

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

Held in the New Lenox Village Hall, 1 Veterans Parkway

Tuesday, July 21, 2009 7:00 p.m.

#09-07-B

CALL TO ORDER

A regular meeting of the Village of New Lenox Plan Commission was called to order at 7:04 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 John Kuchler, Robert Lash, Gary Berner, Joan Byerley, and Annette Boyd.

The following was absent: Commissioner Rob Moss.

Also present was Planning and Development Administrator Robin Ellis, Senior Planner Jeff Smith, Village Engineer Scott Killinger, and Secretary Lorrie Sowko.

REQUEST FOR APPROVAL OF MINUTES OF A REGULAR PLAN COMMISSION MEETING OF JULY 7, 2009

Chairman Muehlnickel entertained a motion to approve the minutes of the July 7, 2009, Plan Commission meeting. Commissioner Boyd made a motion, seconded by Commissioner Byerley. Voice vote was taken. Motion carried unanimously.

Chairman Muehlnickel explained the public hearing process to the audience for the upcoming public hearings. Chairman Muehlnickel invited public speakers for the two public hearings to be sworn in by the Plan Commission Secretary. The speakers were sworn in by Secretary Lorrie Sowko.

REQUEST FOR SPECIAL USE FOR RESIDENCE (Public Hearing)
Morning Star Mission
2571 East Lincoln Highway
Marilyn Farmer – Petitioner

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, July 21, 2009 7:00 p.m.

#09-07-B ZBA

CALL TO ORDER

A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 9:00 p.m., by Chairman Mark Muehlnickel, with a quorum present.

ROLL CALL

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

The following was absent: Commissioner Rob Moss.

Also present was Planning and Development Administrator Robin Ellis, Senior Planner Jeff Smith, Village Engineer Scott Killinger, and Secretary Lorrie Sowko.

REQUEST FOR APPROVAL OF MINUTES OF A REGULAR ZONING BOARD OF APPEALS MEETING OF JULY 7, 2009

Chairman Muehlnickel entertained a motion to approve the minutes of the July 7, 2009, Zoning Board of Appeals meeting. Commissioner Boyd made a motion, seconded by Commissioner Byerley. Voice vote was taken. Motion carried.

REQUEST FOR TEMPORARY USE FOR REAL ESTATE SUBDIVISION SIGN

Rachel Ridge

Northwest corner of Rachel Ridge Drive and Laraway Road

Lisa Killday/Flaherty Builders - Petitioner

Lisa Killday of Flaherty Builders was present to request an extension for the Temporary Use for the Rachel Ridge subdivision sign.

There are 57 lots in the subdivision and only 6 lots have been built upon. It would be detrimental to eliminate the sign, as the sign is a necessity to market the site. There have been no modifications to the existing sign and it has been consistently maintained and cleared of weeds and debris.

Chairman Muehlnickel asked how many deposits were currently on the lots.

Ms. Killday stated that there are currently two deposits for construction on the lots. Planning and Development Administrator Robin Ellis explained that the Village Ordinance allows for a number of Temporary Uses to be granted administratively and runs out in approximately 2.5 years. The Rachel Ridge subdivision had exhausted the 2.5-year allotment in 2008. There is a provision in the Zoning Ordinance for the petitioner can request the Plan Commission's recommendation and then seek Village Board approval for an extension.

Last July (2008), the developer received approval for the same sign for a 1-year extension. The current request is for a 2.5-year extension, but Staff is recommending a 1-year extension, based on the Village Board's previous extension approval.

Staff recommends approval for a 1-year extension of the Temporary Use.

Chairman Muehlnickel asked if there is a limit to the number of 1-year extensions.

Robin Ellis responded that there is no limit to the 1-year extensions and it is up to the Board's discretion.

Chairman Muehlnickel entertained a motion to recommend a 1-year extension for the Rachel Ridge subdivision sign. Motion was made by Commissioner Boyd, seconded by Commissioner Lash. Voice vote was taken. Motion carried unanimously.

OLD BUSINESS

None.

NEW BUSINESS

Robin Ellis announced that the Creamery requested to put their plans and requests on hold until next spring.

ADJOURNMENT

Chairman Muehlnickel entertained a motion to adjourn the meeting at 9:04 p.m. Motion was made by Commissioner Lash, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.

Lorrie M. Sowko – Secretary

Chairman Muehlnickel entertained a motion to open the public hearing at 7:07 p.m. Commissioner Kuchler made a motion, seconded by Commissioner Byerley. Voice vote was taken. Motion carried.

Petitioner Marilyn Farmer and Attorney Lyman Tieman were present to request a Special Use for a residence.

Mr. Tieman explained that the petitioner was before the Plan Commission in early June to request annexation and rezoning to C-3. Since then, the petitioner realized that a Special Use was necessary for the existing residence located on the second level of the building, and is seeking compliance. The residence has existed since the construction of the building, approximately 30 years prior.

Chairman Muehlnickel asked who is occupying the residence at this time.

Mr. Tieman responded that an employee of Morning Star Missions resides at the apartment and is the caretaker of the building.

Senior Planner Jeff Smith added that the pending C-3 District permits a caretaker residence for the second-story, as a Special Use. The Zoning Ordinance has criteria that must be met for a Special Use. Staff feels that the request meets each criteria.

1. A caretaker residence is needed to assist in the operation of Morning Star Mission as well as the resale shop, which does provide a service to New Lenox.
2. The proposed Special Use addresses issues such as parking and traffic safety. Adequate parking for the residence is located within the existing parking lot, which does not interfere with traffic flow or parking.
3. The caretaker residence for Morningstar Mission will not impact the surrounding residential and commercial properties. The Special Use will be limited to the caretaker residence in this building.
4. The Comprehensive Plan recommends Neighborhood Commercial, and the property is pending a C-3 zoning.
5. There are no concerns regarding timing for constructing the residence since it is pre-existing.

Staff finds that the request meets each of the above criteria in the Staff Report, for the granting of a Special Use and recommends approval of the upper-story residence for the caretaker of Morningstar Mission, subject to the Special Use being limited the existing upper-story caretaker residence in this building.

Planning and Development Administrator Robin Ellis stated that when the Village Board held a public hearing on the Annexation Agreement at the end of June, the Board requested that the Special Use be tied to the existing unit in this building. If there was wholesale reconstruction or a redevelopment of the property, the Special Use would expire with the existing building.

Chairman Muehlnickel asked if the request is solely for one unit, and if the petitioner would not be able to utilize another tenant space for a residence without first making application for another Special Use. He also asked for the size of the existing unit.

Lyman Tieman responded that the unit is approximately 1,000 square feet with three bedrooms.

Don Nudi of 240 Pottawatamie is concerned that the facility will be converted into a mission. He stated that he feels the apartment will not be the only residence, but rather the entire complex will be used for a mission for homeless people, similar to the facility in Joliet. Mr. Nudi thinks that if the Village gives permission for a residency of the upper-story apartment, it will “open the door” for homeless people to reside on the premises, which is unacceptable since it will impact the neighborhood. Mr. Nudi believes that the up to 100 homeless people may reside at the facility if the Special Use is granted for the caretaker residence. He also believes that if homeless people utilize the facility, they may be panhandling in the neighborhood, visits to the Lowe’s and Starbuck’s stores, as well as sharing the sidewalks of the neighborhood with other residents.

Catherine Wilson of 170 Pottawatamie asked if the request was solely for the residence of a caretaker and wanted to know if another party took occupancy, if the surrounding residents would be notified.

Chairman Muehlnickel stated that this request is to allow for a caretaker and a caretaker’s family for the second-story residence, and if another type of occupant were to move in, a request would have to be submitted to the Village for a public hearing.

Chairman Muehlnickel asked if there are regulations for the number of occupants in an apartment.

Robin Ellis explained that the Ordinance defines the word “family” and the number of people allowed in a single dwelling unit, based on a person, their spouse, children, and people related by blood, marriage or adoption. There is a provision for unrelated people living together, such as a roommate situation, and believes that up to eight unrelated people are allowed. There is also occupancy requirements regarding the well and septic accommodations. The Health Department would have concerns for the amount of tenants. There are other regulations that limit the occupancy.

Richard Laskowski of 250 W. Circle Drive questioned the amount of people allowed to live in the upper-story unit. Mr. Laskowski stated that he did not want new people showing up in his neighborhood, based on his concerns for the safety of the children in the area.

Robin Ellis defined that up to eight people would be allowed if operating as a family. The C-3 District does not allow for large group homes, which is allowed in a residential district only as a Special Use. Through the Special Use process, the number of occupants can be reduced. The rationale for the unrelated clause is that some couples may not be married; there are adopted children, roommate situations, etc. If the maximum total of eight people is too large, then the number can be reduced through the Special Use.

Tom Heil of 221 W. Pioneer Place is concerned with the proper amount of front and rear exits, and asked if there are adequate well and septic for the entire facility.

Marilyn Farmer stated that a woman and her adult son live in the apartment, and both have a college degree. The apartment has its' own entrance and exit with a locking system. The well and septic is part of the commercial property, which was approved by the Health Department when the apartment was built.

Vince Weiss of 180 E. Circle Drive is an electrician by trade and worked in the subject commercial building. Mr. Weiss asked if the buildings were approved by the Fire Department, and believes that there are no back doors or exits for the commercial building. Mr. Weiss also stated that he does not want people in his neighborhood that he feels do not belong, and requested background checks on employees of Morningstar Mission.

Aaron Guajarto of 361 W. Circle Drive asked who would enforce the requirements of the Special Use.

Lore Gausslen of 132 E. Circle Drive asked for the definition of a single-family dwelling and how it compared with the apartment.

Renee Nikonchuk of 361 W. Circle Drive stated that the neighborhood behind Morningstar Mission is very dark at night. There are long driveways and the houses are lit by house lights. She is concerned about potential problems.

Don Nudi did not believe that there is an entrance and exit to the apartment, and feels that the caretakers would need to access the commercial portion to exit. For this type of dwelling, he wanted to know the code requirements for entrances and exits.

Tom Heil wanted to know if the apartment was up to code with Fire Department requirements.

Vince Weiss claimed that the electric work in the building has not been properly installed and claimed that he was positive that the Fire Department did not inspect all of the store fronts. He also claimed that there is a 3-foot drop out of the back door of the commercial building.

Marilyn Farmer stated that the apartment has its own entrance in the rear, with direct access. The Fire Marshal inspected the building and all of the necessary alarms and exit signs have been

installed. The building has been brought up to code. The New Lenox Fire Department inspected the premises, ample electric work had been completed, and the Fire District granted approval.

Lyman Tieman added that the uses of the building did not change, other than the tenants, and the upstairs was previously occupied.

Seeking annexation and rezoning will make this property eligible for sewer and water. To accomplish the rezoning and annexation, the existing facility is being brought up to code. There is no intent to house homeless people at this facility.

Marilyn Farmer explained that the rental units have their own entrances and exits, with exit signs in the rear, and some have storage.

Every employee of Morningstar Mission must pass a background check and be finger-printed, because the establishment works with women, children, and men.

Commissioner Lash asked how often the caretaker position will change.

Marilyn Farmer responded that she hopes not too often, and prefers to maintain employees for a long period of time. Sex-offenders, criminals and predators are immediately removed if they try to access Morningstar Mission services.

Lyman Tieman added that any time a new tenant would apply, a background check would be performed before residence approval is given.

Robin Ellis explained that a single-family dwelling is one detached residential unit with no other uses.

If there are conditions put on the Special Use to limit the amount of people occupying the unit, and there are concerns, the Code Enforcement Officer can be notified to investigate the situation.

Since the building was constructed several years ago, it does not meet the current building codes. If the tenants change and/or there is remodeling, the building must be brought up to code.

Before occupancy was granted, there were changes made in the retail portion of the facility. The process is the same for other older commercial buildings in the Village.

Commissioner Lash asked if the petitioner would be required to notify the Village if the caretaker was replaced.

Robin Ellis answered that the definition would be limited to a caretaker and not a rental unit. The Village can not approve or deny the resident themselves, but it is fair to request verification of employment of Morningstar Mission.

Commissioner Lash requested that the number of people able to occupy the apartment should be limited to five or six.

Robin Ellis felt that it would be fair to limit the amount of unrelated people dwelling in the unit.

Chairman Muehlnickel suggested that two unrelated people would be a fair request.

Chairman Muehlnickel reminded that if this unit is not occupied for a year or more, the Special Use expires and re-application would be necessary.

Commissioner Byerley questioned the definition of a legal apartment and the entrance/exit requirements.

Robin Ellis explained that the exterior windows of the unit meeting certain specifications are considered access to and from the apartment.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:49 p.m. Motion was made by Commissioner Lash, seconded by Commissioner Boyd. Voice vote was taken. Motion carried.

Marilyn Farmer added that the building was inspected by the Fire Department last summer, and again, in approximately March of 2009, and passed inspection. Prior to each new tenant moving in, the units are re-inspected by the Fire Department.

Chairman Muehlnickel entertained a motion to recommend approval of the Special Use request to allow an upper-story residence for the caretaker of the Morningstar Mission resale shop and commercial shopping center in the C-3 Business District, for the property located at 2571 E. Lincoln Highway, subject to the Special Use being limited to the upper-story caretaker residence in the current building, and subject to no more than two unrelated individuals being able to occupy the caretaker residence. Motion was made by Commissioner Lash, seconded by Commissioner Kuchler. Roll call vote was taken. Motion carried unanimously.

REQUEST FOR SPECIAL USE FOR PRELIMINARY P.U.D. PLAT (Public Hearing)
Spring Creek
69-acre site located at the northeast corner of U.S. Route 6 and Silver Cross Boulevard
(formerly Clinton Street), extended
Chuck Smith/Arete 3, Ltd. – Petitioner

Chairman Muehlnickel entertained a motion to open the public hearing at 7:53 p.m. Commissioner Lash made a motion, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.

Chuck Smith of Arete 3 was available to request a Special Use for a Preliminary P.U.D. Plat for Spring Creek, a multi-use retail/office facility.

Prior Preliminary P.U.D. Plat requests have included buildings elevations, market study, and preliminary landscaping.

Over the last year, Arete 3 has created a Preliminary Plat of a P.U.D. Subdivision.

The developer's main objective is to market the site to a primary user, so that the Preliminary P.U.D. Plat process will not hinder development from time constraints. Approval is not being sought for buildings or landscape, but request a Preliminary Plat of Subdivision with a P.U.D. in order to request some variances/deviations, as allowed through a Preliminary P.U.D. Plat request.

The requested plan includes five restaurant pads with outdoor eating areas, and each user will be required to complete the site plan approval process.

A few hotel sites are also proposed, which require setback deviations and height variations. The Village Code allows for a maximum height of 45 feet and the developer would like to request 4-story buildings with a 60-foot maximum height that includes a mansard or gable roof.

Chuck Smith gave a Powerpoint presentation.

The exit ramp off of I-355 borders the east property line and I-355 borders the north property line.

The concept plan depicts a building layout plan. A proposed dedication would facilitate right-of-way for Clinton Street (Silver Cross Boulevard) extension. The primary entrance would be located north of the former Clinton Drive entrance. There is a proposal to IDOT to incorporate a pork chop at the main intersection from U.S. Route 6. The outlots are relatively narrow and will most likely would occupy 2 to 3 tenants, depending on the user. Currently, there is interest from fueling stations, restaurants, and small retail users such as a phone store and/or small restaurants.

A medical retail use is anticipated within the medical office buildings.

A drainage ditch exists that runs from the expressway. The detention areas will have wetland plantings, while an enhanced wetland buffer area will be over-planted with wetland materials.

All of the streets in the development are public, which require landscaping. As each particular site develops out, it will be the requirement of the land purchaser/user to provide the landscaping for the required setbacks and the foundation planting around the buildings. The materials and plantings used will be cohesive throughout the entire project.

The concept plan presented is not exactly how each site will be completed, but is an idea based how each site will develop out, depending on each potential user. This is a plan that will depict how each site configuration will work for each particular user. This potential plan will allow the developer to market the sites.

The parking plan will be worked out after the uses are determined. Shared parking will be required.

The requested parking for the medical office building portion is 5 parking stalls per 1,000 square feet.

Since this is a mixed-use development, pedestrian access between the different uses is proposed, and some of the parking areas may be reconfigured to accommodate the pedestrian ways.

A walking path and benches around the wetlands has been recommended by Staff.

The U.S. Army Corps of Engineers (ACOE) has not issued a formal written jurisdictional clarification for the wetlands, and the developer will be meeting with ACOE to obtain this written clarification.

The developer would like to work with Staff to provide an adequate landscaped buffer yard along I-355 and still give ample visibility to the lots along the property bordering I-355 for positive marketing.

Chuck Smith illustrated existing commercial and office building in order to give an example of the type of building structures that may be constructed. However, the renderings did not represent actual architectural drawings for future proposed buildings. A variance will be requested for some building materials, such as pre-cast block.

The photometric plan includes the same lighting fixtures throughout the development, which consists of traditional round shoebox lights with cut-off fixtures that will meet all Village standards. The entrance boulevard will not have more decorative lighting fixtures, such as the fixtures being used in adjacent commercial developments.

Jeff Smith presented the Staff Report.

The plan presented is solely a conceptual plan for a 21-lot commercial subdivision development for the 69-acre property. There are a number of deviations requested. Typically with a P.U.D., there is a primary use such as a major anchor retail store or employment center that includes some preliminary details that the Plan Commission and Staff must endorse. In this case, due to the uncertainty of the market, there are no definitive major primary commercial uses for the mixed-use commercial development. Since there are a number of deviations being requested, Staff needs assurances that the final product will provide many benefits to the Village, more than a typical commercial subdivision and a commercial site plan.

There are a number of requested deviations, and there may be additional deviations. These deviations must be reviewed by Staff and the Plan Commission through the public hearing process, before Village Board review and ultimate approval.

Staff does not object to waiving the Special Use requirement for the restaurant outdoor patio requests. The petitioner must designate the number of restaurants that will have outdoor patios, which necessitate more parking requirements. A blanket waiver for a Special Use for an outdoor patio would not be allowed. Otherwise, additional public hearings are required for Special Use requests for outdoor patios.

A bank requires a Special Use, and Staff and the Village will need to know how many lots will be utilized by banks before deciding whether or not to waive the Special Use requirement.

There are a number of issues regarding the P.U.D. Staff has a number of recommendations concerning the conceptual site plan and Preliminary P.U.D. Plat. There are a number of issues and conditions that Staff would like to discuss with the petitioner before the request reaches Village Board level.

Due to the development of the Zaremba property and hospital across the street, utilities have been extended at or near the subject site. The wastewater treatment plant is located to the north of the subject property. A sewer main has been extended along the east side of the parcel and a water main was previously extended along Route 6 to the intersection of Clinton Street, which is now Silver Cross Boulevard. Utilities are available to service the proposed mixed-use commercial development.

A market study is required as part of a preliminary P.U.D. Plat submittal. Due to the current market slowdown and uncertainty of uses, the developer could not produce a market study. When the request reaches the final platting stages and there are final uses proposed, a market study submittal is required to support the uses. To avoid competition and oversaturation of retail with nearby regional malls, there can be limits to the amount of retail in the P.U.D. The developer submitted design guidelines that include a number of recommendations including architecture, landscaping, lighting, traffic, and cross access between properties (shared parking). Staff will continue to work with the developer to make the appropriate modifications and additions to the design guidelines. The result will be that the Village will get many benefits in return for granting a number of deviations to the Village Code.

Silver Cross Boulevard will be dedicated along a portion of the property. The tributary of Spring Creek angling through the property and existing Forest Preserve District property to the north does not allow this road extending north to Bruce Road, as originally recommended by the Comprehensive Plan. Staff has no objection of the roadway terminating within the property. The ultimate road right-of-way would be almost 100 feet wide, but due to nearby pipelines that run north/south along the adjacent site, as well as future right-of-way needed on the adjacent Sproat property, only a portion of this roadway would be built within Spring Creek. The Village Board will review the proposed phased construction of the Silver Cross Boulevard extension.

The subject property, nearby Zaremba site and other nearby properties along U.S. Route 6 comprise a recently formed business district. The district will be responsible for funding the improvements to Route 6, as well as the signal at Silver Cross Boulevard.

All of the interior streets will be private, and not public, as the petitioner previously mentioned. The P.U.D. Plat designates private lots with ingress/egress for these private streets.

There will be a bridge crossing near the central portion of the wetland. The Fire District requires a secondary access since there are a number of restaurants and hotels on the north side of the wetland (creek area). An area along the east side of the property has been designated for a secondary bridge crossing. The petitioner will have to meet with the Army Corps of Engineers to acquire approvals and validate that there will be no impact to the designated jurisdictional wetland.

The two detention areas are amenities, and the Village is looking for active and passive open space for this project that will include items such as trails, benches, etc. There is an opportunity to have a very positive development, implementing a number of best management or green practices such as permeable pavers, bio-swales, etc. These are items the Village will be expecting in return for granting deviations.

The developer did not discuss signage. A highway sign would likely be proposed along the interstate, and it is required to meet the Sign Code, along with any proposed shopping center signage at or near public road entrances to the development. If there are any requested signage deviations, including height or square-footage, the details will need to be submitted now for Staff review.

The property is proposed for C-7 Regional Commercial, and Staff has no objections to the rezoning of the property. For a feasible commercial development, it would be difficult for each lot to meet the C-7 setback requirements, which is 50 feet for the front, side, and rear. The exceptions would apply to the area along Route 6 to create an attractive 50-foot landscaped corridor and along I-355. Along the I-355 ramps, a 30-foot buffer is being proposed, which is adequate for berming and landscaping. The buffer along main private drive leading into the development from Route 6 will be 28 to 30 feet, which is adequate to attractive landscaping. The Silver Cross Boulevard buffer will be 25 feet wide, which also allows for adequate landscaping.

Staff met with the developer to determine the appropriate setbacks for the site, and some setbacks for certain lots are within C-3 District regulations while other setbacks for particular lots exceed those regulations. C-3 District setbacks include a 10-foot side and rear yard setbacks and a 20-foot setback for the front yard. Staff feels that the proposed setbacks would benefit the marketing of the lots and allow for a quality development that would be in the best interest of the Village of New Lenox.

There are also building separation and lot coverage deviations, but as long as Fire District requirements and shared parking arrangements are met, Staff has no objections.

Staff has no objections to the conceptual renderings of the buildings, but there is no actual user or main building to base this review on. Since it is a P.U.D., Staff requires high quality architecture with many unique features, variable roof lines, and a project that is different from other projects in the Village. Staff will need to review all deviations, including the requested deviations that were not in the application, before a Staff endorsement is achieved.

Some buildings, such as the medical office buildings, may not meet the Building Code in regards to materials, and Staff will need to know which buildings require Building Code deviations (i.e., percentage of the building(s) will be precast versus masonry, etc.). Any requested building deviations will need to be resolved before final approval by the Village Board.

The conceptual site plan does not assure adequate parking since the building placements can change and the uses can change. Based on the conceptual plan submitted, the major concern is the shortage of parking for the medical office. There is a feasible opportunity for shared parking between adjoining hotels, restaurants, and retail. If the developer chooses to utilize Urban Land Institute data, Staff will need to review the information regarding hours of operation and peak hours, to support a shared parking plan. At this time, the overall shared parking for medical office and adjoining retail does not meet the Village Code.

A reduced parking stall area is being requested. Village Code requires 180 square feet for a parking stall. Based on the anticipated uses, the developer is proposing a parking stall consisting of 162 square feet, which should suffice unless there is a larger retail store that requires shopping carts and a larger-sized parking stall. It would be very problematic to meet the parking requirements and shared parking arrangements if the stalls remained at 180 square feet.

If Staff would endorse reduced parking and setback deviations, Staff is recommending a number of best management practices. These best management practices include permeable pavers and porous asphalt to be used in certain portions of the parking lots that do not have much traffic, or the on-street parking spaces located at the northwest corner of the property. Bio-swales and native plantings can be used for the areas that abut the creek to enhance the natural area. Staff will work with the developer to incorporate these best management practices.

There are some lots that are subject to future site plan, including the outlots along Route 6. Staff is recommending that a 50-foot setback is required, and some of the future developments should have buildings placed at or near the setback in order to locate the parking at the side or rear of the building. This building placement will be more appealing since passing motorists will view the attractive buildings and landscaping as opposed to just looking at parking lots. Staff will work with the developer to modify the design guidelines to assure that the project exceeds the layout and design of a typical commercial development. A preliminary landscape plan was submitted and Staff and the developer will need to work together to make improvements to the buffer along the interstate and to incorporate appropriate-sized plantings with attractive landscaping.

Preliminary lighting was submitted and Staff recommends more decorative light fixtures than what was proposed. The entire development does not require decorative fixtures, but the street lights along the private drives and/or the main private drive leading to the development from Route 6 and Silver Cross Boulevard could be more attractive.

A phasing plan will need to be submitted and reviewed. Typically, five phases is allowed for a commercial subdivision.

Tentative dates for improvements such as initial grading and earth work have been submitted. The developer would like to begin these initial site improvements this summer. A construction schedule will need to be realistic based on the timing of future approvals and phasing. The developer may have to modify this aggressive schedule.

Other agencies such as the Army Corps of Engineers, IDOT, the Tollway, and the Fire District will need to review this project. The Fire District requires the secondary access since there will be a number of uses of on the north side of the creek.

This is a unique type of P.U.D. and the typical required details have not been submitted for Plan Commission comment.

The Zoning Ordinance has Findings of Fact that must be satisfied in order for Staff and the Plan Commission to recommend approval for the Special Use for a Preliminary P.U.D. Plat. These Findings of Fact can be satisfied, subject to Staff and the developer working on a number of issues, submitting more submitting and further discussion details such as parking, private covenants, building renderings, and Building Code deviations (to be included in final ordinance).

The other reviewing agencies will need to submit their comments, prior to approval.

The Preliminary P.U.D. Plat for Spring Creek attempts to creatively and efficiently utilize the property, which could not occur under the strict application of the C-7 District.

The deviations, with some modifications and discussion of potential of new deviations, will allow for a creative and quality development.

The developer will need to work with IDOT and the Tollway for Route 6 improvements. A traffic signal will be located at Route 6 and Silver Cross Boulevard. A traffic study has been submitted for this project and there are recommendations for improvements for the intersection and the interior private street network. Staff's recommendations for traffic improvements and cross-access can be met.

Pedestrian needs must be accounted for and sidewalks have been noted on the plan. Shared parking seems to work for the majority of the adjoining lots.

Utilities are available. Issues with aesthetics, landscaping, and building renderings will need to be resolved between Staff and the developer. When the uses are determined, the Village needs assurance that the buildings, landscaping, and amenities will be high quality and exceed a typical commercial development.

Due to the mix of uses, it will provide goods and services, employment opportunities and enhance the tax base to the Village of New Lenox.

The Comprehensive Plan recommends both Community Regional Scale Commercial and Office uses, and this development conforms to the recommendation of the Comprehensive Plan of 2009.

Chairman Muehlnickel invited public speakers to comment on the proposed development.

There was no public comment.

Commission Lash commented that due to the economic climate, he feels that the Preliminary P.U.D. Plat proposal is a good way to spark economic growth and development that the community needs. With the reputations of Arete 3 and MCZ Development, he recommends that the issues be worked out with Staff and the Village Board.

Commissioner Boyd added that she agreed with Commissioner Lash and felt that this process may help the developer progress.

Robin Ellis stated that the a major concern is if the public hearing is closed and a recommendation is made, the developer may return with additional deviations that were not specifically presented. If that occurs, it would be necessary for the public hearing to be re-opened and the P.U.D. may have to be amended several times. This occurred with the Walmart/Menards project, which prolonged the approval/development process. It would be in the developer's best interest to submit a plan with more details and all of the deviations to achieve Plan Commission recommendation for a more expedient final approval process.

Chairman Muehlnickel commented that in theory, he was in favor of the conceptual idea, but the actual uses are unknown. Other agencies are involved in the review, while many issues still remain.

Chuck Smith stated that the developer would like to have something in place so that the market can respond quickly. Since Silver Cross Hospital received approval, it initiated interest for the development of Spring Creek to incorporate the medical office buildings.

The developer understands that there are still issues regarding deviations, but would like to get approval from engineering to start moving dirt and working on detention, and still be able to work with Staff regarding the deviations in the interim. There will be a development agreement put in place and the developer will need to abide by the agreement.

Village Engineer Scott Killinger commented regarding permission to move dirt. Engineering has granted permission to clear dirt and grub the site. Scott has discussed utility installment and pushing dirt with the Sewer and Water Committee. The Sewer and Water Committee did not approve the developer to start improvements such as digging ponds, etc., until the Plan Commission and Village Board review the plans. There is no permission at this point to move dirt for significant site improvements. A permit has only been issued to clear and grub the site.

Chairman Muehlnickel asked Chuck Smith for a timeframe for working out some of the outstanding issues.

Chuck Smith replied that the deviations and other issues are common. Signage may be approved through another public hearing, an amendment, or development agreement. The developer has asked to move this project forward to get a plat available to the market place, and would like to proceed to the Village Board in August 2009.

Chuck Smith claimed that they would work as diligently as possible to be prepared by the next meeting.

Robin Ellis stated that there is only one Village Board meeting until the next Plan Commission Meeting of August 4, 2009. If the public hearing is continued to August 4, 2009, the petitioner would be able to be on an August Village Board meeting.

There are matters that the Village does not control. If the Army Corps of Engineers does not confirm that it is not solely the Village's jurisdiction to review, it could cause major changes to the plan. If the public hearing is closed tonight, it would require republishing the public hearing, which would postpone the entire approval process.

Chuck Smith suggested continuing the public hearing to August 4, 2009, with the anticipation of being placed on the August 10, 2009, meeting. The developer will be getting information from the Army Corps of Engineers on Thursday, July 23, 2009, which will declare their position with the jurisdiction.

Chairman Muehlnickel entertained a motion to continue the public hearing to August 4, 2009. Commissioner Byerley made a motion, seconded by Commissioner Lash. Voice vote was taken. Motion carried unanimously.

OLD BUSINESS

None.

NEW BUSINESS

Jeff Smith announced that the August 4, 2009, meeting will include a County Special Use and the continuance of the Spring Creek public hearing.

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ADJOURNMENT

Chairman Muehlnickel entertained a motion to adjourn the meeting at 8:59 p.m. Motion was made by Commissioner Boyd and seconded by Commissioner Kuchler. Voice vote was taken. Motion carried unanimously.

Lorrie M. Sowko – Secretary