

**Minutes of the Regular Meeting
of the Planning and Zoning Commission
June 17, 2020**

A. CALL TO ORDER

The Regular Meeting of the Planning and Zoning Commission was held on Wednesday, June 17, 2020 at the Village of South Elgin, Public Services Facility, 1000 Bowes Road, South Elgin, IL. 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; Vice-Chairman Jennifer McClure; Leo Metz; Cynthia Tarka and Rich Watson.

Members absent were: Tom Kusswurm and Jason Micklevitz.

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

The applicant, public, and press attended by video conference.

Chairman Carlson read the following statement:

Due to the ongoing Coronavirus (COVID-19) pandemic and, the Governor's statewide stay-at-home order and order suspending certain Open Meetings Act requirements, this Planning and Zoning Commission meeting is being conducted remotely. The Commissioners and staff participating in tonight's meeting are located at the Village's Public Service building at 1000 Bowes Road and complying with all social distancing guidelines. The applicant and interested members of the public are located elsewhere and participating remotely.

It is important that the petition scheduled tonight be heard to continue critical Village business, which will enable ongoing construction, development, protection of property values, and the promotion of the Village's economic vitality.

This meeting may be viewed on Zoom. In addition, any individual desiring to listen and/or participate in the meeting by telephone, or through the electronic meeting platform, has also been provided that opportunity through the Village Clerk's Office in advance of the meeting. Finally, members of the public had the opportunity to submit written comments in advance of the meeting.

These methods of public participation have been publicized on the Village’s website, through any notices required for the case, and on the agenda for tonight’s meeting.

Since we are using an electronic meeting platform for the meeting, we expect there will be some bumps as we move through the agenda. Thank you for your patience.

When it is time for speakers, either petitioners or members of the public, you will be unmuted. Speakers will be called by name. Speakers will be asked to raise their hand to help us facilitate unmuting. After you speak, you will be muted once again.

Please note that there may be a slight delay between becoming unmuted and being able to begin speaking.

As a reminder, all speakers are asked to present their comments in a respectful and courteous manner. If inappropriate language or comments are expressed during this meeting, we will mute the speaker and end their participation.

C. ADOPT EMERGENCY RULES OF PROCEDURE FOR PUBLIC HEARINGS

Member Watson made a motion adopt the Emergency Rules of Procedure for Public Hearings. The motion was seconded by Vice-Chairman McClure. There was no further discussion of the motion. The vote was as follows:

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

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

D. APPROVAL OF MINUTES

1. Minutes of the May 20, 2020 Regular Planning and Zoning Commission Meeting.

A motion was made by Member Watson to approve the minutes of the May 20, 2020 Regular Meeting of the Planning and Zoning Commission, which was seconded by Member Tarka. There was no further discussion of the motion. The vote was as follows:

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

The motion CARRIED (4-2-0-1).

Chairman Carlson read the statement below before opening the public hearings:

As indicated earlier, interested parties have been provided the opportunity to comment on the case tonight in a variety of ways, including the submittal of written comments prior to tonight's meeting for inclusion in the meeting packet. In addition, the Village posted an online speaker sign-up with the following options:

- Speaker indication of support or opposition on each case, which will be read into the record by staff;
- Speaker submittal of written comments to be read into the record by Village staff; or
- Request to speak during the meeting. For those who signed up to speak, staff will call each speaker in the order that they signed up. Speakers will be muted until their name is called. Prior to speaking, we will ask the speaker to state their name and then be sworn in.

Finally, before adjourning the public comment portion of the petition, I will ask if anyone who is participating in the meeting by phone or through the electronic meeting platform, but did not specifically sign up to speak through the Village Clerk, would like to provide comment or testimony.

To ensure that we have an opportunity to hear from each person wishing to speak, please keep your comments specific to the request under consideration and try to avoid repetitive comments. Anyone participating in the meeting will also be able to ask questions of any speaker that provided comment or testimony.

E. PUBLIC HEARING & DISCUSSION

1. CD 2019-06: 1190 E. Middle Street – Special Use Drive-Thru & Aesthetic Design Review for a Dunkin' Donuts Drive-Thru and Building Addition - Kolbrook Designs, petitioner.

Chairman Carlson opened the public hearing at 7:06 p.m.

Chairman Carlson verified that an affidavit or other satisfactory evidence regarding notification had been submitted, and Planner Blayney confirmed that proper notice had been given for this public hearing.

Planner Blayney explained the Petitioner is seeking a recommendation of approval for a proposed drive-thru facility and an addition for a Dunkin' Donuts restaurant at 1190 E. Middle Street. The existing building on the subject property is 4,032 square feet, and the Petitioner is currently operating a gas station use, commonly known as PS Fuels. The Petitioner is proposing to construct a 1,925 square foot addition on the west side of the existing building to add another tenant, Dunkin' Donuts, and a proposed drive-thru facility. The restaurant and drive-thru facility would be an accessory use to the PS Fuels gas station operations.

The addition's exterior will be constructed of various materials including: fiber cement siding, fiber cement panel system, and fiber cement lap siding with wood texture. The signs for Dunkin' Donuts shown on the proposed elevations do not require variations.

The various Village Departments and South Elgin and Countryside Fire Protection District have reviewed proposed plans and their respective comments have been incorporated into the drawings in the packet.

Representatives of the Petitioner were Steven Kolber and Evelyn Delgadillo of Kolbrook Designs 828 Davis Street #300 Evanston, IL 60201; and Asif Rajabali 1190 E. Middle Street South Elgin, IL 60177.

Mr. Kolber stated that that they meet all the requirements recommended by staff. He also felt the proposed Dunkin' Donuts would be a nice addition to the existing building and to the area, since there is nothing similar in this area.

Chairman Carlson opened the hearing to comments and questions from the Planning and Zoning Commissioners.

Member Watson asked if they would need more dumpsters on the property. Mr. Rajabali replied no that the existing dumpsters on site would be sufficient. If they found more dumpsters are needed, they would instead add more frequent pick-ups first, before adding more dumpsters.

Vice-Chairman McClure asked for staff to elaborate on the circulation plan provided in the agenda packet. Planner Blayney explained that the circulation plans shows how a fire truck or other large vehicle could maneuver through the site. The Fire District has reviewed this plan and it meets their criteria.

Member Watson expressed his concern with the existing right-in/right out access points on Middle Street and on Illinois Route 25. Member Watson requested signs be re-installed to prohibit left turns in and out of these 2 access points. Mr. Kolber said he would have the signs installed. Director Hill suggested the Commission make this a condition of approval.

Member Watson asked if there is service door for deliveries. Mr. Kolber highlighted the access door on the west building elevation. Member Watson asked when Dunkin' Donuts would receive deliveries. To which Mr. Rajabali explained that deliveries would take place during non-peak business hours. Member Watson asked where the main pedestrian entrance to the Dunkin Donuts is located. Mr. Kolber explained that the Dunkin Donuts can be accessed by entering the existing gas station's convenient store entrance on the east side of the building.

Chairman Carlson expressed concerns with distracted drivers or pedestrian walking into the drive-thru exiting lane and recommended a fence or railing be installed. Chairman Carlson stated this had been done in other locations within the Village. Mr. Kolber agreed to add a fence or other barrier to reduce conflicts between pedestrians and drive-thru traffic.

Chairman Carlson opened the meeting up to public comments and questions. There was no public present, either in person or remotely, to provide testimony.

With no further discussion, Chairman Carlson entertained a motion to accept the Findings of Fact:

1. The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.
2. The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.
3. The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.
4. The proposed special use will be provided with adequate utilities, access roads, drainage, and/or other necessary facilities.
5. The proposed special use is consistent with the intent of the elements of the Comprehensive Plan, this Unified Development Ordinance, and the other land use policies of the Village.

A motion was made by Vice-Chairman McClure that the Planning and Zoning Commission accept the Findings of Fact as presented by the Petitioner, and was seconded by Member Watson. There was no further discussion of the motion. The vote was as follows:

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

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

With no further testimony, Chairman Carlson entertained a motion to close the public hearing.

A motion was made by Member Watson to close the public hearing, which was seconded by Member Tarka. There was no further discussion of the motion. The vote was as follows:

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

The motion CARRIED (5-0-0-2). Chairman Carlson closed the public hearing at 7:23 p.m.

Vice-Chairman McClure made a motion that the Planning and Zoning Commission recommend approval to the Village Board of petition CD 19-06 for a Special Use Permit for a Drive-Thru Facility, an Aesthetic Design Review, and a Major Site Plan Review for a Dunkin' Donuts located at 1190 E. Middle Street in the B-2 Community Business District with the following conditions:

- The Petitioner shall re-install right-in/right-out only traffic signage at the appropriate access points on Middle Street and IL-25; and
- A fence shall be installed on the north side of the drive-thru at the end of the pedestrian way to reduce conflicts between pedestrians and drive-thru traffic.

The motion was seconded by Member Watson. There was no further discussion of the motion. The vote was as follows:

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

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

2. CD 2020-03: South Elgin Commons 2nd Resubdivision – Major Subdivision & Variations – PMAT SEC, LLC, petitioner.

Chairman Carlson opened the public hearing at 7:25 p.m.

Chairman Carlson verified that an affidavit or other satisfactory evidence regarding notification had been submitted, and Planner Blayney confirmed that proper notice had been given for this public hearing.

Planner Blayney explained that the Petitioner is seeking a recommendation of approval to resubdivide the existing Lot 1 of the South Elgin Commons 1st Resubdivision into four (4) separate lots. The purpose of the resubdivision is to create separate lots for each of the existing and proposed buildings in the development to better assess real estate taxes for each building and to allow for possible future sales of each lot/building.

Currently, there are three existing buildings on the existing Lot 1. Each of the buildings would now be on three separate lots. A fourth lot would be vacant and could be made available for future development. The Village previously granted Site Plan Approval for a building in this location.

The Petitioner is also seeking a recommendation of approval for variations from the UDO. The Petitioner meets all other regulations of the UDO, and requests the following two variations:

The first variation request is for the increase of lot coverage permitted for Lot 2, 3, and 4. The request for a variance for an increase in lot coverage allowance was granted for the original South Elgin Commons subdivision and was also granted for the first resubdivision of the South Elgin Commons subdivision.

The second variation request is to allow Lots 2, 3 and 4 of the resubdivision to have no frontage along a publicly dedicated and maintained street. However, the Petitioner has drafted a Declaration of Easement and Restrictions document which regulates cross-access, ingress and egress easements, parking easements, maintenance of common areas, and other easements included on the plat of subdivision. The easements are referenced on the plat of subdivision. A similar variation request was granted for the South Elgin Crossing 2nd Resubdivision in 2018.

The various Village Departments and South Elgin and Countryside Fire Protection District have reviewed proposed plans and their respective comments have been incorporated into these drawings.

The Petitioner was represented by Jason Reibert PMAT, SEC LLC. 109 Northpark Blvd. Suite 300 Covington, LA 7033.

Mr. Reibert summarized the request. He reiterated that the proposed subdivision would enable flexibility with separate ownership structure to facilitate future investment and sale of the Lots within the subdivision. He added that this request was fulfilled previously and the tax assessor's office supported this change.

Chairman Carlson opened the hearing to comments and questions from the Planning and Zoning Commissioners.

Member Watson asked how the snow removal would be handled. Mr. Reibert stated that it is handled with easements with covenants and restrictions lease agreement.

Chairman Carlson opened the meeting up to public comments and questions. There was no public present, either in person or remotely, to provide testimony.

With no further discussion, Chairman Carlson entertained a motion to accept the Findings of Fact:

1. The proposed variation use will not endanger the health, safety, comfort, convenience and general welfare of the public.
2. The proposed variation compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.
3. The proposed variation alleviates an undue hardship created by the literal enforcement of this Ordinance.
4. The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.
5. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.
6. 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.

A motion was made by Member Tarka that the Planning and Zoning Commission accept the Findings of Fact as presented by the Petitioner, and was seconded by Vice-Chairman McClure. There was no further discussion of the motion. The vote was as follows:

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

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

With no further testimony, Chairman Carlson entertained a motion to close the public hearing.

A motion was made by Member Watson to close the public hearing, which was seconded by Vice-Chairman McClure. There was no further discussion of the motion. The vote was as follows:

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

The motion CARRIED (5-0-0-2). Chairman Carlson closed the public hearing at 7:32 p.m.

Member Tarka made a motion that the Planning and Zoning Commission recommend approval to the Village Board of petition CD 20-03 for a Major Subdivision and Variations for the South Elgin Commons 2nd Resubdivision located in the B-2 Community Business District. The motion was seconded by Member Watson. There was no further discussion of the motion. The vote was as follows:

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

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

3. CD 2020-04: 380 Production Drive – Special Use for Outdoor Storage – Stephen Kaczmarek, petitioner

Chairman Carlson opened the public hearing at 7:34 p.m.

Chairman Carlson verified that an affidavit or other satisfactory evidence regarding notification had been submitted, and Planner Blayney confirmed that proper notice had been given for this public hearing.

Planner Blayney explained that the Petitioner is seeking a recommendation of approval for a proposed outdoor storage area at 380 Production Drive. There is an existing 7,360 square foot building on the subject property, and the Petitioner is currently operating a light manufacturing use commonly known as BlendTech Industries, Inc. The proposed outdoor storage area would be an accessory use to BlendTech Industries, Inc.'s operations.

The UDO allows outdoor storage areas in the I-Industrial District as a special use. No additional variations or relief from the UDO are being requested. The Petitioner meets the outdoor storage and screening requirements per the UDO.

The various Village Departments and South Elgin and Countryside Fire Protection District have reviewed proposed plans and their respective comments have been incorporated into these drawings.

The Petitioner was represented by Stephen Kaczmarek 380 Production Drive South Elgin, IL.

Mr. Kaczmarek summarized the request and stated that they are seeking the additional storage for empty totes to be stored outside.

Chairman Carlson opened the hearing to comments and questions from the Planning and Zoning Commissioners.

Chairman Carlson asked what would be stored in the outdoor storage area. Mr. Kaczmarek explained that they would be storing totes that would be stacked two totes high. Member Tarka asked if they would be storing flammable materials in the totes. To which Mr. Kaczmarek replied that the totes stored outside would be empty. Member Metz asked if there are items stored inside the building that are flammable. Mr. Kaczmarek explained that the chemicals used in the business are water based, not chemical based. Member Tarka asked if the totes would be sealed to outdoor conditions. Mr. Kaczmarek explained that the drums are emptied, cleaned and the caps would seal the totes.

Member Watson asked how high the fencing would be. Mr. Kaczmarek replied the fence will be of wood and will be 8 feet in height with gate access. Planner Blayney added the proposed fence conforms with the UDO regulations.

Chairman Carlson asked if they would be modifying the parking lot area. Mr. Kaczmarek said no.

Member Tarka asked if the outdoor storage area surface will be of concrete. Mr. Kaczmarek replied the surface will be either concrete or asphalt. Planner Blayney replied the surface would be per Village Code, which is a hard, dust-free surface.

Chairman Carlson opened the meeting up to public comments and questions. There was no public present, either in person or remotely, to provide testimony.

With no further discussion, Chairman Carlson entertained a motion to accept the Findings of Fact:

1. The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.
2. The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.
3. The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.
4. The proposed special use will be provided with adequate utilities, access roads, drainage, and/or other necessary facilities.
5. The proposed special use is consistent with the intent of the elements of the Comprehensive Plan, this Unified Development Ordinance, and the other land use policies of the Village.

A motion was made by Member Watson that the Planning and Zoning Commission accept the Findings of Fact as presented by the Petitioner, and was seconded by Vice-Chairman McClure. There was no further discussion of the motion. The vote was as follows:

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

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

With no further testimony, Chairman Carlson entertained a motion to close the public hearing.

A motion was made by Member Metz to close the public hearing, which was seconded by Member Tarka. There was no further discussion of the motion. The vote was as follows:

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

The motion CARRIED (5-0-0-2). Chairman Carlson closed the public hearing at 7:48 p.m.

A motion made by Vice-Chairman McClure that the Planning and Zoning Commission recommend approval to the Village Board of petition CD 20-04 for a Special Use Permit for an outdoor storage use located at 380 Production Drive in the I Industrial District. The motion was seconded by Member Tarka. There was no further discussion of the motion. The vote was as follows:

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

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

4. CD 2020-06: 1190 E. Middle Street – Variation to Allow a Wall Sign to Erect Above the Top of the Wall – Zack Heidner (dba Ricky Rockets), petitioner.

Director Hill explained that the applicant failed to meet the legal requirements for notification of the public hearing. The public hearing will be heard at the next regularly scheduled Planning and Zoning Commission meeting on Wednesday, July 15, 2020 at 7:00 p.m. at the Village of South Elgin Public Services building, located at 1000 Bowes Road.

F. NEW BUSINESS

There was no new business.

G. PUBLIC COMMENT

No members of the public wished to address the Commission.

H. ADJOURNMENT

Having no further business, a motion was made by Member Watson to adjourn the regular meeting of the Planning and Zoning Commission and was seconded by Member Tarka. There was no further discussion of the motion. The vote was as follows:

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

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

Chairman Brian Carlson adjourned the meeting at 7:48 p.m.

Respectfully submitted,



Dione Stirmell
Recording Secretary