VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

PLANNING & ZONING COMMISSION

Wednesday, February 27, 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

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Motion to approve meeting minutes from October 24, 2018

PUBLIC COMMENTS: *(General Comments)*

NEW BUSINESS

2. The applicant, Ryan Crombie, 201 S. 8th Street, South Beloit, IL 61080 on behalf of the property owner, LHC Properties, LLC, 201 S. 8th Street, South Beloit, IL 61080 is requesting a special use pursuant to the Poplar Grove Zoning Ordinance, Section 8-6-9-B-2 Indoor Entertainment Sales/Service and Vehicle Related Sales and Service, Table 8-6-13 Permitted Uses and Section 8-5-7 Special Uses. Specifically, the applicant is requesting a special use to bring the drive-through window into compliance and to operate a restaurant with liquor sales and video gaming at 13561 Julie Drive within the GB, General Business District on 0.72 acres of land. (PIN: 03-26-404-001).

ADJOURNMENT

VILLAGE OF POPLAR GROVE

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Wednesday, October 24, 2018 - 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
Chairman Jake Dkystra called the meeting to order at 7:00pm

ROLL CALL
PRESENT
Chairman Jake Dkystra
Commissioner Jessica Roberts
Commissioner Keith Richard
Commissioner Donald Sattler
Commissioner Ed Wethington
Commissioner George Fowler
Planner Gina Delrose
Attorney Aaron Szeto
Clerk Karri Anderberg
ABSENT
Commissioner Nate Sroka

APPROVAL OF MINUTES
1. Motion to approve minutes from the August 22, 2018 and September 26, 2018 meeting. Motion made by Commissioner Wethington, Seconded by Commissioner Sattler. Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

PUBLIC COMMENTS: *(General Comments)*

no public comment

NEW BUSINESS

2. The applicant, Poplar Grove Solar, LLC, PO Box 310, Highland Park, IL 60035 on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114 is requesting a map amendment (rezoning) on approximately 17 acres of land from the GB, General Business District to the LI, Light Industrial District located southwest of Illinois Route 173 and Illinois Route 76 in accordance with the Poplar Grove Zoning Ordinance, Section 8-5-5 Map Amendment. Part of PIN: 03-14-300-002.

   public hearing open 7:03pm Gina Delrose was sworn in and went through the background, finding of facts and recommendations. Staff recommends approval of case 2018-06 the applicant was sworn in at 7:08pm. the applicant, John Carson, had a power point that he presented to the commission members. **power point is on the record at village hall.** Public hearing was closed at 7:11pm Discussion between the commission members continued.

   Motion made by Commissioner Roberts, Seconded by Commissioner Fowler to approve the finding of facts.
   Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

   Motion made by Commissioner Roberts, Seconded by Commissioner Sattler to approve case 18-06.
   Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

3. The applicant, Poplar Grove Solar, LLC, PO Box 310, Highland Park, IL 60035, on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114, is requesting a special use to install non-building mounted solar collectors (total of 18 acres, eastern phase) for export of energy for use by an electrical utility at 4324 Illinois Route 173 within LI, Light Industrial District (pending rezoning) (Poplar Grove Zoning Ordinance Sections 8-6-11-B-2 and 8-5-7 Special Use). Part of PIN: 03-14-300-002.
   public hearing open 7:14pm Gina Delrose was sworn in and went through the background, finding of facts and recommendations. Staff recommends approval of case 2018-07 the applicants John Carson and James Svenstrup was sworn in at 7:23pm. the applicants had a power point that they presented to the commission members. .Mike Shultz, attorney for the Lindburg family who own lands next to the solar sites was sworn in at 7:44pm and had questions for the applicants. The lindburgs are concerned about the drain tiles getting damaged. They are concerned that the drain tiles are 40 years old and clay tiles and the lease is for 35 years and the Lindburg's will not know if they

damage the tiles until after it rains. They would like to see the village require the applicant to get a performance bonds and to require them to update the titles. They are also looking at set backs to be 100 feet with a waiver of either 50 to 300 feet from the ajected property owner. Donald Lindburg was sworn in at 8:01pm to answer questions from the commissioners.Gina Delrose stated that the drain titles and set back issues are only an issue for the special use permit case 18-08. Public hearing was closed at 8:30pm Discussion between the commission members continued. **The Power point and Attorney Schultz read is on the record at village hall.**

Motion made by Commissioner Wethington, Seconded by Commissioner Roberts to approve finding of facts as prestended by staff.
Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

Motion made by Commissioner Sattler, Seconded by Commissioner Fowler to approve case 18-07 as presented.
Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

Motion made by Commissioner Roberts, Seconded by Commissioner Richard to amend to add a 7th condisition to require the instillation of inspection risers between pins 03-14-300-001 and 03-14-300-002.
Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

4. The applicant, Poplar Grove Solar, PO Box 310, Highland Park, IL 60035, on behalf of the property owner, DYN 173, LLC (First Midwest Group), 6801 Spring Creek Road, Rockford, IL 61114, is requesting a special use to install non-building mounted solar collectors (total of 18 acres, western phase) for export of energy for use by an electrical utility at 4324 Illinois Route 173 within LI, Light Industrial District (Poplar Grove Zoning Ordinance Sections 8-6-11-B-2 and 8-5-7 Special Use. Part of PIN: 03-14-300-002.
public hearing open 8:34 pm Gina Delrose was sworn in and went through the background, finding of facts and recommendations. Staff recommends approval of case 2018-08 the applicant John Carson was sworn in at 8:49 pm. Mike Shultz, attorney for the Lindburg family who own lands next to the solar sites was sworn in at 8:56pm. The lindburgs are concerned about the drain tiles getting damaged. They are concerned that the drain tiles are 40 years old and clay tiles and the lease is for 35 years and the Lindburg's will not know if they damage the tiles until after it rains. They would like to see the village require the applicant to get a performance bonds and to require them to update the titles. They are also looking at set backs to be 100 feet with a waiver of either 50 to 300 feet from the ajected property owner. The applicant had a power point that he presented to the commission members. Mike Shultz, attorney for the Lindburg family who own lands next to the solar sites was sworn in at 8:56 pm. **The Power point and Attorney Schultz read is on the record at village hall.**

Public Hearing closed at 9:09pm

Motion made by Commissioner Roberts, Seconded by Commissioner Fowler to approve finding of facts as prestended by staff.
Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler
Motion made by Commissioner Sattler, Seconded by Commissioner Roberts to approve case 18-08 as presented.
Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

Motion made by Commissioner Roberts, Seconded by Commissioner Wethington to amend condition to refelct the site plan amend the set back to 75 feet.
Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

ADJOURNMENT
Motion made by Commissioner Richard, Seconded by Commissioner Fowler.
Voting Yea: Chairman Dkystra, Commissioner Roberts, Commissioner Richard, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

meeting adjourned at 9:13pm

Memorandum

DATE: February 20, 2019

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Community Development Planner

SUBJECT: Staff advisory memo for case: 2019-01: Crombie, 13561 Julie Drive

REQUEST AND LOCATION:
The applicant, Ryan Crombie, 201 S. 8th Street, South Beloit, IL 61080 on behalf of the property owner, LHC Properties, LLC, 201 S. 8th Street, South Beloit, IL 61080 is requesting a special use pursuant to the Poplar Grove Zoning Ordinance, Section 8-6-9-B-2 Indoor Entertainment Sales/Service and Vehicle Related Sales and Service, Table 8-6-13 Permitted Uses and Section 8-5-7 Special Uses. Specifically, the applicant is requesting a special use to bring the drive-through window into compliance and to operate a restaurant with liquor sales and video gaming at 13561 Julie Drive within the GB, General Business District on 0.72 acres of land. (PIN: 03-26-404-001). The property is irregular in shape and developed with a single-tenant commercial building and drive-through lane.

BACKGROUND:
The building is located on Lot 10 within Plat 2 of Countryside Mall Subdivision. The subdivision was recorded in 2002. The property is developed with an approximately 1,800 square-foot single-tenant commercial building and drive-through lane. In 2006 when the building and drive-through lane were constructed, a special use was not granted. The applicant is requesting a special use for not only liquor sales and video gaming but also for the drive-through lane in order to bring it into compliance with the Zoning Ordinance.

The property was previously operated as the Custard Cone and The Dairy Bean; both served ice cream and limited food items. The applicant intends to open a restaurant that would not only serve alcohol but sell packaged liquor and provide video gaming to customers.

State law requires that video gaming machines be located in establishments that allow for the pouring of alcohol, unless they qualify for the truck stop exemption. Poplar Grove ordinances require that a commercial hood be present prior to a liquor license that allows the pouring of alcohol to be issued. The property meets both of these requirements.

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. **Findings: 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 drive-through lane has been in operation since the building was constructed and has adequate

queuing lengths. Staff is not aware of any negative impacts the drive-through lane has created.

There are other businesses in the subdivision that serve and/or sell alcohol as well as other video gaming machines. 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. Recently the Poplar Grove ordinances were amended in order to require commercial hoods be present when issuing liquor licenses that allow for the pouring of alcohol. This was done to prevent bars and video gaming cafes and to encourage restaurants that have liquor and video gaming as an accessory use. Although there are already drive-through lanes, bars, liquor stores and video gaming in the subdivision, the special use will be in conjunction with the permitted restaurant land use.

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 the drive-through lane, liquor sales and video gaming machines are not expected to negatively impact the existing businesses or deter other business 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 limited remodeling 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 building. The amount of traffic generated by the special use will be comparable to other establishments 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 2019-01 subject to following conditions:

1. The special use shall be developed in substantial conformance with the narrative 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.

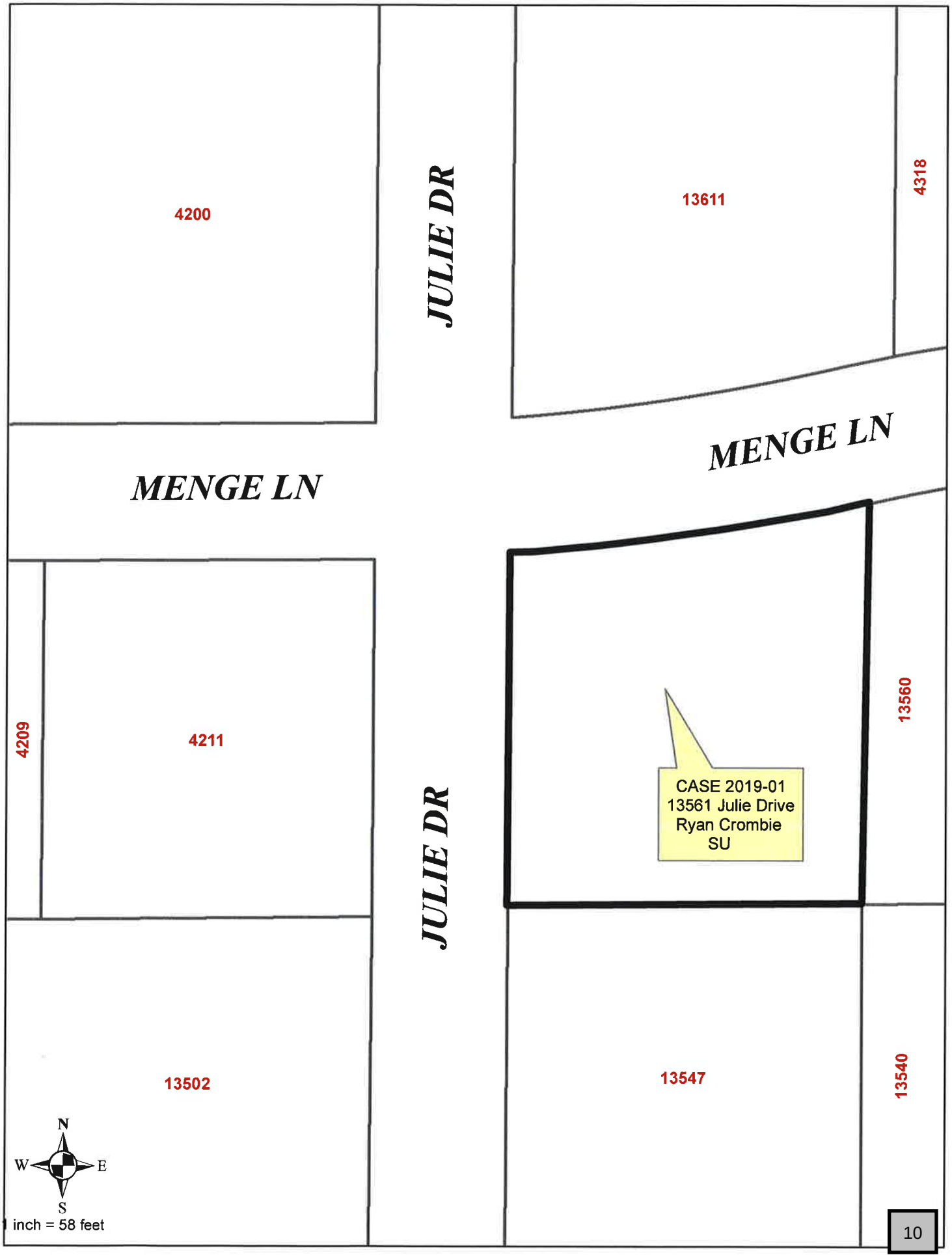
2. Aerial Photo submitted by Planning Staff.

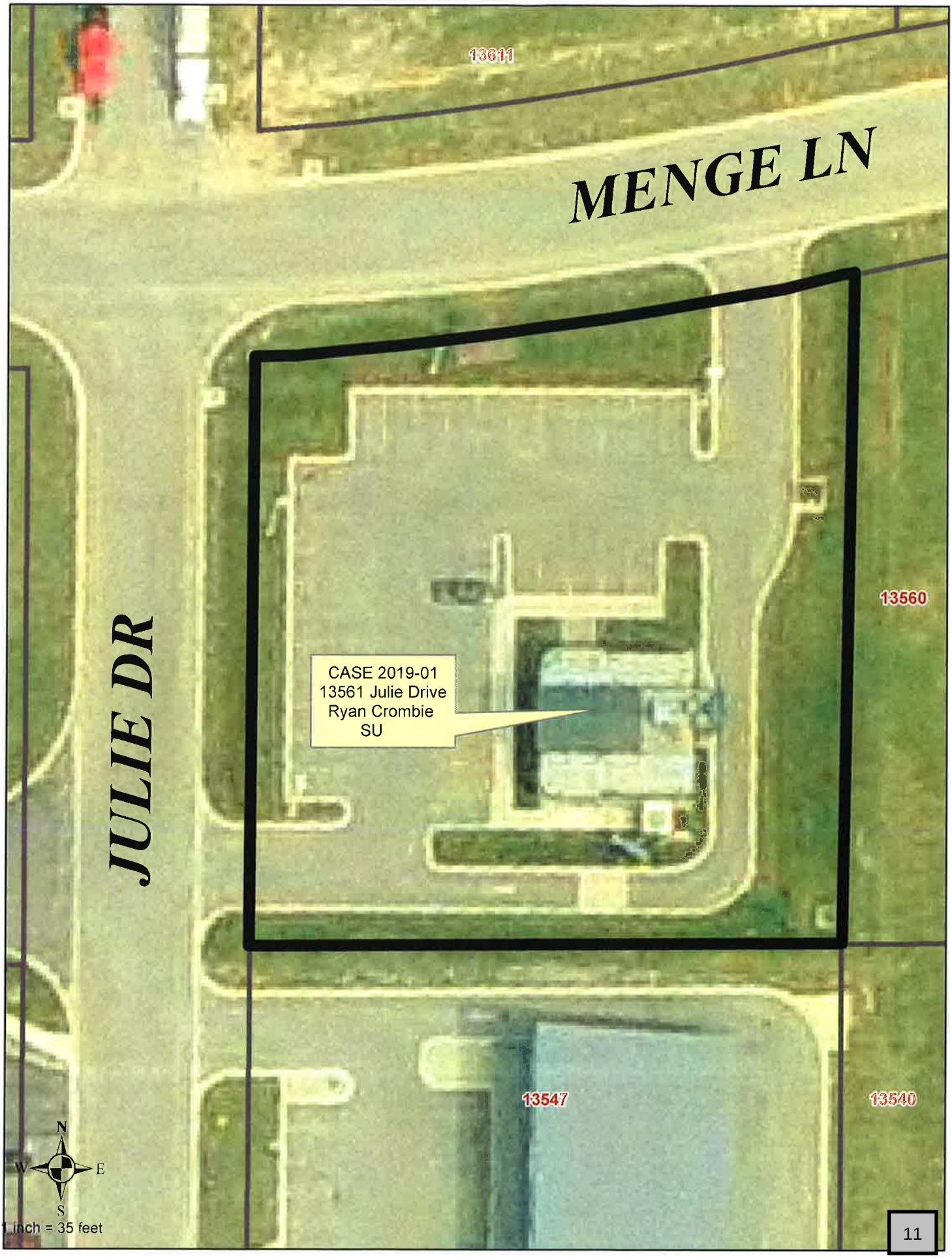
3. Narrative submitted by the Applicant.

4. Site Plan submitted by the Applicant.

5. NRI 1614 submitted by the Boone County Soil and Water Conservation District, Jennifer Becker, February 12, 2109.

6. Letter from Boone County Health Department, Amanda Mehl, February 7, 2019.

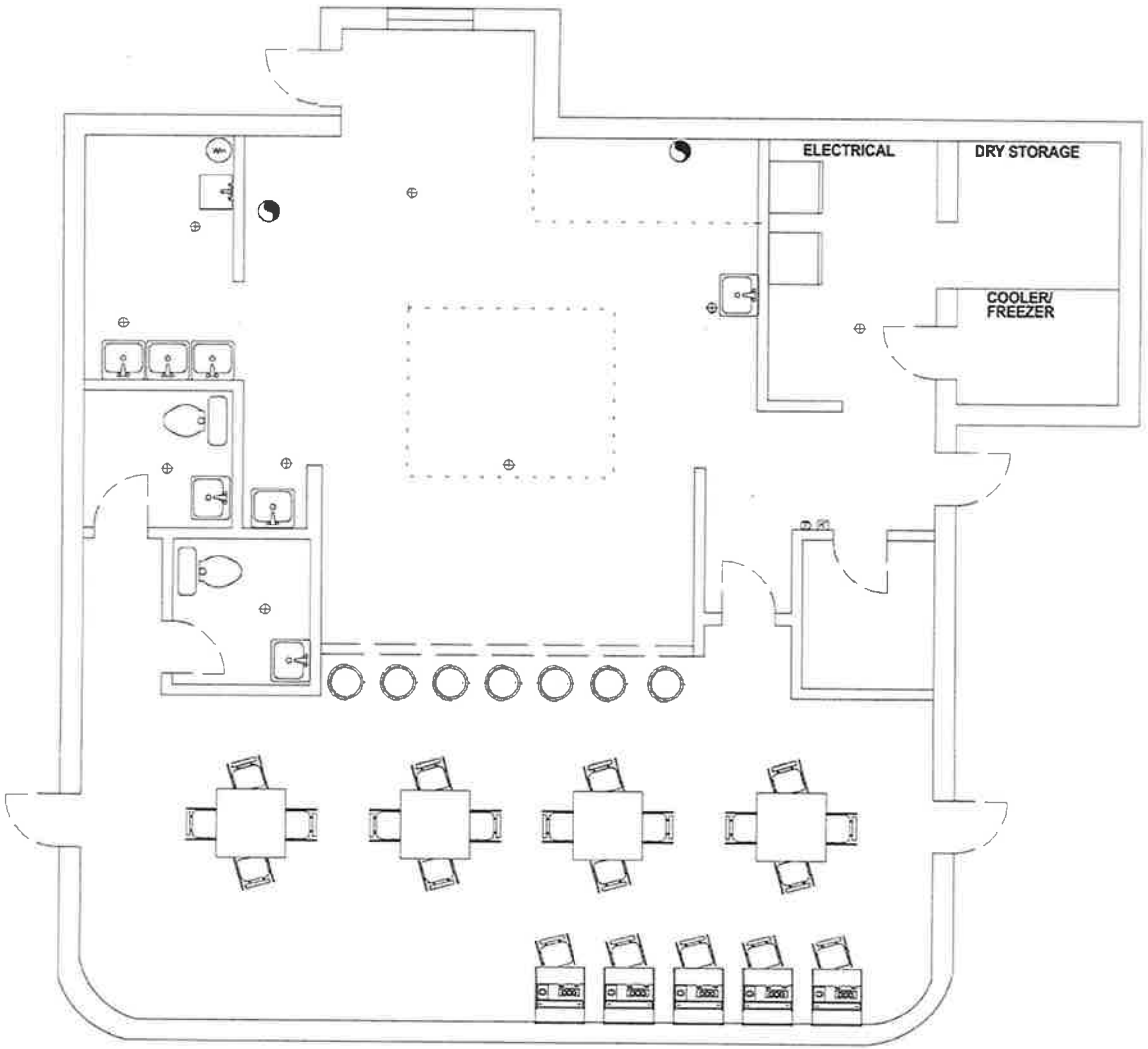

4200
JULIE DR
13611
4318
MENGE LN
MENGE LN
4209
4211
JULIE DR
CASE 2019-01
13561 Julie Drive
Ryan Crombie
SU
13560
13502
13547
13540
N
W
E
S
1 inch = 58 feet


13611
MENGE LN
JULIE DR
13560
CASE 2019-01
13561 Julie Drive
Ryan Crombie
SU
13547
13540
N
W
E
S
1 inch = 35 feet

Ryan Crombie of LHC Properties, LLC is currently under contract to purchase the property located at 13561 Julie Dr., Poplar Grove, IL 61065

He would like to open a Restaurant, Bar, and Video Gaming business in the property mentioned above. The business would include food, a full bar, a drive-thru window, 5 video gaming machines, and selling pre-packaged goods in the restaurant and drive-thru window.

The business would be open 8:00 A.M. – 2:00 A.M. Daily.



FLOOR PLAN:

Julie Drive

13561 Julie Drive
Poplar Grove, IL 61065

DRAWING TITLE

FLOOR PLAN

LHC PROPERTIES

January 21, 2019

FP-1

Boone County
Soil & Water
Conservation District

211 N. Appleton Road
Belvidere, IL 61008
815-544-2677 ext. 3

12 February 2019

SWCD NRI #: 1614

Village of Poplar Grove
200 Hill Street
Poplar Grove, IL 61065

Dear Sir/Madam,

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

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

Location of Site: 13561 Julie Dr. Poplar Grove, IL 60165
PIN(S): 03-26-404-100

Contact	Petitioner	Owner
LHC Properties, LLC 201 S. 8th St. South Beloit, IL 61080	Same	Same
815-770-2044 ryanjcrombie@outlook.com		

Request: Special Use for video gaming and drive-thru

Sincerely,

Jennifer Becker
Boone County Soil & Water
Conservation District

Re: LHC Properties, LLC

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.

February 7, 2019

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; 2019-01; Crombie: 13561 Julie Drive

Dear Gina,

We are in receipt of a copy for special use permit to bring the drive-through window into compliance and to operate a restaurant with liquor sales and video gaming.

Our office has no objections or comments on this request. However, prior to operation of the bar, a to scale plan (of the layout of the bar) and an annual 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
skm