



PLANNING COMMISSION  
MEETING WEDNESDAY, July 21<sup>st</sup>, 2021 at 5:15 PM  
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE

**CALL TO ORDER:** Chairman Jochman called the Planning Commission meeting of July 21<sup>st</sup>, 2021 to order at 5:15 pm.

- PRESENT:**
- Chairperson: Chair Dennis Jochman
  - Commissioners: Mr. Aaron Sabel  
Mr. Tom Young,  
Mr. Morris Cox,  
Mr. James Zielinski,  
Ms. Tracy Romzek,  
Mr. Michael Scheibe
  - Staff: Community Development Director George Dearborn  
Village Manager Jeffery Sturgell  
Planning Intern Isabel Taubel
  - Other: Village President Dale Youngquist  
Jim Sehloff, Representative from Dael Engineering  
Robert McCallister, 2103 Gateway Place

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES – June 16<sup>th</sup>, 2021**

A motion was made by Mr. Cox, and seconded by Mr. Zielinski to approve the meeting minutes of Wednesday, June 16<sup>th</sup>, 2021.

The motion carried 7-0.

**PUBLIC HEARING**

Chairman Jochman recused himself from the public hearing. Vice Chair Sabel chaired the public hearing.

**1. ORDINANCE AMENDMENT – Caretaker Home**

A motion was made by Mr. Cox, and seconded by Mr. Scheibe to open the public hearing.

The motion was carried 6-0. Mr. Jochman recused.

Director Dearborn said there used to be an ordinance that had a provision for a caretaker house to secure property. The amendment would allow for a caretaker house in Heavy or Light Industrial Zoning Districts with a Conditional Use Permit (CUP). He said it is not uncommon for individuals to stay and monitor industrial properties. Commercial zone regulations allow for residential uses, but not heavy industrial zones. This ordinance would create that provision..

The Commissioners had the following questions:

- Mr. Young asked if the zoning ordinance amendment is in addition to our existing zoning ordinance and if the amendment already exists.

- Vice Chair Sabel asked if the Conditional Use Permit (CUP) would have to be approved by the Village Board or does the Planning Commission have final authority.

Director Dearborn addressed the Commissioners questions:

- The amendment does not currently exist and is in addition to the existing Zoning Ordinance.
- The developer would need to apply for a CUP if the rezoning and amendment passes with the Village Board.

A motion was made by Mr. Young, and seconded by Mr. Cox to close the public hearing.

The motion was carried 6-0. Mr. Jochman recused.

## 2. REZONING-7241 County Road BB (#12101820201)

A motion was made by Ms. Romzek, and seconded by Mr. Cox to open the public hearing.

The motion was carried 6-0. Mr. Jochman recused.

Director Dearborn said the proposed rezoning of five-acre parcel #12101820201 is from A-2 Agricultural to I-1 Light Industrial. If the Commission does not approve the change in the zoning ordinance, the applicant can still rezone it to industrial, but they would need to remove the home. The conditional use permit will come to the Commission as long as Village Board approves. If the rezoning does not pass, the applicant can withdraw his application for the zoning change. This cannot be rezoned to single-family, since that does not fit the Future Land Use map. The original intent was to remove the existing home on the property. It would be a shame to tear the house down, since it provides security to the site.

Mr. Jochman said the property owner, Joe, wants to continue adding to his mini storage that he has on that site. His buildings go fast so he needs to complete this project soon. We zoned and separated it because of the existing home in the past. The house is from 1848 but remodeled to be valued at around 250,000 dollars. This was owned by the first Irish family in Fox Crossing, so this Irish home has historical significance. It would be a shame to tear such a valuable home down. The building provides safety and security and the police and fire departments like having a caretaker living there on the property.

Mr. Cox asked if the home being sold separately from the garage? How many total acres of land is property? How many acres of land does the house sit on?

Mr. Jochman addressed Mr. Cox's questions saying that house and the property are owned by the same owner with no intention of selling it. They are retaining the home at this time to combine the acres. The property is a total of 19.23 acres, but the house sits on 5 acres right now.

Director Dearborn adds that five acres is a minimum lot size for agricultural zone. There are other lot sizes that are smaller than five acres that are zoned A-2, but they are pre-existing lots. You cannot create non-conformance, so this lot was five acres when it was originally created. It can only be re-zoned to industrial.

Jim Sehloff, a representative from Davel Engineering, said that he is a surveyor for the property and the reason for the rezoning is to combine the two parcels into one. There is an approved site plan for all the structures but one building would need to be sacrificed. This means that the home could never be sold separately.

A motion was made by Mr. Schiebe, and seconded by Mr. Cox to close the public hearing.

The motion was carried 6-0. Mr. Jochman recused.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **1. ORDINANCE AMENDMENT – Caretaker Home**

Director Dearborn said the ordinance amendment creates the option for caretaker homes to be placed within industrial zoning districts. They must be under one ownership. At this time, it would be appropriate to approve the ordinance.

Vice Chair Sabel and Mr. Young agreed to support the ordinance amendment.

A motion was made by Ms. Romzek, seconded by Mr. Schiebe to recommend approval of the ordinance amendment of Chapter 435 17.0 of the Village Zoning Ordinance Accessory Uses to include 17.09 Caretaker home within I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts to the Village Board.

The motion carried 6-0. Mr. Jochman recused.

### **2. REZONING – 7241 County Road BB (#12101820201)**

Director Dearborn said that parcel #12101820201 is a five-acres of land that has been pre-approved for multiple units on the property, but they decided that these units were not what they wanted. The original intent was to tear down the existing house on the property. We retained five acres. this is not a conditional zoning. At this time the Commission should recommend approval to the Village Board. There will be two readings of this site, so there will be time for the applicant to withdraw if the amendment to the ordinance does not occur.

Mr. Young restated three findings of fact:

- The rezoning complies with the Future Land Use map in the Comprehensive Plan.
- This rezoning is necessary, because two parcels belonging to different zoning districts cannot be combined.
- Single-family dwellings are not allowed in industrial zoning districts, so following the amendment would be the only way to keep the property conforming to zoning code.

A motion was made by Ms. Romzek, seconded by Mr. Schiebe to recommend approval of the rezoning to the Village Board.

The motion carried 6-0. Mr. Jochman recused.

### **3. CERTIFIED SURVEY MAP – 7241 County Road BB (#12101820201 and #121018202)**

Director Dearborn said the surveyor is combining parcels #12101820201 and #121018202 into one parcel. It cannot be approved until the rezoning and change in ordinance occurs. The Village Board will conditionally approve the CSM as recommended.

A motion was made by Ms. Romzek, seconded by Mr. Scheibe to approve the Certified Survey Map with the following conditions:

1. All taxes must be paid prior to recording the Certified Survey Map.

2. Rezoning shall be approved by Community Development prior to the CSM.
3. A copy of the recorded CSM must be given to the Village's Department of Community Development.

The motion carried 6-0. Mr. Jochman recused.

## **OTHER BUSINESS**

### 1. Development Activity Report

Director Dearborn said that there were two single-family homes for this month. This year there was a total of 24 single-family homes, as opposed to 13 for last year. We had three duplexes as opposed to two last year. Some smaller commercial projects were approved as well. The high school is moving ahead. In values we are at \$22 million as opposed to \$21 million last year. The trend continues with single-family homes in July.

The Commissioners had the following questions and comments:

- Chairman Jochman asked if the high school project is on track with their plans.
- Mr. Young asked how the high school project is valued when it will be a non-taxing building. He said that this project is no different than churches. The value is shown, but not the tax entity.
- Chairman Jochman said that nationwide, 1/3 of entities are tax exempt.

Director Dearborn addressed the Commissioner's questions and comments:

- The high school's project still has a lot to do, but they are on track. They got a start on their footing and foundation, and are working on utilities at this time.
- We will see the value of the structure from a building permit value, which is roughly \$21 million. This value is artificial, since it does not reflect how much money we will receive for tax purposes because it is tax exempt.
- Schools are different than churches. Unlike churches, schools are a major generator for new development. This means that even if the project itself is not high value, it still has development value surrounding it.

## **COMMUNICATIONS**

### 1. Sustainability Committee Report

Director Dearborn had the following comments about the Sustainability Committee Meeting:

- No Mow May was successfully completed with no complaints.
- The Community Gardens are filled and are in high-demand.
- Staff have been taking time to do maintenance work at the Community Gardens and for Plastic Film Recycling. We would like minimize our time spent on it, and have volunteers to do this work.
- Residents could tell us how much they are recycling, record it, and we could receive the benches.
- The Committee is working on our recycling education plans.
- The LED lights project is complete now. There was a substantial tax for streetlights with rapid payback.

Mr. Zielinski asked Director Dearborn why staff members were doing maintenance work at the community gardens.

Director Dearborn answered that because the Village supplies water to the Community Gardens, there have been some issues with hoses there. In the past we had someone dedicated to the gardens, but have since lost that person. In addition, staff were using their own personal vehicles to bring the plastic bags to the grocery stores. The Village is a public service entity, but staff should be using their time serving the community in other ways.

Mr. Cox suggested that there should be a sign-up sheet to keep the gardens going without Isabel or Farrah needing to go out and help in this way. It will make people commit so there is less danger of staff having to do the work.

## 2. EXTRATERRITORIAL CERTIFIED SURVEY MAP – Eagle Heights Drive

Mr. Cox asked how we can verify that the developers of the Eagle Heights Drive Project and other extraterritorial projects do provide the Village of Fox Crossing with a copy of their CSM as they are asked to in their Memo.

Director Dearborn said that we cannot force them to provide us with a copy of their CSM, but most of the time it is provided anyway. For this project, it would be nice to be able to regulate the road from the Village of Fox Crossing property near our western border, but we cannot do that.

Chairman Jochman said the road will be extended across the creek line and go to the northwest. This will lead to Prince's property where it then goes back to Shady lane. Both communities will benefit from this development. Water being served by Fox Crossing utilities would be outstanding at this location.

Mr. Cox said that this should be an agreement on paper somewhere so it is not only an assumption.

Chairman Jochman said that it will be as it develops. There is nothing coming off of Shady Lane at Prince's property right now and that is also in Fox Crossing.

## **PUBLIC FORUM**

Robert McCallister, 2103 Gateway Place, said he lives between Irish road and Clayton Avenue. Meadow Heights Park is nearby. A block away from there is an intersection where the road curves a lot. There are no stop signs, and traffic moves fast and is hard to see. There is a trail along this road. This intersection needs a four-way stop.

Director Dearborn asked Mr. McCallister which intersection.

Mr. McCallister said where Smoke Tree Road and Hillington Drive meets West American Drive. With the curve in West American Drive, it is difficult to see the cars coming through. They may be going 45 miles per hour (mph) and much faster. There are trees at the corner that make street visibility difficult as well. A stop sign would be helpful.

Director Dearborn said that this may be a case to bring to the police department.

The Commissioners had the following comments:

- Chairman Jochman said that he is familiar with the intersection. He said that there are a lot of children in that area and that it is true that traffic moves very fast.
- Mr. Sabel said that he was surprised that the speed limit is 35 mph there.
- Ms. Romzek said that every other road in that area has a 25mph speed limit.

Mr. Young asked Mr. Cox if there was any further report on the dog park. He said that he saw some gravel being poured.

Mr. Cox said there has been some irritation with the dog park project not being finished yet. Mr. Finch said the night before that it would be completed in two weeks.

Chairman Jochman asked where the dog park is going to be.

Director Dearborn said it is right by the railroad tracks north of where our park is located.

Mr. Cox said that the park can be seen from the bridge on pp on the left side. It is on the other side of the warehouse.

Director Dearborn said the warehouse is Milltown and asked if the dog park developers have started putting a fence up yet.

Mr. Cox said that Amanda saw someone cutting weeds. That person must have been from Winnebago County.

Chairman Jochman said that Mr. Finch has been working on this project for a long time.

Mr. Cox said that Mr. Finch has talked to several people there, and he knows the promise of the park is good.

Director Dearborn said the Town of Clayton is doing a comprehensive plan update. He said that the Commission will review this at the next meeting. It has received several positive comments on trails and other things.

Mr. Cox asked if it lists road coming towards the Village.

Director Dearborn said that he will get the Commissioners the information for the next meeting.

**ADJOURNMENT:** A motion was made by Mr. Sabel, seconded by Mr. Schiebe to adjourn.

The motion carried 7-0.

5:56 p.m.  
Plan Commission  
July 21<sup>st</sup>, 2021 Minutes  
Isabel Taubel, *Recording Secretary*