



**MINUTES FOR VILLAGE OF GILBERTS  
PLAN COMMISSION/ZONING BOARD OF APPEALS MEETING  
Village Hall: 87 Galligan Road, Gilberts, IL 60136  
Meeting Minutes  
Wednesday, April 24, 2019**

**1. CALL TO ORDER**

Chairman Mills called the meeting to order at 7:03 p.m.

**2. ROLL CALL / ESTABLISH QUORUM**

Village Clerk Courtney Nicholas called the roll. Roll call: Members present: Commissioners Page, Sullivan, Lateer, and Chairman Mills. Commissioners Del Vecchio and Borgardt were absent. Commissioner McHone arrived at 7:17 p.m. Others present: Village Administrator Brian Bourdeau, Village Attorney Julie Tappendorf, and Public Works Coordinator John Swedberg.

**3. PUBLIC COMMENT**

There were no public comments.

**4. ITEMS FOR APPROVAL**

A. A Motion to approve Minutes from the December 2, 2018 Plan Commission Meeting.

**A Motion was made by Commissioner Page and seconded by Commissioner Lateer to Approve the Minutes from the December 2, 2018 Plan Commission Meeting.** Roll call vote: Commissioners Page, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays. Motion carried.

**5. PUBLIC HEARING ON A TEXT AMENDMENT TO SECTION 10-6-3 OF THE VILLAGE OF GILBERTS UNIFIED DEVELOPMENT ORDINANCE REGARDING MINIWAREHOUSES (SELF STORAGE FACILITIES)**

**A Motion was made by Commissioner Sullivan and seconded by Commissioner Lateer to open the Public Hearing.** Village Clerk Courtney Nicholas called the roll. Members present: Commissioners Page, Sullivan, Lateer, and Chairman Mills. Others present: Village Administrator Brian Bourdeau, Village Attorney Julie Tappendorf, and Public Works Coordinator John Swedberg.

Administrator Bourdeau provided an overview of the proposed text amendment to the UDO. Administrator Bourdeau stated that the Village's UDO contains references to mini-warehouses (self-storage facilities); however, it does not currently permit them as a matter of right or as a special use in any of the Village's zoning districts. Prior to the Village's adoption of the current UDO in 2014,

mini-warehouses were a permitted use within the I-1 Industrial Zone. The current text amendment proposal would allow mini-warehouses as a special use within the I-1 Industrial Zone. Allowing the use as a special use would allow the Plan Commission the ability to consider any proposal on a case-by-case basis. Additionally, designating mini-warehouses as a special use allows for the Plan Commission to impose conditions on any approval that may be deemed necessary to limit the impact a mini-warehouse may have on the Village. Such conditions could be, but not limited to, hours of operation, lighting, and security.

Chairman Mills asked if there were any public comments regarding this item. After hearing none, asked for a motion to close the public hearing.

**A Motion was made by Commissioner Sullivan and seconded by Commissioner Lateer to close the public hearing.** Roll call vote: Commissioners Page, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

**6. RECOMMENDATION TO THE VILLAGE BOARD REGARDING A TEXT AMENDMENT TO SECTION 10-6-3 OF THE VILLAGE OF GILBERTS UNIFIED DEVELOPMENT ORDINANCE**

**A Motion was made by Commissioner Page and seconded by Chairman Mills to approve the text amendment of section 10-6-3 of the UDO.** Roll call vote: Commissioners Page, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

**7. PUBLIC HEARING ON A REZONING AND PUD AMENDMENT REQUEST – THE CONSERVANCY DEVELOPMENT**

**A Motion was made by Commissioner Sullivan and seconded by Commissioner Page to open the Public Hearing.** Village Clerk Courtney Nicholas called the roll. Members present: Commissioners Page, Sullivan, Lateer, and Chairman Mills. Commissioner McHone arrived at 7:17 p.m. Others present: Village Administrator Brian Bourdeau, Village Attorney Julie Tappendorf, and Public Works Coordinator John Swedberg.

Village Attorney Tappendorf provided a brief background of the Conservancy Development. In 2005, the Village Board approved an annexation agreement and a planned unit development (PUD) for 1,000 acres that is now called The Conservancy. At that time, Neumann Homes was the developer of that parcel and there was a proposed amount of approximate 985 single family homes and commercial development. When the recession hit in 2007, Neumann Homes went into bankruptcy, the property went into tax sale and it sat for many years. In 2017, a new developer bought the property and asked the Board to approve changes to The Conservancy annexation agreement and the PUD to allow 997 single family homes in 11 different neighborhoods in the property. The single-family homes have already been approved, but now the developer is asking for some changes to the approvals.

Administrator Bourdeau summarized the developer's new proposal. The proposal is to rezone the western and northwestern portion of the area identified as a part of Neighborhood 2 on the approved preliminary site plan from the current R-3 zoning to R-4 zoning that would permit the proposed townhomes. This proposal would also be to amend the existing PUD to incorporate the following changes of an increase in the total number of residential lots permitted from 997 to 1,197, to allow the development of 134 townhomes in Neighborhood 2, to approve deviations from the bulk standards required by the Village's UDO for the R-4 district for the proposed townhomes, and to

approve an amended site plan of the un-platted areas. Administrator Bourdeau advised Developer Mertz that he may proceed with his presentation of the proposal.

Developer Mertz stated that, shortly after the approval of Neighborhood 2, an endangered species of turtle was found in that area. Since the Illinois Department of Natural Resources prohibits the destruction of an endangered species' habitat that eliminated that portion of Neighborhood 2 that could have been developed with single-family homes. Developer Mertz provided an overview of his new amenity and park plan. The building of townhomes would allow for more space to have a dedicated area for the endangered turtles and more park areas. Developer Mertz asked if the Commissioners had any questions.

Commissioner Page asked where the parking for the park would be if someone were to enter in through Freeman Road and asked how many cars could fit. Land Planner and Designer, Mike Schoppe, stated that there would be a total of 18 parking spaces along the park frontage. Developer Mertz stated that there may be additional parking on the Village streets near the parks.

Chairman Mills asked if there would be any guest parking for the townhomes. Planner Schoppe stated that there are 14 bump-outs throughout the streets of the townhomes that would allow for guest parking. Planner Schoppe said that the Village's guest parking criteria in the UDO is 20% but there is plenty of space to add more guest parking if needed. Village Attorney Tappendorf clarified that the UDO states that, for multi-family housing, there need to be two spaces for each dwelling unit and then there needs to be one guest parking space for each 20 required parking spaces. Since this is a PUD, the Commission may recommend more spaces.

Commissioner McHone asked if Developer Mertz has worked with School District 300 to ensure that there would be room in their classrooms and enough tax money for the additional children that may be entering their schools from these additional units. Developer Mertz' Attorney, Tom Burney, responded to Commissioner McHone and stated that the school district will receive money from impact fees every time a building permit is pulled for one of these units. Attorney Burney then stated that they are only asking to build 200 more units than what was previously approved by the Board, 134 of which are townhomes. Statistically, townhomes generate fewer students than single-family homes. Attorney Burney stated that they are not legally obligated to speak to the school district and are only legally required to provide impact fees. Developer Mertz advised Commissioner McHone that School District 300 is only a portion of the Conservancy Development and the rest is Huntley District 158. Developer Mertz also stated that he doesn't believe that these additional units will generate more than approximately 50 possible students.

Attorney Burney stated that he had a few house-keeping items to address. First was that the public notice was published, signs posted and a letter was sent to the required residents informing the public of this public hearing. The second was that they have filed narratives with their application which they believe demonstrate that they satisfy the standards required with their application. Attorney Burney then asked Developer Mertz to explain what his plans are for Freedom Road. Developer Mertz stated that Freedom Road approvals are very near. He stated that the money is funded and is ready to be constructed but is waiting to receive the required permits. Commissioner Lateer asked Developer Mertz what will the improvements to Freeman road look like. Developer Mertz stated that there will be a turn lane added as well as a general improvement of the road including paving and resurfacing. Commissioner McHone asked Developer Mertz about the type of material that will be used for Freeman Road and Developer Mertz said that he does not his engineer with him to answer that tonight, however, the Village has approved the materials to be used.

Commissioner McHone asked Developer Mertz to consider additional guest parking and Developer Mertz said that should not be a problem because there is enough space to add more. Commissioner McHone asked if the townhomes would be under their own HOA and Developer Mertz stated that they will have their own HOA and the homeowners must belong and contribute to it.

Commissioner Sullivan asked Developer Mertz to explain why he wants to deviate from the approved setbacks with the townhomes. Planner Schoppe advised that they designed it this way because these lot sizes are very typical of other townhome lots.

Commissioner Lateer asked Developer Mertz to explain what the price points would be for the proposed townhomes. Developer Mertz stated that, after a comprehensive market study was done, it was determined that the average baseline price would be \$230,000 with a closing price of \$245,000 with options that comes to \$135 per square foot. Existing homes in the community are selling for \$130-145 per square foot in the Conservancy so it's consistent with what is currently being sold.

Commissioner McHone expressed concerns for a portion of one of the proposed streets that looks like it may be difficult for emergency vehicles to get through and turn. Attorney Tappendorf advised that this plat is still in the preliminary stages and would need to go through final engineering to look at things such as turning radius of roads and would be sent to the fire district, IDOT, Kane County and others.

Chairman Mills stated that they would like to open the floor to public comment at this time. He asked that members of the audience limit their comments to last no longer than five minutes in order to allow everyone an opportunity to speak.

Bill Burne of 10320 Kreutzer Road, Huntley – Mr. Burne approached the commission and stated that their family has lived in Huntley for 180 years and own a property that is right on the border of the Conservancy development. Mr. Burne stated that he has spoken in front of the commission several times about the ingress and egress on to Kreutzer road that is on the Kreutzer land. Mr. Burne stated that the Kishwaukee river that borders the Conservancy is on the Kreutzer land and that if there is a blockage, everything coming from the Conservancy will flood the Kreutzer property. Mr. Burne stated that Developer Mertz and the previous Village of Gilberts Administrator were supposed to discuss the Kishwaukee river concerns with Mr. Burne but they never did. Mr. Burne also said that he believes there have been people on his property by the Kishwaukee River with earth-moving equipment and trees were pulled out of the river. Attorney Tappendorf stated that Staff will get Mr. Burne's information to contact him about these issues at a later date but, for this meeting, we would need to focus on the matters being brought forward to the plan commission tonight. Commissioner McHone asked Mr. Burne to attend a Village Board Meeting to discuss his concerns further.

Yesenia Presley of 837 Glacial Falls Drive – Ms. Presley approached the commission and asked if the proposed townhomes would be able to be rented out or only able to be owned. Developer Mertz stated that it would fall under Village code. Attorney Tappendorf stated that the Village is prohibited by law from restricting the ownership of a unit but it may be a covenant of an HOA. Ms. Presley also stated that she never received a legal notice regarding this meeting. Developer Mertz advised that there is a legal boundary of who needs to be noticed and her home may not have fallen into that boundary. Attorney Burney stated that it was 250 feet from the property which totaled 97 people that were sent certified mail advising of the meeting. Ms. Presley raised concerns about the condition of the roads near the entrance of the Conservancy to which Commissioner McHone advised her to bring these specific concerns to the next Village Board Meeting.

David Beaver of 846 Sunburst Lane – Mr. Beaver approached the Commission and stated that he used to live in a townhome in Cambridge Lakes in Pingree Grove and moved into a single-family

home in the Conservancy in order to get away from being around townhomes. Mr. Beaver asked why the amenities are so close to the townhomes as opposed to being spread out around the entire community. Developer Mertz stated that it is because of an access issue. Mr. Beaver asked if Ryan Homes will be building these townhomes and Developer Mertz said no.

Dino Heckerman of 880 Mario Lane - Mr. Heckerman approached the Commission and stated that he is a retired police officer who is a crime-free housing coordinator. Mr. Heckerman stated that, through his experience, he believes that there are statistics that show that there is more of a criminal element to a rental property community as opposed to an owned property community. Mr. Heckerman stated that he lives in Lot 4 of the Conservancy and he had paid a premium price for that specific lot because of the scenic view behind it. Mr. Heckerman asked Developer Mertz if the tree line and nature behind his lot will be preserved and Developer Mertz said that it will be preserved. Mr. Heckerman also raised concerns with the projected pricing of the townhomes as he doesn't believe that people will pay that much for them.

Mike Shannon of 816 Mario Lane – Mr. Shannon approached the Commission and stated that he is in Lot 12 of the Conservancy and that he bought his home because of the surrounding nature behind their property. Mr. Shannon stated that the proposed access road from Freeman Road would be right behind his backyard and would make them a lot less scenic.

Jason Brotsos of 833 Blue Astor Parkway – Mr. Brotsos asked Developer Mertz if there are plans to expand the parks to include amenities that would be good for older children. Developer Mertz stated that he would like to add more amenities but part of the hurdle is getting enough development activity to warrant bringing on some of the extra amenities.

Brad Husack of 913 Blue Astor Parkway – Mr. Husack approached the Commission and stated that he concerned with the proposed changes of the community because the scenic look would change. Mr. Husack stated that he believes that the townhome HOA will have a much different perspective on things compared to the single-family home HOAs. Mr. Husack stated that another concern of his is that he has seen many people speeding through the Conservancy down Blue Astor Parkway and with the proposed increase of traffic, wanted to know if there would be any kind of speed control like speed bumps. Mr. Husack asked Developer Mertz if there were any plans of putting in a traffic light at Galligan and Freeman Road. Developer Mertz advised that there is no plan for a traffic light in the traffic study at that intersection at this time.

Paula Malone of 828 Mario Lane – Ms. Malone approached the Commission and stated that she paid an extra \$15,000 for her property in the Conservancy because of the scenic views around it. She stated that she never would have built on Lot 10 if she knew there was going to be a park and increased traffic behind it.

Gary Haeger of 995 Blue Astor Parkway – Mr. Haeger approached the Commission and stated that he has noticed that builders and other people were speeding a lot on the roads in the Conservancy when they were building Phase 1. Mr. Haeger asked if the builder's location will be moved so they are speeding through the neighborhood and Developer Mertz stated that there is a "traffic calming" feature in the road that narrows the street. Developer Mertz stated that he hasn't had a conversation with the builders about changing their location. Commissioner McHone asked Developer Mertz if he has a dedicated phone line with a voicemail and email where residents of the Conservancy can call and voice their concerns with things that are already in place and are not being proposed. Developer Mertz advised that residents can contact the property management company and they have his number if they need to call him to address certain issues.

Mark Galle of 836 Mario Lane – Mr. Galle approached the Commission and stated that he paid extra for his lot because of the surrounding scenic views and were under the impression that there would only be single family homes there. Mr. Galle also stated that they have gone 46 days without cable but were told by the developers that there was fiber optics there yet when AT&T came to install their cable, they were told that they weren't wired for anything.

Ed Kaczmer of 960 Blue Astor Parkway – Mr. Kaczmarek approached the Commission and stated that he bought his home because he thought that there was only going to be single family homes built around him. Mr. Kaczmarek asked Developer Mertz who is going to pay for the maintenance of his proposed parks and Developer Mertz stated that one park will be maintained by the HOA and the other park will be maintained by the Village. Mr. Kaczmarek asked if there would be an increase in their HOA fees because of this and Developer Mertz stated that, although HOA fees typically go up every year, he does try to have a cap on those fees.

Aaron Busch of 966 Blue Astor Parkway – Mr. Busch approached the Commission and asked if the property taxes that would go to the school district for the single-family homes in the Conservancy would go up if the townhomes are built. Commission McHone stated that there was no one from the school district present at the meeting to answer that question. Mr. Busch asked what the security features would be if there is going to be a park built next to the train tracks. Developer Mertz stated that there is a buffer area that is required by the forest and nature preserve.

Deborah Kaczmer of 960 Blue Astor Parkway – Mrs. Kaczmer raised concerns about the proposed amenities bringing too many people into their neighborhood. Commissioner McHone and Public Works Coordinator advised her that there are several other parks in Gilberts for residents to go to, as well. Mrs. Kaczmer stated that she feels that there is not enough parking proposed for the townhomes and the parks.

Justin Redfield of 952 Glacial Falls Drive – Mr. Redfield approached the Commission and stated he believes that more parks in the Conservancy would be a good thing and that the community should get together to discuss this then bring it to the Village Board.

Chairman Mills stated that it might be best to continue this meeting in order to allow Developer Mertz and Staff to follow up on some of the concerns that were raised. Commissioner McHone stated that he would like follow up on would be issues related to the fire department, school district, traffic, and speeding. Attorney Tappendorf read the list of items for follow up which included: to have the fire department look at the plans for the roads near the townhomes, speed control, maintenance of the tree buffer, issues with the park locations, the Freeman and Galligan Road intersection, the school district impact data, guest and park parking spaces, and fence in front of the railroad.

**A Motion was made by Commissioner Page and seconded by Chairman Mills to continue to public hearing for the rezoning and PUD amendment request regarding the Conservancy Development to May 16, 2019.** Roll call vote: Commissioners Page, Sullivan, Lateer, and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

## **8. NEW BUSINESS**

There were no items to discuss at this time.

## **9. OTHER BUSINESS**

There were no items to discuss at this time.

## 10. ADJOURNMENT

There being no further public business to discuss, **a Motion was made by Commissioner Lateer and seconded by Chairman Mills to adjourn from the public meeting at 10:01 p.m.** Voice vote of Aye carried unanimously. Motion carried.

Respectfully submitted,

*Courtney Nicholas*

Courtney Nicholas  
Village Clerk