

**ZONING BOARD OF APPEALS  
JANUARY 12, 2011**

**CALL TO ORDER**

Chairman Celske called the meeting to order at 7:00 p.m.

**ROLL CALL**

Dal Compo polled the members present: Zoning Board members, Celske, Anderson, Dufern, Murren, Rosch and Schneider. Also present were Glenn Christensen and Village Administrator Art Osten as staff to the Zoning Board and John Donahue, Village Attorney.

Village President Bob Nunamaker, Trustees Mike Ireland and Suzanne Blohm, PEDC Chairman Mike Schiestel and PEDC member Viki Karls were in attendance.

Mr. Lawrence Freedman, Mr. David Mangurten, Mr. Rolf Killian and Mr. Jeff Miller were also in attendance representing the petitioner.

**APPROVAL OF DECEMBER 7, 2010 MINUTES**

A motion was made by Murren and seconded by Anderson to approve the minutes from the December 7, 2010 meeting as presented. A voice vote followed with one abstention. The motion carried.

**ZONING BOARD CASE 2010-10 SPECIAL USE: 209 LINCOLN AVE, DOG BOARDING IN A RESIDENTIAL AREA**

(The following is a restatement of the application request) "Section VI (A) Table 1 of the Village of Fox River Grove Zoning Ordinance which will allow a single family dwelling to be used as a dog boarding/sitting use to be located on the property that has an address of 209 Lincoln Avenue."

Chairman Celske welcomed April Sharpe, owner of the dog boarding business called Camp Canine. Ms. Sharpe explained that she had been running her business for 17 years.

Chairman Celske asked all those who planned to speak at the meeting regarding either of the cases to be heard, to raise their right hand and he swore them in.

Chairman Celske stated that he had been by the residence at 209 Lincoln and had seen that the proper signage was posted. Ms. Sharpe further provided the required certified mail receipts. Chairman Celske said that he noted the yard had a six foot fence. He asked how big the lot was; Ms. Sharpe said it was approximately a lot and a half. Member Schneider asked how

ZONING BOARD OF APPEALS JANUARY 12, 2011

many dogs she watched, on average. Ms. Sharpe explained that on an average day, she watches about 10-12 dogs. Over winter and spring breaks, she may have as many as 20. She said that she generally lets them out in the yard in groups of 5.

Chairman Celske said that he had read the letters provided by many of Ms. Sharpe's clients, and said he could see they were glowing reviews. He asked if she had had any complaints over the years. Administrator Osten said that there had been one, when 9 of the dogs escaped.

Chairman Celske inquired where the dogs generally stay. She said that they are generally kept on the first floor of the home, and she does have cages. In the daytime, there may be barking. Chairman Celske asked if she had a State License; she said yes and that a copy was attached with the other documentation. He further asked if there are limitations on how many dogs she can watch at any given time. Ms. Sharpe said that the State generally only comes out to make sure that the facility is clean. Chairman Celske asked how long she had been licensed; she said 15 years, and in those 15 years the State had come by about every 3-4 years.

Member Anderson asked if Ms. Sharpe was aware of any similar businesses in the Grove. She stated no. He further noted that only one complaint in those years was a good record. Member Dufern asked if the dogs come and go on a daily basis; Ms. Sharpe said in some cases yes. However, around the Christmas holiday she may have as many as 15 overnight. Member Dufern also asked if she keeps the dogs health records at her home. She said that she collects them on the initial visit, but does not ask for new ones every time they visit. Member Dufern asked if she had insurance for her business; he was told yes.

**A motion was made by Dufern and seconded by Murren to permit the special use at 209 Lincoln Avenue for a dog boarding business in a residential area. A roll call vote was taken with all in favor.**

**A motion was made by Celske and seconded by Anderson to accept the findings of fact as set forth in the petition. Motion Carried Unanimously.**

Ms. Sharpe was instructed to attend the Public Health and Safety meeting on February 1, 2011 at 7:00 p.m. Chairman Celske thanked Ms. Sharpe for her participation.

ZBA Case 2010-10 was closed at 7:12 p.m.

**2010-09—CONTINUATION OF 910 NORTHWEST HWY STRIP MALL DEVELOPMENT, SPECIAL USE**

Chairman Celske explained that this matter was continued from the December 7, 2010 meeting to allow for everyone to get sufficient notice. He asked those that spoke previously to do their best not to be redundant.

Chairman Celske was given the additional certified mailing notices.

*Chairman Celske recognized Lawrence Freedman, Attorney for Aetna Development.*

Attorney Freedman said that the notice had been mailed to the expanded list, which included all of the Fox Pointe offices.

ZONING BOARD OF APPEALS JANUARY 12, 2011

Attorney Donahue noted that it would still be important for people who were planning to speak to do a brief summary, since some of the audience was not in attendance at the last meeting.

Attorney Freedman said that prior to tonight's meeting, they had not been authorized to say what company was planning to move in to one of the anchor buildings. He now explained that it was Pep Boys. He stated that it was unlikely that it would require the major repair category; however, the ordinance is not 100% clear. The Pep Boys chain does not anticipate doing auto painting, engine re-building, etc. He said that the owners would not have a problem with having some conditions or limitations. Chairman Celske clarified that there would be no body work or engine work.

*Chairman Celske recognized David Mangurten, of KMA, 1141 Lake Cook Rd., Deerfield IL.*

Mr. Mangurten explained that he was the architect for the plans of the development of the multi-tenant building at the corner of Rt. 14 and Rt. 22. He explained that they are one of the first developments that are not asking IDOT for additional entrances. There is an already existing "pork chop." He reiterated the variations:

- A) Exception for 40 on-site parking spaces (79)
- B) Shared access to easement
- C) No parking lot landscaping in front for a consistent eye line
- D) East property line--permit vehicle property an 18" overhang
- E) Portion of parking on East and West property line to not require landscape screen

Mr. Mangurten explained that a report was done, showing that only 66 spaces were actually required.

He reiterated the use and scope of the development. He said that they will be all masonry buildings. At the north end will be Pep Boys, at the south end will be a paint store, and one other tenant. There will be brick on the accent band, metal awnings, and stone accents on the columns. Parapet walls will screen equipment. As to the concerns raised in the Baxter and Woodman report regarding weak soils, a remedy is being sought. As to the Urban Forest Management report, condition #7 is the only one which the developer would like an exception to. If screening were to be required, it might block potential signage.

Pep Boys expects to employ 10-12 people, with about 6 or 7 per shift. The hours will be Monday through Friday 8 a.m. until 6 p.m., Saturday and Sunday 8 a.m. until 4 p.m. They are introducing a new concept which is being used throughout the country. They are very environmentally active and participate in recycling. Their primary business is tune-ups, brake installation, air conditioning work, suspensions and engine diagnostics. They plan to perform about 5 muffler jobs per year, primarily for customers with vehicle emissions problems. They would like to hire employees from the local community.

Chairman Celske asked how they arrived at the adjusted number of parking lot spaces (66). Mr. Christensen stated that required parking is calculated by gross floor area. Service bay areas are not to be included. The number 66 was reached by the Village Planner's calculations. Mr. Mangurten said that there would be 44 extra cars, and only 26 of the 44 would be required.

ZONING BOARD OF APPEALS JANUARY 12, 2011

Member Murren pointed out that with the six bays, there would also be six employees, presumably with six vehicles. That would also mean the use of six parking spaces. Chairman Celske clarified that the calculations were done per the existing Village Ordinance. Mr. Mangurten said that the expected number of customers was 15 per day, but not all 15 would be there at the same time. Presumably, about 5 would be there at any given time. Member Murren clarified that he was referring to employee use, not customer use of spaces. Mr. Christensen said that employee spaces are not included because the ordinance does not require it. Member Murren felt this was an oversight. Administrator Osten said that there are currently 18 spaces above the need already.

Member Rosch expressed concern over empty buildings in the Grove, such as the Blockbuster building. What if Pep Boys moves out, and another tenant is needed? Will the parking situation prevent a new tenant from moving in? Attorney Freedman said this can be addressed by conditions. He also said that generating business and the subsequent sales tax was what was most important.

*Chairman Celske recognized John Derer, owner of JLD Automotive.*

Mr. Derer stated that when River Pointe was going through the zoning process, they bought extra land in order to meet the minimum standard. Mr. Christensen said that according to the current ordinance, River Pointe needs 149 spaces. It has 193.

Chairman Celske inquired about anticipated truck traffic. Mr. Mangurten said that the two main anchors receive about 2-3 semi deliveries per week, with UPS twice a day. The trucks will turn in and service from the back of the buildings, then turn out onto Rt. 14.

Member Rosch noted that parking spaces will be lost with the addition of curbs.

An audience member stated that the drawings show trucks traveling from east to west. How would the ones from the west (i.e. from Cary) get in? Member Rosch said they would have to take Rt. 22 to Doyle.

*Chairman Celske recognized Attorney Michael Ek, representing the River Pointe Condo Association.*

Mr. Ek asked what will prevent semis from coming through River Pointe's parking lot. Member Schneider suggested that signs can be put up. Mr. Mangurten said that it will be Pep Boys employees driving the semis, so it will be easier to regulate them. Attorney Freedman said that the petitioner would agree to put this provision in their leases, as a condition of enforcement.

Chairman Celske said that there are four smaller units proposed between the two anchor buildings. He wanted to know what the size would be. Member Murren said that the documents state 19' 8". Chairman Celske asked what the implications would be of taking out one or more of the middle units to make more room. He had concerns that the petitioner is trying to fit too much into too small of a space. Members Murren and Rosch concurred. Chairman Celske pointed out that the original proposal was for two main tenants only. Is there a plan B? He was told no. He further explained that if the building area was smaller, the

ZONING BOARD OF APPEALS JANUARY 12, 2011

trucks could drive around the eastern border rather than cutting through River Pointe's parking lot, and increase the turning radius.

Member Murren stated that the Pep Boys business seems to impose a lot on surrounding businesses. Member Anderson added that it sounds like it will be going head to head with other businesses. (Three business owners raised their hands to agree with the foregoing.) He further asked if Pep Boys is really providing a needed service. Attorney Freedman explained that Pep Boys did a market survey which indicated that it is needed. The decisions were not based on speculation.

Member Anderson asked if the business will be franchised or company owned; he was told company owned. He asked Jim Burke from CarX if he had to apply for a special use. He said he had bought it already developed; Administrator Osten said that it did have to go through the special use process originally.

*Chairman Celske recognized Rolf Killian of Metro Transportation Group, Hoffman Estates.*

Mr. Killian prepared the traffic study being used by the petitioner. He said that the 10,000 square feet of retail and 5,000 square feet of automotive use were expected to generate an additional 23 vehicles at the peak hour of the day. He estimated that 69% of the traffic would come from the east, and 31% from the west. Traffic coming from the west would have to make a left at the office building and come to the front where the parking is provided. Trucks can use the center median for a left turn off Northwest Hwy.

Chairman Celske said that the question will be whether the truck drive will be one-way or two-way. Mr. Killian stated that the corner islands could be enlarged to accommodate semis. Since Walgreens is one way southbound, there will need to be signage to control traffic, with stop signs in both directions. Many of the cars at Pep Boys will be moved by the employees, which may help traffic control. Chairman Celske asked if the 23 vehicles in the traffic study were just from Pep Boys, or from all of the buildings. Mr. Killian said the statistics were 8 for Pep Boys and 15 for the retail. Chairman Celske asked if Mr. Killian had thought of making the way up to Rt. 22 a two-way drive; he was told no.

Administrator Osten said that the current owner was going to put in a back building of 4,000-6,000 square feet. The Preferred project did not have a drive thru. On May 18, 2006, the development was approved. 2,000 square feet above and beyond what was originally approved was added. Chairman Celske said that additional curb access would be on the eastern border of the property. Trustee Ireland said that IDOT had turned that down in 2006, which is one of the reasons that the property has remained vacant. Attorney Ek said that when Preferred wanted the property, they requested a drive thru but it wasn't permitted. Now, this petitioner wants access, and they are the same developer as for the Walgreens property. Member Dufern observed that this is how it exists today, and this is what needs to be done. Mr. Killian stated that the main entrance/exit is okay, and it is not unusual to use a wheel drive to get in. Member Dufern said that he used to drive a semi, and he thought the current driveway would be difficult to navigate.

Member Dufern asked for some clarification regarding the easement agreement. Attorney Ek said that the easement agreement bars changes to access or modification in any respect. Attorney Freedman stated that as of an August 31, 2010 communication, Dr. Kipferl was aware

ZONING BOARD OF APPEALS JANUARY 12, 2011

of the situation. Attorney Donahue interjected that this is a zoning board, and as such are not arbiters of the easement agreement. It is subject matter jurisdiction. Attorney Ek said that the agreement has to be discussed since it is presumed that the easement can be shared. Attorney Donahue said that the applicant has rights and abilities to move forward. It is still not a zoning issue.

Member Anderson noted that in the traffic study, the peak hour traffic was recorded at 1,493 cars. He wondered how this had been determined. Mr. Killian said that it had been done with an electronic count board. Member Anderson said that the peak was considered to be between 4:30 and 5:30 p.m. He referred to page 10 of the study, and said that it defines levels of service (LOS) from Level A to Level F, with a minimum LOS to be D. According to the study, the Rt. 14 access ranges from LOS D to F. So, the question is, will the site plan improve existing conditions. Mr. Killian explained that LOS is a measure of delay, and that LOS F is actually commonplace. For example, for certain turns out of the complex a driver must look for an opening in both directions. The LOS is based on a capacity analysis, and a higher rate of delay can actually be just a few seconds long. Member Anderson asserted that based on the study, the development certainly does not improve the traffic situation. Attorney Freedman said that the Village asked Baxter and Woodman to comment on the traffic situation, and the conclusion was that it will have little impact on traffic. Member Anderson clarified that Mr. Killian's study said that the development will *improve* the traffic situation, but in truth it will not.

Attorney Ek pointed out that Pep Boys customers may drop off their cars and then pick them up later in the day. So then, how many cars will be stored, and where? Administrator Osten said that it would be in the shared parking.

*Chairman Celske recognized Jeff Miller of Watermark Engineering in Aurora, IL.*

Mr. Miller is a civil engineer, and he explained that he was retained by the developer to look at the subject property from a drainage/utility perspective. He had also worked on the Dominick's property.

The Rt. 14, Rt. 22 and Doyle Road area (nicknamed the Doyle Triangle) receives much water that comes from off-site. Preferred Development had determined where the ditch was that goes around to the south and west of the area. The release rate had been .15 CFS per acre, but the new McHenry County ordinance requires that it be .1 CFS. The Aetna project is going to the expense of going underground, with a small above ground area. Additionally, the petitioner has agreed to provide a swale to off-site drainage easements.

As to utility usage, there is a water main which the development will pipe into. The existing sanitary lift station in front has the capacity to handle the additional demand. Member Dufern inquired as to the capacity; he was told it is .81 acre feet. The development is providing .4 acre feet.

Member Dufern asked if Mr. Miller had been on-site during flood conditions. He was told yes. Member Dufern further asked what the affect of the ditch adjacent to Grove Electric and CarX will be. Mr. Miller stated that it is designed to store more water in chambers. In fact, it is designed for the proverbial "100 year" storm. Member Dufern asked how many inches per hour it can withstand; he was told 7.5 inches per hour—a monsoon situation.

ZONING BOARD OF APPEALS JANUARY 12, 2011

*Chairman Celske recognized Bill Welisek of Grove Electric.*

Mr. Welisek stated that the last time the engineering was started but never completed. His land filled up completely with water, and he did not want to go through that ordeal again. Chairman Celske asked Mr. Miller if his solution will substantially help the situation. Mr. Miller said that the water will be directed to drain farther to the east. Trustee Ireland noted that this would be toward the "Norge Bog" area, which also has significant drainage issues. Administrator Osten explained that it is not the responsibility of Aetna Development to fix the Norge Bog issue.

Member Murren asked if the underground tubes get drained out. Member Dufern asked if there is an already existing swale, as he thought there had been an attempt made to create one at some point. Mr. Miller explained that the Grove Electric lot is a natural low spot, and that there was a "point flow" coming out of the pipes. He further explained that an extra ditch/swale will be created which is not present today. Mr. Welisek countered that the Grove Electric lot is a man-made low spot, because of the grading levels allowed at the buildings around him. He felt he had been left with a problem, and had not been given credit for putting up with the situation for so long. Trustee Blohm stated that if there is not sufficient water storage available, then clearly more will be needed. Mr. Miller clarified that it was McHenry County that increased the storage requirements. Trustee Blohm further asked if the area would then be grandfathered in; she was told that it is outside the criteria at this time.

Attorney Ek stated that River Pointe Condo (RPC) Association is not opposed to the development itself, but they are not specifically obligated to allowing anything on their property. He referred to the easement agreement, and in paragraph 3 under access parcel, the wording was that it shall not be blocked without express written consent of the owners. There is nothing in the agreement that permits the parking or any implied rights. Their initial parking requirement was 4 spaces per 1,000 square feet. RPC is predominantly a medical building. The goal was to go up to 6 spaces per 1,000; currently it stands at 5 per 1,000. RPC bought more property to get to that number. Once the building is fully occupied, the parking area will be short.

Attorney Ek further explained that RPC has a problem with the idea of waste removal and or oil removal trucks, etc. cutting through their parking areas. The parking area was not constructed to be used as a thoroughfare for semis as is being proposed. Naturally, many of the clients of the medical building are elderly, handicapped, injured or are young children. Member Anderson asked if there are handicapped spaces present. He was told yes, but that not all clients have or apply for handicapped permits because their condition might be temporary.

Chairman Celske explained that the easement agreement was negotiated when La Salle Bank was going to go on the subject property. Attorney Ek said that the easement agreement was not conditional on La Salle Bank. The petitioners are relying on more than 50% of their parking to come from RPC's parking lot. Chairman Celske said that there are 59 available spots currently, with the loss of 5 spaces it will go down to 54.

*Chairman Celske noted the receipt of the January 6, 2011 letter and the January 10, 2011 letter from Attorney Freedman.*

ZONING BOARD OF APPEALS JANUARY 12, 2011

Attorney Freedman stated that any implication that the parking situation is “stealing” is out of context. There is mutual benefit to both properties. The easement agreement does not imply express rights. He referred to an Exhibit C, “location of future access cut.” Retail use was certainly anticipated, and “such reasonable consent shall not be delayed” according to the wording. Attorney Ek said that RPC has deemed the request unreasonable.

*Chairman Celske recognized Jim Burke, of CarX.*

Mr. Burke referred to a “reciprocal access agreement” which includes the back of Brunch Café’s parking lot. Since people already park on Doyle as overflow, this would only add to the problem.

Mr. Burke also stated that his business does no auto painting, and in essence has an identical description to what Pep Boys would be doing. Member Murren asked him how *his* business affected already existing businesses like Wilde Automotive. Mr. Burke said that it had impacted them, when a new business is added it is drawing from a pool of customers already existing.

Mr. Derer stated that there was a decrease in his business by 30% when CarX moved in. It was noted that when “loss leaders” move into a community, they take away business because they perform repairs at below cost.

Mr. Burke was asked how many customers he averaged per day; he said 12. Member Dufern asked how many employees he had; Mr. Burke said he had five not including himself.

Member Dufern noted that the municipality itself would then be losing business. Member Rosch also noted that Bryant Automotive would be affected.

*Chairman Celske recognized Jim Lund of Lund Automotive.*

Mr. Lund said that Pep Boys is also identical in nature to his business, and his store will definitely be hurt by them moving in.

*At 9:15 p.m., Chairman Celske closed the testimony portion of the meeting.*

There is a request for a special use permit for a building in excess of 5,000 square feet. There is a request for special use of the automotive “major repairs” category.

The following variations were requested:

- A) Exception to minimum parking requirement
- B) No parking lot landscaping in front for a consistent eye line, normally 8-10 feet out
- C) East property line--permit vehicle property an 18” overhang
- D) Portion of parking on East and West property line to not require landscape screen

Chairman Celske explained that in the Board’s deliberation, they have the prerogative to place conditions. In general, there is not an issue with the tenants, but there is difficulty when it comes to the middle units of the development. The plan would be more workable if two of the middle units were removed. As the plan stands now, it is on too large of a scale.

## ZONING BOARD OF APPEALS JANUARY 12, 2011

Chairman Celske further expressed that the Board can sympathize with local business owners; however, they do not serve as “free market police.”

Chairman Celske said that as to the easement issue, there are different interpretations. These interpretations are not the job of the ZBA. However, it does appear that the developer has a right to share ingress and egress.

The recommendation would be to approve the development with the condition of having two less middle units, and for the truck traffic to be limited to the regular parking areas of the development.

Chairman Celske took a straw poll of the opinions of the Zoning Board members.

### **Member Rosch—**

- the building area is too large
- truck traffic should stay on its own property
- concern over the four handicapped spaces
- discovery that this is the same petitioner as for Walgreens was upsetting
- comprehensive plan did not call for this many automotive repair shops in the Village
- opposed to the special use for major repairs

### **Member Schneider—**

- this is too much building for the area, especially because of the truck traffic
- with the end unit being 4,000 square feet, every parking space will definitely be needed
- if the petitioner had just requested the special use for the size of the building, and not for the major repairs, it is already zoned for minor repairs and this would not be at issue
- there is already another Pep Boys about 4 miles away
- trucks should be kept on the regular part of the property, but car traffic in the shared areas should be fine

(Attorney Donahue said that the petitioners are willing to accept restrictions such as no painting, body work or engine work).

- would not agree with the major repair category, but minor repair is acceptable

### **Member Murren—**

- building size is too large
- would vote no on special use for major repairs
- has seen too many developments come and go, feels that there are too many vacant properties in the Grove

### **Member Dufern--**

- size of the building too large
- he is a nurse, and has a problem with trucks in the shared parking
- noted that Mr. and Mrs. Ruer spoke at the previous meeting, and expressed concern over yet another auto repair business
- an auto parts store would be great!

### **Member Anderson--**

- questions the need for another auto repair place

ZONING BOARD OF APPEALS JANUARY 12, 2011

- CarX was the same type of business, and to keep a level playing field the only concession should be the special use for a building in excess of 5,000 square feet
- semis should be restricted at certain times of day
- he feels for the Grove Electric drainage situation
- there is too much pressure on parking (not enough)

**FINDINGS OF FACT—SPECIAL USE FOR A BUILDING IN EXCESS OF 5,000 SQUARE FEET**

*1) Establishment, maintenance, or operation of the special use will not be detrimental to or endanger the health, safety and welfare.*

**A motion was made by Celske to accept #1 with the following conditions: *reduce the size of the buildings as needed to provide vehicle drive on the subject property. The building, if reduced in size, would allow for better overall site circulation and reduce potential conflicts with pedestrians and vehicles using the parking aisles. It would also reduce the number of reduce the number of needed parking spaces due to reduced square footage.* A roll call voice vote was taken. Motion carried with all in favor.**

*2) Special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposed already permitted, nor shall the special use substantially diminish or impair property values within the neighborhood.*

**A motion was made to accept #2 with exceptions as noted in the motion regarding #1. *No interpretations are made as to the easement agreement. No testimony was taken as to property values.* A voice vote was taken. Celske-yes, Anderson-no, Dufern-yes, Murren-yes, Rosch-yes, Schneider-yes. Motion Carried.**

*3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District where the special use is to be located.*

**A MOTION was made by Celske and seconded by Schneider to accept #3 as written. A voice vote was taken with all in favor. Motion Carried.**

*4) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.*

**A MOTION was made by Celske and seconded by Dufern to accept #4 with exceptions as noted in motion #1 and *adequate drainage is to be provided subject to Village Engineer's recommendation.* A voice vote was taken with all in favor. Motion Carried.**

*5) Adequate measures have been or will be taken to provide ingress and egress so as to minimize congestion in the public streets.*

**A MOTION was made by Murren and seconded by Rosch to accept #5 as written. A voice vote was taken. Celske-yes, Anderson-no, Dufern-yes, Murren-yes, Rosch-yes, Schneider-yes. Motion Carried.**

*6) Such special use shall conform with all other applicable regulations of the district in which it is to be located except as such regulation may be specifically modified for the special use by the Village's corporate authorities.*

**A MOTION was made by Celske and seconded by Dufern to accept #6 with conditions as noted. Allow parking as set forth on the site plan. Conditioned on a reduced building size, the exception for parking lot landscaping is granted. Compliance with forest management requirement except #7. A voice vote was taken with all in favor. Motion Carried.**

**FINDINGS OF FACT: Motor Vehicle Repair Shop—Special Use for Major Repairs**

*1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety and welfare*

**A MOTION made by Chairman Celske to accept #1 as written failed 5 – 1 opposed to the special use for auto repairs – major, with Chair Celske being the long dissenter.**

**A MOTION made by Murren and seconded by Rosch that another motor vehicle repair shop *would be* detrimental to the public health, safety and welfare. A voice vote was taken. Celske-no, Anderson-no, Dufern-yes, Murren-yes, Rosch-yes, Schneider-no. Motion Failed.**

*2) Special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposed already permitted, nor shall the special use substantially diminish or impair property values within the neighborhood.*

**A MOTION was made by Murren and seconded by Rosch that the establishment *would be* injurious to adjacent property owners due to the similarity of the type of business. A voice vote was taken. Celske-no, Anderson-yes, Dufern-yes, Murren-yes, Rosch-yes, Schneider-yes. Motion carried.**

*3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District where the special use is to be located.*

**A MOTION was made by Schneider and seconded by Rosch to accept #3 as written. A voice vote was taken with all in favor. Motion carried.**

*4) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.*

**A MOTION was made by Celske and seconded by Murren to accept #4 as written. Motion carried with all in favor.**

*5) Adequate measures have been or will be taken to provide ingress and egress so as to minimize congestion in the public streets.*

**A MOTION was made by Celske to accept #5 as written. Motion carried with all in favor.**

6) *Such special use shall conform with all other applicable regulations of the district in which it is to be located except as such regulation may be specifically modified for the special use by the Village's corporate authorities.*

**A MOTION was made by Celske to accept #6 as written. Motion Carried with all in favor.**

**DECISION**

**A MOTION was made by Celske and seconded by Rosch to allow the special use at 910 Northwest Hwy for a building in excess of 5,000 square feet. The following conditions are attached:**

- 1) **Compliance with Baxter and Woodman report**
- 2) **Compliance with Urban Forest Management Report, except #7**
- 3) **Drainage to be completed before occupancy**
- 4) **Signage and pavement markings as described in traffic report, west portion**
- 5) **Easement agreement, conditioned upon applicants ability to and authority to construct proposed development as approved, both on-site and off-site**
- 6) **Proposed building must be reduced in size and scope to allow for contained circulation of truck traffic within subject property**

**A MOTION was made by Rosch and seconded by Murren to *deny* the request for special use on major repairs. A voice vote was taken. Celske-no, Anderson-no, Dufern-yes, Murren-yes, Rosch-yes, Schneider-yes. Motion Carried.**

**ADJOURNMENT**

A motion was made by Murren and seconded by Rosch to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 10:21 pm

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Daniel A. Celske, Chairman

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Alison Dal Compo, Secretary

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Date approved