

**VILLAGE OF OSWEGO
MINUTES OF THE PLANNING & ZONING COMMISSION SPECIAL MEETING
100 PARKERS MILL
OSWEGO, ILLINOIS**

October 1, 2020

1. CALL TO ORDER

Chairman Pajor called the Oswego Planning & Zoning Commission Special Meeting to order at 7:01 p.m.

2. ROLL CALL

Present: Dominick Cirone, Rick Kuhn, Karen Novy, Charlie Pajor, Rebecca Stine
Absent: Tom Guist, Andrew McCallum

There was a quorum.

Oswego community representatives in attendance were:

Present: Rod Zenner, Community Development Director; Judy Sollinger, Village Trustee;
Mary Ellen Bliss, Recording Secretary

3. MINUTES

Motion: Commissioner Cirone, second Commissioner Stine to accept the minutes of the September 10, 2020 Planning & Zoning Commission Meeting
Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine
Nays: None
Absent: Commissioners Guist, McCallum
Motion carried

4. PUBLIC HEARINGS

Special Use for a Liquor Store

Orchard Liquor
3402-3404 Orchard Road
Applicant: Mayur Patel
Project #1072.20
Project Manager: Rod Zenner

Motion: Commissioner Kuhn, second Commissioner Stine to open the Public Hearing at 7:02 p.m.
Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine
Nays: None
Absent: Commissioners Guist, McCallum
Motion carried

Director Zenner stated the applicant is requesting approval of a Special Use Permit to allow for the operation of a liquor store in the B-3 Community Service and Wholesale District. Director Zenner stated the building is part of the Orchard Woods development consisting of three commercial buildings along Orchard Road. Director Zenner stated the building that will contain the liquor store (Lot 3) is 8,249 square feet and contains 55 parking spaces on the lot. Director

Zenner stated retail uses require 5 parking spaces for every 1,000 square feet, for a total of 41 spaces for the site. Director Zenner stated the additional spaces provided allow for restaurant uses to locate in the center, which have a higher parking demand requirement.

Director Zenner stated staff believes the applicant has met the Standards for a Special Use and the proposed liquor store business will be compatible with the surrounding uses in the area. Director Zenner stated staff recommends the Planning and Zoning Commission accept the findings of fact for the Standards for a Special Use Permit and recommends approval of the Special Use Permit for a liquor store located at 3402-3404 Orchard Road.

No audience members wished to speak at the public hearing.

Motion: Commissioner Cirone, second Commissioner Stine to close the Public Hearing at 7:03 p.m.
Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine
Nays: None
Absent: Commissioners Guist, McCallum
Motion carried

Recommendation:

Motion: Commissioner Stine, second Commissioner Cirone to accept the findings of fact for the Standards for a Special Use Permit and recommend approval of the Special Use Permit for a liquor store located at 3402-3404 Orchard Road.
Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine
Nays: None
Absent: Commissioners Guist, McCallum
Motion carried

Rezoning Upon Annexation & PUD Request

Emerson Creek Café & Gift Shop
5126 Stephens Road
Applicant: Christina Demiduk
Project #1078.20
Project Manager: Rod Zenner

The Public Hearing for the Emerson Creek Café and Gift Shop project #1078.20 was opened at the September 10, 2020 Planning and Zoning Commission meeting and continued to the October 1, 2020 Planning and Zoning Commission Special meeting.

Director Zenner stated the applicant is requesting approval of rezoning upon annexation to B-3 Commercial Service and Wholesale District and approval of a Planned Unit Development for Emerson Creek Café and Shop. Director Zenner stated the subject property is located at 5126 Stephens Road, zoned A-1 in unincorporated Kendall County and is improved with a pottery shop, restaurant, and a wedding venue.

Director Zenner stated Emerson Creek has been in operation for several years in unincorporated Kendall County and they are requesting to annex into the Village to facilitate the continued operation of their business. Director Zenner stated the petitioner has converted the original two-story farmhouse on the north end of the property into a retail establishment offering pottery and various home goods. Director Zenner stated the store portion is approximately 2,000 square feet requiring 10 parking spaces that are accommodated by the

adjacent gravel parking lot. Director Zenner stated the property also contains a tearoom café located in an approximately 3,000 square foot building in the middle of the property, which would require approximately 30 parking spaces that are currently accommodated by the adjacent gravel parking lot. Director Zenner stated the largest use of the property is the event facility which is accommodated by the 4,200 square foot barn and the 3,200 square foot tent attached to the south end of the barn, and is often utilized for weddings from Spring to Fall during the year and other events ranging from charitable events to yoga classes.

Director Zenner stated to incorporate the existing uses for the site, the petitioner is requesting rezoning to the B-3 Community Shopping and Wholesale District. Director Zenner stated as part of the Annexation Agreement and Planned Unit Development, the site would be limited to retail (pottery and retail shop), restaurant (tearoom), banquet facility with a Special Use Permit for outdoor entertainment, and the addition of a motel use to allow for overnight stays for wedding parties. Director Zenner stated the proposed uses are consistent with the uses that have been in operation on the site for some time, except for the overnight stays, and staff is of the opinion that the existing uses have not caused a detriment to the character of the neighborhood and that the introduction of the new use of overnight stays is consistent with the existing use of the property if the accommodations meet Building Code requirements and are limited to accessory accommodations for an existing wedding event on the site.

Director Zenner stated the petitioner is requesting approval of a Planned Unit Development for the site to document the existing conditions and allowed uses for the site. Director Zenner stated as part of the Planned Unit Development, the petitioner is requesting the following deviations to the Zoning Ordinance and Development Regulations: 1) maintaining the existing gravel parking facility for the existing uses; 2) accepting the existing structures as existing non-conforming structures upon annexation; and 3) the petitioner has indicated they can meet the current Code sound regulations; if a special event may exceed the sound regulations, they may request a Special Event Permit that could extend the hours of sound regulations.

Director Zenner stated staff recommends the Planning and Zoning Commission accept the findings of fact for the request to Rezone the property Upon Annexation to B-3 Community Shopping and Wholesale District subject to submittal of a corrected plat of rezoning for the property located at 5126 Stephens Road and staff recommends the Planning and Zoning Commission accept the finding of fact for the request for a Special Use Permit for a Planned Unit Development with a Special Use for Outdoor Entertainment for the property located at 5126 Stephens Road subject to approval of a corrected PUD Plat.

Mr. Dan Kramer, Attorney
Yorkville, IL

Mr. Kramer represents the petitioner and stated the business has been successful for many years and they have been working with Village staff regarding the Annexation Agreement. Mr. Kramer stated the petitioner can meet the sound regulations by keeping tent flaps closed and turning speakers inward.

No additional audience members wished to speak at the public hearing.

Motion: Commissioner Kuhn, second Commissioner Novy to close the Public Hearing at 7:15 p.m.
Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine
Nays: None
Absent: Commissioners Guist, McCallum

Motion carried

Commissioner comments:

The Commissioners discussed the property and possible future development. Director Zenner stated the PUD allows for control over the evolution of the property and this vote will be on the property as it currently is.

Recommendation:

Motion: Commissioner Kuhn, second Commissioner Stine to accept the finding of fact for the request to Rezone the property Upon Annexation to B-3 Community Shopping and Wholesale District subject to submittal of a corrected plat of rezoning for the property located at 5126 Stephens Road.

Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine

Nays: None

Absent: Commissioners Guist, McCallum

Motion carried

Recommendation:

Motion: Commissioner Stine, second Commissioner Novy to accept the finding of fact for the request for a Special Use Permit for a Planned Unit Development with a Special Use for Outdoor Entertainment for the property located at 5126 Stephens Road subject to approval of a corrected PUD Plan.

Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine

Nays: None

Absent: Commissioners Guist, McCallum

Motion carried

Text Amendment

PUD Amendments

Applicant: Village of Oswego

Project #1081.20

Project Manager: Rod Zenner

Motion: Commissioner Stine, second Commissioner Kuhn to open the Public Hearing at 7:19 p.m.

Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine

Nays: None

Absent: Commissioners Guist, McCallum

Motion carried

Director Zenner stated staff is bringing forward an amendment to Section 14.08 Amendments to PUD – Major/Minor Changes to modify the criteria that classifies amendments to PUDs as either major or minor amendments. Director Zenner stated major amendments are required to be reviewed by the Planning and Zoning Commission prior to Village Board consideration while minor amendments do not require Planning and Zoning Commission review. Director Zenner stated staff is still exploring potential text changes and requests that the public hearing be continued to the November 5, 2020 Planning and Zoning Commission meeting.

Recommendation:

Motion: Commissioner Kuhn, second Commissioner Stine to continue the public hearing to the November 5, 2020 Planning and Zoning Commission Meeting.

Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine

Nays: None
Absent: Commissioners Guist, McCallum
Motion carried

5. OLD BUSINESS

None.

6. NEW BUSINESS

None.

7. PUBLIC FORUM

None.

8. CHAIRMAN'S REPORT

None.

9. COMMISSIONERS REPORT

None.

10. HISTORIC PRESERVATION COMMISSIONER REPORT

No report.

11. ECO COMMISSION REPORT

No report.

12. COMMUNITY DEVELOPMENT DEPARTMENT REPORT

None.

13. OSWEGOLAND PARK DISTRICT REPORT

No report.

14. NEXT MEETING - November 5, 2020

15. ADJOURNMENT

Motion: Commissioner Stine, second Commissioner Novy to adjourn the Planning and Zoning Commission Special Meeting.
Ayes: Commissioners Cirone, Kuhn, Novy, Pajor, Stine
Nays: None
Absent: Commissioners Guist, McCallum
Motion carried

Chairman Pajor adjourned the Planning & Zoning Commission Meeting at 7:22 p.m.