

**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, August 20, 2013 7:00 p.m.**

**#13-08-B ZBA**

**CALL TO ORDER**

A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 7:09 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, John Kuchler, and Joan Byerley.

The following were absent: Commissioners Terry Schultz and Annette Boyd.

Also present were: Director of Community Development Robin Ellis, Senior Planner Jeff Smith, and Secretary Lorrie Sowko.

**REQUEST FOR APPROVAL OF MINUTES OF A REGULAR ZONING BOARD OF APPEALS MEETING OF AUGUST 6, 2013**

Chairman Muehlnickel entertained a motion to approve the minutes of the August 6, 2013 Zoning Board of Appeals meeting. Commissioner Byerley made a motion, seconded by Commissioner Moss. Voice vote was taken. Commissioners Berner and Kuchler abstained. Motion carried.

**REQUEST FOR TEMPORARY USE FOR REAL ESTATE ADVERTISING SIGN**  
**Heather Glen Single-Family**  
**North side of Laraway Road, approximately 250 feet east of Heather Glen Drive**  
**James Truesdell/DRH Cambridge Homes – Petitioner**

Jim Truesdell of DRH Cambridge Homes was present to request a temporary use for a real estate subdivision advertising sign for the Heather Glen single-family subdivision.

Jim Truesdell explained that DRH Cambridge Homes recently acquired the unplatted lots in the Heather Glen subdivision. An application was submitted to the Village for final plat approval for the next development phase of this subdivision.

This request is for a temporary real estate marketing sign at Heather Glen Drive and Laraway Road. A signed lease from the property owner is intact to allow for the sign installation at that intersection.

Senior Planner Jeff Smith stated that the Sign Code allows for one temporary advertising sign for a subdivision. Hartz Construction owns Phase I of the Heather Glen subdivision which consists of 62 single-family lots, and the balance to be developed by DRH Cambridge Homes is 125 lots.

Hartz Construction received approval in 2011 for one temporary advertising sign for up to 5 years (2016) or when the last building permit is issued, whatever comes first. Since DRH Cambridge Homes will own the balance of the subdivision consisting of 125 lots, or 67% of the subdivision, they are also requesting a temporary advertising sign at the entrance, which would be more than 250 feet away from the existing Hartz sign.

The proposed sign meets the Sign Code regulations in terms of square footage and height. It is a significant distance from the Hartz advertising sign. Staff feels that the sign will not impose negative impact to the area. The sign will need to be maintained and there is a bond in place. To help market the remaining phases of the subdivision, Staff feels that a second sign is appropriate and recommends approval, subject to a maximum of 5 years or when the last building permit is issued for the lots owned by DRH Cambridge Homes.

Commissioner Berner asked if Hartz has existing model homes.

Community Development Director Robin Ellis responded that there are three Hartz model homes.

Commissioner Berner asked if the petitioner has a 1-year lease with the property owner.

Jim Truesdell informed that DRH Cambridge Homes has a 1-year lease with the property owner, and the lease is renewable.

Chairman Muehlnickel asked if the "Model Coming Soon" logo on the proposed sign is constructed with wood or is a nylon flag.

Jim Truesdell affirmed that the "Model Coming Soon" logo on the sign is a banner and is removable. The entire sign is in compliance with the Sign Code.

Chairman Muehlnickel asked if the developer for the townhome portion were to apply for a temporary advertising sign, would it be granted.

Robin Ellis explained that because the development has frontage on Laraway and Schoolhouse Roads, two signs are allowed. Marketing for the townhomes is on the Schoolhouse Road sign.

Chairman Muehlnickel entertained a motion to recommend approval of the request for the temporary use for the Heather Glen single-family real estate subdivision advertising sign until the earlier to occur of; issuance of a building permit for the last lot of the Heather Glen single-family subdivision owned by DRH Cambridge Homes, Inc., or 5 years from the date the temporary use is granted by the Village Board. Additionally, the petitioner shall submit an amended site plan showing the sign being located completely outside of the existing 5-foot sidewalk that is located on the subject C-3 District property. Motion was made by Commissioner Kuchler, seconded by Commissioner Moss. Voice vote was taken. Motion carried unanimously.

**REQUEST FOR SHARED PARKING SPECIAL LOCATION PLAN**  
**278-280 East Lincoln Highway**  
**Irish Pig BBQ**  
**Kathy Connolly – Petitioner**

Kathy Connolly, the owner of the Irish Pig BBQ located at 278-280 East Lincoln Highway, was present to request a shared parking special location plan.

Kathy Connolly explained that she is proposing to occupy the unit formerly occupied by Fantastic Sam's, by opening up the dividing wall and using the space for a dining area. There is additional parking behind the building that can be used for employee parking. Since the rear area is kept locked, access to keys have been given to Kathy Connolly to utilize this area for employee parking.

Jeff Smith visited the site to examine the current conditions. The main parking lot to the west contains 65 parking stalls, which includes 3 handicapped parking stalls.

The entire shopping center is fully-occupied in the north and south buildings, assuming the restaurant expansion is approved. The Zoning Ordinance requires a total of 84 parking spaces for those different uses. Within the main parking lot, there is a 19 parking stall deficiency. To the east, there is a gate connecting the east and west parking lots. Employees park in the east parking lot which contains 31 parking stalls. If a shared parking plan is allowed, that east gate must be open and unlocked to provide available employee parking.

The owner proposed to add additional stalls, but there was no available area for additional stalls.

Staff recommends a condition that the proposed dining room not be opened until 3:00 p.m. Mattina Café recently opened at the north end of the shopping center and is open for breakfast and lunch only and closes at 3:00 p.m., which would make parking available for the Irish Pig BBQ.

There are tables and chairs outside of the Irish Pig BBQ, which is not allowed by the Zoning Ordinance unless a special use is granted. These tables and chairs must be removed.

The existing 65 parking spaces in the west parking lot must be available for customer parking. The parking spaces in the east parking lot, as well as a few parallel spaces behind the south building, will need to be available for employee parking and the gate opened to allow for access between the east and the west lots.

Staff observed a number of vehicles that were being used by the auto body shop for employees and vehicles awaiting repair. The number of the body shop vehicles can change from time to time, and adequate employee parking must be provided.

There are five striped parking stalls located behind the Irish Pig BBQ, and Staff is recommending that those stalls be used by the body shop to stack vehicles to be repaired, with no more than six additional spaces in the parking lot being used by the body shop. This will provide at least 20 parking spaces for the shopping center employees.

The site plan needs to be amended to depict the exact number of parking stalls, as well as eliminate some of the proposed stalls that will not be feasible on the site.

The shared parking plan will need to be recorded, and a copy forwarded to the Village.

If there are tenant changes within the shopping center, it could impact the shared parking plan and an amendment would be necessary.

Staff recommends approval of the shared parking special location plan.

Commissioner Byerley asked who is responsible for opening the gate to access the employee parking area.

Kathy Connolly responded that she and someone from Mattina Café have keys to access the employee parking area. Mattina Café opens the gate in the morning between 6:30 a.m. and 7:00 a.m. and it is locked at approximately 7:00 p.m.

Commissioner Berner complimented Staff on their efforts to make this proposal feasible. He also asked if improvements will be made to the parking lot.

Jeff Smith responded that no improvements will be made, and the existing parking will suffice.

Commissioner Berner stated that he has visited this shopping center and was unable to find a parking space, and therefore, went elsewhere. One of the major problems with this shopping center parking lot is that there are no other available parking lots nearby.

Commissioner Kuchler asked if the employee parking will be marked.

Robin Ellis added that the idea is to mandate that employees use designated parking for their vehicles.

Chairman Muehlnickel asked if there is assurance that the gate will be opened and locked at the proper times.

Robin Ellis commented that the auto body shop has a valid security concern to assure that there is space in the center to store cars and make sure it is secured.

Kathy Connolly stated that it will be her responsibility that the gate is locked at the end of each evening.

Chairman Muehlnickel asked Kathy Connolly how she will prevent her patrons from using the dining room before 3:00 p.m.

Kathy Connolly informed that the door to enter the dining room will be closed.

Commissioner Byerley asked about Sundays and who will lock the gate since the Irish Pig BBQ will be closed.

Kathy Connolly commented that Mattina Café will be responsible for locking the gate on Sundays, at the end of their business day.

Chairman Muehlnickel entertained a motion to recommend approval of the shared parking special location plan, subject to the eight items mentioned in Staff's Report. Motion was made by Commissioner Berner, 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 7:38 p.m. Motion was made by Commissioner Byerley, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.