Village of Spring Grove
Plan and Zoning Commission
Meeting Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes – October 19, 2016
4. Motion to Adopt the Findings of Fact for 2807 Route 12 zoning application
5. Public Hearing – 9300 Champion Court - A variance to reduce the minimum frontage on a cul-de-sac from 75 ft. to 36 ft. for Lot 1, 44 ft. for Lot 2, and 60 ft. for Lot 3 in the proposed Williams’ Oak Subdivision
   A. Swearing in of Petitioner
   B. Presentation by Petitioner
   C. Questions by Planning & Zoning Commission
   D. Questions by Zoning Officer
   E. Public Comment
   F. Further Commission Discussion
   G. Motion to Adopt the Findings of Fact
   H. Motion of Recommendation to Village Board

5. Tentative and Final Plat for the Williams’ Oak Subdivision
   A. Developer Presentation
   B. Consultant and Staff Comments and Recommendations
      1. Engineer
      2. Attorney
      3. Building & Zoning
      4. Police Department
      5. Fire Department
   C. Questions by the Planning and Zoning Commission
   D. Public Comment
   E. Further Commission Discussion
   F. Motion of Recommendation to the Village Board

6. Public Comment
7. Other Business
8. Adjournment

Posted: December 2, 2016 at 3:00 p.m.
COUNCIL CHAMBERS, SPRING GROVE, ILLINOIS, DECEMBER 7, 2016

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, Bill Greenhill, Del Houghton, Mike Lee (arrived at 6:16 p.m.) and Paul Tierney – 7. Absent: None. Also present for the Village was Sandi Rusher, Village Clerk; Trent Turner, Building and Zoning Officer; Scott Puma, Village Attorney; and Steve Bicking, Village Engineer.

APPROVAL OF THE OCTOBER 19, 2016 MINUTES. Commissioner Tierney moved, seconded by Commissioner Broz to approve the minutes as presented. On voice vote, the motion carried, with Commissioner Bukolt abstaining.

MOTION TO ADOPT THE FINDINGS OF FACT FOR 2807 ROUTE 12 ZONING APPLICATION. Commissioner Tierney moved, seconded by Commissioner Houghton to adopt the Findings of Fact as presented. On voice vote, the motion carried.

PUBLIC HEARING – 9300 CHAMPION COURT – A variance to reduce the minimum frontage on a cul-de-sac from 75 ft. to 36 ft. for Lot 1, 44 ft. for Lot 2 and 60 ft. for Lot 3 in the proposed Williams’ Oak Subdivision.

SWEARING IN OF PETITIONER. Dave and Diane Williams, owners of the property, were sworn in at the commencement of the hearing.

PRESENTATION OF PETITIONER. The Williams own 13 plus acres between Champion and Carmel Courts. They would like to subdivide it into 3 parcels ranging from 3 - 5 acres with no intent of connecting the two streets. Lots 1 and 2 would have ingress and egress off Champion Court from the existing driveway and Lot 3 would have a driveway off Carmel Court. The existing single family home would sit on 3 acres and be known as Lot 1. Proposed Lot 2 has the existing accessory building on 5.7 acres, where they would build a house in front of it. Proposed Lot 3 is currently vacant and is 5 acres. The property is very unique as there are not many 13 acre plus lots within the village that don’t have the required road frontage abutting a cul-de-sac. They do not intend to extend the road to connect the two streets as it would make the project not fiscally feasible.

QUESTIONS BY PLANNING AND ZONING COMMISSIONERS. In response to questions from the commission, the Williams stated they were told the property was unbuildable when they purchased it from the Winn Family but have since done soil suitability tests and found it could be buildable and have decided to subdivide. They would like to subdivide because they want to downsize as their 3 children have either moved out or will be moving out soon.
The property does not have delineated wetlands according to GIS but the low lying area that runs through the middle of the property is wet. A home could be built on Lot 3 because the land near Carmel Court is high and dry according to the survey.

*It was noted Commissioner Lee arrived at 6:16 p.m.*

The homeowners off Champion Court would not see anything different as the existing driveway would be used as ingress and egress for Lots 1 and 2. Homeowners off Carmel Court will notice trees removed for the driveway and may see the home when the leaves fall off the trees.

A driveway to access Lot 3 off Champion Court that would run across Lot 2 was not looked into because it would also require a variance and would create a very long driveway for the homeowners as well as the police and fire departments. Access off Carmel Court would be the easiest and shortest to access the property.

When asked to explain their hardship, the Williams’ explained they could not afford to keep the property as is let alone sell it, they decided to subdivide and construct a smaller home in front of the accessory building on Lot 2. They have tried to sell the property as is but could not find a buyer for a home and accessory building on 13 acres. They have a contract on their home that would sit on 3 acres, should the variances and Plat of Subdivision be approved. The subdividing of the property would also give the village 2 more homes than it has now.

Commissioner Bukolt suggested by extending Carmel and Champion Courts into the property and dedicating the necessary rights-of-way to the village would eliminate the need for the variances for the minimum frontage.

Ms. Williams noted the contiguous property owners were notified of the hearing by certified mail and some misinformation was distributed to the homeowners on the south side of their property and it wasn’t distributed by them.

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

Rich Pauli, resident at 9114 Carmel Court, read a prepared letter and is attached herein as Exhibit 1.

Richard Kurowski, adjoining property owner and resident at 9118 Carmel Court, read a prepared letter and is attached herein as Exhibit 2.

Ron Erdmann, adjoining property owner and resident at 9119 Carmel Court, read a prepared letter and is attached herein as Exhibit 3. Dr. Erdmann stated he and Mr. Kurowski put together the information and distributed the information Mrs. Williams spoke of and that it did contain factual information because it contained minutes. He further voiced concern with the commission working with Williams to circumvent the Zoning Ordinance at the cost of the residents.

Carla MacKey, resident 8919 Tahoe Lane, voiced the same concerns as those before her and would like to see documentation that there are no wetlands on the property.
Brian Hoskins, resident of 9113 Carmel Court, expressed concern with the property values should the variance be granted and with the Williams’ changing things.

In response to comments from the public, the Williams’ stated they are not looking to lower property values and don’t see how building one house off Carmel Court would decrease property values when it is on 5 acres. Zoning Officer Turner added that he has reviewed the covenants for the Oak Valley Estates subdivisions and the housing standards in place now are higher than those in the covenants.

With regard to the wetland comment, Mrs. Williams stated the Army Corp of Engineers is not involved because it is not a documented wetland. Zoning Officer Turner added the wet area is not be disturbed because if it was it would affect the water flow and draining of the property.

As for the snow removal issue, this has not been an issue for them on Champion Court and there will still be plenty of room on Carmel Court to push the snow even with the one additional driveway. Mr. Kurowski replied that Carmel Court is longer than Champion Court and snow will continue to be deposited on the temporary cul-de-sac that is located on his property.

Mr. Kurowski added that if a road goes through then the temporary cul-de-sac would no longer be necessary and should be removed. He added that he hasn’t been able to use this portion of his property since he bought it because it has a temporary cul-de-sac on it. Mr. Paull then cited Section 1618.2.C of the Subdivision Control Ordinance that states “It shall be the responsibility of the developer of the adjoining property to make the connection with and remove the temporary turnaround and make all required restorations and improvements to the affected area including but not limited to curb line extensions, stormwater control, grading and seeding.” Mrs. Williams stated they received no information when they purchased the property that states a road was supposed to go through their property to connect the 2 cul-de-sacs. She added that if the variance is not granted for Lot 2, then nothing will change and the cul-de-sac would remain on Mr. Kurowski’s property.

With regard to change, Ms. Williams stated change happens and it is not always bad. They are not asking for something out of the ordinary. Commissioner Broz and Chairperson Gajewski further added the commission is here because people want a change to something allowed outside the scope of what is in the current ordinances. It is their task to hear those applicants seeking a deviation from the Zoning and/or Subdivision Ordinances and make a recommendation.

Further Board Discussion. In response to an inquiry to explain the loss of land on Carmel Court, Attorney Puma stated he would need to review the Plat of Subdivision for Oak Valley Estates Unit 4 to see if the cul-de-sac would remain should the road not go through. It was noted a temporary cul-de-sac at the end of Carmel Court was needed at the time of development for a turnaround for public safety, school buses and garbage trucks.

Commissioners Greenhill, Houghton and Tierney agreed with Commissioner Bukolt’s suggestion to extend Carmel and Champion Courts into the property and dedicate the necessary rights-of-way to the village to eliminate the need for the variances for the minimum frontage. It was further suggested
that Mr. Kurowski would also be able to sell the vacant lot to the north of his residence as well should he dedicate the necessary right-of-way.

Engineer Bicking stated that if a road is built on the property a wetland delineation would be needed to determine if the property is buildable and septic suitable.

Mrs. Williams stated the McHenry County Health Department has been consulted with and are awaiting for the village’s approval.

**Motion to Adopt the Findings of Fact.** No motion was made.

**Motion of Recommendation to Village Board.**
Commissioner Broz moved, to recommend the approval of the variances as requested. The motion failed due to the lack of a second.

Commissioner Bukolt moved, seconded by Commissioner Tierney to recommend the denial of the variances as requested because the property could be subdivided to meet the zoning requirements using the road right-of-way for the frontage needed. Roll call vote: Ayes: Broz, Bukolt, Gajewski, Greenhill, Houghton, Lee and Tierney – 7. Nays: None. Motion carried.

**Tentative and Final Plat for the Williams’ Oak Subdivision.** As previously discussed, the Tentative and Final Plats will be revised to reflect the dedication of 75 ft. of right of way at the end of Champion and Carmel Courts. It was also suggested to move the cul-de-sac on Carmel Court onto Lot 3 so the adjoining property owner to the east could potentially sell his landlocked parcel. It was noted the moving would require more engineering and not be cost effective.

After some discussion, Commissioner Lee moved, seconded by Commissioner Broz to continue the review of the Tentative and Final Plat until January 4, 2017 at 6:00 pm. On voice vote, the motion carried.

**Public Comment.** Chairperson Gajewski then opened the meeting up for comment by the public.

Carla MacKey inquired how much it would cost to connect Carmel Court to Champion Court. Engineer Bicking estimated it would be a minimum of $300,000.

Rich Kurowski inquired how much it would cost to remove the temporary cul-de-sac on Carmel Court. Engineer Bicking estimated it would be $60,000. Mr. Kurowski inquired what would happen to the temporary cul-de-sac on Carmel Court with the revision to the Plat. Commissioner Bukolt explained the cul-de-sacs on Carmel Court and Champion Court would remain as the Williams’ would dedicate 75 ft. of public right-of-way to the village on their property, which essentially is extending the road, to achieve the 75 ft. frontage required. The rights-of-way would continue to be maintained by the property owners though.
Other Business. Commissioner Houghton has resigned from the commission as he is moving out of the village. He was thanked for his time and dedication to the village as a trustee and commissioner on the Architectural Review and Planning and Zoning Commissions.

There being no further business, Commissioner Houghton moved, seconded by Commissioner Broz to adjourn the meeting at 7:32 p.m. On voice vote, the motion carried.

Respectfully submitted,

[Signature]

Sandi Rusher, Village Clerk
Exhibit 1

For the record my name is Richard Paul, I reside at 9114 Carmel Court

I am here tonight as I feel I am uniquely qualified to comment on this matter as this is a similar situation that I was party to in the early 1990s.

I purchased Lot 59 Oak Valley Estates (OVE) unit 2 in September 1991 from William Mclaughlin and Kim Meier. The parcel was the last lot on the east side of Carmel Ct. which at that time dead ended at the unsubdivided 12 acre parcel also owned by Mr. Mclaughlin. As per the village subdivision ordinance a 70’ radius “Temporary Turn Around” easement (TTE) with paved cul-de-sac was installed to facilitate traffic flow and is clearly denoted on my plat of survey.

In 1991/1992 Mr. Mclaughlin went thru the process of subdividing the 12 acre vacant parcel which ultimately would become OVE unit 4. At the time I was finalizing plans for my residence and was engaged in many conversations with the then building inspector, Ed Kalasa. I asked Mr. Kalasa what would happen to TTE easement that was taking up a large portion of my front yard as well as a portion of Lot 60 immediately across the street. Mr. Kalasa indicated that the Spring Grove subdivision ordinance clearly provides for this situation and the Mclaughlin subdivision would need to be approved by the zoning board. If I had concerns I should attend the zoning board meeting.

I attended the meeting where I met Robert Krause the engineer from Northpoint Engineering who was retained by Mr. McLaughlin. Mr. Krause addressed my concerns by giving me a planned plat of subdivision for OVE unit 4 clearly showing that the TTE on my property was to be removed per the Spring Grove subdivision ordinance developer’s responsibilities.

I am pleased to report that is exactly what occurred when OVE unit 4 was developed and I have full use of my property.

Let’s fast forward to tonight. Mr. Kurowski has a TTE on his parcel but unlike mine the entire cul-de-sac is on his property. “Temporary Turn Around” – the key word here is Temporary as the land under the asphalt is still Mr. Kurowski’s and was not dedicated to the Village of Spring Grove per the subdivision ordinance.

I consider myself a libertarian so I am not here to restrict the Williams’ from using their property as they see fit, but the Spring Grove subdivision ordinance is very clear as to the continuing of streets and the removal and restoration of TTEs. I would like to point out that if the zoning board approves the Williams’ request for access to Carmel Ct. rather than moving the cul-de-sac into the Williams Oaks subdivision as specified in the ordinance, the TTE on Mr Kurowski’s property will no longer be “Temporary” and Mr. Kurowski will lose the use of his property permanently to the Village of Spring Grove as a roadway.

In conclusion I ask the board to consider the ramifications, if this variance is approved, of what would essentially be the taking of land by the Village of Spring Grove to the benefit of a developer at the expense of Spring Grove property owner. Thank you.
1617.5 Flood Hazard Area. If any portion of a lot falls within the boundaries of a Flood Hazard Area, as identified by the Zoning Ordinance or other duly adopted maps or ordinances, or if a portion of a lot is traversed by an intermittent stream and/or waterway, that portion of such lot shall be protected by a drainage easement and shall be excluded from the buildable area of the lot. When this situation results in the separation of the buildable area of a lot from the road to which it has access, provisions shall be made for the installation of an adequate drainage structure, and its construction shall be provided for as a condition of plat approval.

1617.6 Critical Soils. If any portion of a lot falls within the boundaries of critical soils as identified by the Soil Standards Manual for Waste Disposal Systems, that portion of such lot shall be designated as restricted for use of septic systems unless evidence can be produced to demonstrate that the soils can be managed by appropriate common engineering practices which would render the soils suitable. Soils removal and replacement and the use of curtain drains are not generally considered a suitable management practice.

1618 Blocks

1618.1 Length of Continuous Streets and Roads. The length of uninterrupted continuous streets or roads shall be determined with due regard for the following:

A. Needs for convenient access and circulation of emergency vehicles and the general public with due regard to the safety of vehicular and pedestrian traffic.

B. Limitations and capabilities of topography, soils, drainage and other natural features.

C. The density of the proposed development. The following distances between intersecting roads are generally recommended.

<table>
<thead>
<tr>
<th>Lot Size in Development</th>
<th>Maximum Distance between Intersecting Roads</th>
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<tbody>
<tr>
<td>5 acre</td>
<td>2000 ft.</td>
</tr>
<tr>
<td>3 acre</td>
<td>1500 ft.</td>
</tr>
<tr>
<td>2 acre</td>
<td>1250 ft.</td>
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<tr>
<td>1 acre</td>
<td>1250 ft.</td>
</tr>
<tr>
<td>Less than 1 acre</td>
<td>1000 ft.</td>
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</tbody>
</table>

1618.2 Continuing Streets. Provisions shall be made for future access to adjacent properties and direct connection with the principal existing streets in adjoining subdivisions.
A. Future access streets shall be designed and constructed to allow for emergency, snowplow and refuse pickup vehicles and school buses to be able to efficiently complete a turn around.

B. Curb lines shall taper down and terminate at the point where the turn around begins to radius out.

C. It shall be the responsibility of the developer of the adjoining property to make the connection with and remove the temporary turn around and make all required restoration and improvements to the effected area including but not limited to curb line extension, stormwater control, grading and seeding.

1618.3 **Number of Cul-de-sacs.** Since cul-de-sacs are difficult and expensive to maintain, their use should be minimized.

1618.4 **Cul-de-sac Fee.** The Village Board has found and determined that cul-de-sacs are more difficult and more costly to maintain than regular roads. As such, the developer or owner of a new subdivision which includes a cul-de-sac shall pay the Village a cul-de-sac fee of $30,000.00 for each cul-de-sac payable at the time the first final plat of the subdivision is approved by the Village Board where a cul-de-sac will be constructed. 

(Revised Ord. No. 2009-08)

1618.5 **Cul-de-sac Length.** The maximum length for a cul-de-sac shall be 600 ft. as measured from the center line of the intersection at the original street to the center of the cul-de-sac circle. However, if the length of a cul-de-sac exceeds 600 feet due to site constraints, turn around areas for fire trucks and garbage trucks shall be located every 600 feet along the entire length of the cul-de-sac. Additionally, provisions shall be made to ensure that fire trucks and garbage trucks are able to turn around at the end of the cul-de-sac.

1619 **Road Dedication**

1619.1 **Right-of-Way Width.** All roads created by a subdivision shall be shown on the plat as dedicated for public use. Rights-of-way shall be not less than 60 ft. wide. A greater width may be required if deemed necessary by the Planning and Zoning Commission or Village Engineer.

1619.2 **Return Radii at Intersections and Corner Lots.** Return radii at all intersections shall be a minimum of 40 ft. Corner lots shall have radii such that the distance from the edge of the pavement to the right-of-way line is approximately 20 ft.
To: Zoning Board               Date 12/07/2016

My name is Richard Kurowski, and I live at 9118 Carmel Court, Spring Grove, IL 60081.

I am here as a concerned citizen of the developing community of Spring Grove. We have numerous subdivision plans, zoning restrictions, and ordinances to follow in the village to maintain our long-term plan. I am here to ask that we keep our plans on-course as defined in the past, for residents' good and the good of the village.

The Williamses, as developers, are asking for another variance from these defined plans. As you know, they are asking for a driveway from Oak Valley Estates on Carmel Ct to their NEW subdivision. This access should be a road from Carmel Ct to Champion Ct, not a driveway, which is documented in the current survey. The road and all the services to the new subdivision is the responsibility of the developer. My temporary cul-de-sac should be removed and returned to me in its natural state for my use.

I have documented these concerns to the village and here are some of the highlights:

1) We were told there would be no additional homes in the cul-de-sac by a village official when purchasing the property.

2) In 2001, the Williamses and I knew the property being purchased from the Winn family had no driveway access from Carmel Ct. Diane Williams confirmed at the village meeting in January 2004.

3) With the winter being upon us, if the drive is added all the snow from northbound Carmel would be put on my front lawn. This is an issue now, which will be made worse without the current easement on the Williams’ property.

4) I'm the owner of the cul-de-sac at the north end of Carmel. If a drive is put in, my temporary easement will be transformed into a permanent easement.

I am here to ask not to change the zoning for the Williamses at the expense of the Erdmanns and myself. Thank you for listening to my concerns.
Exhibit 3

Dr. Ronald S. Erdmann  
9119 Carmel Court  
Spring Grove, Ill. 60081  
Ronerdmann5@gmail.com

TO: Spring Grove Village Planning and Zoning Committee; Spring Grove Village Trustees  
RE: Request to deny Williams request for a zoning variance to reduce the minimum Frontage on a cul-de-sac from 75 feet to 36 feet for Lot 1 and 60 feet for lot 2. Also request that this memorandum be placed in meeting minutes.  
FR: Ron and Jan Erdmann, 9119 Carmel Court, Spring Grove; 16 year residents of 9119 Carmel  
DT: December 7, 2016

Williams' developers are seeking a variance from the Village of Spring Grove so they can have driveway egress/ingress to Carmel Court because they do not have the requisite frontage footage. Both Kurowski (9118) and Erdmann (9119) did extensive research prior to purchasing their homes, and were assured by Village Officials and Ordinances that there could not be any driveways on the North perimeter of the cul-de-sac. Williams developers knew when they purchased their property that they did not have driveway access onto Carmel----Mrs. Williams acknowledged this: refer to Jan. 7, 2004 Board of Appeals hearing. On several occasions, Kurowski and Erdmann were approached by Williams' asking them if they would be interested in selling them some property for a driveway onto Carmel. Kurowski and Erdmann always declined. Now, some things have changed. Williams have rented their Spring Grove residence, moved to Richmond, and want to enhance the value of their property for development and or resale by obtaining driveway egress/ingress to Carmel. Village Ordinances are established to protect property owners, and we feel it is responsibility of the Village of Spring Grove to protect Spring Grove residents from encroachments by developers.

THERE IS NO VALID REASON TO GRANT THIS VARIANCE OTHER THAN TO INCREASE THE VALUE OF DEVELOPER WILLIAMS PROPERTY FOR SALE/DEVELOPMENT TO THE DETRIMENT OF LONG TERM RESIDENTS. WE ARE REQUESTING THAT THE SPRING GROVE PLANNING AND ZONING COMMISSION AND THE SPRING GROVE VILLAGE BOARD PUT RESIDENT INTERESTS ABOVE DEVELOPER INTERESTS BY DENYING THIS VARIANCE REQUEST.