

**Minutes of the Regular Meeting
of the Planning and Zoning Commission
July 17, 2019**

A. CALL TO ORDER

The Regular Meeting of the Planning and Zoning Commission was held on Wednesday, July 17, 2019 at the Village Hall Board Room, 10 North Water Street. The meeting was called to order at 7:00 p.m. by **Chairman Brian Carlson**. **Chairman Carlson** stated the role of the Planning and Zoning Commission and the procedures for the meeting.

B. ROLL CALL

Commissioners present were: **Chairman Brian Carlson, Tom Kusswurm, Vice-Chairman Jennifer McClure, Leo Metz, Jason Micklevitz, Cynthia Tarka and Rich Watson**.

Staff present were: Director of Community Development, **Nancy Hill**, Planner, **Lauren Blayney** and Recording Secretary, **Dione Stirmell**.

C. APPROVAL OF MINUTES

Minutes of the May 15, 2019 Regular Planning and Zoning Commission Meeting.

A motion by **Member Metz** to approve the minutes of the May 15, 2019 Regular Meeting of the Planning and Zoning Commission was seconded by **Member Watson**. A voice vote of all ayes and no nays. **Member Micklevitz** and **Member Tarka** abstained. There was no further discussion of the motion. Vote as follows:

Ayes:	Carlson, Kusswurm, McClure, Metz, Watson
Nays:	None
Abstain:	Micklevitz, Tarka
Absent:	None

The motion carried (5-0-2-0).

D. PUBLIC HEARING AND DISCUSSION

CD19-05: Variation (2) request in a B-2 Community Business District located at 1090 W. Spring Street – South Elgin Countryside Fire Protection District Station 21.

Chairman Carlson verified that an affidavit or other satisfactory evidence regarding notification had been submitted. To which **Lauren Blayney** confirmed.

Chairman Carlson opened the public hearing at 7:03 p.m.

Lauren Blayney explained the Petitioner, South Elgin Countryside Fire Protection District, is seeking approval of a request for two variations at the new South Elgin Fire District Station 21 property, located at 1090 W. Spring Street. One variation is for the reduction of the number of

replacement trees required on the subject property and another variation is to allow the installation of an electronic message sign within a one-mile radius of another electronic message sign in South Elgin.

The Commission decided to discuss each variation request separately, and first reviewed the variation request regarding the reduction of replacement trees.

Lauren Blayney explained that the Unified Development Ordinance (UDO) requires 104 replacement trees to be planted on the site due to the number of trees being removed to accommodate the South Elgin Fire District Station 21 building and parking lot area. The applicant has provided 22 replacement trees according to the Landscaping Plans. The petitioner is requesting to reduce the number of replacement trees from 104 replacement trees to 22 replacement trees.

Lauren Blayney introduced Assistant Fire Chief Mike Rothecker of 150 State Street, South Elgin, IL 60177 and Kelly O'Conner of 222 S Morgan Street Suite 4B, Chicago, IL 60607.

Mr. Rothecker explained that planting 104 trees on the subject property was not realistic for the size of the property. He explained it would be challenging to add more trees and meet the parking requirements. In addition, it would make it difficult to maneuver the fire trucks around the subject property.

Vice-Chairman McClure asked what the Fire District's options would be. **Lauren Blayney** stated the Unified Development Ordinance (UDO) requires 104 replacement trees be planted or a fee-in-lieu be paid. However, through this variation, the Fire Protection District is requesting that they not have to meet this requirement. **Lauren Blayney** noted that some trees are being planted on the site, but the site cannot accommodate the number of trees required. **Vice-Chairman McClure** stated that she believes the Fire District should have to pay a fee-in-lieu for the trees or plant the trees elsewhere within the community. She explained to Mr. Rothecker that the Planning and Zoning Commission recently adopted the Unified Development Ordinance (UDO) and she was having a difficult time allowing this variation and did not want to set a poor standard for future developers.

Mr. Rothecker explained that the Fire District is financing the construction of its two new fire station projects through bonds. If it were required to pay a fee-in-lieu of trees, it would likely have to use general funds to pay for the trees since it was not budgeted with the initial cost of the projects. In addition, due to how the bonds were structured, it would most likely not be legal to allocate bond proceeds to pay a fee to the Village. He stated he believed it was not good public policy to utilize public funds to pay fees between taxing bodies, especially when it is generally the same taxpayers.

Member Tarka agreed with **Vice-Chairman McClure** that the Fire District should have to either plant trees elsewhere or pay the fee-in-lieu.

There was discussion about which entity would plant the trees if required to plant them elsewhere. **Lauren Blayney** explained that the Village would plant the trees, as we would not allow another public or private entity to plant the trees on Village property and in the Village right-of-ways.

Member Watson stated that this variation request should have come before the Planning and Zoning Commission earlier in the process as part of the Special Use for the fire station. **Lauren Blayney** explained that when the petitioner had gone through the Special Use process for the property, the landscape plan had not yet been completed because it was unknown if the Village would approve the Special Use. The landscaping plan was completed in conjunction with Final Engineering at the time of the building permit application.

Member Kusswurm said he would like to see the trees dispersed in the Village's parks and in the Village right-of-ways.

Chairman Carlson said he understood that a fee for trees may not be able to be used from bond funds. He asked for clarifying about how many trees would be required and how the fee-in-lieu is calculated. He stated he is concerned about setting precedent for future developments.

Member Watson asked what the protocol is when a fee-in-lieu of trees is collected. **Lauren Blayney** explained that the Village would plant trees elsewhere within the community. **Lauren Blayney** stated that the value of the tree is determined based on the size, type, age, and quality of the tree being removed and is then valued in accordance to a reference book on the subject noted in the UDO. The previous Zoning Ordinance established a flat fee of \$300. Using this number, the amount required to be paid by the Fire District to the Village of South Elgin as a fee-in-lieu for the number of replacement trees is about \$25,000.

Vice-Chairman McClure felt this hardship could have been prevented had the petitioner picked a different site.

Mr. Rothecker stated that the site selection for a fire station is much different from a commercial or industrial facility. Response rate was a key factor when looking for an appropriate site for this fire station. He explained with this property the South Elgin Fire Protection District all three fire stations in the Village would have similar response rates. In addition, this site might be smaller than a typical private development. In order to leave and return to the station safely and efficiently, larger turn radius and more paved area is required to accommodate fire vehicles and equipment. This reduces the area available for landscaping and trees.

Chairman Carlson stated his frustration is with the timing of the variation request and that the Fire District should have planned better.

Member Micklevitz highlighted the lot was previously overgrown and had many trees. He said this is a unique case and that he believes the requirement for the number of replacement trees is over zealous and it is an over application of the regulation. He highlighted the adjacent land uses and felt this was an ideal use for the piece of land. He added this was adding a much-needed service to South Elgin residents.

Member Metz stated granting this variation would not set a precedent and he was in favor of supporting the tree variation.

Member Watson stated that he respectfully disagrees and felt it set a precedent for future variation requests. To which Mr. Rothecker explained that this is not a private development for profit. He explained this variation request is coming from a public entity. He reiterated this would reduce emergency response times.

Lauren Blayney explained that staff believes the variation request is unique due to the development requirements of a fire station and the use of public funds for the project.

Mr. Rothecker reviewed the fire station project budget, including costs of the building construction, purchase of equipment, and the staffing of the third station. He also stated that \$11 million is being spent on the two new fire stations. He explained they do not have the funds to pay this fee.

Member Tarka asked what the options were since the trees were already gone. **Lauren Blayney** explained that they could be granted the variation or would be required to pay the fee-in-lieu to the Village.

Vice-Chairman McClure stated that the UDO does not differentiate between public and private developers and, in her mind, that they should not be treated differently.

Member Micklevitz stated that this property is unique and he did not expect that this variation would be requested often. **Member Micklevitz** stated he was not holding this request up over replacement trees and felt this fire station was a necessary facility for the community. **Member Micklevitz** reminded the Planning and Zoning Commissioners of staff's recommendation.

Member Kusswurm questioned if staff could work with the fire district to distribute the trees within the community. **Lauren Blayney** explained that the petitioner is not required to plant the trees. She explained the fee-in-lieu would be allocated into an account to be planted later.

Member Watson suggested the Fire District only pay a portion of the trees instead of the full amount. **Chairman Carlson** said he was not comfortable making the determination on what amount would be reasonable to pay.

Member Tarka felt that approving this variation was sending a message to future applicants that you do not have to follow the required Ordinance.

Vice-Chairman McClure suggested creating an intergovernmental agreement between the Village of South Elgin and the Fire District to allow the Fire District an extended amount of time to pay the funds thus allowing them to budget for it.

There was discussion if costs of construction should be considered “hardships” under the UDO.

The Commission discussed its options for consideration of motions

Chairman Carlson asked if there was any discussion. Hearing no comments or concerns, **Chairman Carlson** entertained a motion to accept the Findings of Fact as follows.

A Variation shall be granted only if evidence is presented to establish that:

A. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public?

Findings: The variation to reduce the number of trees that are required to be planted on site will not cause any endangerment to the health, safety, comfort, convenience, and the general welfare of the public.

B. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the propose variation.

Findings: The surrounding properties are a mix of residential house, commercial business and open space. The development of the site at the fire station will blend into the surrounding neighborhood with a mix of trees and shrubs along the foundation planting along Stonington Place, screening of the parking lot and street trees.

C. The proposed variation alleviates an undue hardship created by the literal enforcement of this Ordinance.

Findings: The Ordinance would require 104 trees to be planted on this site to make up for the ones that have been removed. These trees would require a significant footprint and would not allow for sufficient area for parking, circulation, detention and building. Also, 104 trees are also cost prohibited for the development of the site when combined with other zoning requirements that are being met including shrubs and foundation landscape. The required 104 trees would not allow for a healthy landscape to develop.

D. The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Findings: The area that has been developed on the site is the area that is required for the effective use of the fire station. All efforts were made to meet all required ordinances for the site.

E. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desire improvement of the subject property.

Findings: The Tree Replacement Ordinance is the only landscape ordinance that could not be met from the quantity of trees needed and the limited space of undeveloped land. All other zoning requirements for landscaping and screening have been met. All trees that were able to be saved have been and where space allowed beyond the requirements 22 additional trees were planted.

F. The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

Findings: The proposed plan provides landscaping that is consistent with the ordinance of the Village. The overall character of the site fits in with surrounding area. The fire station locations and development are consistent with the comprehensive plan and trees were removed to meet this intent on the available site.

A motion by **Member Watson** that the Planning and Zoning Commission not accept the Findings of Fact as presented by the Petitioner was seconded by **Vice-Chairman McClure**. There was no further discussion of the motion. Vote as follows:

Ayes:	Carlson, Kusswurm, McClure, Metz, Tarka, Watson
Nays:	Micklewitz
Abstain:	None
Absent:	None

The motion carried (6-1-0-0).

A motion by **Member Micklewitz** that the Planning and Zoning Commission recommend approval to the Village Board of petition CD19-05 for variations for the Fire Station 21 located 1090 W Spring Street in a B-2 Community Business District to reduce the number of replacement trees from 104 replacement trees to 22 replacement trees and not pay the fee in lieu of trees to the Village was seconded by **Member Tarka**. There was no further discussion of the motion. Vote as follows:

Ayes:	Micklewitz, Kusswurm, Metz
Nays:	Carlson, McClure, Tarka, Watson
Abstain:	None
Absent:	None

The motion failed (3-4-0-0).

Chairman Carlson asked **Member Micklewitz** if he would like to remove his motion. To which **Member Micklewitz** wished to leave it on the public record.

A motion by **Vice-Chairman McClure** that the Planning and Zoning Commission recommend that CD19-05 pay a portion of a fee-in-lieu to be negotiated by the Village Board with an inter-governmental agreement located 1090 W Spring Street in a B-2 Community Business District was seconded by **Member Kusswurm**. There was no further discussion of the motion. Vote as follows:

Ayes: Carlson, McClure, Tarka Watson
Nays: Kusswurm, Micklevitz, Metz
Abstain: None
Absent: None

The motion carried (4-3-0-0).

The Commission next reviewed the variation to allow the installation of an electronic message sign within a one-mile radius of another electronic message sign in South Elgin.

Mr. Rothecker explained the request, and stated the purpose of the sign is to share information with the public. **Member Tarka** asked for examples of such information, and Mr. Rothecker explained that the plan is to post on the sign safety tips, anniversaries, and announcements about employees, community events and emergency alerts.

Member Watson stated he is concerned about the timing of the changeable text. He wants to prevent distracted driving and believes the proposed sign could be a distraction. **Member Watson** asked if this was a want or a need. To which Mr. Rothecker said it was a want but felt it would serve a public need.

Mr. Rothecker explained that distracted driving is everywhere and that this sign would not contribute any more negatively than the Village's electronic message board sign on State Street in front of the Village Hall.

Member Tarka asked if the proposed sign meets other sign requirements. To which Mr. Rothecker stated yes.

Chairman Carlson asked if there was any discussion. Hearing no comments or concerns, **Chairman Carlson** entertained a motion to accept the Findings of Fact as follows.

A Variation shall be granted only if evidence is presented to establish that:

A. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public?

Findings: No, the proposed electronic sign will not endanger the health, safety, comfort, convenience, and general welfare of the public. On the contrary, the sign will be used for rapid

mass notification to the public, color coded messages, flashing messages for urgent matters, security alerts, weather reports, displaying shelter locations, and updates in news and events.

B. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the propose variation.

Findings: Yes, the design of the electronic sign is compatible with the character of Fire Station 21 and nearby properties. The design of the sign incorporates the standing seam roof, metal panels, brackets, and masonry base of the Fire Station 21 building. In addition, the nearby bank building has a standing seam roof, the NAPA store has metal panels, and the property to the east and surrounding homes have brick.

C. The proposed variation alleviates an undue hardship created by the literal enforcement of this Ordinance.

Findings: Yes, the proposed variation would enable the installation of the electronic sign on the Fire District property. The Ordinance does not allow two electronic signs to be installed within one-mile distance of each other, and there is currently an electronic message sign at the McDonald's located at 100 N McLean Boulevard, which is located approximately 0.3 miles west of Fire Station 21.

D. The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Findings: Yes, the variation is necessary due to the proximity of the existing McDonald's sign to the Fire Station 21 property.

E. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desire improvement of the subject property.

Findings: The variation request is for (1) electronic sign of the Fire District property.

F. The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

Findings: The proposed variation is for an electronic sign that will aid to improve the safety, awareness, and involvement of the public in the community.

A motion by **Vice-Chairman McClure** that the Planning and Zoning Commission accept the Findings of Fact as presented by the Petitioner was seconded by **Member Micklevitz**. There was no further discussion of the motion. Vote as follows:

Ayes:	Carlson, Kusswurm, McClure, Metz, Micklevitz, Tarka
Nays:	Watson
Abstain:	None
Absent:	None

The motion carried (6-1-0-0).

A motion by **Member Kusswurm** that the Planning and Zoning Commission recommend approval to the Village Board of petition CD19-05 for electronic sign Variation for the Fire Station 21 located 1090 W Spring Street in a B-2 Community Business District was seconded by **Member Micklevitz**. There was no further discussion of the motion. Vote as follows:

Ayes:	Carlson, Kusswurm, McClure, Metz, Micklevitz, Tarka,
Nays:	Watson
Abstain:	None
Absent:	None

The motion carried (6-1-0-0).

Chairman Carlson asked if there was any discussion. Hearing no comments or concerns **Chairman Carlson** entertained a motion to close the public hearing.

A motion by **Member Micklevitz** to close the public hearing was seconded by **Member Watson**. There was no further discussion of the motion. **Chairman Carlson** closed the public hearing at 7:47 p.m. Vote as follows:

Ayes:	Carlson, Kusswurm, McClure, Metz, Micklevitz, Tarka, Watson
Nays:	None
Abstain:	None
Absent:	None

The motion carried (7-0-0-0).

E. Public Hearing and Discussion

CD19-02: Text Amendments to the Unified Development Ordinance – Village of South Elgin

Per the UDO, a public hearing by the Planning and Zoning Commission is required. Proper notice of the public hearing was given.

Chairman Carlson opened the public hearing at 7:48 p.m.

Lauren Blayney explained that the Village adopted the Unified Development Ordinance (UDO) on October 1, 2018. After having used the regulations for about the last nine months, staff has noted some errors, omissions and items that needed clarification. Additionally, some new issues have arisen.

Lauren Blayney reviewed the various sections of the document and explained the proposed changes in detail. The Planning and Zoning Commission asked some clarifying questions.

There was discussion on the following items.

Item 4. Administrative Adjustments - §156.03.C6.

It was noted by **Lauren Blayney** that during a recent UDO training activity the Planning and Zoning Commission had asked staff to make some changes to the Administrative Adjustments to reduce the number of potential adjustments. **Chairman Carlson** stated that the purpose of the Administrative Adjustment was to allow staff and a developer some flexibility. He stated he thought the proposed changes by staff were appropriate.

Member Micklevitz corrected in error in the staff's text, as the phrase should read, "including but not limited to..." Staff agreed.

Member Watson asked that language be added to the Administrative Adjustment section that at least once annually staff provide a report to the Planning and Zoning Commission outlining the Administrative Adjustments given, if any, and the reasoning behind the adjustments. The other members agreed.

Item 15. Home Based Businesses Regulations - §156.07.D.5

Member Tarka asked a question about the definition of personal service establishments. **Lauren Blayney** read the UDO definition, which includes drycleaners. **Member Tarka** stated dry cleaners are not appropriate for a home based business and suggested the Village prohibit them as a home based business. The other members agreed.

There was discussion about internet-based wholesale and retail businesses. **Chairman Carlson** said that in his neighborhood, a nearby property owner ran a retail business out of his house and the deliveries occurred all the time. Boxes piled up outside of the home. After much discussion, the Planning and Zoning Commission agreed to leave the language about wholesale and retail home based businesses for now, and staff will investigate the concern and propose language for a future amendment.

There was discussion about whether kenneling of animals was permitted and if permitted, how many animals would be allowed. **Vice-Chairman McClure** suggested the kenneling or boarding of up to 4 animals be permitted. The other members agreed.

Item 16. Minimum size for an Accessory Structure Permit - §156.07.D

Vice-Chairman McClure suggested additional language be added to the last sentence to read, "Accessory structures 40 square feet or less may be located in the interior side or rear yard *and meet all other required setbacks.*" The other members agreed.

Item 21. Tree Preservation Fee-in-Lieu - §156.09.B.2.b

The Commission members cited discussion about a recent variation request. **Vice-Chairman McClure** suggested further amending to allow a negotiated value to be approved by the Village Board. The other members agreed.

Item 23. Screening Complementary Design - 156.09.G.3.b.2

The Commission expressed concerns about the Zoning Administrator having the sole authority to make decisions about complementary design and wanted to participate in the review. They asked for the staff-suggested phrase “unless otherwise allowed by the Zoning Administrator.” be deleted.

There was no one present to speak for or against the petition.

A motion by **Vice-Chairman McClure** that the Planning and Zoning Commission finds that the proposed text amendments to the Unified Development Ordinance outlined in the Staff Report meet the standards outlined in Section 156.07.C.7.c of the UDO and recommends approval to the Village Board with the suggested revisions from the Commission to Items #4 Administrative Adjustments, #15 Home Based Business Regulations, #16 Minimum Size for an Accessory Structure Permit, #21 Tree Preservation Fee in Lieu, and #23 Screening Complementary Design be made was seconded by **Member Tarka**. There was no further discussion of the motion. Vote as follows:

Ayes:	Carlson, Kusswurm, McClure, Metz, Micklevitz, Tarka, Watson
Nays:	None
Abstain:	None
Absent:	None

The motion carried (7-0-0-0).

F. PUBLIC COMMENT

Lisa Guess of 618 E. Middle Street South Elgin, IL 60177 thanked the Planning and Zoning Commissioners for their work.

G. NEW BUSINESS

There was no new business to report.

H. ADJOURNMENT

Having no further business, a motion made by **Member Watson** to adjourn the regular meeting of the Planning and Zoning Commission was seconded by **Member Micklevitz**. With a voice vote of all ayes and no nays, **Chairman Brian Carlson** adjourned the meeting at 8:58 p.m.



Respectfully submitted,
Dione Stirmell
Recording Secretary