

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

Held in the New Lenox Village Hall, 1 Veterans Parkway

Tuesday, October 20, 2009 7:00 p.m.

#09-10-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, with a quorum present.

Chairman Muehlnickel led the Pledge of Allegiance.

ROLL CALL

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

The following were absent: None.

Also present were: 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 SEPTEMBER 1, 2009

Chairman Muehlnickel entertained a motion to approve the minutes of the September 1, 2009, Plan Commission meeting. Commissioner Boyd made a motion, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.

Chairman Muehlnickel invited public speakers for the two public hearings to be sworn in by the Plan Commission Secretary. The speakers stood, raised their right hands, and were sworn in by Secretary Lorrie Sowko.

REQUEST FOR SPECIAL USE FOR P.U.D. (Public Hearing)

Falcon Ridge

75.96-acre property generally located along the north side of Illinois Highway, directly to the west of Nelson Road, extended

John Voss/Eagle Ridge Corporation – 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, October 20, 2009 7:00 p.m.

#09-10-B ZBA

CALL TO ORDER

A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 7:43 p.m., by Chairman Mark Muehlnickel, with a quorum present.

ROLL CALL

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

The following were absent: None.

Also present were: 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 SEPTEMBER 1, 2009

Chairman Muehlnickel entertained a motion to approve the minutes of the September 1, 2009, Zoning Board of Appeals meeting. Commissioner Boyd made a motion, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

Chairman Muehlnickel entertained a motion to adjourn the meeting at 7:44 p.m. Motion was made by Commissioner Byerley, seconded by Commissioner Boyd. Voice vote was taken. Motion carried.

Lorrie M. Sowko – Secretary

Chairman Muehlnickel entertained a motion to open the public hearing at 7:02 p.m. Commissioner Berner made a motion, seconded by Commissioner Moss. Voice vote was taken. Motion carried.

Paul Cantafio of Tech 3 Consulting Group Inc., was available to give a presentation regarding the Special Use for a P.U.D. request for Falcon Ridge subdivision.

Mr. Cantafio explained that these requests pertain to changes made to the original Preliminary Plat that was approved in 1996.

The requests are to revise the minimum side yard setback for interior lots, from 25 feet to 20 feet, which will leave 10 feet from the side of each house to the property line. A second requested deviation will reduce the street corner side setback from 30 feet to 15 feet, and to minimize the front yard setback from 30 feet to 25 feet. The developer would like to move the garage area 5 feet closer towards the street. The Zoning Ordinance requires a centerline radius of 250 feet, and the developer would like a reduction to a 100-foot radius.

The Crystal Springs subdivision had deviations that included 25-foot setbacks to the garages and 15-foot corner side yard setbacks.

The purpose of the requests is to assist the developer with the economic downturn which would allow for more buildable space on the lots and a better variety of homes. It is less expensive to “bump out” the front portion of the houses and build straight across the front of the lots, to have the advantage of moving the garages towards the street by 5 feet, which will create more rear yard area.

Senior Planner Jeff Smith began the Staff Report.

There have been a number of changes to the Preliminary Plat that was approved in 1996 and re-approved in 2000.

There were originally 171 single-family lots proposed, and currently there are 142 lots. The Final Plat for Unit 1 is located on the west end, and 33 single-family lots have been approved by the Village Board, but the plat is not yet recorded. The petitioner is requesting to overlay a P.U.D. to allow for some setback deviations along with other deviations from the Subdivision Code.

There have been a number of improvements and changes to the subdivision regarding stormwater detention and landscaping from the previous plan. Additional right-of-way is being dedicated for Nelson Road and will improve the frontage of Falcon Ridge. There is right-of-way proposed for Illinois Highway.

Staff has no objection to the street curve radius reduction and feels it will have no impact on the aesthetics of the subdivision.

Some of the larger lots require a greater minimum frontage at the building setback line, and the developer cannot abide by that requirement. Staff has no objection to the waiver. In order to comply, the developer would need a building setback of 35 or 40 feet, which would not be feasible for this subdivision.

The side yard setback of 10 feet on each side with a sum total of not less than 20 feet has been approved in other P.U.D. requests, such as Heather Glen and Jacob's Field. The justification is to allow for a larger home with a 3-car garage. The Plan Commission and the Village Board have been supportive of these reductions. Staff feels that the requested reduction should be allowed for the Falcon Ridge subdivision, based on the amenities and the changes to the Preliminary Plat.

Staff is concerned with the setback deviation request for the reduction of the front yard to the garage, which is proposed at 25 feet versus the required 30 feet. The developer compared this request to the setbacks for the Crystal Springs subdivision on the east side of town. There are some unique aspects with Crystal Springs. It is sandwiched between the New Lenox Retail Center with the Target and Lowe's stores to the north. Joliet Highway had to be extended as part of that project. To the south, there is unbuildable area due to floodplain and wetlands. As a result, the subdivision has smaller lots and is closer to the minimum R-2A zoning requirements and has lots closer to the 10,500 square-foot minimum requirement. Since there are smaller lots in the Crystal Springs subdivision due to those features, the Village Board granted the reduced 25-foot front yard setback to the garage.

Staff does not feel that the same situation exists with the Falcon Ridge subdivision that would justify a reduced 25-foot front yard setback to the garage. Staff is concerned that precedence would be set for other similar R-2A subdivisions, if the request was granted.

Another proposed setback reduction is for 19 corner lots of the Falcon Ridge subdivision to permit 15-foot front yard setbacks to the living space on the non-garage, non-driveway street frontage. The requirement is 30 feet, and since the corner lots are larger, Staff feels that the developer can meet the 30-foot front yard setback to the living space, for the corner lots. Staff is concerned about the streetscape appearance if the setbacks are different. The major road leading to the site, Eagle Ridge Drive, has a number of lots that have the 15-foot reduction to living space. Eagle Ridge Drive will eventually continue north through Eagle Ridge Estates and connecting to Haven Avenue. Staff is concerned with precedence as well as streetscape appearance.

Staff supports the Subdivision Code waivers mentioned, and the reduced side yard setback to 10 feet with a sum total of not less than 20 feet. Staff does not support the reduced front yard setback to the garage of 25 feet and the corner side yard to living space of 15 feet. This is noted in Criteria #2 in the Findings of Fact.

The remainder of the Findings of Fact depict how the Planned Unit Development meets the Zoning Ordinance in terms of access, road improvements, detention, landscaping and compliance

with the Comprehensive Plan. The intent is to design attractive homes. Draft covenants have been submitted, and the homes will be larger than required, but there are still concerns with some of the setback deviations.

Staff recommends that the Plan Commission adopt the Findings of Fact for Falcon Ridge of New Lenox, as specified on Pages 11 and 12 of the Staff Report. Staff also recommends approval of the Special Use for the P.U.D. for Falcon Ridge which shall only allow the 10-foot side yard setback reduction and the Subdivision Code waivers mentioned.

The Village Board will discuss deferring water and sewer tap-on fees to the time of building permit, which will be discussed at a future meeting.

Commissioner Kuchler voiced his opinion that he was not in favor of subdivisions receiving approval to reduce setbacks for the purpose of being competitive in the market, and is also not in favor of the plats being changed to reflect the setback reductions after initial approval. He referred to Jacob's Field subdivision as a subdivision that also received reduced setbacks.

Chairman Muehlnickel noted that he was not in favor of reducing the front yard setbacks and the setback reductions proposed for the corner lots. If amenities and/or lower density are offered in the future, Chairman Muehlnickel may be in support of the reduced setbacks for the corner lots.

Planning and Development Administrator Robin Ellis commented that the distinction that separates Jacob's Field and Falcon Ridge from other subdivisions is that both subdivisions had Preliminary Plats that were approved in the mid 1990's. If the developers had their choice, they would have built their homes then, but were deterred by the Village's Facilities Planning Consultant, who recommended that the sewer be re-routed, which resulted in the developers being unable to develop until the Village acquired an easement through property south of Laraway of Road. It took a period of time to get the easements through, and the Village constructed a sanitary sewer lift station on Gougar Road so that Falcon Ridge could be developed.

Staff feels confident recommending approval for the side yard setbacks, in this particular case, due to the history, and feels that it will not set a precedent. When the Heather Glen subdivision requested amending the R-2A District requirements with the Village to adopt the 10-foot side yard setbacks, the Village Board did not support the request.

The developer lost almost 30 lots due to the detention requirements, the delay in time because of the new engineering standards, and the final design of Nelson Road shifting all onto this property. Staff feels that the side yard setback request is feasible. The front yard setbacks and the corner side yard setbacks will disrupt the appearance of the subdivision.

Commissioner Berner questioned the reduction of the number of lots.

Robin Ellis explained that the reduction was due to the Nelson Road shift, and more so, the change that the Village implemented to our stormwater detention requirements. The subdivision could have been developed under the old standards and would have been able to include all 171 lots. Through the engineering design and the discussion with the Village's engineer, the developer complied with the current standards. This resulted in fewer lots being able to be built.

Commissioner Berner is concerned with safety issues of the reduced curve radius. He also requested the distinction between living space and garage space.

Robin Ellis defined that the Zoning Ordinance establishes a flat setback, regardless whether it be a garage or living space. These houses are designed with the garage projecting forward.

Commissioner Kuchler asked if the Fire Department reviewed the turn radius.

Jeff Smith announced that the Fire District and Public Works reviewed the deviation request for the minimized turn radius and neither had an objection. Other subdivisions have been allowed to have 150-foot and 175-foot radii, but not a 100-foot radius, which caused concern. But, both the Fire District and Public Works had no objections.

Chairman Muehlnickel asked if the School Districts had any objections to the radius reduction.

Jeff Smith did not receive any comments from the School Districts.

Commissioner Lash expressed his concerns regarding traffic impact on Gear Drive, if and when the Eagle Ridge development is constructed which will result in Nelson Road being extended.

Paul Cantafio commented that the developer Falcon Ridge is only required to construct Nelson Road from Illinois Highway to the north part of this development, which does not extend to Haven Avenue.

Mr. Cantafio reiterated that the developer is working with a subdivision that was approved in 1996, and the construction was interrupted by the Village's plans. When this development is fully constructed, there will be a third exit called Alabama Drive. It is not feasible to run Nelson Road through to Haven Avenue, based on this small subdivision.

Chairman Muehlnickel asked if a traffic study has been done. He wanted to know if Nelson Road will be extended during an early phase of the Eagle Ridge subdivision.

Robin Ellis stated that the Village Attorney will have to be consulted to determine an answer. The P.U.D. deals with a specific legal description that includes only these specific 76 acres, and does not extend nor include the property to the north. In the past, the Village has mandated off-site road improvements through an Annexation Agreement. This subdivision has an Annexation Agreement that is approximately 14 years old that states that Nelson Road must be built along its frontage, and no further. The Village Attorney will need to be consulted regarding this matter.

Commissioner Boyd commented that the developer should not be imposed upon since the plat was approved in 1996, and they had no control as to when they could develop the site.

Chairman Muehlnickel asked the petitioner when construction will begin.

Paul Cantafio responded that at this point, that is a hard question to answer.

A traffic study was done as part of the Eagle Ridge subdivision, but it was reviewed as a whole, including improvements. When the Eagle Ridge subdivision comes forth, the traffic study will need to be repeated.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:34 p.m. Commissioner Boyd made a motion, seconded by Commissioner Kuchler. Voice vote was taken. Motion carried.

Chairman Muehlnickel entertained a motion to recommend that the Findings of Fact be adopted for Falcon Ridge of New Lenox. Commissioner Kuchler made a motion, seconded by Commissioner Byerley. Roll call vote was taken. Motion carried unanimously.

Chairman Muehlnickel entertained a motion to recommend approval of a Special Use for a P.U.D. for Falcon Ridge of New Lenox to only permit a minimum 10-foot side yard setback, with a sum total of both sides not less than 20 feet, for all 142 single-family lots, as well as the minimum centerline street radii reduction from 250 feet to 100 feet and 150 feet street curves along Tennessee Lane and Carolina Lane. Motion was made by Commissioner Kuchler, seconded by Commissioner Boyd. Roll call vote was taken. Ayes: Commissioners Kuchler, Boyd, Byerley, Moss and Chairman Muehlnickel. Nays: Commissioners Lash and Berner. Motion carried.

TEXT AMENDMENT (Public Hearing)
Cemeteries and Columbariums

Chairman Muehlnickel entertained a motion to open the public hearing at 7:37 p.m. Commissioner Berner made a motion, seconded by Commissioner Boyd. Voice vote was taken. Motion carried.

Robin Ellis stated that the Village received requests from a local church and an existing cemetery that are considering placing columbariums on their property. The columbariums being proposed are hexagonal in shape, house urns, and have plaques that identify the remains placed behind them.

The Zoning Ordinance lists churches as Special Uses in the residential districts. Cemeteries are only listed as Special Uses in the Agricultural District. Maplewood Cemetery came before the Plan Commission and proposed an expansion onto a former residential lot. This was processed as a Special Use in a residential district because it was a quasi-public, not for profit, commercial use and was an expansion of an existing cemetery.

In order to allow for these columbariums on a case-by-case basis, the Village Attorney recommended amending the Zoning Ordinance. The text amendment would list cemeteries and columbariums separately, as eligible Special Uses in all of the residential districts, including the Estate Residence District. By processing them as Special Uses, the Village can review each case for the appropriate location and any conditions that may be needed to ensure that it is compatible with the surrounding areas.

Chairman Muehlnickel asked if the columbariums are free-standing buildings.

Robin Ellis explained that they are not very large, are not free-standing buildings, and can be moved. The hexagon shape is approximately 8 feet on each side. The material is believed to be stone and placed on a concrete base. It would not be considered a building since it is removable, but would require a building permit to insure a stable foundation.

The proposed columbarium for the church can house 72 urns.

Chairman Muehlnickel invited public comment. There were no public speakers for the public hearing.

Chairman Muehlnickel entertained a motion to close the public hearing at 7:41 p.m. Commissioner Boyd made a motion, seconded by Commissioner Moss. Voice vote was taken. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Jeff Smith informed that the next regular scheduled Plan Commission meeting will be November 3, 2009, and will include a discussion pertaining to wind energy systems. The November 17, 2009, meeting will include two public hearings.

ADJOURNMENT

Chairman Muehlnickel entertained a motion to adjourn the meeting at 7:42 p.m. Motion was made by Commissioner Berner and seconded by Commissioner Kuchler. Voice vote was taken. Motion carried unanimously.