

MINUTES OF A REGULAR MEETING OF THE
VILLAGE OF NEW LENOX PLAN COMMISSION
Held in the New Lenox Village Hall, 1 Veterans Parkway
Tuesday, November 17, 2020 7:00 p.m.

#20-11-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 Vice-Chairman Andrew Hawkins.

Mr. Hawkins led the assembly in the Pledge of Allegiance.

ROLL CALL

Upon roll call, the following were present: Vice-Chairman Andrew Hawkins, Commissioners Jason Raidbard, Rob Moss, Theresa Berkey (via speaker phone) and Matthew Blackburn.

The following were absent: Chairman Mark Muehlnickel and Rebecca Dalseth.

Vice-Chairman Hawkins announced there was a quorum present for this meeting.

Also in attendance were Senior Planner Jeff Smith, Planner Jenni Neubauer and Senior Administrative Secretary Lisa Martin.

REQUEST FOR APPROVAL OF MINUTES OF A REGULAR PLAN COMMISSION MEETING OF OCTOBER 20, 2020

A motion was made by Mr. Moss and seconded by Mr. Raidbard to approve the October 20, 2020 minutes as presented.

Upon Roll Call, the vote was:

AYES: - Commissioners Moss, Raidbard, Blackburn, Berkey and Vice-Chairman Hawkins

NAYS: - None.

Motion carried.

REQUEST FOR APPROVAL OF ANNEXATION AND REZONING TO C-3 GENERAL BUSINESS DISTRICT

(Public Hearing)

An approximate 3.1-acre property located on the southeast corner of U.S. Route 30 and Walona Avenue and commonly known as 700 East Lincoln Highway
Leonard McEnery – Petitioner

**REQUEST FOR APPROVAL OF REZONING FROM C-1 NEIGHBORHOOD
SHOPPING DISTRICT TO C-3 GENERAL BUSINESS DISTRICT
(Public Hearing)**

**An approximate 1.007-acre property located on the southeast corner of U.S. Route 30 and Walona Avenue and commonly known as 698 East Lincoln Highway
Leonard McEnery – Petitioner**

At this time, Vice-Chairman Hawkins explained the public hearing process to those in attendance.

The Recording Clerk swore in those in attendance and intending to speak at the public hearing.

Vice-Chairman Hawkins asked if proof of notice had been received, and Staff replied affirmatively.

A motion was made by Mr. Blackburn and seconded by Mr. Moss to open the public hearing at 7:02 p.m.

Upon Roll Call, the vote was:

AYES: - Commissioners Raidbard, Moss, Blackburn, Berkey, and Vice-Chairman Hawkins

NAYS: - None.

Motion carried.

Mr. Lyman Tieman came before the Plan Commission and briefly explained that they would like to annex two of the properties and rezone all three of the properties to the C-3 General Business District to allow for the development of the site as a gas station, convenience store and car wash.

He advised that the westernmost parcel is in the Village and is zoned C-1 Neighborhood Shopping District under the Village Zoning Ordinance, with the center and eastern parcels being within unincorporated Will County and zoned as C-1 Local Commercial under the Will County Zoning Ordinance.

He explained the different zoning for the properties surrounding the site, and disclosed that there are land uses to the north along Route 30 that are currently in the C-3 classification.

Mr. Hawkins asked staff for their comments.

Senior Planner Jeff Smith started by saying that he was going to combine the two agenda items as they are related.

He exhibited several pictures of the 4-acre site, as well as several properties surrounding the site, and explained that the center and eastern parcels proposed to be annexed are contiguous to the Village's corporate limits, and would allow for a commercial redevelopment on this property. Utilities are feasible to service a commercial redevelopment on the property.

He advised that the pending Annexation Agreement would have to address the necessary roadway improvements to Walona Avenue so as to transition it from a rural to an urban road cross-section. Any proposed improvements for access from Route 30 must to be submitted to IDOT for review and approval.

Mr. Smith said that Parcels 1 and 3 would represent a logical extension of the Village's corporate limits, and Staff does recommend approval of the annexation, subject to working through the Annexation Agreement with the Village Board.

Mr. Smith explained that the second request on the agenda is to rezone the two parcels that will be annexed to the C-3 General Business District as well as to rezone the parcel at the immediate corner from C-1 Neighborhood Shopping District to the C-3 District.

He said the Village's Comprehensive Plan recommends Commercial Flex which would allow for a variety of commercial uses such as retail, office, restaurant, as well as the proposed gas station and car wash. Staff feels that based on the frontage along U.S. Route 30, the C-3 District would be an appropriate zoning as it would also comply with the Comprehensive Plan while still being compatible with other commercial zoning districts along U.S. Route 30. Therefore, Staff recommends approval of the rezoning to the C-3 District for all three parcels.

He then displayed pictures of the proposed concept plan which showed the location of the gas pumps, the convenience store which included a drive-thru restaurant component, the diesel pumps and drive-thru car wash. Prior to construction, he explained that the development proposal would have to go through a detailed site plan review process which would include the final engineering, landscaping, storm water calculations, lighting / photometrics, as well as building elevations for all buildings. These plans would first be reviewed by Staff and then go to the Village Board for final approval.

He also revealed that because of the residential to the south, the petitioner would have to provide stringent screening and buffering, as well as install a storm water detention facility.

He reminded everyone that this public hearing was only to decide on whether the two properties should be annexed into the Village and, if annexed, should they be rezoned to the C-3 District, as well as rezoning the property that is already in the Village from C-1 to C-3. Staff does recommend approval and is looking for Plan Commission comments and recommendation.

Mr. Hawkins read aloud two emails voicing concerns that were received which are attached to these minutes.

Ms. Betty Riemer of 945 Winter Park in New Lenox, owns 127 Walona Avenue and echoed the concerns in both of the emails. She also commented that there is already a flooding issue with her property at 127 Walona Avenue, as well as the property next door, and because of it, the property has become unsellable. She said they get approximately three to four feet of water when it rains because there is not enough capacity to hold the water. She explained that the property was once an old farm and sometimes the drainage tiles do not work. She worries how this project will affect the area.

She mentioned that there are a lot of kids in this area. There are no sidewalks available for them to play on and they have problems with speeding cars when there are ball games.

Mr. Adam Fifer of 126 Tonell Avenue in New Lenox explained that he is in the construction industry and is familiar with such projects. He is concerned with the gas that spills onto the pavement and then runs off the property. He said when it rains that gas will then runoff and eventually work its way into their private wells. He worries about his kids drinking that water for the years to come and what kinds of health problems it can cause down the road. He is hoping that everyone considers their water source when making their decision.

He is also worried about the increased traffic.

Ms. Kate Holycross of 689 Charlotte Court in New Lenox said this project would be directly in their backyard. She also shares concerns of their well water and is also worried about the lighting, the noise and has concerns of the safety of the small children that live in that neighborhood. She also wanted to know if it was going to be a 24-hour facility and what kind of problems it could bring.

Mr. Colby McKay of 691 Charlotte Court in New Lenox is concerned for the safety of the children with the extra traffic coming onto Walona Avenue and is also worried about the water runoff. He does not understand why they would put this project right by a residential neighborhood.

Ms. Katie Chamberlain of 682 Charlotte in New Lenox explained that her house is located on the corner of Charlotte Court and Walona Avenue. She said even though this would not be directly in her backyard, she agrees with all of the comments of the residents and highly agrees with the first email that was read.

She detailed the kids in each house and worried for their safety, and also explained the issues they could have with getting the kids to sleep with the 24-hour lighting. She said the kids play on the street because there are no sidewalks, and she does not feel safe with her kids playing in the front of the house with diesel trucks traveling along Walona Avenue and turning around in the park because they went too far. She said there are enough people that turn-around in that park as it is. She thinks adding a stop light at Walona Avenue and Route 30 will create even more backup.

She acknowledged that they knew it was a gas station considering going on that property but said a gas station with diesel trucks, car wash, food, etc. is not appropriate for this area. She understands that Route 30 is a major roadway, but said Walona Avenue is not.

She feels the parcel on the west side that is now zoned "Neighborhood Commercial" was zoned as such for a reason. She does not feel this should be changed from C-1 to C-3. She described their neighborhood as small and quiet with no street lights or sidewalks. It is very dark and peaceful and they enjoy having the parklike atmosphere and this would completely change the face of this neighborhood. She realizes that there are only 15 houses but it is still their homes and they hope to be staying there for a long time. She also worried about the diesel fumes and the water runoff.

Mr. John Fulliard of 686 Charlotte Court agrees with all of the comments said thus far. He said he moved in this house a year ago and he has a ten-month-old child. He lives in the cul-de-sac which has very little traffic and he would like to keep it that way. He is also concerned for his well. He also wanted to know if they would be required to annex in at some point and also questioned if there would be special assessment taxes.

Nathan Chamberlain of 682 Charlotte in New Lenox wanted to hear more about the buffering that would be installed. He also wanted to know more about any runoff, saying it is a huge issue as it is. He was concerned for a tax assessment and wondered about annexing of neighboring properties as well. He wanted to know if there would be any plans to bring the utilities up to the neighborhood to mitigate the concerns.

Mr. Jeff Smith wanted to reassure residents that the Village does not forcefully annex properties and that the Village only accepts voluntary annexation requests. He said if this property is annexed, it would not require the surrounding properties to annex as well.

Mr. Scott Pritchett with ARSA Schneider Architect addressed the residents' concerns and questions by saying whatever stormwater issues that are on the site right now will be remediated onto this site and all of the stormwater generated on their site would be contained on their site and directed away from the neighborhood.

He said during the approval process, they will not only be dealing with the Village, but will be dealing with Will County, IDOT, Illinois EPA, and State Fire Marshall.

He reassured everyone that the fueling systems are self-contained systems that have dual backup tanks and lines with alarms that go off should there be a leak. He said the State Fire Marshall would shut the system down until it has been fixed and recertified. He addressed the fuel spilling on grade comment by acknowledging that it does occur, but it is a minor issue. He said there are procedures that Gas N Wash have to follow when there is a spill.

He explained that they will be meeting or exceeding any lighting and landscaping requests that the Village requires.

He feels that there is a misconception with traffic for these facilities. He said that typically gas stations catch the traffic as they are going by and that they are rarely going out of their way to get gas. He also said the majority of the people would be coming in from the eastbound lanes and not westbound.

He said the building and entire site would be uniform in regards to the materials used and how it is constructed, and that the buffer would be determined by the Village's Landscape Code requirements. He said they would like to be good neighbors and would like to buffer as much as possible.

He said the actual store would be a 24-hour store, but the car wash and drive-thru would not be 24 hours.

He advised that they will go through a very stringent, lengthy process with IDOT for Route 30 and then the Will County for the side street. He relayed that there was a traffic study that was created for the site and that they will be utilizing that for the best design possible and to improve Walona Avenue to make for a better in and out for not only them, but for the neighborhood and for the athletic fields behind the site.

Mr. Raidbard ask Mr. Pritchett if the drive thru would be a 24-hour drive-thru.

Mr. Pritchett replied that while most of the facilities have a Dunkin Donuts, they would not run 24 hours. He said they typically are busy in the early morning, but then dwindle down in the

afternoon. He did say depending on the tenant, the hours can vary, but will not be a 24-hour drive-thru. He said just the convenience store with the gas station would be 24 hours.

Mr. Raidbard wanted to clarification on the zoning differences between C-1 and C-3.

Mr. Jeff Smith answered that the C-1 is Neighborhood Shopping District, and it is the least intensive commercial zoning district. He said it would not allow for a gas station or restaurant drive-thru. He specified it is more for a retail strip center or professional office building that generates less traffic.

He said the C-3 is more traffic intensive, and allows for uses such as gas stations, car washes or a restaurant drive-thru. He said based on the frontage of this property, and gauging off of other properties with this amount of frontage along U.S. Route 30, they are mostly zoned C-3 or C-2 to allow for these types of appropriate uses in these locations.

Mr. Pritchett wanted to include that water and sewer service would be provided to the site from the Village, but wanted to say that the water that comes out of the car wash goes into an oil separator that gets cleaned out periodically and then goes into the sanitary sewer.

Mr. Blackburn asked if it will be a dedicated left and dedicated right turn.

Mr. Smith pointed out that Walona Avenue abutting the subject property is under the jurisdiction of the Village of New Lenox. He said all improvements along this segment of Walona Avenue and any proposed driveway curb cuts have to go through Village review, not Will County. He did say the Village will work with New Lenox Township for some roadway tapering extending south of the subject property. Also, IDOT will have the final say for Route 30 improvements and access. He said they did submit a traffic study to IDOT because they are looking for a right-in / right-out curb cut in the central portion of the site, and a right-out only curb cut on the eastern side. The Village is also reviewing that study.

Mr. Brian Hertz the Civil Engineer for the project explained that the lighting / photometric plan will meet the Village's standards and requirements at the property lines. He said all of the lighting is LED full cut-off fixtures, and that the lighting today is much different from the years of past.

Mr. Smith advised that the Village can require side shields if necessary for specific freestanding light fixtures so as to make sure all light is directed only onto the subject site, with no spillover onto the adjacent residential properties.

Mr. Hertz then addressed the elevation on the property by saying the it is approximately 20 feet higher on the south end of the property than on the north end of the property towards Route 30. He said this site will drain entirely out onto Route 30, and because of that, they will have to go through the IDOT hydraulic section review. They will thoroughly review the drainage calculations as well as stormwater detention requirements, release rates and discharge points. He said the proposed plan shows the detention area at the south end to provide a more typical type of surface stormwater detention basin. It will either be a wet bottom or dry bottom type of facility which will be shown in the final engineering design. He said the remainder of the site will drain towards Route 30 as it already does, but with an underground type chamber for stormwater management under a portion of the northern parking lot.

Mr. Len McEnery, the owner of Gas N Wash, advised that he currently owns and operates 15 similar businesses throughout the southwest suburbs, with one of those 15 already in New Lenox. He said this business would offer 70 part-time and full-time positions. He advised that they are not looking for any tax relief, but the Village would benefit from their sales tax money.

He looks at this as a neighborhood business that does not have a lot of problems or create a lot of noise. He finds that the road noise is louder than a car coming in to get gas or going into the store. The only complaint he has ever heard with this business is that the garbage truck picks up the garbage before 7:00 a.m. and is banging the lids.

He commented that residents were worried about their location on Harlem Avenue with regard to the lighting, but with the shields and the LED controlled lighting, it does not spill onto the surrounding properties.

He reassured the residents that the fuel systems today are double walled, monitored and controlled, and the threat of contamination is a thing of the past. He said they would like to do what they can to help out the neighbors and the Village to get the support to make this happen.

Mr. Jeff Smith wanted to point out that the pending Annexation Agreement to be reviewed and ultimately approved by the Village Board can dictate the hours of operation for the car wash. Also, with the pending Site Plan review, the Board can dictate that the garbage trucks cannot access the site in the early morning or late evening hours to help with any noise issues.

Ms. Betty Reimer wanted to know why it was necessary to have any entrance or exit off Walona Avenue. She also wanted to know about the study that showed most cars would be primarily going eastbound. She asked what kind of advance notice they would get when improving Walona Avenue.

Mr. Adam Fifer asked again about the retention pond. He said the retention pond that they have now does not drain, and that is what causes the flooding issues.

Mr. Raidbard wanted to know if there would be a center lane left turn only lane for westbound traffic to turn and could the road even handle that.

Mr. Pritchett said it is most convenient to make a right hand turn into a business. He said the intent is to have multiple right hand turns so traffic will continue to move and not use the side street to exit. He said occasionally someone will be need to turn left and that is the reason for the proposed left-turn lane from Walona Avenue onto Route 30. He said people will stop more because it is a necessity and they need gas, so they will stop where it is most convenient.

He also said the stormwater drains out at a certain rate and goes into the property and towards Route 30. He said it is designed to not overflow. It is just a place to store stormwater temporarily and slow the water down that is going into the system.

Mr. Hertz said they are waiting to hear from IDOT on their traffic study and that will dictate what they are willing to allow on Route 30. He said the widening is available. It would just be a matter of restriping if IDOT will allow it.

Mr. Raidbard wanted to know if it could even handle a left turn. He said otherwise it would be primarily a right turn in and right turn out.

Mr. Hertz wanted to comment that these sites do not usually generate additional traffic. The traffic is already there.

Mr. John Fulliard approached again and had concerns for the extremely long lines that Dunkin Donuts has. He said that line usually spills over into the major roadway and wanted to know how the line would move and if it would impede Walona Avenue.

Mr. Smith said there are drive thru stacking requirements and a separate drive thru lane is required which requires six stacking spaces prior to the menu board. He said this plan does meet the requirements for stacking.

Mr. Colby McKay commented that the Dunkin Donuts that is already existing on Route 30 has approximately 12 stacking spaces and still spills out onto Route 30. He is worried that this will happen on Walona Avenue while buses are trying to pick up kids and drop them off twice a day.

Ms. Katie Chamberlain feels the point has been missed and said the traffic that is or will be generated is the traffic on Walona Avenue. She feels that there will now be more cars on Walona Avenue and that concerns her.

Hearing no additional questions or comments, Vice-Chairman Hawkins asked for a motion to close the public hearing. Motion was made by Mr. Moss and seconded by Mr. Blackburn to close the public hearing at 8:01 p.m.

Upon Roll Call, the vote was:

AYES: - Commissioners Moss, Raidbard, Blackburn, Berkey and Vice-Chairman Hawkins

NAYS: - None.

Motion carried.

Mr. Hawkins requested a motion to recommend approval of the requested annexation and rezoning to C-3 General Business District for Parcel 1 and Parcel 3 totaling 3.1 acres subject to successful negotiation of Annexation Agreement.

Motion was made by Mr. Moss and seconded by Ms. Berkey.

Upon Roll Call, the vote was:

AYES: - Commissioners Moss, Raidbard, Blackburn, Berkey and Vice-Chairman Hawkins

NAYS: - None.

Motion carried.

Mr. Hawkins requested a motion for the approval of rezoning from C-1 Neighborhood Shopping District to C-3 General Business District for Parcel 2 totaling 1.007 acres located at the southeast corner of U.S. Route 30 and Walona Avenue.

Motion was made by Mr. Moss and seconded by Mr. Raidbard.

Upon Roll Call, the vote was:

AYES: - Commissioners Moss, Raidbard, Blackburn, Berkey and Vice-Chairman Hawkins

NAYS: - None.

Motion carried.

Mr. Smith announced that the Village Board will hold a public hearing on the Annexation Agreement on December 14th which gives the residents another opportunity to comment before the Village Board and the Mayor.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Smith said the next scheduled meeting on December 1st will be cancelled.

ADJOURNMENT

There being no further business to come before the Plan Commission, a motion was made by Mr. Blackburn and seconded by Mr. Raidbard to adjourn.


Upon Roll Call, the vote was:

AYES: - Commissioners Moss, Raidbard, Blackburn, Berkey and Vice-Chairman Hawkins

NAYS: - None.

Motion carried.

The meeting was adjourned at 8:05 p.m.



Lisa Martin
Senior Administrative Assistant