



**DANVILLE AREA  
PLANNING & ZONING COMMISSION  
MEETING**

**Minutes August 6th, 2020**

**Members in Attendance:**

Tracy Taylor – Chair  
Adam Brown  
Michael Hall  
Ted Vacketta Jr.  
Troy Savalick  
Justin Fleming  
Pete Goodwin

**City Representatives:**

Logan Cronk  
Natasha Elliott

**I. Call to Order, Roll Call & Declaration of Quorum**

- a. Chair Taylor called the meeting to order at 5:38 with declaration of a quorum.

**II. Announcement that the P&Z Commission is Advisory to the City Council**

- a. Announcement made.

**III. Approval of Agenda: 08/06/2020**

- a. *Motion:* Vacketta *Second:* Brown *ALL:* AYE

**IV. Approval of Minutes: 06/04/2020**

- a. *Motion:* Brown *Second:* Hall *ALL:* AYE

**V. General Oath of Audience**

- a. All in attendance were sworn-in.

**VI. Items of Information**

- a. **Taylor:** Expressed that since items A-C were related, the hearing would address item a – the Subdivision first and combine items b and c – Major Variances #325 and #326.  
b. **Commissioners - Agree**

**VII. Public Hearings**

- a. **Subdivision** – GMX REGA I, LLC. is requesting approval of Semi-Final Plat named GMX Danville Subdivision.  
i. **Speaking on behalf of the petition:** Andrew Goodman, Manager of GMX REGA I, LLC - an affiliated entity of GMX Real Estate Group LLC based at 3000 Dundee Rd. Suite 408 in Northbrook Illinois 60062. The applications relate to Lot 2 at 3641-3653 North Vermilion Street. The OSF Urgent Care facility was built a while ago on the southern portion of the lot and are currently building the freestanding Starbucks on the northern portion of the lot. This would leave the middle building open for future use. It will be up to 4200 sq. ft. We are currently operating under one lot, which is how the property was purchased. We are proposing that we be able to separate that lot into three different parcels that will be tied together through a declaration that will allow cross access and cross parking to all three buildings. I am here to answer any questions that you may have.  
ii. **Brown:** Are you seeking to divide the middle lot between Starbucks and OSF into three lots?

- iii. **Goodman:** No – we currently have one lot with three buildings on it. We are attempting to divide that one lot into three lots that are tied into one declaration. It will still function as one lot – even though we are proposing to create a planned subdivision that will have one lot into three lots.
  - iv. **Taylor:** One lot will be OSF Urgo, another lot will be Starbucks, and the third lot will be the one in the middle – dividing the one lot into thirds. Do you have a potential tenant for the middle unit?
  - v. **Goodman:** Unfortunately not, however the Starbucks chain tends to generate interest from other companies so we are hoping to have someone commit to the unit in the not too distant future. We do a lot of work with national quick service restaurants and I can't commit to this; but, I would love to walk into a meeting to say we have a Chipotle deal or a Five Guys deal or Genova deal – something of that sort would be a nice mix to add to the center. We currently do business with all of those tenants already. We enjoy being in this town and we enjoy how you all have treated us – since we're from Chicago – it's refreshing.
  - vi. **Taylor:** Any comments from the general public?
  - vii. **Cronk:** No, not from the general public.
  - viii. **Taylor:** Any comments from the city?
  - ix. **Cronk:** Yes. The city's planning and engineering division have worked diligently with GMX to ensure that all zoning requirements were met and/or have the ability to be met by the decision of the commission tonight. After review of the site plan and plat presented before us this evening the city staff and the subdivision committee recommends approval of this semi-final plat.
  - x. **Taylor:** Just to be clear – all of the utilities are taken care of?
  - xi. **Cronk:** Yes, the subdivision ordinance requires us to reach out to all affected utility companies.
  - xii. **Taylor:** If there are no further comments, I would entertain a motion.
  - xiii. **Vacketta:** I make the motion that we approve the semi-final plat for this development as presented
  - xiv. **Goodwin:** Second
  - xv. **Taylor:** May we have a roll-call vote?
  - xvi. **Cronk:** *Brown – Yes, Goodwin – Yes, Savalick – Yes, Vacketta - Yes, Hall – Yes, Fleming – Yes, Taylor – Yes*
  - xvii. **Taylor:** The motion has passed and will be heard again on the 18<sup>th</sup>. The next items are the major variances for this project
- b. **Major Variance #325** – GMX REGA I, LLC. is requesting approval for two Major Variances be granted on Lot 2 for a 0' and 6' side yard setback and c) **Major Variance #326** – GMX REGA I, LLC. is requesting approval for a Major Variance be granted on Lot 3 for a 0' side yard setback.
- i. **Goodman:** These two variances are necessitated by the creation of the new lot lines. With the three proposed lots being tied in through a declaration, the three lots will act as one independent lot or out lot to a major shopping center.
  - ii. **Taylor:** Are there any questions or comments from the commission?
  - iii. **Brown:** Now that there are two – OSF and Starbucks – is that property as a whole still going to be owned by GMX?

- iv. **Goodman:** Yes, for now. In the future lots may be sold off at some point. The declaration will tie the center together so that it will operate as one property.
- v. **Taylor:** Any other questions or comments? Logan – can you briefly discuss what will happen in the future if one of these lots are sold. How would that work?
- vi. **Cronk:** We have worked extensively with the surveyor and Andrew on making something work with 100% variances and building set-backs. If one of these are sold – these are going to be recorded covenants so that the tenant and the buyer would need to abide by all of the covenants in this subdivision.
- vii. **Taylor: Any other questions or comments?**
- viii. **Vacketta:** I was a little confused in looking at the building layout plan on the lot that shows the north face of the OSF building 6 feet away from the south face of the proposed building. On the semi-final plat, it looks like a 7’8” dimension shown for the building setback on the center lot and 0 building setback on the northern face of the OSF building. Can you explain to me what that difference is between the plat and the building plan submitted with the variances is?
- ix. **Cronk:** Andrew may not have been a part of all of the conversations we had with the surveyor. This JTS Architect site plan came well before the semi-final plat. I believe they altered the proposed building area as stated earlier to abide by our ordinances and were unaware. This 10’8” is up to the 25% minor variance so if they were to construct the building – it is an option to go for a minor variance instead of a major variance.
- x. **Vacketta:** The plat would be up to a minor variance that wouldn’t require the approval of commission but can be done by staff. But by them now, coming to the commission for the major variance – that is where the 6’ would come in?
- xi. **Cronk:** That is correct. That would have to be a plat change to the final plat.
- xii. **Vacketta:** That answers my question.
- xiii. **Taylor:** Any other questions or comments? If not, Logan, any comments from the general public?
- xiv. **Cronk:** No – there are no public comments.
- xv. **Taylor:** Any comments from the city?
- xvi. **Cronk:** Yes - to summarize what I’ve stated earlier, we’ve worked with the surveyor, Andrew, and all of the GMX Staff to prepare this site plan and semi-final plat to get it to abide by the city ordinance. We understand it is a tight fit and I have consulted with our building inspector and with the dimensions laid out on the current and proposed buildings – we can get it within building code to ensure health and safety to the public using these businesses.
- xvii. **Taylor:** If not, I would entertain a motion to approve both variances.
- xviii. **Vacketta:** Ill make the motion that Major Variances #325 and #326 are approved as submitted.
- xix. **Brown:** Second
- xx. **Taylor:** Roll call please –
- xxi. **Cronk:** *Goodwin – Yes, Savalick – Yes, Vacketta - Yes, Hall – Yes, Fleming – Yes, Taylor – Yes, Brown – Yes*
- xxii. **Taylor:** The variances have been approved.

- c. **Re-Zoning Petition #278** – Adam Crutchley is requesting to re-zone the property commonly known as 1022 N. Michigan Ave. from I-2 – Light Industrial to R-2 – Residential – Medium Density.
- i. **Crutchley (Attorney for J. Peters – Property Owner):** The property owner is renting the property out and is seeking to sell it. However, when the lender was reviewing everything, they found that the area was zoned light industrial (I1). We are requesting that it be rezoned to R2 (Medium Residential) which is consistent with the zoning at the north and west of the property. There is light industrial to the south and east is heavy industrial. It has been used as residential property for possibly 100 years – but decades for sure. There wouldn't be any negative impact. It would just be zoned so we are not out of performance with the code.
  - ii. **Taylor:** So this is just to make sure she can sell it as residential.
  - iii. **Crutchley:** So, the way the ordinance is – regular maintenance is allowed but if any damage took place – we would not be allowed to fix it. It is so it we can get it sold in it's current state.
  - iv. **Taylor:** Any other questions or comments? Logan – any comments from the public?
  - v. **Cronk:** Yes – I received an email from Michael Clary who received the notice to rezone. He's concerned that the current use is a small farm with livestock as was all the property in that block a few years ago. He objects to a rezone of R2 because spot zoning defeats the purpose of a land use plan. There's an empty housing subdivision north of the property that has not had a home in it for 30 years. The existing industrial uses surrounding this property and spot zoning could discourage other industries from moving into the area. There are odors, lights, sounds, and traffic produced by the industries surrounding the property and have in the past and can in the future cause complaints about the companies by the people living nearby. Around the corner on Fairchild St. is a scrap yard and vacant houses. People living on this property may object to the businesses lowering their quality of life. This is not a part of town where residential use should be encouraged.
  - vi. **Taylor:** And that was the only comment?
  - vii. **Cronk:** Yes.
  - viii. **Vacketta:** When he's referring to light industrial - that's not immediately adjacent to this property. There's quite a space between this property and those light industrial properties.
  - ix. **Taylor:** Any other questions?
  - x. **Vacketta:** Since this is surrounded by residential properties – it is not considered spot zoning.
  - xi. **Crutchley:** There's not much development happening to the north of it. The spot to the north of it – the owners of this property own some of that as well. In general, the owner is looking to sell that area. Right now, we are looking to get this zoned residential so it can be sold.
  - xii. **Savalick:** How did this area become zoned as light industrial?
  - xiii. **Crutchley:** I know that my client received it from her father's trust. My client did not know it was industrial.
  - xiv. **Taylor:** When we changed the zoning ordinance a number of years ago and this (and other properties) were lumped in and changed with that zoning map without consideration of the current zone. At the time, the plan would be for it to be industrial in

the future – but I don't believe there has been recent interest in any industries coming there in the recent past. Logan can speak to that.

- xv. **Cronk:** This is an assumption but the future land use map was amended in 2008 and this could have been grouped in next to the large industries to the east in 2008.
- xvi. **Taylor:** Any other questions or comments? If not , Logan, comments from the city please?
- xvii. **Cronk:** The staff feels that the rezone from I2 to residential is appropriate considering adjacent uses of the neighborhood to the west and to the north. It is our understanding that the zoning has historically been a residential use for an extended period of time and the hardship that has been recently placed on the parcel for the non-conforming use. Based on the information currently available – staff and the public works department recommends approval of the rezone petition #278.
- xviii. **Taylor:** These are the difficult things we need to address in planning and zoning because Mr. Clary's comments are not necessarily incorrect but we need to weigh the facts and do what is best for the city in the short and long term.
- xix. **Vacketta:** Also, we should not put an undue burden on a property owner that they never requested to begin with. Any property owner coming forward that wants to purchase this as a residential zoned property should perform due diligence to ensure they do not want to live next to industrial zoning.
- xx. **Taylor:** And that is correct. They can look that up. Any questions or comments?
- xxi. **Savalick:** Recommends approval of petition #278 and the finding of fact
- xxii. **Brown:** Second
- xxiii. **Taylor:** Roll call please -
- xxiv. **Cronk:** *Savalick – Yes, Vacketta - Yes, Hall – Yes, Fleming – Yes, Taylor – Yes, Brown – Yes, Goodwin – Yes*
- xxv. **Taylor:** The motion has been approved and will be heard at City Council on the 18<sup>th</sup>.

## VIII. Adjournment

- a. Chair Taylor entertained a motioned to adjourn the meeting at 5:52pm
  - i. *Motion:* Hall *Second:* Brown All - AYE