VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

PLANNING & ZONING COMMISSION

Wednesday, March 25, 2020 - 7:00 PM

200 N. Hill Street, Poplar Grove, IL 61065

Commissioners – Jake Dykstra (Chair), Jessica Roberts,
Don Sattler, Ed Wethington, Keith Richard, Nate Sroka, George Fowler

MINUTES

CALL TO ORDER
Meeting was called to order at 7:01pm by Chairman Jake Dykstra.

ROLL CALL

PRESENT
Chairman Jake Dkystra
Commissioner Al Tilford
Commissioner David Allgood
Commissioner Nate Sroka
Clerk Karri Anderberg
Attorney Aaron Szeto
Commissioner George Fowler was on the phone but we could not see or hear him until the end.
All commissioners were at the meeting via webex
ABSENT:
Commissioner Bill Brandenburg
Commissioner Jessica Roberts

APPROVAL OF MINUTES
1. Motion to approve September 25, 2019 minutes
   Motion made by Commissioner Allgood, Seconded by Commissioner Sroka.
   Voting Yea: Commissioner Allgood, Commissioner Tilford, Commissioner Dkystra, Commissioner Sroka

PUBLIC COMMENTS: *(General Comments)*
No public comment

NEW BUSINESS

2. Case: 2020-01, Countryside Liquor SU. The applicant, Dixal Lotwala d/b/a Countryside Liquor, 13525 IL Route 76, Poplar Grove, IL 61065 on behalf of the property owner, Harris Farms- Oak Lawn LTD., 13537 Illinois Route 76, Poplar Grove, IL 61065 is requesting a special use pursuant to the Poplar Grove Zoning Ordinance, Section 8-6-9-B-2 Indoor Entertainment Sales/Service, Table 8-6-13 Permitted Uses and Section 8-5-7 Special Uses. Specifically, the applicant is requesting a special use to install video gaming machines in the existing retail liquor store commonly known as Countryside Liquor at 13525 Illinois Route 76 within the GB, General Business District on 3.14 acres of land (PIN: 03-26-402-006).

7:07pm Gina Delrose was Sworn in and she read the background and finding of facts into the record

BACKGROUND:

The building is located on Lot 34 within Plat 3 of Countryside Mall Subdivision. The subdivision was recorded in 2003. The property is developed with an approximately 18,500 square-foot multi-tenant commercial building. In 2012, the Village approved a special use to allow a church to operate in one of the tenant spaces. Although the tenant space is within 100 feet of the church, a liquor license already exists.

According to the submitted narrative and site plan, the existing liquor store will be renovated in order to convert the large storage area into a gaming area. The hours of operation will match those of the liquor store and no kitchen will be utilized. The applicant has petitioned the Village for a boutique liquor license in addition to the current liquor license to allow the absence of a kitchen. In order to comply with the boutique liquor license requirements, a separate ingress/egress door will be added to the south side of the building providing direct access to the gaming area.

The adjacent property owners were sent certified notices on March 5, 2020 and the green cards have been returned. The request was published in the Boone County Journal on March 6, 2020. The appropriate village staff and other agencies were notified on March 5, 2020. No objections from the agencies were received.

FINDINGS OF FACT:

Per Section 8-5-7(D) of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

The property is located within an established commercial subdivision. The businesses within the subdivision operate at varying hours and create traffic throughout the day. Other than additional signage, the special use is not anticipated to be noticeable to those patronizing the subdivision or passing by along Illinois Route 76.

Countryside Mall Subdivision was designed for a mix of commercial land uses, which exists. Since 2014, four special uses for video gaming machines have been granted in the subdivision. One of those special uses is in the same building as the applicant's (Bravo's Pizza). These businesses are in addition to several food establishments, gas stations, retail store fronts and offices. Video gaming makes up a small percentage of the businesses in the community.

The general business district permits professional services, repair services, retail and open space. Institutional, entertainment and boarding land uses require a special use. The subdivision is already developed with an array of these land uses. The addition of video gaming machines in an existing liquor store is not expected to negatively impact the existing businesses or deter other businesses from locating to the established commercial area.

The property is located within an established subdivision that is adequately served by utilities. The special use will require a tenant build-out but not new construction.

The special use will be within an existing multi-tenant building. The amount of traffic generated by the special use will be minimal compared to other land uses located within the Countryside Mall Subdivision. The existing road network is adequate.

The special use will be required to conform to all the applicable regulations of the Zoning Ordinance, the Subdivision Ordinance, all other regulations and to any conditions of approval enacted by the Village Board.

RECOMMENDATION:
The planning staff recommends approval of case 2020-01 subject to following conditions:

No response from any local businesses

7:13pm Suzanne Savides was sworn in and had questions if the church was notified. Delrose stated that the landlord was sent the information and she is not aware if he passed it on to the church.
7:15 pm closed public hearing by Chairman Dkystra. no additional questions from the commissioners.

Motion made by Commissioner Tilford, Seconded by Commissioner Allgood to approve the finding of facts.
Voting Yea: Commissioner Allgood, Commissioner Tilford, Commissioner Dkystra, Commissioner Sroka.
Motion made by Commissioner Tilford, Seconded by Commissioner Allgood to approve case 20-01.
Voting Yea: Commissioner Allgood, Commissioner Tilford, Commissioner Dkystra, Commissioner Sroka.

3. Case: 2020-02; Village of Poplar Grove, VAR.-The applicant, Village of Poplar Grove, 200 North Hill Street, Poplar Grove, IL 61065 on behalf of the property owners within the Olson Woods Subdivision is requesting a variance to reduce the side yard setback from ten (10) feet to eight (8) feet (Poplar Grove Zoning Ordinance Sections 8-6-5-G-4-b side yard setbacks and 8-5-6 Variance) on approximately 30 acres located northwest of Whiting Road and South State Street within the R-2, Single-family Residential 2 District. (PINs: 03-24-457-008; 03-24-453-023; 03-24-453-025; 03-24-457-007; 03-24-457-006; 03-24-453-020; 03-24-454-019; 03-24-454-020; 03-24-456-018; 03-24-456-019; 03-24-456-020; 03-24-457-005; 03-24-453-019; 03-24-454-010; 03-24-454-017; 03-24-456-017; 03-24-456-010; 03-24-457-004; 03-24-453-018; 03-24-454-009; 03-24-454-016; 03-24-456-009; 03-24-456-016; 03-24-457-003; 03-24-453-017; 03-24-454-015; 03-24-454-008; 03-24-456-008; 03-24-456-015; 03-24-457-002; 03-24-454-007; 03-24-456-007; 03-24-454-014; 03-24-456-014; 03-24-457-001; 03-24-453-016; 03-24-454-013; 03-24-456-006; 03-24-456-013; 03-24-454-006; 03-24-456-005; 03-24-454-005; 03-24-454-012; 03-24-456-012; 03-24-455-011; 03-24-453-015; 03-24-456-011; 03-24-456-004; 03-24-454-011; 03-24-454-004; 03-24-455-010; 03-24-453-014; 03-24-455-009; 03-24-456-002; 03-24-456-001; 03-24-454-003; 03-24-454-002; 03-24-454-001; 03-24-453-013; 03-24-455-008; 03-24-452-007; 03-24-455-002; 03-24-452-004; 03-24-452-005; 03-24-452-006; 03-24-455-001; 03-24-455-003; 03-24-455-004; 03-24-455-005; 03-24-455-007; 03-24-455-006; 03-24-456-003; 03-24-454-018; 03-24-453-022; 03-24-453-021 and 03-24-453-024).
7:19 pm Gina Delrose Sworn in and read in the background and finding of facts into the record
BACKGROUND:
Olson Woods was platted in 2006 and was originally zoned R-1. On the recorded plat there is mention of a 6-foot side yard setback but it was not listed as an official plat restriction. The Zoning Ordinance in effect at the time did not list a side-yard setback requirement for the R-1 Zoning District (the property's previous zoning classification). The houses that are currently constructed in the Olson Woods Subdivision were ultimately built with 8-foot side yard setbacks.
A new Zoning Ordinance and Zoning Map were adopted in 2012. The ordinance requires a 10-foot side yard setback for residential structures in the R-2 zoning district. In order to be consistent, the Village is requesting a two-foot side yard setback variance allowing for future houses to be built with the same 8-foot side yard setback instead of the 10-foot setback that is required.

The variance will only apply to existing and future homes within the Olson Woods Subdivision. The ability to bring existing homes into compliance with the Zoning Ordinance protects property owners from potential negative impacts in the future.

FINDINGS OF FACT:

Per Section 8-5-6 of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Variance are as follows:

A. Findings: The particular physical surroundings, shape, topographical, or other onsite condition of the specific property involved would not result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

The property meets the requirements of the Zoning Ordinance in terms of lot size, width and shape. The need for the variance comes from the inconsistent information available at time of platting and initial building. The variance will allow for cohesive development within the subdivision.

B. Findings: Special circumstances exist that are peculiar to the land, structure or building involved that is not applicable to other lands, structure or building in the same district.

When the property was initially platted and developed, it was zoned R-1 Single Family. The R-1 zoning district was the only zoning district to not have a side-yard setback listed within the zoning ordinance, allowing for the village/developer to choose their own setback. A mistake was not made by the property owner or contractors.

Not all properties zoned R-1 were built with 8-foot setbacks. Olson Woods is a special circumstance due to how the subdivision began its development. It is not a common occurrence and creates a unique situation.

C. Findings: The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

Although there would be a cost to redesign the floor plans to make them fit within the required building envelope, the Village is more concerned with allowing similar sized houses in the neighborhood in order to provide a more cohesive feel between neighbors.

D. Findings: The variation is not the minimum variation that will make possible Findings: the reasonable use of the land, structure or building and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The property is large enough to allow an average sized residence. However, reducing the setback to eight feet still allows for adequate separation between structures in terms of life safety requirements.

E. Findings: The owner of the property has not created the alleged difficulty or hardship.

Owners of existing homes were provided building permits for an 8-foot setback at time of construction. The new owner of the property is requesting to be treated in the same manner as the original owners. They are not responsible for the setback inconsistency in the previous code.

F. Findings: The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets but it may increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood or adversely affect the health, morals or general welfare of the public.
The proposed variation will still allow for adequate separation between structures and property lines.
G. Findings: The proposed variation does comply with the spirit and intent of the restrictions imposed by this title.
The Zoning Ordinance was enacted to guide residents and developers in their improvement efforts. The Village encourages property owners to invest in their property while keeping the impacts to neighboring properties at a minimum. The variance will allow for a property owner to finish improving their property.

Suzanne Savides was sworn in at 7:23pm. She is concerned about the draininge issues for Olson Woods. She owns a farm across the street and is worried about the extra water coming on to her farm. she will follow up with Public Works Director Mitch Hilden.

Public Hearing closed at 7:27pm
Motion made by Commissioner Sroka, Seconded by Commissioner Allgood to approve the finding of facts.
Voting Yea: Commissioner Allgood, Commissioner Tilford, Commissioner Dkystra, Commissioner Sroka.
Motion made by Commissioner Sroka, Seconded by Commissioner Allgood to approve case 20-02.
Voting Yea: Commissioner Allgood, Commissioner Tilford, Commissioner Dkystra, Commissioner Sroka.

ADJOURNMENT
Motion made by Commissioner Fowler, Seconded by Commissioner Sorka.

Voting Yea: Commissioner Allgood, Commissioner Tilford, Commissioner Dkystra, Commissioner Sroka, Comminssioner Fowler.
Meeting adjourned at 7:39 pm.