


Village of Gilberts

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

Village Administrator Memorandum 42-15

TO: President Rick Zirk
Board of Trustees

FROM: Ray Keller, Village Administrator 

DATE: May 15, 2015

RE: Village Board Meeting – May 19, 2015

The following summary discusses the agenda items for the Village Board meeting scheduled for May 19, 2015:

1. CALL TO ORDER

2. ROLL CALL / ESTABLISH QUORUM

3. PUBLIC COMMENT

4. CONSENT AGENDA

A. Motion to approve Minutes from the May 12, 2015 Village Board Meeting

Please review the enclosed minutes from the May 12 Board meeting. Please contact Village Clerk Debra Meadows prior to the meeting with any corrections or questions. Staff recommend approval.

B. Motion to approve Bills & Salaries dated May 19, 2015

Please refer to the enclosed spreadsheet, which lists the bills to be approved. If you need additional information about any of these bills, please contact me or Finance Director Marlene Blocker prior to the meeting. Staff recommend approval.

5. ITEMS FOR APPROVAL

A. Motion to approve Ordinance 12-2015, an Ordinance approving a zoning map amendment (rezoning) of property commonly known as 214 Galligan Road from P Conservancy to I-1 General Industrial Zoning District

Approval of this ordinance rezones the property at 214 Galligan Road from "P" Conservancy to "I-1" General Industrial. Mr. Demitiri Stavropoulos, petitioner, requested the rezoning to allow the use and/or development of the subject 1.78-acre property located on the west side Galligan Road, about one-quarter mile south of Koppie Drive and about 800 feet north of Willey Street.

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

Police Department
86 Railroad St., Gilberts, IL 60136
Ph. 847-428-2954 Fax 847-428-4232

The proposed rezoning would remove the archaic “P” Park-Conservancy classification from the zoning map and would apply the current UDO requirements to the future use and/or development of the subject property. The property has been used for industrial-oriented businesses for several years; rezoning the property to I-1 General Industrial would be consistent with the property’s past use. Because the preexisting contractor’s yard use has been discontinued for more than six months, the property’s legal nonconforming (“grandfathered”) status has expired. The use and/or development of the property would be required to with current UDO standards, such as fencing and screening around parking areas and site coverage limitations. The existing metal building would retain its legal nonconforming status and would not be required to upgrade its facade to comply with the UDO, but any changes to the building (e.g. replacement or expansion) would trigger the applicable UDO and building code requirements.

At their April 22 meeting, the Plan Commission conducted a public hearing on the request. Letters from the owner of the property at 260 Galligan who oppose the rezoning were entered into the public record; copies are provided for the Board’s consideration. At the conclusion of the hearing, the Plan Commission recommended approval by a vote of 6-0 (1 absent). Supporting information about the rezoning petition is provided for the Board’s reference. Please contact me with any questions or request for additional information that may be needed at the meeting.

B. Motion to approve Ordinance 13-2015, an Ordinance adopting a Vehicle Weight Limit Schedule

Staff recommend approval of this ordinance adopting a weight limit schedule prohibiting truck traffic on specified local streets in accordance with Village Code Chapter 6-5-3. This ordinance was prompted by concerns about truck traffic using Old Town streets between Koppie Drive and Higgins Road.

With the Board’s direction at the May 12 meeting, the Ordinance has been amended to specifically list Railroad Street and Galligan Road, from Higgins Road to 100 feet north of Willey Street. If approved, Public Works will post signs prohibiting truck traffic on the listed streets. Please contact me with any questions or request for additional information that may be needed at the meeting.

6. ITEMS FOR DISCUSSION

A. Affordable Housing Plan

In 2003, the State of Illinois adopted the Affordable Housing Planning and Appeal Act (AHPAA), which requires all Illinois municipalities to provide their respective “fair shares” of affordable housing stock. The Illinois Housing Development Authority (IHDA) was charged with identifying those communities that did not have at least 10% of their housing stock considered to be affordable to low- and moderate-income households. As of 2013, IHDA identified Gilberts as a non-exempt community as only 3.9% of its housing stock was considered “affordable.” Communities that do not comply (“non-exempt local governments”) are required to adopt Affordable Housing Plans to encourage the development of affordable housing by their June 2, 2015 deadline.

Village Attorney Julie Tappendorf drafted the provided Affordable Housing Plan to satisfy the state's requirements. The plan identifies general practices and strategies for encouraging affordable housing developments, but it does not commit the Village to any particular development proposal or requirement. The plan focuses on monitoring the community for potential affordable housing stock, encouraging the rehabilitation of candidate houses as affordable units, and considering affordable housing needs during the Comprehensive Plan update.

Staff recommend approval of the draft plan, which satisfies the state's requirements without compelling the Village to approve a specific development project. If acceptable, the plan will be prepared for adoption by resolution at the Board's June 2 meeting. Please let me or Village Attorney Julie Tappendorf know if you have any questions or need supplemental information at the meeting.

7. STAFF REPORTS

Staff will provide any updates at the meeting.

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

Please contact me about any current executive session topics.

11. ADJOURNMENT

**Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 GALLIGAN ROAD,
GILBERTS, ILLINOIS 60136
May 19, 2015
7:00 P.M.
A G E N D A**

ORDER OF BUSINESS

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL / ESTABLISH QUORUM**
- 3. PUBLIC COMMENT**
- 4. CONSENT AGENDA**
 - A. A Motion to approve Minutes from the May 12, 2015 Special Village Board Meeting
 - B. A Motion to approve Bills & Salaries dated May 19, 2015
- 5. ITEMS FOR APPROVAL**
 - A. A Motion to approve Ordinance 12-2015, an Ordinance approving a zoning map amendment (rezoning) of property commonly known as 214 Galligan Road from P Conservancy to I-1 General Industrial Zoning District
 - B. A Motion to approve Ordinance 13-2015, an Ordinance adopting a Vehicle Weight Limit Schedule
- 6. ITEMS FOR DISCUSSION**
 - A. Affordable Housing Plan
- 7. STAFF REPORTS**
- 8. BOARD OF TRUSTEES REPORTS**
- 9. PRESIDENT'S REPORT**
- 10. EXECUTIVE SESSION**

A portion of the meeting will be closed to the Public, effective immediately as Permitted by 5 ILCS 120/2 (c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 102/2 (c) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS 120/2 (c) (21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters.
- 11. ADJOURNMENT**

Audience Participation

Anyone indicating a desire to speak during Public Comments portion of the Village Board Meeting will be acknowledged by the Village President. All remarks are to be addressed to the Village President and Board of Trustees as a whole, not to any specific person(s). Interrogation of the Village Staff, Village President, Village Board or any other negative comments will not be allowed at this time. Personal invectives against Village Staff or Elected Officials are not permitted.

To ensure that everyone who wishes to speak has the opportunity to do so, please limit your comments to five minutes. Additional time may be granted at the discretion of the Village President.

If you have written comments, please provide a copy to the Village President. If there are a number of individuals present to speak on the same topic, please designate a spokesperson that can summarize the issue.

During Public Comments, the Village President, Trustees and Staff will listen to comments and will not engage in discussion. The Village President or Trustees may ask questions to better understand your concern, suggestion or request. Please direct any personnel concerns to the Village Administrator before or after the meeting.

"The Village of Gilberts complies with the Americans Disabilities Act (ADA). For accessibility Assistance, please contact the Village Clerk at the Village Hall, telephone number is 847-428-2861". Assistive services will be provided upon request.

**Village of Gilberts
87 Galligan Road
Gilberts, IL. 60136
Special Meeting
Village Board of Trustees
May 12, 2015
Meeting Minutes**

Call to Order/Pledge of Allegiance

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

Roll Call/ Establish Quorum

Village Clerk Meadows called the roll. Roll call: Members present: Trustees Kojzarek, Corbett, Zambetti, Farrell, Hacker and President Zirk. 1-absent: Trustee LeClercq. Others present: Administrator Keller, Finance Director Blocker, Chief of Police Rossi and Village Clerk Meadows. For members of the audience please see the attached copy of the sign-in sheet.

Presentation

Illinois Tollway Reconstruction of the Rt. 72 Bridge over the Tollway

Administrator Keller reported that Engineer Chris Lepley of Burns McDonnell, the corridor manager for the I-90 expansion project, was in attendance and would be providing the Board Members and the audience with an overview and timeline for the reconstruction of the Route 72 Bridge.

Engineer Lepley discussed the Route 72 Bridge reconstruction project. He reported that the project is scheduled to begin on June 1st after the community's festival has concluded. He noted that by this time the Tyrrell Bridge reconstruction project will be completed.

Engineer Lepley discussed the project timeline. He reported that the bridge reconstruction project is scheduled to be completed in two phases. The first phase will involved the demolition of one side of the bridge reducing the bridge down to a single lane. The second phase will begin in August. This phase will involve demolishing the other side of the bridge and utilizing the new portion of the bridge for a single lane of traffic. The bridge reconstruction project is anticipated to be complete in mid November weather permitting. Engineer Lepley reported that they will keep the Village apprised on the status of the bridge reconstruction project.

Engineer Lepley reported that through the course of the reconstruction project the Tollway will require some nighttime construction work with the pile driving scheduled for mid June. However, they will make every attempt to keep the noise impact to the neighborhood at a minimal.

Engineer Lepley continued on to discuss the scope of the project. He reported that the reconstruction project included increasing the bridge pavement from 36 ½' to 60' with 10' shoulders.

Engineer Lepley reported that they will be utilizing a different and more reliable temporary signal system. He acknowledged the strain the Tyrrell Road Bridge signal system placed on the Village and Police Department due to several occasions when the signals malfunctioned.

Engineer Lepley asked if the Board Members had any questions or comments on the Bridge reconstruction project. Trustee Farrell questioned how the Tollway planned on providing continuous access to Park Street which is the only entrance into the Windmill Meadows Subdivision. Engineer Lepley reported that the Tollway would be striping the Park Street access point similar to the striping you see in front of Fire Stations and installing signage that states "Don't Block Intersection".

President Zirk commented on the past bridge reconstruction project which generated grid lock on Rt. 72. He discussed how painful the experience was for all motorists and the Windmill Meadows residents. President Zirk suggested creating a "T" intersection and utilizing three traffic signals one of the signals would be dedicated to Park Street.

Trustee Zambetti agreed with President Zirk's suggestion. He noted that motorists traveling along Rt. 72 do have alternate routes. However, resident located in Windmill Meadows only have one access to enter or exit their subdivision.

President Zirk inquired if the reconstruction project was going to be a symmetrical improvement. He questioned if the increase in roadway width from 36 ½' to 60' would create a grade change to the steep embankment on the Park Street cul-de-sac. Engineer Lepley reported that there would be no grade change and the project is engineered to be a symmetrical improvement. President Zirk inquired if the Tollway plans on constructing a retaining wall along the embankment. Engineer Lepley replied, that there were no plans to construct a retaining wall along the embankment.

President Zirk noted that no construction equipment is allowed to be parked in Windmill Meadows. Engineer Lepley stated that they have informed all the contractors and sub-contractors that parking in Windmill Meadows is prohibited. They will be parking and access the construction site via the West side of I-90.

Engineer Lepley reported that McCornack Road will be closed to through traffic until the project is completed. There will be detour signage posted. However, emergency vehicles will be allowed access as necessary. There is also emergency access via I-90.

Resident Rich Carlsen agreed with President Zirk's suggestion with respect to installing three traffic signals to manage traffic flow.

Engineer Lepley suggested the use of the electronic message board to convey the change in traffic patterns and informing motorists to not block the entrance to the Windmill Meadows Subdivision.

Resident John Gilbert also agreed with the use of three traffic signals to control traffic during the bridge reconstruction project. A lengthy discussion ensued with respect to school bus traffic in the Windmill Meadows Subdivision.

Resident Kay Kummerow questioned the status of the signal improvements at the intersection of Route 72 and Big Timber. Staff noted that is a KDOT/IDOT project and is scheduled to be completed during this year's construction season.

Resident Bill Lindoerfer inquired if there was a change in the number of piers. Engineer Lepley replied yes the number of piers would be reduced to two piers.

Several residents continued to comment on the bridge reconstruction project.

Engineer Lepley thanked everyone for their patience during the bridge reconstruction project and noted that they will continue to monitor the traffic pattern over the course of the project.

Appointment/Reappointments

A Motion to ratify the following reappointment by the Village President

- 1. Reappointment of Chris Asher to the Police Commission**
- 2. Reappointment of Kevin McHone to the Plan Commission and Zoning Board of Appeals**
- 3. Reappointment of Susan Davidowski to the Plan Commission and Zoning Board of Appeals**
- 4. Reappointment of Susan Davidowski as the Vice Chairman to the Plan Commission and Zoning Board of Appeals**
- 5. Reappointment of Randy Mills as Chairman to the Plan Commission and Zoning Board of Appeals**

President Zirk noted that only one single motion is required to affirm all five reappointments. In addition, President Zirk commented on the fact that he had personally spoken with all five Commissioners and they all expressed interest in being reappointed.

President Zirk reported that all the Commissioners have done an excellent job serving on their various Commissions. There being no further discussion on the motion, **a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to ratify the reappointments made by the Village President.**

Roll call: Vote: 5-ayes: Trustees Kojzarek, Corbett, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

Public Comment

President Zirk asked if anyone in the audience wished to address the Board Members. There were no comments from the audience.

Consent Agenda

- A. A Motion to approve Minutes from the April 28, 2015 Special Meeting of the Village Board**
- B. A Motion to approve the April 2015 Treasurer's Report**
- C. A Motion to ratify the Bills and Salaries dated May 12, 2015 as follows: General Fund \$25,686.10, Performance Bonds and Escrows \$4,966.90 and Water Fund \$7,945.32**
- D. A Motion to approve Bills and Salaries dated May 12, 2015 as follows: General Fund \$143,177.83, Performance Bonds and Escrows \$9,637.27, Water Fund \$12,053.48 and Payroll \$54,741.52**
- E. A Motion to approve Proclamation 01-2015, a Proclamation proclaiming 2015 as a year of celebration of the Village of Gilberts 125th Anniversary of its incorporation**
- F. A Motion to approve Proclamation 02-2015, a Proclamation proclaiming the month of May as Motorcycle Awareness Month**

President Zirk asked if there was any item any of the Trustees would like removed from the consent agenda for separate consideration. There were no comments from the Board Members. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve the Consent Agenda items A-F as presented.** Roll call: Vote: 5-ayes: Trustees Corbett, Zambetti, Farrell, Hacker and Kojzarek. 0-nays, 0-abstained. Motion carried.

Items for Approval

President Zirk commented that normally this meeting would have been a Committee of the Whole Meeting at which time the Board Members discuss topics prior to placing them on the Village Board Agenda. He noted that there were no items listed under "Items for Approval" that must be adopted tonight. The Board Member may prefer carrying some or all of the items over until the May 19th Village Board Meeting.

A Motion to approve Ordinance 11-2015, an Ordinance approving a zoning map amendment (rezoning) of property along Galligan Road, Railroad Street Higgins Road, Turner Street, Jackson Street, Matteson Street, Willey Street and Union Street from R-3 Urban Residence Zoning District to the OT Zoning District

Administrator Keller reported that Mr. Bret Coleman owner of the Pub 72 establishment had informed him that 26 Higgins Road is zoned C-1 (Commercial Zoning District). Administrator Keller noted that there are some discrepancies on the current zoning maps.

He did research Mr. Coleman's claim that 26 Higgins is zoned Commercial and confirmed that the property was originally zoned Commercial. This property will be removed from the amended zoning map.

President Zirk commented on the fact that the rezoning was a sensitive subject with the Old Town resident. However, after the Plan Commission held the Public Hearing and the Village hosted an open house the residents understood the reasons for the zoning change. The Old Town Zoning classification fits the character of the neighborhood which is unique to all of the other subdivisions.

Administrator Keller stated the reason why the Village initiated the petition to implement the new zoning classification that was created by the Unified Development Ordinance. The new district establishes minimum lot sizes and setback requirements that more closely fit the existing conditions currently found in the Old Town area.

President Zirk thanked the Plan Commission Members for all their hard work and for working closely with the Old Town residents.

A Motion was made by Trustee Zambetti and seconded by Trustee Hacker to approve Ordinance 11-2015, an Ordinance approving a zoning map amendment (rezoning) of property along Galligan Road, Railroad Street, Willey Street, and Union Street from R-3 Urban Residence Zoning District to the OT Zoning District.

Trustee Zambetti amended his motion to exempt 26 Higgins Road so this property may maintain the original C-1 zoning. Roll call: Vote: 5-ayes: Trustees Kojzarek, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 12-2015, an Ordinance approving a zoning map amendment (rezoning) of property commonly known as 214 Galligan Road from P Conservancy to I-1 General Industrial Zoning District

Administrator Keller reported that the petitioner has requested the Village consider rezoning the property so he can make the property marketable. The Plan Commission held a public hearing on April 22nd and recommended approval by a vote of 6-0.

Administrator Keller commented on the fact that the property has been used for industrial-oriented businesses for several years; rezoning the property would be consistent with the property's past use.

President Zirk questioned how Staff recommends limiting truck traffic. Administrator Keller reported that Staff recommends posting weight limit signs on Galligan and Tyrrell.

Trustee Farrell inquired on the types of uses currently allowed with an I-1 zoning district. Administrator Keller reported that the I-1 allows various industrial types of uses such as Landscape Companies, Trucking Companies or a company similar to what was once Kost (tress manufacturer). However, all these type of operations would be subject to the UDO standards, such as fencing and screening around parking areas and site coverage limitations. Administrator Keller noted that any changes to the existing building would trigger the applicable UDO and building code requirements.

The Board Members concurred they would prefer to push this Ordinance to the May 19th Village Board Meeting. No action was taken.

A Motion to approve Ordinance 13-2015, an Ordinance adopting a Vehicle Weight Limit Schedule

Administrator Keller reported that approval of this Ordinance would adopt a weight limit schedule prohibiting truck traffic on all local Village streets, except those roadways noted in the Ordinance. President Zirk questioned why draft an Ordinance for a problem that doesn't exist other than in Old Town. In addition, the Police Department would be inundated with overweight permit requests. Staff will amend the Ordinance to reflect only limiting truck traffic in Old Town. This Ordinance will be placed on the next Village Board agenda.

A Motion to approve Resolution 24-2015, a Resolution amending Resolution 43-2014, a Resolution waiving competitive bidding requirements and authorizing an agreement between the Village of Gilberts and Phoenix & Associates to provide professional services for designing and constructing Gilberts Old Town Roadway and Drainage improvements

Administrator Keller reported that at the April 21 Village Board meeting, Mr. Michael Doherty asked the Village to stop its Old Town project and proceed only if the project included new curbs and gutters instead of restoring the swales. Mr. Doherty presented a petition on the neighborhood's behalf stating that 12 of the 19 homeowners on those streets would prefer the Village not repave the roads if the project did not include curbs and gutters. They are content on waiting until there is TIF dollars available to complete the project to include curbs and gutters. Staff has revised the scope of work to include storm sewer and drainage improvements to Old Town and repaving Turner Street.

Administrator Keller reported that approval of Resolution 24-2015, includes a waiver of the competitive bidding process set forth in state statute due to the "design-build" nature of the project, which will require a two-thirds Village Board approval.

A Motion was made by Trustee Zambetti and seconded by Trustee Hacker to approve Resolution 24-2015, a Resolution amending Resolution 43-2014 waiving competitive bidding requirements and authorizing an agreement between the Village of Gilberts and Phoenix & Associates to provide professional services for designing and constructing Gilberts Old Town Roadway and Drainage improvements. Roll call: Vote: 5-ayes: Trustee Farrell, Hacker, Kojzarek, Corbett and Zambetti. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 25-2015, a Resolution authorizing the purchase agreement between the Village of Gilberts and Meyer Signs & Graphics for the construction of the Town Center Electric Monument Sign

President Zirk inquired about the cost of an electronic message board. Administrator Keller reported that the electric message board was cost prohibited this year. However, the proposed monument sign is designed to be modified to support an electronic message board system.

There being no further discussion on the motion, **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Resolution 25-2015, a Resolution authorizing the purchase agreement between the Village of Gilberts and Meyer Signs & Graphics for the construction of the Town Center Electric Monument Sign.** Roll call: Vote: 5-ayes: Trustees Hacker, Kojzarek, Corbett, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

Items for Discussion

Gas Station Concept Plan-Prairie Business Park

Administrator Keller reported that after the representative for the Glogovsky gas station received negative feedback from the Board Members with respect to their proposed "Truck Stop" concept plan. The development team revised their concept plan and consolidated the gas station and convenience store functions to the sliver lots 1-11 on the east side of Larkspur Drive, which would remain a public right of way. The updated concept plan includes a diesel fuel island but eliminated the car wash.

Administrator Keller noted that the elimination of the "Truck Stop" also prohibits them from acquiring a video gaming license unless the Board Members are in favor of amending the Village Code and adding an additional "on premises consumption" liquor license. In addition, they are asking for a package liquor license to permit the sale of package liquor.

Architect Kalischefski provided the Board Members with a brief overview of the amended concept plan. He commented on the façade of the proposed gas station/convenience store. Architect Kalischefski reported that their Business plan reflects offering video gambling 24/7. However, in order to do so the liquor license would also have to allow the serving of alcohol 24/7.

A lengthy discussion ensued with respect to allowing Mr. Glogovsky to serve and sell alcohol 24/7. The Board Members noted that the current hours for serving liquor are Monday- Thursday is 6:00 a.m.-1:00 a.m., Friday and Saturday 6:00 a.m.-2:00 a.m. and Sunday 9:00 a.m.-1:00 a.m. After careful consideration and deliberation the Board Members concurred that they were not in favor of allowing the sale or the serving of alcohol 24/7. Mr. Glogovsky thanked the Board Members for their time.

Staff Reports

Staff Members offered no updates or reports.

Board of Trustee Reports

The Board of Trustees offered no reports.

President's Report

President Zirk noted that a resident had submitted written comments on the Illinois Tollway's reconstruction project of the Rt. 72 Bridge.. He directed staff to forward the comments on to the Tollway.

Executive Session

President Zirk asked if anyone had any items they wished to discuss in executive session. There was no response from the Board Members or Staff.

Adjournment

There being no further business to discuss, **a Motion was made by Trustee Zambetti and seconded by Trustee Corbett to adjourn from the public meeting at 9:20 p.m. Roll call: Vote: 5-ayes by unanimous voice vote.** 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

Village of Gilberts

87 Galligan Road

Gilberts, Illinois 60136

Special Meeting of the Village Board of Trustees

May 12, 2015

7:00 p.m.

Sign-in-Sheet

Name

Contact Information (Optional)

C. Asher

101 Briarwood

Kay Kummerow

180 Tyler Creek St. (Windmill Meadows)

Carol Eicherl

173 Tyler Creek St (Windmill Meadows)

Nancy Schaub

180 Tyler Creek (11 11)

Wendy Novak

152 Toller Windmill

Don K Novak

152 Toller Windmill

Gaylyn Kynka

Jim Hill

CHRIS KALBACHESKI

2675 PROUDMAN AVE. HE. IL. 60192

Bill [Signature]

166 Park St

Tom Wasda

[illegible]

ORDINANCE 12-2015

**AN ORDINANCE APPROVING A ZONING MAP
AMENDMENT (REZONING) OF PROPERTY
COMMONLY KNOWN AS 214 GALLIGAN ROAD**

WHEREAS, Mr. Demitiri Stavropoulos, petitioner, has requested a zoning map amendment (rezoning) for his property at 214 Galligan Road, Gilberts, IL from "P" Conservancy to "I-1" General Industrial; and

WHEREAS, the Gilberts Plan Commission held a Public Hearing on April 22, 2015 and recommend approval of the request by a vote of 6-0; now

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois as follows:

Section 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

Section 2. Approval. The property commonly known as 214 Galligan Road, Gilberts, IL (PIN 02-23-227-003) is hereby rezoned from "P" Conservancy zoning district to "I-1" General Industrial zoning district.

Section 3. Severability. In the event a court finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, that finding will not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict with this Ordinance are repealed; provided that nothing in this Ordinance will affect any rights, actions, or claims that may have accrued to the Village prior to the Ordinance's effective date.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its approval in the manner provided by law.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this ____ day of _____, 2015.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Elissa Kojzarek	_____	_____	_____	_____
Trustee David LeClercq	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED this _____ day of _____, 2015

(SEAL)



Village Clerk, Debra Meadows

Village President Rick Zirk

Since we can not attend the public hearing of April 22, 2015 we request that this letter be read into the public record.

Village of Gilberts Planning commission members,

We are writing to you to express our opposition to the rezoning of 214 Galligan road from conservancy to industrial. There are a number of reasons for this. First we do not feel this is appropriate zoning given the close proximity to numerous residential properties and the villages desire to have a mixed residential/ comercial area for old town. At this time we would like to point out a mistake in the village of Gilberts staff report dated April 17, 2015. In section 4 it is stated that the "property appears to have been used as a contractor's office/yard for the "clay hole" excavation". In fact it is common knowledge that the property was the town dump prior to the construction of the building. The building and adjacent fuel oil storage tanks were built for a oil storage and delivery business. At that time the area behind the building was a swamp and steel drums were dumped in this area and were easily seen floating in the weeds. Additionally for several years plaster molds and broken pottery from Haeger pottery in Dundee were dumped in the swamp. We believe the conservancy zoning at the time was appropriate since well and septic was never allowed on the property thereby preventing potential hazards resulting from excavations on the property. Also at the time the existing swamp was clearly marginal land. It is unclear as to what industrial business would be permitted to exist without sewer and water. We were informed that we could not do anything with our property without submitting to the subdivision ordinance. We feel that any change to this property from conservancy to another zoning should comply fully with the subdivision ordinance to enhance the community and protect the investments of the surrounding residential properties.

Sincerely,

Marilyn Geier

Kenton Geier

Handwritten signatures of Marilyn Geier and Kenton Geier. Marilyn's signature is in cursive and Kenton's is in a more stylized, blocky cursive.

260 Galligan Road

To the Members of the Village of Gilberts Plan Commission,

I am writing this letter to express my concerns regarding the proposed rezoning of 214 Galligan Road from P Park-Conservancy to I-1 General Industrial Zoning District. I believe that it would be inappropriate to grant the petitioners request for the following reasons:

1. The proposed rezoning is inconsistent with the surrounding property uses. While I understand that the P Conservancy classification is considered out-dated, that does not impact the actual use of the adjacent and nearby properties. When considering the actual uses, all non-vacant lots have buildings that are of residential use and character. There are two multi-family buildings (one to the north and one to the west), the Old Town single family residences across the "clay hole" to the south and attached residential structures in Gilberts Town Center to the east.

Please see UDO section 10-2-1

The purposes of this code related to land use patterns are to:

1. *Preserve the rational pattern of land uses that has been established in the Village* and encourage the most appropriate and consistent use of individual lots in and around the Village; and
4. *Provide for the gradual elimination of nonconforming uses* that adversely affect the character and value of permitted development;

2. The request is inconsistent with the stated objectives of the UDO which states in 10-1-2 that truck traffic is to be discouraged on Village streets. The list of approved I-1 uses include many that would necessitate large trucks which will continue the deterioration of the northern portion of Galligan Road.

See UDO Section 10-1-2 D. Public Infrastructure. The purposes of this code related to public infrastructure are to:

2. *Protect Village streets from degradation by non-residential traffic;*

3. The proposed rezoning is incompatible with the proposed changes for Old Town. In order to preserve the character and encourage appropriate development in Old Town, the Village itself is proposing to amend the Old Town Zoning District. By allowing a potentially impactful industrial use in close proximity, within approximately 2 blocks of Old Town the character of Old Town could be negatively affected. Additionally, the residential building just to the north is of historical significance to the Village having been an original (and last official) school house (and my childhood home). While not included in the proposed Old Town Zoning district, it does in fact serve as the northern anchor of original Village of Gilberts and provides a transition to the Commercial zoning district extending north along the west side of Galligan Road.

4. If granted it would suggest the appearance of a case of single parcel zoning (AKA spot zoning). The staff recommendation does not appear to address case law on spot zoning. Although courts may differ in their specific approaches when reviewing spot zoning claims, the majority consider:

- 1.the size of the parcel subject to rezoning; [see note on district size below]
- 2.the zoning both prior to and after the local government's decision; [P Park-Conservancy]
- 3.the existing zoning *and use of the adjacent properties*; [All residential]
- 4.the benefits and detriments to the landowner, neighboring property owners, and the community resulting from the rezoning; and
- 5.the relationship between the zoning change and the local government's stated land use policies (the official Comprehensive Plan).

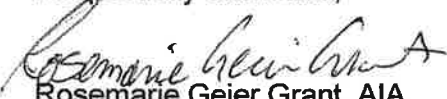
The UDO indicates the I-1 uses are limited to districts of a minimum of 4 acres. The proposed parcel is only 1.78 acres, and so too small to qualify as a district, additionally it is not adjacent to another I-1 lot to form an I-1 district, further adding to the appearance of spot zoning.

The American Planning Association considers the municipal comprehensive plan the guiding policy document for development. The zoning ordinance and the UDO are the tools to implement the comprehensive plan. To remove the existing comprehensive plan from consideration in this rezoning request without addressing that underlying policy through amendment is not considered normal practice.

Again, I urge you to deny the request for rezoning of the property. The current petitioner acquired the property with a non-conforming use in the P Park-Conservancy district with no guarantees that the non-conforming industrial use would not, as indicated in the UDO, be phased out at an appropriate juncture, such as the abandonment of the use. The P Park-Conservancy district has allowable uses that the property owner can leverage to his advantage, he is not without options.

Please note that due to the funeral of a close family member I am unable to attend this meeting and answer your questions, but stand ready to respond at a future date.

Respectfully submitted,


Rosemarie Geier Grant, AIA
8834 N 3000 East Road
Ellsworth, IL 61737
309-724-8723

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 17, 2015

TO: Village of Gilberts Plan Commission

RE: Zoning Map Amendment – 214 Galligan Road

I. GENERAL INFORMATION

- | | | |
|----|----------------------------------|--|
| A. | Purpose | To rezone property from P Conservancy to I-1 General Industrial |
| B. | Location | 214 Galligan Road |
| C. | Access | Galligan Road |
| D. | Size | 1.78 acres |
| E. | Existing Zoning | P Conservancy (1971 Code) |
| F. | Proposed Zoning | I-1 General Industrial |
| G. | Surrounding Zoning and Land Uses | North: I-1, agricultural
South: A-1, agricultural
East: I-1, agricultural
West: Kane County Forest Preserve |
| H. | Floodplain | Zone X (not in floodplain zones) |
| I. | Comprehensive Plan Designation | Old Town Center |

II. APPLICANT'S REQUEST

Mr. Demitiri Stavropoulos, petitioner, has requested a zoning map amendment (rezoning) for his property at 214 Galligan Road, Gilberts, IL from "P" Conservancy to "I-1" General Industrial.

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

The subject property is 1.78 acres in size and is located on the west side of Galligan Road, about one-quarter mile south of Koppie Drive and about 800 feet north of Willey Street. The property is currently zoned P Park-Conservancy, a zoning classification from the 1971 Zoning Ordinance that has since been repealed by later zoning regulations. The property is unpaved and undeveloped, except for a 4,000 square foot (100x40) metal building. The property is surrounded on all sides by undeveloped property, including long-standing retention/detention area to the south and wetlands and retention areas the east.

IV. DISCUSSION

The property is currently zoned P Park-Conservancy, an archaic zoning classification that was established by the 1971 Zoning Code, but was not included in the subsequent 1985 Zoning Code or the Unified Development Ordinance adopted in 2014.

According to the 1971 Zoning Code, the P zoning district intended to “preserve scenic and natural areas in the Village and to regulate development of marginal lands so as to prevent potential hazards to public and private property.” However, the P zoning district also allowed “gravel or sand pits and quarries” as conditional uses. The subject property appears to have been used as the contractor’s office/yard for the “clay hole” excavation immediately to the south of the subject property. Since then, the property has been intermittently used as a contractor’s yard. In 2014, the site had become a de facto scrap/junk yard and was the subject of an intense cleanup effort due to the Village’s code enforcement efforts. The property was subsequently sold to the petitioner, who in turn intends to resell the property upon its rezoning to I-1 General Industrial.

The proposed rezoning would remove an archaic classification from the zoning map and would apply the current UDO requirements to the future use and/or development of the subject property. The property has been used for industrial-oriented businesses for several years; rezoning the property to I-1 General Industrial would be consistent with the property’s past use. Because the preexisting contractor’s yard use has been discontinued for more than six months, the property’s legal nonconforming (“grandfathered”) status has expired as set forth by Section 10-10-2 of the UDO. The use and/or development of the property would be required to comply with all applicable UDO standards, such as fencing and screening around parking areas and site coverage limitations. The existing metal building would retain its legal nonconforming status and would not be required to upgrade its facade to comply with the UDO, but any changes to the building (e.g. replacement or expansion) would trigger the applicable UDO and building code requirements.

The property was designated as “Old Town Center” as an intended future land use by the 2003 Comprehensive Plan, though the subject property is roughly 800 feet away from the “Old Town” residential area and is buffered by the “clay hole” retention/detention area. To minimize the traffic and noise impacts of the property on the nearby Old Town area, Village staff is recommending the Board’s approval of an ordinance prohibiting heavy truck traffic on all Old Town streets, starting on Galligan Road just south of the subject property. The petitioner has already been advised so that truck traffic from the subject property would be required to head

north to Koppie Drive to access Tyrrell/Galligan Roads. This truck restriction ordinance is independent of the rezoning request, but will be prepared for the Board's consideration parallel to the ordinance approving the rezoning of the subject property.

V. STANDARDS OF REZONING

The following information addresses the "Standards for (Map) Amendments" as set forth by UDO Section 10-11-9, Paragraph E:

a. Identification of the existing uses of property within the general area of the affected property.

The subject property is surrounded by undeveloped land, including historic detention/retention area to the south and wetland and retention areas to the east. The property is approximately 800 feet away from the closest residential use and about 1,200 feet from industrial uses located along Koppie Drive to the north.

b. Identification of the zoning classification of property within the general area of the affected property.

The immediately adjacent properties are zoned P Conservancy (1971 Zoning Code), A-1 Agricultural and R-4/PUD (Town Center PUD). Properties zoned I-1 General Industrial and R-3 Urban Residential can be found 800+ feet away from the subject property.

c. Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district.

The subject property has been used intermittently as a contractor's office and yard, which is a permitted use in the property I-1 General Industrial zoning district. Any further use or development of the property would be subject to the regulations set forth by the UDO.

d. The trend of development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district.

The adjacent properties that are currently zoned P Conservancy and A-1 Agricultural have not been developed since the property's first use as a contractor's office/yard or the property's Conservancy zoning. The property to the east was preserved as a natural wetland/retention area for the Town Center residential development and will remain undeveloped. Other than the future use of the subject property, there is not a clear "trend of development" for the surrounding area.

e. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan.

The 2003 Comprehensive Plan designated the property for "Old Town Center," though the subject property is well removed from the rest of the "Old Town" residential area and is more

similar to the industrial-zoned properties to the north. The Comprehensive Plan does not reflect many current conditions, such as the realignment of Tyrrell Road or the development of the Town Center area as a residential development, and therefore does not closely match the current or likely future uses of the subject or nearby properties. The proposed property would likely be used again as a contractor's office/yard or a small manufacturing use, as permitted in the I-1 General Industrial zoning district.

f. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property.

The property has been intermittently used as a contractor office/yard as a nonconforming use, particularly as the property has been zoned for a classification that has not been in effect since 1985. Claims to any preexisting legal nonconforming use(s) have expired as set forth by UDO Section 10-10-2, leaving the property undevelopable or unusable until a new zoning classification is applied to the property.

g. The extent to which property values are diminished, if at all, by particular zoning restrictions.

The property's value will not be diminished by the proposed rezoning. The current zoning classification is no longer in effect and the previous nonconforming use as a contractor's office/yard has expired. The rezoning of the subject property will implement an updated list of permitted and special uses, which will be conditional upon the satisfaction of other development requirements as set forth by the UDO. The proposed rezoning would enable the future use and/or development of the property, giving the property potential value as usable property.

VI. CITIZEN INPUT

To date, the Village has not received any written comments regarding the proposed rezoning.

VII. CONCLUSIONS AND RECOMMENDATIONS

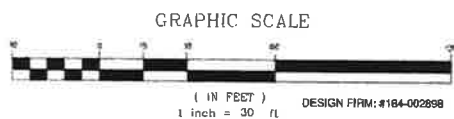
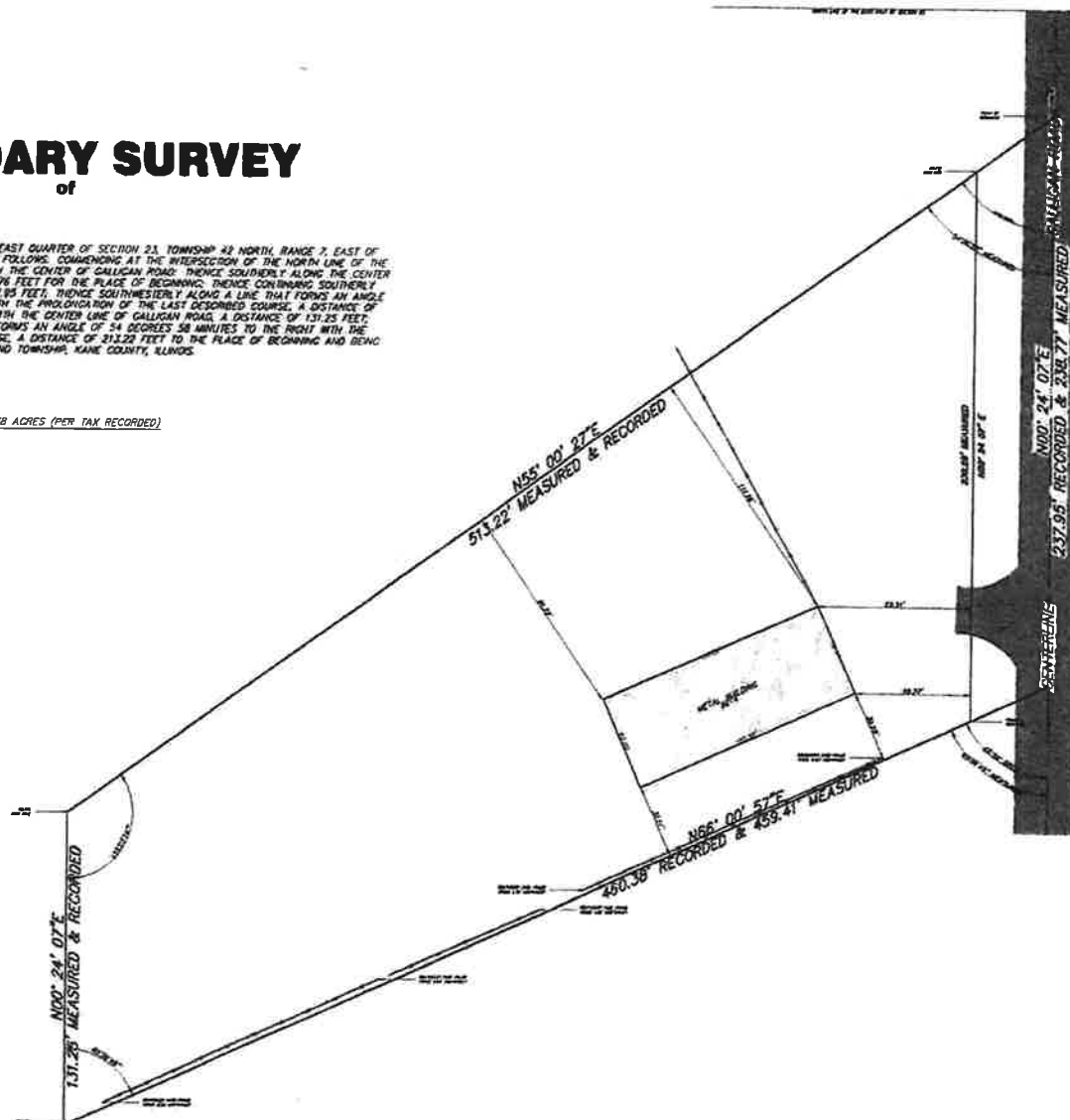
Mr. Demitiri Stavropoulos, petitioner, has requested a zoning map amendment (rezoning) for his property at 214 Galligan Road, Gilberts, IL from "P" Conservancy to "I-1" General Industrial. The Conservancy zoning district is an archaic classification that was established by the 1971 Zoning Code but eliminated from the 1985 Zoning Code and the 2014 Unified Development Ordinance. The proposed rezoning to I-1 General Commercial would remove the Conservancy district from the zoning map and establish an updated list of permitted and special uses for the property, which would be allowed subject to the requirements found in the UDO. The future use and/or development of the property for industrial use allowed by the rezoning would be consistent with the property's historic uses. Therefore, Staff recommend approval of the proposed rezoning to I-1 General Industrial.

Respectfully Submitted,

BY: Ray Keller, ICMA-CM, AICP
Village Administrator



SIXTH PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 21 TOWNSHIP 48 NORTH, RANGE 7, EAST OF
THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF
THE EAST HALF OF 3600 ROAD NEARLY QUARTER WITH THE CENTER OF CALGANAN CREEK; THENCE SOUTHWEST ALONG THE CENTER
LINE OF CALGANAN CREEK A DISTANCE OF 358.98 FEET FOR THE PLACE OF BEGINNING; THENCE CONTINUING SOUTHERLY
TO AN ANGLE OF 4 DEGREES 58 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST COURSE; A DISTANCE OF
OF 85 DEGREES 18 MINUTS TO THE RIGHT WITH THE PROLONGATION OF THE LAST COURSE;
140.18 FEET; THENCE NORTHERLY PARALLEL WITH THE CENTER LINE OF CALGANAN CREEK A DISTANCE OF 137.25 FEET;
PROLONGATION OF THE LAST DISCLOSED COURSE; FORMS AN ANGLE OF 54 DEGREES 58 MINUTES TO THE RIGHT WITH THE
PROLONGATION OF THE LAST DISCLOSED COURSE; BEGINS AGAIN IN THE VILLAGE OF OLEBETS, RUTLAND TOWNSHIP, KANE COUNTY, ILLINOIS.



DESIGN FIRM: #184-002899

EDMUND P. WANDERLING
ATTORNEY AT LAW

F 708,447 3430
F 708,447 3430
L 000,447 3430

APRIL 2, 2004



PIN# 02-23-227-003-0000



PYRAMID LAND SURVEYORS
Land Surveyors Illinois and Wisconsin

15 SOUTH LIBERTY DRIVE
SOUTH BARRINGTON ILLINOIS 60010
PHONE 847-472-1832 FAX 847-478-6818

FIELD WORK COMPLETED: JAN. 24, 2015

DRAWN BY: G.V.S.	SCALE: 1"=30'
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BOOK NUMBER: 1501-25

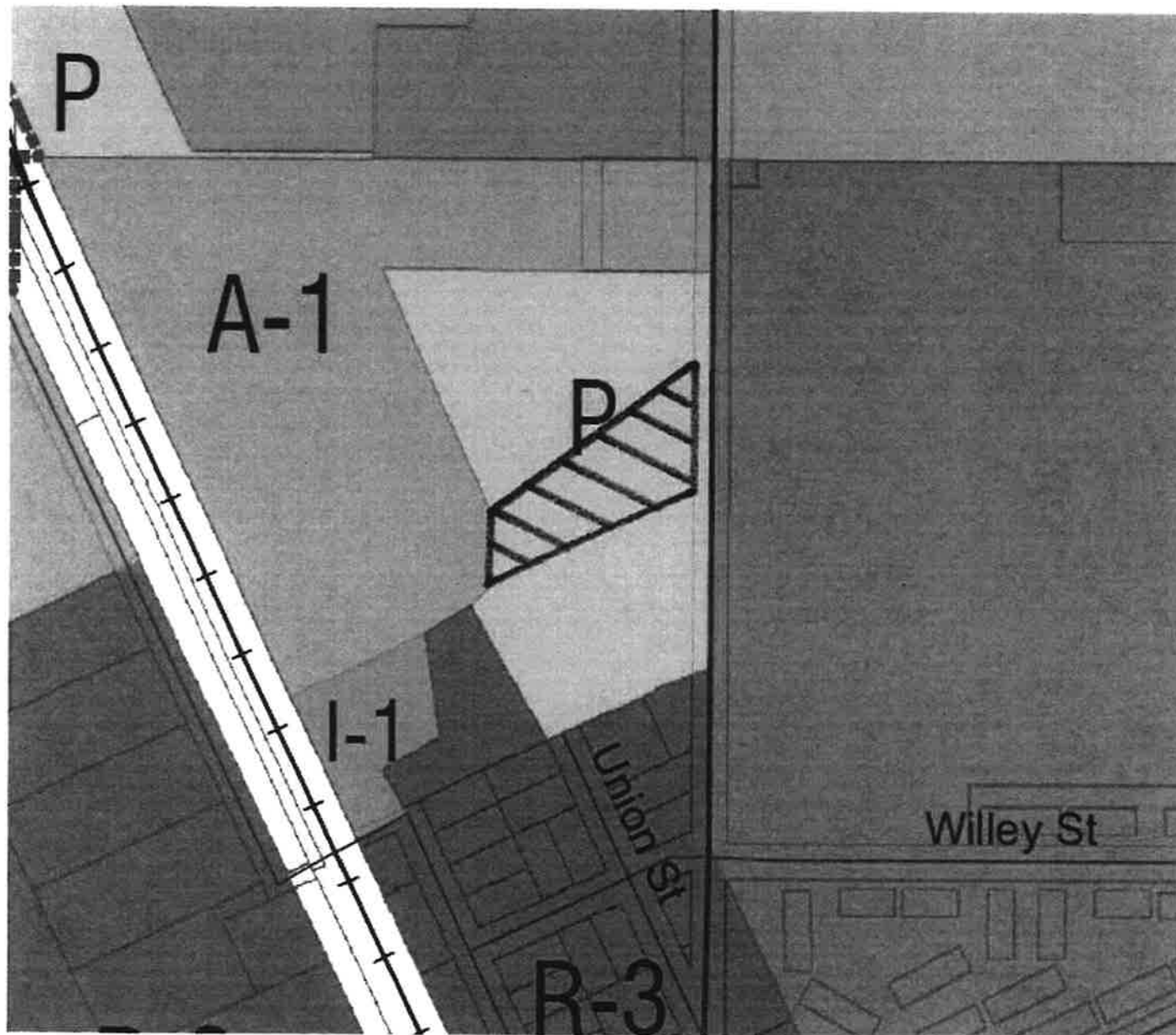
DRAWING NUMBER: 117-150199
perumic@perchgo.com

STATE OF ILLINOIS }
COUNTY OF COOK } C.C.

PYRAMID LAND SURVEYORS, INC. AS ILLINOIS LICENSED
 PROFESSIONAL LAND SURVEYORS, HEREBY STATE THAT WE HAVE
 SURVEYED THE PROPERTY DESCRIBED ABOVE AND THIS
 PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS
 MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
 GIVEN UNDER MY HAND AND SEAL THIS 26TH DAY OF
 JANUARY 2015

GENE SCOLA PLS #035-0033B4 EXPIRES 11-30-2018

214 Galligan Road – Zoning Map Excerpt



LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the Gilberts Plan Commission at their meeting on April 22, 2015, at 7:00 p.m. at the Gilberts Village Hall, 87 Galligan Road, Gilberts, Illinois, on a proposal by Mr. Demitri Stavropoulos to rezone property to I-1 General Industrial zoning district. The subject property is commonly known as 214 Galligan Road, Gilberts, Illinois. PIN: 02-23-227-003.

All interested persons are invited to appear and be heard at the time and place listed above. Additional information about the proposed rezoning and the public hearing are available from the Village of Gilberts at (847) 428-2861. The hearing may be continued by the Plan Commission without further publication of notice.

Randy Mills, Chairman
Gilberts Plan Commission
Village of Gilberts

APPLICATION FOR
REZONING

Case #: 201-2015
Revision #1: _____
Revision #2: _____
Revision #3: _____
For office use only

Development Name: 214 GALLIGAN RD Date of Submission: 3/16/2015

I. APPLICANT:

Demitri Stavropoulos 123 Properties Inc.
Name Corporation

123 TWIN OAKS Drive
Street

Oak Brook IL 60523
City State Zip Code

DEMITRI STAVROPOULOS (708) 705-0066 demitristav@msn.
Contact Person Telephone Number ~~Fax Number~~ email com

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

II. ACTION REQUESTED (Check applicable boxes):

- ☐ Rezoning from PCONSERVANCY to I-1 Industrial
☐ Special Use for _____

Any additional requests, which are being processed with the Rezoning (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: 214 GALLIGAN RD.

a. County: KANE

b. Township: STEEBUT Rutland

c. PIN#(s): 02-23-2277003-0000

2. General description of the site: Approx 1.78 Acres, Fenced in lot with 4,000 sf pole barn.

3. Existing zoning on the site: Pconservancy

4. Acreage of the site: 1.78

5. Character of surrounding area:

	Zoning	Jurisdiction	Existing Land Use	Adopted Village Plan
North				
South				
East				
West				

6. List Controlling Ordinances (zoning, annexation agreements, site plans, etc.): _____

DISCLOSURE OF BENEFICIARIES

Name _____

Address _____

2) Nature of Benefit sought: _____

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.	_____	_____	_____

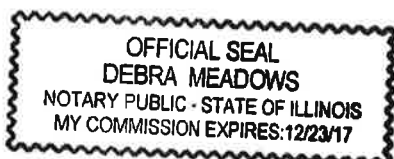
6) Name, address and capacity of person making this disclosure on behalf of the applicant:

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, _____ 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.

Subscribed and Sworn to before me this 1st day of March, 2015



Debora Meadows
Notary Public

- 5) The proposed Rezoning meets the requirements for granting a Rezoning because:
- (a) The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and Official Land Use Plan and other official plans of the Village.
 - (b) The trend of development in the area of the subject property is consistent with the requested amendment.
 - (c) The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.
 - (d) The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.
 - (e) The subject property has not been utilized under the existing zoning classification for a substantial period of time.
 - (f) The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

6) Granting the Rezoning described above is appropriate because:

[List factors that demonstrate why the Rezoning is appropriate]

WHEREFORE, the Petitioner requests that with respect to the Subject Property, the Village Board and the Zoning Board take action in accordance the Gilberts Municipal Code to approve an ordinance granting a Rezoning in accordance with Exhibit "-" to Rezone the Subject property to the:

[repeat the description of the zoning designation as requested in the Recital Section]

Respectfully Submitted,

By: 

[Type in name of signatory under signature block]

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

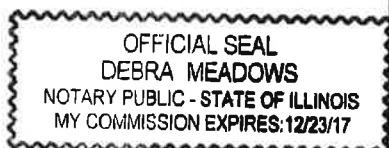
STATE OF ILLINOIS
COUNTY OF _____)

The foregoing petition was acknowledged before me by _____
on the 16th day of March, 2015 A.D.

By: 

[Type in name of signatory under signature block]

[Type in title of person notarizing] and Notary Public



CHAPTER 6

INDUSTRIAL DISTRICTS

10-6-1 PURPOSES

The I-1 General Industrial District is intended to provide opportunities within certain specified areas of the village for a range of manufacturing, wholesaling, warehousing, and administrative uses. The regulations of this district are designed to permit the operation of most industrial and ancillary uses in a clean and quiet manner while simultaneously providing adequate protection for uses allowed in adjacent zoning districts. Typically, the I-1 District is situated only in those locations which have direct access to an existing or proposed arterial roadway, offer potential rail connection, and are compatible with adjacent land uses.

10-6-2 PERMITTED USES

The following uses and no other are permitted as of right in the I-1 district:

1. Industrial and Manufacturing Uses
 - a. Construction and contractor's offices and yards
 - b. Facilities for manufacturing, processing, assembly, and packaging of:
 1. Advertising, trade show and product displays
 2. Apparel and other finished products made from fabric and similar products
 3. Electrical and electronic machinery, equipment, and supplies
 4. Fabricated metal products
 5. Food and kindred products
 6. Furniture and fixtures
 7. Jewelry, silverware, and plated ware
 8. Lead pencils, crayons, and artists materials
 9. Leather and leather products
 10. Lumber and wood products
 11. Machinery
 12. Musical instruments
 13. Paper and allied products
 14. Primary metal products
 15. Rubber and plastics products
 16. Stone, clay and glass products
 17. Textile mill products
 18. Tobacco products
 19. Toys and amusement, sporting, and athletic goods
 20. Transportation equipment
2. Office and Professional Uses
 - a. Office and professional uses, general, except as noted elsewhere

3. Retail Business Uses

- a. Agriculture implement sales and service
- b. Air condition sales and service
- c. Appliance sales and service
- d. Bicycle sales and service
- e. Building materials and garden supply stores
- f. Business machine sales and service
- g. Electrical supply and equipment stores
- h. Farm supply stores
- i. Feed and grain stores
- j. Lawn mower sales and service
- k. Plumbing appliance and equipment stores
- l. Tire, battery, and accessory sales and service
- m. Tool sales and service

4. Service Uses

- a. Ambulance services
- b. Automobile body shops
- c. Automobile repair and service
- d. Blue printing, copying, and small duplicating establishments
- e. Diaper, linen, and towel services
- f. Equipment rental and leasing
- g. Exterminating and fumigating services
- h. Furniture cleaning, upholstery and repair shops
- i. Glass cutting and glazing services
- j. Kennels
- k. Motor vehicle rental agencies
- l. Motor vehicle towing services
- m. Parcel pick-up and delivery services
- n. Sewer and septic cleaning and rodding services

5. Health, Medical, and Care Facilities

- a. Health treatment centers
- b. Hospitals
- c. Medical laboratories
- d. Medical offices

6. Public and Utility Uses

- a. Fire stations
- b. Government offices
- c. Police stations
- d. Post offices
- e. Radio and television broadcasting facilities
- f. Railroad stations
- g. Sewage treatment and distribution facilities
- h. Utility substations
- i. Utility yards

- j. Water treatment and distribution facilities
 - k. Water wells, reservoirs, towers, and storage facilities
 - l. Village uses, buildings, and facilities, subject to section 10-1-3.
7. Cultural, Recreational, and Entertainment Uses
- a. Athletic fields
 - b. Parks and playgrounds
8. Educational Uses
- a. Business and technical schools
 - b. Barber and beauty colleges
 - c. Personnel training centers
 - d. Trade and vocational schools
9. Agriculture uses, buildings, and facilities lawfully existing as of the effective date of this code, subject to the nonconformity regulations of chapter 10 and the regulations contained in section 10-8-6.
10. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as permitted uses in the I-1 District, as determined by the Zoning Administrator.

10-6-3 SPECIAL USES

The following uses may be permitted in the I-1 District, subject to the issuance of a special use permit as provided in section 10-11-11 of this code and subject to the additional standards set forth in this section.

- 1. Planned unit developments, but only subject to the special procedures and standards set forth in section 10-11-12 of this code.
- 2. Industrial and Manufacturing Uses
 - a. Facilities for manufacturing, processing, assembly, and packaging of:
 - 1. Chemicals and allied products
 - 2. Petroleum refining and related industries
 - b. Motor freight terminals
 - c. Motor vehicle wrecking and salvage yards
 - d. Plants for asphalt, cement, concrete, and similar products
 - e. Recycling centers
- 3. Retail and Service Uses
 - a. Any drive-through accessory to a bank, pharmacy, dry cleaner, restaurant, or other use
 - b. Automobile, motorcycle, and truck sales and services
 - c. Boat, snowmobile and other motorized vehicle/equipment sales and service
 - d. Taxicab offices and storage

4. Public and Utility Uses, except as exempt under section 10-1-3
 - a. Airports
 - b. Forest preserves, nature preserves and sanctuaries
 - c. Railroad stations
5. Cultural, Recreational, and Entertainment Uses
 - a. Amusement parks, indoor only
 - b. Auditoriums, private
 - c. Gymnasiums, school and park
 - d. Health clubs
 - e. Ice skating rinks, indoor
 - f. Race tracks
 - g. Stables and riding academies
 - h. Swimming clubs and pools
 - i. Tennis, racquetball, handball, and other private recreational clubs
6. Adult uses, subject to section 10-8-4 of this code.
7. New agricultural uses, buildings, and facilities established after the effective date of this code, subject to the regulations contained in section 10-8-6.
8. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as special uses in the I-1 District, as determined by the Zoning Administrator.

10-6-4 USE LIMITATIONS

- A. Site Plan Review. Any exterior construction, change in use, or increase in the intensity of an existing use in the I-1 District, excluding normal repair and maintenance activities, shall require site plan review in accordance with section 10-11-14 of this code.
- B. Operation within an Enclosed Structure. All business, service, storage, and display of goods shall be conducted within completely enclosed structures, except for the following:
 1. Agricultural uses subject to section 10-8-6 of this code
 2. Automobile service stations
 3. Motor vehicle sales
 4. Off-street parking and storage
 5. Outdoor storage, when associated with and ancillary to a permitted or special use and provided the storage does not consist of uncontained bulk material

6. Sale or display of merchandise sold or offered for sale through vending machines, provided the machines do not occupy an aggregate ground area of more than 16 square feet.
 7. Accessory uses, subject to section 10-8-1 of this code.
 8. Temporary uses, subject to section 10-8-3 of this code.
- C. Outdoor Storage. Outdoor storage areas allowed in the I-1 District shall be effectively screened and enclosed to a minimum height of six feet by a reasonably secured solid fence, wall, or other comparable barrier to conceal the areas from adjacent zoning lots and from public rights of way. All such areas shall be graded to prevent the accumulation of surface water and be provided with a permanent, durable, dustless surface.
- D. Exterior of Buildings.
1. No exterior wall facing any road or street of any building in the I-1 District shall be constructed using any of the following materials: wrinkled aluminum, flat concrete masonry, masonry cinder block, wood, vinyl, or plastic or similar materials.
 2. Not more than 65% of the square foot area of any side of the exterior wall of any building, other than a wall facing a road or street as described in section 1, shall be constructed of the following materials: wrinkled aluminum, flat concrete masonry, masonry cinder block, wood, vinyl, or plastic or similar materials.

10-6-5 DISTRICT REGULATIONS

- A. Accessory Structures and Uses. Accessory structures and uses are subject to the provisions of section 10-8-1 of this code.
- B. Temporary Uses. Temporary uses are subject to the provisions of section 10-8-3 of this code.
- C. Antennas and Support Structures. Antennas and support structures are subject to the provisions of section 10-8-7 of this code.
- D. Adult Uses. Adult uses are subject to the provisions of section 10-8-4 of this code.
- E. Site Development Regulations. The site development regulations applicable in the industrial district, including parking, signs, fencing, landscaping, trees, lighting, storm water, utilities, access ways, and performance standards are set forth in chapter 9 of this code.
- F. Agricultural Uses. Agricultural uses are subject to the provisions of section 10-8-6 of this code.

10-6-6 BULK, SPACE, AND YARD REQUIREMENTS

- A. Requirements. The building height, lot area, setback, lot coverage, lot width, and floor area ratio (FAR) requirements applicable in the I-1 District are set forth in the table on the following page. Where the Village has approved specific bulk, space, and yard requirements for subdivisions existing as of the date of approval of this code that are different than the otherwise applicable district requirements, those special requirements will apply. Thus, owners of land subject to special zoning or annexation approvals or private covenants, conditions, or restrictions should consult these approvals to determine whether supplemental or more restrictive regulations will apply. Footnote references appear in subsection B of this section at the end of the table.

	I-1
Minimum District Area (<i>note 1</i>)	4 acres
Minimum Lot Area (<i>note 2</i>)	N/A
Minimum Lot Width (feet)	100
Maximum Lot Coverage for all buildings	45% of lot area
Maximum Floor Area Ratio for all buildings	60% of lot area
Maximum Building Height (feet) (<i>note 3</i>)	45
Minimum Front and Corner Side Yard Setback (feet) (<i>note 2</i>)(<i>note 4</i>)	30 (buildings) 25 feet (off street parking and loading)
Minimum Interior Side Yard Setback (feet) (<i>note 5</i>)	15 feet (buildings) 0 feet (off street parking and loading)
Minimum Rear Yard Setback (feet) (<i>note 5</i>)	15 feet (buildings) 0 feet (off street parking and loading)

B. Notes.

1. Lot Area Combined. A property owner may combine land it owns in the O-1 or C-1 District that is immediately abutting property zoned in the I-1 District to meet the minimum lot area requirement.
2. Nonconforming Lots. See section 10-10-5 of this code for lot requirements with respect to legal nonconforming lots of record.
3. Height Exceptions. Agricultural buildings may exceed the maximum permitted height as set forth in section 10-8-6 (agricultural buildings).
4. Special Front and Corner Side Yard Setback. The front and corner side yard setback for buildings shall be increased by one foot for each foot that a building exceeds 16 feet in height.
5. Special Setback Abutting Residential District. Where a lot line abuts a Residential Zoning District, the off-street parking and loading areas shall be setback a minimum of 10 feet from the abutting lot line.

ORDINANCE NO. 15-2015

AN ORDINANCE ADOPTING A VEHICLE WEIGHT LIMIT SCHEDULE

WHEREAS, pursuant to state statute, the Village Board has the authority to establish restrictions on vehicle weights and classifications on the use of public streets and roadways; and

WHEREAS, Village Code Chapter 6-5-3 authorizes the Village Board to file with the Village Clerk a schedule of the temporary, seasonal and permanent safe gross weight limitations for each street and roadway; and

WHEREAS, the Village Board has determined that it is in the best interests of the Village to restrict the weights of vehicles using Village roads as set forth in this Ordinance.

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

Section 2. Approval. The Vehicle weight limit schedule attached hereto as Exhibit “A” is hereby approved pursuant to Village Code Chapter 6-5-3 “Schedule Filed.”

Section 3. Severability. In the event a court finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, that finding will not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict with this Ordinance are repealed; provided that nothing in this Ordinance will affect any rights, actions, or claims that may have accrued to the Village prior to the Ordinance’s effective date.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its approval in the manner provided by law.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this ____ day of _____, 2015.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Elissa Kojzarek	_____	_____	_____	_____
Trustee David LeClerc	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED this _____ day of _____, 2015

(SEAL)

Village President Rick Zirk

ATTEST: _____
Village Clerk, Debra Meadows

Published: _____

EXHBIT “A”

A. Permanent Weight Limits:

Vehicles with a gross weight exceeding 10,000 pounds, vehicles having license plates designated “F” or higher letter and motorized construction equipment are prohibited on the following roadways:

1. Galligan Road (Village of Gilberts jurisdiction), from Higgins Road (IL Route 72) to 100 feet north of Willey Street.
2. Railroad Street

VILLAGE OF GILBERTS
AFFORDABLE HOUSING PLAN
(Approved by Resolution No. _____)

I. AUTHORITY

In 2003, the Illinois General Assembly adopted Public Act 93-0595, the Affordable Housing Planning and Appeals Act, which became effective January 1, 2004, codified at 310 ILCS 67/1 *et seq.* ("**Act**"). The Act's purpose is to encourage municipalities to incorporate affordable housing within their housing stock sufficient to meet the needs of their community. The Act also provides a forum for affordable housing developers who believe they have been unfairly treated to seek relief from local ordinances and regulations. 310 ILCS 67/10.

The Act contains three major provisions: (1) the Illinois Housing Development Authority ("**IHDA**") has been charged with determining those local governments that must prepare an affordable housing plan and those that are exempt; (2) the Act requires all non-exempt local governments to prepare and adopt affordable housing plans; and (3) the Act provides an appeal procedure for aggrieved developers of affordable housing.

Recently, IHDA sent a letter to the Village of Gilberts informing it that it was a non-exempt community pursuant to Section 20(b) of the Act. Pursuant to Section 25 of the Act, therefore, the Village must prepare an affordable housing plan and approve the plan prior to June 2, 2015.

II. BACKGROUND AND INTENT

Gilberts intends to comply with the IHDA's directive that it prepare and adopt a plan. Gilberts recognizes the importance of providing affordable housing throughout the State of Illinois and believes that affordable housing must be provided in a way that does not compromise the public health or safety or destroy the environment and character that defines a particular community. The challenge for Gilberts in establishing affordable housing is significant, however. The Village lacks supplemental revenue sources sufficient to provide the type of substantial financial subsidies and funding programs that would be necessary without adversely affecting the existing character and environment of the Village, as described above and as set forth in the Gilberts Unified Development Ordinance ("**UDO**"), Gilberts Village Code, Gilberts Comprehensive Plan, and other ordinances and regulations of the Village.

Gilberts is developed predominantly with single-family residences, with limited commercial development and an increasing industrial core. Preservation of existing open spaces is important to define and enhance the Village's character and environment.

The Gilberts Comprehensive Plan identifies, among others, the following goals for future development in Gilberts:

Housing (p. 10): Provide a high quality, low-density residential community, which has a diversity of housing types, supports the projected growth of the community, and creates an enjoyable, safe and healthy residential environment, while maintaining a semi-rural character.

Parks and Recreation (p.12): Improve the existing park system and provide adequate parks, open space and recreational facilities to accommodate the needs of existing and future residents of the Village of Gilberts.

Old Town (p. 15): Redevelop Old Town to serve as the focal point of the original Village of Gilberts, including areas devoted to public open space, civic structures, convenience, commercial and residential.

Community Facilities and Services (p. 16): To provide adequate utilities and infrastructure accommodate the needs of existing and future development on a cost effective basis.

Environmental (p. 17): Define and preserve significant natural resources and create an environmentally should Village.

Gilberts' infrastructure has historically developed in a manner consistent with the character and environment of the Village in order to protect the health and safety of its residents. In particular, streets, water lines, sanitary sewers, and storm water management facilities have been designed and maintained to accommodate the relatively low-density development in the Village. The Village does not operate its own fire department; instead the Village obtains fire and emergency medical services provided by a fire protection district. Establishing affordable housing in a manner inconsistent with the overall character of the Village would be detrimental to the Village's environment and put at risk the public health and safety.

It is within this context that the Village has prepared this plan in accordance with the Act. The overall objective of the Village and this Plan is to identify potential locations for, and to undertake steps to promote, affordable housing in a manner that preserves the character and environment of Gilberts and protects the public health and safety.

III. AFFORDABLE HOUSING PLAN

A. 10% AFFORDABLE HOUSING

The Act seeks a goal of 10% of all housing units being affordable. According to the "2013 Report of Non Exempt Local Governments Ordinal," IHDA has determined that 3.9% of owner-occupied and renter-occupied housing units in the Village are affordable as calculated under Section 20(b) of the Act. Under IHDA's calculations, of the 2062 housing units in the Village for which affordability could be determined, 81 units were determined to be affordable. To meet the 10 percent goal, a total of 206 units of affordable housing should be available.

B. IDENTIFICATION OF LANDS AND STRUCTURES MOST APPROPRIATE FOR AFFORDABLE HOUSING

In identifying lands and structures that are most appropriate for affordable housing and incentives that may be available to attract affordable housing developments in the Village, the Village of Gilberts has carefully considered the requirements and intent of the Act and the character and environment of the Village, as set forth in the UDO, Village Code, Comprehensive Plan, and other regulations of the Village, and as described in Section II of this Plan.

In light of the existing character and environment of the community, the Village has identified (1) vacant parcels and (2) existing older single-family homes as renovation and turnover occurs as the most appropriate for affordable housing development or redevelopment.

The Village's identification of areas most appropriate for affordable housing does not ensure or require that these properties be developed with affordable housing, nor does it create any entitlement for development. Conversely, such identification is not intended to affect the existing development rights currently vested in such properties. "Appropriate" does not simply translate to all properties or structures that are vacant and undeveloped. Even within the identified areas, any sites that are used for new construction or adaptation of existing units must:

- Provide compatibility with established land-use patterns and surrounding land uses;
- Avoid areas designated for retail growth, parks, open space, and sensitive environmental areas;
- If possible, be in mixed income developments;
- Not concentrate the entire goal for affordable housing units in only one site; and
- Provide adequate infrastructure to support such housing developments.

C. AFFORDABLE HOUSING POLICIES AND INCENTIVES

After a careful review to ensure that the public safety and health and the character and environment of the Village will be protected and preserved, the Village should explore and examine adopting and implementing, or otherwise facilitating, the following policies and incentives to encourage the development of affordable housing by both for-profit and non-profit developers in the Village:

- Expedited permit reviews or reduced costs of permitting fees for affordable units;
- Cooperation with a developer in application for IHDA Housing Trust Funds (matching funds); and
- Flexible zoning, density bonuses, or other zoning relief to allow additional density.

D. GOALS

Gilberts has identified the following target for development of affordable housing in the Village: 10% of all housing in the Village will be affordable housing.

E. NEXT STEPS

In furtherance of reaching these targets, the Village establishes the following goals for its Affordable Housing Plan:

1. Monitor existing and potential affordable housing units within the Village.
2. Monitor the renovation, rehabilitation, and reconstruction of existing single-family dwelling units to encourage such dwelling units to be made more affordable.
3. Review the Comprehensive Plan, UDO, and other regulations and policies to determine whether amendments are appropriate to further the goals of this plan while still protecting the character and environment of the Village.

4. Not less than every 10 years following approval of this Affordable Housing Plan, the Village Board shall review and update the Affordable Housing Plan.

Obviously, the Village cannot control market forces that affect the affordability of land and housing within Gilberts, nor the income levels of households that serve as the benchmark for determining affordability. This is particularly true given the size of the Village vis-à-vis the larger area against which it is measured for establishing affordable housing targets. Because of these factors, as well as the overall uncertainty of the real estate development industry and the changing regulatory field in which such development occurs, it is not and cannot practically be a goal of this Plan to meet the target levels of affordable housing units stated above in any specific time frame. Rather, it is the objective of this plan that, by pursuing the goals set forth above, the Village will have created conditions amenable to ultimately achieving the stated affordable housing targets in Gilberts in a manner that will not impact the health and safety capabilities of the Village and will protect and preserve the character and environment of the Gilberts community.

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