

**MINUTES OF A REGULAR MEETING OF THE
PLANNING & ZONING COMMISSION OF THE
VILLAGE OF SPRING GROVE
AUGUST 4, 2010**

Council Chambers, Spring Grove, Illinois, August 4, 2010; a Regular Meeting of the Planning and Zoning Commission was held this date at 6:05 p.m., at the Municipal Centre, 7401 Meyer Road.

Roll Call. Roll call vote showed the following commissioners to be present at the meeting: Chairperson Mike Gajewski and Commissioners Joe Broz Sr., Mike Bukolt, Ed Glavin, Bill Greenhill, Carla MacKey, and Lloyd Simonson - 7. Absent: None. Also present for the Village were Sandi Rusher, Village Clerk; Scott Puma, Village Attorney and Trent Turner, Building and Zoning Officer.

Approval of the June 2, 2010 Regular Minutes. Commissioner Greenhill moved, seconded by Commissioner MacKey to approve the minutes from the June 2, 2010 meeting. All ayes, motion carried.

Public Hearing – St. Peter’s Church of Spring Grove, an Illinois Religious Corporation, requesting a Special Use Permit to allow a cemetery at 2320 Main Street.

Swearing in of Petitioner. Frank Nash, Chairman of the Finance Council of St. Peter’s Church, was sworn in at the commencement of the hearing.

Presentation of Petitioner. Neil Anderson, attorney for the petitioner, presented the testimony of Mr. Nash. Mr. Nash testified the subject property is currently zoned E-1, Estate Residential One Acre Minimum, it has been owned by the church for over one year, located west of the church and is contiguous to the existing cemetery that has been there for over 100 years. The subject property would only be used as a cemetery and all local, state and federal laws will be complied with.

In support of the petition, Mr. Nash then affirmed the standards for the Special Use as found in the attached findings of fact. In addition, Mr. Nash testified the cemetery will not interfere with the development of a system of collector and larger streets and has direct access to a public thoroughfare. All graves or burial lots will be set back 30 ft. from the 8 ft. bike path easement along Main Street, 25 ft. from the east and west property line, as depicted in Exhibit A attached to the zoning petition. Vehicles enter the cemetery by using the existing private road, owned by the church, just east of the subject property. The private road wraps behind the subject property and vehicles exit on the west side of the subject property. The road is marked as a one-way road.

Questions by Planning and Zoning Commission. Chairperson Gajewski then opened the hearing up for questions by the Planning and Zoning Commissioners.



In response to the commission's inquiries, Mr. Nash stated the church purchased the subject property as part of its future planning even though there are still several hundred plots available in the existing cemetery. Mr. Nash could not comment when the graves would be dug because the subject property has not been plotted. Once plotted, sites would be sold to individuals. The maintenance of the subject property will be done by the church and there would not be a maintenance building on site.

Commissioner Simonson considered the cemetery a detriment to the property values to the adjoining property to the east, a two-flat apartment building. Mr. Nash responded the same building is already adjacent to the existing cemetery and the graves will be setback per the ordinance. Mr. Anderson and staff confirmed that they have heard no objections from the adjoining property owner.

Commissioner Bukolt suggested the petitioner provide the village with a dedicated right-of-way on Main Street.

Concern was voiced with the limited parking on the private road when burials occur especially with parking on Main Street prohibited. It has been the experience of those present that cars remain parked at the church with the funeral procession lead to the cemetery via the private walkway, through the adjoining property, and up the private driveway to the cemetery. Typically, the only cars parked on the private drive are people visiting the cemetery.

It was clarified that the contiguous property owner to the west of the subject property is St. Peter Church and the parcel adjacent to that is owned by Thelen Sand and Gravel and was not required to be given notice per the Zoning Ordinance because they are not a contiguous landowner. In response to a question from the commission, Mr. Anderson stated that it is hearsay that Thelen Sand and Gravel may donate the property west of the cemetery to the church to build another church in the future.

It was the consensus of the commission to require a landscape buffer along Main Street, within the 30 ft. setback, once the property is plotted.

Questions by Zoning Officer. Zoning Officer Turner stated he has not observed any parking issues at the cemetery while maintaining Thelen Park this summer.

Public Comment. *Chairperson Gajewski then opened the hearing up for comments by the public.* There was no one in the public who wished to speak on this petition.

Further Commission Discussion. The commission took a brief recess so Attorney Puma could research if the village's approval should be subject to the plotting of the cemetery. The commission recessed at 6:45 p.m. and reconvened at 6:54 p.m. Attorney Puma reviewed some of the statutory requirements relative to cemeteries with the Commission and found that the plotting of the cemetery does not require the village's approval.



With respect to the rear yard setback, the proposed cemetery and the existing cemetery would be treated as a single lot as it is under the same ownership so the rear yard setback is not applicable to the subject property.

Motion of Recommendation to Village Board. Commissioner MacKey moved, seconded by Commissioner Simonson to recommend the approval of the Special Use Permit for a cemetery subject to at the time of the platting of the cemetery a landscape plan shall be submitted subject to the Village Board's approval, depicting a landscape buffer along the frontage of the Subject Property on Main Street and all graves or burial lots shall be set back 30 ft. from the northerly line of the 8 ft. bike path easement along Main Street, 25 ft. from the east property line, and 25 ft. from the westerly limit of the other property currently owned by the Petitioner, as depicted in Exhibit A attached to the zoning petition. No setback shall be required to the rear of the Subject Property as the Subject Property is being used as a single use as a cemetery. Roll call vote: Ayes: Broz, Bukolt, Gajewski, Glavin, Greenhill, MacKey and Simonson – 7. Nays: None. Motion carried.

Public Hearing – 2222 Pierce Drive, LLC, a Delaware Corporation, as Owner, and Steve Mitchell and Patricia Rawls, as Tenants, requesting a Special Use Permit to allow a drive up window on the east side of 2207 Route 12, Unit A, a Variance to allow a reduction to the minimum aisle width between the buildings, and a Variance to allow the drive-thru facility to have a minimum of 3 aisle spaces with an average length of 13.517 feet per service window versus the required minimum of 5 spaces.

Swearing in of Petitioner. Steve Mitchell and Patricia Rawls were sworn in at the commencement of the hearing.

Presentation of Petitioner. Neil Anderson, attorney for the petitioners, presented the testimony of Mr. Mitchell. Mr. Mitchell is a village resident and he and his sister, Ms. Rawls, are opening up a restaurant called the Midwest Breakfast Company at 2207 Route 12, Unit A. The business would be similar to Egg Harbor and Panera Bread restaurants. The restaurant will be open from 5:30 a.m. – 2:30 p.m. and serve breakfast and lunch. A limited menu of beverages, readymade sandwiches and rolls would be served from the drive-thru. To get to the drive-thru when entering from Route 12, traffic would be directed to go east of the building and then between the two buildings. In addition, signs would be installed to direct traffic. The drive-thru menu board is located on the southeast corner of the building as depicted on Group Exhibit A attached to the zoning petition. Orders would be taken similar to other fast food restaurants through an electronic intercom system that will not interfere with adjacent properties. The building was built to accommodate a drive-thru window and there is a bypass lane so the drive-thru would not interfere with the flow of traffic.



The subject property is currently zoned B-2, General Business, as are the adjacent properties. The adjacent uses include a medical/professional building, health club and a multi tenant building. Other uses in the strip mall include a hair salon, investment company, insurance business, chiropractor and auto parts store.

With respect to parking, the subject property is improved with sufficient parking based on the existing and forthcoming businesses. The restaurant will feature seating for 59 patrons with 4 to 5 employees working per shift. Patrons would park in front of the building while employees park in the rear of the building. There will be no public entrance in the rear of the building but the door would be used for employees only. The landowner has agreed to install signs in the rear of the building announcing "employee parking".

In support of the petition, Mr. Mitchell then affirmed the standards for the Special Use and Variances as found in the attached findings of fact.

The testimony of Ms. Rawls then followed. Ms. Rawls owned and operated a restaurant in East Peoria for 7 years. It is their intent at this time to only serve breakfast and lunch but would like the option in the future to serve dinner. In Ms. Rawls' opinion, the flow of traffic from the restaurant would not affect the other businesses in the strip mall.

Questions by Planning and Zoning Commissioners. Chairperson Gajewski then opened the hearing up for questions by the Planning and Zoning Commissioners.

Even though the drive-thru is anticipated to be busy when other businesses are not operational in the morning, the commission still voiced concern on its effect on the flow of traffic in the parking lot. It was suggested to widen the blacktop along the eastern edge of the property between the two buildings and to have directional arrows on the pavement to help with the flow of traffic. Another concern expressed was pedestrians walking through the drive-thru lane to enter the restaurant.

In response to an inquiry from the commission, Mr. Mitchell replied that he has spoken with the other tenants in the strip mall. They did not have any objections to his business and welcome the business.

In response to an inquiry from the commission, staff stated the parking lot around the northern building is striped to accommodate 104 parking spaces. The restaurant requires 27 parking spaces and the businesses, forthcoming and existing, require 98 spaces. In absence of the owner, who is out of town, the commission wanted him to be aware that parking is limited based on existing and forthcoming businesses and any future business that requires additional parking spaces may be restricted.

Questions by Zoning Officer. Zoning Officer Turner stated 28 of the 104 parking space for the building at 2207 Route 12 are located in the rear of the building.



Public Comment. *Chairperson Gajewski then opened the hearing up for comments by the public.* There was no one in the public who wished to speak on this petition.

Further Board Discussion. It was the unanimously consensus of the commission that the business would be a welcomed addition to the community.

Motion of Recommendation to Village Board. Commissioner Simonson moved, seconded by Commissioner MacKey to recommend the approval of a Special Use Permit to allow a drive up window on the east side of 2207 Route 12, Unit A, a Variance to allow a reduction to the minimum aisle width between the buildings, and a Variance to allow the drive-thru facility to have a minimum of 3 aisle spaces with an average length of 13.517 feet per service window versus the required minimum of 5 spaces as depicted in Group Exhibit A attached to the zoning petition subject to the following conditions:

1. The volume for the communication box from the drive up facility to the main facility shall be set at a level so as not to disturb adjacent properties or uses.
2. The sign or menu board for the patrons of the drive up facility shall be in close proximity to the communication box and shall be placed in close proximity to the main facility, as shown in Exhibit A of the zoning petition.
3. Stacking spaces and lanes for drive up stations shall not impede on or off-site traffic movement, shall not cross or pass through off street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building, and shall generally be as shown in Exhibit A of the zoning petition.
4. The drive up facility shall provide a bypass lane with a minimum width of 10 feet, as shown in Exhibit A of the zoning petition. The drive up lane shall be striped, marked, or otherwise distinctly delineated.
5. The bypass lane immediately adjacent to the drive up lane shall maintain the same direction of traffic flow as the drive up and shall be striped or marked accordingly.
6. A "Do Not Enter" sign be installed at the east end of the parking lot to prevent vehicles from entering the drive up and bypass lanes.
7. A "Drive Thru" sign with an arrow be installed in the landscaped island along the west end of the parking lot directing drive thru traffic between the buildings.
8. The Owner be aware that parking is limited based existing and forthcoming businesses and any future business that requires additional parking spaces may be restricted.

Roll call vote: Ayes: Broz, Bukolt, Gajewski, Glavin, Greenhill, MacKey and Simonson – 7.
Nays: None. Motion carried.

Other Business. The Zoning Ordinance, that is subject of the Public Hearing on August 18th, was distributed to the commission. It was explained Appendix B, Uses Permitted by Zoning District, would be distributed at the hearing as the Village Board is still reviewing it.



There being no further business before the commission, Commissioner MacKey moved, seconded by Commissioner Broz to adjourn the meeting. All ayes, motion carried. Meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Sandi Rusher, Village Clerk



Findings of Fact
St. Peter's Church of Spring Grove, an Illinois Religious Corporation
Special Use Permit to allow a Cemetery at 2320 Main Street

In recommending the approval of the petition, the Planning and Zoning Commission finds that all of the following conditions apply:

- A. That the standards listed in the section covering the individual Special Use, cemetery, have been met.
- The site proposed for a cemetery will not interfere with the development of a system of collector and larger streets. The site has direct access to a public thoroughfare.
 - There is no burial building being proposed so setback standard for a burial building does not have to be met.
 - All graves or burial lots will be set back 30 ft. from the northerly line of the 8 ft. bike path easement along Main Street, 25 ft. from the east property line, and 25 ft. from the western limit of the property currently owned by the Petitioner, as depicted in Exhibit A attached to the zoning petition.
 - Adequate facilities have been provided on the site and at St. Peter's Church on Main Street as there will be no cemetery parking will be permitted on any public streets.
- B. The Special Use is compatible with the existing or planned future development of the area.
- C. The Special Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.
- D. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted.
- E. The Special Use will not diminish and impair property value within the neighborhood and any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of permitted uses in the zoning district have been appropriately controlled.
- F. Adequate utilities, access roads, drainage and other necessary facilities already exist.
- G. Adequate measures already exist to provide ingress and egress so designed as to minimize traffic congestion and hazards on the public streets.
- H. The Special Use will conform to the applicable regulations of the Village of Spring Grove Zoning Ordinance for the district in which it is located.
- I. The proposed Special Use is in harmony with any other elements of compatibility pertinent in the judgment of the Planning & Zoning Commission to the particular Special Use or its particular location.



Findings of Fact
2222 Pierce Drive, LLC, a Delaware Corporation, as Owner, and
Steve Mitchell and Patricia Rawls, as Tenants,
2207 Route 12 and 2222 Pierce Drive

In recommending the approval of the **Special Use Permit to allow a drive up window on the east side of 2207 Route 12, Unit A**, the Planning and Zoning Commission finds that all of the following conditions apply:

- A. That there are no standards listed in the section covering the individual Special Use.
- B. The Special Use is compatible with the existing or planned future development of the area.
- C. The Special Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.
- D. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted.
- E. The Special Use will not diminish and impair property value within the neighborhood and any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of permitted uses in the zoning district have been appropriately controlled.
- F. Adequate utilities, access roads, drainage and other necessary facilities already exist.
- G. Adequate measures already exist to provide ingress and egress so designed as to minimize traffic congestion and hazards on the public streets.
- H. The Special Use will conform to the applicable regulations of the Village of Spring Grove Zoning Ordinance for the district in which it is located.
- I. The proposed Special Use is in harmony with any other elements of compatibility pertinent in the judgment of the Planning & Zoning Commission to the particular Special Use or its particular location.

In recommending the approval of the **Variance to allow a reduction to the minimum aisle width between the buildings and the Variance to allow the drive-thru facility to have a minimum of 3 aisle spaces with an average length of 13.517 feet per service window versus the required minimum of 5 spaces**, the Planning and Zoning Commission finds that all of the following conditions apply:

- A. **Special Circumstances Not Found Elsewhere.** The special circumstances exist that are peculiar to this property is that it is improved with two (2) buildings that share parking facilities.
- B. **Circumstances Related to the Property Only.** Since the variances will affect the character of its surroundings long after the property changes hands, the special circumstances relate only to the physical character of the land for which the variance is sought.
- C. **Not Resulting from Applicant Action.** The special circumstances that are the basis for the variances have not resulted from any act of the applicant as the building was constructed to accommodate a drive-thru window and the buildings and parking lot are existing.



- D. **Unnecessary Hardship.** The denial of the variances would result in unnecessary and undue hardship upon the Petitioners.
- E. **Preserves Rights Conferred by District.** The variances are necessary for the Petitioners to preserve and enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to other properties in the district.
- F. **Necessary for Use of Property.** The granting of the variances are necessary not because it will increase the Petitioners' economic return, although it may have this effect, but because without the variances the Petitioner will be deprived of any reasonable use of the property.
- G. **Not Alter Local Character.** The granting of the variances will not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity as the number, maximum square footage, height and number of stories are necessary to accommodate horses and the storage of hay.
- H. **Consistent with Ordinance and Plan.** The granting of the variances will be in harmony with the general purpose and intent of this Ordinance and of the Comprehensive Plan of the Village, as viewed in light of any changed conditions since their adoption.
- I. **Minimum Variance Recommended.** The variances recommended by the Planning and Zoning Commission are the minimum required to provide the Petitioners' with reasonable use of the property.