



Plan Commission Meeting

September 1, 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	Absent
Tom Yakaitis	Present	Mildred McNeal-James	Absent
Patrick Kelsey	Present	Butch Distajo	Present
Mike Hammond	Present		

Also present: Mayor Matt Brolley; Attorney Laura Julien; Director of Community Development Richard Young; Senior Planner Jerad Chipman; Trustee Denny Lee; Trustee Theresa Sperling; Trustee Marecek; Trustee Jungermann; Village Engineer Tim Paulson; 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 Vice Chair Kelsey to approve the minutes of the August 4, 2016 Plan Commission Meeting. Commissioner Betsinger seconded the motion. Motion passed 4-0.

Ayes: Kelsey, Hammond, Distajo and Betsinger

Abstain: Yakaitis

Nays: None

V. PUBLIC COMMENT PERIOD:

There were no comments from the public.

VI. ITEMS FOR PLAN COMMISSION ACTION:

- a) **2016-022 Z Public Hearing and Consideration of a Text Amendment to Section 9 of the Zoning Ordinance Regarding Firearm Uses – Petitioner BJ's Shooting, LLC.**

Commissioner Distajo excused himself from items 2016-022 Z Public Hearing and Consideration of a Text Amendment to Section 9 of the Zoning Ordinance Regarding

Firearm Uses – Petitioner BJ’s Shooting, LLC. and 2016-023 SU Public Hearing and Consideration of a Special Use for a Firearm Use Located at 1840 Douglas Road - Petitioner BJ’s Shooting, LLC. due to a conflict of interest.

Senior Planner Jerad Chipman briefly discussed the Petitioners’ interest in opening a shooting range with gun sales within the Settlers Landing shopping center. Currently the Zoning Ordinance prohibits firearm uses in the B-2 District, and permits firearm uses as special uses in the M-1 and M-2 Districts. Because of the noise concerns, Chipman felt that the proposed use would not be cohesive in the Village’s primary business district.

Petition Bhairvi Brown addressed the noise concerns and is currently working with an architect and construction company to attenuate the sound on the inside of the building.

Chairman Hammond inquired if concrete barriers will be placed in front of the building.

Ms. Brown replied that barriers could be placed with the landlord’s permission.

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

Kelsey and Yakaitis expressed their opinion that shooting ranges belong in the Manufacturing district.

MOTION: Motion was made by Commissioner Yakaitis to recommend denial of 2016-022 Z Public Hearing and Consideration of a Text Amendment to Section 9 of the Zoning Ordinance Regarding Firearm Uses – Petitioner BJ’s Shooting, LLC. Vice-Chair Kelsey seconded the motion. Motion passed 3-1.

Ayes: Yakaitis, Kelsey and Betsinger

Nays: Hammond

b) 2016-023 SU Public Hearing and Consideration of a Special Use for a Firearm Use Located at 1840 Douglas Road – Petitioner BJ’s Shooting, LLC.

Senior Planner Chipman addressed that the Comprehensive Plan discusses the need to protect any unsuited uses with adjacent commercial businesses and residential homes. The proposed use may be incompatible due to the possible noise nuisance. Furthermore, the plan addresses the need to diversify and entice customers from the surrounding area and modernize the Douglas Road corridor, which the proposed use may accomplish.

Chairman Hammond opened the public hearing.

Owners Jim Lekatsos and Chris Kouros of Planet Fitness which is located in the Settlers Landing shopping center stated their mission is to provide a non-intimidating work out environment. They feel the shooting range would be a detriment to their business. Most members are woman and this may adversely affect the ability to maintain their memberships.

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;*

This use has the potential to be detrimental to the comfort and general welfare of the Village due to the potential noise nuisances;

- 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;*

This use may be injurious the neighboring tenants and property owners especially due to the fact that the use is proposed to be located between two existing businesses. If the use occupied a single tenant building it may be less injurious to its neighbors;

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

- D. *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;

- 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.

MOTION: Motion was made by Vice-Chair Kelsey to recommend denial of 2016-023 SU Public Hearing and Consideration of a Special Use for a Firearm Use Located at 1840 Douglas Road – Petitioner BJ's Shooting, LLC. Yakaitis seconded the motion. Motion passed 3-1.

Ayes: Kelsey, Betsinger and Yakaitis

Nays: Hammond

c) 2016-024 SU Public Hearing and Consideration of an Amendment to a Special Use to Expand the Number of Drive-Through and Outdoor Café Uses Located on Parcel Index Number 03-02-201-046 in the Ogden Hill Commercial Subdivision – Petitioner Inland National Development Corporation.

Commissioner Distajo returned and Vice-Chair Kelsey excused himself from this item.

Chipman clarified the Petitioner has revised the previously approved plan for a single drive-through and outdoor café, and is requesting approval to include a second drive-through, outdoor café and increase the size of the building to 8,100 square feet. All two-way drive aisles are required to be twenty-four (24) feet wide. The proposed drive aisle on the northeast side of the building is indicated to be twenty (20) feet wide. The prior stated drive aisle will required to be a one-way drive aisle. Stacking for the additional drive through is limited and staff recommends that a sign be added in the southern parking lot landscape island to mitigate the rotation of traffic and direct customers.

Village Engineer Tim Paulson reviewed the engineer plans and addressed altering the north side of the drive aisle to a one-way at the twenty (20) feet width.

Petitioner Charles Hanlon with WBK Engineering representing Inland National Development Corporation addressed concerns raised in regards to number of parking spaces, stacking, drive aisles and traffic flow.

A lengthy discussion in regards to site circulation ensued among the Commission.

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

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;*

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

- 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;*

This use should not be injurious or diminish property values;

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

- D. *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;

- 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.

The Petitioner is willing to will work with staff to address all concerns and come to a conclusion.

MOTION: Motion was made by Commissioner Distajo for approval of the special use for a second drive-through and outdoor café at the proposed multi-tenant building pending the plan revisions addressing the issues raised in the engineering and staff reports as well as the concerns and issues brought up in regards to the one way drive through secondary lane and the entrance to the southwest being an exit only and modifying the landscape island to allow for more stacking to the location of the ordering porter. Commissioner Yakaitis seconded the motion. Motion passed 4-0.

Ayes: Distajo, Betsinger, Yakaitis and Hammond

Nays: None

- d) 2016-025 Z Public Hearing and Consideration of a Text Amendment to Section 12 of the Zoning Ordinance Regarding Signs.**

Vice Chairman Kelsey entered back to the Village Board room.

Chipman requested the public hearing and consideration of a text amendment to Section 12 of the zoning ordinance regarding signs be continued due to an upcoming educational opportunity to hear more about signage requirements.

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

2016-025 Z Public Hearing and Consideration of a Text Amendment to Section 12 of the Zoning Ordinance regarding signs will be continued until October 6, 2016 Plan Commission meeting.

VII. COMMUNITY DEVELOPMENT UPDATE/NEW BUSINESS:

No updates to discuss.

VII. NEXT MEETING

October 6, 2016

VII. ADJOURNMENT

Having no further business to discuss, the meeting was adjourned at 7:54 p.m. by Chairman Hammond.

Respectfully submitted,

A handwritten signature in black ink that reads "Tola Coffey". The signature is written in a cursive style with a large initial "T" and "C".

Tola Coffey
Administrative Assistant