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, Al Tilord, David Allgood, Bill Brandenburg, Nate Sroka, George Fowler

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Motion to approve September 25, 2019 minutes

PUBLIC COMMENTS: *(General Comments)*

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).
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).

ADJOURNMENT

VILLAGE OF POPLAR GROVE

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PLANNING & ZONING COMMISSION

Wednesday, September 25, 2019 - 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 order at 7:00 pm by Jake Dykstra

ROLL CALL

PRESENT
Chairman Jake Dkystra
Commissioner Jessica Roberts
Commissioner Nate Sroka
Commissioner Al Tilford
Commissioner David Allgood
Commissioner Bill Branbenburg
Commissioner George Fowler
Clerk Karri Anderberg
Zoning Administrator Gina Delrose
Attorney Aaron Szeto

APPROVAL OF MINUTES
1. Motion to approve the minutes from April 24, 2019

PUBLIC COMMENTS: *(General Comments)*

NEW BUSINESS
2. The applicant, Village of Poplar Grove, 200 North Hill Street, Poplar Grove, IL 61065 is requesting an amendment to the Zoning Ordinance pertaining to Sections 8-2-3 Definitions, 8-6-9(B) General Business District, 8-6-10(B) Central Business District, 8-6-

11(B) Light Industrial District, 8-6-12(B) Heavy Industrial District, 8-6-13 Permitted Uses Table, 8-7-10 Adult-Use Cannabis and 8-7-11 Temporary Uses and Special Events in accordance with Section 8-5-4, Text Amendment. The request will permit adult-use cannabis business establishments by special use in the General Business, Central Business, Light Industrial and Heavy Industrial Districts.
Delrose was sworn in at 7:03pm. read the staff report
On June 25, 2019 Public Act 101-0027 (Cannabis Regulations and Tax Act) was signed into law. This act will take effect on January 1, 2020 and allows for the private consumption and possession of cannabis by persons over the age of 21 in the State of Illinois. The Act allows for municipalities to create regulations for adult-use cannabis establishments that are consistent with the Act. However, a municipality cannot prohibit the private consumption of cannabis.

A Municipal Cannabis Retailer's Occupation Tax of 3% may be imposed on adult-use cannabis products. If the Village of Poplar Grove pursues this tax, it will be an amendment to the municipal code, not the Zoning Ordinance.

A limited number of cannabis-related licenses are available. During the first round of licenses only 75 dispensaries, 40 processors and 40 craft growers will be permitted in the entire state. A second round of licenses will permit an additional 110 dispensaries, 60 processors and 60 craft growers in the state. The likelihood of smaller communities getting an adult-use cannabis establishment is low. However, in order to be prepared, the Village should have regulations in place.

Staff utilized the model ordinance provided by the Illinois Municipal League as a template. Consistency in definitions and language throughout the state can make enforcement and interpretation easier. Two major changes from the draft ordinance are being proposed are the prohibition of on-site consumption (cannabis lounges) and a reduction in setbacks.

The reduction in setbacks is proposed because a very limited number of commercial and industrial zoned properties met the proposed 1,500-foot setback. If the Village is going to permit such businesses in the community, then the requirements must allow for a reasonable ability to establish the business. The proposed setbacks of 250 feet are still greater than those of a liquor license.

All adult-use cannabis establishments are permitted by special use, therefore each business will be reviewed on a case by case basis and voted on by the Village Board. Craft growers, cultivation centers, infusers and processors are only permitted by special use in the industrial districts. Even though some of the uses are considered agricultural in nature, due to the size of the buildings and infrastructure needed, they are more suitable in the industrial districts. Dispensaries and transporters are only permitted by special use in limited commercial districts and the industrial districts. The retail nature of the dispensary lends itself to a commercial business; due to setbacks from other land uses,

however, such establishments are not compatible with the neighborhood business district. Transportation facilities are not compatible with the central business district (due to the types of vehicles that may be needed for transporting).

The 75% floor area requirement for processing, infusing and dispensing is proposed in order to prevent non-cannabis businesses from selling such products. One can go to a video store for instance and buy CBD oil infused water and food even though that has no connection to the main business and families entering the store to rent a video may not be anticipating such products displayed.
Discussion among commissioners followed.

Motion made by Commissioner Fowler, Seconded by Commissioner Branbenburg. Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Sroka, Commissioner Fowler, Commissioner Branbenburg, Commissioner Tilford, Commissioner Allgood.

Motion made by Commissioner Roberts, Seconded by Commissioner Allgood to amend Section E and take out federal law
Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Sroka, Commissioner Fowler, Commissioner Branbenburg, Commissioner Tilford, Commissioner Allgood.

ADJOURNMENT
Motion made by Commissioner Sroka, Seconded by Commissioner Brandenburg. motion passed by voice vote.
meeting adjourned at 7:22pm

Memorandum

DATE: March 18, 2020

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Community Development Planner

SUBJECT: Staff advisory memo for case: 2020-01: Countryside Liquor, 13525 IL Route 76

REQUEST AND LOCATION:
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). The property is rectangular in shape and developed with a multi-unit building which includes Bravo's Pizza, Countryside Liquor and Immanuel Lutheran Church.

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:

A. **<u>Findings:</u> The establishment, maintenance or operation of the special use would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

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.

B. **Findings: The special use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

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.

C. **Findings: The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

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.

D. **Findings: Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

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.

E. **Findings: Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

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.

F. **Findings: The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.**

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:

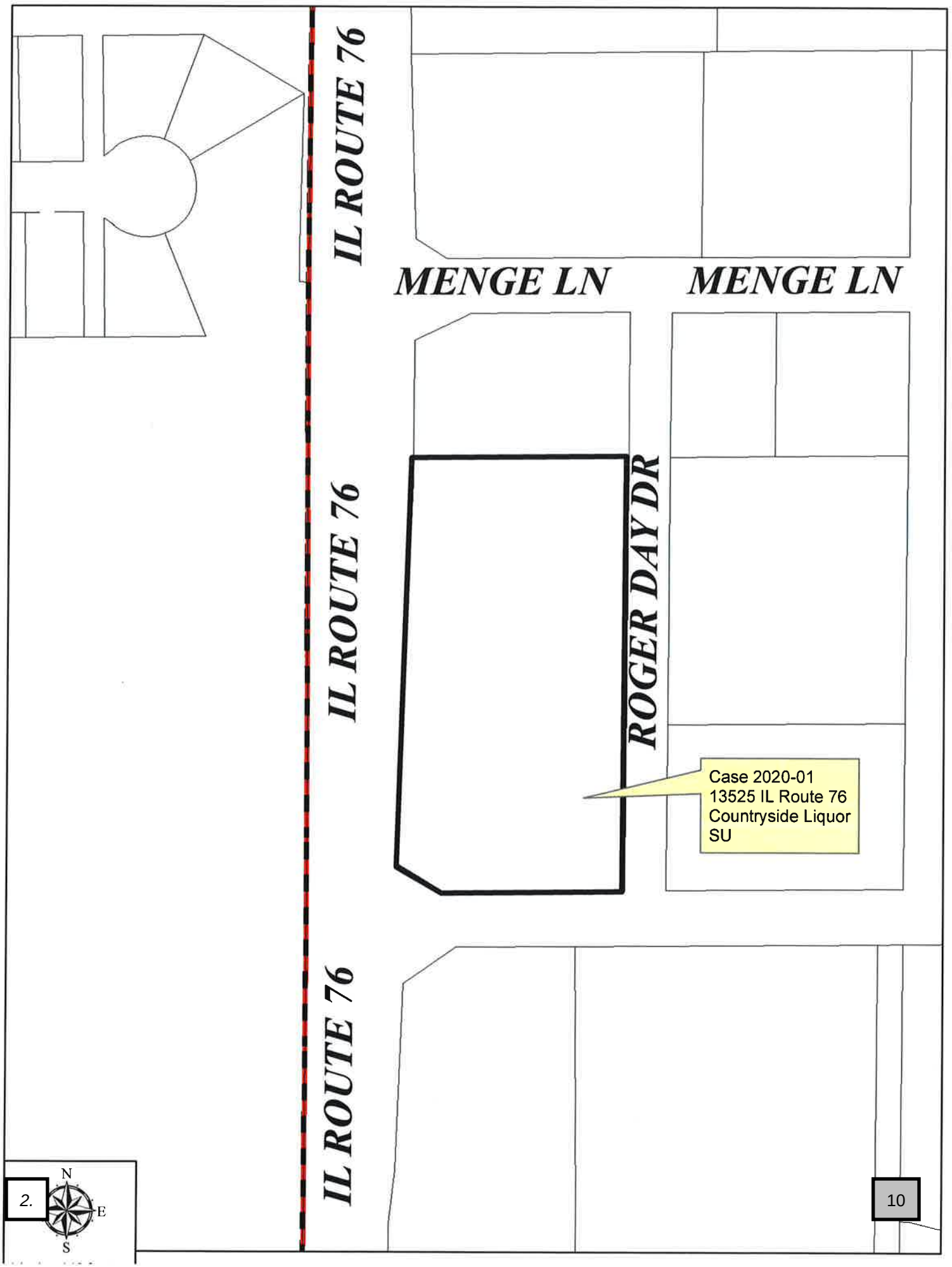
1. The special use shall be developed in substantial conformance with the narrative and site plan submitted with the application.

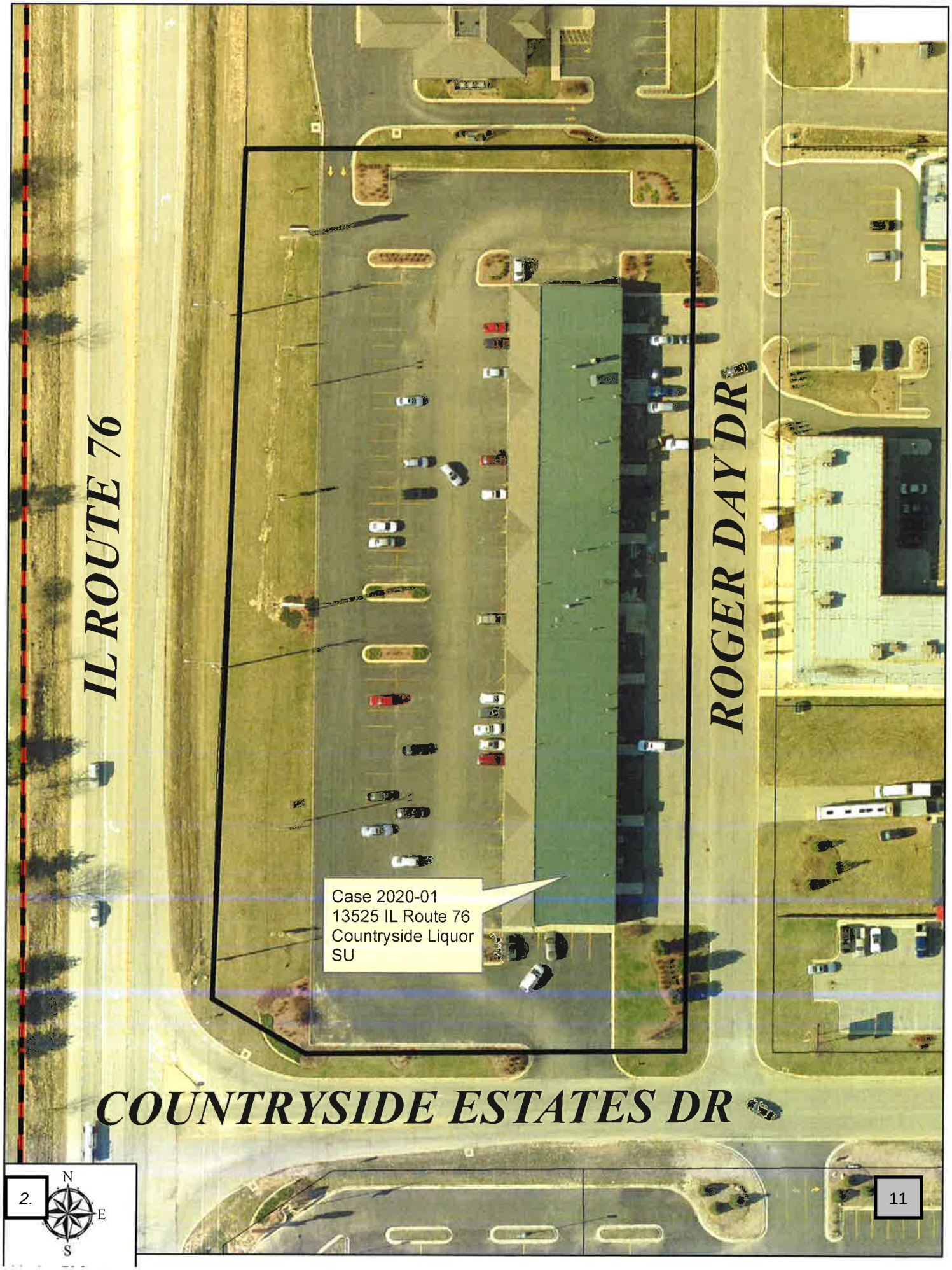
2. Compliance with all other applicable codes and ordinances.

PLANNING AND ZONING COMMISSION/VILLAGE BOARD ACTION
The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed special use with the standards and make a recommendation to the Village Board. The Village Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the Village Board may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed special use.

ATTACHMENTS

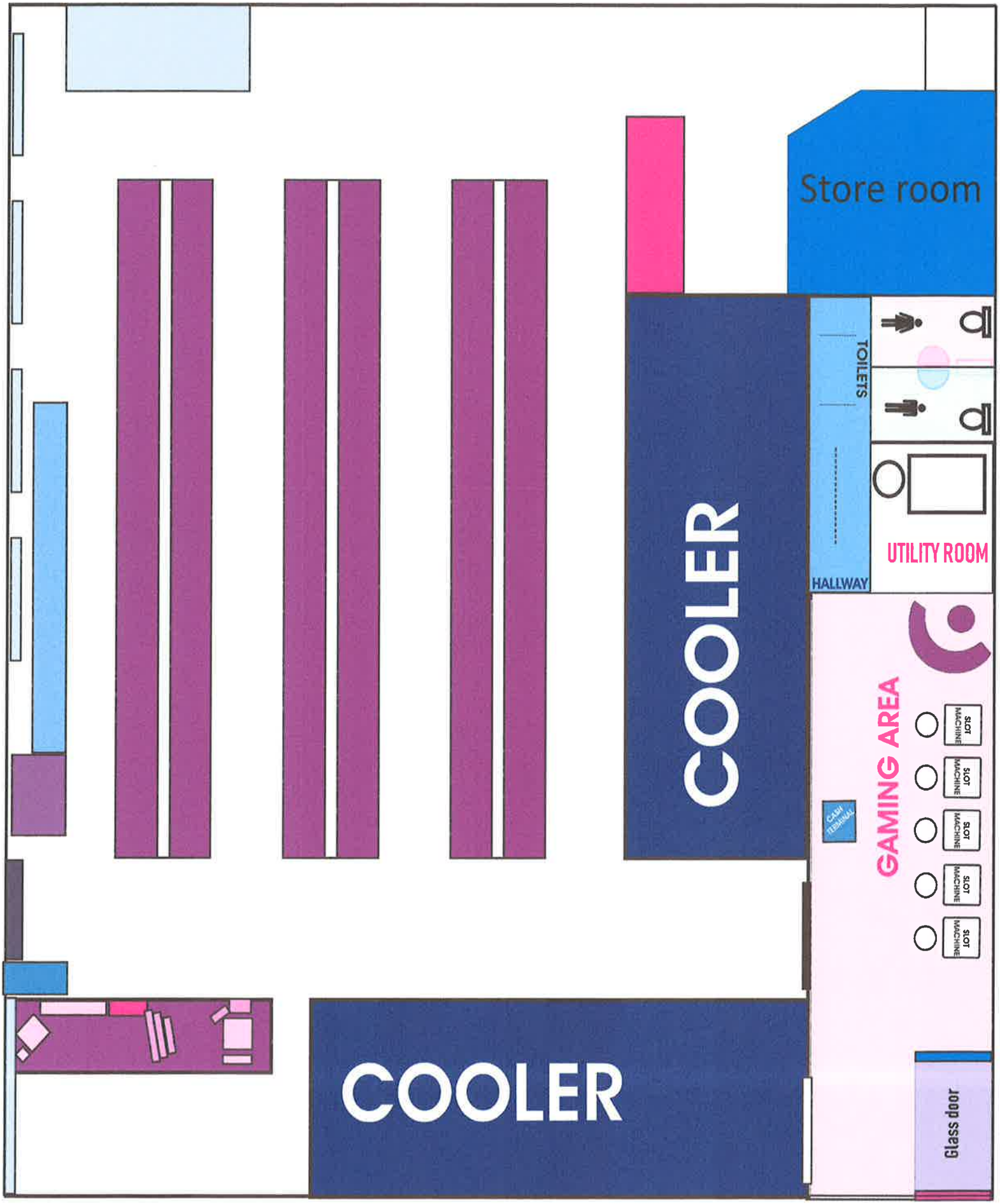
1. Location Map submitted by Planning Staff.
2. Aerial Photo submitted by Planning Staff.
3. Narrative submitted by the Applicant.
4. Site Plan submitted by the Applicant.
5. NRI 1637 submitted by the Boone County Soil and Water Conservation District, Jennifer Becker, March 9, 2020.
6. Letter from Boone County Health Department, Amanda Mehl, March 17, 2020.


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Case 2020-01
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The atmosphere will be well maintained and inviting to the Boone County/Poplar Grove clientele. Only prepackaged/premade foods will be served. No kitchen will be utilized in the preparation of food onsite. There are planned 5 game machines at this location unless more are allowed by law. The hours of operation will match the liquor license sales allowances (it will not be open 24 hours).

On behalf of client


Store room
COOLER
TOILETS
HALLWAY
UTILITY ROOM
GAMING AREA
SLOT MACHINE
SLOT MACHINE
SLOT MACHINE
SLOT MACHINE
SLOT MACHINE
CASH TERMINAL
COOLER
Glass door

Boone County
Soil & Water
Conservation District

211 N. Appleton Road
Belvidere, IL 61008
815-544-2677 x3

9 March 2020

SWCD NRI #: 1637

City of Belvidere Planning Department
401 Whitney Blvd.
Belvidere, Il 61008

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted. We will supply a written reply to your office as indicated below:

__X__ Our review does not apply in this instance.
_____ Other (see attached)

Location of Site: 13525 Illinois Route 76, Poplar Grove, IL 61065
PIN(S): 03-26-402-006

Contact	Petitioner	Owner
Nathan Noble	Harris Farms-Oak Lawn Ltd.	Harris Farms-Oak Lawn Ltd.
504 South State St. Belvidere, IL 61008	13537 IL Route 76 Poplar Grove, IL 61065	13537 IL Route 76 Poplar Grove, IL 61065
815-547-7700 nnoble@asttorneynoble.com		

Request: Special Use for video gaming.

Sincerely,

Jennifer Becker
Boone County Soil & Water
Conservation District

Re: Nathan Noble

Public Health
Prevent. Promote. Protect.

Boone County Health Department
1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

March 17, 2020

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Planning Services for Village of Poplar Grove

Re: Case; 2020-01 Countryside Liquor; 13525 Illinois Route 76

Dear Gina,

We are in receipt of a copy of a special use request. Specifically, to install video gaming machines in the existing retail liquor store.

If prepared or temperature controlled foods are served, prior to operation of the establishment a to-scale plan and a food application must be submitted to the health department for review. The plan review fee would be determined when menu information is submitted. Below is the county code explaining this further.

Sec. 30-35. Submission and review of plans; permits.

(a) *Generally,* whenever a food service establishment or retail food store is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities.

(b) *Permit required.* Any business or organization desiring to operate as a food service establishment or retail food establishment must have a current food service permit.

(c) *Plans, inspection and approval.* Before issuing a food service permit to a new establishment, plans must be submitted to and approved by the health authority. Plans

submitted for review must be accompanied by the appropriate plan review fee as listed in section 38-31.

Food establishment classifications. All food service establishments or retail food establishments shall be categorized according to their type of operation, size of operation, and risk category of the food prepared and/or served and shall obtain a permit for the class of operation as hereinafter defined. The listing of various types of operation is not intended to be all inclusive, but typical and not limited to those mentioned. If a food establishment is not specifically listed, it shall be classified according to the class to which it most closely resembles.

(1) *Category I High Risk Facility*: is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or type of population served by the facility. The following criteria shall be used to classify facilities as Category I High Risk facilities:

a. whenever cooling of potentially hazardous foods occurs as part of the food handling operations at the facility;

b. when potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving:

c. if potentially hazardous foods which have been previously cooked and cooled must be reheated;

d. when potentially hazardous foods are prepared for off-premises service for which time-temperature requirements during transportation, holding and service are relevant;

e. whenever complex preparation of foods, or extensive handling of raw ingredients with hand contact for ready to eat foods, occurs as a part of the food handling operations at the facility;

f. if vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or

g. whenever serving immunocompromised individuals, where these individuals compromise the majority of the consuming population.

(2) *Category I High Risk Multi-Department Facility*: is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks. These facilities have the same criteria as Category I High Risk facilities, and have 3 or more departments

within their facilities which need inspection including but not limited to main grocery, bakery, deli, meat and seafood departments.

(3) *Category II Medium Risk Facility*: is a food establishment that presents a medium risk of causing foodborne illness based upon a few food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category II Medium Risk facilities:

a. if hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service;

b. if preparing foods for service from raw ingredients uses only minimal assembly; and

c. foods served at an establishment that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from an approved food processing plants, (high risk) food service establishments or retail food stores.

(4) *Category III Low Risk Facility*: is a food establishment that presents a low relative risk of causing foodborne illness based on few or no food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category III Low Risk facilities:

a. only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food processing plant;

b. only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages occurs at the facility; or

c. only beverages (alcoholic and non-alcoholic) are served at the facility.

Please let us know if you have any questions or concerns.

Thank you,

Amanda Mehl
Administrator of Public Health
AT

MEMO

DATE: March 18, 2020

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Belvidere Community Development Department

SUBJECT: Staff advisory memo for case: 2020-01: Village of Poplar Grove, Olson Woods Subdivision

REQUEST AND LOCATION:
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).

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 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.**

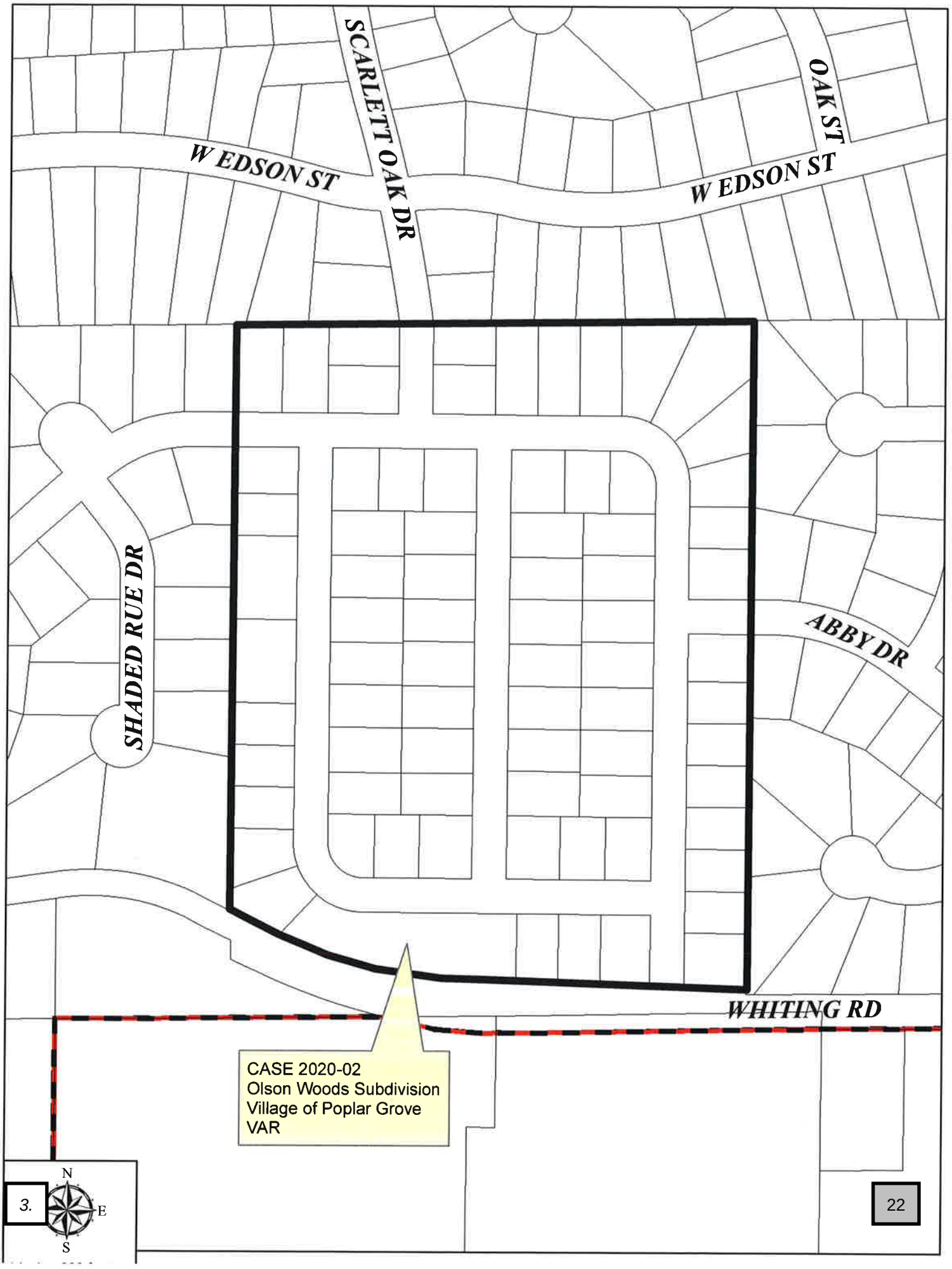
The Zoning Ordinance was enacted to guide residents and developers in their improvement efforts. The Village encourages property owners to invest in their property while keeping the impacts to neighboring properties at a minimum. The variance will allow for a property owner to finish improving their property.

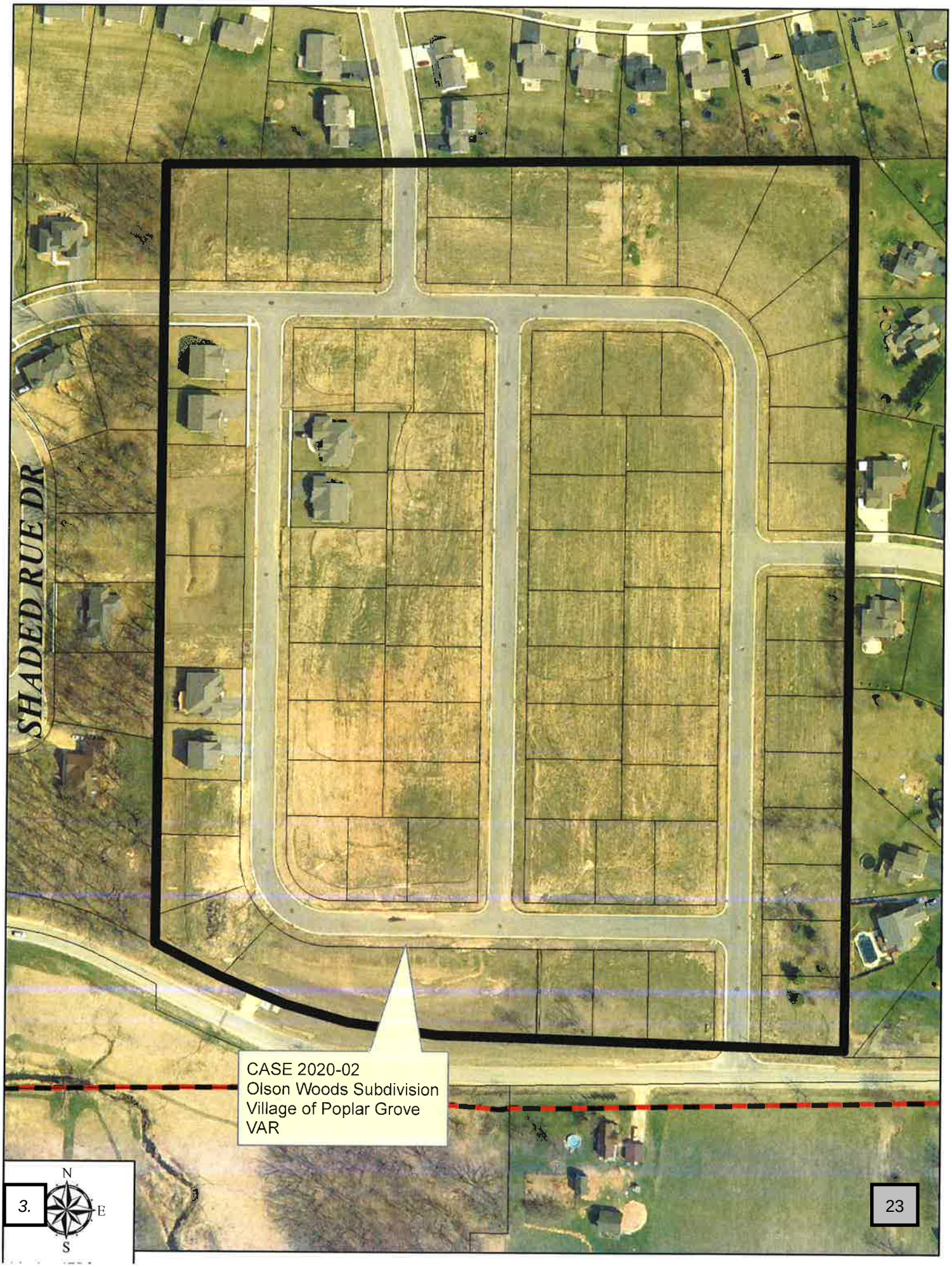
RECOMMENDATION:
The planning staff recommends the **approval** of case number **2020-02;** Village of Poplar Grove, Olson Woods Subdivision.

PLANNING AND ZONING COMMISSION
The Commission shall hold a public hearing on the proposed variation, after which a decision will be made to grant or deny the variance based on the findings of fact made by the Commission (a lesser variance than requested may be granted but in no instance shall a variance be approved that is greater than the one originally requested). The Commission may make the determination at the same meeting, or choose to continue the proceedings at a later date. The Commission may request additional information as needed. Once a decision is made, the Commission shall record its conclusion as part of the meeting minutes and written findings of fact.

ATTACHMENTS

1. Location Map by the Planning Staff.
2. Aerial Photo by the Planning Staff.
3. Plat of Olson Woods Subdivision
4. Letter from Boone County Health Department, Amanda Mehl, March 11, 2020.

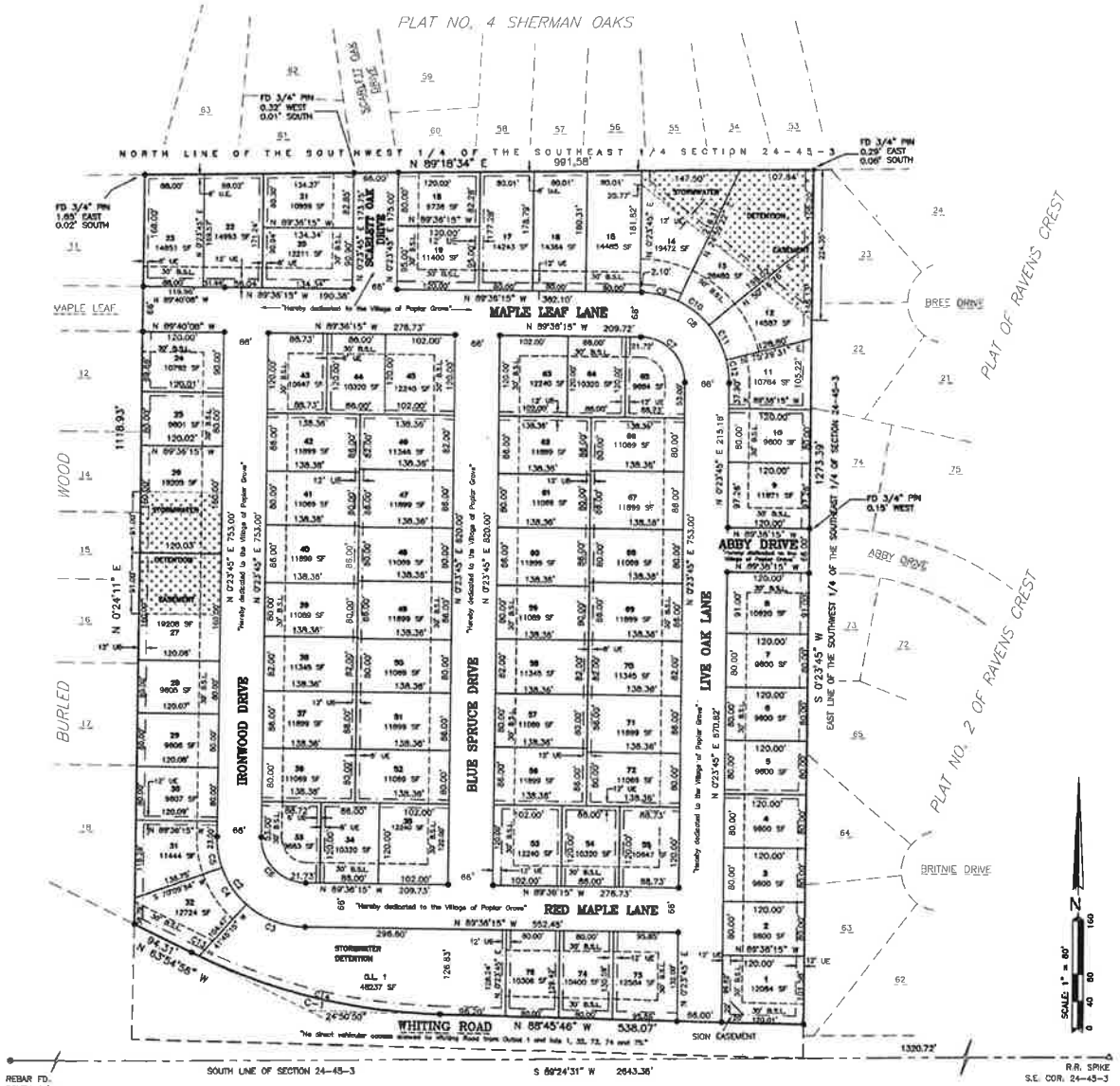

W EDSON ST
SCARLETT OAK DR
OAK ST
W EDSON ST
SHADED RUE DR
ABBY DR
WHITING RD
CASE 2020-02
Olson Woods Subdivision
Village of Poplar Grove
VAR
N
E
S


SHADED RUE DR
CASE 2020-02
Olson Woods Subdivision
Village of Poplar Grove
VAR
N
E
S

OLSON WOODS

FINAL PLAT

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, T.45 N., R. 3 E. OF THE 3RD P.M., VILLAGE OF POPLAR GROVE, BOONE COUNTY, ILLINOIS.

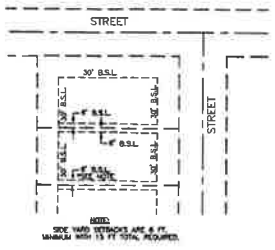


MONUMENT KEY
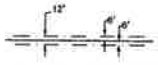
- 3/4" x 48" IRON PIN SET
- 5/8" IRON PIN FOUND
- 3/4" IRON PIN FOUND

NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	24°50'50"	880.00'	381.63'	N 76°20'21" W	378.64'
C2	90°00'00"	133.00'	208.92'	N 44°36'15" W	188.09'
C3	41°21'31"	133.00'	96.01'	N 68°55'55" W	93.93'
C4	28°24'29"	133.00'	65.95'	N 34°02'25" W	65.28'
C5	20°13'50"	133.00'	46.96'	N 09°43'11" W	46.72'
C6	90°00'00"	67.00'	105.24'	N 44°36'15" W	94.75'
C7	90°00'00"	67.00'	105.24'	N 44°36'15" W	94.75'
C8	90°00'00"	133.00'	208.93'	N 44°36'15" W	188.09'
C9	24°35'37"	133.00'	57.09'	N 77°16'27" W	56.65'
C10	25°15'04"	133.00'	58.62'	N 52°23'06" W	58.14'
C11	25°15'04"	133.00'	58.62'	N 27°08'01" W	58.14'
C12	14°54'15"	133.00'	34.60'	N 07°03'22" W	34.50'
C13	00°48'26"	880.00'	12.40'	N 64°19'09" W	12.40'
C14	24°02'24"	880.00'	369.23'	N 76°44'34" W	366.53'

TYPICAL B.S.L.

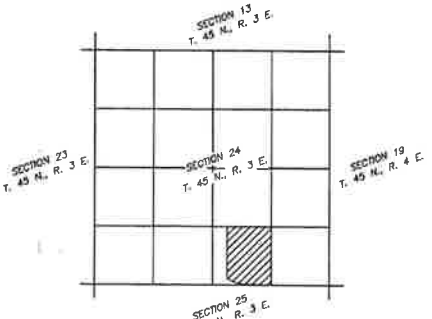


TYPICAL UTILITY EASEMENT



12 FOOT TOTAL OR 6 FOOT EACH SIDE

LOCATION MAP



OWNER/DEVELOPER
BELTZE DEVELOPMENT L.L.C.
6277 E. RIVERSIDE BLVD. SUITE 101
ROCKFORD, IL 61114

ORDER NO. 29420

SHEET 1 OF 2

R.H. BATTERMAN & CO. INC.
LAND SURVEYORS - ENGINEERS - PLANNERS
2857 BAITELLS DRIVE
BELOIT, WISCONSIN 53511
(608) 365-4464 FAX 365-1650
EMAIL: RHBATTERMAN@RHBATTERMAN.COM
ILLINOIS REGISTRATION #184-000927

Planning

OLSON WOODS

FINAL PLAT

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, T.45 N., R. 3 E. OF THE 3RD P.M., VILLAGE OF POPLAR GROVE, BOONE COUNTY, ILLINOIS.

SURVEYORS CERTIFICATE

State of Wisconsin]
County of Rock] ss.

I HEREBY CERTIFY that, at the request of the owners, I have surveyed and subdivided, according to the annexed plat of OLSON WOODS-FINAL PLAT, situated in Part of the Southwest 1/4 of the Southeast 1/4 of Section 24, T. 45 N., R. 3 E., of the 3RD P.M., Village of Poplar Grove, Boone County, Illinois.

DESCRIBED AS FOLLOWS:

Commencing at the Southeast corner of Section 24 aforesaid; thence South 88°24'31" East 1320.72 feet; thence North 0°23'45" East 50.01 feet to the place of beginning for the parcel herein described; thence North 88°45'48" West 538.09 feet to a point of curvature; thence 381.62 feet along the arc of a curve to the right having a radius of 880.00 feet and a chord bearing North 76°20'21" West 378.64 feet; thence North 63°54'56" West 84.31 feet; thence North 0°24'11" East 1118.93 feet; thence North 89°18'34" East 991.60 feet; thence South 0°23'45" West 1273.40 feet to the place of beginning. Containing 28.182 acres more or less.

Dimensions are given in feet and decimals of a foot. Iron rebar 3/4 inch in diameter and 4 feet long have been set at all points marked on the plat with —●— . Iron rebar 5/8 inch in diameter and 3 feet long have been set at all other corners.

I further certify that the land above described is situated within the corporate limits of the Village of Poplar Grove, Illinois.

I further certify that no part of the property covered by this plat of OLSON WOODS-FINAL PLAT is located within a special flood hazard area as identified by the Federal Emergency Management agency.

Given under my hand and seal this 28th day of November, A.D., 2006.

Jason R. Houle, Illinois Professional Land Surveyor 035-003382

STATE OF ILLINOIS — JASON R. HOULE — Batavia, Wisconsin — 035-003382 — PROFESSIONAL LAND SURVEYOR

Exp. 11/30/08

SCHOOL DISTRICT CERTIFICATE

State of Illinois]
County of Boone] ss.

This is to certify that, to the best of my knowledge, the property described in the attached surveyor's certificate which will be known as OLSON WOODS-FINAL PLAT is located within the boundaries of the following School district.

North Boone # 200

DATED THIS 30 DAY OF November, A.D. 2006.

WITNESS, MY HAND THIS 30 DAY OF November, A.D., 2006.

By: Joseph F. Contarino, Member

State of Illinois]
County of Boone] ss.

I, Jamie Flanders, a Notary Public in and for said County in the State aforesaid, do hereby certify that Joe Contarino, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such owner appeared before me this day in person and acknowledged that he signed and delivered the annexed plat as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this 30 day of November, A.D. 2006.

Notary Public

OFFICIAL SEAL — JAMIE FLANDERS — NOTARY PUBLIC - STATE OF ILLINOIS — MY COMMISSION EXPIRES 3/28/10

VILLAGE PRESIDENT CERTIFICATE

State of Illinois]
County of Boone] ss.

This is to certify that the Village of Poplar Grove has reviewed the attached plat of OLSON WOODS -FINAL PLAT. In witness thereof, I have hereto set my hand this 28 th day of November, 2006.

President of Village Board of Trustees

VILLAGE CLERK CERTIFICATE

State of Illinois]
County of Boone] ss.

This is to certify that the Board of Trustees of the Village of Poplar Grove did, at its meeting on the 28th day of November, A.D., 2006, at 2006 approve of the annexed plat and authorize it to be recorded.

IN WITNESS WHEREOF, Martha Sisler Village Clerk of the Village of Poplar Grove, hereunto set my hand and affixed the seal of said Village of Poplar Grove, this 28 day of November A.D. 2006.

By: Martha Sisler
Village Clerk

RECORDERS INFORMATION

State of Illinois]
County of Boone] ss.

This plat was filed for record in the Recorder's office of Boone County aforesaid on the 12th day of December, A.D., 2006, at 4:32 o'clock P M. and recorded in the Plat index file envelope 366-A as Document No. 2006R13255

Pam McCullough, County Recorder

VILLAGE ENGINEER CERTIFICATE

State of Wisconsin]
County of Rock] ss.

I hereby certify that I have caused measurements to be taken of the property embraced within the annexed plat of OLSON WOODS-FINAL PLAT and found it correct as to distances and monuments. All streets and sidewalks shown herein have been graded, drained and surfaced and all drainage structures have been built, as required, or have been provided for by bonded contract to my approval.

Dated this 30th day of November, 2006

By: Village Engineer

THOMAS N. NEE — 20797 — REGISTERED PROFESSIONAL ENGINEER OF ILLINOIS

COUNTY CLERK CERTIFICATE

State of Illinois]
County of Boone] ss.

I, Pamela D. McCullough County Clerk of Boone County, Illinois do hereby certify that there are no delinquent taxes, no unpaid current general taxes, no unpaid forfeited taxes and no sales against any of the land included in in the annexed plat.

I further certify that I have received all statutory fees in connection with the annexed plat.

I further certify that the required bond and/or security funding is posted for the completion of the improvements covering streets including storm sewers and other public ways not under state or county jurisdiction.

Given under my hand and seal of the County Clerk at Belvidere, Illinois this 28 day of November, A.D. 2006.

Pam McCullough, County Clerk

NICOR GAS COMPANY

An easement is hereby reserved for and granted to NICOR GAS COMPANY, it's successors and assigns ("NICOR-Gas") to install, operate, maintain, repair, replace, and remove Facilities used in connection with the transmission and distribution of natural gas in, over, under, across, along, and upon the surface of the property shown on this plat marked "Easement", "Common Area or Areas" and streets and alleys, whether public or private, and the property designated in the Declaration of Condominium and/or on this plat as Common Elements," together with the right to install required service connections over or under the surface of each lot and Common Area or Areas to serve improvements thereon, or adjacent or otherwise, and the right to remove obstructions, including but not limited to, trees, bushes, roots, and fences, as may be reasonable required incident to the rights herein given, and the right to enter upon the property for all such purposes. Obstructions shall not be placed over NICOR-Gas' facilities or in, upon or over the property identified on this plat for utility purposes without the prior written consent of NICOR-Gas. After installation of any such facilities, the grade of the property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Elements" shall have that meaning set forth for such term in Section 605/2(e) Of the "Condominium Property act" (Illinois Compiled Statutes, Ch. 765, Sec. 605/2(e)), as amended from time to time.

The term "Common Area or Areas" is defined as a lot, parcel or area of real property, including real property surfaces with interior driveways and walkways, the benefit or use and enjoyment of which is reserved in whole or as an appurtenance to the separately owned lots, parcels or areas within the property, even though such areas may be designated on this plat by other terms.

COMMONWEALTH EDISON
VERIZON TELEPHONE COMPANY

An easement for serving the subdivision and other property with electric and communication service is hereby reserved for and granted to Commonwealth Edison and Verizon Telephone Company, Grantees, their respective licensees, successors and assigns, jointly and severally, to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove from time to time, poles, guys, anchors, wires, cables, conduits, manholes, transformers, pedestals, equipment cabinets or other facilities used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals in, over, under, across, along and upon the surface of the property shown within the dashed or dotted lines (or similar designation) on the plat and marked "Easement", "Utility Easement", "Public Utility Easement", "PUE" (or similar designation), the property designated in the Declaration of Condominium and/or on this plat as "Common Elements", and the property designated on the plat as "common area or areas", and the property designated on the plat for streets and alleys, whether public or private, together with the rights to install required service connections over or under the surface of each lot and common area or areas to serve improvements thereon, or on adjacent lots, and common area or areas the right to cut, trim or remove trees, bushes, roots and saplings and to clear obstructions from the surface and subsurface as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over Grantees' facilities or in, upon or over the property within the dashed or dotted lines (or similar designation) created "Easement", Utility Easement", "Public Utility Easement", "PUE" (or similar designation) without the prior written consent of Grantees'. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof. The term "Common Elements" shall have the meaning set forth for such term in the "Condominium Property Act, Chapter 765 ILCS 605/2, as amended from time to time. The term "common area or areas" is defined as a lot, parcel or area of real property, the benefit or use and enjoyment of which is reserved in whole or as an appurtenance to the separately owned lots, parcels or areas within the planned development even though such be otherwise designated on the plat by terms such as "outlots", "common elements", "open space", "open area", "common ground", "parking" and "common area". The term "common area or areas", and "Common Elements" include real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, Service Business District or structure such as a pool, retention pond or mechanical equipment. Relocation of facilities will be done by Grantees at cost of the Grantor/Lot Owner, upon written request.

EASEMENT PROVISION

An easement is hereby reserved for and granted to the designated governmental bodies and public utilities, or cable television companies with the necessary authorizations and/or franchises and their respective successors and assigns within the area as shown by dashed lines on the plat and marked "Easement", to install, lay, construct, renew, operate and maintain storm and sanitary sewers, pipes, conduits, cables, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other properties with telephone, electric and other utility service or cable television service, also is hereby granted the right to use the streets for said purposes, the right to trim/cut any trees, shrubs or saplings that interfere with said services, the right to install service wires to serve adjacent lots, the right to enter upon the lots at all times to install, lay, construct, renew, operate and maintain within said easement area, said storm and sanitary sewers, pipes, conduits, cables, poles, wires, braces, guys, anchors, and other equipment, and finally the right is hereby granted to cut down and remove or trim and keep trimmed any trees, shrubs or saplings that interfere or threaten to interfere with any of the said public utility equipment or cable television equipment installed on said easement. No permanent buildings or trees shall be placed on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

If the grade of the subdivision property must be re altered or if storm and sanitary sewer facilities require that the underground utility be moved or otherwise altered, the owners, their respective successors and assigns shall reimburse the utility company for the necessary expenses involved.

UTILITY COMPANIES CERTIFICATE

State of Illinois]
County of Boone] ss.

We Commonwealth Edison Company, Verizon Select Services, Inc. and Northern Illinois Gas Company by our signatures hereon do hereby acknowledge that we have received a copy of the final Plat of OLSON WOODS-FINAL PLAT and we hereby consent to the recording of said plat as prepared.

COMMONWEALTH EDISON COMPANY	VERIZON SELECT SERVICES, INC.	NORTHERN ILLINOIS GAS COMPANY
By:	By:	By:
Dated: 11/29, 2006	Dated: 11/28, 2006	Dated: November 29, 2006

Incident Communications
By: Michael P. Oosten
Dated: 11/26/06, 2006

OWNERS CERTIFICATE

State of Illinois]
County of Boone] ss.

Know all men by these presents that the undersigned as a Member of Belize Development, LLC, Owner of the lands embraced within the annexed plat of OLSON WOODS- FINAL PLAT, and as owner, I have caused the same to be surveyed, subdivided, mapped and dedicated as presented on this plat. All streets on this plat are dedicated for public use. Perpetual easements granted for public and municipal utility services are shown on the Plat by dashed lines labeled "Easements".

Dated this 30 day November, A.D., 2006.
Signed this 30 day November, 2006.

Joseph F. Contarino, Member

State of Illinois]
County of Boone] ss.

I, Jamie Flanders, a Notary Public in and for said County in the State aforesaid, do hereby certify that Joe Contarino, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such owner appeared before me this day in person and acknowledged that he signed and delivered the annexed plat as his own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this 30 day of November, A.D. 2006.

Notary Public

OFFICIAL SEAL — JAMIE FLANDERS — NOTARY PUBLIC - STATE OF ILLINOIS — MY COMMISSION EXPIRES 3/28/10

NOTE:

THE MAINTENANCE OF THE DRAINAGE AND STORM WATER DETENTION EASEMENTS SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER. THE FINISHED GRADE OF THE EASEMENTS SHALL NOT BE ALTERED OR ENCROACHED UPON BY FILLING, REGRADING, OR CONSTRUCTION OF SURFACE IMPROVEMENTS THAT OBSTRUCT OR REDIRECT THE FLOW OF WATER NOR SHALL ANY BUILDINGS OR STRUCTURES BE ERECTED WITHIN THE EASEMENTS.

OWNER/DEVELOPER
BELIZE DEVELOPMENT L.L.C.
6277 E. RIVERSIDE BLVD. SUITE 101
ROCKFORD, IL 61114

ORDER NO. 29420
File Name: J:\29400-29499\29420\OLSON WOODS-PLAT NO 1.dwg
Plotted on 11/28/06 at 11:04:04

R.H. BATTERMAN & CO. INC.
LAND SURVEYORS - ENGINEERS - PLANNERS
2897 BARTELLS DRIVE
BELOIT, WISCONSIN 53511
(608) 365-4484 FAX 365-1850
E-MAIL: RHB@RHBATTERMAN.COM
ILLINOIS REGISTRATION #184-000927

Public Health
Prevent. Promote. Protect.

Boone County Health Department
1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

March 11, 2020

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Planning Services for Village of Poplar Grove

Re: Variance 2020-02, Village of Poplar Grove, Olson Woods Subdivision.

Dear Gina,

We are in receipt of a copy for a variance to reduce the side yard setback from ten (10) feet to eight (8) feet.

Our office has no objections or comments on this request.

Thank you,

Amanda Mehl
Administrator of Public Health
AT