

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

Held in the New Lenox Village Hall, 1 Veterans Parkway

Tuesday, October 5, 2010 7:00 p.m.

#10-10-A

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 Muehlnickel led the Pledge of Allegiance.

ROLL CALL

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

The following was absent: Commissioner Joan Byerley.

Chairman Muehlnickel verbally welcomed Commissioner Tony Orsini to the Plan Commission and Zoning Board of Appeals. Commissioner Orsini is replacing former Commissioner Robert Lash.

Also present were: Planning and Development Administrator Robin Ellis, Senior Planner Jeff Smith and Secretary Lorrie Sowko.

Chairman Muehlnickel invited speakers for the public hearings to be sworn in before the public hearings were opened. The speakers stood, raised their right hands, and were sworn in by Secretary Lorrie Sowko.

REQUEST FOR APPROVAL OF MINUTES OF A REGULAR PLAN COMMISSION MEETING OF SEPTEMBER 21, 2010

Chairman Muehlnickel entertained a motion to approve the minutes of the September 21, 2010, Plan Commission meeting. Commissioner Kuchler made a motion, seconded by Commissioner Berner. Voice vote was taken. Commissioners Boyd, Moss and Orsini abstained. Motion carried.

REQUEST FOR SPECIAL USE FOR WIRELESS COMMUNICATION FACILITY
(Public Hearing - Continued)

900 Country Creek Drive

Robert W. Wheaton/T-Mobile Central LLC – Petitioner

Commissioner Muehlnickel entertained a motion to continue the public hearing at 7:03 p.m. Commissioner Kuchler made a motion, seconded by Commissioner Berner. Voice vote was taken. Motion carried.

Robert Wheaton of Suresite Consulting Group LLC was available to represent T-Mobile Central. Suresite Consulting Group LLC is a site acquisition company that has been contracted by T-Mobile for this project.

This is a proposal for a 200-foot monopole wireless telecommunications facility. The facility consists of a 200-foot monopole within a 30-foot by 30-foot leased area with a fenced-in compound to house equipment. The monopole is designed to accommodate up to three carriers.

Mr. Wheaton explained that wireless communications companies will seek a location when there is lack of coverage in a specific area. Radio frequency engineers determine the location of the coverage gap. The search area was centered between Laraway and Delaney Roads near Nelson Road. Using an existing tower for co-location is usually the first option, but if there are no existing towers in the area, a new tower must be constructed. There were four to five optional sites, but the site had to meet zoning requirements and required a willing landlord. Wireless communication facilities are not allowed in rights-of-way or private easements. 900 Country Creek Drive meets the coverage needs of the radio frequency engineers, zoning requirements, and has a willing landlord. The height of the tower complies with the location.

Senior Planner Jeff Smith explained that the property is zoned I-1 Limited Industrial, and through the special use process, the wireless telecommunications tower can be allowed. This tower can be installed on privately-owned land, and the proposed location is on the Knowles Construction property. The nearest residential property is over 1,000 feet to the west. The cell tower site is at least 10 feet lower than the homes to the west. There are buildings between the cell tower and the nearest homes. The base with accessory equipment would be screened from the west.

There is existing floodplain south of this property and encompasses this property, and all required documentation must be submitted to the Engineering Department. The tower must comply with FCC and FAA regulations.

The I-1 District has a number of requirements for a cell tower, which are listed on Pages 3 and 4 of the Staff Report.

The type of tower required is a monopole.

The setbacks from the side and rear property lines must be at least equal to the height of the tower. The front yard setback must be at least 50 feet. The fall zone must be a minimum of the height of the tower, which in this case is 200 feet. The tower will be located more than 200 feet from the nearest building.

The tower is located on the construction yard property. The construction building is on a separate parcel under the same ownership. The tower is approximately 150 feet to the property line, but since the properties are under the same ownership, they are treated as one zoning lot.

Staff recommends that the petitioner provide structural engineered drawings to the Village's Engineering Department to support the proposed tower height and fall zone.

The ordinance requires that the monopole be a neutral color, and the color gray would be compatible.

Another provider is seeking co-location in this area, and Staff has recommended the proposed T-Mobile tower for the additional provider since there is capacity for additional carriers.

T-Mobile must provide surety in case the tower is not being used or abandoned.

There are a number of requirements to be met for the Special Use.

The proposed Special Use is a desirable service or facility for this area. It would improve service for T-Mobile and other service providers, private or public.

The proposed use should address such issues as traffic conditions, safety and aesthetics of the area. There will be a person maintaining the site monthly, which will not create traffic issues.

The proposed use will be designed, arranged and operated so as to permit the development and use of the neighboring property in accordance with the applicable I-1 district regulations.

If authorized, the proposed use will be completed and maintained in a timely manner. Upon approval, the petitioner plans construction of the tower in early 2011.

Staff recommends approval of the wireless communication facility for the subject 2.9-acre property which is Lot 9 of Country Creek Commercial Park Unit 2, subject to the eight conditions noted on Pages 6 and 7 of the Staff Report.

1. The freestanding wireless communication facility shall not exceed a maximum height of 200 feet and shall be located within the 30-foot by 30-foot lease area as depicted.
2. The freestanding wireless communication facility shall be capable of accommodating the antennas of at least three services or service providers.
3. The freestanding monopole tower shall consist of a neutral color, and gray has been recommended by Staff.
4. In order provide for further screening of the accessory equipment located near the base of the tower within the lease area, Staff recommends that the petitioner add slats to the proposed 6-foot tall chain-link fence.

5. The survey depicts access and utility easements, which must include specific language regarding the entities that will have rights of access, use, maintenance, repair, etc. to the wireless communication facility and associated utilities. Prior to the issuance of a building permit, the survey depicting the access and utility easement and lease parcel shall be recorded.
6. Prior to the issuance of a building permit, drawings and any other documentation required must be submitted to the Village's Engineering Department, Building Department and New Lenox Fire Protection District for review and approval.
7. The freestanding wireless communication facility shall abide by all other local, state and federal requirements and regulations.
8. As stated in the Zoning Ordinance, abandoned or unused facilities shall be removed within six months of notifying the FCC of the intent to cease operations. In order to ensure compliance, the petitioner shall provide a surety bond in an amount equal to 125% of the cost to disassemble and remove the tower, or other type of surety approved by the Village, at the time the building permit is issued.

Staff recommends approval of the Special Use, subject to the eight conditions.

Commissioner Berner wanted to know why there would be no landscaping.

Jeff Smith responded that this property is a storage yard in an industrial district, and all outside storage must be screened. Because the surrounding area is gravel, it is not possible to plant landscaping to screen the equipment. Staff recommends add the slats in the chain link fencing to meet the intent of the Zoning Ordinance.

Chairman Muehlnickel asked if this area is in floodplain.

Robert Wheaton stated that a portion of the property remains in floodplain, but the area being proposed for the monopole is not in the floodplain.

Jeff Smith added that there is a sanitary sewer that runs through this property within an existing easement. The petitioner will need to work with the Engineering Department to make sure the tower foundation has enough distance from the easement.

Robert Wheaton wanted to know what the required setback is from the easement.

Jeff Smith stated that between the easement and the lease area is a 3 to 4-foot separation, but the actual sanitary sewer itself is likely in the center of that easement. This will need to be clarified with Engineering.

There were no public speakers for the public hearing.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:21 p.m. Commissioner Boyd made a motion, seconded by Commissioner Moss. Motion carried.

Chairman Muehlnickel entertained a motion to recommend approval of the Special Use for the proposed freestanding wireless communication facility and associated equipment located on the 2.9-acre site, Lot 9 in Country Creek Commercial Park Unit 2, subject to the eight conditions noted in the Staff Report. Commissioner Kuchler made a motion, seconded by Commissioner Moss. Roll call vote was taken. Motion carried unanimously.

REQUEST FOR SPECIAL USE FOR VETERINARY CLINIC (Public Hearing)
0.52-acre parcel located at 201 Church Street
Dr. Susan Carey – Petitioner

Chairman Muehlnickel entertained a motion to open the public hearing at 7:22 p.m. Commissioner Boyd made a motion, seconded by Commissioner Moss. Voice vote was taken. Motion carried.

Dennis Kulak of KLLM Architects was available to represent Dr. Carey of Carey Animal Clinic. Carey Animal Clinic is currently located at 278 East Haven Avenue, and the petitioner is proposing to relocate her business to the old fire station at 201 Church Street.

Jeff Smith began the Staff Report.

The proposed facility at 201 Church Street has some frontage on Route 30, and all of the properties along Church Street are zoned C-2 Community Shopping District.

There is a gravel area that will be converted to an asphalt parking lot. An old timber retaining wall exists at the southern portion of the site, and the petitioner will construct a structural concrete retaining wall around that southern perimeter. A portion along the west perimeter may also have the same type of retaining wall.

A new parking lot will be constructed to the south, and a few parking stalls will also be installed at the northern perimeter, but there will not be a connection between the two parking areas.

The parking requirements for a veterinary clinic will be met, which includes the smaller accessory building that will be used in the future for possibly grooming animals.

Jeff Smith presented the elevations with minor changes to improve the building. The historical character of the building will not be compromised.

Much of the land on the property is impervious, which leaves very little space for additional landscaping. The new parking lot area will have landscaping within the islands. Staff is recommending additional landscaping in the open areas of the parking lot and along the building foundation of each building.

Parking will be within a required front yard setback area, which is subject to a variance hearing by the Zoning Board of Appeals later this evening, along with a variance request for the elimination of required landscaped buffers. Staff is recommending that if there is no retaining wall to the south, that the petitioner install a PVC fence. Other variances being requested are a side yard setback for the existing fire station building and a buffer at the northeast corner to buffer the stalls from the adjacent property.

A lighting and photometric plan was submitted, which included new exterior light fixtures.

There are a number of criteria that need to be met for a special use.

1. Staff finds that the conversion of the 4,360-square foot building to the veterinary clinic for Carey Animal Clinic is a use that is necessary for the Village. It is replacing the former animal clinic, and there has been substantial residential growth over the past 10 to 15 years. As residential growth continues, there will be additional need for veterinary care.
2. The proposed use will address issues related to parking, utilities, traffic and safety. The new parking lot will meet Zoning Ordinance parking requirements. Two stalls will be recommended for employee-only parking due to the lack of the lots being connected. There are additional parking stalls along Church Street that are in the right-of-way, which cannot be included in the required parking, but can be utilized.

Engineering has reviewed the project for public improvements, including adding new curbing along Church Street, pothole repairs and resurfacing. The area is mainly impervious, so storm water naturally flows north towards Route 30 and a storm water inlet is required near the entrance from Church Street to control the run-off.

3. This use will not impact the redevelopment of the adjacent properties. The adjacent uses are existing commercial uses. The improvements to the parking lot, landscaping, resurfacing and curbing will make this project compatible with the surrounding uses.
4. The Comprehensive Plan recommends Neighborhood Commercial and this use complies, subject to the Special Use, which will include conditions.
5. The proposed use must be completed in a timely manner. Staff met with the petitioner at a Site Plan Committee Meeting and once approval is granted, the petitioner would like to begin construction as soon as possible.

Staff feels that the request complies with all of the Special Use criteria and recommends approval of the Special Use for a veterinary clinic located on the 0.52-acre property located at 201 and 205 Church Street, subject to the items mentioned at the Site Plan Committee Meeting, the technical changes to the site plan and other documents, as well as the 13 conditions noted in the Staff Report.

1. A veterinary clinic shall be permitted within the 4,360-square foot building on the property. The veterinary clinic shall provide care for only dogs, cats, and “pocket pets” such as hamsters and gerbils.
2. The hours of operation of the veterinary clinic shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 12:00 p.m. on Saturday, and closed on Sunday, which are the hours of the existing facility.
3. The existing 1,633-square foot building shall only be used for future secondary or supportive uses for the veterinary clinic, such as pet grooming, and in no event shall be used for additional examining rooms for the clinic.
4. There shall be no boarding or kenneling services offered within the veterinary clinic. Overnight boarding shall only be allowed in emergency cases for sick pets. Additionally, there shall not be any designated permanent outside area on the subject property for extended periods of time.
5. All waste shall be consistently disposed of in the designated trash dumpster.
6. A minimum of 17 off-street parking spaces shall be provided. The parking stalls within the Church Street right-of-way may be utilized for the proposed veterinary clinic, but are not counted towards the minimum required parking.
7. The two new standard parking spaces in the northern parking lot area shall be designated for “Employee-Only” parking.
8. Approval of a final landscape plan, which shall include additional plantings in the southern parking lot area and additional foundation area landscaping.
9. If a retaining wall is not required to be placed along the south perimeter, Staff is recommending a solid barrier such as 3-foot tall solid wood or PVC fence to screen the southernmost perimeter parking stalls and vehicle headlights from the adjacent commercial use.
10. Approval of final engineering plans, including all public improvements. Engineering is requiring a public utility easement for water main services to be granted to the Village of New Lenox, and the easement document shall be recorded prior to the issuance of a certificate of occupancy for the veterinary clinic.
11. A certificate of occupancy for the proposed veterinary clinic and secondary building will not be issued until all mandated site improvements are completed.
12. The following variances must be approved by the Village Board:

- a. Reduction of the parking lot setback for two proposed parking stalls from 20 feet to 10 feet from the Church Street right-of-way.
- b. Elimination of the minimum required 10-foot wide landscaped buffer yard and minimum required plantings (50 plant units per 100 lineal feet, including a minimum 30% evergreen species) along the south perimeter of the site.
- c. Elimination of the minimum required 4-foot wide landscaped buffer yard and continuous row of plantings along the far northeast perimeter of the site.
- d. Legal establishment of a reduced side yard building setback for the existing 4,360-square foot building, proposed to be converted into the veterinary clinic, from 10 feet to 5 feet, 6 inches to the north property line.

13. Compliance with Village Building Department and New Lenox Fire Protection District requirements.

Chairman Muehlnickel announced that the Village received a supporting document from Mary and Ron Whitaker dated September 8, 2010 that shall be entered into the record. Chairman Muehlnickel read the letter that indicated Ron and Mary Whitaker's approval of the requested use.

There were no other public comments.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:34 p.m. Commissioner Kuchler made a motion, seconded by Commissioner Boyd. Voice vote was taken. Motion carried.

Commissioner Berner was concerned about the parking along Church Street.

Jeff Smith explained that parking must be off-street for any use. The petitioner is providing 17 parking spaces for the clinic use. There are nine parking spaces including one handicapped parking space within the church right-of-way that could be eliminated due to a future Village project, but can be utilized until then.

Commissioner Berner commented that Church Street is very heavily traveled, especially upon train station arrivals and departures. He feels that there is not adequate storage on Route 30 to make a left hand turn onto Cedar Road, which backs up. Many people come out of the commuter parking lot or make a left-hand turn onto southbound Church Street, and Commissioner Berner expressed his concerns with safety. He would like these spaces eliminated or designated for employee parking.

Jeff Smith added that at the Site Plan Committee meeting, the petitioner mentioned using the Church Street parking for employees.

Chairman Muehlnickel wanted to know what was being screened by the 3-foot fence.

Jeff explained that the fence would screen headlights and help with the grade change between the two properties, and is replacing the existing barrier.

Dennis Kulak responded that the spaces along Church Street have existed for a very long time, and the petitioner has no objection to posting an "Employee-Only Parking" sign from 4 p.m. to 6 p.m.

Dennis Kulak reiterated that adequate parking on the site is necessary since the spaces in the right-of-way may cease to exist in the future.

Commissioner Berner questioned the possibility of using pervious pavement.

Dennis Kulak stated that final engineering will be completed before the Special Use request is reviewed by the Village Board. Because of the topography of the site, there is no possibility to retain water.

Chairman Muehlnickel entertained a motion to recommend approval of the Special Use request for Carey Animal Clinic located on a 0.52-acre property located at 201 and 205 Church Street, subject to resolution of the Village Staff comments mentioned and the 13 conditions in the Staff Report. Commissioner Boyd made a motion, seconded by Commissioner Kuchler. Roll call vote was taken. Motion carried unanimously.

REQUEST FOR SPECIAL USE FOR FINANCIAL INSTITUTION (Public Hearing)
30.9-acre parcel located at 501 East Lincoln Highway
Rhonda Hicks / Woodforest National Bank – Petitioner

Chairman Muehlnickel entertained a motion to open the public hearing at 7:46 p.m. Motion was made by Commissioner Berner, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.

Rhonda Hicks of Woodforest National Bank was present to request a Special Use for a financial institution. The proposal is for a 708-square foot facility to be located inside the Walmart Supercenter located at 501 East Lincoln Highway. The anticipated opening date is October 27, 2010.

Jeff Smith explained that the proposed bank will be located inside the Walmart building, which is part of a Planned Unit Development. There were a few amendments to the P.U.D., and one of the amendments allowed for future banks on Outlots 6 and 7 without the requirement of a Special Use. Nothing had been requested for a future tenant space inside the Walmart building, which initiated this Special Use request.

Woodforest National Bank is expanding to other communities in the area and in other communities near New Lenox.

Jeff Smith presented a floor plan for the overall Walmart store consisting of 167,000 square feet. The proposed bank is 720 square feet, located at the front of the store. Dunkin Donuts will also be locating inside the Walmart store.

The Special Use must meet certain requirements, in order to be granted.

1. Staff finds that the proposed 722-square foot bank facility is a desirable service that is needed in the area. Woodforest National Bank intends to be open 364 days a year and provide extended banking hours, which would provide a benefit and convenience for residents of New Lenox who also shop at Walmart, and will help assist the Village's sales tax base.
2. The proposed use would adequately address issues relating to parking, utilities, traffic, safety and the general welfare of the area.
3. The proposed banking facility would not limit the development or redevelopment of adjacent properties. The proposed banking facility will also need to comply with all Village Codes, such as wall signage and any needed interior tenant space renovations.
4. The Comprehensive Plan recommends Community/Regional Scale Commercial, and subject to the Special Use, the use is in compliance.
5. Upon approval of the Special Use, the petitioner intends to obtain the necessary building permits and immediately commence work to have the tenant space operational at the same time the Walmart officially opens, targeted for October 27, 2010.

The Village has additional criteria for a financial institution.

1. The Village will derive benefit through the granting of a special use permit for the proposed financial institution.
2. If the proposed financial institution is part of a larger shopping center, the proportion of the square footage of the shopping center devoted to the financial institution and the location of the financial institution within the shopping is in the public interest.

The bank's tenant space will utilize less than 1% of the Walmart store, which will not affect retail sales.

Staff recommends approval of the Special Use for the bank tenant space, subject to the condition that the bank not occupy more than 722 square feet in the Walmart building.

Commissioner Muehlnickel asked if there was a drive-up ATM proposed for the outside of the facility.

Rhonda Hicks responded that the ATM will be inside the banking facility.

Commissioner Berner asked if there were tenants for Outlots 6 and 7.

Jeff Smith commented that nothing has been submitted for these two outlots.

Commissioner Berner expressed his opinion that banks get robbed and feels that the indoor bank would put the Walmart customers in jeopardy, rather than being on an outlot.

Rhonda Hicks stated that only limited cash is kept on-site. There are 678 Woodforest National Banks located inside Walmart supercenters, and her company came to the conclusion that an indoor environment actually deters theft and robberies due to the number of cameras and the inability to drive-up to the bank and have a quick exit.

There was no public comment.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:53 p.m. Motion was made by Commissioner Moss, seconded by Commissioner Boyd. Voice vote was taken. Motion carried.

Chairman Muehlnickel entertained a motion to recommend approval of the Special Use request for the Woodforest National Bank, located at 501 East Lincoln Highway, Lot 2, of the New Lenox Town Center final P.U.D. plat, subject to the condition that the financial institution occupy no more than 722 square feet in the subject Walmart building, as depicted on the submitted plans. Motion was made by Commissioner Berner, seconded by Kuchler. Roll call vote was taken. Motion carried unanimously.

OLD BUSINESS

None.

NEW BUSINESS

Robin Ellis announced that the next Plan Commission meeting of October 19, 2010, may be cancelled. Also, there are plans to schedule a strategic planning session with the Village Board and the Plan Commission regarding the new housing market.

ADJOURNMENT

Chairman Muehlnickel entertained a motion to adjourn the meeting at 7:55 p.m. Motion was made by Commissioner Berner, seconded by Commissioner Boyd. Voice vote was taken. Motion carried unanimously.

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, October 5, 2010 7:00 p.m.

#10-10-A ZBA

CALL TO ORDER

A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 7:55 p.m. by Chairman Mark Muehlnickel, with a quorum present.

ROLL CALL

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

The following was absent: Commissioner Joan Byerley.

Also present were: Planning and Development Administrator Robin Ellis, Senior Planner Jeff Smith and Secretary Lorrie Sowko.

REQUEST FOR APPROVAL OF MINUTES OF A REGULAR ZONING BOARD OF APPEALS MEETING OF SEPTEMBER 21, 2010

Chairman Muehlnickel entertained a motion to approve the minutes of the September, 21, 2010, Zoning Board of Appeals meeting. Commissioner Kuchler made a motion, seconded by Commissioner Berner. Voice vote was taken. Commissioners Boyd, Moss and Orsini abstained. Motion carried.

REQUEST FOR VARIANCES (Public Hearing)
0.19-acre parcel located at 136 West Third Avenue / Lot 12
Brian Pilon – Petitioner

Chairman Muehlnickel entertained a motion to open the public hearing at 7:56 p.m. Commissioner Kuchler made a motion, seconded by Commissioner Moss. Motion carried.

Attorney Kendall Lynchey was available to represent the homeowner of Lot 12 and 13 at 136 West Third Avenue. This is a double lot, with a house on one lot. Each lot is 160 feet long by 52 feet wide. Brian Pilon is Kendall Lynchey's client, who purchased the property with plans to sell the lot with the existing home and build a new home for himself on Lot 12. In order to proceed to with his plan to construct a house on Lot 12, he met with the Village and realized that there are existing zoning violations. There are lot width and lot size variances requested for Lot 12 and lot size, lot width, side yard and rear yard setback requests for Lot 13.

The requested variances for Lot 12 are for lot size and lot width, and the variances for Lot 13 are lot width, lot size, side yard setback for the existing residence, and side and rear yard setbacks for the detached structure.

Senior Planner Jeff Smith stated that both of the lots are under a single ownership and are treated as one zoning lot. The owner would like to sell the existing home on Lot 13 so he can build a new home on Lot 12. As of now, there is a substandard lot area and lot width, which does not meet the R-2 District requirements of 75 feet for the lot width and 9,375 square feet for the lot area. The existing home is 8 feet from the side property line, which requires 10 feet, and the detached garage is less than 5 feet from the west property line and less than 5 feet from the south property line. To sell Lot 13, and also allow the construction of a home on Lot 12, variances are being requested.

There are criteria for both cases.

1. Staff feels that a reasonable return would not be achieved if the lot area and lot width variances were not granted because once a property is sold, the owner cannot build a home on Lot 12. The home will have to meet the R-2 District setback requirements unless additional variances are requested in the future.

Once Lot 13 is sold, the new owner would now have zoning non-conformities. If the variances were granted, it would legally establish the existing setbacks.

2. There are unique circumstances. This is an older area of the Village, and the lots were subdivided prior to current zoning requirements with smaller dimensions. Based on these circumstances, Staff finds that the variances are justified.
3. If the variances are approved, it would not alter the character of the locality. These lots are compatible with the nearby lots in the surrounding area and would allow the owner to construct a new home on the vacant lot that will be in harmony with the area.

Staff is recommending approval of all variances at this time.

Commissioner Berner wanted confirmation of the property line between the two properties, having a 10-foot setback on Lot 12, with Lot 13 having an 8-foot setback. Commissioner Berner preferred a 20-foot setback between the two homes.

Planning and Development Administrator Robin Ellis was concerned that the lots only have a 52 foot width, which would only leave a 32-foot wide footprint for a home, which would create a hardship.

There was no public comment.

Chairman Muehlnickel entertained a motion to close the public hearing at 8:04 p.m.
Commissioner Kuchler made a motion, seconded by Commissioner Moss. Motion carried.

Chairman Muehlnickel entertained a motion to recommend to the Village Board approval of the variances to reduce the required lot area from 9,375 square feet to 8,320 square feet and the lot width from 75 to 52 feet, for the vacant property for Lot 12, located at 136 West Third Avenue. Commissioner Moss made a motion, seconded by Commissioner Berner. Roll call vote was taken. Motion carried unanimously.

REQUEST FOR VARIANCES (Public Hearing)
0.19-acre parcel located at 136 West Third Avenue / Lot 13
Brian Pilon – Petitioner

Chairman Muehlnickel entertained a motion to open the public hearing at 8:05 p.m. Commissioner Boyd made a motion, seconded by Commissioner Moss. Motion carried.

The petitioner had no additional information to add.

Staff had no additional information and there were no public comments.

Chairman Muehlnickel entertained a motion to close the public hearing at 8:05 p.m. Commissioner Boyd made a motion, seconded by Commissioner Kuchler. Motion carried.

Chairman Muehlnickel entertained a motion to recommend that Village Board approve the variances to reduce the required lot area from 9,375 square feet to 8,320 square feet and the lot width from 75 to 52 feet, for the subject property for Lot 13, located at 136 West Third Avenue. Commissioner Kuchler made a motion, seconded by Commissioner Boyd. Voice vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion to approve the variance to reduce the required side yard setback for the existing residence from 10 feet to 8.14 feet along the east property line for Lot 13, located at 136 West Third Avenue. Motion was made by Commissioner Kuchler, seconded by Commissioner Boyd. Voice vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion approving the variances to reduce the required side yard setback for the detached garage from 5 feet to 3.88 feet along the west property line and to reduce the rear yard setback for the detached garage from 5 feet to 4.5 feet along the south property line for property located at 136 West Third Avenue, Lot 13. Motion was made by Commissioner Berner, seconded by Commissioner Boyd. Voice vote was taken. Motion carried unanimously.

REQUEST FOR VARIANCES (Public Hearing)
0.52-acre parcel located at 201 Church Street
Dr. Susan Carey – Petitioner

Chairman Muehlnickel entertained a motion to open the public hearing at 8:06 p.m. Commissioner Boyd made a motion, seconded by Commissioner Berner. Motion carried.

Dennis Kulak of KLLM Architects was available to represent Dr. Susan Carey of Carey Animal Clinic.

Staff reported that the existing building that needs enhancements requires variances.

The C-2 District requires a 10-foot setback from the north property line, and the existing building has a setback of 5 feet, 6 inches.

The north side is also required to have a 4-foot buffer for the parking lot. According to the site plan, the building to the north utilizes the driveway on this site. Eliminating the buffer will not create an issue.

The other two variances relate to the existing stone parking lot, which is proposed to be paved. The variance would eliminate the landscape buffer to the south from 10 feet to 0 feet. The building is at a 20-foot setback, and paving will replace the gravel area, which will preclude the provision of the required landscaped area.

Jeff Smith explained that there are two parking stalls, including one handicapped parking stall, which will be located 10 feet from the Church Street right-of-way, and the requirement is a 20-foot front yard setback.

Certain criteria must be met.

1. The site is limited in size and has existing conditions and site constraints that restrict development. A reasonable return would be severely limited without the requested variances. Applying the 10-foot buffer would limit the number of on-site parking spaces.

If a retaining wall is not constructed along the south property line a 3-foot fence or barrier will need to be implemented. There are other open areas where landscaping could be added, including along the foundation walls, to allow for a zero perimeter buffer along the south and northeast, which is recommended by Staff.

2. There are unique circumstances since this is an older area of the Village and was established prior to the current Zoning Ordinance requirements. Normally there is the site plan review process to ensure compliance with the Village Code, but the older buildings did not go through that process.

A number of improvements need to be made to the site, including public improvements to the road, curbing, storm sewer inlets, landscaping and improvements to the building.

3. With the improvements, Staff feels that this project is compatible with the surrounding properties.

Staff recommends approval of the four requested variances:

1. To reduce the parking lot setback for the two proposed parking stalls from 20 feet to 10 feet from the Church Street right-of-way;
2. To eliminate the perimeter 10-foot buffer and required landscaping along the south perimeter, subject to additional landscaping being provided in the available areas along the parking lot and building foundation walls and installing a 3-foot tall fence if a retaining is not required;
3. To eliminate the perimeter buffer along the northeast portion of the property from 4 feet to 0 feet, subject to additional landscaping in the available open areas on property; and
4. To legally establish the reduced side yard setback from 10 feet to 5.5 feet to the north property line for the veterinary clinic building.

Chairman Muehlnickel wanted to know if there is a possibility to incorporate additional parking spaces along Route 30, next to the two proposed employee parking spaces, to have less parking along Church Street.

Dennis Kulak stated that there would be no way for a car to back out of that area by using parallel parking spaces.

There were no public speakers.

Chairman Muehlnickel entertained a motion to close the public hearing at 8:16 p.m. Commissioner Boyd made a motion, seconded by Commissioner Berner. Voice vote was taken. Motion carried.

Chairman Muehlnickel entertained a motion to recommend approval of the four variance requests for the Carey Animal Clinic located at 201 and 205 Church Street, subject to the recommended conditions mentioned in the Staff Report. Commissioner Kuchler made a motion, seconded by Commissioner Boyd. Roll call vote was taken. Motion carried unanimously.

REQUEST FOR VARIANCE (Public Hearing)
0.147-acre parcel located at 621 Livingston Drive
Simon Luming - Petitioner

Chairman Muehlnickel entertained a motion to open the public hearing at 8:17 p.m. Commissioner Kuchler made a motion, seconded by Commissioner Berner. Motion carried.

Simon Luming of 621 Livingston Drive was present to request a variance for his property.

Mr. Luming expressed that he and his family moved to the neighborhood in 1999 and would like to remain in this home. His family has outgrown the home, and there is necessity for additional living space. He is proposing a second-story addition, and a variance is necessary to construct the addition.

Jeff Smith commented that the existing home is located approximately 7 feet from the east property line. The property is zoned R-3 Multi-Family Residence District. In the past, this area was proposed for a P.U.D., which expired, and there are a number of lots zoned multi-family that are in fact single-family homes. These lots that require a 20-foot side yard setback, which is not practical.

The home is 7 feet from the east property line, and there is no further encroachment in that side yard setback as a result of the second-floor addition. A family room addition was constructed in 2004, and variances were granted for that addition.

Staff finds that the requested variance satisfies the three criteria set forth in the Zoning Ordinance.

1. Currently, the home contains 1,378 square feet, and the second-story addition would add more living space that would allow for a more reasonable return on the property. The second-story addition would provide an additional 538 square feet and increase the dwelling size to 1,961 square feet.

If the property was zoned R-2, it would require a minimum of 1,500 square feet for an older home in an older area of the Village, such as this.

2. There are unique circumstances with the history of this property and the variance for the setback is needed.
3. This is a high quality addition that fits the character of the locality.

Staff recommends approval of the request for the second-story addition to have a reduced side yard setback from 20 feet to 7.04 feet from the east property line for the property located at 621 Livingston Drive.

There were no public speakers.

Chairman Muehlnickel entertained a motion to close the public hearing at 8:21 p.m. Commissioner Berner made a motion, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.

Chairman Muehlnickel entertained a motion to recommend approval of the variance to reduce the required side yard setback for a proposed second-story addition from 20 feet to 7.04 feet from the east property line for the property located at 621 Livingston Drive. Motion was made by Commissioner Kuchler, seconded by Commissioner Boyd. Roll call vote was taken. Motion carried unanimously.

OLD BUSINESS

None.

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NEW BUSINESS

None.

ADJOURNMENT

Chairman Muehlnickel entertained a motion to adjourn the meeting at 8: 22 p.m. Motion was made by Commissioner Kuchler, seconded by Commissioner Boyd. Voice vote was taken. Motion carried.

Lorrie M. Sowko – Secretary