



Plan Commission Meeting

February 4, 2016

I. CALL TO ORDER:

Chairman Hammond called the meeting to order at 7:00p.m.

II. PLEDGE OF ALLEGIANCE:

All present gave the pledge of allegiance.

III. ROLL CALL:

Tom Betsinger	Present	John Francis	Present
Tom Yakaitis	Present	Mildred McNeal-James	Present
Patrick Kelsey	Present	Butch Distajo	Present
Mike Hammond	Present		

Also present: Director of Community Development Richard Young; Village Attorney Laura Julien; Village Engineer Tim Paulson; Trustee Theresa Sperling, Executive Director of the Montgomery Economic Development Corporation Charlene Coulombe-Fiore and members of the audience.

IV. APPROVAL OF MINUTES:

MOTION: Motion was made by Commissioner Kelsey to approve the minutes of the January 7, 2016 Plan Commission Meeting. Commissioner Francis seconded the motion. Motion passed 7-0.

Ayes: McNeal-James, Distajo, Betsinger, Yakaitis, Kelsey, Hammond and Francis

Nays: None

V. PUBLIC COMMENT PERIOD:

There were no comments from the public.

VI. ITEMS FOR PLAN COMMISSION ACTION:

- a) **2016-002 Z Public Hearing and Consideration of a Special Use for Outdoor Storage to Include Alternative Surfaces Located at 1065 and 1079 Sard Avenue – JPC Tree Care LLC.**

Senior Planner Chipman gave a brief overview of the history of the property and provided a review of the staff report. The property is currently out of compliance with the previously approved special use. Senior Planner Chipman gave a brief description of the proposed landscape plan, alternative surfaces, concerns regarding drainage, concerns over the possibility of odor being generated, and the proposed height of the storage material. Staff recommended denial of the special use as the site currently has an area on the property that they are allowed to store materials up to ten (10) feet in height.

Engineer Paulson stated that stormwater detention is required for the additional area that is proposed to be graveled.

Attorney Dan Kramer, representing the Petitioner, requested approval of the proposed special use. Attorney Kramer addressed the odor concern stating that there has always been some odor generated from the property dating back to when Aurora Blacktop owned the property, the question is would this use generate additional odor. Attorney Kramer stated that there are other operations nearby that generate odor and it is difficult to pinpoint where the odor is coming from. Attorney Kramer indicated that the current use is much less intense than may other permitted uses in the M-2 General Manufacturing District.

Chairman Hammond opened the public hearing.

Resident Karyn Fox addressed the Plan Commission and expressed concern over the possibility of odor being generated. Resident Fox expressed that the Petitioner has been out of compliance for a long time.

Resident Ronald Fox addressed the Plan Commission and expressed concern over the process beginning in 2013 and the lack of compliance with the current special use.

Local Business Owner Bill Xinos addressed the Plan Commission and requested that in the future, when his similar use comes before the Plan Commission, that the Commission treat him fairly.

Resident Judy Pittard addressed the Plan Commission and expressed concern over the possibility of odor being generated by the use.

Resident Steve Mitchell addressed the Plan Commission and expressed concern over the possibility of odor being generated as tenants of his nearby rental properties have complained about the smell.

Resident Floyd Pittard addressed the Plan Commission stated that Aurora Blacktop was not an issue in the past. Resident Pittard expressed concern regarding the height of the storage material and the affect that the use has on several nearby commercial buildings that he owns.

Chairman Hammond closed the public hearing.

Chairman Hammond read through the findings of fact:

A. *That the establishment, maintenance or operation of the special use will not be detrimental to endanger the public health, safety, comfort or general welfare;*

The proposed amendment to the special use for outdoor storage has the potential to affect the comfort of the public as mulch produces an odor that may be detected at nearby residences.

The proposed alternative surface has the potential to affect the health, safety, comfort or general welfare of the surrounding properties due to the generation of dust and the tracking of debris onto public right-of ways, however, it is staff's opinion that the proposed restrictions and maintenance provisions will adequately mitigate the dust and tracking of debris concerns;

B. *That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish or impair property values within the neighborhood;*

The storage of mulch may create an odor that is offensive to some members of the community potentially affecting the enjoyment of other properties in the vicinity.

C. *That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

The proposed use should not prohibit the use of surrounding property unless the dust, tracking of debris or odor proliferates;

D. *That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;*

The Village Engineer is concerned about the drainage that the proposed special use would alter and is proposing the installation of stormwater detention;

E. *That adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;*

The property provides adequate ingress and egress; and

F. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the Plan Commission.*

All aspects of the proposed development that have been submitted to this point that do not meet the Zoning Ordinance have been discussed in the above report and recommendations have been made accordingly.

Discussion ensued between the commissioners in regards to the compliance of the Petitioner, the previous process and timeline, the potential for odor being generated and the height of the storage material. The discussion resulted in the following motion.

MOTION: Motion was made by Commissioner Betsinger to deny the 2016-002 SU Special Use for Outdoor Storage to Include Alternative Surfaces for JPC Tree Care. Commissioner Yakaitis seconded the motion.
Motion passed 6-1.

Ayes: Betsinger, Yakaitis, Kelsey, Francis, McNeal-James and Distajo

Nays: Hammond

b) 2016-003 SU Public Hearing and Consideration of a Special Use for Outdoor Storage Located at 1400 Bohr Avenue – H. Linden & Sons/Steve Linden.

Senior Planner Chipman introduced the item and provided a review of the staff report. Senior Planner Chipman stated that staff was recommending a new landscape plan and restriping one of the existing parking spaces in order to make it an accessible space.

Attorney Dan Kramer, representing the Petitioner, gave a short presentation and indicated that the Petitioner was agreeable to all of the Village's conditions. Attorney Kramer emphasized that the current landscaping had been negatively affected by the construction and salt used on US Route 30, and indicated that the Petitioner would submit a new landscape plan. Attorney Kramer indicated that in the future the Petitioner would like to annex the neighboring parcel, which the Petitioner owns and is unincorporated, into the Village of Montgomery.

Chairman Hammond opened the public hearing. There were no comment and the hearing was closed.

Chairman Hammond read through the findings of fact:

G. That the establishment, maintenance or operation of the special use will not be detrimental to endanger the public health, safety, comfort or general welfare;

This proposed use should not endanger the public health, safety, comfort or general welfare;

H. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish or impair property values within the neighborhood;

This use should not be injurious or diminish property values;

I. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The proposed use does not prohibit use of surrounding property and is normal and orderly;

J. That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;

Adequate utilities, roads and drainage have been planned for;

K. *That adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;*

Adequate means of ingress and egress have previously been constructed to service the property; and

L. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the Plan Commission.*

All aspects of the proposed development that have been submitted to this point that do not meet the Zoning Ordinance have been discussed in the above report and recommendations have been made accordingly.

Commissioner Betsinger expressed concern that the recommended maximum height was open-ended. Discussion ensued regarding the maximum height of the outdoor storage and a consensus of recommending a maximum height of fifteen (15) feet was reached.

Chairman Hammond informed the Commission that two of the existing buildings on the property were located in the wrong place. The buildings were supposed to be located close to US Route 30, however, they were constructed closer to Bohr Avenue.

MOTION: Motion was made by Commissioner Francis to recommend approval of the special use for outdoor storage to including the conditions that the Petitioner submit a landscape plan to screen the storage area from Route 30 and adding a maximum storage height of fifteen (15) feet. Commissioner Kelsey seconded the motion. Motion passed 5-2.

Ayes: Francis, McNeal-James, Betsinger, Yakaitis and Kelsey,

Nays: Distajo and Hammond

VII. COMMUNITY DEVELOPMENT UPDATE/NEW BUSINESS:

Senior Planner Chipman noted that the South Moon Grand Opening was to be held on February 18, 2016 at noon.

Engineer Paulson distributed a memorandum regarding alternative surfaces. Engineer Paulson gave a brief overview of the report. The report details the Village Engineer's preferred alternative surface and states that recycled asphalt product (RAP) is prohibited as a surface aggregate by the Illinois Environmental Protection Agency.

VIII. NEXT MEETING

March 3, 2016

IX. ADJOURNMENT

Having no further business to discuss, the meeting was adjourned at 8:34 p.m. by Chairman Hammond.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jerad Chipman".

Jerad Chipman, AICP
Senior Planner