

**MINUTES OF A REGULAR MEETING OF THE
PLANNING & ZONING COMMISSION OF THE
VILLAGE OF SPRING GROVE
JUNE 2, 2010**

Council Chambers, Spring Grove, Illinois, June 2, 2010; a Regular Meeting of the Planning and Zoning Commission was held this date at 6:02 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., Ed Glavin, Bill Greenhill, Carla MacKey, and Lloyd Simonson - 6. Absent: Commissioner Mike Bukolt - 1. Also present for the Village were Sandi Rusher, Village Clerk; Scott Puma, Village Attorney and Trent Turner, Building and Zoning Officer.

Approval of the January 6, 2010 Regular Minutes. Commissioner Simonson moved, seconded by Commissioner MacKey to approve the minutes from the January 6, 2010 meeting. On voice vote the motion carried.

Public Hearing – State Bank of the Lakes as Trustee under the Provisions of a Trust Agreement dated January 29, 2003 and known as Trust #2003-102 as Owner, and Daniel J. Chapman and Tami M. Chapman as Beneficiaries, and Robert and Jennifer Lembke as Tenants. The request is for a Special Use Permit to allow automotive/truck and industrial equipment maintenance and repair as well as outside storage of trucks, cranes and commercial equipment and vehicles on 7,800 sq. ft. as depicted in Exhibit A attached to the zoning petition. The subject property is located at 2500 Westward Drive.

Swearing in of Petitioner. Robert and Jennifer Lembke were sworn in at the commencement of the hearing.

Presentation of Petitioner. Neil Anderson, attorney for the petitioners, presented the testimony of Mr. Lembke. Mr. Lembke testified he is relocating his existing business on Mayo Court to 2500 Westward due to downsizing and economics. Mr. Lembke has operated Lembke Trucks, a repair facility that caters to construction contractors, for 8 years, the last 7 ½ in Spring Grove. Mr. Lembke currently has 6 employees but that number will be reduced when he relocates.

The property is currently zoned Industrial with a special use permit to allow the outside storage of commercial equipment, vehicle and business related supplies and inventories. Mr. Lembke's outside storage would be limited to 7,800 sq. ft. as depicted in Exhibit A of the zoning petition. The outside storage would be for 2 axle trucks, cranes and commercial equipment. Mr. Lembke works on average on 10-20 vehicles/equipment at one time. The vehicles and equipment would be stored outside while they are waiting for parts and on average there would be 4 vehicles and equipment for an average of 7 days. Construction equipment is generally not stored outside because they have a common key.



Mr. Lembke then identified the adjacent businesses. The building to the west, also owned by Mr. Chapman, is CMW Welding, the building to the north is vacant, the building to the east is Precision Trenching and the tenant in the same building but occupying the southern unit is RS Used Oil. The aforementioned businesses are customers of Mr. Lembke and either have commercial vehicles or equipment stored outside. Mr. Lembke added that he is also the owner of Genesis Auto Parts that is located on Route 12 in Spring Grove.

As for the standards for the Special Use Permit, the Petitioner testified there are no standards for outside storage, the Special Use Permit is compatible with the existing or planned future development, the Special Use Permit is not detrimental to or endangers the public health, safety, morals, comfort of the neighboring vicinity, the Special Use Permit is not injurious to the use and enjoyment of other property in the immediate vicinity, the Special Use Permit will not substantially diminish and impair property values and any adverse effects of noise, odor, dust, waste disposal not characteristic of permitted uses in the zoning district, adequate utilities, roads, drainage have been provided, adequate measures have been taken to provide ingress and egress to minimize traffic congestion, and the Special Use Permit conforms to the applicable regulations of the Zoning Ordinance.

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

In response to inquiries from the commissioners, Mr. Lembke confirmed he is not seeking long term outside storage explaining some vehicles and equipment could be worked on for a month but they won't be outside for a month but only while they are awaiting parts. The vehicles and equipment will be stored within their designated area. Typically, they are going in and out of the building throughout their servicing time. There is sufficient room inside the building to service truck mounted boom cranes as the tallest one worked on was 6 stories. The used oil is stored in a 270 gallon tank and picked up by RS Used Oil. Gas and diesel fuel is stored in 5 gallon containers and oil spills are cleaned up with oil dry. Mr. Lembke added there are no floor drains inside the building. Mr. Lembke is looking to start up his business on the subject property by the end of June.

In response to an inquiry from the commission, Clerk Rusher stated the village has not had any complaints with Mr. Lembke's current operation on Mayo Court.

The commissioners then focused their concern on the existing outside storage, proposed outside storage and unsightliness of the property. Specifically, the property needs to be mowed and the existing vehicles and equipment are not stored in a neat and orderly manner but scattered all over the existing properties.

Clerk Rusher explained that Mr. Chapman was not present because he was called out of state on business. Mr. Chapman wanted the commission to know that he is 90% cleaned up and the 3 trailers that are on site have been sold but are waiting to be picked up by the new owners.



Discussion then ensued regarding the conditions of the property's current special use permit that was issued in 2009 for the properties at 2500 and 2504 Westward Drive. In reviewing the special use permit ordinance, it was noted that there are provisions in the ordinance granted to Mr. Chapman only, which ceases upon the change of ownership or nature of the business and if the Village determines that additional screening of the outside storage is necessary, a six-foot wooden privacy fence shall be installed by petitioner in compliance with the then current Village Code within 6 months of notice by the Village to do so. It was the consensus of the commission that the village needs to notify Mr. Chapman that he has 6 months to install a six-foot wooden privacy fence and that the current special use permit will no longer be valid if Mr. Chapman no longer operates his welding business on the subject property. Mr. Chapman would then need to apply for a new special use permit for outside storage. Although the commission understands the past security issues of the site, they believe the addition of the fence would improve the aesthetics of the property when the public goes by. Should the fence not be installed within the required time, the Village Board could hold a hearing to revoke the special use permit.

Questions by Zoning Officer. Zoning Officer Turner is working with Clerk Rusher on creating a system to monitor special use permits to ensure compliance.

Public Comment. Chairperson Gajewski then opened the hearing up for comments by the public.

David Weisberg, adjoining property owner at 2414 Highview, voiced concern with the aesthetics of the property and outside storage as its unsightliness distracts from his property. Mr. Weisberg questioned what recourse the Village has if the petitioner does not follow the parameters of the Special Use Permit. It was explained the Village's Building and Zoning Officer would enforce the parameters of the Special Use Permit approved by the Village Board.

Further Board Discussion. The commission voiced no opposition to Mr. Lembke's business and wants to keep his repair business in town; their concern is with the aesthetics of the property owned by Mr. Chapman. After reviewing the staff recommended changes, the commission was in agreement to recommend the following stipulations to the Village Board.

- The outside storage of trucks, truck mounted boom cranes, and commercial equipment and vehicles be kept and stored in a neat and orderly condition and will be confined to the general vicinity as depicted in Exhibit B and remain in the same general area as testified to at the public hearing and in accordance with the exhibits and documents submitted by the Petitioners.
- The maximum number of commercial equipment and vehicles, including but not limited to trucks, truck mounted boom cranes, stored upon the Subject Property at any given time shall be five (5). None of the aforementioned commercial equipment and vehicles shall be stored outside for more than seven (7) consecutive nights.
- All trucks, truck mounted boom cranes, and commercial equipment and vehicles stored/parked outside shall have current and valid registration, if appropriate.
- All work shall be performed inside the building, unless required due to specific circumstances.



- All unrelated equipment, vehicles and business related supplies and inventories not specific to the Special Use Permit are prohibited.
- The Special Use Permit is limited to 2500 Westward Drive and the area depicted in Exhibit B.
- The Special Use Permit shall cease upon change in ownership, tenancy or use of the Subject Property.
- The Special Use Permit shall be reviewed annually by the Building and Zoning Officer for compliance with the stipulations set forth in the Special Use Permit and all applicable Village Ordinances or more frequently if safety or other issues arise.

Motion of Recommendation to Village Board. Commissioner Broz moved, seconded by Commissioner Greenhill to recommend the approval of the special use permit at 2500 Westward Drive to allow automotive/truck and industrial equipment maintenance and repair as well as outside storage of trucks, truck mounted or boom cranes and commercial equipment and vehicles on 7,800 sq. ft. as depicted in Exhibit A attached to the zoning petition subject to the following conditions:

- The outside storage of trucks, truck mounted boom cranes, and commercial equipment and vehicles be kept and stored in a neat and orderly condition and will be confined to the general vicinity as depicted in Exhibit B and remain in the same general area as testified to at the public hearing and in accordance with the exhibits and documents submitted by the Petitioners.
- The maximum number of commercial equipment and vehicles, including but not limited to trucks, truck mounted boom cranes, stored upon the Subject Property at any given time shall be five (5). None of the aforementioned commercial equipment and vehicles shall be stored outside for more than seven (7) consecutive nights.
- All trucks, truck mounted boom cranes, and commercial equipment and vehicles stored/parked outside shall have current and valid registration, if appropriate.
- All work shall be performed inside the building, unless required due to specific circumstances.
- All unrelated equipment, vehicles and business related supplies and inventories not specific to the Special Use Permit are prohibited.
- The Special Use Permit is limited to 2500 Westward Drive and the area depicted in Exhibit B.
- The Special Use Permit shall cease upon change in ownership, tenancy or use of the Subject Property.
- The Special Use Permit shall be reviewed annually by the Building and Zoning Officer for compliance with the stipulations set forth in the Special Use Permit and all applicable Village Ordinances or more frequently if safety or other issues arise.

Roll call vote: Ayes: Broz, Gajewski, Glavin, Greenhill, MacKey and Simons – 6. Nays: None. Absent: Bukolt – 1. Motion carried.

Other Business. None.



There being no further business before the commission, Commissioner Simonson moved, seconded by Commissioner MacKey to adjourn the meeting. On voice vote, motion carried. Meeting was adjourned at 7:29 p.m.

Respectfully submitted,

Sandi Rusher, Village Clerk



**Findings of Fact – Special Use Permit for
State Bank of the Lakes as Trustee under the Provisions of a Trust Agreement dated January
29, 2003 and known as Trust #2003-102 as Owner,
and Daniel J. Chapman and Tami M. Chapman as Beneficiaries,
and Robert and Jennifer Lembke as Tenants**

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

Special Use Permit to allow for Outside Storage

- 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.