

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

Held in the New Lenox Village Hall, 1 Veterans Parkway

Tuesday, December 7, 2010 7:00 p.m.

#10-12-A

CALL TO ORDER

A regular meeting of the Village of New Lenox Plan Commission was called to order at 7:04 p.m. by Vice-Chairman Gary Berner, with a quorum present.

Vice-Chairman Berner led the Pledge of Allegiance.

ROLL CALL

Upon roll call, the following were present: Vice-Chairman Gary Berner, Commissioners Joan Byerley, Rob Moss, Annette Boyd and Tony Orsini.

The following were absent: Chairman Mark Muehlnickel and Commissioner John Kuchler.

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 NOVEMBER 16, 2010

Vice-Chairman Gary Berner entertained a motion to approve the minutes of the November 16, 2010, Plan Commission meeting. Commissioner Byerley made a motion, seconded by Commissioner Boyd. Voice vote was taken. Motion carried.

Vice-Chairman Berner requested that speakers for any of the public hearings be sworn in. The public speakers raised their right hands and Secretary Lorrie Sowko proceeded to swear them in.

REQUEST FOR ANNEXATION AND REZONING FROM R-1 TO R-2, R-4 AND

C-2 (Public Hearing)

Bristol Meadows

99.87-acre parcel located on the north side of Laraway Road, approximately 660 feet west of Schoolhouse Road

Mark Kaup/MJR Construction LLC – Petitioner

Andrew Dystrup – Attorney

Attorney Andrew Dystrup approached the podium and announced that the petitioner is requesting annexation and rezoning for Bristol Meadows subdivision, and presented a draft concept plan. Seventy-six single-family lots are proposed, and the lot sizes would be between 10,000 and 19,000 square feet, with an average of 10,700 square feet. There are 9.5 acres dedicated for 42 duplex units consisting of 21 buildings, with a density 4.6 units per acre.

Chuck Smith of Arete-Knight explained that the proposal is for an approximate 100-acre site to be annexed and rezoned to residential and commercial.

The 30-acre area to the north has a large detention area and open space. Currently, the petitioner is working with the New Lenox Park District to donate the land for a park site including a gazebo and parking area.

The area to the east will be predominantly dedicated for a 3-story independent senior living complex that also includes a gazebo.

The property south of the senior complex is targeted for C-2 zoning to accommodate a medical office building.

The approximate 5-acre parcel located to the west of the C-2 area is being targeted for a church within the R-4 District.

The petitioner's goal is to develop a 100-acre community that includes commercial, retail, residential, senior housing, medical and church uses.

Walking paths will be incorporated to connect the uses for access.

Mr. Smith presented renderings of the proposed duplexes that include a drive access off of the main street and a second access at the garage so that only one of the two garages for each building would face the street.

He also presented drawings of the senior living development with the independent living building located on 7.5 acres with detention, a walking path, landscaped yard and parking. A fire access drive surrounds the development. A lodge-type architecture is anticipated for the exterior.

Senior Planner Jeff Smith stated that the first of the two requests is for annexation of the 100-acre site and second is a request for different zoning districts, upon annexation.

The concept plan for the proposed uses is subject to review by the Plan Commission. The senior component will need to return to the Plan Commission for a request for a Planned Unit Development (P.U.D.) and will require a public hearing and also Village Board approval.

This property is contiguous to the Village with C-2 and C-3 zoning to the south. In order to develop this property with the proposed mixed uses, utilities will need to be extended.

Sanitary sewer is available along Laraway Road for the property. Water main will need to be extended to the east and be extended from Schoolhouse Road, which will result in a looped system. This development would provide utilities to the site as well as provide for the annexation of other properties that may be requested in the future.

The concept plan proposes a mix of single-family, duplex and senior housing. The Residential Land Use section of the Comprehensive Plan recommends that the Village explore senior housing located near major commercial intersections, as well as existing or planned medical uses. Based on these factors, Staff recommends approval of the annexation, as it would be a logical extension of the corporate limits. A number of issues will need to be negotiated in the annexation agreement.

The detention is located in the northwest area because the property slopes at that location, which is located in the floodplain.

The surrounding uses include industrial to the east, unincorporated single-family residences to the west, and future commercial to the south.

Approximately 20 acres would remain R-1 Single Family and the portion to the south will be zoned C-2 Community Shopping District. East of the property is recommended by the Comprehensive Plan for Medium Density Residential which is 3.5 units per acre.

The 20-acre property is being proposed for senior housing and would have to return to the Plan Commission for a public hearing on a preliminary P.U.D. plat request.

The 8 acres to the south is being requested for C-2 zoning, which is not in compliance with the Medium Density Residential recommendation of the Comprehensive Plan, but the surrounding area to the south was rezoned in the past to C-2, as well as some C-3 zoning, which would not make this request out of character for the area. The annexation agreement can prohibit incompatible uses such as automotive and higher intensity, traffic-generating uses.

Staff recommends approval of the C-2 zoning for the 8 acres.

The senior housing development would include 88 independent units and the 46 duplex units having a density of 6.58 units per acre. The Comprehensive Plan recommends 3.5 units per acre for this area. The concept plan includes a number of amenities for the site which could provide density bonuses, such as a trail system, high quality architecture, native plantings, benches, gazebo, etc. that would justify a higher density.

Senior housing is listed in the Comprehensive Plan as residential land use that the Village has a shortage of. There is a senior housing facility on south Cedar Road which is fully occupied.

Staff could support a mixed-use senior development to be located at the eastern portion of the property.

A senior development would not cause impact to the schools or generate additional traffic in this area.

The petitioner is requesting to rezone an approximate 7-acre parcel to the R-4 Two-Family Residence District. The west end of the property, with the exception of approximately 9 to 10 acres in the furthest northwest corner, is recommended for low-density residential (2 units per acre) uses. That 9- to 10-acre parcel is recommended for a parks/recreational area, since it is in the floodplain. R-4 and R-2 zoning is in compliance with the Comprehensive Plan. The southern R-4 District area would not be developed with single-family homes or duplexes, but is being proposed for a future church, which will require future Site Plan approval by the Village Board. A church is allowed as a permitted use in the R-4 District. The annexation agreement can prohibit other types of single-family/duplex residential uses and restrict the site to only a church use. If a church does not develop on the site in a specified timeframe, it could revert back to estate zoning and have to return to the Plan Commission and Village Board to justify a different type of use. Subject to the annexation agreement having specific restrictions, Staff has no objection to the R-4 District zoning for this southern area.

R-2 District zoning is being proposed for the approximate 30-acre parcel to the rear of the proposed church site. R-2 zoning allows for smaller lots than what have been developed in the past. The minimum lot area is 9,375 square feet, and the R-2 District allows for reduced side yard setbacks. The concept plan depicts a mix of single-family lots with some lots less than 10,000 square feet. If the lots and homes are smaller, the quality of the homes cannot be compromised.

The density for the 76 single-family lots and a row of 21 duplex buildings is 2.17 units per acre. The Comprehensive Plan recommends 2 units per acre for this area, but based on the amenities, the amount of open space and the number of units having side-loaded garages; Staff can support a slightly higher density for this area.

A large portion of just over 34 acres would be zoned R-4 Two-Family Residence District, and a large portion would be dedicated for detention and a 5-acre park site.

Staff has no objection to the requested zoning districts for the Bristol Meadows Subdivision, subject to the negotiation of an annexation agreement.

Any subdivision for the single-family and duplexes in the R-4 District area will need to go before the Plan Commission and Village Board, with no public hearing required. The senior housing development will require a public hearing for preliminary P.U.D. plat approval. The commercial area, as well as the church, will need to go through the site plan review process, and both are subject to Village Board approval.

Vice-Chairman Berner entertained a motion to open the public hearing at 7:23 p.m. Motion was made by Commissioner Boyd, seconded by Commissioner Byerley. Voice vote was taken. Motion carried.

Chairman Mark Muehlnickel joined the meeting at 7:23 p.m. and took the chair.

William Urban of 1800 Anderson Road lives in an unincorporated lot adjacent to this property and asked if the size of the R-2 District lots backing up to his property would be comparable.

Attorney Dystrup stated that the lots are designed so that the north boundary lines of the proposed lots in the subdivision are comparable to the existing lots that abut the property.

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

Commissioner Berner asked if there is an elevator in the senior housing development, and if the face brick will be on all sides of the building.

Chuck Smith responded that there are two elevators being proposed, and the exterior face brick will be used on all four sides of the building.

Planning and Development Administrator Robin Ellis reiterated that the subject for this request is for annexation and rezoning, and site plan approval will be reviewed at a later date, subject to preliminary P.U.D. plat approval.

Commissioner Berner asked for the percentage of floodplain on the property.

Chuck Smith notified that there is approximately 15 to 20 acres of floodplain on the northern end of the property.

Chairman Muehlnickel asked for the location of the secondary access.

Jeff Smith said that there is stub street located in the subdivision to the west, and another future secondary access is proposed near the north end of the property. The area to the northwest is currently undeveloped, and the access will come at a later date.

Chairman Muehlnickel entertained a motion to recommend approval of the annexation request for the subject 99.87-acre property, subject to the successful negotiation of an annexation agreement. Motion was made by Commissioner Berner, seconded by Commissioner Boyd. Roll call vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion to recommend approval of rezoning to the C-2 Community Shopping District for the proposed 8.57 acres of Bristol Meadows, subject to the successful negotiation of the annexation agreement. Motion was made by Commissioner Boyd, seconded by Commissioner Moss. Roll call vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion to recommend approval of the rezoning to the R-2 District for approximately 29.45 acres of the subject property, subject to the successful negotiation of an annexation agreement. Motion was made by Commissioner Boyd, seconded by Commissioner Berner. Roll call vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion to recommend approval of the rezoning to the R-4 District for 34.72 acres of the subject property, subject to the successful negotiation of an annexation agreement. Motion was made by Commissioner Boyd, seconded by Commissioner Moss. Roll call vote was taken. Motion carried unanimously.

REQUEST FOR FINAL P.U.D. PLAT

Calistoga Unit 2

2.79-acre site generally located along the east side of Calistoga Drive, approximately 755 feet south of Laraway Road

William N. Bolker – Petitioner

William Bolker explained that he is petitioning for a 1-lot subdivision for the parcel just south of the daycare center, on the east side of Calistoga Drive. The primary reason for the subdivision is because the site is less than 5 acres, and to be able to transfer ownership, it is necessary for the property to be platted as a 1-lot subdivision.

The property has been annexed to the Village and is zoned for a P.U.D.

Jeff Smith stated that the property is just less than 3 acres in size and was previously targeted for a future phase for Calistoga, a single-family subdivision for senior citizens and empty nesters. The first phase of Calistoga has been platted with 33 lots. The property in question was targeted for 7 future single-family lots. At this time, the area is not subdivided, and the petitioner is requesting to transfer ownership of the property, which requires the 1-lot subdivision.

Approval of the 1-lot subdivision is subject to the Annexation Agreement for the Calistoga development. A provision included in the Annexation Agreement requires that Calistoga Drive and Caledonia Drive be constructed to the east with the second phase of Calistoga, which connects with the Water Chase Estates Subdivision.

The petitioner submitted a plat of dedication, which would dedicate the 80-foot right-of-way for Calistoga Drive, as well as the 60-foot right-of-way for Caledonia Drive to the east. A letter of credit is required to fund the improvements in the future and will need to be negotiated with the amendment to the Annexation Agreement for this residential property.

Currently, there is no development proposed for the property. Any future development will be subject to an amendment to the Annexation Agreement.

Staff recommends approval of the final P.U.D. plat for Calistoga Unit 2, subject to the right-of-way dedication of Calistoga Drive and Caledonia Drive being approved and recorded, as well as other Engineering comments such as adding on-site easements and roadway plan submittal.

Chairman Muehlnickel entertained a motion to recommend approval of the final P.U.D. plat for Calistoga Unit 2. Commissioner Boyd made a motion, seconded by Commissioner Orsini. Voice vote was taken. Commissioner Byerley abstained. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Robin Ellis announced that there is nothing currently scheduled for the next Plan Commission meeting of December 21, 2010, and she will notify the Commissioners if there will be a meeting or if it will be cancelled.

ADJOURNMENT

Chairman Muehlnickel entertained a motion to adjourn the meeting at 7:35 p.m. Motion was made by Commissioner Berner, seconded by Commissioner Byerley. Voice vote was taken. Motion carried unanimously.

Lorrie 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, December 7, 2010 7:00 p.m.

#10-12-A ZBA

CALL TO ORDER

A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 7:36 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, Gary Berner, Rob Moss, Annette Boyd and Tony Orsini.

The following was absent: Commissioner John Kuchler.

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 NOVEMBER 16, 2010

Chairman Muehlnickel entertained a motion to approve the minutes of the November 16, 2010, Zoning Board of Appeals meeting. Commissioner Boyd made a motion, seconded by Commissioner Berner. Voice vote was taken. Motion carried.

REQUEST FOR TEMPORARY USE FOR REAL ESTATE SUBDIVISION ADVERTISING SIGN

Water Chase Estates Subdivision

Sign located at the southeast corner of Laraway Road and Whitehall Road

Shawn O'Malley/O'Malley Builders – Petitioner

Planning and Development Administrator Robin Ellis presented a picture of the Water Chase Estates Subdivision real estate advertising sign.

The main sign consists of an 88-square foot surface area, and there is also a secondary sign for Hearthside Homes that falls below 12 square feet. The sign complies with the maximum height and area allowance. Under the new provisions, this sign can be approved for five years, subject to the developer posting a \$500 cash bond, which was submitted with the application.

Staff is working with the Building Department and Code Enforcement to establish a process and schedule for inspecting these signs throughout the 5-year period.

Staff is recommending approval of this request.

Chairman Muehlnickel asked which high school the students of that subdivision would attend, to clarify what is stated on the sign.

Robin Ellis mentioned that she would confirm which high school serves the subdivision to assure proper advertisement.

Commissioner Berner asked if the sign is solely advertising lots for sale. He also questioned the number of lots available.

Robin Ellis explained that some of the lots are for sale, but there are multiple builders in the subdivision and there is a possibility homes and model homes are also for sale.

Changing the sign each time a lot is sold may not keep the sign aesthetically pleasing, but an inquiry will be made as to the number of lots currently available.

Commissioner Berner suggested that the sign be smaller and have decorative framework added to enhance the aesthetics.

Chairman Muehlnickel entertained a motion to recommend approval of the request for the temporary use for the Water Chase Estates real estate advertising sign, until the earlier to occur: 1. the issuance of the building permit for the last lot in the subdivision or; 2. five years from the date the Temporary Use is granted by the Village Board, subject to them making sure the proper high school is reflected and if need be, changed, and if the number of home sites be changed as well. Motion was made by Commissioner Byerley, seconded by Commissioner Boyd. Voice vote was taken. Motion carried unanimously.

REQUEST FOR SHARED PARKING SPECIAL LOCATION PLAN

Country Charm Restaurant/Country Charm Plaza

3.24-acre site generally located along the north side of U.S. Route 30, between Anderson Road and Lincolnway Drive

Charles E. Smith/Arête Knight - Petitioner

Chuck Smith of Arête-Knight was present to request a shared parking special location plan for Country Charm Restaurant/Country Charm Plaza.

The owners of Country Charm Restaurant remodeled the restaurant and added an outdoor patio and realized that the patio is not being used very often because of the effect of direct sunlight.

The petitioner would like to enclose the patio. When the reconstruction of Route 30 occurs, the right-of-way will be utilized and approximately 25 feet of the front parking area will be eliminated. The owner has a lease agreement with IDOT for the parking area within the right-of-way, and as development occurs, that area will not be accessible and the parking on the restaurant property will become deficient by 3 to 5 parking stalls.

Mr. Smith presented a draft cross access/cross parking easement that would be recorded with the restaurant site and the adjoining Country Charm Plaza, which has the same owners. The shared parking and access agreement would run with the property, and if the shopping center or restaurant is sold to another party, the agreement would remain in effect.

The shopping center has a surplus of 30 stalls, and the agreement would put the restaurant into compliance.

Senior Planner Jeff Smith added that the shared parking agreement would not be in effect until Phase 2 of the site plan takes place with the widening of Route 30, which would result in the restaurant parking lot being 3 to 5 parking spaces short of the minimum requirement.

There was a draft easement agreement submitted, and Staff recommends that the easement agreement be recorded prior to a building permit being issued for the enclosure of the patio.

Staff recommends approval of the parking special location plan, subject to the easement agreement being recorded prior to a building permit being issued for the enclosure of the outside patio.

Commissioner Berner wanted a definition for “the current location of the new drive.”

Chuck Smith stated that the new drive would not be on Lincolnway Drive, but relocated further to the west.

Commissioner Berner inquired about the new monument sign.

Chuck Smith noted that the request for a new monument sign will be submitted in the future and will meet the appropriate setbacks and sign requirements.

The petitioner would like to start construction in the spring.

Chairman Muehlnickel entertained a motion to recommend that the Village Board approve the shared parking special location plan for Country Charm Restaurant located at 101 Lincolnway Drive and Country Charm Plaza located on 3.24 acres along the north side of U.S. Route 30 between Anderson Road and Lincolnway Drive, subject to execution and recording of the easement agreement addressing shared parking, cross access and access provisions, prior to the issuance of a building permit for the outside patio enclosure for Country Charm Restaurant.

Motion was made by Commissioner Boyd, seconded by Commissioner Berner. Voice vote was taken. Motion carried unanimously.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

Chairman Muehlnickel entertained a motion to adjourn the meeting at 7:52 p.m. Motion was made by Commissioner Boyd, seconded by Commissioner Moss. Voice vote was taken. Motion carried.

Lorrie M. Sowko – Secretary