

**MINUTES OF A REGULAR MEETING OF THE**  
**VILLAGE OF NEW LENOX PLAN COMMISSION**

**Held in the New Lenox Village Hall, 1 Veterans Parkway**

**Tuesday, September 20, 2011 7:00 p.m.**

**#11-09-B**

**CALL TO ORDER**

A regular meeting of the Village of New Lenox Plan Commission was called to order at 7:01 p.m. by Chairman Mark Muehlnickel, with a quorum present.

Chairman Mark Muehlnickel led the Pledge of Allegiance.

**ROLL CALL**

Upon roll call, the following were present: Chairman Mark Muehlnickel, Commissioners Rob Moss, Gary Berner, Annette Boyd and Tony Orsini.

The following were absent: Commissioners Joan Byerley and John Kuchler.

Also present were: Senior Planner Jeff Smith, Director of Economic Development Nancy Hoehn and Secretary Lorrie Sowko.

**REQUEST FOR APPROVAL OF MINUTES OF A REGULAR PLAN COMMISSION MEETING OF SEPTEMBER 6, 2011**

Chairman Muehlnickel entertained a motion to approve the minutes of the September 6, 2011, Plan Commission meeting. Commissioner Boyd made a motion, seconded by Commissioner Berner. Voice vote was taken. Motion carried.

**REQUEST FOR AMENDMENT TO SPECIAL USE (Public Hearing)**

**Kurtz Memorial Chapel**

**3.21-acre site located at the southeast corner of Cedar and Francis Roads**

**Richard Kavanagh - Attorney**

Chairman Muehlnickel entertained a motion to open the public hearing at 7:04 p.m. Commissioner Boyd made a motion, seconded by Commissioner Orsini. Voice vote was taken. Motion carried.

Steve Francis of the Linden Group and Attorney Richard Kavanagh were present to request an amendment to a Special Use for Kurtz Memorial Chapel.

There is currently an existing 6-foot fence located along the common property line that is owned by the adjacent residential property owner to the east, which screens the residence from the Kurtz site. There are also 8 to 10-foot hedges located along the common property line that provides screening. An amendment to an existing license agreement between the subject property owner and the adjacent residential property owner has recently been drafted, which would allow Kurtz Memorial Chapel to install a new 6-foot fence on the subject property in the event that the existing hedges and/or the existing 6-foot fence located along the common property line were removed. Also, the draft license agreement would allow Kurtz Memorial Chapel to maintain the fence and any landscaping surrounding it.

The approved landscape plan attached to the Special Use ordinance for Kurtz Memorial Chapel depicted native shoreline plantings. The petitioner is now requesting to eliminate the native plantings and install turf grass along the shoreline of the detention pond.

Senior Planner Jeff Smith explained that the request would allow turf grass and a 3-foot wide turf reinforcing mat along the shoreline of the detention pond to replace previously approved native shoreline plantings. Jeff also noted that the detention facility still met applicable Will County and Village Storm Water Ordinance requirements, while the traditional plantings around the pond still exceeded the minimum requirements specified in the Landscape Code.

In order to ensure proper shoreline erosion control and stabilization, the Engineering Department has mandated the installation of the 3-foot wide turf reinforcing mat.

Staff recommends approval of the amended Special Use request for the detention area proposed for Kurtz Memorial Chapel, subject to the following conditions:

1. Storm water management area landscaping, as well as the balance of the required site landscaping, will be installed in compliance with the revised landscape plans. All landscaping shall be installed prior to the issuance of a final certificate of occupancy for the funeral home and attached caretaker residence.
2. The 3-foot wide turf reinforcing mat along the detention area shoreline depicted on the landscape plan shall be installed prior to the issuance of a final certificate of occupancy for the funeral home and attached caretaker residence. Upon completion, the installer shall provide visual verification and a signed letter to the Village stating that the 3-foot wide turf reinforcing mat has been installed according to the cross-section detail noted on plan and other manufacturer specifications.
3. The property owner shall provide a signed letter to the Village acknowledging full responsibility for the maintenance of the detention facility, including reimbursing the Village for any costs to maintain and repair the detention facility if the owner fails to fulfill its obligation.

4. A variance must be granted by the Village Board in order to eliminate the requirement for installing a 3-foot and 6-foot tall cedar fence along specific portions of the east perimeter, which was depicted on the approved landscape plan.
5. All other provisions of the previous Special Use ordinances shall remain in full force and effect.

Commissioner Berner asked why there were requested changes from the original approved landscape plan, especially since native plantings would be good for storm water infiltration and erosion control. He also wanted to know if the turf grass could be mowed as far as the water line.

Richard Kavanagh responded that the detention pond landscaping would be visible at a prominent entry area into the Village, and the native plantings gave a disheveled appearance. The owner wanted a more manicured appearance with the landscaping.

Steve Francis confirmed that the grass can be mowed to the water line.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:09 p.m. Commissioner Orsini made a motion, seconded by Commissioner Boyd. Voice vote was taken. Motion carried.

Chairman Muehlnickel entertained a motion to recommend approval of the amended Special Use request for the detention area landscape modifications proposed for the Kurtz Memorial Chapel new funeral home building and attached caretaker residence, subject to the five conditions in the Staff Report. Commissioner Boyd made a motion, seconded by Commissioner Moss. Voice vote was taken. Motion carried unanimously.

#### **REQUEST FOR FINAL P.U.D. PLAT**

##### **Parkview Subdivision**

**18.183-acre site, Lot 10 of Cedar Crossings Unit 1, located on the south side of the forthcoming Cedar Crossings Drive, approximately 950 feet south of U.S. Route 6**

**Rod Tonelli/Ruettiger, Tonelli & Associates, Inc. – Petitioner**

Rod Tonelli of Ruettiger, Tonelli & Associates was present to request Final Plat approval for Parkview Subdivision for Lot 10 of Cedar Crossings Unit 1.

Rod Tonelli explained that the parcel is just over 18 acres and is requesting to subdivide the lot into 4 parcels to be used for commercial development. Three of the parcels will be located immediately adjacent from the new Silver Cross Hospital and the fourth lot may be for office, retail, or commercial use.

There is a proposed private shared access road to service these lots, which will be lead from Cedar Crossings Drive.

Jeff Smith stated that the parcel is located on Lot 10 of Cedar Crossings Unit 1, and is zoned C-7 Regional Shopping District in the Village, and is currently unimproved.

Planning and Engineering Staff reviewed the plat and previously provided technical comments to the petitioner. There were not any significant issues or concerns.

Jeff Smith noted that the full cross-section improvements to Cedar Crossings Drive, extending from U.S. Route 6 to Silver Cross Drive, would commence in the near future. By 2013, the developer of Cedar Crossings is also responsible to construct two-lane interim improvements for the balance of the south side of Cedar Crossings Drive extending to Cedar Road. The full cross-section improvements for the balance of Cedar Crossings Drive, including a boulevard median and the northern portion of the roadway, would be constructed as the regional power center develops.

Jeff Smith did note that building permits for proposed and future uses in the Parkview Subdivision would not be issued until Cedar Crossings Drive was constructed along the frontage of the proposed re-subdivision.

Staff recommends approval of the Final Plat as it meets the Zoning Ordinance and Subdivision Code requirements.

Chairman Muehlnickel asked if the proposed interior shared private access road within this development would remain as a dead end road.

Jeff Smith responded that the private shared access drive could be required to extend into Lot 4 when a particular development or developments were proposed for this large lot located at the eastern portion of the Parkview Subdivision. The previous Meijer site plan provided for another Cedar Crossings Drive curb cut and private access drive running along the far eastern perimeter of the subject 18-acre site, and the Village could require the proposed shared private access drive to be extended when a development was submitted for Lot 4 in order to provide a looped connection back to Cedar Crossings Drive.

Commissioner Berner questioned if lighting would be installed along Cedar Crossings Drive, as well as along the shared private access drive. The light fixtures should be consistent with entire Cedar Crossings development.

Jeff Smith responded that the installation of public street lights will be mandatory with the pending roadway construction for Cedar Crossings Drive. Also, the approved lighting plan, including light fixture design, for the entire P.U.D. will remain in effect. The private parking lot lights and lights along the proposed shared private access drive in the Parkview Subdivision will need to match the approved fixture design for other uses in Cedar Crossings.

Commissioner Berner asked if there will be temporary signage for these lots, as well as inquired on the location for temporary and permanent signage.

Jeff Smith noted that the Sign Code allows for a temporary subdivision advertising sign for the Parkview Subdivision, which must be located on the subject property and requires a permit from the Building Department.

Rod Tonelli said that each lot in the Parkview Subdivision will have a freestanding monument sign, which can be up to a maximum of 6 feet in height and 50 square feet in area.

Jeff Smith added that there will be a large shopping center sign for Cedar Crossings placed closer to U.S. Route 6, which will have a number of tenant panels for uses in Cedar Crossings.

Chairman Muehlnickel entertained a motion to recommend approval of the Final P.U.D. Plat for the Parkview Subdivision, subject to final engineering approval and resolution of the few items (e.g., timing for completion of Cedar Crossings Drive road improvements along the frontage of the subdivision, amending the subdivision title, adding Silver Cross Drive details, specifying maintenance responsibilities for the shared private access drive, adding another ingress/egress or cross-access easement between Lots 1 and 2, or providing a blanket vehicular ingress/egress easement over all commercial lots) noted in the Staff Report. Commissioner Orsini made a motion, seconded by Commissioner Boyd. Voice vote was taken. Motion carried unanimously.

### **REQUEST FOR COUNTY SPECIAL USE**

#### **110 and 200 Ford Drive**

#### **Kenneth Carlson – Petitioner/Attorney**

Kenneth Carlson was present for the County Special Use request for an auto/vehicle repair facility located at 110 and 200 Ford Drive. The existing recreation vehicle, camper and school bus repair business is located at 200 Ford Drive.

Jeff Smith recommended that the outside storage of vehicles, equipment and materials be screened by a solid 8-foot tall fence, or chain-link fence with slats, along a portion of the west perimeter of the subject property. Also, if existing outside storage located behind the rear building is relocated to the gravel outside storage area, an additional fence will not be recommended near the southern portion of the property. A gate and fence will also be recommended near the entrance to the gravel outside storage area in order to screen this area from Ford Drive.

Striped and marked handicapped parking spaces should be added to the asphalt parking lot area. A detailed parking lot site plan should be submitted to Will County and the New Lenox Fire Protection District to ensure adequate parking as well as proper emergency vehicle access.

Lloyd Bisping also owns the adjacent property to the east at 110 Ford Drive and cross-access is utilized to move vehicles and equipment to Ford Drive. To avoid having to back trucks up onto

Ford Drive from 110 Ford Drive, Bisping Construction utilizes the subject property at 200 Ford Drive for cross-access and vehicle looping to Ford Drive. Thus, as was previously recommended, a fence will only be required along the common property line at such time that one or both properties are sold and outside storage is still present.

Jeff Smith mentioned that vehicles awaiting repair or pick-up should be located on the gravel surface area behind the recommended front gate/fence, as opposed on the front asphalt parking lot.

Staff recommends that the Village not object to the County Special Use request to legally establish the existing businesses conducting camper, recreational vehicle and school bus repair, located at 200 Ford Drive, subject to the County's consideration of the following recommended conditions:

1. A minimum 8-foot tall solid wood or PVC fence, or 8-foot tall chain-link fence containing slats, shall be installed around the west perimeter of the gravel outside storage area, approximately 90 feet in length, and shall be added to screen the outside storage from the industrial property to the west. A gate/fence shall be added at the entry area to screen repair vehicles, outside storage and equipment from Ford Drive, while a new fence
2. The gravel surface for the rear outside storage area shall be kept tidy and free of dust, trash and debris.
3. There shall be an adequate number of striped, standard and handicapped parking spaces, meeting minimum Will County Zoning Ordinance requirements. If minimum parking cannot be accommodated on the asphalt parking lot area, additional parking areas may be designated on the gravel surface area, such as employee-only parking. A detailed striped parking lot plan shall be submitted to Will County and the New Lenox Fire Protection District.
4. Derelict vehicles shall not be stored on the premises for long periods of time awaiting repair and/or pick-up. Vehicles awaiting repair or pick-up shall be located on the gravel outside storage area located behind the recommended front entry gate, rather than within the front asphalt parking lot.

Chairman Muehlnickel entertained a motion to not object to the County Special Use request to legally establish the existing businesses conducting camper, recreational vehicle and school bus repair (D.S. Auto Repair and Alpine Camper & RV Repair), located at 200 Ford Drive, subject to the County's consideration of the four conditions in Staff's Report. Commissioner Boyd made a motion, seconded by Commissioner Moss. Voice vote was taken. Motion carried unanimously.

#### **OLD BUSINESS**

None.

#### **NEW BUSINESS**

Jeff Smith announced that there will be a regular Plan Commission meeting on October 4, 2011, to review a County rezoning and Preliminary Plat.

**ADJOURNMENT**

Chairman Muehlnickel entertained a motion to adjourn the meeting at 7:25 p.m. Motion was made by Commissioner Berner, seconded by Commissioner Moss. Voice vote was taken. Motion carried unanimously.

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Lorrie M. Sowko - Secretary

**MINUTES OF A REGULAR MEETING OF THE**  
**VILLAGE OF NEW LENOX ZONING BOARD OF APPEALS**

**Held in the New Lenox Village Hall, 1 Veterans Parkway**

**Tuesday, September 20, 2011 7:00 p.m.**

**#11-09-B ZBA**

**CALL TO ORDER**

A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 7:26 p.m., by Chairman Mark Muehlnickel, with a quorum present.

**ROLL CALL**

Upon roll call, the following were present: Chairman Mark Muehlnickel, Commissioners Rob Moss, Gary Berner, Annette Boyd and Tony Orsini.

The following were absent: Commissioners Joan Byerley and John Kuchler.

Also present were: Senior Planner Jeff Smith, Director of Economic Development Nancy Hoehn and Secretary Lorrie Sowko.

**REQUEST FOR APPROVAL OF MINUTES OF A REGULAR ZONING BOARD OF APPEALS MEETING OF SEPTEMBER 6, 2011**

Chairman Muehlnickel entertained a motion to approve the minutes of the September 6, 2011, Zoning Board of Appeals meeting. Commissioner Boyd made a motion, seconded by Commissioner Orsini. Voice vote was taken. Motion carried.

**REQUEST FOR VARIANCE (Public Hearing)**

**Kurtz Memorial Chapel**

**3.21-acre site located at the southeast corner of Cedar and Francis Roads**

**Tom Vana – Petitioner**

**Richard Kavanagh - Attorney**

Chairman Muehlnickel entertained a motion to open the public hearing at 7:26 p.m. Commissioner Boyd made a motion, seconded by Commissioner Orsini. Voice vote was taken. Motion carried.

Steve Francis of the Linden Group and Attorney Richard Kavanagh were present to request a variance to eliminate the east perimeter fence for Kurtz Memorial Chapel.

Richard Kavanagh explained that when the project was originally proposed to the Village, the petitioner approached the neighbor to the east to see if he wanted to keep his current fence or if Kurtz could install new 6-foot cedar fence along his west property line. The owners of Kurtz and

this neighbor entered into a license agreement to take down his existing fence and put up a new 6-foot cedar fence.

However, the existing fence was never removed since the site plan was altered to relocate the detention pond from the eastern portion of the property to the northwest corner of the property.

Attorney Kavanagh has now prepared a new license agreement which needs to be reviewed by Marilyn Kurtz and the neighbor. The draft license agreement would allow Kurtz Memorial Chapel to install a new 6-foot fence on the subject property in the event that the existing hedges and/or the existing 6-foot fence located along the common property line were removed. Also, the draft license agreement would allow Kurtz Memorial Chapel to maintain the fence and any landscaping surrounding it.

Since the site was proposed to be redeveloped, Senior Planner Jeff Smith stated that compliance with Village Codes, including the Landscape Code, was mandatory. As such, the approved landscape plan for Kurtz Memorial Chapel included the required 6-foot tall cedar fence near the eastern portion of the property to provide adequate Type-1 perimeter screening between a commercial use and an adjacent residential use. The approved landscape plan also showed a 3-foot tall cedar fence within the front yard building setback along Francis Road.

Since there are existing tall hedges and a 6-foot fence along the common property line, as well as new perimeter plantings on the subject property, the petitioner does not desire to install the required 6-foot tall east perimeter fence. Also, a recently submitted draft license agreement will ensure that a 6-foot fence will always be in place near the eastern perimeter of the subject property in the event that the existing row of hedges and 6-foot fence along the common property line were ever removed. Approval of the variance request would allow for the elimination of the 6-foot tall and 3-foot tall cedar fence along specific portions of the eastern perimeter of the subject property.

Although it is Staff's opinion that the requested variance to eliminate the required 6-foot tall cedar fence along specific portions of the east perimeter of the subject Kurtz Memorial Chapel property located at the southeast corner of Cedar Road and Francis Road does not satisfy a strict interpretation of the three criteria set forth in the Village Code for the granting of variances, the Zoning Board of Appeals may decide to recommend approval of the variance request. If the ZBA supports the granting of the variance, Staff recommends that the motion to recommend approval include the following conditions:

1. The petitioner shall provide the Village with a copy of an agreement signed by the owner of the property at 144 East Francis Road, which obligates Kurtz to install a fence and landscaping in compliance with the Village Code in the event the fence or hedges are damaged or removed. The agreement shall be attached as an exhibit to the ordinance amending the Special Use.
2. The petitioner shall provide a revised landscape plan, which shall depict additional evergreen shrubs and/or trees, approximately 6 to 8 feet tall at the time of installation,

adjacent to the 25-foot bump-area in the retail parking lot to ensure proper year-round screening. The revised landscape plan shall be submitted for Staff review prior to Village Board consideration of the first read ordinances granting the requested variance and amending the Special Use for the subject property.

3. The additional evergreen plantings shall be installed prior to the issuance of a final certificate of occupancy for the funeral home and attached caretaker residence.

Chairman Muehlnickel concurred that additional evergreen plantings near the retail parking lot bump-out area should be installed. Mr. Muehlnickel felt that it was unnecessary to have two fences in close proximity to one another, which could alter the character of the locality. The existing row of hedges and 6-foot fence along the common property line, as well as the existing and recommended plantings on the Kurtz property, created a unique circumstance to help support the requested variance.

Commissioner Boyd concurred with the above statements.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:45 p.m. Commissioner Boyd made a motion, seconded by Commissioner Orsini. Voice vote was taken. Motion carried.

Chairman Muehlnickel entertained a motion to recommend approval of the variance, subject to the three conditions in Staff's Report. Commissioner Boyd made a motion, seconded by Commissioner Moss. Voice vote was taken. Motion carried unanimously.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

None.

### **ADJOURNMENT**

Chairman Muehlnickel entertained a motion to adjourn the meeting at 7:46 p.m. Motion was made by Commissioner Boyd, seconded by Commissioner Moss. Voice vote was taken. Motion carried.