

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

Held in the New Lenox Village Hall, 1 Veterans Parkway

Tuesday, May 17, 2016 7:00 p.m.

#16-05-B

CALL TO ORDER

A regular meeting of the Village of New Lenox Plan Commission was called to order at 7:00 p.m. by Chairman Mark Muehlnickel.

Chairman Muehlnickel led the assembly in the Pledge of Allegiance.

ROLL CALL

Upon roll call, the following were present: Chairman Mark Muehlnickel, Commissioners Gary Berner, Rob Moss, Terry Schultz, Kathy Hilton and Jasen Howard.

The following were absent: Commissioner John Kuchler.

Mr. Muehlnickel announced there was a quorum present for this meeting.

Also present were Senior Planner Jeff Smith, Planner Jenni Neubauer and Senior Administrative Secretary Patricia Hansen.

REQUEST FOR APPROVAL OF MINUTES OF A REGULAR PLAN COMMISSION MEETING OF APRIL 5, 2016

A motion was made by Commissioner Berner and seconded by Commissioner Moss to approve the April 5, 2016 minutes as presented. Voice vote was taken. Motion carried.

REQUEST FOR REZONING FROM R-5 TO C-1

(Public Hearing)

The Landings Office Park

6.18-acre parcel located south of the southeast corner of Cooper Street and Route 30

Charles Smith / Arete Design Studio - Petitioner

Chairman Muehlnickel explained the public hearing process to those in attendance.

Mr. Muehlnickel asked if proof of notice was submitted, and Mr. Smith replied affirmatively. Mr. Muehlnickel asked for a motion to open the public hearing.

A motion was made by Commissioner Schultz and seconded by Commissioner Hilton to open the public hearing at 7:03 p.m. Voice vote was taken. Motion carried.

The Recording Clerk swore in those who wished to speak at the public hearing.

Mr. Chuck Smith of Arete Design Studio introduced himself to the Plan Commission and asked Senior Planner Jeff Smith to provide everyone with a quick presentation of the request.

Senior Planner Jeff Smith presented some background investigation to those in attendance by stating that in 2005, 6 acres, as well as some additional acreage to the north was annexed and zoned R-5, Three- and Four-Unit Residence District. At the time, he said the property was intended for 40 townhouses tailored for seniors, young professionals and empty-nesters. Mr. Smith noted preliminary approval was given for the townhomes, but final approval was never requested. In 2010, Mr. Smith said the Village was approached by a developer that was interested in constructing a two-story medical office building on the adjacent C-2 District properties to the north that have frontage along Route 30. As the proposed two-story medical office building required additional land area to the south that was initially intended for the 40-unit townhome development, about 2 acres out of the total 8.29 acres was requested to be rezoned from the R-5 to the C-2 District.

At the June 14, 2010 meeting, Mr. Smith advised that the Village Board approved the request to rezone 2.102 acres of the R-5 District area to the C-2 District to allow for the development of a two-story medical office building. At the same meeting, he said the Village Board approved an amendment to the Annexation Agreement for the Landings of New Lenox, which officially nullified the preliminary P.U.D. plat for the townhome project. Mr. Smith said that additionally, the First Amendment to the Annexation Agreement stated that the remaining R-5 District area may only be developed with single-family detached dwellings, while any proposed future rezoning of the R-5 District area would require Village Board approval of another amendment to the Annexation Agreement. He said that following the above approvals, a site plan was submitted and approved for the two-story medical office building, now known as the Presence Healing Arts Pavillion, which was later constructed at 410 East Lincoln Highway.

Mr. Smith continued by stating that tonight, the request is to rezone the balance of the vacant property from R-5 to C-1 Neighborhood Shopping District. Because the property abuts existing single-family homes, he said the Village's Comprehensive Plan recommends low-density residential. Due to the size and configuration of this property, as well as factoring a public roadway system and detention requirements, Mr. Smith advised that the property would not be feasible for a single-family development. He said it is Staff's opinion that the lowest intense commercial zoning district would be appropriate, which is the C-1 Neighborhood Shopping District, as it allows for lower intense and less traffic generated uses such as offices, professional medical office buildings, retail shops, and sit-down restaurants. Mr. Smith said that the property does not have direct frontage on Route 30, and as a result, it would likely not be viable for retail and restaurant uses, but would be more viable for what is now being proposed, an office park development. He said plans have been submitted for four (4) one-story office buildings for a total of about 44,000 sq. ft. Mr. Smith said one of the significant issues with this property being rezoned to C-1 is the traffic that will be generated and the impact it will have on Cooper Street. He pointed out that the C-1 District does not permit more intensive commercial uses such as drive-through restaurants, gas stations, auto repair shops, bars, or billiard halls. As part of the

process, Mr. Smith continued by stating the developer must go to the Village Board and again amend the Annexation Agreement. He said if there is a concern about some C-1 uses not being compatible with this property, or if an office park is not ultimately developed on the property, the Village Board, in the amendment to the Annexation Agreement, can prohibit certain C-1 uses such as liquor stores or sit-down restaurants. Also, Mr. Smith said the developer is proposing one-story office buildings, and if they are ultimately not developed on the property, a stipulation can be placed in the amendment to the Annexation Agreement stating that only one-story buildings can be constructed on the property in order to be compatible with the surrounding land uses.

With regard to the traffic impact on Cooper Street, Mr. Smith advised that when the preliminary plans were approved for the initial townhome development, the Annexation Agreement stipulated improvements to Cooper Street extending from Route 30 to the southern portion of the property. He said those improvements included a left-turn lane at the Cooper Street and Route 30 intersection for west-bound traffic, a sidewalk extension along the east side of Cooper Street to the southern portion of the property, and that Cooper Street be improved and widened with at least 28 feet of pavement. Mr. Smith noted that it may or may not be improved with curb and gutter. He reminded everyone that these improvements are currently in effect per the approved Annexation Agreement, and that the Village Board will review the Cooper Street improvements when the Annexation Agreement is again opened. Mr. Smith acknowledged that office development will generate more traffic than a townhome or single-family development, and that the language in the approved Annexation Agreement currently states that the first phase of the office park must include improvements to Cooper Street. He said that office parks versus other types of commercial development such as retail or restaurants tend to have minimal weekday evening hours, and little if any weekend hours of operation.

Mr. Smith stated that the proposed access point will be located off of Cooper Street. He said that when the Presence Medical Office Building was constructed, the parking lot was extended to the south with a future stub connection, but is currently gated. He said there is no existing or proposed agreement for cross-access traffic at this time, and that if an agreement cannot be executed with the adjacent property owner, this stub connection can only be used for access by emergency vehicles. Mr. Smith added that if an agreement can be put in place, it will result in another connection to Route 30 that can help lessen traffic onto Cooper Street. He said it will be up to the Village Board with the upcoming second amendment to the Annexation Agreement to stipulate the ultimate improvements as well as timing for these improvements to Cooper Street.

Mr. Smith said it is Staff's opinion that it is logical transition to go from C-2 along Route 30 to C-1 at this location. He reiterated that that the pending amended Annexation Agreement can have a number of protections to ensure that the project is compatible with the surrounding single-family homes.

Mr. Smith referred to one of the slides showing the existing condition of Cooper Street with its narrower pavement width. As part of the agreement, the sidewalk along the east side will be extended from Route 30 to the subject property as well as pavement widening. Mr. Smith

referred to another slide showing the proposed access into the site from Cooper Street as well as the potential connection from the Presence parking lot to the subject property.

Mr. Smith noted that there are four office buildings being proposed, and the developer intends to phase the project with the two smaller buildings being initially constructed, followed by the construction of the two buildings to the north when the market dictates. He said there will be a 3- ft. berm provided along the perimeter of the property where it abuts single-family. Mr. Smith said there will be a 6-ft. fence at the top of the berm as well as extensive plantings to provide for adequate screening between the single-family and the proposed office development.

Mr. Smith said the Engineering Department has received detailed civil engineering plans, and the developer will have to provide for stormwater detention on the site at the northeast portion of the property that will tie into the existing detention facility for the Presence property to the north. He said all of the site plan issues will have to be addressed, and the Village Board will ultimately have the final approval of the site plan for this office park.

Mr. Smith again referred to a slide showing the detailed landscape plan. He said the next slide shows a rendering of what a typical one-story office building will look like on the subject property. Mr. Smith said that high-quality architecture and masonry will be compatible with the surrounding land uses.

Mr. Smith said that overall, it is Staff's recommendation that the C-1 District will represent a higher and better land use for the subject property than what is currently recommended by the Comprehensive Plan for residential. He said the Annexation Agreement amendment that is forthcoming with the Village Board can protect the Village and the surrounding land uses by requiring a compatible development that will address improvements to Cooper Street. He said Staff recommends approval of the rezoning from R-5 to C-1 subject to the Village Board approving the second amendment to the Annexation Agreement.

Mr. Muehlnickel asked Mr. Chuck Smith if he had anything to add to Mr. Jeff Smith's presentation. Mr. Smith began by stating that some of the current Plan Commissioners may have been on the Plan Commission when the Presence Medical Office Building came before the Plan Commission and some of the Plan Commissioners may also have been on the Plan Commission when the townhome project came before them. He said that as Mr. Jeff Smith indicated, they looked at developing the medical office building up front, taking about two (2) acres in order to provide for detention and parking. He said their initial thought was to do some type of senior housing project. Subsequent to the Presence project, an economic downturn took place. Mr. Smith said the developer had been diligently looking at bringing about some level of memory care or assisted care through some type of senior housing-type of development that would have been compatible with the medical office building. He said the developer contacted at least three or four organizations attempting to generate interest in a project such as this, but the results were unproductive. Mr. Smith continued by stating they then decided to work with the people operating the Presence Medical Office Building to develop a low-key office project.

Mr. Chuck Smith explained some of the details of the site plan to those in attendance. He stated that the site slopes to the north, and as a result, the impact of the buildings as well as the parking lot is minimized. Mr. Smith said the buildings are, in essence, no higher than a typical ranch home. He advised that the water running off of the adjacent residents' sites will ultimately end up in the detention pond of this proposed development. Mr. Smith noted that catch basins and storm sewer will be placed in the swale of the proposed development. Regarding lighting, Mr. Smith stated that the majority of the office operations will close at about 7:00 p.m. For emergency reasons, he said the bulk of the lighting will be located in the parking lot. Per code, Mr. Smith said there will be some emergency exit lights that will remain on that will be no brighter than a typical residential backyard light. He said there are plans to control the amount of light in the parking lot by the use of timers. As a result, Mr. Smith said the parking lot lighting, with the exception of the emergency exit lighting, should all be off by about 10:00 p.m. He concluded by stating that of all of the uses that have been considered for this site, this use would create the least amount of impact to the surrounding property owners.

Mr. Muehlnickel asked for questions from the Plan Commissioners.

Ms. Hilton asked about detention, and Mr. Smith answered that it will consist of a cascading type of detention, and that water will be directed into a bio-swale, a swale that includes plant material that will remove some of the particulates in the water before entering the detention pond. Ms. Hilton asked about detention where it adjoins homes on Roberts Road. Mr. Smith replied that it will be a wet bottom pond with wetland plantings and that the particulates will be scrubbed out before the water reaches the pond. He indicated that a 6 ft. fence will surround the detention pond. Additionally, Mr. Smith stated that by moving the berm off of the property line, it gives them the ability to place more plant material on the fence side, to the benefit of the neighbors that are adjacent to the property.

Mr. Muehlnickel reiterated that the second amendment to the Annexation Agreement that will go before the Village Board is also a public hearing. Mr. Jeff Smith stated that Staff has not received the draft document, but once it is received, a public hearing will be scheduled that will provide the public another opportunity to comment on the proposed plans, as well as the improvements to Cooper Street.

Mr. Muehlnickel noted that he has a letter dated May 16, 2016 addressed to the New Lenox Plan Commission regarding the rezoning of this property. He noted that the letter states that the residents of Sunset Trail and adjoining properties strongly oppose the rezoning application for a number of compelling reasons. He said this document will become part of the public record of the public hearing.

Mr. Muehlnickel asked if anyone from the audience wanted to address the Plan Commission.

Kevin Andrews of 1416 South Cooper Street said he recently purchased this property, which is the lot just to the north of the proposed entrance off of Cooper Street. He explained that his main concern is that the property directly to the south of him is supposed to be the entryway into the parking lot. Mr. Andrews said this will cause more people to speed down Cooper Street and it

will be more difficult to access Route 30 from Cooper Street. Regarding sidewalks along Cooper Street, Mr. Andrews said he is concerned about how much of his property will be taken for these sidewalks. He said he is also concerned about the lighting for this development and how it will impact his property. Mr. Andrews said he would prefer to see a Route 30 access to the property as opposed to access from Cooper Street.

Kim Lozano of 320 Sunset Trail explained that she has two children and they have friends that live up and down the block. She said she would prefer more, rather than less traffic on the weekends because buses begin picking the kids up at 7:00 a.m. until about 9:10 a.m. at Sunset and Cooper. Ms. Lozano said there are several kids standing on the corner waiting for the bus and at least one child hit on her street after getting off of a bus. She said this is a serious concern and they can't have the kids standing on the corner with even more traffic during those core hours when those businesses would be open. Ms. Lozano said busses are dropping kindergarten age through high-school age kids between 2:45 p.m. and 4:30 p.m. She continued by stating that while they wait for their bus, the kids stand in the street to avoid the wet grass or the piles of snow in the middle of winter. Ms. Lozano said the kids will be forced into the street because the buses only pick up on one side of the street. She asked where safety comes in and who will stand outside watching the kids get off the bus making sure they can cross the street during school hours. In the evening, Ms. Lozano said it is unsafe when the kids go to their friends' houses because there are no sidewalks. She said her 14 and 15 year-old children do not ride their bikes because of unsafe conditions. With more traffic, Ms. Lozano said she will not be able to make a left-hand turn onto Route 30. She said she is already forced to drive around the block during busy hours in order to go west on Route 30 because there is no light at Cooper Street and Route 30. Ms. Lozano said when there is the opportunity to turn left from Cooper Street to go west on Route 30, there is a line of traffic trying to turn into the stores on the north side of Route 30. She said all of this puts the residents at a disadvantage and that this development is not a good idea.

Mr. Dale Klann of 169 S. Cooper Street said as he sees this presented tonight, the impact of water management, drainage, and flooding issues are being grossly underestimated. He explained that all of the culverts in front of the townhomes are original and cannot handle the water and as a result, the front yards flood. Mr. Klann said that on the other side of the road there are people with septic systems that cannot handle any more water. From Twilight Lane south, it is all downhill, and Mr. Klann said that with the widening of Cooper Street, there will be nowhere for the water to go. He continued by stating that coming off the proposed site going from east to west, there are three or four houses along Cooper Street that also have original, undersized culverts that cannot handle the water now. Mr. Klann said the proposed water retention area for the 3½-acre parcel will be woefully inadequate. He noted that water retention needs to be re-configured and re-addressed because there will be nothing but potential problems. Mr. Klann asked where signage will be located and how people will be directed in and out of the development. He said the more practical solution would be to access the site from Route 30 through the Presence parking lot. Mr. Klann suggested that everyone attempt to make a left-hand turn from Cooper Street on to Route 30.

Laura McCauley of 156 S. Cooper Street said her residence is located on Cooper Street close to the location of the entrance and exits and asked if there will be lights placed in this area. She said her room is located on that side of the house and because she gets up early, she goes to bed early as well. Ms. McCauley advised she has a special needs dog and the dog has no eyes and often has anxiety attacks when he hears too much traffic. She noted she recently had to put down one of her dogs due to anxiety, adding that people speed and beep down her street all the time. Ms. McCauley said she does not want another dog that will be upset by beeping horns next to her home and the traffic in general that this development will generate. She said she is concerned with what will enter the parking lot once the office buildings are closed. Ms. McCauley said without security, she believes there will be a noise problem, and that she will not feel safe. She said people drive on Cooper Street who exceed the speed limit by at least 20 mph and that she is shocked no one has been hit. Ms. McCauley explained the reason she bought the house was because of the privacy it afforded.

Mr. Muehlnickel asked for Mr. Chuck Smith's comments.

Regarding traffic, Mr. Smith conceded there will be additional traffic generated and that part of the review process is that they talk to the Fire Department as well as the Police Department for speed monitoring.

Mr. Smith addressed the lighting concerns saying the Village of New Lenox has extremely stringent requirements as to how dense and bright the lighting must be at the property line. He then went into detail explaining these lighting requirements.

Mr. Smith advised that there will be a 6 ft. fence on either side of the property (north and south), and this will provide the privacy the residents are looking for. He noted the landscaping will also act as a buffer between the driveway and the adjacent properties

With regard to storm water management, Mr. Smith advised that the Will County Storm Water Ordinance is also very stringent, and they are required, by code, not to allow any water from their site to spill into adjacent properties. He said not only are they containing their own water, but also the water run-off from adjacent properties from the east, west, and south.

Mr. Smith addressed the sidewalk issues and explained that during the past few years, they have looked at Cooper Street and how to improve it and make it safer. He said this project will be done in phases and the plan is to bring the water line to the property on the east side of the street. Mr. Smith added that all of the affected driveways will be restored. Mr. Smith said Staff has asked them to consider widening the shoulder with re-graveling and re-grading taking place, and then adding the sidewalks. He went on to say they will then look into resurfacing or reconstructing Cooper Street.

Mr. Smith related it is their utmost desire to access this complex from Route 30 through the Presence property. He said they have reached out to Presence, as has Village Staff, but these efforts have been futile. Mr. Smith said it would be to their economically beneficial to them as well to have this access, and they will continue to try.

Mr. Muehlnickel pointed out that if they become successful in their negotiations with Presence, an entrance from Cooper Street will still be the dominant access. Mr. Smith concurred.

Ms. McCauley asked how to realize additional police presence on Cooper Street and Mr. Smith suggested they make their concerns known to him as well as Village Staff so they can be brought to the attention of the New Lenox Police Department.

Ms. Lozano said she does not understand how Cooper Street can be widened. Mr. Smith said the street has right-of-way that can be used although it is less defined streets in newer subdivisions. Ms. Lozano advised that safety issues will continue if sidewalks are placed on only one side of Cooper Street.

Mr. Andrews asked what will become of the overhead power lines, and Mr. Smith answered that they will remain as they are.

Mr. Muehlnickel asked for questions of comments from the Plan Commissioners.

Mr. Schultz asked if the ditches along Cooper Street can be removed and replaced with storm sewers and Mr. Smith said they looked at that possibility several years ago, but by rebuilding Cooper Street to that level would create flooding problems due to the existing grades of the existing homes. Mr. Schultz then asked if some of the ditches could be placed under Cooper Street. Mr. Smith said they can take a look at that, but the logistics of it to work could be difficult. He said the advantage of swales is that absorption does take place. Mr. Smith said the plan is to reconstruct Cooper Street as much as possible and redeveloping the swales, containing their run-off and the run-off of the properties to the east and south.

Mr. Schultz asked if a traffic study will be conducted, and Mr. Smith replied that it is a possibility. Mr. Schultz also wanted to know if red-light cameras are a possibility. Mr. Smith explained that they don't have the ability to regulate red-light cameras and that Route 30 is controlled by I.D.O.T. Regarding a traffic signal, Mr. Smith said it is his opinion that I.D.O.T. would say the intersection does not meet the criteria.

Mr. Jeff Smith explained that a red-light camera installation on Cooper Street would be a Village Board discussion and decision.

Regarding safety issues at the bus stops, it was suggested that the residents contact the school district now, while school is still in session. It was noted that bus stops can be moved to safer locations, and now is the time to act in order that everything is in place for the beginning of the next school

Ms. Hilton wanted to know if the Plan Commission recommends to the Village Board approval of the rezoning request, does this mean that office buildings will be built on this site. Mr. Jeff Smith replied that the C-1 Zoning District allows for more than just office uses, but the advantage of going through another amendment to the Annexation Agreement is that the Village

Board can add use prohibitions in the agreement. Mr. Muehlnickel added that the Village Board can require that height restrictions can be added to the amended Annexation Agreement.

Mr. Schultz asked what may happen if, for instance, five years from now the office park is completed but there are drainage problems as a result of this development. Mr. Jeff Smith replied that the Village's Engineering Department should be contacted to see what may be wrong and take steps to take care of the problem. He added that eventually an association will be established for the maintenance of this office park.

Mr. Howard asked approximately how many parking spaces are to be provided. Mr. Jeff Smith replied that the site plan proposes 200 parking spaces, which can accommodate the anticipated peak morning and evening hour traffic to be generated by the office complex.

Mr. Berner noted that similar storm water drainage facilities will be necessary if the site were to be developed with either townhomes or an office park.

Mr. Muehlnickel asked for a motion to close the public hearing.

A motion was made by Commissioner Schultz and seconded by Commissioner Moss to close the public hearing at 8:25 p.m. Voice vote was taken. Motion carried.

Mr. Muehlnickel asked for a motion.

A motion was made by Commissioner Berner and seconded by Commissioner Schultz to recommend to the Village Board approval of the rezoning of the 6.91 acre parcel from R-5 Three and Four-Unit Residence District to the C-1 Neighborhood Shopping District, subject to the successful negotiation of the Second Amendment to the Annexation Agreement for the Landings of New Lenox.

Upon roll call, the vote was:

AYES: - Commissioners Berner, Moss, Schultz, Hilton, Howard, and
Chairman Muehlnickel

NAYS: - None.

Motion carried.

Mr. Jeff Smith advised that as Staff has not yet received the draft annexation agreement amendment, it is not possible to announce a date for the Village Board public hearing. He said to check the Village's website or call Staff for the date of the public hearing for the amendment to the Annexation Agreement for the Landings of New Lenox.

REQUEST FOR BUSINESS PARK MONUMENT SIGN
The Landings Office Park

**6.18-acre parcel located south of the southeast corner of Cooper Street and Route 30
Charles Smith / Arete Design Studio – Petitioner**

Mr. Smith advised that the only development detail that the Plan Commission is required to review and give a recommendation on is the entrance sign off of Cooper Street. He said the materials for the sign will consist of masonry and stone that will be compatible with the proposed office buildings. Mr. Smith said the sign meets the Sign Code maximum area and height allowances and Staff recommends approval of the entrance sign subject to the four conditions as follows:

1. A scale shall be provided to verify compliance with the business park sign maximum area and height allowances.
2. The photometric plan for the office park shall include the illumination from the business park monument sign so as to verify that the foot-candle level would not exceed 1.0 at any property line.
3. A Landings Office Park Association shall be created to ensure the continued upkeep and maintenance of the business park monument sign.
4. A sign permit shall be required prior to the installation of the business park monument sign.

Mr. Muehlnickel asked if they could have gone with a larger sign, and Mr. Smith said they are allowed up to 100 sq. ft. and they are showing a 70 sq. ft. sign. He added they are now at the 10-foot height allowance.

Mr. Muehlnickel asked if there were any questions or comments of Staff or the petitioner.

Mr. Muehlnickel asked for a motion

A motion was made by Commissioner Schultz and seconded by Commissioner Moss to recommend to the Village Board approval of the proposed business park monument sign for The Landings Office Park subject to the four conditions contained in Staff's report. Voice vote was taken. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Smith advised that a draft of the Plan Commissioners contact information is included in packet. If there are any changes, please let Pat know.

Mr. Smith said the next Plan Commission meeting will be held on June 7, 2016. At that time, there will be a public hearing.

ADJOURNMENT

Mr. Muehlnickel asked for a motion to adjourn. A motion was made by Commissioner Howard and seconded by Commissioner Schultz to adjourn. Voice vote was taken. Motion carried. The meeting was adjourned at 8:37 p.m.

Patricia A. Hansen
Senior Administrative Assistant