

M. Werden called the meeting to order at 7:01 pm.

### Roll Call

Present: M. Werden, B. Bucaro, G. Papa, M. Sarwas

Absent: J. Banno, G. Koziol, C. Deveaux

Also Present: Planning & Development Services Director, Roberta Grill, Village Planner, Kristy Stone

**Approval of Minutes** 

A motion was made to approve the May 7, 2020 meeting minutes.

Motioned by: B. Bucaro Seconded by: G. Papa

### **Roll Call**

M. Werden, B. Bucaro, G. Papa, M. Sarwas



### (#20-11) 900 Poplar Lane

### Variations:

- A. A 33-foot reduction from the 45-foot required rear yard
- B. To allow a shed in the side yard

### The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C - Notification of Publication

Exhibit D – Letter from neighbor stating no objection to the plan

Exhibit E – Letter from neighbor stating no objection to the plan

The Petitioner, David Barry of 900 Poplar Lane was sworn in by The Chairman, M. Werden. D. Barry presented his case stating that they have an odd shaped lot and would like to put a shed in the side yard. The back yard has a utility easement and they cannot build on a utility easement. The corner of the lot is the only logical place to put the shed. The shed will be 8 feet x 12 feet. We need a shed to store tools and small equipment. We would like to take those items out of the garage and put them into the shed so that we can use the garage as a garage. There is a similar lot two doors away with a shed in the side that the Village granted a Variance for about 10 years ago. M. Werden stated, I viewed this lot and from a practical standpoint, the side is the best location for the shed in your yard, provided no neighbors object to it. D. Barry stated no, in fact, the neighbor to the north contacted me as well as the neighbors behind us. The have both written letters in support of the plan. M. Werden stated that the property is a triangle, not a rectangle. D. Barry stated that along the northern edge, there is a 6-foot fence and that the neighbor put up and they would only see the top of the shed. Over the past 13 years, they have replaced the siding, roof, and driveway. They like living in Bartlett and would like to make this a place to stay. M. Werden asked what material would be used for the shed. D. Barry stated that it would be a wood shed that would be painted. It would be very similar to the shed that the neighbor behind us has. It would fit our needs. We would paint it with colors compatible with the neighborhood and our house. We would probably put plants around it to soften it from the street. M. Werden asked if there were any questions from the Committee. B. Bucaro stated that considering the shape of the lot and the easements around the house, you really have no other choice. I have no problem with it. G. Papa agreed, the shed looks very nice and would add to the property.

- **M.** Werden opened the Public hearing portion of the meeting. No one came forward. **M.** Werden asked staff if there were any calls about this. **K.** Stone answered no, we did not get any calls. **M.** Werden asked if there were any further questions or motions by the Committee.
- **B. Bucaro** made a motion to pass along **a positive recommendation** to the Village Board for case **(#20-11)** 900 Poplar Lane, a variation for a shed to be located in the side yard and a rear yard variation to bring the house into conformance.

Motioned by: B. Bucaro Seconded by: G. Papa



M. Werden closed the Public Hearing portion of the meeting.

Roll Call

Ayes: G. Papa, B. Bucaro, M. Sarwas, M. Werden

Nays: None



### (#20-03) True North

Zoning Text Amendments:

A. Definitions: Section 10-2-2

Add "Truck Stop Establishment"

B. Community Shopping District Special Uses: Section 10-6D-4

Add "Truck Stop Establishment"

Variation: To reduce the number of trees required in the interior parkways along Route 25 and

West Bartlett Road

The following exhibits were presented:

Exhibit A - Picture of Sign

Exhibit B - Mail Affidavit

Exhibit C - Notification of Publication

Tim Shoemaker of RTM Engineering for the Petitioner and Todd Stanton, President of Design Perspectives, the landscape architect came forward and were sworn in by The Chairman, M. Werden. T. Shoemaker stated that the owners apologize for not being here. They had a previous commitment, but sent along a video to introduce the company (True North Holdings) that they would like to share. The True North introduction video was played and viewed by all in attendance. T. Shoemaker stated that they are seeking to define a truck stop establishment. They need that in order to apply for a video gaming license with the State, as that is a requirement with the State of Illinois. The variance they are seeking is to reduce the number of interior parkway trees along the main frontages. The reason for that is that they do not look a lot like a gas station. They do not want to hide it any more than they have to. They have provided an extra landscape feature in the interest of the Village at the corner. I. **Stanton** stated the property is the gateway into the Village and they worked with Staff so that it would be attractive for both the Village as well as the Petitioner. There is cut stone, ornamental trees, different types of shrubbery, ornamental grasses, and perennials. It will be a focal point of the design at the northwest corner of the property. In terms of the variance request for the trees along the north and west property lines, there is about half the amount that you require per Code. As T. Shoemaker mentioned, the Petitioner's standard operating procedure is to provide a tree canopy that is short and provides visibility into the property. We are really not providing as many trees as we would like to see, but there are trees that run along the north and west property line. The design mimics the video and imagery that was shown on the video. There is really just the one variation required for the four trees on the north and four trees on the west in terms of shade trees or evergreen trees. K. Stone stated that site is located at the southeast corner of W. Bartlett Road and Route 25. Benchmark Lane already exists with a right-in, right-out onto Route 25. The developer will be putting in a cross-access easement off of W. Bartlett Road, which will be at the property line. There are going to be future improvements on W. Bartlett Road, which will make this a right-in, right-out access point as well. If cars want to turn left onto W. Bartlett Road, they would either have to turn right onto Route 25 and make a left or go to Southwind Boulevard to make a left. Passenger vehicles utilize the fueling stations at the north side of the building and trucks will be able to utilize the diesel pumps on the east side of the site. There are two truck parking spaces provided, which is required for truck stop establishments. They do meet all of the parking requirements. This property is located within the West Bartlett Road Corridor Plan as part

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of the Western Gateway. We require more native plantings and have more detailed landscaping requirements than what we have throughout the rest of the Village. The Petitioner has bulked up the amount of landscaping at the corner, but are requesting a reduction in the number of trees that are required along the north and west property lines. There are not going to be any parkway trees in this location due to the overhead wires along both W. Bartlett Road and Route 25. The landscaping you see on the site would be the landscaping proposed. There are not additional parkway trees being proposed along Route 25 and W. Bartlett Road. There will be trees along Benchmark Lane to the south. Staff has some concerns about the access point on Benchmark closest to Route 25. That is going to be discussed at the Plan Commission meeting next week. They are requesting a Special Use Permit for package liquor, for a convenience store with gasoline sales, an automobile station, and a truck stop establishment, which will all be heard by the Plan Commission next week. M. Werden Southwind Boulevard and Benchmark Lane are both Village streets. K. Stone correct. M. Werden W. Bartlett Road is a Kane County highway. K. Stone correct and Route 25 is IDOTs. There will be a bike path installed along the north part of the property and there will be an 18-inch berm that is required as part of the West Bartlett Road Corridor Plan. M. Werden stated that, I am uncomfortable with the tree reduction, but there is an issue with wires and we have had problems with other portions of the road with trees interfering with the wires. K. Stone stated that wires are the parkway and what the Petitioner is asking for is separate from the parkway trees. It is the interior parkway within the Petitioner's property and not that close to the power lines. **B. Bucaro** there are five trees proposed to be put in on the W. Bartlett Road side. T. Stanton correct. K. Stone we normally require nine in that location T. Stanton we are four short. **B. Bucaro** in the Petition, the Petitioner's response was "The convenience store use is not compatible with landscaping across the front of the building. Landscaping in this area encourages loitering and littering that is detrimental to the immediate property." **K. Stone** the Petitioner was originally also requesting a Variation to eliminate the foundation landscaping. They have worked with Staff to put in planters in front of the building to meet the intent. That finding was in regards to foundation landscaping. B. Bucaro the concern is that you are not going to see the building, is that right? T. Shoemaker yes. B. Bucaro the landscape plan calls for those trees to have lower branches, no lower than 6 feet. I do not see how trees with a canopy above 6 feet are going to hide the building. What is going to hide the building are the gas pumps, the canopy, and the pillars. T. Stanton the five trees; two small shade trees and three ornamental trees starting from the corner to the access drive are a Japanese lilac, which a small shade tree, a Serviceberry, which is a large ornamental tree, a magnolia, which is a small flowering ornamental tree, another Japanese lilac, and just south of the sign is another Serviceberry across the frontage of W. Bartlett Road. The Code allows some flexibility grouping them, but the Petitioner is concerned about putting in large trees like maples and honey locust that grow 40-50 feet tall and spread out 40-50 feet will block the canopy and the building that is set back quite a way and would also change the character of the landscaping depicted in the video that was shown at the beginning of the meeting. T. Shoemaker we are also talking about being able to see the building when you are further down the road so there is time to change lanes and approach the building. M. Werden asked what would be along Route 25. T. Stanton stated that there are actually two ornamental trees in the gateway and we do have three shade trees that are larger, but the focus is more towards the north and west. These are to the west and to the south. The primary concern is visibility from the intersection and the frontage of W. Bartlett Road, not Route 25. K. Stone there are seven trees required along Route 25. T. Stanton we have proposed three trees. We are four short as far as quantity. **B. Bucaro** does the Ordinance require larger trees? **K. Stone** yes, half of the



trees that are required must be large. B. Bucaro is this a W. Bartlett Road Corridor requirement? K. Stone this is actually the standard Landscape Ordinance requirement that all sites have to comply with. B. Bucaro asked what Staff thought of this. K. Stone we have not had a landscape reduction request previously for interior parkway trees. **B. Bucaro** stated that it is a beautiful building and obviously they run a great operation. This being W. Bartlett Road, I like the cluster on the corner, but this being the Gateway, I am strugaling with the extent that a couple more trees would block the building or block passers-by to realize that is a gas station. **T. Stanton** stated that one of the things working against them is that there are substantial easements not far off the curb line. Under traditional circumstances, we would probably easily be able to accommodate grouping the trees. The bike trail eats up a good portion of the frontage. The width of the planting bed area is constricted and we are at our property line. The rest of it moving north is the easement. The width is less than 15 feet. It is a very constricted linear pathway. The trees will be lined-up. We cannot move them south or north. We have to move them east and west. The concern is that if we put four more shade trees in it will act as a picket. If we have flexibility with Staff, 40-feet on center or across the frontage to create a vertical screen with the larger shade trees that would be proposed. The other side might not be an issue, but the frontage, because we have the utility easement and bike path does not give us a lot of green space to work with because we are not going on the other side of the bike path. M. Werden if either road is eventually widened to five lanes, how much is that going to eat into the landscaping? R. Grill that is not in the plans for the near future and would probably not interfere with the landscaping at this location. From what I can view from the landscape plans, the trees the Petitioner is providing on W. Bartlett Road are what we would consider ornamental trees. I think if they were willing to compromise and provide two large shade trees and substitute two of the ornamental trees, Staff could work with that as a compromise. We are getting no large trees along W. Bartlett Road and that was part of our review as to what we were looking for. M. Werden since that is the Gateway and our motto is "Progress with Pride" and we are not South Elgin across the street. We want it to be a different landscape and to be obvious when you come in to Bartlett, especially our Gateway. **B. Bucaro** it looks to me like the berm is 10 feet and next to that is a 16-foot path easement before you get to the path. T. Shoemaker the path is in the middle of the path easement. There is 11-1/2 to 12 feet of green space plus the 10 feet in the utility easement that we cannot plant anything in. T. Stanton if the bike path was not there I would have 25 feet of green space to work with, which would give me a lot more flexibility to adjust things north and south, which would not make it look so linear. By cutting it in half with the bike path it forces this to be very linear landscaping even though it will look like there is a lot of green space, which there is from the path to the north to the street. As shown on the Petitioner's 3D perspective, the edge of the planting beds is the end of their property as far as where we can plant and the rest is all easement from the trees to the end of the property. If that was all plantable as far as green space that could be used to plant, the trees could be pushed much further towards the road, and it would create the corridors that the petitioner is concerned about. If we put in four more trees the perspective changes dramatically. The concern is that these trees would be double that size and you would not see the canopy or the building because it is so far from the road. M. Sarwas to piggy-back on what Staff said, I would feel comfortable with the number of trees, but if some of the trees we bigger shade trees it would look more pleasing. I understand what you are saying about it looking linear, but if some were replaced with bigger trees, it would not look as linear. I think putting bigger trees in would be a nice compromise and would bring some synergy into what we have in the rest of the Village. **T. Stanton** we can swap trees and adjust the spacing. M. Sarwas I think it is a beautiful building though. M. Werden



yes, it is a very nice plan. I think we are all concerned because of the W. Bartlett Road Corridor. We have the street scaping and the lighting east of Route 59 and we want to see things continue to develop looking nice along W. Bartlett Road. **T. Shoemaker** we are going to match the poles and we have the enhanced native grasses and bushes. **M. Werden** that is going to look nice. **K. Stone** Their request was for a reduction in the number of trees. As long as we keep the number the same, the variation request can move forward. **M. Werden** we will add as part of recommendation to work with Staff on the types of trees.

- M. Werden opened the Public hearing portion of the meeting. No one came forward.
- M. Werden closed the Public Hearing portion of the meeting.
- **B. Bucaro** made a motion to pass along **a positive recommendation** to the Village Board for case **(#20-03)** True North, a variation for a reduction of the number of trees required in the interior parkway (the number of trees on the landscape plan will stay as is and the Petitioner will work with Staff to substitute tow shade trees for two ornamental trees along W. Bartlett Road and for the Text Amendments to define truck stop establishment and add the truck stop establishment to the list of Special Uses to the Zoning District.

Motioned by: B. Bucaro Seconded by: M. Sarwas

#### **Roll Call**

Ayes: G. Papa, B. Bucaro, M. Sarwas, M. Werden

Nays: None



### (#20-09) 1070 Dartmouth Drive

Variations:

- A. To allow a 6-foot tall fence in the corner side yard
- B. To allow ground-mounted solar panels in the corner side yard

The following exhibits were presented: Exhibit A – Picture of Sign Exhibit B – Mail Affidavit Exhibit C – Notification of Publication

Paul Szczesny of Eco Solar representing the homeowner was sworn in by M. Werden, Chair and presented his case for the Petitioner. P. Szczesny stated that they are asking for a Zoning Variance for a privacy fence and to install ground-mounted solar panels in the corner side yard. This property has a very unique outline. There is a school and a park that are adjacent north of the property. Parents and other people come to pick up their children and drop them off during the school year. The entire cul-de-sac is filled with vehicles with parents waiting. We are asking to raise the height of the fence to 6 feet to provide privacy. The other variance we are asking for is to install ground-mounted solar panels in the corner side yard. Typically, a homeowner would not have to go through a variance because the yard would be behind their house. The way this lot is shaped, we are asking to put the solar panels on the side of the house. One is going to be on the northeast corner and the other one will be directly east. We want to structure the system in such as way that the height would be five 5 feet, six 6 inches. No one would be able to see solar panels if the fence was raised to a height of 6 feet.

M. Werden asked the Petitioner if they want the whole fence on the property to be a height of six (6) feet. **P. Szczesny** answered, yes. Right now, the fence height is about 3 feet. **M. Werden** asked if the bushes in the back along the gas pipeline right-of-way would stay or come down. **P. Szczesny** stated that the bushes facing the back would stay, but they are open to removing them. M. Werden stated that the right-of-way is very wide and quite a distance to the bike path. Is this a drop-off point for students? P. Szczesny yes, the entire sidewalk and street, along the fence, the cul-de-sac, and the pathway is used. M. Werden you have a very unique situation. We liberalized our view on fences earlier this year, but we still do not like fences right along the sidewalk where people are walking, as it could be a potential hazard. It is going to look a little bit odd in the front. Were there any calls about this? K. Stone I received three calls from residents who had some concerns about the fence being that close to the sidewalk. No one stated a concern about the ground-mounted solar panels, but did state that the sidewalk is very heavily utilized and they were concerned that having the fence that close to the sidewalk could potentially be problematic. M. Werden were there any concerns about having the fence that high along Dartmouth Lane? K. Stone It is along Dartmouth Court that is the issue with the fence being six (6) feet tall. Their concerns are along the sidewalk. B. Bucaro asked Staff where the new fence would be. K. Stone stated that the Petitioner is proposing the new fence to be in the exact same location as the current fence. B. Bucaro asked if that met the 6-foot setback. K. Stone answered yes, from the property line. P. Szczesny stated that they could move the proposed fence closer to the east to



be able to see more clearly around the corner where the bike path is. **B. Bucaro** asked if there was room on the roof for all of the solar panels. P. Szczesny stated that the Home Owner's Association does not allow any equipment installed on the side of the roof that faces the street. B. Bucaro asked if there was consideration made for a 4-foot fence, which would meet the Ordinance in place of the current 3-foot fence. **P. Szczesny** the same concern that people have raised about not being able to see around the corner is also the same as the homeowner's concern. A five (5) foot fence might provide better safety and security, but there is still not enough privacy. **B. Bucaro** I understand the unique shape of the lot, but was there any consideration given to moving the fence away from the sidewalk any distance rather than right on the lot line? P. Szczesny yes, and that is why I mentioned moving that portion of the fence. We have not discussed moving the fence on the entire property. We could move the fence about two (2) feet away from the current location that might help ease the concerns. **B. Bucaro** being right on the sidewalk, around the curve and along the other side being so high, I think both esthetically and for safety, there are concerns. P. Szczesny we could move it eight (8) feet or 10 feet and that would give clear site. **B. Bucaro** I would find that more appealing and less of a variance than what you are asking for. M. Werden I agree with that. M. Sarwas I agree. I think it needs to be pulled in from a safety standpoint. P. Szczesny the fence along the public sidewalk could be offset by two (2) feet and the smallest fence adjacent to the bike path could be moved in by eight (8) feet. B. Bucaro what will that do for the placement of the solar panels? P. Szczesny it will not have an impact as far as placement. It will have an impact on production on the system, but that is something we would be willing to work with and would be happy with that outcome. M. Werden asked if we have any panels in the Village that are ground level. K. Stone I do not believe I have ever reviewed one. **B. Bucaro** I believe there is a tree at the corner where the two sidewalks meet. Is that going to pose a problem for the tree? P. Szczesny that tree would be very close. We might have to move the fence a little bit further. R. Grill to clarify, their property line is actually one (1) foot in from the sidewalk. They are only truly moving the fence one (1) foot in from the property **B. Bucaro** is the current fence on the property line? R. Grill the fence is currently approximately six (6) inches from the property line.

M. Werden opened the Public Hearing portion of the meeting.

Witness, **Monika Zakrzewski** of 1085 Dartmouth Drive came forward and stated that she lives across the street, one (1) house down from the Petitioner's property and has lived at that location for almost eight (8) years. I have observed many things throughout the years, which I have contacted the Village about. The biggest problem is with the school and parking. The cul-de-sac is a no parking zone during school days from 8:00 am to 2:00 pm, but people do park on Dartmouth Lane and around the corner to pick up their children. People cut through to the play yard to pick up kids from school and cars park there. I have observed numerous times people reaching over the Petitioner's fence and picking up their dog and kids throwing trash into the yard. I do not see a problem with them having a bigger fence. There is no privacy at all for the Petitioner. I do not see it as a safe place for children with the high traffic and people walking around. I would not feel safe leaving my children in their yard. There are other houses that have a six (6) foot fence. I fully



support them having a six (6) foot fence for safety and privacy and the solar panels would be great.

M. Werden asked if there were any other questions or comments. No one came forward.

**R. Grill** the property line is through the middle of the bike path currently shown on the plan, the fence is about six (6) feet from the property line, and the bike path is about five (5) feet wide. From the east edge of the bike path, how far are you looking to pull the fence in? P. Szczesny are you saying that currently, the fence is past the property line? K. Stone the bike path is half on the property. It is split down the middle of the property line in an easement. P. Szczesny it does not look like there is a bike path there. Where the fence is, it looks like that is the property line. K. Stone the easement was recorded after the subdivision was created. P. Szczesny understood. K. Stone the previous owners for this lot and the one next to it granted an easement to put the bike path there once Sycamore Trails Elementary School was built. How far from the bike path are you willing to locate the fence? P. Szczesny we are willing to move the fence eight (8) feet from the current location, but I cannot tell you right now how many feet away from the bike path that would be. **K. Stone** it was 1 foot off the bike path. If you are moving it back eight (8) feet then you would be nine (9) feet from the bike path. M. Werden it is questionable how much we can negotiate. We are not the Plan Commission. R. Grill right. I just want to make sure what they are saying is clear. There is a difference between the distance from the property line and the path. M. Sarwas I think the concern is the bike path. You need to continue to talk about the distance from the bike path. If the property line is in the middle of the bike path that is kind of irrelevant. The bike path is already over the property line. What you really want to concentrate on is from the edge of the bike path because that is the concern. R. Grill the plan before your shows the fence off of the bike path and my question was, how far is this plan showing it currently off the bike path and they want to shift it even further? P. Szczesny currently, the fence is right up against the bike path just like it is up against the sidewalk. There is also a huge boulder on the property. M. Werden would you fence the boulder outside of the fence? P. Szczesny if we moved it 8 feet, it would still be right up against the fence on the property. **B. Bucaro** can they change their plan at this meeting without having to resubmit? R. Grill no. Their request before you tonight is as submitted. If you want to vote tonight, you can do that or we could continue it and work with the homeowner, or the homeowner could resubmit a new request. M. Werden could the Petitioner come back next month? R. Grill yes. B. Bucaro or, we could say no and the Village Board could say yes. M. Werden this has some major hurdles for us. I realize that the lot has a very odd configuration. I do not like setting a precedent although we are not bound by precedents with having the panels on the ground and having this fence so close to the sidewalk, especially now from what has been said, there is a lot of traffic there. I like the idea of continuing this until next month and coming back with a redesign that you work out with the Staff. That certainly is an option. G. Papa I agree. M. Sarwas I do not have an issue with the solar panels and I understand you are trying to work with the HOA regulations. I actually like the idea of a six (6) foot fence, but I would like to see this redesigned to bring the fence in especially if you are going to that height as a safety issue. I live on a bike path too and I understand the concerns and feeling like you are on public display. I



understand that there are residents who do not necessarily have an appreciation for private property the fence is part of private property. **G. Papa** I think we all agree on the six (6) foot fence. I think we all like that, but it should be pulled back. **M. Werden** I think everybody is in agreement with moving forward with the project. We just need more details. **M. Werden** the fact that you do not have neighbors opposed to this makes a big difference. The fact that you do not have anyone opposed, we can go along with something, but this is so close to the sidewalk and personally would like to see us vote to continue this so that you can work with the Staff. **P. Szczesny** during this period of time during the month, we will be able to communicate with Staff as opposed to just resubmitting? **M. Werden** yes.

**G. Papa** continue for one (1) month and urge the homeowners and their representative to work with Staff to pull the fence back from the sidewalk.

Motioned by: G. Papa Seconded by: M. Sarwas

**Roll Call** 

Ayes: G. Papa, B. Bucaro, M. Sarwas, M. Werden

Nays: None



### **Old Business/ New Business**

**K. Stone** we now have a Development App on the website that people can go to and see what is going on in the Village. It shows a list of the different projects that we have gotten applications and proposals for. **B. Bucaro** will that include residential developments? **K. Stone** yes. **R. Grill** all current development projects and the status of projects are on the map. It has already been utilized by a Facebook group for True North. **K. Stone** we are hoping this helps to answer a lot of questions when people see the Public Hearing signs. They can look at this app and get an idea of what projects are proposed. **M. Werden** good. **K. Stone** we keep it up to date with our GIS staff twice a month. **B. Bucaro** that is great.

**K. Stone** we will have another meeting next month.

**M. Werden** asked if there was a motion to adjourn.

Motioned by: M. Sarwas Seconded by: G. Papa

Motion passed by unanimous voice vote.

The meeting was adjourned at 8:35 pm.