

**Plan Commission/Zoning Board of Appeals  
87 Galligan Road  
Gilberts, IL 60136  
Meeting Minutes  
September 12, 2012**

**Call to Order**

Chairman Hagen called the meeting to order at 7:01 p.m.

**Roll Call/Establish Quorum**

Roll call: Members present: Commissioners Borgardt, del Vecchio, LeClercq, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen. Also present were Administrator Keller, Engineer Blecke, and Attorney Tappendorf.

Not present was Commissioner Zoerhoff.

**Approval of Minutes**

**A motion was made by Commissioner del Vecchio and seconded by Commissioner Mills to approve the minutes from August 8, 2012.**

Vice Chairperson Davidowski noted a spelling error on page 2, under 9-12-3. "Manuel" should be changed to "Manual." On the first page she noted that she requested a copy of the cumulative changes in the Final UDO. These corrections will be made.

**A motion was made by Commissioner Sullivan and seconded by Commissioner Borgardt to approve the minutes from August 8, 2012 as amended.** Unanimous Voice Vote: all ayes. (Commissioners Borgardt, del Vecchio, LeClercq, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen.) 0-nays. 0-abstain. Motion Carried.

**New Business**

Administrator Keller explained the procedure for the ZBA meeting and the Plan Commission meeting. Commissioners McHone and LeClercq will not be voting on whether to grant the zoning variance to Mr. Tim Layton of 22 Willey Street.

**Public Hearing on a request for a zoning variance from Section 3.5-3 "Home Occupations" for property located at 22 Willey Street**

**A motion was made by Commissioner del Vecchio and seconded by Commissioner Borgardt to open the public hearing.** Vote: 6 ayes. (Commissioners Borgardt, del Vecchio, Mills, Sullivan, Vice Chairperson Davidowski and Chairman Hagen.) 0-nays. 0-abstained. Motion carried.

Resident Tim Layton of 22 Willey Street stated that he has been running an auto shop out of his garage for the past eleven and a half years, and he does pay taxes on his work.

In reference to the complaint from Ms. Bogenholm, Mr. Layton says that he has family over once a month for a family gathering. He believes those are the vehicles she was referring to. He has a large family, and the cars are parked up and down the street. He stated that those family gatherings have since been switched to every other month. He has recently painted the garage floor, so his equipment and vehicles were moved on the driveway. Once the floor dried, all of the equipment was moved back into the garage. He stated that approximately 4 years ago a family from out of town had broken down at the gas station in town. A local tow company towed their vehicle to Mr. Layton's property at 12:30 am, but that has been the only time a tow truck has been to his property in the middle of the night.

The most cars that have been in his driveway for repairs are four. Typically there are one or two cars being repaired at a time.

He stated that he does not empty the fuel tanks, and he does have a company that picks up the used oil of which he has receipts for.

He does not carry business insurance, nor is his homeowner's insurance aware that he is working a business out of his home.

When asked, Mr. Layton stated that he did work on the Bogenholm's vehicle once, and he didn't charge them for labor.

Commissioner Borgardt informed Mr. Layton that it is state law that he have a trench drain and triple basin to use as a filtering system.

Mr. Layton went on to explain his 40 years of auto mechanic experience.

Commissioners LeClercq and del Vecchio stated that Mr. Layton should register his business with the county.

Commissioner Sullivan questioned the type of work Mr. Layton does. He stated that he does everything, except body work on the vehicles. Most of the work is completed in one to two days.

Resident Mike Doherty of 27 Willey has lived across from Mr. Layton for four years. He stated that Mr. Layton is a good neighbor, and he hasn't had any problems with him.

Resident Thelma Wilke of 28 Willey stated that she hasn't been disturbed in the past seven years. She believes Mr. Layton is courteous. She doesn't see any clutter on his property. She added that she has only seen two tow trucks at his property in those seven

years, and he is a good friend and community member.

For the record, there are two letters from residents who are not in favor of the Village granting approval of a variance, as well as a petition signed by residents who are in favor of the variance. All of which will be attached to the approved minutes.

Commissioner McHone stated that even though he won't be voting, he is in favor of granting a variance. He believes Mr. Layton deserves a chance.

Vice Chairperson Davidowski stated that an auto repair shop isn't allowed in a residential area.

Commissioner Borgardt stated that he is in favor of granting a variance subject to conditions.

Resident Mike Doherty expressed his concern for there not being enough room for a triple basin on Mr. Layton's property.

**A motion was made by Commissioner Borgardt and seconded by Commissioner Sullivan to close the public hearing.** Vote: 6-ayes. (Commissioners Borgardt, del Vecchio, Mills, Sullivan, Vice Chairperson Davidowski and Chairman Hagen.) 0-nays. 0-abstained. Motion carried.

**A motion was made by Commissioner Borgardt and seconded by Commissioner Sullivan to recommend to the Board approval for a zoning variance from Section 3.5-3 "Home Occupations" for property located at 22 Willey Street subject to the following conditions:**

- **Installation of a triple basin**
- **Obtaining all necessary licenses and business insurance**
- **Installation of a one hour burn wall**
- **The variance is granted only to the petitioner. The ordinance will be recorded against the property.**
- **All EPA requirements are met**
- **Hours of operation are from 8:00 am to 8:00 pm**
- **Parking is allowed only on a hard surface**

Vote: 4 ayes (Commissioners Borgardt, del Vecchio, Mills, and Sullivan). 2-nays (Vice Chairperson Davidowski and Chairman Hagen.) 0-abstain. Motion carried.

A ten minute break was taken from 7:40 pm – 7:50 pm.

**Public Hearing on requests to rezone property to I-1 Industrial and approve a new Planned Unit Development (PUD) for the Gilberts Corporate Park Development, a resubdivision of the Riemer Centre Industrial Park and Office Research Centre Subdivision**

**A motion was made by Commissioner LeClercq and seconded by Commissioner del Vecchio to open the public hearing.** Vote: 8-ayes. (Commissioners Borgardt, del Vecchio, LeClercq, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen). 0-nays. 0-abstained. Motion carried.

Mark Ebacher of Interstate Partners stated that he's excited to have this potential opportunity in Gilberts. He has patterned his product after The Grove in Elgin off of Randall Road just north of I-90. His plans are to build five retail buildings on approximately 7-8 acres of land near the north end of the project (along Route 72). He anticipates there being possibly a lunch/breakfast restaurant and a gas station. He stated that originally the Village was hoping to have retail north from Sola Drive to Route 72. He stated that he doesn't see that happening. He added that his design works because the industrial businesses to the south would utilize the retail to the north of the project.

All of the buildings would be constructed of brick, and they would have irrigated front lots.

The right in, right out along Tyrrell will be moved farther north. Mr. Ebacher has already worked this out with KDOT.

The eastern phase along Tyrrell could possibly be medical buildings or a hair salon. Mr. Ebacher briefly discussed the possibility of assisted living buildings being located in that section also. However, he hasn't put much thought into the assisted living.

Pathways will run through the development, including a path along Tyrrell.

The vegetation and berm along Tyrrell will stay in place.

The building owners/tenants would pay into an association for the maintenance of the area, including the berms. Mr. Ebacher stated that this site will represent a significant investment, and he wants to make sure the appearance and maintenance are kept up over time. He added that he doesn't want to see any parking on the streets.

Mr. Ebacher is expecting it to take three years before the industrial buildings are up and filled with tenants and seven years to fill the retail. He has spoken with three possible industrial tenants and one possible retail tenant.

He's anticipating calling the project the Prairie Business Park, and he is trying to balance the buildings as best as he can to the surrounding houses and businesses.

The first step would be to build the northern phase (along Rt. 72).

Lighting was discussed. The lights attached to the buildings would shine down, as opposed to shining out.

The industrial buildings located across from Indian Trails would be dropped down. This would help hide parking and lighting.

The detention ponds were then discussed. Mr. Ebacher explained the management practices he will have in place to help collect trash and waste along the ponds.

Barb Clayton, representing the Tyrrell Family and owner of the property just south of the proposed project, questioned the TIF. Administrator Keller stated that a TIF hasn't been approved yet, and that matter is going before the Board. Mrs. Clayton wanted to verify that the pathway would not be located on her property. Mr. Ebacher told her that it will not be on her property. She then stated her concern for lack of an access to Tyrrell Road off her property. She went on to verify that the covenants will be enforced by the association. Mr. Ebacher stated that Interstate will manage the covenants. However, Interstate will not own all of the buildings. She then asked whether there were any plans for the property East of Tyrrell Rd. Chairman Hagen responded that there wasn't any currently. Next she asked what the next step was after the public hearing. Chairman Hagen explained that after the Plan Commission made a recommendation, this matter would go before the Board.

Sharon Glasshof of G.C. Realty stated her concern regarding vacant buildings. Mr. Ebacher stated that he isn't concerned, and The Grove is 97% occupied.

Resident Mike Summy of 136 Whitefeather Lane asked what the hours of operation were going to be. Mr. Ebacher stated that since there aren't currently any tenants it would be hard to anticipate the future. However, most companies would probably run from 6:30/7:00 am until 5:00 pm. He doesn't anticipate any 24 hour businesses.

Resident Sue Glaze of 230 Whitefeather stated her concern for traffic and the increase in semi trucks. Administrator Keller informed her that the site will generate truck traffic.

Resident Dan Baird of 571 Running Deer Lane asked how closely the Village had looked through the Covenants. Administrator Keller informed him that this was the time to note any issues or clarifications that needed to be made.

Resident Cliff Surges of 206 Whitefeather Lane stated that he is pleased with the design. He then noted his concern for the wetlands located near Indian Trails. Mr. George Kanagin of Phoenix and Associates informed him that he will be working on any drainage concerns associated with the wetlands. Mr. Surges then asked whether Mr. Ebacher would consider switching the industrial buildings located in the south phase so the residents in Indian Trails wouldn't have to look between two buildings, including the parking lots. Mr. Ebacher stated that he could look into that. However, since the buildings are going to be built lower, he doesn't anticipate the residents being able to view the parking as much.

Resident Sue Glaze of 230 Whitefeather stated that Indian Trails did not have any berms put up when the neighborhood was developed. Mr. Ebacher stated that the residents may want to add additional vegetation on their properties to help buffer the view and sound.

Mr. Ebacher will be giving his contact information to Barb Clayton after the meeting.

Vice Chairperson Davidowski had a couple of questions regarding the Draft for the Gilberts Corporate PUD Retail/Service Commercial Lots, Industrial Lots, and Office Lots.

**A motion was made by Commissioner Borgardt and seconded by Commissioner LeClercq to continue the public hearing to the next scheduled Plan Commission meeting on September 26, 2012.** Vote: 8-ayes. (Commissioners Borgardt, del Vecchio, LeClercq, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen). 0-nays. 0-abstained. Motion carried

**Old Business** - none

**Communications**-none

**Adjournment**

**A motion was made by Commissioner Borgardt and seconded by Commissioner del Vecchio to adjourn from the meeting at 9:44 p.m.** Unanimous Voice Vote: all ayes. (Commissioners Borgardt, del Vecchio, LeClercq, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen). 0-nays. 0-abstain. Motion carried.

Respectfully submitted,  
Karen Danca, Recording Secretary

Village of Gilberts

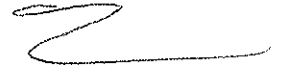
87 Galligan Road

Gilberts, Illinois

Plan Commission

Meeting Sign-in-Sheet

September 12, 2012



Name

Address

Telephone #

LONNIE RITCHASON	525 Sleeping Bear TR	847-341-6539
MIKE & MAUREEN SUMMY	136 Whitefeather	844-9434
MIKE DOHERTY	27 W WILLEY	847-274-9625
ROLYN ANDERSON	113 RAILROAD ST	847-428-1532
Tim & Maxine Layton	22 Willey St	847-651-9634
Thelma Wilke	28 Willey St	847-224-5826
BRYAN WILKE	28 WILLEY ST.	847-224-5827
Bud Nambaz	8425 Royal Blvd Elgin	847-695-2000
MARLE EBAER	2860 GARDEN DR ELGIN ILL 60124	847-428-5303
Bob Gudmundson	975 E. 22 <sup>nd</sup> St Suite 400 Whitefish Bay WI 53190	630-774-9501
Cliff Suggs	206 WHITEFEATHER LN GILBERTS	847-426-0204
Kathy + Barb Clayton	1321 Maple Ave Wilmette	847-256-0266
Sup Glaze	230 Whitefeather Ln	847-836-0966

PETITION FOR ZONING VARIANCE

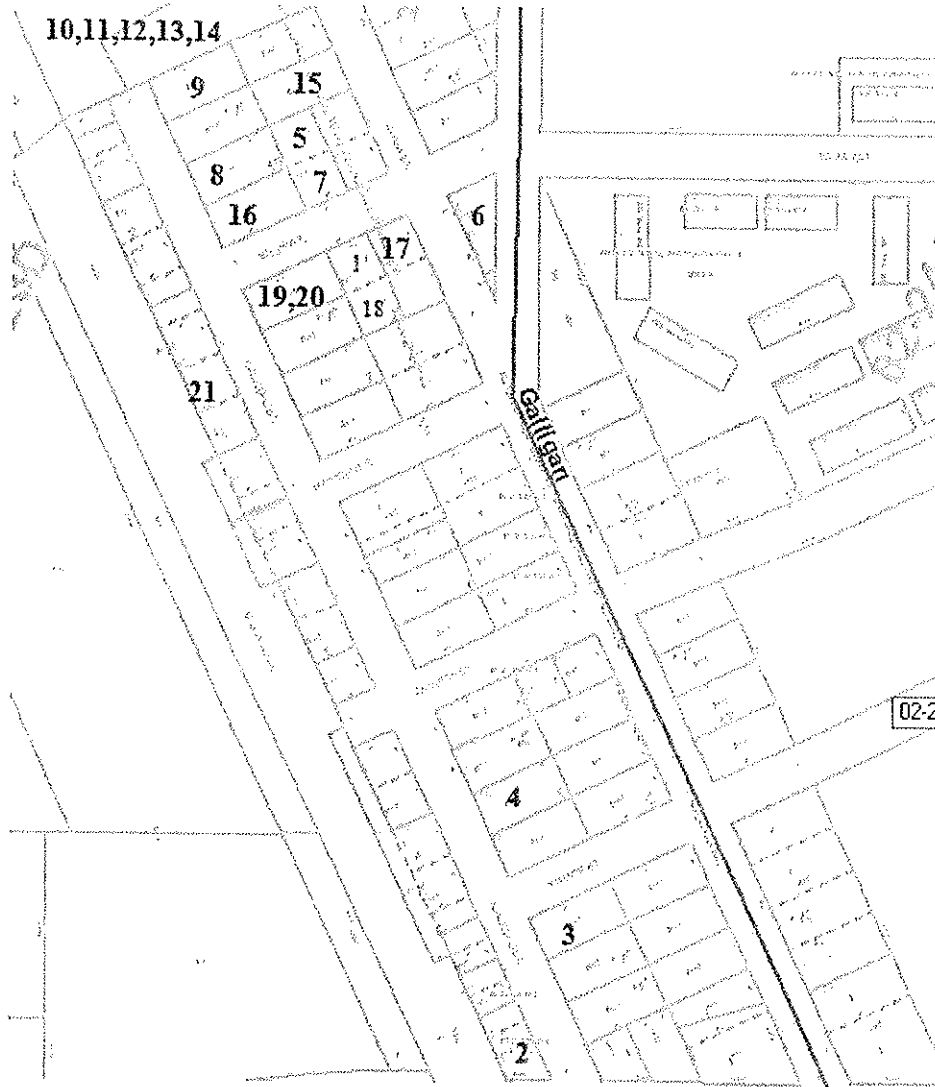
My name is Tim Layton. I reside at 22 Willey St. in Old Town of Gilberts. I am asking the Village of Gilberts for a zoning variance to operate my Auto Repair Business. I have been doing auto repair out of my residential garage as a business for 11 years according to my tax returns.

By signing this petition you are telling the Village of Gilberts that you do not have any complaint regarding my business operation.

M. P. DeLong 27 W. WILLEY ST.  
Rita C Oandrew 6 Rail RD. ST  
Pat H 9 Turner St.  
James J. Ellis 43 Railroad St. Gilberts, IL  
K. Frank 26 Willey St. Gilberts  
Joshua Grace 130 GALLIGAN RD. GILBERTS, IL  
BRYAN LILKE 28 WILLEY ST  
Judy Alicia 133 RAILROAD ST. GILBERTS, IL  
Kristen Rourke 145 Rail Road St Gilberts IL  
~~Patricia~~ 153 RAILROAD ST GILBERTS IL  
Kathleen Woodruff 153 Rail Road St Gilberts IL 60136  
Theresa Davidson 155 Railroad St. Gilberts 60136  
Sharon Ann 153 Rail Road St Gilberts IL 60136  
~~Sharon Ann~~ 153 Rail Road St Gilberts IL 60136  
Elsie Shroff 150 Union St. Gilberts IL 60136  
Reut 125 Railroad St. 60136  
Jennifer Woodward 25 Willey St. 60136  
Kathlyn Woodruff 27 Willey St. 60136



PETITION FOR ZONING VARIANCE SIGNATURE LOCATIONS



received  
9/10/12 PK

To: Members of Gilberts Plan Commission

Subject: Request for code variance by  
Mr. Jim Layton

From: The Bogenholm Family  
10 Willey St. Gilberts, IL

We hereby recommend and request that the Plan Commission and Village Board deny Mr. Layton's request for a variance to allow a repair business in this "residentially" zoned neighborhood.

- Mr. Layton has already demonstrated lack of care or respect for city rules and boundaries as well as the property of others.
- We have been awakened by trucks delivering cars in the middle of the night (2 A.M.)
- We have had vehicles parked against our fence - on the east side of Union St. (Mr. Layton's property is on the west side of Union St.)

• Mr. Layton has repeatedly used the east side of Union Street as a parking area, as evidenced by the grassless areas - none of which are his property but he uses it as if it were his parking lot.

• We frequently experience the sight and the clutter of vehicles in a state of disrepair, noise of pneumatic tools, pounding, and the blaring of radios.

• It is obvious that his lot / property is NOT LARGE ENOUGH for his "business" because he already uses property that is not his. Although he uses the public area, he doesn't mow these areas or maintain them. He also has coned off Union Street for his family gatherings.

• Through the years we have voiced our concerns to both the police department and village. Things change for a short period and then back to the same "clutter", etc.

The demonstrated attitude of "doing whatever he wants", regardless of other peoples' properties, rights, and the sanctity of a peaceful residential neighborhood, shows us that Mr. Layton will "take a mile if given an inch".

This is a "residential" zoned area and should remain so. Please deny the request for this variance!

Thanks for your consideration  
The Bogenholm Family

received  
9/4/12 AK

Sept. 4, 2012

Ray Keller, Village Administrator  
87 Galligan Road  
Gilberts, IL 60136

Dear Mr. Keller,

Thank you for your letter notifying us of a public hearing regarding allowing a car repair shop in the old town residential area. Listed are some of the concerns we have for the people that live close to Tim should you approve the variance:

1. What about air tool sounds?
2. What about hammering?
3. Painting fumes?
4. Tire repair?
5. Welding and exhaust fumes drifting to the home 6' away?
6. Is there on property parking or will cars and trucks & trailers be parked all over the street - on the pavement and on the end of the street, in Mrs. Shoop's driveway and on neighboring lots? How often - all the time (day & night) or except when the inspectors are <sup>not</sup> looking?

If the variance is approved, would this allow Tim to build a 4 bay garage on site with car lifts, in the future?

Has the village been receiving sales tax from Tim and for how many years?

More than 4 years ago he fixed our van. The bill was \$800. Tim has been doing auto repair, bicycle sales, sweet corn and pumpkin sales, etc., etc. He has probably been in business since he started collecting disability pay from being a mechanic at Coca Cola. Is he still receiving disability pay? Does he have a disability? Can a disabled person be a car mechanic?

If allowed, would the zoning variance transfer if he sells the property? How many generations?

Tim's not a bad guy, he just does what he can get away with.

We would vote no for a variance change. There are many properties available that are already zoned business.

Sincerely,

Rane + Carol Burnidge