

**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 17, 2009 7:00 p.m.**

**#09-11-B**

**CALL TO ORDER**

A regular meeting of the Village of New Lenox Plan Commission was called to order at 7:03 p.m. by Chairman Mark Muehlnickel, with a quorum present.

Chairman Muehlnickel led the Pledge of Allegiance.

**ROLL CALL**

Upon roll call, the following were present: Chairman Mark Muehlnickel, Commissioners Annette Boyd, Robert Lash, John Kuchler, Gary Berner and Rob Moss.

The following was absent: Commissioner Joan Byerley.

Also present were: Planning and Development Administrator Robin Ellis, Senior Planner Jeff Smith, Village Engineer Scott Killinger, Economic Development Director Randall Lowman, and Secretary Lorrie Sowko.

**REQUEST FOR APPROVAL OF MINUTES OF A REGULAR PLAN COMMISSION MEETING OF NOVEMBER 3, 2009**

Chairman Muehlnickel entertained a motion to approve the minutes of the November 3, 2009, Plan Commission meeting. Commissioner Kuchler made a motion, seconded by Commissioner Boyd. Voice vote was taken. Motion carried.

**AMENDMENT TO SPECIAL USES (Public Hearing)**

**Kurtz Memorial Chapel**

**3.62-acre parcel located at 102, 104-106, 132 and 138 East Francis Road and 1264-1266 North Cedar Road**

**Tom Vana and Marilyn Kurtz – Petitioners**

**Richard Kavanagh - Attorney**

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

**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 17, 2009 7:00 p.m.**

**#09-11-B ZBA**

**CALL TO ORDER**

A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 9:11 p.m. by Chairman Mark Muehlnickel, with a quorum present.

**ROLL CALL**

Upon roll call, the following were present: Chairman Mark Muehlnickel, Commissioners Annette Boyd, Robert Lash, John Kuchler, Gary Berner and Rob Moss.

The following was absent: Commissioner Joan Byerley.

Also present were: Planning and Development Administrator Robin Ellis, Senior Planner Jeff Smith, Village Engineer Scott Killinger, Economic Development Director Randall Lowman, and Secretary Lorrie Sowko.

**REQUEST FOR APPROVAL OF MINUTES OF A REGULAR ZONING BOARD OF APPEALS MEETING OF NOVEMBER 3, 2009**

Chairman Muehlnickel entertained a motion to approve the minutes of the November 3, 2009, Zoning Board of Appeals meeting. Commissioner Boyd made a motion, seconded by Commissioner Berner. Voice vote was taken. Motion carried.

**REQUEST FOR TEMPORARY USE**

**Water Chase Estates**

**Southeast corner of Laraway Road and Whitehall Road**

**Shawn O'Malley/O'Malley Builders - Petitioner**

Jim Burdelik explained that the real estate subdivision sign is located on Laraway Road and has been there for a few years. This request is for a 12-month extension for the sign, to promote real estate sales.

Planning and Development Administrator Robin Ellis stated that this request was before the Zoning Board of Appeals in 2008. At that time, the ZBA requested verification to assure that the subdivision was serviced by Lincoln-Way Central High School and not Lincoln-Way West High School. Secondly, the sign still referred to the "Future I-355 Extension." The changes have not

been made, and Robin feels that these changes are minor in comparison to replacing the existing sign. The sign is in good condition, well-maintained and can be read clearly. Out of 147 lots in the subdivision, building permits have been issued for 37 lots. Staff supports the extension request for an additional year.

Chairman Muehlnickel recommended that the correct high school should be indicated on the sign and the word “Future” should be eliminated before “I-355 Extension.”

Robin Ellis stated her belief that the subdivision is served by Lincoln-Way Central High School.

Commissioner Berner asked if consideration has been given to give the sign a “face-lift” to attract more buyers.

Jim Burdelik expressed that he did not feel a new sign would help sell real estate in the subdivision. He agreed to make the suggested change on the sign.

Chairman Muehlnickel entertained a motion, recommending approval to extend the use of the sign for 12 additional months. Commissioner Lash made a motion, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried unanimously.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

None.

### **ADJOURNMENT**

Chairman Muehlnickel entertained a motion to adjourn the meeting at 9:16 p.m. Motion was made by Commissioner Lash, seconded by Commissioner Berner. Voice vote was taken. Motion carried.

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Lorrie M. Sowko – Secretary

Attorney Richard Kavanagh explained that a proposal for Kurtz Memorial Chapel was presented in April 2009. The request was for annexation, rezoning, variances and Special Uses. The plan then was for an addition to the existing funeral home. The Village Board approved the requests for the additions and renovations. Unfortunately, due to bringing the building up to Code, the cost of the additions was almost the same as building an entirely new facility.

The petitioner would like to modify the existing Special Uses and demolish the existing funeral home and construct a new funeral home. The Special Use will need to be modified so that the residence for the owner of the funeral home will be located on the side of the new funeral home. A new 4,000-square foot retail building is proposed for the far northeast corner of the site.

Senior Planner Jeff Smith explained that the amended Special Use is for the new funeral home which will be 10,945 square feet. Attached to the funeral home will be a 2-story caretaker residence consisting of 2,260 square feet. The two Special Uses will need to be amended since this is a new structure at a different location of the property.

The Zoning Code has criteria for granting a Special Use. Staff feels that the following criteria are met:

1. Staff finds that the proposed new funeral home and attached caretaker residence would allow the Kurtz Memorial Chapel to continue to provide its service to New Lenox and surrounding communities.
2. A site plan for the new funeral home and attached residence has been submitted. Staff approves of the proposed use, including the retail building at the northeast corner of the site.

Detention has been relocated to the northwest corner of the property, which was previously proposed for the east portion of the property.

Subject to all Village Codes being met, the second criteria that the proposed building or use should not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, and other matters affecting the public health, safety, and general welfare, would be met.

3. The proposed new funeral home with attached caretaker residence and site modifications would not limit the development or redevelopment of adjoining properties.

The petitioner will need to submit detailed plans meeting all Village Codes. There is a 6-foot fence along the southern portion, a proposed berm at the southeast corner, and a 6-foot fence located along the eastern perimeter of the property.

Village stormwater requirements must be met.

The petitioner must meet all County access requirements. There is a new curb cut located along Francis Road, and right-of-way is being dedicated to the County, and also to the Village for Cedar Road. The Cedar Road curb cut has been slightly modified on the plan and shifted to the south. There will be a connection from Cedar Road, through the site, to Francis Road.

4. The Comprehensive Plan recommends Neighborhood Commercial for this property. This mixed use development including the funeral home, attached residence, and the future retail building would be in compliance with the Comprehensive Plan.
5. Upon Village Board approval, the submitted application states that the project would be completed in a timely manner.

Staff recommends that if the petitioner would like to utilize the funeral home during construction of the new building(s) there must be adequate parking, stormwater detention, etc.

Staff recommends approval of the amended Special Use for the Kurtz Memorial Chapel proposed new funeral home building and attached caretaker residence, subject to the following conditions noted on Page 11 of the Staff Report:

1. The amended Special Uses will allow for the proposed new funeral home and attached caretaker residence.
2. During construction there shall be an adequate number of parking spaces available at all times to service existing funeral home operations, as well as storm water detention.
3. Prior to issuance of a Certificate of Occupancy for the new funeral home and attached caretaker residence, all existing structures on the plans must be removed, and all site improvements must be completed.
4. The existing monument sign for the funeral home, which is located within the proposed Francis Road right-of-way dedication, shall be removed.
5. 5-foot wide sidewalks along Cedar and Francis Roads shall be constructed with an interior pedestrian connection providing access to both the funeral home and retail building.
6. Approval of final engineering plans, which include approval of an amended Plat of Dedication, which will give right-of-way to the County for Francis Road and right-of-way to the Village for Cedar Road. The County and the Village both need to sign off on the Plat of Dedication.
7. The petitioner shall coordinate the proposed new Francis Road curb cut and obtain a Right-of-Way Alteration Permit from the Will County Highway Department.

8. Approval of the final landscaping plans.
9. Approval of the lighting plan, with the condition that all parking lot lights within the site, as well as lights on the monument signs, shall be shut off no later than 10:00 p.m. The light fixtures and supporting poles cannot exceed a maximum height of 15 feet from grade.

Chairman Muehlnickel mentioned that the more decorative lighting fixtures that were originally proposed had been changed to a more modern design light fixture.

Steve Francis of Linden Group Architects commented that the specifications from the Frankfort facility were used for this new building and an alternative more ornate fixture can be reviewed upon the Village's request.

Michael Matuzak of 121 East Francis Road expressed that he disapproves of the proposed commercial building. He noted that the owners of the funeral home were required to install a new sprinkler system, and it was very costly, yet they could afford to construct a second building. Mr. Matuzak also does not approve of the detention being relocated and would prefer that it be located near the residential properties.

Pat Consino of 125 East Francis Road reiterated Mr. Matuzak's comments and does not approve of the location of the proposed commercial building.

Mr. Batson spoke on behalf of the New Lenox Area Historical Society, and noted that they would be interested in preserving the existing funeral home facility.

Tom Vana, the president and CEO of Kurtz Memorial Chapel, explained that the intent was to retain and save the building. Upon initial application for renovation, the Fire Inspector deemed the firewall sufficient and did not find it necessary to sprinkle the building. There was an elevator proposed at that time, and since then, the codes have changed and a 3,500-pound elevator would be necessary for the building. The renovations exceeded \$500,000.00 from the initial projections. The cost to build a new facility is approximately \$125.00 per square foot, and the approximate cost to renovate the existing facility is over \$300.00 per square foot. The owners do not prefer to build a new facility, but the decision was based on cost effectiveness. The commercial spaces are dedicated to the resale shop and Dunn and Niemann real estate office. The owners of the funeral home would gladly restore the existing facility if it were not for financial restrictions.

Attorney Kavanagh expressed that the usage of the retail building will be low impact uses.

Planning and Development Administrator Robin Ellis added that since this is a Special Use, concerns regarding the commercial uses can be enforced by putting conditions on the Special Use. She suggested limiting the uses in the retail building to those permitted in the C-1 District. These conditions can prohibit drive-throughs, bars, gas stations, and other uses that would not be desired for that location that would otherwise be permitted in that zoning district.

Chairman Muehlnickel asked if screening could be incorporated to the north of the commercial building.

Attorney Kavanagh noted that a proposed fence will be 12 feet off of the east property line with landscaping between the fence and Mr. Poe's property to the east.

Steve Francis added that there will be very dense landscaping around the perimeter of the property with large scale parkway trees and lower shrubs to screen automobile headlights in every direction.

Tom Vana stated that Mr. Poe will keep his fence erected and there will be landscaping between his fence and the fence to screen the new facility.

Jeff Smith noted that the sight line exhibit demonstrates that vehicle headlights will not be shining into the adjacent residents' homes.

Commissioner Berner asked if the ambulance service will be located at the facility.

Tom Vana informed that the ambulance service is operated out of an off-site facility and eliminates some of the traffic flow within and surrounding the funeral home.

Commissioner Berner expressed that the existing funeral home is a landmark and is quite unique for the Village of New Lenox. He feels that a new facility will take away from the atmosphere.

Tom Vana reiterated the family's regret for not being financially capable of restoring the current facility. When the requests were presented the first time, the fire regulations were not as strict as they are now.

Chairman Muehlnickel asked if the funeral building could be removed and relocated.

Tom Vana informed that over the years, there have been five different renovations and additions with three separate foundations. The facility is technically not listed as a historical building. Therefore, there is no option to move the building.

Chairman Berner asked if the petitioner explored building a sister building on the same site, with two additional chapels, and if the existing building would still require improvements.

Tom Vana responded that the improvements are required to the existing building. When the existing building was constructed, certain requirements, such as handicapped accessibility and an elevator, were not initially planned out.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:33 p.m. Motion was made by Commissioner Boyd, seconded by Commissioner Berner. Voice vote was taken. Motion carried.

Chairman Muehlnickel entertained a motion, the since the request complies with the Special Use criteria, to recommend approval of the Special Use request for the Kurtz Memorial Chapel proposed new funeral home building and attached caretaker residence, subject to the 10 conditions noted in the Staff Report, and also making a note that the uses in the retail building be limited to C-1 District uses only, prohibiting drive-throughs, bars, gas stations and tobacco sales. Commissioner Boyd made a motion, seconded by Commissioner Kuchler. Roll call vote was taken. Motion carried unanimously.

**ANNEXATION, REZONING FROM R-1 TO C-2, SPECIAL USE FOR FINANCIAL INSTITUTION (Public Hearing) AND PRELIMINARY PLAT**

**New Century Bank**

**6.4-acre parcel generally located at the northeast corner of U.S. Route 30 and Vancina Lane**

**Walter Rebenson, NLI, LLC – Petitioner**  
**Dan Shapiro - Attorney**

Chairman Muehlnickel entertained a motion to open the public hearing at 7:35 p.m. Motion was made by Commissioner Moss, seconded by Commissioner Berner. Voice vote was taken. Motion carried.

Attorney Dan Shapiro was present on behalf of New Century Bank and was accompanied by Walter Rebenson, the CEO of Ascend Real Estate Group, LLC,; Chuck Smith of Arete 3, Ltd.; and Mike Wirtman of KLOA.

Walter Rebenson explained that New Century Bank hired his firm to create an acceptable plan for the community and the surrounding neighbors.

Mr. Rebenson has developed different types of real estate such as hotels, retail, condominiums and smaller developments, such as this proposal.

In creating a plan for this 6.4-acre parcel, there were topographical issues and site access issues. The requested C-2 zoning compliments the properties to the west, south and east, and items were incorporated into the plan that would minimize impact to the residential uses to the north. Many changes have been made to the plan to incorporate site specific issues and neighbor-related issues that have been given to date.

There are four primary outlots proposed, with over 30,000 square feet of development. The fifth lot is dedicated for stormwater detention.

Chuck Smith stated that the concept plan includes 5 lots, one being detention, and is based on marketability. The potential uses are based on a concept only and may not be in reality the actual uses. By subdividing the lots and depicting potential uses, it makes the development more marketable.

The far eastern parcel could potentially have a fast food restaurant with a drive-through. The site in the middle could possibly be a 4-unit retail building or a single user. The far western parcel is a larger site and could accommodate a bank with a drive-through. The parcel in the rear would allow for an approximate 16,000-square foot retail facility, which may be a multi-tenant building or a single-tenant building.

The access points are anticipated to be located off of Garfield Avenue and also on U.S. Route 30 with a full pork chop. There has been discussion regarding the construction of sidewalks along Garfield Avenue and U.S. Route 30, for children to access the school bus. IDOT plans to install a 10-foot bike path or sidewalk with their improvements in the next year or two.

Chuck Smith discussed a potential traffic pattern, including access points and a possible inner-development traffic pattern. If and when Vancina Lane is developed, the petitioner will construct sidewalk in an easement along Vancina Lane.

Lighting and landscaping will be located out the side and at the access points. The detention pond is designed to accommodate the site as it is currently conceptually planned, with regards to pervious and impervious surfaces.

Jeff Smith began the Staff Report.

Jeff referred to the site on the Powerpoint and the existing conditions of Garfield Avenue.

When Burns Photography to the east was developed after it was annexed to the Village, the Village required that Garfield Avenue be widened to 24 feet and narrowed down as it transitions north of the Burns Photography site. The Village's Engineering Department is recommending that the pavement widening be extended to where the curb cut will be located on Garfield Avenue into the New Century Bank site. The ditch was regarded for Burns Photography, but as Chuck Smith mentioned, a sidewalk will be installed along Garfield Avenue for New Century Bank.

The 6.4-acre parcel is contiguous to the Village's corporate limits to the east with Burns Photography and to the south with Target and Lowes.

Staff has no objection to this property being annexed to the Village. Utilities are located on the south side of U.S. Route 30, and the petitioner will need to extend them across U.S. Route 30. Off-site easements are also required for the utilities. Annexing this property will allow for additional commercial developments along U.S. Route 30, which will be beneficial to the residents and the Village.

Staff recommends approval of the annexation of the 6.4-acre property. There are a number of issues that need to be addressed with the Village Board regarding the Annexation Agreement, such as the improvements to Garfield Avenue and special conditions for the site.

The request upon annexation is to rezone the property to the C-2 Community Shopping District. Since the property fronts U.S. Route 30, the Comprehensive Plan recommends Community / Regional Scale Commercial uses. This proposal is in conformance with the Comprehensive Plan. The C-2 District allows for many uses such as a bank, subject to a Special Use, drive-through restaurant, offices, and gas stations and automotive uses. Through the negotiation of the Annexation Agreement, the Village Board may decide to prohibit some incompatible uses such as gas stations or automotive uses, referring to Lot 4, which is shown on the concept plan as retail, but can be subject to change. Once C-2 zoning is granted, any use permitted in the C-2 District, as well as the C-1 District, would be allowed. Through the Annexation Agreement, the Village Board may prohibit certain uses on Lot 4, since it is adjacent to residential properties.

Since the rezoning to C-2 complies with the Comprehensive Plan, Staff recommends approval of the C-2 zoning district.

There is a proposed preliminary plat depicting the subdivision of the parcel into five lots. Four lots will be for commercial uses, and the fifth lot at the northwest corner of the site will be dedicated to detention, and is the lowest portion of the property. Staff provided comments to the petitioner on the preliminary plat regarding adding easements, building setback lines and other technical issues, and the petitioners are working to make these changes.

Vancina Lane is currently a private driveway, and can be acquired for road right-of-way for a public access road to the site. Once the site is developed, there will need to be immediate access to the bank. Garfield Avenue will be used for the full access to the site until Vancina Lane becomes available, which is a signalized intersection. The Village Board will determine whether Garfield Avenue will be dedicated as a permanent or temporary access.

Subject to some Staff recommended changes, Staff has no objection to the 5-lot subdivision, subject to approval of preliminary engineering plans, which have been submitted.

The C-2 District allows for banks under a Special Use. There are certain criteria to be met to allow a bank on Lot 1 of this subdivision. Staff feels that the criteria have been met, subject to a number of conditions.

1. Staff finds that a future drive-through bank to be located on Lot 1 within the pending New Century Bank Subdivision is a desirable service. The overall 6.4-acre development will not only allow for a bank, but will also allow for other commercial uses.
2. Subject to the future submittal of a detailed site plan addressing access, interior traffic and pedestrian circulation, parking, stacking, building elevations, civil engineering plans, landscape plans, photometric/lighting, signage, future uses, etc., which must meet the Zoning Ordinance and other Village Code requirements, Staff feels that the proposed use would adequately address issues relating to parking, utilities, traffic, safety and the general welfare of the area.

The storm water detention facility on Lot 5 must be installed per approved final engineering plans and other requirements specified by the Village's Engineering Department prior to a certificate of occupancy being issued for a drive-through bank on Lot 1, if not already constructed by the time a Certificate of Occupancy is being requested.

3. The future drive-through banking facility on Lot 1 would not restrict the development or redevelopment of adjacent properties in the area. Subject to a bank development on Lot 1 meeting Village Codes and special conditions to be specified in the Special Use and Annexation and Development Agreement, Staff feels that a bank would be compatible with the surrounding area.
4. The Comprehensive Plan recommends Community / Regional Scale Commercial uses for the subject property. A future drive-through bank on Lot 1 would be in conformance.
5. Upon approval of the Special Use, the Zoning Ordinance requires that a building permit must be obtained within 6 months, or the Special Use will become invalid. The Village Board may grant one, 6-month extension. Additional time may be negotiated with the Village Board in the Annexation Agreement.

The Zoning Ordinance also has two additional criteria for a financial institution, as follows:

1. The Village will derive benefit from granting of a Special Use permit for the proposed financial institution and benefit from other uses allowed by the C-1 and C-2 Districts on the site.
2. The proposed financial institution is part of a larger shopping center and would only occupy 22% of the site. The remaining 79% of the site would be used for retail and sales tax generating uses.

Staff recommends approval of the Special Use request for a future drive-through banking facility located on Lot 1, subject to the seven conditions listed on Page 11 of the Staff Report.

1. Lot 1 of the New Century Bank Subdivision shall be developed with a financial institution. The concept plan depicts a maximum 6,600-square foot bank, which must meet all Zoning Ordinance and other Village Code requirements, such as parking.
2. A future drive-through banking facility on Lot 1 shall require approval of a detailed site plan meeting all Village Codes, and is subject to Village Board approval.
3. Prior to the issuance of a building permit for a drive-through banking facility, the final plat that creates Lot 1, as well as Lot 5 for storm water detention, must be approved. The future final plat will need to include ingress/egress or access easements and public utility and drainage easements necessary, as well as access to Garfield Avenue and U.S. Route 30.

4. Prior to the issuance of a Certificate of Occupancy for a future drive-through banking facility on Lot 1, there must be adequate vehicular access to Lot 1 from approved curb cuts located along all adjoining public roadways, including Garfield Avenue, U.S. Route 30 and Vancina Lane, if a dedicated public roadway in the future.
5. The developer shall coordinate all required U.S. Route 30 improvements, including any intersection improvements at Garfield Avenue and/or Vancina Lane, with IDOT. IDOT will need to sign the final plat.
6. The Village can withhold the issuance of a building permit or Certificate of Occupancy until all mandated Garfield Avenue and Vancina Lane roadway and other public improvements, such as storm water detention area, utilities, sidewalks, etc., are completed.
7. If the Special Use expires, the Village Board has the ultimate authority to include a longer Special Use expiration timeframe in the Annexation Agreement.

Chairman Muehlnickel asked what the process will be when Vancina Lane becomes available and changes to a public street.

Robin Ellis explained that the property that is at the northwest corner of Vancina Lane and U.S. Route 30 had language in the Annexation Agreement pertaining to the acquisition of Vancina Lane. IDOT has limited access to that property to right-in/right-out, due to the traffic signal at Vancina Lane. For future marketability, access from Vancina Lane would be required. If they were unable to come to terms privately with the owners of the four flag lots, the Village, at the developer's request and expense, would pursue condemnation proceedings. The public access would be privately acquired or the Village would use the power of eminent domain for the acquisition.

Anthony Avelis of 264 Garfield Avenue expressed that he and many residents moved to Garfield Avenue to be a part of nature, enjoy privacy, country living, and being near convenient shopping and schools. He emphasized that he felt shopping, banking, and fast food restaurants do not belong so close to residential living, and had concerns about safety and traffic impact from the proposed development. Mr. Avelis questioned the landscaping for the proposed commercial development. Noise, lights, and odors were other issues that Mr. Avelis questioned, and he was also opposed to the access on Garfield Avenue. He requested that the property remain in the A-2 zoning district.

James Homgo of 254 Garfield Avenue distributed a handout of comments. Mr. Homgo feels that the changes to the site in question will affect his life. He questioned the rezoning.

Robin Ellis explained that the current zoning for the property is A-2. Once the property is annexed to the Village it is automatically zoned R-1, and the request is to change the zoning to C-2.

Mr. Homgo noted that he felt that a PIN number on his public hearing notification was incorrect. Regarding Vancina Lane, he feels astounded that a developer can take private property to assist a developer to make money, and would like the parcel to remain residential. Mr. Homgo was confused regarding access off of U.S. Route 30 and the possibility of an access on Vancina Lane, and was not happy that the access on Garfield Avenue would be in front of his home.

Bud Vancina of 426 Vancina Lane has concerns regarding the water shed run-off and questioned the feasibility of the proposed detention pond. He would like the current drainage situation reviewed.

Jim Jensen of 20706 Garfield Avenue commented that traffic heading eastbound on U.S. Route 30, that turns left onto Garfield Avenue, is dangerous. He also mentioned that pedestrian traffic from school-aged children and the elderly is an issue, along with the entrance being located on Garfield Avenue. Mr. Jensen reiterated drainage issues for that area.

Linda Chalupa of 257 Garfield Avenue asked who the Plan Commission members consisted of. Chairman Muehlnickel explained the duties of the Plan Commission and Staff.

Ms. Chalupa described the location of her home and explained that her driveway is located along the northeast property line of this development. She is concerned that she will see dumpsters from her home and would like a berm, similar as the berm at Target/Lowe's, with a fence and trees, to be located between this development and her home. Ms. Chalupa has major drainage and water issues, and is also concerned with sound and smell issues created by the new commercial development.

Linda Wardinski-Homgo of 254 Garfield Avenue requested C-1 District zoning to avoid the incorporation of a drive-through. Ms. Wardinski-Homgo was unsure how and why the clearing process took place, and expressed that the drainage issues resulted from this clearing.

Jan Kolyvas of 301 Garfield Avenue has children and feels that Garfield Avenue is their playground, and the increased traffic will create safety issues. She also expressed that she was not personally approached regarding the new development. Ms. Kolyvas feels that a sidewalk will not create a safety issue for the children accessing the school bus.

Linda Chalupa reiterated her drainage issues and complimented the lighting in the Village Commons, but was not fond of the lighting fixtures for the proposed development.

Bruce Burg of 245 West Circle Drive discussed the former location of his business in Frankfort and described an issue he had for reconstructing that building. He claims that someone at Frankfort told him to relocate his building in New Lenox because "anything goes there." Mr. Burg is now located at Laraway and Schoolhouse Roads and is satisfied. Mr. Burg questioned the suitability of the use of the subject parcel and requested that the adjacent neighbors of the property have input regarding the use of the commercial development.

Chuck Smith stated the decision to show the conceptual site plan was so that the Plan Commission and Staff would have an idea of what the site could look like. The petitioner is requesting that the parcel be divided into designated lots. There are many ordinances that have to be met by each user that proposes a specific use, and they will be required to go through the site plan process. The buyer of each lot will need to abide by the requirements and the ordinances of the Village Codes.

Chuck Smith emphasized that this is a conceptual plan, and the uses may change when the market enhances. The bank purchasing the property had nothing to do with the existing drainage issues. By allowing this development, it will mitigate the water run-off issues. Potentially, this lot could have been developed with larger and taller buildings, such as large box buildings. The developer chose to break down the parcel into smaller lots to slow traffic down and compliment the surrounding area. As the market gets better, opportunity for the use of these parcels may change.

By having multiple buildings, there are different traffic patterns due to different users and the time demands of the different uses.

The sidewalk was proposed to assist the school-aged children.

The only difference between the C-2 zoning and the C-1 District zoning is the allowance of a drive-through, which gives more flexibility to market the site.

Some traffic will utilize Garfield Avenue and some traffic will utilize U.S. Route 30. Garfield Avenue will not be the only access.

The petitioner and Staff discussed posting signs on Garfield Avenue to detract traffic from going past the commercial development and to control delivery trucks with a load limit.

Eve Jensen of 20706 Garfield Avenue noted that U.S. Route 30 starts to curve to the east and there is limited visibility, particularly when there is hazardous weather. She also feels that it is dangerous to make a left-hand turn off of Garfield Avenue onto U.S. Route 30.

Chairman Muehlnickel echoed Eve Jensen's comments and added that there is an incline at that location.

Chuck Smith stated that IDOT is going to redesign U.S. Route 30. Arete 3, Ltd. is in the process of getting the U.S. Route 30 design plans.

Village Engineer Scott Killinger added that U.S. Route 30 will be redesigned from Williams Street to Harlem Avenue. The Village does not have a copy of IDOT's plans.

A few of the public speakers discussed the current traffic issues at Garfield Avenue and U.S. Route 30.

Attorney Dan Shapiro said that C-2 zoning was requested for marketability purposes and because it was the recommendation of the Comprehensive Plan.

Chairman Muehlnickel reminded that the points for discussion regarding this development are annexation, rezoning and a Special Use request. There is no guarantee that this property will follow the layout of the current concept plat.

Robin Ellis added that unless the project comes in as a Planned Unit Development (P.U.D.), there will not be public hearings to approve the site plans for each lot. The site plans will be reviewed by Staff and ultimately approved by the Village Board at a public meeting.

Chairman Muehlnickel entertained a motion to close the public hearing at 9:04 p.m. Motion was made by Commissioner Boyd, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.

Commissioner Kuchler questioned the current zoning of the property as being A-2 and C-5.

Jeff Smith stated that a small portion in the front of site is zoned C-5.

Chairman Muehlnickel entertained a motion to recommend to the Village Board approval of the requested annexation of the entire 6.4-acre property, located at the northeast corner of U.S. Route 30 and Vancina Lane, subject to the successful negotiation of an Annexation Agreement. Commissioner Boyd made a motion, seconded by Commissioner Berner. Roll call vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion to recommend rezoning the entire 6.4-acre property to the C-2 District, subject to the successful negotiation of an Annexation Agreement. Motion was made by Commissioner Boyd, seconded by Commissioner Lash. Roll call vote was taken. Ayes: Commissioners Kuchler, Boyd, Lash, Moss and Chairman Muehlnickel. Nays: Commissioner Berner. Motion carried.

Chairman Muehlnickel entertained a motion to recommend approval of the New Century Bank Subdivision, subject to preliminary engineering approval and resolution of Staff's comments noted in the report this evening, and some of the comments mentioned by the residents this evening as well, and also subject to the successful negotiation of an Annexation Agreement. Commissioner Boyd made a motion, seconded by Commissioner Kuchler. Roll call vote was taken. Ayes: Commissioners Kuchler, Boyd, Moss and Chairman Muehlnickel. Nays: Commissioners Berner and Lash. Motion carried.

Chairman Muehlnickel entertained a motion recommending approval of a Special Use request for the banking facility on Lot 1, subject to the seven conditions mentioned this evening and noted in the Staff Report. Motion was made by Commissioner Kuchler, seconded by Commissioner Boyd. Roll call vote was taken. Motion carried unanimously.

**OLD BUSINESS**

Chairman Muehlnickel noted that he had a newspaper that included information on wind turbines.

**NEW BUSINESS**

Jeff Smith informed that the next regular scheduled Plan Commission meeting will be December 1, 2009, and will include one Special Use request.

**ADJOURNMENT**

Chairman Muehlnickel entertained a motion to adjourn the meeting at 9:10 p.m. Motion was made by Commissioner Boyd and seconded by Commissioner Berner. Voice vote was taken. Motion carried unanimously.

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Lorrie M. Sowko – Secretary