

Plan Commission Meeting

Village of Gilberts

87 Galligan Road

Gilberts, IL 60136

April 9, 2014

7:00 p.m.

AGENDA

1. CALL TO ORDER

2. ROLL CALL/ESTABLISH QUORUM

3. APPROVAL OF MINUTES

A. April 10, 2013

4. NEW BUSINESS

A. Approval of a special use permit to allow auto sales within the I-1 General Industrial zoning district on property located at 120 Center Street

5. OLD BUSINESS

6. COMMUNICATIONS

7. ADJOURNMENT

Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, Illinois 60136
Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

VILLAGE OF GILBERTS
STAFF REPORT
April 9, 2014

TO: Village of Gilberts Plan Commission

RE: Special Use Permit Amendment – 120 Center Street

I. GENERAL INFORMATION

- | | |
|------------------------------------|---|
| A. Purpose | To approve a special use permit to allow auto sales in the I-1 General Industrial zoning district |
| B. Location | 120 Center Street |
| C. Access | Center Street |
| D. Size | 1.86 acres |
| E. Existing Zoning | I-1 General Industrial |
| F. Existing Land Use | Helicopter port/industrial office |
| G. Proposed Land Use | Addition of internet-based auto sales office |
| H. Surrounding Zoning and Land Use | North: I-1, mix of industrial and commercial uses
South: I-1, Industrial
East: I-1, Industrial
West: I-1, Industrial |
| I. Floodplain | Zone A (1% flood chance/100-year floodplain) at southwest corner of property |
| J. Comprehensive Plan Designation | Industrial |

II. APPLICANT'S REQUEST

Mr. Tom Tombrowski, petitioner, has requested approval of a special use permit to allow internet-based automobile sales within the I-1 General Industrial zoning district on property at 120 Center Street, Gilberts.

III. CHARACTERISTICS OF SUBJECT PROPERTY AND SURROUNDING LAND USES AND ZONING CLASSIFICATIONS

The property is approximately 1.86 acres in size and located at the southwest corner of Sola Drive and Center Street in the Gilberts Industrial Park. The property is zoned I-1 General Industrial and is surrounded by other I-1 zoned properties with industrial uses on the east, west and north sides. There is a Zone A (100-year floodplain) and wetland area to the south of the subject property.

The property is used by Oliver's Helicopters, operated by property owner Mr. Darrell Oliver. The petitioner would lease a 12 foot by 12 foot office area and an 875-square foot storage area within the building, along with four parking stalls within the existing fenced parking lot. The petitioner's business would be internet based sales with customers viewing the vehicles by appointment, typically between 12:00 pm and 7:00 pm on weekdays and on Saturdays from 7:00 am to 12:00 pm. Other than the storage of vehicles in the fenced parking lot, the business will be conducted within the building and would be indistinguishable from other industrial/office businesses.

V. STANDARDS OF SPECIAL USE

1. The proposed use complies with the applicable district regulations.

The proposed special use permit complies with the I-1 zoning district regulations and does not require any waivers or variances to operate on the subject property. The proposed use and the subject property would be subject to the terms set forth in the Unified Development Ordinance, particularly those applicable to properties with I-1 General Industrial zoning.

2. The proposed use will not be detrimental to property values in the immediate area nor to the public welfare at large.

The proposed use will not be detrimental to property values in the immediate area nor to the public welfare at large as use will be indistinguishable from other industrial/office uses in the area.

3. The use and accompanying physical attributes are such that the use will not dominate the immediate neighborhood.

The proposed use will not be detrimental to property values in the immediate area nor to the public welfare at large as use will be indistinguishable from other industrial/office uses in the area. Up to four vehicles will be stored within the fenced parking lot and will not have a noticeable impact on traffic generation. The business is not expected to generate a noticeable increase in auto traffic or any other negative externalities.

4. Adequate utility services exist or will be provided.

The property is served by private well and septic systems. The proposed use will not generate service demands requiring upgrades and/or connection to the public systems.

5. The use is consistent with good planning practice, and will conform to the regulations of the district in which it is located.

The proposed use is consistent with good planning practice as it encourages co-location and adaptive reuse of an existing facility.

6. The use is essential or desirable to preserve and promote the public health, safety and welfare of the citizens of Gilberts.

The use is not essential to the preservation and promotion of public health and safety, though the proposed auto sales business adds a use not already present in the community.

VI. CITIZEN INPUT

The Village has received no comments regarding the proposed special use permit.

VII. CONCLUSIONS AND RECOMMENDATIONS

The Unified Development Ordinance requires a special use permit for auto sales businesses in the I-1 district because they typically have significant parking, lighting, traffic and security considerations. The UDO does not differentiate between “typical” auto dealerships and internet-based auto sales businesses that have few, if any, externalities. The petitioner proposes to operate his business within an existing industrial building, with minimal vehicle storage within an existing fenced parking area. As a result, Staff view the requested petition as a procedural requirement rather an extensive deliberation about the merits and impacts of the proposed use.

Staff recommend approval of the special use permit to allow the internet-based auto sales business to be operated within the I-1 General Industrial zoning district on the property at 120 Center Street. This recommendation is conditional upon all vehicles being stored within the fenced parking area and that the business and property continue to comply with the terms set forth in the UDO.

Respectfully Submitted,

BY: Ray Keller, AICP, Village Administrator



Village of Gilberts

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VILLAGE OF GILBERTS PLAN COMMISSION

FINDING OF FACT AND RECOMMENDATION

TO: Village President Rick Zirk and the Board of Trustees
FROM: Village of Gilberts Plan Commission
RE: Finding of Fact and Recommendation

APPLICANT: Mr. Tom Dombrowski
APPLICATION: Special Use Permit
LOCATION: 120 Center Street

I. GENERAL INFORMATION

Complete information regarding the proposed amendment can be found in the staff report accompanying this application, VA25-14, which is hereby attached to and made a part of these Findings.

II. PROCEDURES

Pursuant to law, a public hearing was held by the Village of Gilberts Plan Commission regarding this matter on April 9, 2014. The hearing was advertised in the Courier News and appeared in an edition available to the public 15 to 30 days prior to the hearing. A quorum of the Commission was present at the hearing in which subject Application and documentation materials were reviewed and all persons who desired to testify were heard.

III. APPLICANT'S REQUEST

The Petitioner requested approval of a special use permit to allow internet-based automobile sales within the I-1 General Industrial zoning district on property at 120 Center Street, Gilberts.

IV. PUBLIC SUPPORT AND/OR OBJECTIONS

Note: For a summary of all public input, please refer to the Plan Commission minutes from the public hearing on this item.

Finance & Building Departments
Public Works Facility - Utility Billing
73 Industrial Drive, Gilberts, Illinois 60136
Ph. 847-428-4167 Fax: 847-551-3382

Police Department
86 Railroad Street, Gilberts, Illinois 60136
Ph. 847-428-2954 Fax: 847-428-4232

V. CONCLUSIONS

Based upon careful review and consideration of the application, the public input received, and the criteria set forth in the Zoning Ordinance regarding this application, the Plan Commission of the Village of Gilberts draws the following conclusions:

1. The proposed use complies with the applicable district regulations.

The proposed special use permit complies with the I-1 zoning district regulations and does not require any waivers or variances to operate on the subject property. The proposed use and the subject property would be subject to the terms set forth in the Unified Development Ordinance, particularly those applicable to properties with I-1 General Industrial zoning.

2. The proposed use will not be detrimental to property values in the immediate area nor to the public welfare at large.

The proposed use will not be detrimental to property values in the immediate area nor to the public welfare at large as use will be indistinguishable from other industrial/office uses in the area.

3. The use and accompanying physical attributes are such that the use will not dominate the immediate neighborhood.

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4. Adequate utility services exist or will be provided.

The property is served by private well and septic systems. The proposed use will not generate service demands requiring upgrades and/or connection to the public systems.

5. The use is consistent with good planning practice, and will conform to the regulations of the district in which it is located.

The proposed use is consistent with good planning practice as it encourages co-location and adaptive reuse of an existing facility.

6. The use is essential or desirable to preserve and promote the public health, safety and welfare of the citizens of Gilberts.

The use is not essential to the preservation and promotion of public health and safety, though the proposed auto sales business adds a use not already present in the community.

VII. DETERMINATION AND RECOMMENDATION

NOW, THEREFORE, BE IT RESOLVED, that the Plan Commission of the Village of Gilberts does find and conclude, and recommends to the Village Board that this request by Mr. Tom Dombrowski for a special use permit to allow internet-based automobile sales within the I-1 General Industrial zoning district on property at 120 Center Street, Gilberts, be approved. This recommendation is subject to the following conditions:

1. All vehicle storage shall be within the building or the fenced parking lot.
2. The subject property and its uses shall continue to operate in compliance with the requirements set forth in the Unified Development Ordinance.

Passed / Not Passed and Approved / Not Approved by the Plan Commission of the Village of Gilberts, Illinois, this ____ day of April 9, by a vote of ____ aye, ____ nay, ____ absent/abstain.

Doug Hagen, Chair



120 Center Street

200 ft

LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the Gilberts Plan Commission at their meeting on April 9, 2014, at 7:00 p.m. at the Gilberts Village Hall, 87 Galligan Road, Gilberts, Illinois, on a proposal by Mr. Tom Dombrowski for a special use permit to allow an internet auto sales business in the I-1 General Industrial zoning district.

The subject property is legally described as THE EAST 247.0 FEET OF WEST 387 FEET OF SOUTH 207.42 FEET OF LOT 12 OF UNIT 3N03 OF GILBERTS INDUSTRIAL DISTRICT, GILBERTS, KANE COUNTY, ILLINOIS, AND NORTHERLY 278.15 FEET OF LOT 12, EXCEPT THE WESTERLY 280.0 FEET THEREOF UNIT 3 OF GILBERTS INDUSTRIAL DISTRICT, SITUATED IN THE WEST HALF OF THE SOUTHWEST QUARTER, SECTION 24, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS. The subject property is commonly known as 120 Center Street, Gilberts, Illinois.

All interested persons are invited to appear and be heard at the time and place listed above. Additional information about the proposed overlay zoning district and the public hearing are available from the Village of Gilberts at (847) 428-2861.

Doug Hagen, Chairman
Gilberts Plan Commission
Village of Gilberts

APPLICATION FOR
SPECIAL USE

CASE# 01-2014SPU
Revision #1: _____
Revision #2: _____
Revision #3: _____
For office use only
500.00 check

Development Name: _____ Date of Submission: 2-17-2014

I. APPLICANT:

Tom Dombrowski Name T&D Auto Sales Inc. Corporation

10396 Longfield Dr. Street

Huntley, City IL State 60142 Zip Code

Tom Dombrowski Contact Person 847-651-7048 Telephone Number _____ Fax Number

Lessee Relationship of Applicant to subject Property (e.g. Owner, Developer, Contract Purchaser, etc.)

II. ACTION REQUESTED (Check applicable boxes):

- Rezoning from _____ to _____
- Special Use for Internet Auto Sales

Any additional requests, which are being processed with the Special Use (i.e. variances subdivision, etc.): _____

Is this development within the Village limits?

- Yes.
- No, requesting annexation.
- Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.

III. DEVELOPERS STAFF:

Attorney: _____ Telephone Number: _____ Fax Number _____
 Builder: _____ Telephone Number: _____ Fax Number _____
 Developer: _____ Telephone Number: _____ Fax Number _____
 Engineer: _____ Telephone Number: _____ Fax Number _____

IV. PROJECT DATA:

1. General Location: 120 Center St. 3rd office, Small Storage and 4 parking spots

a. County: Kane

b. Township: _____

c. PIN#(s): _____

2. General description of the site: Industrial Building with offices, parking, and a fenced lot in the rear of the building.

3. Existing zoning on the site: Industrial

4. Acreage of the site: _____

5. Character of surrounding area:

	Zoning	Jurisdiction	Existing Land Use	Adopted Village Plan
North	<u>Industrial</u>			
South	<u>Industrial</u>			
East	<u>Industrial</u>			
West	<u>Industrial</u>			

6. List Controlling Ordinances (annexation agreement, development agreement, site plans, any ordinances annexing or zoning the property etc.) _____

7. Detailed description of the Special Use requested including type of use, square footage or building or space to be occupied, by the Special Use, hours of operation, and number of parking spaces to be provided: _____

The Special use is to be zoned for auto sales. The use is for an office (approx. 12'x12'), a small storage area in the building, and 4 parking spots for vehicles in the fenced lot in the rear of the building. The hours would be various by appointment, but majority of business would be between 12:00pm - 7:00pm Monday thru Friday, and Saturday 7:00am to 12:00pm.

DISCLOSURE OF BENEFICIARIES

Name Darrell Oliver

Address 120 Center St. Gilberts, IL

2) Nature of Benefit sought: Owner

3) Nature of Applicant: (please check one)

- a. Natural Person
- b. Corporation
- c. Land Trust/Trustee
- d. Trust/Trustee
- e. Partnership
- f. Joint Venture

4) If applicant is an entity other than described above, briefly state the nature and characteristics of applicant:

5) If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of C3Se of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

Name	Address	Interest
a.		
b.		
c.		
d.		

6) Name, address and capacity of person making this disclosure on behalf of the applicant:

Darrell Oliver
IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

VERIFICATION
I, Tom Dombrowski, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Thomas Dombrowski

Subscribed and Sworn to before me this 6 day of Feb, 2014

Debra Meadows
Notary Public



STATE OF Illinois)
)
COUNTY OF Kane)
)
Village of Gilberts)

PETITION TO THE GILBERTS VILLAGE BOARD
TO GRANT A SPECIAL USE

THE UNDERSIGNED PETITIONER, the [name or names of owner(s), include business entity any] being owner of record, respectfully petitions the Village of Gilberts to grant a Special Use of the property, commonly known as [address] and legally described on Exhibit "A," and depicted on Exhibit "B," which are both attached hereto and incorporated herein by reference (the "Subject Property") to permit the following uses in accordance with Gilberts Municipal Code:

[List all requested Special Uses]

1. *Internet Auto Sales*
- 2.

IN SUPPORT OF THIS PETITION, the Petitioner represents that:

- 1) The Subject Property is currently zoned, pursuant to [cite applicable Zoning authority (i.e. Village or County)];
- 2) The Subject Property consists of approximately 2 1/2 acres, and the property is currently used for Industrial. [list any structures on the property]
- 3) The existing land uses surrounding the Subject Property include:
 - (a) to the North; Industrial
 - (b) to the East; Industrial
 - (c) to the South; and Industrial
 - (d) to the West. Industrial
- 4) The Special Use will allow the property to be utilized in the following manner:
[provide a detailed description of the square footage by type(s) of uses proposed for any existing or proposed buildings, additions, accessory structures including

height of buildings, seating capacity (if applicable), number of parking spaces, etc.)

- 5) The proposed Special Use meets the requirements for granting a Special Use in the Zoning Ordinance because:
- (a) The establishment, maintenance or operation of the Special Use will not be detrimental to, or endanger the public health, safety, comfort, convenience and general welfare because [or "by"]: *[insert explanation]*; and
 - (b) The Special Use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted nor substantially diminish and impair property values within the neighborhood because [or "by"]: *[insert explanation]*; and
 - (c) The establishment of the Special Use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district because [or "by"]: *[insert explanation]*.
- 6) In conjunction with the Special Use, the petitioner is seeking the following variances to the Gilberts Municipal Code (Zoning Regulations Code):
- [Cite the relevant sections of the Municipal Code to which the variances are being requested]*
- 7) The requested variance(s) comply(ies) with the standards for granting a variance as outlined in Section 6-3-5:2 <<<< **VERIFY** of the Zoning Code in the following Manner:
- (a) The variance is in harmony with the general purpose and intent of this Title because (or "by"): *[insert explanation]*; and
 - (b) Strict enforcement of this Title would result in practical difficulties or impose exceptional "hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district because (or "by"): *[insert explanation]*,' and
 - (c) The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by this Title; and
 - (d) The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.
- 8) Granting the Special Use to permit the construction described above is appropriate because:
- [List factors that demonstrate why the Special Use is appropriate]*

WHEREFORE, the Petitioner requests that with respect to the Subject Property, the Village Board and the Planning Commission take action in accordance with the Gilberts Municipal Code to approve an ordinance granting a Special Use in accordance with Exhibit "-":

[repeat the list of requested uses from the Recital Section]

Respectfully Submitted,

By:

[Type in name of signatory under signature block]

[Type in title or nature of individual (i.e. applicant)]

STATE OF ILLINOIS
COUNTY OF _____)

The foregoing petition was acknowledged before me by Debra Meadows
on the 18th day of Feb., 2014 A.D.

By:

[Type in name of signatory under signature block]

[Type in title of person notarizing] and Notary Public

