

**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, March 4, 2014 7:00 p.m.**

**#14-03-A 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 Pro-Tem Gary Berner.

**ROLL CALL**

Upon roll call, the following were present: Chairman Pro-Tem Gary Berner, Commissioners Rob Moss, John Kuchler, Joan Byerley and Terry Schultz.

The following were absent: Chairman Mark Muehlnickel and Commissioner Annette Boyd.

Also present were Senior Planner Jeff Smith, Planner Jennifer Neubauer, and Secretary Pat Hansen.

**REQUEST FOR APPROVAL OF MINUTES OF A REGULAR ZONING BOARD OF APPEALS MEETING OF FEBRUARY 18, 2014.**

A motion was made by Commissioner Moss and seconded by Commissioner Kuchler to approve the February 18, 2014 minutes as presented, with Chairman Pro-Tem Gary Berner abstaining. Voice vote was taken. Motion carried.

**REQUEST FOR PARKING SETBACK AND LANDSCAPE VARIANCES**

**(Continued Public Hearing)**

**Coldwell Banker, 1425 Lincoln Highway**

**Mike Prodehl/Coldwell Banker – Petitioner**

Chairman Pro-Tem Berner asked if proper notice was given for this public hearing. Mr. Smith replied affirmatively. Mr. Berner stated that last month, the public hearing was opened and continued to tonight's meeting. Questions or comments can now be taken. He noted the time being 7:34 p.m.

Mr. Joe Hammer of Ruettiger & Tonelli & Associates stated he is the civil engineer for the project and that architectural, as well as ownership representatives, are also present to entertain any questions the Commission may have.

Mr. Hammer said they are present to request a variance to the front yard setback requirement for parking, as well as a variance to the front yard setback requirement for landscaping to match the existing setbacks of the development adjacent to the property. Additionally, he said they are

asking for the elimination of the foundation landscaping at the rear of the building. Mr. Hammer explained that the project includes a multi-tenant building with associated parking, storm water detention, and the extension of utilities. He said that currently, there is an existing out-building as well as a house that was converted to a business, which will be torn down. Mr. Hammer said they are currently working through the engineering review with Village Staff.

Mr. Smith advised that Staff has received detailed plans for a proposed multi-tenant redevelopment that consists of over 12,000 square feet. He explained that Coldwell Banker will be the anchor with a little over 4,000 square feet, and the balance of the building will be divided into smaller retail tenant spaces. Mr. Smith stated that in order to accommodate the proposed re-development, they are seeking variances along the frontage, which requires a minimum 20 ft. front yard building, parking, and landscape setback. The petitioner is seeking a variance of a little over 10-foot reduction to the front yard parking and landscape setback along Route 30.

Mr. Smith said this parking and landscape setback will mirror the buffer on the adjacent Trinity site. He noted that when the Briarwood P.U.D. project was approved, Charter Fitness was granted similar reduced front yard parking and landscape setbacks. He said there will be adequate room for landscaping within a 10 to 11 ft. wide buffer area. Mr. Smith explained that there will be a vehicular cross-access from the northern portion of the property, a requirement from the Briarwood P.U.D. He stated the owners are working with Trinity to get a written agreement for another cross-access on the south side of the site. Mr. Smith said it is Staff's opinion that the requested variances for the reduced parking and landscape setbacks along Route 30 do meet the three criteria for the granting of a variance.

With regard to the elimination of the foundation landscaping along the rear of the building, Mr. Smith said that due to significant grade changes, combined with the vehicular cross-access connection requirement near the rear of the site, there is no room to accommodate foundation landscaping along the back of the building. Mr. Smith said there will be foundation landscaping along the sides of the building, as well as planters along the front of the building. He noted that there will be substantial landscaping around the detention facility. Mr. Smith said it is Staff's opinion that the requested variance to eliminate foundation landscaping does also meet the three criteria listed in the Zoning Ordinance.

Mr. Smith concluded by stating Staff recommends approval of the three requested variances, and that Staff is recommending that vehicular cross-access easements with the adjacent Trinity and Briarwood sites shall be provided to the Village prior to a certificate of insurance being issued for the first tenant of the proposed multi-tenant building.

Mr. Berner asked if the employees of this development will be parking in the rear of the building, and Mr. Smith said that will be the case.

A motion was made by Mr. Kuchler and seconded by Mr. Schultz to close the public hearing.

The public hearing was closed at 7:40 p.m.

Chairman Pro-Tem Berner asked for a recommendation.

A motion was made by Commissioner Kuchler and seconded by Commissioner Byerley to recommend to the Village Board approval of following variances for property located at 1425 Lincoln Highway.

1. to reduce the minimum required front yard parking lot setback from 20 feet to a minimum of 10.81 feet.
2. to reduce the minimum required interior parkway landscape buffer yard from 20 feet to a minimum of 10.81 feet.
3. to eliminate the minimum required 6-foot wide area of foundation landscaping along the rear or north building wall.

Additionally, the above motion included the recommendation that the ordinance granting the variances include a condition that cross-access easements with the adjacent properties to the west be executed and recorded, with a copy provided to the Village, prior to a certificate of occupancy being issued for the first tenant of the proposed multi-tenant commercial building.

Voice vote was taken. Motion carried unanimously.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

Mr. Smith advised that this request will go before the Village Board for first read on March 10, 2014.

Mr. Smith reiterated that it is likely that the March 18, 2013 ZBA meeting will be cancelled.

### **ADJOURNMENT**

Mr. Berner asked for a motion to adjourn the meeting at 7:44 p.m. A motion was made by Commissioner Boyd and seconded by Commissioner Schultz to adjourn. Voice vote was taken. Motion carried.