



**Planning and Zoning Commission Minutes
Thursday, April 7, 2022
7:00 PM, Village Hall Board Room
200 N. River Street, Montgomery, IL, 60538**

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- I. Call to Order- Vice Chairman Kelsey called the meeting to order at 7:00 pm
 - II. Pledge of Allegiance- All present gave the Pledge of Allegiance.
 - III. Roll Call

Absent: Mike Hammond

Present: Marion Bond, Tom Yakaitis, Patrick Kelsey, Ben Brzoska, Mildred McNeal-James and Joe Yen

Also present: Village Attorney Laura Julien, Director of Community Development Sonya Abt, Village Engineer Pete Wallers (arrived late), Trustee Dan Gier, Trustee Doug Marecek and members of the audience.

Director Abt introduced the new Planner, Zach Ewoldt.

- IV. Approval of the Minutes of the Planning and Zoning Commission Meeting of March 3, 2022.

Motion: Motion was made by Commissioner Bond to approve the minutes of the Planning and Zoning Commission Meeting of March 3, 2022. Commissioner Brzoska Seconded the motion.

Ayes: Bond, Brzoska, and Yen.

Nays: None

Abstain: Yakaitis, Kelsey, McNeal-James

Motion carried.

- V. Public Comment Period- There were no comments from the public.
- VI. Items for Planning and Zoning Commission Action
 - a. 2021-024 Special Use – Duplex for the property located at the southeast corner of Railroad Street and Clinton Street – *Solomon Strickland*
 - i. Public Hearing and Consideration of a special use for a duplex in the MD District

Director Abt advised the Petitioner is on the Zoom.

Director Abt introduced the item and stated that the Petitioner is requesting approval of a special use for a residential duplex on the vacant lot located at the southeast corner of Railroad Street and Clinton Street (“Property”). The Petitioner plans to build one 2-story duplex on the property. A duplex is classified as a Special Use in the MD Zoning District. The proposed duplex meets the bulk standards. The Petitioner has provided grading plans for review. Final approval of grading plans will be a condition of approval.

Additionally, the Petitioner is requesting parking and driveway variations for the duplex which will be discussed under the separate public hearing.

Director Abt stated that if the commission recommends approval certain conditions should be applied that are outlined in the Staff Report.

Vice Chairman Kelsey opened the public hearing.

Tia Dady, 33 Ashland Ave.

Ms. Dady stated she owns property on Clinton and expressed concern whether the tree being saved would allow the garage and parking area to fit. She asked if this had been verified.

Director Abt stated that there was room.

Solomon Strickland, Petitioner

Mr. Strickland stated he was trying to be consistent with area while also trying to keep out of the setback with the garage and parking location.

There were no further comments from the public and the hearing was closed.

Vice Chairman Kelsey opened the floor to questions or comments from the Commissioners.

Commissioner Yen questioned what the parking pads would consist of. Director Abt stated they would be concrete however the Village Engineer has recommended permeable pavers as an option to help them meet stormwater requirements.

Commissioner McNeal-James questioned what the permeable paving would be. Director Abt said permeable pavers would be similar to what is front of Village Hall. But there are other options they could consider.

Vice Chairman Kelsey read through the findings of fact.

The proposed special use will not endanger the health, safety, comfort, convenience, and general welfare of the public.

The proposed duplex use will not negatively affect the health, safety, comfort, convenience, or general welfare of the surrounding properties.

That the special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

The proposed duplex use is surrounded by residential uses on four sides and is compatible with adjacent Mill District uses.

The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the propose special use.

The proposed use does not prohibit the use or orderly development of surrounding property.

The proposed duplex special use will not require utilities, access roads, drainage and/or other facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

Adequate utilities and access are available. Best Management Practices will be required to provide adequate drainage for this property.

The proposed special use is consistent with the intent of the Comprehensive Plan, this Ordinance and the other land use policies of the Village.

The proposed duplex use is consistent with the Comprehensive Plan land use designation of Downtown Mixed Use and is consistent with the intent of the UDO.

Motion: Motion was made by Commissioner Bond to approve the special use for a duplex in the MD (Mill District) for PZC 2021-024 Railroad Street Duplex at the southeast corner of Railroad Street and Clinton Street to allow a duplex to be built on the vacant lot with the following conditions:

- Village Staff approval of a building permit.
- Village Engineer approval of the grading plan.
- The public sidewalk must be extended along Railroad Street frontage.
- Approval of the parking and driveway variations.

Commissioner Yakaitis seconded the motion.

Ayes: Bond, Yakaitis, Kelsey, Brzoska, McNeal - James and Yen.

Nays: None

Abstain: None

Motion carried.

- b. 2022-006 Parking and Driveway Variations for the property located at the southeast corner of Railroad Street and Clinton Street – *Solomon Strickland*
- i. Public Hearing and Consideration of the following variations from the Unified Development Ordinance:
- 1) Section 10.02.C (Parking Standards) to allow two of the required enclosed parking spaces to not be enclosed
 - 2) Section 10.06.C (Driveway Width) to allow the driveway width to exceed the maximum 20 ft. at the property line
 - 3) Section 10.06.G (Residential Driveways) to allow a parking pad that exceeds the width of the garage to allow for the additional two uncovered parking spaces

Director Abt stated the Petitioner is requesting parking and driveway variations for the duplex. The Unified Development Ordinance requires 3 parking spaces per dwelling unit, two of which are required to be enclosed. The Petitioner is requesting a variation from this requirement to only provide 1 enclosed parking space per unit. The remaining 4 uncovered spaces will require variations from the driveway width requirement as well as the parking pad limitations to allow for the additional parking areas. The driveway will be accessed from the public alley located on the east side of the Property.

The Petitioner is proposing to provide a two-car garage with the remaining 4 parking spaces on the driveway and parking pads on the north and south sides of the driveway. A variation from Section 10.02.C (Parking Standards) is required to allow only 2 enclosed parking spaces.

The driveway will be approximately 43.5 ft wide at the property line. The width includes the main section leading to the garage as well as 9 ft. “parking pads” located on either side of the main driveway. A variation

from Section 10.06.C (Driveway Width) which limits driveway width to 20 ft. for a duplex, is required.

The additional 9 ft. wide parking pads located on either side of the driveway to the garage exceed the width of the garage. Section 10.06.G (Residential Driveways) allows parking pads; however, they cannot exceed the width of the garage. The proposed garage is approximately 25 ft. wide, while the parking pad area is 43.5 ft. wide. A variation from Section 10.06.G (Residential Driveways) is required.

Vice-Chairman Kelsey opened the public hearing. *There were no comments from the public.*

Vice-Chairman Kelsey opened the floor to questions or comments from the Commissioners.

Commissioner McNeal James noted that there are benefits to saving trees.

Vice-Chairman Kelsey read through the findings of fact for item 1.

The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Petitioner: It is the Petitioner's opinion that the proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public. The required number of parking spaces is still being provided.

Staff Comments: Staff agrees with the Petitioner.

The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

Petitioner: It is the Petitioner's opinion that duplex with the proposed garage and driveway are compatible with the character of adjacent properties. The driveway and parking are accessed from the alley and do not face Clinton Street. The proposed driveway/parking will be setback approximately 20 ft. from Clinton Street.

Staff Comments: Staff agrees with the Petitioner.

The proposed variation alleviates an undue hardship created by the literal enforcement of the UDO.

Petitioner: It is the Petitioner's opinion that the proposed variation would alleviate undue hardship created by the UDO.

Staff Comments: It is Staff's opinion that the UDO is written to limit residential parking to be provided primarily in enclosed garages and limit driveway width so that parking lots are not created in residential front yards.

The proposed variation is necessary due to the unique physical attributes of the Property, which were not deliberately created by the applicant.

Petitioner: It is the Petitioner's opinion that the proposed variation is necessary due to the existing conditions of the Property, including it being a corner lot and the existing tree located at the northeast corner of the Property.

Staff Comments: It is Staff's opinion that the corner lot, existing tree and the access to an alley impact the ability to meet the UDO's requirements.

The proposed variation represents the minimum deviation from the regulations of the UDO necessary to accomplish the desired improvement of the Property.

Petitioner: It is the Petitioner's belief that the variation represents the minimum deviation from the regulation of the UDO while providing the required number of parking spaces.

Staff Comments: Staff agrees with the Petitioner.

The proposed variation is consistent with the intent of the Comprehensive Plan, the UDO, and the other land use policies of the Village.

Petitioner: It is the Petitioner's belief that the variation is consistent with the intent of the Comprehensive Plan and the UDO.

Staff Comments: It is staff's opinion that the proposed parking for the duplex is consistent with the intent of the Comprehensive Plan and the UDO.

Vice-Chairman Kelsey read through the findings of fact for item 2.

The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Petitioner: It is the Petitioner's opinion that the proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public. The driveway and parking will be accessed from the public alley and will be setback from Clinton Street.

Staff Comments: Staff agrees with the Petitioner.

The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

Petitioner: It is the Petitioner's opinion that duplex with the proposed garage and driveway are compatible with the character of adjacent properties. The driveway and parking are accessed from the alley and do not face Clinton Street. The proposed driveway/parking will be setback approximately 20 ft. from Clinton Street.

Staff Comments: Staff agrees with the Petitioner.

The proposed variation alleviates an undue hardship created by the literal enforcement of the UDO.

Petitioner: It is the Petitioner's opinion that the proposed variation would alleviate undue hardship created by the UDO.

Staff Comments: It is Staff's opinion that the UDO is written to limit residential parking to be provided primarily in enclosed garages and limit driveway width so that parking lots are not created in residential front yards.

The proposed variation is necessary due to the unique physical attributes of the Property, which were not deliberately created by the Petitioner.

Petitioner: It is the Petitioner's opinion that the proposed variation is necessary due to the existing conditions of the Property, including it being a corner lot and the existing tree located at the northeast corner of the Property.

Staff Comments: It is Staff's opinion that the corner lot, existing tree and the access to an alley impact the ability to meet the UDO's requirements.

The proposed variation represents the minimum deviation from the regulations of the UDO necessary to accomplish the desired improvement of the Property.

Petitioner: It is the Petitioner's belief that the variation represents the minimum deviation from the regulation of the UDO while providing the required number of parking spaces.

Staff Comments: Staff agrees with the Petitioner. The proposed garage is 25 ft. wide and the proposed parking pads are approximately 9 ft. wide each.

The proposed variation is consistent with the intent of the Comprehensive Plan, the UDO, and the other land use policies of the Village.

Petitioner: It is the Petitioner's belief that the variation is consistent with the intent of the Comprehensive Plan and the UDO.

Staff Comments: It is staff's opinion that the proposed parking for the duplex is consistent with the intent of the Comprehensive Plan and the UDO.

Vice-Chairman Kelsey read through the findings of fact for item 3.

The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Petitioner: It is the Petitioner's opinion that the proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public. The driveway and parking will be accessed from the public alley and will be setback from Clinton Street.

Staff Comments: Staff agrees with the Petitioner.

The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

Petitioner: It is the Petitioner's opinion that duplex with the proposed garage and driveway are compatible with the character of adjacent properties. The driveway and parking are accessed from the alley and do not face Clinton Street. The proposed driveway/parking will be setback approximately 20 ft. from Clinton Street.

Staff Comments: Staff agrees with the Petitioner.

The proposed variation alleviates an undue hardship created by the literal enforcement of the UDO.

Petitioner: It is the Petitioner's opinion that the proposed variation would alleviate undue hardship or practical difficulty created by the UDO.

Staff Comments: It is Staff's opinion that the UDO is written to limit residential parking to be provided primarily in enclosed garages and limit driveway width so that parking lots are not created in residential front yards.

The proposed variation is necessary due to the unique physical attributes of the Property, which were not deliberately created by the Petitioner.

Petitioner: It is the Petitioner's opinion that the proposed variation is necessary due to the existing conditions of the Property not deliberately created by the Petitioner, including it being a corner lot and the existing tree located at the northeast corner of the Property.

Staff Comments: It is Staff's opinion that the corner lot, existing tree and the access to an alley impact the ability to meet the UDO's requirements.

The proposed variation represents the minimum deviation from the regulations of the UDO necessary to accomplish the desired improvement of the Property.

Petitioner: It is the Petitioner's belief that the variation represents the minimum deviation from the regulation of the UDO while providing the required number of parking spaces.

Staff Comments: A standard parking space is 9 ft. wide. The proposed parking pads are approximately 9 ft. wide.

The proposed variation is consistent with the intent of the Comprehensive Plan, the UDO, and the other land use policies of the Village.

Petitioner: It is the Petitioner's belief that the variation is consistent with the intent of the Comprehensive Plan and the UDO.

Staff Comments: It is staff's opinion that the proposed parking for the duplex is consistent with the intent of the Comprehensive Plan and the UDO.

Motion: Motion was made by Commissioner Yakaitis to approve parking and driveway variations from the following sections of the Montgomery Unified Development Ordinance: Section 10.02.C (Parking Standards),

Section 10.06.C (Driveway Width) and Section 10.06.G (Residential Driveways) for PZC 2022-0006 Railroad Street Duplex Variations at the southeast corner of Railroad Street and Clinton, with the following conditions:

- Village Staff approval of a building permit.
- Village Engineer approval of the grading plan.

Commissioner Brzoska Seconded the motion.

Ayes: Bond, Yakaitis, Kelsey, Brzoska, McNeal - James and Yen.

Nays: None

Abstain: None

Motion carried.

- c. 2022-004 Special Use and Variance Requests for the southeast corner of Rochester Drive and Gusto Drive – *Trans Lines*
- i. Public Hearing and Consideration of a special use to allow outdoor storage

Director Abt introduced the item and stated that the Petitioner is proposing to build a 20,250 sq. ft. warehouse and distribution facility on the 15-acre parcel located at the end of Rochester Drive. The proposed facility includes utilizing a portion of the Property for the storage of semi-tractor trucks and trailers, therefore, a special use for outdoor storage is required. The proposed new building includes 4 loading docks, two drive-through maintenance bays and an office area for Trans Lines, Inc. The Property is accessed by a driveway from Rochester Drive. Currently Rochester Drive dead ends at the Buddig entrance. Accordingly, this development will need to complete the cul-de-sac and dedicate the right-of-way. The access drive's curb cut will be located at the south side of the cul-de-sac.

The visitor parking lot is located on the north side of the building, while the parking for the trailers is located on the east and south sides of the building.

The proposed outdoor storage area will be enclosed with a chain link fence with slatting to provide for the solid fence screening as required by the UDO. The UDO allows chain link fencing with slatting as part of a special use for outdoor storage. The site plan complies with the minimum setback requirements for the M-1 Zoning District, including the 30 ft. minimum setback adjacent to residential districts. The parking/storage area will be 50 ft. setback from the east property line.

The proposed new building will require several variations from the Unified Development Ordinance which will be discussed in a separate hearing after this one.

The Petitioners were sworn in and asked to present their plan.

John Swierk, DDCA Architects

Mr. Swierk went over the site plan, the operations and the outdoor storage area for the storage of trailers and tractors. He noted this was similar to the property to the west, however they have a much higher volume than this user. He noted there will be only 15-20 truck trips per day.

Vice-Chairman Kelsey open the public hearing

Sarah Kemerly, 1051 Johnston Drive

Ms. Kemerly expressed concerns about the look of this use. She also asked if FEMA was involved and if an Environmental impact statement had been provided. She also asked why so many truck parking spaces were being provided if only 15-20 trips per day were estimated. She also expressed concerns that this use may contaminate their well water.

Thomas Slamans, 1061 Johnston Drive

Mr. Slamans expressed concerns about flooding, noise levels, 24 hours operations, lighting and well contamination. He also asked if there would be a concrete barrier or wall to reduce the noise and light from the use.

Martin Jacyno, 1237 Johnston Drive B

Mr. Jacyno brought a letter outlining his concerns and a plan suggesting how some issues could be addressed (These were entered into the record as Exhibit A). Mr. Jacyno noted that Yellow Freight noise is already loud, lighting already creates bad glare in his home. He also expressed concern about well water and soil contamination with this use. He expressed concern that this use would negatively impact his property values. He also asked if it was possible for the Village to limit the number of trips or the hours of operation. He asked if hazardous materials would be stored in the trailers. He suggested more berming so that it continues along the detention area and suggested the berm be increased in height, perhaps including a concrete wall.

Rita Hefke, 1060 Johnston Drive

Ms. Hefke noted that the area had previously been hard hit by flooding and she had concerns about drainage. She also expressed concern about light and noise, noting it is already loud from Yellow Freight and asked if there will be a sound barrier. She also had concerns about well contamination.

Frances Rios, 1121 Johnston Drive

Ms. Rios also expressed concerns about flooding. She asked if trucks will travel on Johnston Drive. She also asked how water retention was being handled.

Mike Waseel, 1133 Johnston Drive

Mr. Waseel also expressed concerns of flooding in the backyard. He asked if there would be an increase in the retention area.

Terri Thelman, 1130 Johnston Drive

Ms. Thelman stated she had many of same concerns as her other neighbors. She had concerns about toxicity and pollutants. She added that there would be traffic impact at Jericho and Orchard.

Vice-Chairman Kelsey asked the Petitioner to respond to the questions and concerns expressed by the neighbors, but to direct those answers to the Commission.

Architect John Swierk responded. He noted that the retention area was calculated to include the development of this lot and the wetlands. He stated they are willing to work to help with flooding in the area.

Mr. Swierk stated that there would be no backup chimes on trucks, that the lighting drops-off before berm per the Village's Ordinance and the lights are directed down. He also stated that this is not a 24/7 operation.

Trans Lines, Inc. Owner, Andrius Petkunas, shared what Trans Lines does. He stated they are an OTR (over the road) carrier whereas YRC (the user to the west) is a last mile delivery carrier so they have a much higher volume of traffic. Trans Lines trucks, as an OTR carrier, are primarily all on road, so there is less traffic. Most of the vehicle trips are from bringing in the freight from their customers. He noted they are a dry freight carrier so there are no hazardous materials. His clients include Samsung and Chicago Wire. He also noted that with the Federal Emissions regulations these trucks have very little emissions. The tractors will be parked on the north side, Tractors with trailers on west and south sides. Only trailers will be parked on the east side. Drivers that are waiting for trailer can wait inside, they will not be idling waiting for their trailer or their freight. He also stated that their trucks do not have back up noises. He shared that his fleet is 2018 and newer and they will have maintenance bays primarily for trailers. He stated their office hours are 7AM - 4PM, although some trucks come in after hours. He also addressed the amount of trailer parking, stating that the industry standard is that every truck requires trailers, therefore they are providing twice as much parking for trailers.

Vice-Chairman Kelsey asked the Village Engineer to address stormwater and drainage issues for this site.

Village Engineer Wallers stated that the existing basin was designed to meet Kane County standards which included a zero release. He also noted that

the basin was designed for not only the impervious surface area for this site but also the volume of the onsite depressional areas found on this property.

Vice-Chairman Kelsey asked about the swale on Johnston and if there was an outlet.

Engineer Wallers stated that the proposed storm connection will help and that is planned to go in soon, once the Village has an easement to connect to the existing detention.

Vice Chairman Kelsey closed public hearing.

Vice Chairman Kelsey opened for commissioner comments

Commissioner Yakaitis asked about afterhours restrictions, with drivers arriving in the evenings or weekends.

Mr. Petkunas stated it is rare to have afterhours arrivals, but typically they happen Friday evening or Saturday morning when they do happen.

Commissioner McNeal - James stated she did not feel prepared to vote on this item as there were too many unknowns. Commissioner Yakaitis agreed.

Commissioner Bond asked Engineer Wallers what the difference between detention vs retention was and which this stormwater basin was.

Engineer Wallers - stated that a retention area holds water all the time, while a detention area is dry until the rain event. He noted that this stormwater basin is a detention basin.

Commissioner Brzoska asked if a berm would impact detention. Engineer Wallers said the impact is nominal except they must be careful around the adjacent detention area to allow for needed outfall.

Commissioner Yen asked if there was any way to prevent hazardous materials in the future. Director Abt stated the ordinance does not prohibit the storage of hazardous materials but any storage of such materials would need to adhere to EPA standards and regulations.

Mike Pisano, Petitioner's Attorney stated they were ok with conditions on their approvals in order to keep the process moving.

The Commissioners discussed and the consensus was they needed additional information before they felt comfortable to vote on this item.

Director Abt asked for a list of additional information the Commission wanted before the next meeting. The Commissioners asked for:

- EEI report on stormwater for this property
- Effect of berming with landscaping on stormwater
- Impact of berming with landscaping on noise and light spillage.
- Extension of berm to the north as far as possible without impacting stormwater detention area to help screen development from the neighbors.
- Impact of this development on well water and potential for contamination
- Provide an aerial view location map for the property and surrounding area.
- Consideration of installing a sound wall along the east property line to reduce noise.

Motion: Motion was made by Commissioner Brzoska to table the discussion for PZC 2022-004 Special Use for outdoor storage to May 5, 2022. Commissioner McNeal – James Seconded the motion.

Ayes: Bond, Yakaitis, Kelsey, Brzoska, McNeal - James and Yen.

Nays: None

Abstain: None

Motion carried.

ii. ***Public Hearing and Consideration of the following variations from the Unified Development Ordinance:***

- 1) Section 8.20.B.2 (Building Façade Materials) to allow a new industrial building with more than the maximum 25% metal siding
- 2) Section 10.04.A.3 (Parking Design Standards) to allow for semi -truck trailer parking smaller than the required 12 ft. by 60 ft. minimum
- 3) Section 11.07 (Screening Requirements) to not provide the required minimum landscape screening along the north, west and south property lines

Vice-Chairman Kelsey opened the public hearing.

Motion: Motion was made by Commissioner Yakaitis to continue the public hearing for PZC 2022-004 Variations to May 5, 2022.

Commissioner Brzoska Seconded the motion.

Ayes: Bond, Yakaitis, Kelsey, Brzoska, McNeal - James and Yen.

Nays: None

Abstain: None

Motion carried.

d. 2022-005 Special Use Request for 1970 Caterpillar Drive – *World of Weed*

- i. Public Hearing and Consideration of a special use for a cannabis dispensary

Director Abt introduced the item and stated the Petitioner is requesting approval of a special use for a cannabis dispensary at 1970 Caterpillar Dr (the former BMO Harris Bank). Cannabis dispensaries are classified as a Special Use in the B-2 Zoning District.

The Petitioner is not proposing any modifications to the parking lot or access and no significant modifications the exterior of the building are planned. The dispensary will be open to the public from 9 AM - 10 PM Monday - Thursday, 8 AM - 10 PM Friday and Saturday and 9 AM - 7 PM on Sunday.

The subject property is zoned B-2 Regional Business District. A cannabis dispensary requires a special use in the B-2 Zoning District.

The Unified Development Ordinance 9.02.B.4 has additional standards for cannabis uses:

- **Minimum Spacing.** A cannabis craft grower, cannabis dispensary, cannabis cultivation center, cannabis infuser, or cannabis transporter must not be located within 500 feet of a lot zoned or used for residential purposes, or any residential care facility, day care center, day care home, school, college, university, or park.
- **On-Site Consumption.** Cannabis products must not be consumed on site.
- **Security.** The site design of the establishment must incorporate adequate security measures, such as exterior lighting, surveillance cameras, and/or fencing.

The proposed use at 1970 Caterpillar Dr. meets the minimum spacing requirements, with no residential, educational, daycare or park uses located within 500 ft. of the building. The Petitioner also states they will not permit on-site consumption of their products. The site has adequate exterior lighting and both interior and exterior security cameras will be placed around the building.

Director Abt also noted that the UDO requires a minimum of 19 parking spaces (max 28). The existing site has 24 parking spaces including two (2) handicap accessible. The UDO also requires two (2) bicycle parking spaces for this use. These spaces will need to be provided.

Director Abt also explained that the Fire District had reviewed the proposal and requested that no parking or storage of combustible materials be allowed under the drive-thru canopy because it was not sprinkled.

Director Abt stated that Staff Recommends approval of PZC 2022-005 Special Use for Cannabis Dispensary 1970 Caterpillar Dr. with certain conditions. These conditions include:

- There shall be no parking or standing vehicles located underneath the canopy.
- There shall be no storage of materials underneath canopy.
- Two (2) bicycle parking spaces will be provided.

Vice-Chairman Kelsey invited the Petitioner to give their presentation.

Petitioner, Greg Elliott, Petitioner's attorney, Andrew Scott and Petitioner's security consultant, Ed Farrell were introduced and sworn in.

Mr. Scott explained that banks are attractive sites due to their existing infrastructure. He noted that there would be limited signage and no product would be visible from outside. He also explained that all the changes to the site would be interior.

The dispensary would have 25-35 employees with approximately 10-12 employees on site per day.

He further explained their products as well as the state requirements, which require everything to be prepackaged and sold in sealed bags. He also noted that they have a no loitering policy. This dispensary will not be a medical dispensary, it is strictly recreational.

Mr. Farrell, Silverstar Protection, went over his background as a retired US Marshall and his specialization in cannabis security. His business serves five states and 100 businesses. He stated the security plan for this dispensary not only meets but exceeds state requirements. They will also provide police department with their security plan for review and comment. The site's security plan includes surveillance, silent alarms, motion detectors, distress buttons, shatterproof windows and battery backups in the event of power loss.

He also explained the extensive and ongoing training that all employees will be required to complete and discussed the different zones/areas of the store and the access to those areas this includes the public access to the building where individuals are screened (must be 21 years and older); limited access where only state police, employees and purchasers are allowed and restricted access where only authorized personnel are allowed and the cash and product are stored.

The Petitioners also addressed traffic impact and high demand days. Stating that earlier reports when dispensaries were first opening there was

high demand but very few (55) locations statewide, therefore there were long lines. Now that more dispensaries (over 100) have opened, those types of situations are less common.

Vice-Chairman Kelsey opened the public hearing.

There were no comments from the public and the hearing was closed.

Vice Chairman Kelsey opened the floor to questions or comments from the Commissioners.

Commissioner Bond asked about the Fire District concerns and if there will be something to prevent people from driving-thru previous bank drive thru. Commissioner Yen asked if they could block the area off, otherwise what is preventing individuals from driving or parking in the previous drive thru. Mr. Scott stated they could cone off drive-thru area if needed or it became an issue. Vice Commissioner Kelsey suggested that perhaps on high volume days that might be helpful. He noted that they will be able to manage those situations by with more employees and more security

Commissioner McNeal-James noted that if there is video of both the outside and inside they would be able to see/monitor if there was parking in the area of drive-thru. Mr. Scott agreed.

Commissioner Yen asked how deliveries are handled. Mr. Farrell stated that they are made by nondescript vehicles (small trucks/vans) and that deliveries must be randomized by state law. He also noted that there are two employees assigned to each delivery vehicle.

There were no further questions or comments from the Commission.

Vice Chairman Kelsey read through the findings of fact.

The proposed special use will not endanger the health, safety, comfort, convenience, and general welfare of the public.

The proposed cannabis dispensary use will not negatively affect the health, safety, comfort, convenience, or general welfare of the surrounding properties.

That the special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

The cannabis dispensary use is located within an existing commercial property and is compatible with adjacent uses. The use

meets the additional standards set forth in the UDO for cannabis related uses.

The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.

The proposed use does not prohibit the use or orderly development of surrounding property.

The proposed cannabis dispensary special use will not require utilities, access roads, drainage and/or other facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

Adequate utilities, roads and drainage have been planned for. The property provides adequate ingress and egress using connections established on the adjacent lots for the existing development.

The proposed special use is consistent with the intent of the Comprehensive Plan, this Ordinance and the other land use policies of the Village.

The cannabis dispensary use is consistent with the Comprehensive Plan land use designation of Downtown Mixed Use and is consistent with the intent of this Ordinance.

Motion: Motion was made by Commissioner Yakaitis to approve PZC 2022-005 a special use for a cannabis dispensary at 1970 Caterpillar Dr, with the following conditions:

- There shall be no parking or standing vehicles located underneath the canopy.
- There shall be no storage of materials underneath canopy.
- Two (2) bicycle parking spaces will be provided.

Commissioner Brzoska Seconded the motion.

Ayes: Bond, Yakaitis, Kelsey, Brzoska, McNeal - James and Yen.

Nays: None

Abstain: None

Motion carried.

Note: The agenda items will be forwarded to the Village Board Meeting on Monday, April 11, 2022.

VII. Community Development Update/New Business

Director Abt informed the Commissioners that the variations for the signs from last month's meeting were approved by the Village Board. She also noted that there would be a meeting next month.

VIII. Next Meeting: May 5, 2022

IX. Adjournment: With no further business, Vice-Chairman Kelsey adjourned the meeting at 10:17 PM.

Respectfully Submitted,

Jill Hoover

Secretary

I am not asking for the project to be disapproved. I would prefer not to have a freight terminal abutting my property, but I understand that the adjacent lot will be developed with an M-1 approved use. I am not looking to unnecessarily raise costs for TransLines. I am asking for mitigation of impact of the new development and protection against potential future costs of work done that benefits others and imposes costs on me and my neighbors. **Please note that residential neighborhood predates the M-1 and M-2 zoning designation of the land to the West and South and this should weigh to some degree on how much is required to mitigate the newer development impacts on the previously established neighborhood.**

Relief from the façade, site density and landscaping / screening should be focused on mitigating the impact to the residential area.

Staff Questions:

1. The proposed variation will not endanger the **health, safety, comfort**, convenience, and **general welfare of the public**.
 - a. Property Values
 - b. Enjoyment of Property
 - c. Noise
 - d. Light
 - e. Water
2. **The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.**
3. The proposed variation alleviates an undue hardship created by the literal enforcement of this Ordinance.
4. The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.
5. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.
6. The proposed variation is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

Stakeholders:

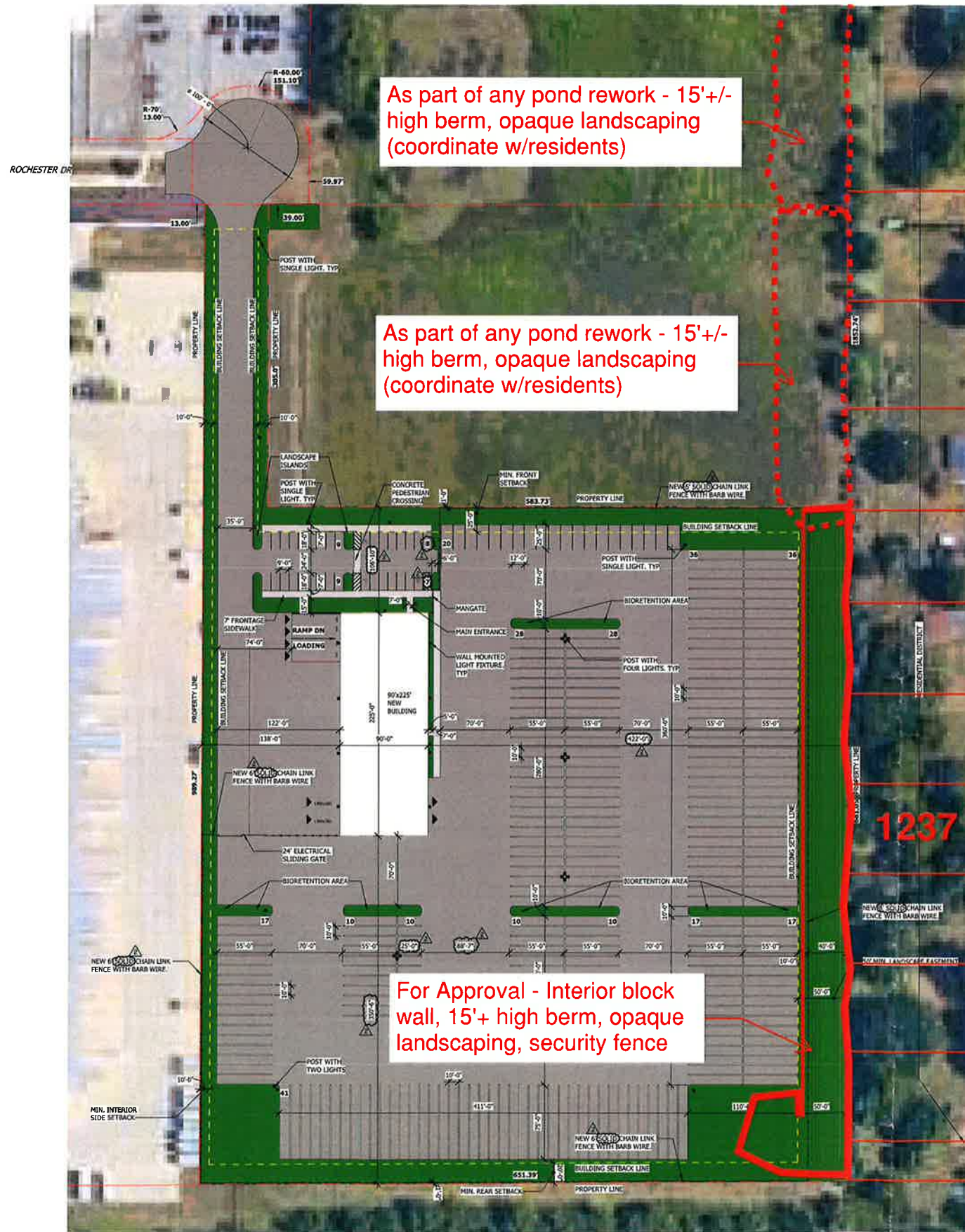
1. **TransLines – Benefit due to income but can limit impact on adjacent residential**
2. **VOM – Benefit due to increased tax base but can limit impact on adjacent residential**
3. **Adjacent residential – Only costs and risks**
4. County – Benefit due to increased tax base
5. Township – Benefit due to increased tax base
6. State – Benefit due to increased tax base

Issues:

1. Decrease in property value
 - a. Trailers and security fence topped with barbed wire abutting yard
2. Quality of life / enjoyment of property
 - a. Visual, noise and light pollution
3. Health impacts
 - a. Sleep
 - b. Anxiety
 - c. Water?
 - d. Air?
4. Noise
 - a. 24/7 operations
 - b. Back up alarms
 - c. Impact noise
 - d. Idling
 - e. Vibration/Low Frequency Noise
 - f. Staff
5. Light Pollution
 - a. Glare
 - b. High nighttime ambient light levels
6. Water Quality (Residential area depends on well water)??
 - a. Snow melt salt into ground water
 - b. Bio swales – oil and chemicals into ground water
 - c. Hazardous materials in trailers?
 - d. If ground water becomes contaminated residential area will have no water
7. Air Quality??
 - a. Dust

Mitigation:

1. Decrease in property value
 - a. Berm with landscaping and sound wall
2. Quality of life / enjoyment of property
 - a. Berm with landscaping and sound wall
3. Health impacts – see following items
4. Noise
 - a. *Is the 15-20 vehicle trip count a hard limit?*
 - b. *How much internal traffic will there be?*
 - c. Limit hours of operation to typical daytime hours (7 to 9?)
 - d. Use of alternate back up alarms (white noise, spotters)
 - e. Prohibit nighttime trailer dropping
 - f. Prohibit nighttime idling
5. Light Pollution
 - a. Provide cut offs
 - b. Reduce pole heights
 - c. Dim or shut off lights after working hours (assuming limited nighttime operations)
 - d. Reduce light levels to dark sky standards (especially at east property line)
 - e. Landscape screening (opaque evergreen tree planting)
6. Water Quality (Residential area depends on well water)??
 - a. Verify soil profile to assess risk of contaminating adjacent residential ground water (EEI to verify?)
 - b. Monitor potential hazardous materials that may be stored onsite?
 - c. Monitor ground water?
 - d. Is there any VOM plan/insurance to mitigate ground water contamination from a spill or oil from the adjacent site or the M-1 and M-2 areas generally?
7. Air Quality??
 - a. Assume hard pavement?
8. **Process to resolve potential future issues**



1 PROPOSED SITE PLAN
1" = 50'-0"



VILLAGE OF MONTGOMERY ZONING REQUIREMENTS

BUILDING TOTAL (GFA)GROSS FLOOR AREA = 20,250
ZONING - M1 LIGHT MANUFACTURING DISTRICT
 MIN LOT AREA - N/A
 MIN LOT WIDTH - 100FT
 ACTUAL LOT WIDTH - 651FT
 LOT AREA - 462905.00 SF (10.626 ACRES)
 BUILDING AREA - 20,250 SF
 MAXIMUM IMPERVIOUS COVERAGE - 80% - 370,324 SF
 ACTUAL IMPERVIOUS COVERAGE - 77.6% - 359,271 SF
SETBACK REQUIREMENTS:
 MIN FRONT SETBACK - 25FT
 MINIMUM CORNER SIDE SETBACK - 25FT
 MINIMUM INTERIOR SIDE SETBACK - 10FT
 MINIMUM REAR SETBACK - 20FT
 MINIMUM SETBACK ADJACENT TO RESIDENTIAL DISTRICT - 30FT

TRUCK / TRAILER PARKING:

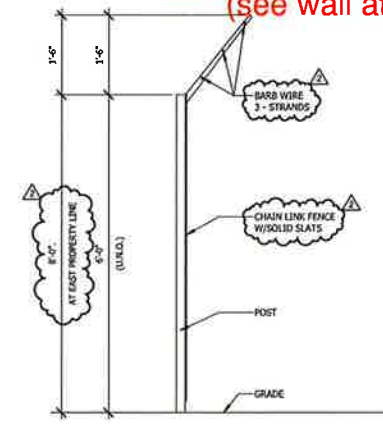
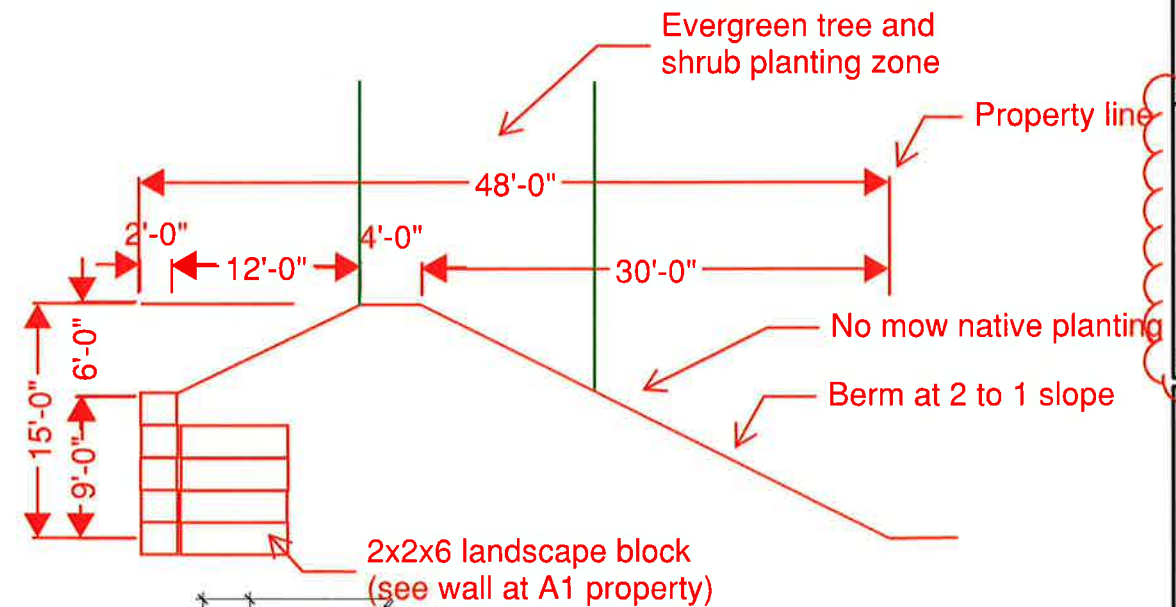
BOBTAIL + TRAILER STALLS (10' x 75') 41
TRAILER STALLS (10' x 55') 219
BOBTAIL STALLS (12' X 25') 30
TOTAL TRUCK STALLS: 280

Note:
 Berm as shown has a 386 SF soil cross section and at 681LF would require 262,866 CF (9736CY) equal to 9" of stripped actual impervious area. Incorporating existing berm will significantly reduce this volume.

PARKING STATISTICS

USE	BUILDING AREA	REQUIRED PARKING STALLS		REQUIRED PARKING STALLS	
		MIN	MAX	MIN	MAX
WAREHOUSE, STORAGE, OFFICE.	20,250 S.F.	.5x1000	6x1000	11	122

Note:
 Extend berm into yards to reduce slope and provide more natural contours w/ consent of residents



Notes:

1. Set wall in 2' from setback line for trailer clearance
2. Use landscape block for wall. Blocks east /west to retain earth.
3. **Use onsite soil from building excavation & site stripping**
3. Maintain 15' height from higher side
4. Maintenance access from Ashland
5. Extend berm to north with any required stormwater facility work

2 CHAIN LINK FENCE SECTION
3/4" = 1'-0"

NEW FACILITY
VILLAGE OF MONTGOMERY

2022.01.07 PRELIMINARY SITE DESIGN
 2022.02.03 SITE/PHOTOMETRIC AND COLOR ELEM.
 2022.03.18 SITE PLAN REVISIONS PER VILLAGE COMMENTS
 2022.03.30 REVISED PER VILLAGE COMMENTS

1237 Rochester Drive, Ashland, WI
 Project Owner: Village of Montgomery
 P-15-44-004

DDCA architects
 Direct Design Ltd.
 Carroll Associates

PROJECT NO. Project Number
 PROJECT MGR. Checker
 PRELIMINARY SITE PLAN

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