

MINUTES
VILLAGE OF ELBURN PLANNING COMMISSION/ZONING BOARD OF APPEALS
FEBRUARY 19, 2020

Members Present: Commissioners Ryan Anderson, Chris Gould, Carolyn Jansons, Chris Mulvihill, Brian Techter, Chairman Jeff Metcalf

Members Absent: Rob Houtz

Staff Members Present: Building Commissioner Tom Brennan, Village Administrator John Nevenhoven, Village Planner Kon Savoy

Others Present: Robert & Lisa Murfree, Norm Walker, Charles Kirkwood, Matt Peters, Sarah Shroff, Mary Hansen, Stacy Groesch; Elburn Herald Reporter Susan O'Neill; Petitioners Marcus & Regina Smith; Bob Johnson, Jason Mann, Judie Childress, Pete & Donna Baughman

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. Approve Minutes – A motion to approve the January 7, 2020 Planning Commission minutes was made by Commissioner Techter and seconded by Commissioner Jansons. The motion unanimously carried by voice vote.
5. Public Comment – None
6. Open the Public Hearing Regarding the Application of a Special Use for Live Music at 112 N Main Street, Elburn American Legion – A motion to open the public hearing was made by Jansons and seconded by Gould. The motion carried by unanimous voice vote. Due to their affiliation with the American Legion, Commissioner Mulvihill and Village Admin Nevenhoven recused themselves from the hearing and left the room.
7. Public Hearing Regarding the Application of a Special Use for Live Music at 112 N Main Street, Elburn American Legion – Building Commissioner Brennan stated a Special Use is required in order for the American Legion to have live entertainment. There currently are three other businesses in the vicinity that have Special Uses for live entertainment. When asked how often the Legion will offer live entertainment, Brennan stated it will be occasional, not constant.
8. Close the Public Hearing Regarding the Application of a Special Use for Live Music at 112 N Main Street, Elburn American Legion – Being no further comments or questions, a motion to close the public hearing was made by Jansons and seconded by Anderson. The motion carried by unanimous voice vote.
9. Vote on the Finding of Facts – There was consensus the Commission would vote on the Findings of Fact inclusively, not individually. Chairman Metcalf read aloud the Findings of Fact 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.

The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified, in each instance, by the Village Board of Trustees, pursuant to the recommendations of the Planning Commission.

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

10. Recommendation to the Village Board Regarding the Application of a Special Use for Live Music at 112 N Main Street, Elburn American Legion – A motion to recommend approval of the Special Use for live music at 112 N Main Street, Elburn American Legion, was made by Jansons and seconded by Techter. A roll call vote ensued. Ayes: Anderson, Gould, Jansons, Techter, Metcalf. Nays: None. Motion carried.

Commissioner Mulvihill and Village Admin Nevenhoven re-joined the meeting.

11. Open the Public Hearing Regarding the Application of a Special Use for a Furniture Store at 303 N Main Street – A motion to open the public hearing was made by Jansons and seconded by Gould. The motion carried by unanimous voice vote.
12. Public Hearing Regarding the Application of a Special Use for a Furniture Store at 303 N Main Street – Building Commissioner Brennan stated the subject property is a former law office and is located in a B-3 zoning district. The petitioner is requesting a furniture/home goods/antiques shop which requires a Special Use permit.

Petitioners Marc and Gina Smith (302 Westchester Dr, Maple Park, IL) were present. Marc Smith stated he and his wife have had a very successful online "Etsy shop" for two years. His wife will retire from teaching in May of this year and it is their desire to open a shop at the subject location. Some of the items sold will be personalized furniture, sewing, t-shirt printing, etc. The Smiths will lease space

to other small business owners who would like a “store front” but not an entire building. Smith said the building will be similar to The Little Traveler on Third Street in Geneva. The goal is to make this a destination location and bring folks to Elburn to shop not only at their store but at other stores in town and eat at local restaurants. Items and fixtures will be repurposed and cross-merchandised in order to keep the store fresh and merchandise moving. Only personalization will occur onsite. All manufacturing will be done elsewhere. The outbuildings will be used for storage of fixtures and products for themselves and other shop owners. There will be no large semi deliveries—only USPS and FedEx-type trucks. There are 19 parking spots available and meets ADA requirements. The building has been inspected and the Smiths will install a sprinkler system. Other than fix the outside stucco and repaint, there will be no changes made to the architecture of the building—the Smiths want to keep the historic character of the building. Entrance to the building will be the front door vs. the side entrance. Landscaping will not change. Other than a fresh coat of paint, the building will look the same as it does now. Smith said it has been the desire of his wife for the last ten years to open a shop at the subject location.

13. Close the Public Hearing Regarding the Application of a Special Use for a Furniture Store at 303 N Main Street – Being no further questions or comments, a motion was made by Jansons and seconded by Gould to close the public hearing. A roll call vote ensued. Ayes: Anderson, Gould, Jansons, Mulvihill, Techter, Metcalf. Nays: None. Motion carried.

14. Vote on the Finding of Facts – There was consensus the Commission would vote on the Findings of Fact inclusively, not individually. Chairman Metcalf read aloud the Findings of Fact 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.
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The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified, in each instance, by the Village Board of Trustees, pursuant to the recommendations of the Planning Commission.

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

15. Recommendation to the Village Board Regarding the Application of a Special Use for Furniture Store at 303 N Main St – A motion to recommend approval of the Special Use for a furniture store that also sells home goods and antiques at 303 N Main St was made by Mulvihill and seconded by Techter. A roll call vote ensued. Ayes: Anderson, Gould, Jansons, Mulvihill, Techter, Metcalf. Nays: None. Motion carried.
16. Open the Public Hearing Regarding the Draft Updated Comprehensive Land Plan – A motion was made by Gould and seconded by Techter to open the public hearing. The motion carried by unanimous voice vote.
17. Public Hearing Regarding the Draft Updated Comprehensive Land Plan – Village Admin Nevenhoven stated the process to revise the Village Comprehensive Plan began last summer. Interviews with stakeholders, business owners, ECDC, people on boards and staff members were conducted and a public meeting was held which was well-attended. The current plan is seven years old. The plan should reflect how the Village recommends surrounding property surrounding be used. The plan includes the 1-1/2 mile jurisdictional area beyond Elburn's corporate limits and is set by State Statute. The area the Village is allowed to plan for is a guide for the future. The plan can be amended but it is to be used as a guide going forth. At the last Planning Commission meeting, the revised plan was reviewed in its entirety. Tonight is a review of the final draft. Final comments, thoughts and recommendations are being sought from the Planning Commission which will be forwarded to the Village Board for final action in March 2020.

Village Planner Kon Savoy highlighted changes in the plan since the Planning Commission last reviewed it and represents recommendations from Savoy, Village staff, stakeholders and residents. Approximately 100 comments were received and they have been consolidated and included in the revised plan. Savoy highlighted the following items:

- Land Use Plan – The map and related documents are essential components and is the guide used on a day to day basis for land use decisions. This is an update (not a complete re-write) to the 2013 plan.
- Connectivity, open space, tax base.
- Subarea plans go beyond the boundaries (quadrants) with more specific direction. It includes recent discussion for Melbourne Estates (Lennar Development) where not only was the development considered, the surrounding area was considered for connectivity, etc.
- Mixed use at Elburn Station was highlighted which will be higher density, will be close to Village center and will be a walkable area to the community.
- Changes: 1) acknowledged expansion of the quarry to the south; 2) retail along Route 38 both at Rt 38 & Anderson and Rt 38 & 47. The areas at Anderson and Keslinger Roads will not develop equally—the focus will be on Route 47; 3) There will be limited expansion of multifamily beyond what is planned in Elburn Station and at Anderson/Route 38.
- North Subarea – Maintain residential with open space/trails and wetlands, etc. Open space areas will be ringed by road systems vs. "backyards."
- South Subarea – This is the greatest opportunity for growth of tax base and employment but also addresses green space and wetlands. Uses will be small industry/manufacturing and while it is possible for a big box or large use, it is not the ultimate desire. The community said it is not interested in annexing south to 188 so this will pretty much be the extent of development. There

is a lot of land that will be phased in over the next 10-20 years that we are going to preserve as Elburn's future.

- The community desires to see design guidelines with particular attention to a rural theme.
- Transportation Plan – Includes bikeways and pedestrian areas and includes consideration of Kane County's bike plan to ensure all parts of the community are interconnected. New signal locations are identified so pedestrians and bikes can cross the highway.
- Community Facilities – No major changes. Parks and open space master plan generated a lot of discussion. There is much disagreement on how this should progress resulting with no recommendation. Should the community have a park district? Perhaps 10 years in the future when the community grows and can support it. The Community Center could provide ways to serve the community that is not necessarily managed by the Village (i.e., YMCA, etc.).

The following questions/feedback was provided by members of the public:

- Mary Hansen, 414 Babcock St, Elburn – Expressed concern about turning onto Route 47 from side streets. It is hazardous. Village Admin Nevenhoven said the Village has been in contact with IDOT for a signal at Route 38 and Anderson Road and they said it is not warranted at this time. Nevenhoven believes putting more signals on Route 47 will be even more difficult at this time. Hansen, who lives in the NW quadrant, said there are no HOAs in her part of town. She asked how her area can get representation. Nevenhoven suggested attendance at Village Board meetings.
- Jason Mann, Sugar Grove – Thanked the Village for updating their plan. He said he works for the railroad and asked if the Village considered a spur for industrial park rail service. Mann asked if there is any information or desire by the Village of Elburn to annex south to I88. Savoy said no per public input. Mann asked if the Village of Elburn is a friend or a foe to him. Relating to the Crown Development at the I88 interchange, Mann wants to know where he should direct his efforts against Crown. If the revised Comp Plan passes, Mann asked if the Elburn Planning Commission would recommend a boundary agreement with Sugar Grove at Main Street. If Elburn's plans stop at Main Street, he is in favor of it. Village Admin Nevenhoven reiterated this public hearing is to consider Elburn's comprehensive plan within its 1-1/2 mile jurisdictional area. Discussion this evening does not include conversation about boundary agreements. Mann said the comp plan addresses annexation which can change in the future. Commissioner Jansons stated the Village cannot plan outside the 1-1/2 mile jurisdiction and is not aware of any other community approaching Elburn. Jansons continued the Elburn Planning commission cannot speculate on a hypothetical intergovernmental agreement. Mann stated he wants to know where to focus his efforts because he lives in Sugar Grove and does not want 8 million square feet of warehousing at I88. Commissioner Anderson recommended Mann talk to Crown Development—they have not approached Elburn and the point is mute. Commissioner Jansons said if there is something that needs to be discussed, it will be done in a public forum—but it is not productive nor fair to the Elburn Planning Commissioners to be asked hypothetical questions.

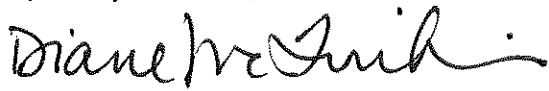
18. Close the Public Hearing Regarding the Draft Updated Comprehensive Land Plan – Being no further comments or questions, a motion to close the public hearing was made by Jansons and seconded by Mulvihill. A roll call vote ensued. Ayes: Anderson, Gould, Jansons, Mulvihill, Techter, Metcalf. Nays: None. Motion carried.

19. Approve and Recommend to the Village Board Draft Updated Comprehensive Land Plan – A motion to recommend approval of the Updated Comprehensive Lane Plan as presented was made by Mulvihill and seconded by Jansons. A roll call vote ensued. Ayes: Anderson, Gould, Jansons, Mulvihill, Techter, Metcalf. Nays: None. Motion carried.

20. Other Business – None

21. Adjourn – Commissioner Gould motioned to adjourn the meeting at 8:08 p.m. with Commissioner Mulvihill seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Diane McQuilkin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Diane McQuilkin
Village Clerk