

**VILLAGE OF JOHNSBURG
MARCH 3, 2015 REGULAR MEETING OF THE
PRESIDENT AND BOARD OF TRUSTEES**

President Hettermann called the meeting to order at 7:10 p.m. in the Village Hall.

Attendees

Trustee John Huemann
Trustee Kevin McEvoy (absent)
Trustee Mary Lou Hutchinson
Trustee Janice Sisk
Trustee Greg Klemstein
Trustee Rich Janusz
Village Attorney Michael Smoron
Village Engineer Tim Hartnett
Chief Keith VonAllmen
Special Project Coordinator Rick Quinn

FROM THE FLOOR - Len Keil of 4211 Jay Street was in attendance regarding the used car lot being proposed on the Garrelts property. He expressed concern that the potential tax revenues will be minimal as compared with the negative impacts. He noted that looking around the area, there are already several used car lots and he does not believe it to be the best use for the property. Mr. Keil also expressed concern with the precedence that would be set should the board grant the zoning request.

John Campbell of 4212 Ella Lane stated that he is also concerned with the proposed used car lot more specifically the increased traffic that he believes will negatively impact the intersection leading into his subdivision. He explained that the intersection is already challenging when attempting to make a left turn coming out of the subdivision. He noted that the turn lane into the Garrelts property is very short and he questioned its adequacy. Mr. Campbell also questioned the potential light pollution that may be experienced from the car lot's lighting.

OMNIBUS AGENDA – Trustee Hutchinson moved to approve the Omnibus Agenda. Trustee Huemann seconded the motion. All Trustees voted aye on the roll. Motion carried.

- Move to approve the minutes of the February 17, 2015 regular meeting of the President and Board of Trustees
- Move to approve Ordinance 14-15-33 Granting a variance to Section 7.2-1 entitled Permitted Fences, to permit the placement of a fence in the front yard for the property at 1917 W. Sunnyside Beach Drive
- Move to approve Ordinance 14-15-34 Amending Chapter 15, Traffic of the Johnsburg Municipal Code

- **Disbursements**

• General Fund	\$132,547.21
• Waterworks & Sewage Fund	1,236.76
• Debt Service	
• Total All Funds	\$133,783.97

PRESIDENT'S REPORT - Trustee Huemann informed the board that the JABA Business Expo will be held Saturday, March 14th from 9:00-3:00. He explained that the Village's exhibit is being enhanced and the booth will focus on downtown planning efforts that have been ongoing.

PETITIONS AND COMMUNICATIONS

GARRELTZ ZONING REQUEST - Steve Garrelts was in attendance along with Wayne Kurchina of IL Realty and Gary Rabine regarding a request to add a used car lot on his property at 3420 Richmond Road. Mr. Rabine discussed plans depicting the current paved area along with an extension of pavement that will accommodate the used car lot. He discussed how storm water will be managed with the additional pavement and explained that the entry would be widened to 30 feet from 27 feet in accordance with IDOT requirements. Mr. Rabine offered that the building is aesthetically pleasing as compared with other used car facilities and discussed the design standards that will be used for the pavement. He stated that the vehicles sold at the facility are expected to be \$15,000 on average. Trustee Hutchinson asked for Mr. Hartnett's input on the design standards being proposed. Mr. Hartnett stated that he had not been provided the plan in advance to review therefore he suggested that any approval be contingent upon final engineering and legal review. He added that the Village's utility easements and right of way setbacks need to be maintained.

Discussion was had regarding green space requirements, septic suitable soils and storm water management. Mr. Hartnett explained that the access is on a State Highway therefore IDOT will determine what requirements need to be met regarding access and roadway improvements. He added that any lighting will be required to cast downward.

Trustee Huemann stated that it was his understanding that one of the conditions is that the lot must be operated by a nationally recognized dealer. He pointed out that the B-2 zoning is not consistent with the Village's planning for the Route 31 corridor therefore conditions need to be in place to govern the use. Mr. Rabine suggested the board emphasize "high quality" used cars only for the lot. Concern was raised about defining "high quality" and whether or not it is enforceable. Trustee Janusz stated that the Gary Lang dealership has repeatedly been raised in relation to the request and questioned if Gary Lang is the dealer planning to sell used vehicles on the lot. Mr. Rabine stated that Gary Lang may consider the site but no commitment has been made. He further explained that there are other business operators that may consider the site. Trustee Janusz stated that he is concerned that the sales projections are unrealistically high. He reiterated concerns made previously regarding the proposed use not being consistent with the Village's Comprehensive Use Plan adding that much effort and money went into developing the Route 31 corridor. Trustee Janusz expressed concern with the precedence that would be established. Trustee Klemstein agreed with Trustees Janusz' concerns regarding the sales projections and whether or not the use is the highest and best use of the property. Mr. Rabine explained that Mr. Garrelts is trying to establish added value to make the property more saleable. Mr. Klemstein questioned the value of the vehicles that will be marketable in the area and expressed concern that the property is for sale. He also questioned how sales tax will be tracked to insure that the Village would receive the local share.

President Hettermann stated that there are legal concerns that would need to be addressed as part of the conditions. Attorney Smoron urged the Village to include precise conditions as part of any ordinance being considered on the matter. He explained that a conditional use must run with the land, not the owner of the land. Mr. Smoron raised concerns with establishing a vehicle value as one of the conditions. Trustee Huemann questioned if the Village Board could structure the conditional use such that it expires after a given time. Attorney Smoron stated that it could however it could be difficult to not renew the use after the Board had already established that the use was acceptable at one time. Trustee Huemann questioned if the Village could void the conditional use if the property owner doesn't meet the criteria. Attorney Smoron stated that it would need to be written into the ordinance and the property owner would need to be provided an opportunity to come into compliance before revoking the use. Trustee Huemann expressed that the use may be in conflict with other plans for the Route 31 corridor therefore an expiration of the use would be important. Trustee Janusz stated that it would be difficult to tell a business owner that they cannot continue to operate the business after a given time.

Special Project Coordinator Rick Quinn concurred with Trustee Janusz' concerns regarding the efforts and dollars spent establishing the Route 31 corridor. He discussed the deep setbacks and greenspaces required of other new businesses developed along the corridor. He stated that Mr. Garrelts is asking to add a use that is completely in violation of everything the Village has been trying to establish in the Route 31 corridor. He pointed out that the request requires the amendment of our Zoning Code to allow something in the B-2 zoning district that is not permitted. Mr. Quinn explained that the reason a car lot is not permitted in a B-2 zoning district is because you cannot accommodate all of the setbacks, landscaping and other requirements on a parcel two acres in size.

Discussion was had regarding the size of the property and the setback to the building. Mr. Garrelts stated that the plan provides for up to 30 vehicles on the site. Mr. Hartnett stated that a site plan depicting the impact of the used car lot would be helpful. He questioned why the Village should consider acting on a request that is questionable on the site. Trustee Hutchinson questioned whether or not the used car lot could be shifted back away from the road to preserve the setbacks that the Village is seeking in the Route 31 corridor. Mr. Garrelts explained that the pavement closest to the road is currently in place. Trustee Hutchinson explained that although the pavement may exist close to the roadway today, it is primarily vacant and does not impact the area visually as it would with cars parked upon the pavement.

President Hettermann explained that most car dealers do not want major landscaping blocking the view of the vehicles from the road however even Gary Lang has planted flowers and landscaping to dress up the site. He stated that the Village needs to see how landscaping could be accommodated in accordance with the Village's plans for the Route 31 corridor and how will the Village be able to insure that the sales tax from the site are being returned to the Village. Attorney Smoron stated that the point of sale would legally be Johnsbury but the Village would have to trust that the sales are being identified as being sold in Johnsbury.

Trustee Huemann stated that if the Village is going to consider a text amendment to the Zoning Ordinance, it should first establish conditions for this specific use. Attorney Smoron explained that the Village could establish specific conditions within the text amendment and additional conditions on the property itself.

Trustee Hutchinson questioned the value upgrade they anticipate should the request be granted. Mr. Kurchina stated anywhere from 40-60% Trustee Hutchinson questioned if the other outside storage will continue should the request be granted. Mr. Garrelts confirmed that it would.

President Hettermann asked Mr. Smoron to provide the Village with information of what can and cannot be included for conditions. Trustee Huemann stated that he believes it is important that the operator must be from a nationally recognized dealer. Mr. Smoron stated that he is not certain that can be done. Mr. Garrelts suggested that the type of building, landscaping and other site amenities could be included as required criteria. Attorney Smoron stated that you could state the minimum lot size and setbacks but cannot get into architectural criteria. He added that you could require that it is only permissible on a State Route, setback a specific amount from the road and identify a minimum lot size to insure that setbacks can be met. Trustee Klemstein requested that the neighboring properties be depicted to see how they are impacted. The Board directed that Mr. Garrelts respond to the Board's concerns, providing information for board packets a week in advance of the meeting so that there is adequate time for review prior to the meeting. Mr. Rabine suggested that the age of the vehicles permitted to be sold be included as a condition. Attorney Smoron stated that it would not likely be enforceable.

Trustee Janusz reiterated past concerns by reading the last paragraph of the April 1, 2014 board meeting at which Mr. Garrelts attended regarding the matter. He read as follows : *"President Hettermann stated that it appears that the main concern is that the request will not work as there are already too many uses*

being pursued on the property. Discussion was had regarding additional information needed to consider the matter further. President Hettermann summarized that a copy of the lease, a landscape plan and a preliminary site plan reflecting storm water accommodations are needed. Trustee Hutchinson suggested that before directing the petitioner to pursue additional information that will require the expenditure of funds, perhaps the board should indicate whether or not they feel they could support the request if additional information was provided. President Hettermann requested an informal vote as to whether or not the board would support the request if more information was provided....” Trustee Janusz stated that at that time two trustees responded yes and four responded no and Mr. Zanck requested the matter be tabled.

Mr. Garrelts stated that if he is permitted to have the outside sales lot, he would be willing to forgo the outside storage on the property. Trustee Janusz stated that a copy of the lease was requested and not provided and a landscape plan has still not been provided. President Hettermann stated that one of the biggest concerns is that it does not occur on every B-2 zoned lot therefore specific criteria such as restricting the type of use to a State Route would be helpful. Trustee Hutchinson stated that she does not believe that the Village needs to see a landscape plan at this time but an acknowledgment should be made that landscape requirements will be met. Trustee Huemann requested an economic analysis.

Mr. Hartnett questioned if a hardship was identified at the zoning hearing? He explained that it is required as part of the zoning process. Scott Letzter from the Johnsborg Planning and Zoning Commission was in attendance. He explained that no additional information was provided to the Commission. He cautioned that should the use be granted, the Village opens the door for the owner of every B-2 zoned lot to request the use. Attorney Smoron stated that the Village Board will have to determine if there is a need for the use in the community and if there are adverse impacts and if the conditions will alleviate the adverse impacts. Furthermore a determination needs to be made as to what impact the use may have on adjacent properties. He suggested a review of the applicable sections of the zoning code. Trustee Huemann urged the petitioner to compile as much data together as possible to address all of the Village’s concerns before returning to the board.

POLICE ANNUAL REPORT - Chief VonAllmen presented the Police Department’s 2014 Annual Report to the Board which will be accessible to the public on the Village’s website.

SPONSOR ADVERTISING - Trustee Sisk reviewed a proposal from the Community Affairs Committee to pursue sponsor advertising which would be displayed in Village parks. She explained that the funds would be used to help maintain and improve the Village’s parks. Signs would be 3x5 in size and vary in material depending upon where they are placed, for example, advertising placed on fencing at ball fields would be on a mesh material. Signs would also be placed on boards along the path leading to the Village’s ice rink at Rescue Squad Memorial Park. An agreement setting forth the terms was presented to the Board for their consideration. The advertising fee would also cover the cost of the sign. The board will consider action on the proposal at the next board meeting.

ADJOURNMENT – Trustee Hutchinson moved to adjourn the meeting. Trustee Huemann seconded the motion. All Trustees present voted aye. Motion carried at 9:21 p.m.

Respectfully Submitted

Claudett E. Peters
Village Administrator