

**Village of Germantown Hills Zoning Board of Appeals**

**July 29, 2014 Public Hearing**

**Casey Retail Development Variance Request**

**2014-03**

**1. Call to Order/Roll Call**

Chairman, Don Schaffer called the meeting to order at 6:00 p.m.

ZBA Members	RC	1	2	3	4	5	6	7
Don Schaffer	P	Y	Y	Y	Y	Y	Y	Y
Tom Emlen	P	Y	Y	Y	Y	Y	Y	Y
Steve Trower	P	Y	Y	Y	Y	N	N	Y
Jamie Clark	P	Y	Y	Y	N	N	N	Y
Joe Maier	P	Y	Y	Y	N	N	N	Y
Ron Schneider	A	-	Y	Y	N	N	N	Y
Glen Riley	P	Y	Y	Y	N	N	N	Y

Don Schaffer reviewed the agenda and the meeting procedure. He asked all those wishing to speak to state their name and address for the record.

**2. Minutes Approval-April 22, 2014**

**A motion** was made by Tom Emlen to approve the April 22, 2014 Zoning Board of Appeals minutes. The motion was seconded by Jamie Clark. **Motion passed #1.**

Ron Schneider arrived at 6:02 p.m.

**A motion** was made by Steve Trower to go into the public hearing. The motion was seconded by Tom Emlen. **Motion passed #2.**

Don Schaffer stated the purpose of the public hearing is to consider the request of Casey's Retail Company for a variance to the Village's parking standards and front and rear yard setbacks as contained in Title 9, Chapter 7, Article A Section 3 of the Village Code pertaining to the zoning regulations for the property located at 400 Woodland Knolls Road, Germantown Hills, Illinois.

Don Schaffer indicated anyone wishing to speak would need to swear or affirm to tell the truth.

Patrick Moone, Farnsworth Group Inc. Champaign, Illinois  
Bryce Loring, Casey's Retail Company  
Alfred Hinduja, Ricky's 409 Jubilee Lane, Germantown Hills, IL  
Paul Gutgesell, 909 Holland Road, Germantown Hills, IL  
Randall Phillips, 402 Currant Drive, Metamora, IL  
Lisa Gann, 1691 Lourdes Road, Metamora, IL  
Tonya Krus, 506 Bayside Drive, Germantown Hills, IL  
Melanie Meisner, 412 Mackenzie Place, Germantown Hills, IL

Everyone stood and said the Pledge of Allegiance.

Patrick Moone explained the three variances Casey's Retail Company is requesting and the justification for each variance.

The first variance is for the front yard canopy encroachment. The variance is needed due to the concave shape of the lot, the property curves with the three front yards along the roadways and the proper spacing that is necessary between the canopy and the building. It is also needed for safety and maneuverability of traffic through and around the lot between the building, parking spaces and the canopy.

The second variance being requested is for the rear yard variance because Casey's needs to set their building to the back of the lot. This is needed for safety reasons and to not allow vehicular traffic behind their building since there will be no loading or unloading to the rear of the building.

The third request is for the vehicle parking variance to allow for the employee parking to be set back in order to maintain a safe distance from the entrance into the property.

Pat noted the configuration of the lot is generating the need along with the three front yards and rear yard which will require a perimeter 30 feet setback around the whole lot. He noted they are not asking for anything else since the lot already has proper zoning and there are no other nonconforming uses.

Jamie Clark asked about the dumpster fencing. Patrick noted those issues will be addressed with the site plan approval process. Steve Trower asked about the location of the employee parking spaces and the gas line on the property. Patrick said the gas line would be relocated and the parking spaces would be on the lot line in order to keep them away from the entrance. Steve wondered about the sign that is indicated on the plan. Patrick indicated the sign will be addressed during the site plan approval process.

Steve Trower asked about the road barrier along Woodland Knolls Road. Patrick explained that their traffic engineer had talked with IDOT and IDOT is not going to allow a full access so they are proposing a type of concrete barrier to prevent

left turn movement onto the property. Don Schaffer asked if the accesses were going to be generally in the same locations they presently are. Patrick said this would be a part of the final site plan but they should be in similar locations but may be wider. The Clerk noted the Village Engineer will look at the final site plan and applicable areas of the code for compliance. Patrick noted IDOT would also be looking at the site plan and Casey's will be responsible for the improvements.

Don informed the audience to please speak when called upon and give some consideration to others in the room.

Melanie Meismer asked about the traffic patterns and congestion and questioned what can be done in the future if there are problems. The accesses in and out of the property were discussed. Don Schaffer stated the village is already looking at the intersections and other possibilities to minimize the traffic concerns for the shopping development. The Clerk noted the engineer would be looking at the traffic flow and site plan and we are already starting to discuss options with improving the existing intersections and traffic flow into the whole shopping center. The street committee will address the traffic issues.

Paul Gutgesell stated his concern was with the traffic and how it already backs up. Paul asked if they met the parking spaces requirement. Don Schaffer indicated they do. Paul asked about the sewer line. Casey's will take care of any infrastructure that needs to be moved once they get to that step in the process.

Patrick explained the raised concrete barrier along Woodland Knolls and the traffic movement in and out of the property.

Jamie Clark stated that the purpose of this meeting is for the Zoning Board to consider the three variances. Jamie discussed the canopy issue being close to the roadway but Ricky's has the same variance for their canopy and they haven't had any issues with trucks being too close to their canopy.

Paul noted with the variance requests to keep in mind the aesthetics of the building. Jamie Clark noted Casey's will have to follow all other lighting, sign and zoning requirements. If a sign variance would be needed they would bring it to the Zoning Board for consideration.

Jamie Clark stated the Zoning Board is to address the variances being requested not the site plan approval. The Zoning Board only has control over the variances they are requesting. The traffic issues will be addressed with the street committee and/or Village Board.

Alfred Hinduja, owner of Ricky's stated his concern is the traffic and he watches the traffic all day long. He sees the traffic problem and doesn't think the right in/right out is going to work with the additional traffic. There is going to be a lot more traffic coming off of Rt. 116 that will create more congestion.

He stated he would like to see the variance on his canopy. Don Schaffer stated it was approved in June of 1999. Jamie Clark noted that even though the canopy variance has been approved for Ricky's you can't use that as a reason to do it again for someone else but it does demonstrate that it hasn't been a negative impact on the property. Alfred stated you can't compare his property getting the canopy variance versus this prime corner piece of commercial property getting the variance.

Lisa Gann stated she feels with the barrier the traffic will start cutting through Oak Grove Park Subdivision and feels our community will be torn apart by traffic congestion and it will kill our community.

Arnie Edwards, 252 Karagen Circle was sworn in and stated he disagrees with the comments and has been at board meetings where the community asks for new things to be developed like new parks. He noted what we are missing here, and yes Ricky's has a great store, but at best Ricky's is only reaching 30% of our community and 70% is going down to Thortons. He noted what's going to happen is if people go to pull into Casey's and it is busy they will go to Ricky's. We need to keep our tax dollars in our community to better serve our village, because right now those tax dollars are in Tazewell County. Arnie stated he looks at this as a new business providing tax dollars to our village that we desperately need. Arnie noted he just opened a new business himself and he didn't have to have his business voted in or approved.

Paul Gutgesell indicated Casey's price of gas in Metamora is 4 cents more than Ricky's.

Lisa Ward, 275 Old Germantown Road and Ann Trower, 802 Holland Road were sworn in.

Lisa Ward asked about the number of pumps and is worried about traffic and the kids crossing the street. She stated she doesn't want to lose any existing businesses.

Jamie Clark stated the purpose of this meeting to consider the variance request. He understands everyone's concern but the village engineer will evaluate their plan and work with Casey's. Traffic issues will be discussed at the street committee meetings. Jamie doesn't see that the variances impact the traffic or safety issues so the zoning board can't address those issues at this meeting. Jamie noted if they change their site plan Casey's could come anyway.

Randall Phillips stated when there is snow he can't get to the crosswalk buttons. He asked about the accesses. Patrick Moone explained the traffic flow of the site plan.

Ann Trower discussed her concern with the traffic flow in and out of the property with the traffic coming off of Holland Road. She also noted that right now we have a gorgeous building with landscaping and is concerned about Casey's caring what their building is going to look like and their landscaping.

Larry Thompson, 709 Grandview Way was sworn in and stated he came to the Zoning Board for a variance and didn't get it approved. He feels Casey's is a good establishment and speaks highly of the company but you need to treat everyone the same and thinks there is a better spot for them to build than to give them a variance. Larry thinks it will be difficult to get a grocery store if Casey's is here.

Melanie Meisner asked about the canopy setback and pedestrian traffic. She wondered if it is closer to the road if it would prohibit a bike lane/sidewalk being built. Don stated it would not since the sidewalk would be in a right of way.

Randall Phillips asked if the Zoning Board members had a financial interest in Casey's or the property being discussed. Jamie Clark explained that the Zoning Board annually is required to sign a statement of economic interest.

Jamie Clark asked if there is a fall back to make changes to the site plan if the variances aren't approved or if there is a corporate guideline they need to follow. Bryce indicated there have been situations where they have altered the footprint but this plan has been deemed the best for safety inside the lot with the building and pump locations.

Tonya Krus asked about the final site plan and traffic flow patterns. Patrick noted the village engineer will look at the traffic flows and if there are any problemed areas they would work together on potential solutions once the final site plan is submitted.

The Clerk explained the site plan process and the plan will be discussed with the street committee, village engineer, Casey's engineer and IDOT. Don Schaffer noted the village is already looking at the traffic flow options for the whole shopping center.

**A motion** was made by Steve Trower to close the public hearing. The motion was seconded by Ron Schneider. **Motion passed #3.**

- 3. Request of Casey's Retail Company for a variance to the Village's parking standards and front and rear yard setbacks as contained in Title 9, Chapter 7, Article A Section 3 of the Village Code pertaining to the zoning regulations for the property located at 400 Woodland Knolls Road, Germantown Hills, Illinois.**

The Clerk read the conditions for the variance requirements.

- a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
- b. That the literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this title.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands or structures in the same district.

Don Schaffer explained the three variance requests. Bill Streeter stated the Zoning Board is required to consider the conditions and note the findings of fact.

Patrick Moone indicated they feel all conditions have been met due to the configuration and curvature of the lot, safety needed for the maneuverability of traffic within the lot and the 30' perimeter setback around the lot.

Don Schaffer noted due to the layout of the land and the setback requirements item "a" is being met. Jamie noted concern with item "c" since Casey's created the plan. Don noted the location of the structures on the lot are for safety between the building and the pumps and they did not create the roadways or setbacks. The Clerk noted due to a perimeter 30' setback with the three frontages and a rear yard it creates different conditions for this lot.

Steve Trower asked about reducing the number of pumps. Bryce explained they won't gain much by reducing the number of pumps. Don Schaffer asked about modifying the corners of the canopy. Bryce noted they have never done this plus it would defeat the purpose of the canopy if it didn't cover the fuel pumps completely.

Joe Maier stated he has been talking to people that have concern over allowing variances. Joe stated that many people are here in this community because of the restrictions. They think if they can build under the guidelines then let them build. He noted he is divided with the benefits Casey's can bring versus the concerns of the people on granting a variance.

Bill Streeter stated the ZBA needs to make findings on whether or not the requests meet the criteria of the Village code. Jamie Clark stated he feels they have created the conditions but he also don't want them to shrink the building which will cause problems. If they do build he wants it to be as safe as it can be.

**A motion** was made by Steve Trower to approve the variance request from Casey's Retail Company for a variance on the Village's front yard setback as contained in Title 9, Chapter 7, Article A Section 3 of the Village Code pertaining to the zoning regulations for the property located at 400 Woodland Knolls Road, Germantown Hills, Illinois. The motion was seconded by Tom Emlen. **Motion failed #4.**

The Clerk read the request for the rear yard setback. Bill Street stated the findings of fact need to be made for the record on the rear yard setback variance request. Jamie stated his reason would again be item "c" that they are creating the conditions.

**A motion** was made by Jamie Clark to approve the variance request from Casey's Retail Company for a variance on the Village's rear yard setback as contained in Title 9, Chapter 7, Article A Section 3 of the Village Code pertaining to the zoning regulations for the property located at 400 Woodland Knolls Road, Germantown Hills, Illinois. The motion was seconded by Steve Trower. **Motion failed #5.**

The Clerk read the vehicle parking variance request. The findings of fact were made on the vehicle parking variance request. Jamie Clark stated he had the same issue with condition "c". Steve Trower stated he had issue with item "d" that would look like a special privilege.

**A motion** was made by Jamie Clark to approve the variance request from Casey's Retail Company for a variance to the Village's parking standards for vehicle parking as contained in Title 9, Chapter 7, Article A Section 3 of the Village Code pertaining to the zoning regulations for the property located at 400 Woodland Knolls Road, Germantown Hills, Illinois. The motion was seconded by Steve Trower. **Motion failed #6.**

**A motion** was made by Steve Trower to adjourn the meeting at 7:17 p.m. The motion was seconded by Tom Emlen. **Motion passed #7.**

Ann Sasso  
Village Clerk