

**VILLAGE OF CHERRY VALLEY, ILLINOIS
PLANNING AND ZONING COMMISSION MEETING
THURSDAY JUNE 20, 2024**

Chairman John Totten called the meeting to order at 6:30 PM. A Roll Call was taken by Deputy Village Clerk, Heather Riley:

CHAIRMAN:	JOHN TOTTEN	PRESENT	BILL LAWSON	PRESENT
MEMBERS:	SALLY FLEEGLE	PRESENT	CHRIS PLUMMER	PRESENT
	LARRY GRAY	PRESENT	JIM SMETANA	PRESENT
			PAT STEGEMANN	PRESENT

Others Present: Attorney Aaron Szeto, Attorney Jim Stevens, Trustees Jeff Fustin, Brandi Pearse, Carl Wedig, Village President David Schroeder, Village Administrator Jim E. Claeysen, and Deputy Village Clerk Heather Riley.

ADOPT THE AGENDA: Sally Fleegle moved to amend and adopt the June 20, 2024 agenda, removing item #3 under New Business. Chris Plummer seconded. A Roll Call Vote was taken:

JOHN TOTTEN	AYE	LARRY GRAY	AYE
JIM SMETANA	AYE	BILL LAWSON	AYE
SALLY FLEEGLE	AYE	PAT STEGEMANN	AYE
CHRIS PLUMMER	AYE		

The motion PASSED by a vote of 7-0.

APPROVE THE MINUTES: Larry Gray moved to approve the May 15, 2024 meeting minutes. Sally Fleegle seconded. A Roll Call Vote was taken:

JOHN TOTTEN	AYE	LARRY GRAY	AYE
JIM SMETANA	AYE	BILL LAWSON	AYE
SALLY FLEEGLE	AYE	PAT STEGEMANN	AYE
CHRIS PLUMMER	AYE		

The motion PASSED by a vote of 7-0.

EX-OFFICIO'S REPORT : TRUSTEE JEFF FUSTIN

Trustee Fustin stated that the two items from the May 2024 Planning and Zoning Commission Meeting, the Special Use Permit for the Severson Dells Nature Center and the text amendment regarding a Special Use in the CC (Commercial Community) District for Accessory Parking Lots all passed at the Village Board level.

PUBLIC COMMENT: None.

NEW BUSINESS:

1. A continued hearing on the request for an amendment to an existing Special Use Permit issued under the Code of Ordinances for the Village of Cherry Valley, Illinois, Chapter 82, Section 82-303(3) regarding the Special Use of a wildlife habitat or refuge in the Park (PK) zoning classification, for the real property commonly known as 888 S. Lyford Road, Rockford, Illinois (PIN: 12-25-126-001). See application on file at the Cherry Valley Village Hall, 806 E. State Street, Cherry Valley, Illinois.

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Attorney James Diverde, who represents Severson Dells Nature Center, stated that they are coming back to the Village to request a permeant change, versus the original two-year Special Use Permit that they first asked for in 2022. The reason for the change is that Severson Dells is purchasing this property now from the Rockford Park District, which is 168 acres.

Attorney Szeto read the Findings of Facts A - F to the Commission as follows:

- a. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
7-AYE 0-NAY
- b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood;
7-AYE 0-NAY
- c. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district;
7-AYE 0-NAY
- d. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided;
7-AYE 0-NAY
- e. Adequate measures have been, or will be taken, to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
7-AYE 0-NAY
- f. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
7-AYE 0-NAY

Bill Lawson moved to approve the request for an amendment to an existing Special Use Permit issued under the Code of Ordinances for the Village of Cherry Valley, Illinois, Chapter 82, Section 82-303(3) regarding the Special Use of a wildlife habitat or refuge in the Park (PK) zoning classification, for the real property commonly known as 888 S. Lyford Road, Rockford, Illinois (PIN: 12-25-126-001). Jim Smetana seconded. A Roll Call Vote was taken:

JOHN TOTTEN	AYE	LARRY GRAY	AYE
JIM SMETANA	AYE	BILL LAWSON	AYE
SALLY FLEEGLE	AYE	PAT STEGEMANN	AYE
CHRIS PLUMMER	AYE		

The motion PASSED by a vote of 7-0.

Attorney Szeto stated that this item will move on to the June 24, 2024 Committee of the Whole Meeting at 7:00 PM with a favorable recommendation from the Planning and Zoning commissioners.

Attorney Szeto left the chamber table at 6:47 PM and Attorney Jim Stevens took his seat at the chamber table at 6:48 PM.

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2. A request for a Variance under the Code of Ordinances for the Village of Cherry Valley, Illinois, Chapter 82, Section 82-55 to Chapter 82, Section 82-7(e)(5)(b) R-1 Single Family Residence to allow a seven foot (7') high fence in the side and a portion of the rear yard in the location as indicated in red on the drawing filed with the Village of Cherry Valley for 1161 Ingram Road, Rockford, Illinois (PIN: 12-26-427-009).

The petitioner, Asam Yafai, stated that he is looking for the 7' high fence for privacy reasons. Asam Yafai stated that there are condos that look into his backyard directly into their swimming pool. Asam Yafai stated that he believes with this variance he would be able to get the privacy his family is looking for.

After continued discussion, Attorney Stevens read the Findings of Facts A - F to the Commission as follows:

- a. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the chapter regulations were to be carried out;
0-AYE 7-NAY
- b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification;
0-AYE 7-NAY
- c. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property;
0-AYE 7-NAY
- d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
0-AYE 7-NAY
- e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
1-AYE 6-NAY
- f. The proposed variance complies with the spirit and intent of restrictions imposed by this chapter.
0-AYE 7-NAY

Jim Smetana moved to approve a request for a Variance under the Code of Ordinances for the Village of Cherry Valley, Illinois, Chapter 82, Section 82-55 to Chapter 82, Section 82-7(e)(5)(b) R-1 Single Family Residence to allow a seven foot (7') high fence in the side and a portion of the rear yard in the location as indicated in red on the drawing filed with the

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Village of Cherry Valley for 1161 Ingram Road, Rockford, Illinois (PIN: 12-26-427-009) Larry Gray seconded. A Roll Call Vote was taken:

JOHN TOTTEN	NAY	LARRY GRAY	NAY
JIM SMETANA	NAY	BILL LAWSON	NAY
SALLY FLEEGLE	NAY	PAT STEGEMANN	NAY
CHRIS PLUMMER	NAY		

The motion FAILED by a vote of 0-7.

Attorney Stevens stated that this item will move on to the June 24, 2024 Committee of the Whole Meeting at 7:00 PM with an unfavorable recommendation from the Planning and Zoning Commission. Attorney Stevens explained the option of withdrawing to the petitioner or run the risk of this item being voted down at the Village Board level, which would not allow the petitioner to reapply for one calendar year.

ADJOURNMENT: Chairman Totten entertained a motion to adjourn. Sally Fleegle moved to adjourn at 6:54 PM. Bill Lawson seconded.

A Roll Call Vote was taken:

JOHN TOTTEN	AYE	LARRY GRAY	AYE
JIM SMETANA	AYE	BILL LAWSON	AYE
SALLY FLEEGLE	AYE	PAT STEGEMANN	AYE
CHRIS PLUMMER	AYE		

The motion PASSED by a vote of 7-0.

Minutes recorded by Deputy Village Clerk Heather Riley.

Minutes reviewed by Village Administrator Jim E. Claeysen on July 9, 2024.