



VILLAGE OF MONTGOMERY

Plan Commission Meeting Minutes

April 5, 2018 7:00 P.M.

Village Hall Board Room

200 N. River Street, Montgomery, IL 60538

I. Call to Order

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

II. Pledge of Allegiance

All present gave the pledge of allegiance.

III. Roll Call

Absent: Ryan Anderson.

Present: Tom Bestinger, Tom Yakaitis, Patrick Kelsey, Mike Hammond, and Mildred McNeal-James.

Also Present: Village Attorney Laura Julien, Senior Planner Jerad Chipman, Village Engineer Tim Paulson, Executive Director of the Montgomery Economic Development Corporation Charlene Coulombe-Fiore, Village Trustees Theresa Sperling, Denny Lee and Steve Jungerman and members of the audience.

IV. Approval of the Minutes of March 1, 2018

Motion: Motion was made by Commissioner Yakaitis to approve the minutes of 3/1/18.

Commissioner McNeal-James seconded the motion. Motion passed 4-0.

Ayes: McNeal-James, Yakaitis, Hammond, Betsinger

Abstain: Kelsey

Nays: None

Senior planner Chipman addressed the commission, stating that two (2) agenda items had been withdrawn by the petitioner, items E and F.

V. Public Comment Period- There were no comments from the public.

VI. Items for Plan Commission Action

- a. 2018-004 SU Final Plan of a Special Use for a Planned Unit Development for an Apartment Complex Located in the Ogden Hill Subdivision – S.R. Jacobson and Edward Rose & Sons.

Senior planner Chipman presented the final plan review for the proposed apartment complex. Staff had reviewed the more detailed plans, which included landscape and signage. Staff reports included any deviations or encroachments where they existed. The engineering report was also received along with landscaping, which is acceptable and is being followed up on by staff. The photometric plan has a few locations that are below standard, however given the residential nature of the development, staff felt the lighting was adequate for safety. Staff is also working with the Park District to position a park near the site.

Engineer Paulsen stated that they had reviewed the plans twice and all engineering concerns had been solved. The storm water and drainage plans are accepted.

The petitioner took the floor and elaborated on their final plans and reported that they hope to have construction plans into the Village next week. He stated they hoped to move forward and begin construction in June.

Chairman Hammond opened the Public Comment Period, there were no comments from the public.

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.

Commissioner Betsinger inquired how density impacts this item, in relation to item G, appearing on the same agenda. Senior Planner Chipman clarified that the 15 units per acre density that was being proposed by Victorian Gardens would not impact the item in question because it is under a separate annexation agreement.

Motion: Motion was made by Commissioner Kelsey to approve 2018-004 SU Final Plan of a Special Use for a Planned Unit Development for an Apartment Complex Located in the Ogden Hill Subdivision – S.R. Jacobson and Edward Rose & Sons. Commissioner McNeal-James seconded the motion. Motion passed 5-0

Ayes: Betsinger, Yakaitis, Kelsey, Hammond, McNeal-James

Nays: None

- b. 2018-006 Z Public Hearing and Consideration of a Rezoning from R-3 Traditional Neighborhood Residence District to the B-2 General Retail Business District Located at 1460 SE River Road – The Fitzpatrick Group

Senior Planner Chipman gave a summary of the proposed rezoning of the old police station along with a history of the site and neighboring parcels. Chipman explained that the previous use by the police department and park district was allowed in the residential zone because there is no governmental zoning district. These governmental entities exist in various zones such as the Village Hall in the (Mixed Use) Mill District, the police department in a residential area and the public works facility in a manufacturing zone. Chipman also summarized that the proposed new B-2 zoning would allow greater flexibility for the owner. And that staff recommends approval.

The petitioner came forward and addressed the commission in asking their approval for the new zoning, stating they were unaware of the residential zoning when they purchased the property. The petitioner reported that they felt the site would be best suited with the B-2 zoning to accommodate medical offices, given the layout of the building.

Commissioner Mc Neal-James asked the petitioner what other business might occupy the space. The petitioner replied that due to the amount of concrete and difficulties with the space, a medical office or other such office would be ideal. Commissioner McNeal-James replied that they seem to be aware of the challenges. The petitioner stated that anything unusual such as adult uses or a currency exchange would have to go through more process before they could occupy the space.

Senior Planner Chipman summarized the options for the sites, confirming special use requirements, allowable and disallowed uses in B-2. Village attorney Julien corroborated that any allowable used for B-2 would be allowed at the site.

Chairman Hammond opened the public hearing, there were no comments from the public.

Chairman Hammond read through the findings of fact:

Staff has provided findings of fact following the standards for the Plan Commissioner's consideration.

A. Existing uses of the property within the general area of the property in question.

The surrounding uses of the property vary greatly. On the North sides of the property there are commercial parcels. To the west are parks and open space including the Fox River. To the South and East there are single-family homes.

Location	Adjacent Land Use	Adjacent Zoning
North	Commercial	B-3 and B-1
East	Residential	R-3
South	Residential	R-3
West	Open Space/Fox River	R-3

B. The zoning classification of the property within the general area of the property in question.

The zoning distinctions for neighboring properties can be found in the table located in Finding A above. This property is a continuation of a small commercial cluster centered on the corner of Mill Street and SE River Road also known as IL Route 25.

C. The suitability of the property in question to the uses permitted under the existing zoning classification.

It would be challenging to utilize the current building within the current R-3 Traditional Neighborhood Residence District zoning as the R-3 zoning allows principle residential and a few other uses within the special use distinction. The building is larger than a single-family structure and currently contains a number of office spaces.

Rezoning the property to B-2 General Retail Business District would allow the property to be utilized for a variety of different business and commercial uses. Outdoor uses and certain other uses would still be subject to special use approval.

D. The trend of development, if any, in the general area of the property in question.

The trend of development in this area has been to maintain neighborhood residential and to improve the commercial parcels located in close proximity. The redevelopment of Riverview Restaurant is an example of redevelopment that has taken place in the vicinity and that is cognizant of the surrounding uses. The reuse or redevelopment of the former police facility would be in keeping with the modernization of the commercial properties in the area.

E. Projected use of the property, as indicated in the Comprehensive Plan.

The Comprehensive Plan indicates this parcel be utilized as institutional. The parcel has been utilized as a police facility by the Village and subsequently by the Fox Valley Park District since its construction. Since the property had always been utilized by a governmental entity, the Comprehensive Plan did not contemplate the possibility of the Fox

Valley Park District determining that the property was surplus and unnecessary for their operations. The property has since been sold and the new owners are proposing that the property be utilized for commercial purposes. Staff is supportive of the rezoning and the non-conformity to the Comprehensive Plan in light of the Fox Valley Park District's decision to no longer utilize the facility and to rezone the property to allow for limited business uses.

The Plan Commission should discuss each of these criteria and make findings of fact as to whether the proposed use meets the criteria.

Commissioner Yakaitis inquired as to the difference between the B-1 and B-2 zoning districts. Senior Planner Chipman replied that B-1 is more restrictive being in neighborhoods, B-2 was more flexible in its uses and B-3 was a transition towards manufacturing.

Commissioner Kelsey stated that the concrete apron in front of the building appeared to go all the way to the lot line, and inquired as to the setbacks on the property. Chipman responded that there are 10 foot front yard setbacks, to which this is conforming. The rear, if approved as B-2, would become legal non-conforming.

Commissioner Betsinger questioned if the neighbors had been informed of the proposed change in zoning. Senior Planner Chipman replied that they had, he had spoken with a couple of neighbors as well.

Commissioner Yakaitis inquired if the Park district had discussed the sale of the property with the Village prior to its sale, which they had not.

Motion: Commissioner Betsinger made a motion to approve 2018-006 Z Public Hearing and Consideration of a Rezoning from R-3 Traditional Neighborhood Residence District to the B-2 General Retail Business District Located at 1460 SE River Road – The Fitzpatrick Group, with Commissioners Kelsey's amendment that if the building be demolished there would be a substantial reconstruction. Commissioner Kelsey seconded, the motion carried 3-2.

Ayes: Betsinger, Kelsey, and Hammond

Nays: Yakaitis and McNeal-James

- c. 2018-007 A and Z Public Hearing and Consideration of an Annexation Located at 1625 and 1696 Jericho Road – Aurora University.

Senior Planner Chipman gave an overview of the item, pointing out the location of the three parcels proposed to be annexed. The properties are at the frontage of their other property which has been under development as a sports center. The University already owns all of the parcels in question.

Village Engineer Tim Paulsen spoke briefly that there was an old boundary agreement that may be renewed, at which time the boundaries or annexations concerning the street may change.

The petitioner came forward and presented the progress they have made at their sports center with various fields and detention areas. He explained that the University acquired this land as part of long term plan to incorporate it into their sports center and makes a habit to position themselves advantageously ahead of planning or even funding long term projects. He stated that their present goal was to annex the properties and acquire the special use allowance for this site.

Chairman Hammond opened the public hearing.

Ron Linstrom of 1140 Lindenwood Dr came forward to voice his concerns with the flow of water. While he appreciates AU as neighbors, he expressed his desire for the new area of proposed annexation to remain open space for drainage instead of pavement. Linstrom stated the water in the second pond breached its banks in a storm last fall and no longer moves to the south as it had prior to the development. He also inquired as to the recent activity he observed of the movement of dirt.

With no further comments Chairman Hammond closed the public hearing.

Senior Planner Chipman addressed the commission to report that upon completion of phase one of the development in the sports complex, engineers surveyed the land and found that one of the detention areas was built a little less than what was drawn, but still more than what existed previously.

The petitioner stated that the detention area is per the specs required for a 100 year event. They restored one and a half times what was removed. He elaborated that the east side of the basin was a little off and that they have had contractors and surveyors working meet the requirements.

Engineer Paulsen reported that a new As-Built survey will be necessary to verify the corrections and measurements. Paulsen continued that a survey will also be needed to determine if flow has been altered.

Commissioner McNeal-James inquired if expansion of the site would have a negative impact like what was seen last fall with the flooding. Engineer Paulsen stated there would be more detention for future plans. While this would improve the situation, larger events may still produce flooding.

Commissioner Betsinger questioned what steps the Village might be able to take to ensure that everything is built correctly the first time. The petitioner replied that the storage requirement had been met, and the basin held more than flat ground would have held.

Commissioner McNeal-James asked the petitioner how long it would be before the site was compliant, to which he replied, it should be as of today. They had contractors working already.

Motion: Commissioner Kelsey made a motion to approve 2018-007 A and Z Public Hearing and Consideration of an Annexation Located at 1625 and 1696 Jericho Road – Aurora University, Commissioner McNeal-James seconded, the motion carried 5-0.

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

Nays: None

- d. 2018-008 SU Public Hearing and Consideration of an Amendment to a Special Use for a Planned Unit Development Located at 1625 Jericho Road, 1696 Jericho Road, 1700 Jericho Road, 1726 Jericho Road and 1750 Jericho Road – Aurora University.

Senior Planner Chipman introduced the item at hand, explained that the proposition was for addition of the parcels to the existing PUD, and was not a text amendment at that time.

The petitioner addressed the commission and gave details that the homeowners had approached the University in the sale of their homes. The petitioner explained that it is the practice of the University to strategically position itself in property acquisition far ahead of project development and funding. He stated that they are prepared to meet all storm water requirements.

Chairman Hammond opened the public hearing.

Emily Sharp of 1145 Lindenwood Dr came forward to state that although her property is not within the flood plain, she still experienced flooding during the fall of 2017.

Carla Jeeter of 1190 Lindenwood Dr spoke in opposition to further development due to the problems she experienced with flood waters. Jeeter cited the ditches surrounding the area being problematic during rainfalls and feels the problem had gotten worse more recently. Jeeter also pointed out that at the time she purchased the property, it was not considered within flood plain, and now it is.

Ron Linstrom of 1140 Lindenwood Dr addressed the commission in stating that the water appears to just sit, instead of flowing as it used to into ditches. He stated they had received help from their township, but not from a neighboring tree farm to remedy the situation. Linstrom stated that he appreciated that the University admitted that they didn't comply.

Mike Murphy of 1660 Jericho Rd came forward to inquire as the expected demolition date for the homes on the parcels.

Having no further comments, Chairman Hammond closed the public hearing.

The petitioner returned to address a few comments heard from the public and stated that one of homes had been leased back and would be demolished immediately following the lease ending date and vacancy. The other home in question already had bids out for services to demolish.

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 addition of the recently acquired parcels 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;

Provisions found within the existing PUD are intended to mitigate impacts on the neighboring property owners, therefore, the proposed 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 have been established as a part of Phase I of the development. Additional utilities will be planned and installed for future phases of development.

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 Village of Montgomery, the Petitioner and the City of Aurora are pursuing access improvements that will result in adequate ingress and egress.

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.

Commissioner McNeal James spoke about the challenges facing the site and its proposed development. McNeal-James felt the University was positive for all, simply was in an area with a history of flooding. She felt there should be an ongoing conversation about the floodplain, and remain aware of it without stopping development.

Commissioner Betsinger stated that he felt phase two should be looked at more closely regarding storm water, a point to which commissioner McNeal-James agreed.

Motion: Commissioner Kelsey made a motion to approve 2018-008 SU Public Hearing and Consideration of an Amendment to a Special Use for a Planned Unit Development Located at 1625 Jericho Road, 1696 Jericho Road, 1700 Jericho Road, 1726 Jericho Road and 1750 Jericho Road – Aurora University., Commissioner Betsinger seconded, the motion carried 5-0.

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

Nays: None

- e. 2018-009 SU Public Hearing and Consideration of an Amendment to a Special Use for a Planned Unit Development to allow for a Second Motor Vehicle Service Located in the Orchard Crossing Subdivision – Christian Brothers Automotive Corporation.

This item was withdrawn by the petitioner

- f. 2018-010 SU Public Hearing and Consideration of a Special Use for a Motor Vehicle Service Located in the Orchard Crossing Subdivision – Christian Brothers Automotive Corporation.

This item was withdrawn by the petitioner

- g. 2018-005 Z Public Hearing and Consideration of a Text Amendment to Section 8.08 of the Zoning Ordinance Regarding Density – Staff and Avi Zamir on behalf of Victorian Apartments.

Senior Planner Chipman gave an explanation on the item, stating that the petitioner requested a Text Amendment to the Zoning Ordinance to allow for greater density within the R-6 Multiple Family Residence District. The Zoning Ordinance allows for a maximum of twelve (12) dwelling units per gross acre. The Petitioner currently exceeds the maximum allowable density within their complex, which is a legal non-conforming use since the density regulations have changed since the time of the construction of Victorian Apartments.

The surrounding area is split between higher and lower density allowances and a more comprehensive look will be obtained along with the upcoming CMAP study.

Chairman Hammond opened the public hearing, there were no comments.

Commissioner Kelsey suggested the commission consider tabling the item until such time more data is available with a more regional perspective.

Commissioner Betsinger and Yakaitis both spoke in opposition to the item.

Motion: Commissioner Yakaitis made a motion to deny 2018-005 Z Public Hearing and Consideration of a Text Amendment to Section 8.08 of the Zoning Ordinance Regarding Density – Staff and Avi Zamir on behalf of Victorian Apartments, Commissioner Kelsey seconded, the motion carried 5-0.

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

Nays: None

- h. 2018-011 Z Public Hearing and Consideration of a Text Amendment to the Zoning Ordinance Regarding Beekeeping – Staff.

Senior Planner Chipman presented the item, stating that there would be only a hearing at this time.

Chairman Hammond opened the public hearing, there were no comments.

VII. Community Development Update/New Business

Senior Planner Chipman announced to the commission that the Buddig Company is nearing its occupancy permits and that 2 new businesses near village hall are also expected to open in the coming weeks.

VIII. Next Meeting: May 3, 2018

IX. Adjournment

Having no further business to discuss, the meeting was adjourned at 8:31 PM by Chairman Hammond.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Chris Wagner", written over a horizontal line.

Chris Wagner, Plan Commission Secretary