1. Call to Order
2. Roll Call
3. Approval of Minutes – March 6, 2019
4. Public Hearing – Lot 2 in the Jade Creek Canyon Subdivision – A map amendment to rezone the property from R-1 to E-5 and a variance
   A. Swearing in of Petitioner
   B. Presentation by Petitioner
   C. Planning & Zoning Commission Comments
   D. Zoning Officer Comments
   E. Public Comment
   F. Further Commission Discussion
   G. Motion to Adopt the Findings of Fact
   H. Motion of Recommendation to Village Board
5. Consideration of a Request for Tentative and Final Plats of Subdivision - Jade Creek Canyon
   A. Developer Presentation
   B. Engineer Comments
   C. Attorney Comments
   D. Building and Zoning Officer Comments
   E. Fire Department Comments
   F. Planning & Zoning Commission Comments
   G. Public Comment
   H. Further Commission Discussion
   I. Motion of Recommendation to Village Board
6. Public Comment
7. Other Business
8. Adjournment

Posted: March 29, 2019 at 4:00 p.m.
MINUTES OF A REGULAR MEETING OF THE
PLANNING & ZONING COMMISSION OF THE
VILLAGE OF SPRING GROVE
APRIL 3, 2019

Council Chambers, Spring Grove, Illinois, April 3, 2019; a Regular Meeting of the Planning and Zoning
Commission was held this date at 6:00 p.m., at the Municipal Centre, 7401 Meyer Road; Chairperson
Gajewski presiding.

Roll Call. Roll call vote showed the following commissioners to be present at the meeting: Chairperson
Mike Gajewski and Commissioners Mike Bukolt, Bill Greenhill, Mike Lee, Ted Trzaskowski and Trent
Turner - 6. Absent: Commissioner Paul Tierney - 1. Also present for the Village were Bob Walczak,
Building and Zoning Officer; Scott Puma, Village Attorney; Steve Bicking, Village Engineer; and Sandi
Rusher, Village Clerk.

Approval of the March 6, 2019 Minutes. Commissioner Greenhill moved, seconded by Commissioner
Bukolt to approve the minutes as presented. On voice vote, the motion carried.

Public Hearing – Lot 2 in the Jade Creek Canyon Subdivision – a map amendment to rezone the
property from R-1 to E-5 with a variance.

Swearing in of Petitioner. Kristopher and Shawnee Doherty, owners of the property, and their engineer
Al Schmitt, were sworn in at the commencement of the hearing.

Presentation of Petitioner. Neil Anderson, attorney for the petitioners, introduced the zoning application
that requested the rezoning of Lot 2 in the proposed Jade Creek Canyon subdivision from E-1 to E-5 with
a variance to permit an accessory building that is 32 ft. in height instead of the allowed 20 ft. and 6,500
instead of the allowed 1,200 sq. ft.

The testimony of Mr. and Mrs. Doherty followed. They affirmed the contents of the application are true
and accurate as well as the zoning standards for the map amendment and variance. They are in the process
of subdividing the 35-acre heavily wooded parcel into 2 parcels on Meyer Road just south of the Municipal
Centre. Lot 1 is comprised of 5 acres, has the original house that is being remodeled and will remain at the
R-1 zoning. They will retain ownership of the house and their older children will live in it. Lot 2 is 29.97
acres and heavily wooded. They would like to construct a single-family home and an accessory building.

The accessory building would be located in the southwest corner of the property where the land is flat as
indicated on the Site Plan attached to the application and would not be seen from adjacent properties. The
building would be used for non-commercial uses, to store and act as private storage for their outdoor vehicles,
camper, possible boat and equipment necessary to maintain the property. In addition, it would house an
indoor trampoline. One of their children is in a competitive trampoline program with aspirations to be an
Olympian and the height of the building would allow her to practice inside the building. The trampoline
would be for their own private use and not for other competitors and would not be used for commercial
operation.

The Dohertys own a plumbing company in the village and it is not their intent to move it to their property
as they want to keep their home and business separate. They willingly agreed to the stipulation that they
cannot use the property for business purposes or storage. They also agreed to comply with all codes.
Questions by Planning and Zoning Commissioners. Commissioner Trzaskowski supported the variance as the Staff Report indicated variances have been granted for larger accessory buildings on larger parcels of land. He referenced the email recommendations from Fire Chief Rich Tobiasz, labeled as Exhibit A, and inquired if the petitioners are willing and able to comply with the comments. Mr. & Mrs. Doherty replied they have no problems complying with the comments as the safety of their children is their utmost concern. The recommendations included:

- The driveway and access to the accessory building be sufficiently wide and constructed to withstand the weight of the pumper tanker.
- A turnaround near the accessory building.
- Given the accessory building would be more than 1,000 feet from Meyer Road, two markers be placed, one at the road, red, with the address, and one, also in red, with 1,000 feet on it placed 1,000 feet from the accessory building.
- A fire detection/alarm system and carbon monoxide detector be installed in the accessory building given its location and use for both vehicles and athletics.
- Given the land is heavily wooded, a reasonable buffer zone be provided around the accessory building so the department has access to all sides of it.
- The accessory building not be used for business uses.

In response to Commissioner Lee's question about access to the accessory building, the driveway would be paved and culverts would be installed because of the property's terrain, both of which would be able to support a fire truck but not built to village road standards. Mr. Schmitt added soil borings of the property show gravel under it. After some discussion, it was the consensus to seek clarification from the fire chief as to the width and thickness of the access driveway.

A discussion ensued regarding the location of the driveways. Lots 1 and 2 will share a driveway off Meyer Road that will be located towards the lower half of the hill. The location has been reviewed and approved by the Village Engineer. The driveways will then “Y” off inside Lot 2. The existing driveway on Lot 1 will be used for emergency purposes as they don't want their children using it for safety reason. Mrs. Doherty mentioned putting a gate across the existing driveway and a lock box for emergency personnel. The plats will be revised to show the shared driveway and a note added that the cross access is terminated or a cross-access easement be granted upon change of ownership because the owners cannot grant an easement to themselves.

Chairperson Gajewski questioned why the rezoning of Lot 1 from R-1 to E-5 was not sought. His concern is that by leaving it as R-1 would lead to the future subdividing of the 5 acre parcel. His preference would be to zone it E-5. Attorney Anderson stated the side yard setback in E-5 is greater than in R-1, which would be detrimental to his clients. The existing house on Lot 1 is 38 feet from the northern side yard, which would require a variance because the allowed setback is 40 feet. In addition, the proposed location of the house on Lot 2 is the only buildable area due to the property's topography. After much discussion, the Dohertys were agreeable with the commission's recommendation to rezone Lot 1 to E-5, Estate Residential 5 acre minimum, with a variance to reduce the northern side yard setback from 40 feet to 20 feet.

Questions by Zoning Officer. In response to Zoning Officer Walczak's inquiry, Mr. Doherty stated they have no future plans to subdivide Lot 1. Zoning Officer Walczak recommended a motion for approval include the staff recommendations and the property be review annually for compliance.
Public Comment. Chairperson Gajewski then opened the hearing up for comments by the public. Public Comment was closed as no one from the public wished to speak.

Further Board Discussion. In response to an inquiry from Commissioner Bukolt, Mr. Doherty stated the accessory building would have electric, water and be connected to their septic system or have its own septic system. The electric line to the building would be buried and not overhead.

Motion to Adopt the Findings of Fact. Commissioner Turner moved, seconded by Commissioner Greenhill to adopt the Findings of Fact as presented. On voice vote, the motion carried.

Motion of Recommendation to Village Board. Commissioner Lee moved, seconded by Commissioner Turner to recommend the rezoning of Lots 1 and 2 in the proposed Jade Creek Canyon subdivision to E-5, Estate Residential 5 acre minimum, with a variance on Lot 1 to reduce the northern side yard setback from 40 ft to 20 feet and a variance on Lot 2 to permit an accessory building that is 32 ft. in height instead of the allowed 20 ft. and 6,500 sq. ft. instead of the allowed 1,200 sq. ft., subject to the following conditions:

- Compliance with the March 29, 2019 email from Fire Chief Rich Tobiasz.
- The driveway to the house and accessory building be paved and approved by the Village Engineer and Fire Department.
- The Plans be revised to show a single driveway.
- The Plat should reflect that either the cross access be removed or an access easement be granted relative to the common driveway if both lots are not under common ownership.
- Only one accessory building shall be permitted per lot.
- The properties and accessory buildings are prohibited from being used for commercial purposes.
- Only trailers, campers and vehicles owned by the property owner shall be permitted to be stored on the property.
- The outside parking of trailers, campers and vehicles shall be parked on black top, brick pavers or concrete.
- The accessory building on Lot 2 shall be constructed within five years.
- The accessory building on Lot 2 shall be reviewed by the ARC Chairperson, Building Inspector and staff to determine if it complements and coordinates with the home, both in architectural style and material selection prior to a building permit being issued. If it does not, a variance shall be sought that will be reviewed by ARC and approved by the Village Board.
- The accessory building on Lot 2 shall be constructed in the general vicinity as depicted on the Site Plan attached to the zoning application. Should the applicants desire to relocate the accessory building, approval of the Village Board is needed.
- Access to the accessory building shall be constructed of black top, brick pavers or concrete.
- Compliance with the terms of the variance on Lot 2 shall be reviewed annually, or more frequently if deemed necessary, by the Building and Zoning Officer.
- There shall be no additional subdivision of the property without the approval of the Village Board.

Consideration of a Request for Tentative and Final Plats of Subdivision – Jade Creek Canyon.

As previously discussed, the plats will be revised to reflect a single driveway off Meyer Road and a note will be made on the Final Plat that the cross access be terminated or a cross-access easement be granted if Lots 1 and 2 are not under common ownership.

**Engineer Comments.** Engineer Bicking stated minor changes to the plans are required based on his review that will be address by the developer’s engineer. He requested the plans also show the driveway design with culverts leading back to the accessory building and approval be subject to his and the fire departments approval.

**Attorney Comments.** None.

**Building and Zoning Officer Comments.** None.

**Fire Department Comments.** The comments were addressed in the zoning hearing.

**Planning and Zoning Commission Comments.** Commissioner Turner requested the plats be revised to reflect the zoning of Lot 1 as E-5.

Commissioner Lee voiced concern about future low-density subdivisions. While he has no objections with the proposed subdivision, moving forward his preference would be to see parcels liked this developed with higher density because attracts more commercial development. Chairperson Gajewski agreed.

**Public Comment.** Chairperson Gajewski then opened the hearing up for comments by the public. Public Comment was closed as no one from the public wished to speak.

**Further Commission Discussion.** None.

**Motion of Recommendation to the Village Board.** Commissioner Lee moved, seconded by Commissioner Turner to recommend approval of the Tentative and Final Plats for the Jade Creek Canyon subdivision subject to the incorporation of Engineer Bicking’s and the fire chief’s comments, a note will be made on the Final Plat that the cross access be terminated or a cross-access easement be granted if Lots 1 and 2 are not under common ownership and the plats be revised to reflect the zoning of Lot 1 as E-5. Roll call vote: Ayes: Bukolt, Gajewski, Greenhill, Lee, Trzaskowski and Turner – 6. Nays: None. Motion carried.

**Other Business.** None.

There being no further business, Commissioner Greenhill moved, seconded by Commissioner Bukolt to adjourn the meeting at 6:50 p.m. On voice vote, the motion carried.

Respectfully submitted,

[Signature]

Sandi Rusher, Village Clerk