

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

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

**Tuesday, November 15, 2011 7:00 p.m.**

**#11-11-B**

**CALL TO ORDER**

A regular meeting of the Village of New Lenox Plan Commission was called to order at 7:02 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 Joan Byerley, Rob Moss, John Kuchler, Tony Orsini, Annette Boyd and Gary Berner.

The following were absent: None.

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 PLAN COMMISSION MEETING OF OCTOBER 18, 2011**

Chairman Muehlnickel entertained a motion to approve the minutes of the October 18, 2011, Plan Commission meeting. Commissioner Kuchler made a motion, seconded by Commissioner Moss. Voice vote was taken. Commissioner Orsini abstained. Motion carried.

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

**REQUEST FOR ANNEXATION, REZONING FROM R-1 TO C-3, AND SPECIAL USE FOR A RESIDENCE ABOVE A COMMERCIAL USE (Public Hearing)**

**Morningstar Mission**

**3.51-acre site located at 2571 East Lincoln Highway**

**Marilyn Farmer/Morningstar Mission, Inc. – Petitioner**

**Lyman C. Tieman - Attorney**

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

Attorney Lyman Tieman and the petitioner, Marilyn Farmer, were present to request annexation, rezoning, and a Special Use for Morningstar Mission, located at 2571 East Lincoln Highway. Mr. Tieman explained that the property is located on a 3.51-acre site at the northwest corner of West Circle Drive and U.S. Route 30. Two years ago, the petitioner proposed the same requests, but due to financial issues, the requests were not pursued at that time.

Senior Planner Jeff Smith stated that the updated annexation agreement includes a requirement that the resurfacing and restriping of the parking lot must take place within one year of the completion of the Route 30 improvements.

The apartment above the commercial building is approximately 1,000 square feet in size and is currently vacant.

Currently, the rear portion of this site is vacant. Some parking stalls will be eliminated in the front lot, due to Route 30 road improvements. These parking stalls will need to be relocated to the rear portion of the parcel. There will be a total of 63 parking stalls behind the building.

Engineering will require detention for the rear portion of the site.

IDOT will improve a portion of West Circle Drive up to the entrance into this site with road widening, curb and gutter.

The draft annexation agreement will require the owner to construct the balance of the roadway improvements, including a 5-foot wide sidewalk, to extend to the north property line of the property. These improvements must be done when a new development is proposed on the rear vacant property, or if the site is redeveloped.

Since this property is contiguous to the Village's corporate limits, Staff recommends approval of the rezoning of this property to the C-3 General Business District, as it complies with the Comprehensive Plan. The annexation agreement will include many prohibited uses such as gas/service stations, car dealers, warehouse uses, outside storage, etc.

The Special Use is for the upper-story residence and the following conditions apply:

1. The Special Use shall be limited to the existing upper-story residence in the current building.
2. The existing upper-story residence shall be occupied by no more than two unrelated adults and the children under the age of 18 related to the adults.

3. The Special Use permit will be in effect from the date granted until the use is no longer in existence for a period of 1 year or until the commercial building is destroyed or damaged to the extent that the restoration costs exceed 50% of the value of the building.

Jim Homco of 254 Garfield Avenue asked if screening will be required between the commercial and residential properties. He also inquired about the proposed lighting for the rear parking area. Mr. Homco commented that he approves of Morningstar Mission and the services they provide.

Lyman Tieman explained that the plans for screening have not been addressed with engineering, as of yet. There is some existing natural screening on the property.

Jeff Smith added that screening and lighting requirements will be addressed upon submittal of a detailed site plan application and site plan review, before a construction permit is issued. Lighting cut-off requirements will apply.

Commissioner Berner asked if the road improvements apply to the access to the parking lot.

Lyman Tieman responded that there is an existing curb cut on West Circle Drive and no additional improvements are necessary.

Jeff Smith commented that there is a possibility of a more controlled curb cut, but will confirm this with IDOT and the Engineering Department.

Commissioner Berner wanted to know what the access is for foot traffic from the rear parking lot to the building.

Marilyn Farmer informed that there is a rear entrance to the building.

Lyman Tieman noted that the existing parking lot has never come close to full capacity.

Chairman Muehlnickel asked for the number of parking spaces that currently exist in the front parking lot.

Marilyn Farmer announced that there are 50 existing parking spaces. After the Route 30 improvements are completed, there will be 52 parking spaces in front of the building, in addition to the 63 parking spaces that will be constructed in the rear of the building.

Employees and tenants will be instructed to park in the rear parking lot behind the building.

Jeff Smith added that additional handicapped parking spaces are necessary.

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

Chairman Muehlnickel entertained a motion to recommend approval of the annexation request for the subject 3.51-acre site, subject to the successful negotiation of an annexation agreement. Commissioner Kuchler made a motion, seconded by Commissioner Orsini. Roll call vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion to recommend approval of the rezoning to the C-3 General Business District upon annexation for the subject 3.51-acre site located at the northwest corner of Lincoln Highway and West Circle Drive, subject to the successful negotiation of an annexation agreement including provisions to ensure compatibility with the surrounding zoning and land uses. Commissioner Berner made a motion, seconded by Commissioner Kuchler. Roll call vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion to recommend approval of the Special Use request to allow the existing second-story residence located above the Morningstar Mission resale shop and commercial shopping center in the C-3 General Business District subject to the following conditions:

1. The Special Use shall be limited to the existing upper-story residence in the current building at 2571 East Lincoln Highway.
2. The existing upper-story residence shall be occupied by no more than two unrelated adults and the children under the age of eighteen of the two unrelated adults.
3. The upper-story residence shall comply with New Lenox Fire Protection District requirements and Village of New Lenox Building Code requirements.
4. The Special Use permit shall be in effect from the date granted until such time as the use granted is no longer in existence on this property for a period of one year or until the existing commercial building is destroyed or damaged to the extent that the cost of restoration would exceed fifty percent of the cost of restoration of the entire building or structure new, whichever occurs first.

Commissioner Boyd made a motion, seconded by Commissioner Moss. Roll call vote was taken. Motion carried unanimously.

**REQUEST FOR ANNEXATION AND SPECIAL USE FOR A LARGE RESIDENTIAL CARE HOME (Public Hearing)**  
**2.10-acre site located at 225 West Wood Street**  
**Trinity Services - Petitioner**  
**Brian Rigsby/Rigsby Builders, Inc. - Agent**

Chairman Muehlnickel entertained a motion to open the public hearing at 7:24 p.m. Commissioner Boyd made a motion, seconded by Commissioner Moss. Voice vote was taken. Motion carried.

Brian Rigsby of Rigsby Builders, Inc. was available to represent Trinity Services to request annexation and a Special Use for an existing residential care home located at 225 West Wood Street. This group care home has been in operation for 25 years, and Trinity would like to obtain Village water and sewer services.

Jeff Smith stated that the property in question is contiguous to the Village's corporate limits. Water is available in the front of the property. An 8-inch sanitary sewer main is located on the south side of Wood Street and will need to be extended in order to reach the subject property, and details for the extension will need to be discussed with the Engineering Department.

It is the opinion of Staff that the annexation of the subject 2.10-acre property represents a logical extension of the Village's corporate limits and accordingly Staff recommends approval of the annexation request, subject to the successful negotiation of an annexation agreement.

There are presently two single-family, or principal, structures on the subject property that are being utilized by Trinity Services for the large residential care home. In the event that a residential care home ceases to operate at the site, the smaller of the two living quarters should be removed or converted to an accessory structure within a certain timeframe to be negotiated with the Village Board, during the review of the annexation agreement.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:27 p.m. Commissioner Boyd made a motion, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.

Chairman Muehlnickel entertained a motion to recommend approval of the annexation request, subject to the successful negotiation of an annexation agreement, for the property located at 225 West Wood Street. Commissioner Kuchler made a motion, seconded by Commissioner Moss. Roll call vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion to recommend approval of the Special Use request to allow a large residential care home for the property owned by Trinity Services located at 225 West Wood Street, subject to the following conditions:

1. The annexation agreement shall include language allowing two residences or principal structures on the property to be utilized as a large residential care home for Trinity Services. In the event that a residential care home ceases to operate at the site, the smaller 836-square foot living quarters shall be removed or converted to an accessory structure within a timeframe to be negotiated with the Village Board during the review of the annexation agreement.
2. There shall be a maximum of six residents living in the large residential care home, which includes the residents of the two principal structures, at any one time.

3. The petitioner shall remain in compliance with all licensing requirements specified by the Illinois Department of Human Services and the State Fire Marshall for the operation of a large residential care home.

Commissioner Boyd made a motion, seconded by Commissioner Kuchler. Roll call vote was taken. Motion carried unanimously.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

Planning and Development Administrator Robin Ellis announced that there are no items as of yet for the regular Plan Commission meeting on December 6, 2011, and she will keep the Commissioners updated on the status of that meeting.

### **ADJOURNMENT**

Chairman Muehlnickel entertained a motion to adjourn the meeting at 7:31 p.m. Motion was made by Commissioner Boyd, seconded by Commissioner Kuchler. 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, November 15, 2011 7:00 p.m.**

**#11-11-B ZBA**

**CALL TO ORDER**

A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 7:32 p.m., by Chairman Mark Muehlnickel, with a quorum present.

**ROLL CALL**

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

The following were absent: None.

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 OCTOBER 18, 2011**

Chairman Muehlnickel entertained a motion to approve the minutes of the October 18, 2011, Zoning Board of Appeals meeting. Commissioner Kuchler made a motion, seconded by Commissioner Berner. Voice vote was taken. Commissioner Orsini abstained. Motion carried.

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**ADJOURNMENT**

Chairman Muehlnickel entertained a motion to adjourn the meeting at 7:33 p.m. Motion was made by Commissioner Moss, seconded by Commissioner Byerley. Voice vote was taken. Motion carried.

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Lorrie M. Sowko – Secretary