded by Mulvihill. The motion carried by unanimous voice vote.
7. Public Hearing regarding the Application for a Special Use of Sara Smith and Neal Jacobs, Owners of “Out n’ About Daycare for Dogs” to allow a daycare and boarding for dogs at 820A Stover Drive – Building Commissioner Brennan stated all requirements in order to conduct a public hearing have been satisfied. Attorney Britz swore in the petitioner and everyone else wishing to speak regarding this request.

Petitioner Neal Jacobs, 1414 Seaton St, Elburn – Stated this business has been existence for 6-1/2 years at 630 Herra St and will now be moving to the subject property. The business is a doggy daycare and boarding kennel and provides a service to the community and surrounding area. Jacobs said clientele is happy they are re-opening. This is a clean operation and had no problems in the past at the previous location. Is now re-applying for a Special Use at the new location and intend to re-open and continue to grow as in the past. There will be an outside fenced area so the dogs can go outside and they will be supervised at all times. Cleanup after a dog occurs immediately and there are regular weekly pickups of the waste.

Barb Pennington, 2N195 Saddlewood Dr, Maple Park – Stated her dog has been going to Out n’ About for years and misses it terribly since they have been closed recently. Pennington said she is in support of the request.

Joanna Suhayda, 893 Indigo Dr, Sugar Grove – Said her dogs have missed daycare since it has been closed. This is a service the community needs and Out n’ About has high integrity.

Michelle Klecka, 264 Ream Dr, Elburn – Brings her dog to Out n’ About and is in support of the request.

Mike Mitchinson, 549 Saratoga Dr, Elburn – Said owners are great people and is a staple in the community. The facility is very clean; dogs are friendly and highly suggest the request be approved.

Gary Johnston, 406 Saratoga, Elburn – Said his dog has missed Out n’ About very much since they have been closed and is looking forward to the re-opening.

8. Close the Public Hearing regarding the Application for a Special Use of Sara Smith and Neal Jacobs, Owners of “Out n’ About Daycare for Dogs” to allow a daycare and boarding for dogs at 820A Stover Drive – Being no further public comment, a motion to close the public hearing was made by Gustafson and seconded by Anderson. The motion carried by unanimous voice vote.
9. Vote on Findings of Fact – Chairman Metcalf read aloud the findings of fact for a Special Use as follows.

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 motion to approve the findings of fact was made by Anderson and seconded by Gustafson. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Mulvihill, Metcalf. Nays: None. Motion carried.

10. Regarding the Application for a Special Use of Sara Smith and Neal Jacobs, Owners of “Out n’ About Daycare for Dogs” to allow a daycare and boarding for dogs at 820A Stover Drive – A motion to recommend approval to the Village Board was made by Mulvihill and seconded by Gustafson. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Mulvihill, Metcalf. Nays: None. Motion carried. This will most likely be on the March 19 Village Board agenda for final action—this will be confirmed with the petitioner.

11. Open the Public Hearing Regarding the Application for Rezoning and Preliminary Engineering Plat/Plan of the South Street Development – A motion was made by Gustafson and seconded by Anderson to open the public hearing. The motion carried by unanimous voice vote.
12. Public Hearing Regarding the Application for Rezoning and Preliminary Engineering Plat/Plan of the South Street Development – Attorney Chuck Radovich, representing petitioners (Drew & Gail Frasz), stated they are seeking the annexation of approximately 16 acres into the Village of Elburn. In addition, an application for rezoning, front lot setback variation and approval of the preliminary plan are requested. The Village engineer has reviewed the plans and there are points which will be addressed. At this time, Village Attorney Britz swore in all who would be speaking related to this petition. The subject parcel is located on South Street outside of the corporate limits of the Village of Elburn. Radovich gave a brief description of the surrounding properties, their current uses and zoning. Corporate boundaries were pointed out on a map. Last year the Village of Elburn amended their comprehensive land use plan for this site to industrial/manufacturing use, therefore the zoning request is commensurate with the land use plan. The site has been vacant for many years. Of the six proposed lots, the two most easterly lots are requested to be rezoning to B2 and the remaining four to the west is requested to be rezoned to CM (commercial manufacturing). One of the CM lots will serve as a storm water detention facility.

Petitioner Frasz stated he and his wife have owned the subject property for four years and has been running his business from a farmette on Brundidge Road. The business has grown and there is now a need to relocate the business to the subject property which is more land than needed which prompted the subdivision and sale of the remaining five lots. The parcel is surrounded by the Village of Elburn on three sides. Several concepts by previous developers have been proposed over the years but none have progressed. There are soil issues making the lots unsuitable for residential use but is fine for commercial slabs. The two easterly lots will be zoned B2 and will be retail use. The remaining lots will be zoned CM. Covenants and restrictions are developer imposed and are above and beyond Village ordinances. Frasz, who also developed Welch Creek, will have the same restrictions as the Welch Creek industrial area (quality of the buildings, light pollution abatement, no overhead doors to face the street, screening and fencing, 4' of brick decorative stone on the fronts of buildings, no adult themed businesses, no abandoned vacant vehicles, etc.). Based on previous suggestions, Frasz will construct a sidewalk the entire length of the project on South Street and will install street lights at intersections. The north side of South Street will also be curbed. Parkway trees will be planted the entire length of the project (over 30 trees) and will assist in the maintenance of Thryselius Drive. The largest improvement is related to storm water management which originates from north of the tracks and ends up at Thryselius. A swale on property owned by the Village of Elburn will be re-established which will allow drainage to proceed to the west. In addition, three acres of detention on one of the proposed lots will be constructed to capture drainage and release it slowly into the creeks. There are failing storm lines running across the subject property which will be intercepted and re-routed with new oversize pipe. Regarding truck traffic concern, Frasz said South Street is an 80K pound road and there currently is no restriction of truck traffic. All truck traffic from Frasz's business will use Thryselius Drive. The detention lot will generate zero traffic. Traffic from Lot 4 will exit the parcel opposite Parkside Drive near the 6-plex. Traffic from Lot 3 will exit at the east end of the lot and exit to Route 47. Lots 1 and 2 will also exit to Route 47. Frasz will voluntarily restrict truck traffic weight limit to that of a delivery type truck (24K pounds rather than 80K pounds). It is estimated 60 jobs will be created with the proposed development and generate \$90K tax revenue. Frasz invited everyone to visit Welch Creek to view the quality of the development and notice the low amount of traffic. Frasz also invited everyone to visit his existing business location on Brundidge Road. Frasz said he has always been very sensitive to neighbors and will continue as the project goes forward. Some concept drawings were displayed showing the type of buildings that will be built in the development.

Land Planner, Chris Lannert, discussed the surrounding zoning, uses and corporate limit lines. A site analysis exhibit was shown and the topography and drainage across the property and vicinity was discussed. The subject parcel is vacant. The Preliminary Plan was displayed. A lot variation is requested on Lots 1 and 2 which will be zoned B2. Front lot line setback in CM zoning is 40' and 50'

in B2. The petitioner is requesting a front lot variation on Lots 1 and 2 to 40' which will make them consistent with the CM lots. Sections of South Street and Thryselius will be improved. The landscape plan was displayed and discussed. The proposed preliminary engineering plan was displayed and discussed including how water will be directed—which will be an improvement to the overall area. Curb and gutter improvements were discussed.

Village Engineer has reviewed the request and all items have been addressed. Some of the old clay lines in the area have completely failed and some will be repaired even though it is not located on the subject property and will be re-routed. Detention areas will handle the overland flow which runs to the southwest. Re-establishing a swale near the Village of Elburn shooting range will also help with drainage in the area. All water from the 16 acres will be captured, held and released.

It was clarified that CM zoning district allows construction materials and equipment with outdoor storage. Frasz said he wants to be clear with regard to his business (on lot 6)—there will be heavy equipment, most of which will be stored inside. There will also be materials, pipe, soil and gravel on the property. Frasz said there will be a primary building on the parcel and he may build a temporary structure to store items out of sight. The front will be fully fenced, will have an 8' opaque fence and the building will be architecturally appealing and fully landscaped. Access will be at the corner of South and Thryselius—mostly on Thryselius. Engineering restrictions must be met as set forth by Village Engineers. The 40' setback on the B2 zoned lots will be consistent with the setback on the CM zoned lots. Sidewalks will be completed on a per lot basis as each lot is sold. There is already a buyer for lot 4.

In addition to covenants and restrictions, Radovich said the petitioner intends to ask the Village Board to address the street weight limit via ordinance. So not only will this be in covenants and restrictions, it will also be enforceable via ordinance by the Village of Elburn.

Commissioner Gould inquired if re-routing the drainage and the detention is enough to handle the water. Frasz replied civil engineers have determined the water flow and has been discussed with Village engineers—it will be an improvement from the current flow.

Prior to opening up public comment, Attorney Britz outlined the rules for public comment—five minute maximum and designate a spokesperson if a group is represented. The petitioner will respond to all questions and all testimony will be under oath.

Kurt Wachter, 517 Saratoga Drive – Asked about the size of trucks and their weight. Frasz explained the typical 80,000 pound truck vs a delivery-type truck (24,000 pounds, similar to a UPS truck). Frasz continued Thryselius is a commercial collector street and trucks from his business will be allowed on Thryselius and the gravel area (which will be rebuilt to meet the same specifications). Traffic from proposed lots 1-4 will send traffic to Route 47 and will have 24,000 pound weight restriction.

Mike Mitchinson, 549 Saratoga Drive – Stated it is already difficult to turn left from South Street onto Route 47. Frasz discussed the anticipated traffic volume which is expected to be low (similar to Welch Creek).

Mark Wold, 508 Saratoga Drive – Regarding truck traffic, Wold said the proposed development will increase truck traffic on South Street. Frasz responded truck traffic is allowed on South Street currently.

Seth Reed, 524 Cambridge Avenue – Stated proposed use of the subject property previously was mixed retail. Frasz stated the Village comprehensive plan previously had the subject property categorized as high-end retail (similar to Naperville). Radovich stated the Village Board revised the comprehensive plan in July 2017. High-end retail use would have created substantially more traffic. Mr. Reed stated he does not like the storage facility or the industrial use in the area and would not have purchased his home had he known about the industrial use which he feels is wrong for a residential neighborhood. Reed said he is concerned about selling his home in the future with it

completely surrounded by industry. Frasz stated other than Lions Park, the entire area is industrial use. Frasz encouraged Reed and all residents to visit Welch Creek to see what a nice street scape it is.

Sara Mitchinson, 516 Saratoga Drive – Stated water is an issue in the area and is worried about water management. She and her neighbors are constantly pumping water in the neighborhood. Would like assurances that proposed detention is sufficient and if there are unforeseen issues, how will they be managed. Mitchinson stated she and her neighbors are pumping water from the entire Village from their subdivision. Frasz discussed the current flow and stated the proposed development will help with surface water but will not resolve the sump pump issue due to the high water table in the area. Mitchinson stated she would like recourse if there is a change after the development is complete. Frasz stated surface water will be improved and all hard surfaces were included in the calculations. The detention area will be dry bottom. Regarding noise, Mitchinson would like noise mitigation plans to protect the residents. Frasz discussed fencing, berms, etc. which will help with the noise level. Mitchinson stated the back-up beeping noise from trucks will decrease the quality of life in the residential area. Frasz said he will try to mitigate.

Laura Dempsey, owner of storage facility at 529 Thryselius Drive – Has had numerous discussions with Frasz and his team to achieve a cohesive look and solution as we progress with roads and water issues. Much has been done regarding care and consideration of the community and is very cognizant of water. A lot of the water will be mitigated and thinks this will be good for the area—Elburn is growing. Dempsey said she would be happy to answer any questions regarding her parcel. Commissioner Gustafson asked if the storage facility has an underground retention area. Dempsey said there is an underwater pipe as well as pond on the property which takes on more drainage than required to help mitigate some of drainage issues.

Nevenhoven said Village Engineers have reviewed the manhole and engineering plans and believe they will work—all engineering issues will be rectified.

Paul Molitor, 721 Ridge Drive (and manager of the apartments on South Street) – Molitor stated he is representing his mother, Carol Molitor at 501 Parkside Drive. Inquired if Frasz owns any property further to the north of the subject property to which Frasz replied no. Molitor requested if the Planning Commission recommends approval of the request, would they also suggest the Village Board approve the road/truck weight restriction so it is enforceable by Village Ordinance. Frasz said he is agreeable to this and stated in his absence, this particular item will defer to the city manager as a chain of authority. When asked, Frasz stated there will be no gravel lots allowed in front of the buildings. In addition, the requested front lot variance (40' vs. 50') on the two business-zoned lots at the east portion of the property will be consistent with the CM zoned parcels. Frasz stated curb, sidewalk and street lights will eventually be installed on South Street and referred to tax revenue which will be generated by the proposed development.

13. Close the Public Hearing Regarding the Application for Rezoning and Preliminary Engineering Plat/Plan of the South Street Development – Being no further public comment, a motion to close the public hearing was made by Gould and seconded by Mulvihill. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Mulvihill, Metcalf. Nays: None. Motion carried.

14. Vote on Findings of Fact for Zoning Map Amendment and Variation – Chairman Metcalf read aloud the following:

Zoning Amendment Standards

The Planning Commission shall not recommend the approval of a text amendment, unless it shall find, based upon the evidence presented to the Planning Commission in each specific case that:

- 1) The amendment promotes the Public health, safety, comfort, convenience and general welfare of the Village, and complies with the policies and Comprehensive Land Use Plan and other official plans of the Village of Elburn.

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

- 2) The trend of development in the area of the subject property is consistent with the requested amendment.

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

- 3) The requested zoning permits uses which are more suitable than the uses permitted under the existing zoning classification.

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

- 4) The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

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

Variation Standards

The ZBA shall not recommend, and the Village Board shall not vary, the provisions of this Zoning, unless it shall find that the:

1. Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district.

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

2. Plight of the owner is due to unique circumstances.

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

3. Variation, if granted, will not alter the essential character of the locality.

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

For the purpose of supplementing the above standards, the ZBA, in making a recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes, or fails to establish the following:

4. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.

A roll call vote ensued. Ayes: Anderson, Gustafson, Mulvihill, Metcalf. Nays: Gould. Motion carried.

5. That the conditions upon which the petition or variation is based would not be generally applicable to other property within the same zoning district.

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

6. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

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

7. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant.

A roll call vote ensued. Ayes: Anderson, Gustafson, Mulvihill, Metcalf. Nays: Gould. Motion carried.

8. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

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

9. That the proposed variation will not:

- o Impair an adequate supply of light and air to adjacent properties.
- o Substantially increase the hazard for fire or other dangers to said property or adjacent properties.
- o Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of Elburn.
- o Diminish or impair property values in the neighborhood.
- o Unduly increase traffic congestion in the public streets and highways.
- o Create a nuisance.
- o Result in an increase in public expenditures.

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

10. That the variation is the minimum variation necessary to make possible the reasonable use of the land, building or structure.

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

15. Regarding the Application for the Rezoning and Preliminary Engineering Plat/Plan of the South Street Development – A motion to recommend approval of the zoning map amendment and front lot setback variance on Lots 1 & 2 from 50' to 40' was made by Mulvihill and seconded by Anderson. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Mulvihill, Metcalf. Nays: None. Motion carried.

A motion to recommend approval of Preliminary Engineering Plat was made by Anderson and seconded by Gustafson. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Mulvihill, Metcalf. Nays: None. Motion carried.

A motion for an additional stipulation that truck weight be limited to 24,000 pounds on a portion of South Street from the west side of Parkside Drive to the western terminus of Saratoga was made by Gould and seconded by Mulvihill. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Mulvihill, Metcalf. Nays: None. Motion carried.

Frasz thanked the Commissioners and the public for attending.

At 8:55p.m., Chairman Metcalf stated a 10 minute break will be taken.

16. 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 was made by Mulvihill and seconded by Gustafson to open the public hearing.
17. 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 – Attorney Britz swore in everyone wishing to testify regarding this petition. Building Commissioner Brennan stated all submittal requirements in order to conduct a public hearing have been met. Village Admin Nevenhoven said Village Land Planners, Teska, has reviewed the request and provided comments on the proposed development.

Architect Mangurten gave an overview of the request. Buildings in the subject development are not completely leased. Fast food is a primary source of tenants in retail developments as are physical fitness and medical facilities. A business decision to tear down half of an existing building in order to accommodate a Taco Bell restaurant was made. This request was before the Planning Commission in January and February for preliminary review. The original drive thru flow was explained. At the recommendation of the Planning Commission, the current flow including an exit onto Walker is now proposed. Mangurten advised a traffic engineer (Bill Grieve) is present this evening as is a representative of the franchisee (Randy Yaffe). Mangurten explained how deliveries will occur and how trash will be picked up without driving onto Walker. Yaffe stated delivery drivers are sometimes furnished with a key to the building so they can make deliveries before the store is open. Deliveries will occur twice a week and trash will be picked up multiple times/week. Mangurten explained how the existing building will be shortened and the architecture will be matched after it is reduced.

Randy Yaffe stated he is co-owner and operator of MJB Operations (Taco Bell). The maximum traffic flow is 20-30 cars/hour over the lunch hour and from 5-7pm.

There was discussion regarding proper use of the roundabout in the development. Traffic engineer, Grieve, stated the roundabout is completely mountable and reminded everyone that deliveries will occur before the restaurant opens at 7:00am.

Michael Montanari, 1112 Snow Drive – Lives immediately north of the proposed restaurant. Is concerned with noise, glare, odor, etc. and asked if these will be non-existent. Yaffe said there will be nominal disruption when deliveries are made. Regarding fumes, there is not a lot going into the air from the restaurant. As far as compatibility with the neighborhood, there will be an increase in traffic. Yaffe said 65-75% of Taco Bell's business is through the drive thru. Grieve said many vehicles that go through the drive thru are already on the highway. Montanari asked about traffic generation. Grieve said traffic generation studies show that Taco Bell does not generate much more than retail or industry standard—65% of Taco Bell traffic/customers are already on the road when they stop in. As far as new trips generated to the restaurant, Grieve said Taco Bells are similar to other commercial uses. Montanari inquired about traffic in the residential neighborhood. Grieve stated any business in the subject development will add more traffic. The subject development is a PUD so the entire parcel

(not individual lots) is located at Routes 47 and 38. The overall PUD is adjacent to two state highways and the drive thru is adjacent to Walker.

John & Marcy Dillon, 1137 Walker Ct – Researched drive thru facilities from other communities and feels the drive thru should be through the parking lot. Almost all drive thrus have staging in the parking lot and the proposed layout could potentially block traffic in the residential neighborhood. Dillon asked how will a semi be able to get into the parcel and is more concerned they will park on the highway. Village Attorney Britz said the Planning Commission can recommend stipulations on the Special Use limiting the truck size. Dillon discussed pedestrian access and said the proposed wooden fence shielding the drive thru from the residential neighborhood is a last ditch effort to try and block traffic and lighting—it is a temporary solution. Dillon stated traffic studies for Route 38 and First Street were not conducted. Grieve discussed traffic generation at Route 38 and First Street and stated impact from the proposed restaurant is almost negligible. Dillon stated with the proposed layout, there is no escape route from the drive thru if a customer changes their mind and wants to leave. Dillon also inquired where snow will be plowed and stated the drive thru at the Walgreens pharmacy is a completely different situation.

Theresa Michek, 1157 Snow Drive – Inquired if there will be widening of the street—how will residents get around traffic. Grieve said there won't be that much traffic on the street and there should be plenty of room to navigate. Michek said there are not many options to get into the subdivision and will now have to combat traffic from Taco Bell. Grieve said the access system for the subject development is designed to get people out in all directions—it is not all the brunt of Taco Bell traffic.

Steve Parsons, Ream Drive – Stated he is concerned about kids in the neighborhood which is pedestrian friendly. There are also bus stops in the vicinity. The proposed Taco Bell and drive thru may discourage pedestrian traffic and kids riding bikes. Also concerned about egress from the Fire Department—sometimes they go through the subdivision if Route 47 & 38 are congested and go down Walker. Mulvihill (who is also a lieutenant with the Fire Department) said there is an optacon system at Routes 47 and 38 that stops traffic. Mulvihill said the fire department does not typically go through the neighborhood when responding to a call. Parsons asked the petitioner what they are bringing to the neighborhood as far as the drive thru. Mangurten replied convenience to families and sales tax revenue to the Village.

Erik Jensen, 1176 Walker Court – Regarding an increase of traffic, Jensen asked if the drive thru will increase traffic quite a bit. Grieve referenced the traffic impact study. Jensen said the school district has concerns and may have to re-route busses in the area for child safety. Grieve stated Taco Bell generated traffic will be no different than any other use within the development. Jensen stated previous meetings discussing this development were private meetings. Chairman Metcalf clarified all meetings of the Planning Commission are public meetings and anyone is invited to attend. Tonight's meeting is a Public Hearing.

Kim Montanari, 1112 Snow Drive – Asked that the fact that Route 38 was not included in the traffic study be readdressed. Exiting onto Route 38 during peak hours will exponentially increase traffic. Do not believe sound from the drive thru and illumination from signs will be alleviated into the residential neighborhood with the proposed 6' wooden fence. Does not think there is ample room to do a U-turn near the drive thru.

Julie Schmidt, 1158 Snow Drive – Asked the Commissioners if they lived in this neighborhood, would they be in favor of this request. She asked about their sympathy for people who live in the neighborhood. There will be extra trash and it will not be safe for kids if they want to cross the street or walk to Walgreens. She asked the Commissioners, what if you lived in this neighborhood.

Larry Dzielawa, 1110 Walker Ct – Asked what hours the drive thru will be open. Yaffe replied from 7:00am-12:30am Sunday thru Thursday and until 1:30am on Friday and Saturday. The dining room closes earlier in the evenings and will not be open as late as the drive thru.

Jim Kunzer, 1143 Collins Drive – Discussed the exit from the drive thru onto Walker and prefers not to have the restaurant traffic in the neighborhood—it should go through the development. Discussion ensued regarding drive thru stacking and potential traffic backup onto Walker Drive which has a median. It was stated the median is mountable and will remain as is.

Rich Lappa, 1171 Snow Drive – Asked if the dumpster will block the view of traffic exiting the drive thru onto Walker. Grieve stated he does not believe there will a sight barrier and the fence will shield lights from the residential area. Grieve said there will be room for cars to pull forward to wait for their order.

Kevin Turner, Ream Drive – Inquired if all setback requirements have been met. Mangurten said there are no setback violations. Turner said he is concerned about traffic turning illegally into exit lanes—he already sees it occur from time to time. Grieve stated the connection from the drive thru to Walker was a recommendation from the Planning Commission—we want to keep everyone in town safe.

Dawn Turner, Ream Drive – Asked if the Taco Bell could be built with no drive thru—make customers walk inside. Yaffe stated in the suburbs, a drive thru is needed.

Kristin Markovich, 1205 Collins Drive – Stated she moved to the neighborhood a few years ago because it is family friendly. There are many kids outside in the neighborhood and is worried for their safety. Would like the access onto Walker Drive eliminated if possible.

Bob Michek, 1157 Snow Drive – Inquired if there will be overhead lighting for the drive thru. Mangurten explained lighting for all retail buildings are box lights that throw the light down, not out. Mangurten said whatever is done as far as lighting and the screening on the neighborhood side, there will be dark sky. Michek said she is concerned about headlights shining into the neighborhood as vehicles exit the drive thru onto Walker Drive. Grieve said the Walker exit is a convenience for customers but from overall traffic pattern, it is not 100% necessary.

Michelle Klecka, 264 Ream Drive – Asked if the subject property is truly the best location in town for this. Feels there are other locations in town that would be more conducive. Yaffe said he does not know for certain—each Taco Bell store is different and has its own personality. Discussion ensued as to angling the exit to slow vehicles down. Either way, it was noted there will be a stop sign.

John Dillon, 1137 Walker Court – Inquired if this would set a precedent for other drive thrus. Attorney Britz said no, all drive thrus require a special use and would have to comply with Village ordinances and the PUD.

Commissioner Gould asked if the cutout onto Walker Court could be removed. Yaffe replied, yes.

Commissioner Anderson stated the Village land planner (Teska) recommends a brick fence.

Chairman Metcalf explained the Planning Commission is a recommending body to the Village Board.

18. 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 testimony, a motion to close the public hearing was made by Anderson and seconded by Gustafson. The motion carried by unanimous voice vote.

19. Vote on Findings of Fact – Chairman Metcalf read aloud the Special Use Findings of Fact as follows:

Special Use Standards

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.

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

- 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.

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

- c. Will not be hazardous or disturbing to existing or future neighborhood uses.

A roll call vote ensued. Ayes: Anderson, Gustafson, Mulvihill, Metcalf. Nays: Gould. Motion carried.

- 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.

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

- 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.

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

- 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.

A roll call vote ensued. Ayes: Gould, Mulvihill. Nays: Anderson, Gustafson, Metcalf. Motion failed.

- 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.

A roll call vote ensued. Ayes: Anderson, Gustafson. Nays: Gould, Mulvihill, Metcalf. Motion failed.

- h. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief.

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

- 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, Gould, Gustafson, Mulvihill, Metcalf. Nays: None. Motion carried.

20. 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 – Attorney Britz stated this is a non-recommendation from the Planning Commission since some of the findings of fact were not approved. Commissioner Gould stated it may be a different outcome if the Walker Drive access is eliminated. Commissioner Mulvihill stated concern about headlights shining into the neighborhood. Chairman Metcalf said the Planning Commission welcomes Taco Bell but the proposed location is too tight and too much can go wrong. Metcalf encouraged Taco Bell to research other locations within the Village. Mulvihill added he believes the drive thru patrons will exceed the norm in Elburn. Attorney Britz said the request can still go before the Village Board and the Planning Commission may suggest conditions to the Board if they wish.

A motion was made by Commissioner Gould and seconded by Commissioner Anderson recommending the Walker Drive exit be eliminated and that the recommendations from Land Planners Teska be implemented. A roll call vote ensued. Ayes: Anderson, Gould, Gustafson, Mulvihill, Metcalf. Nays: None. Motion carried.

21. Other Business – None.

22. Adjourn – Commissioner Gustafson motioned to adjourn the meeting at 10:22 p.m. with Commissioner Gould seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,

Diane McQuilkin
Village Clerk