



VILLAGE OF MONTGOMERY

*Planning and Zoning Commission Minutes
February 3, 2022 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: Joe Yen

Present: Marion Bond, Tom Yakaitis, Patrick Kelsey, Mike Hammond, Ben Brzoska, and Mildred McNeal James.

Also present: Village Attorney Laura Julien, Director of Community Development Sonya Abt, Planner Olenka Wrobel, Director of Economic Development Charlene Coulombe, and members of the audience

- IV. Approval of the Minutes of the Planning and Zoning Commission Meeting of December 2, 2021

Motion: Motion was made by Commissioner Kelsey to approve the minutes of the Planning and Zoning Commission Meeting of December 2, 2021. Commissioner Brzoska Seconded the motion.

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

Nays: None

Abstain: None

- V. Public Comment Period- There were no comments from the public.
- VI. Items for Planning and Zoning Commission Action
 - a. 2021-021 Variance Requests at Montgomery Business Center – Proposed Lots 8 & 9
 - i. Public Hearing and Consideration of the following variations:
 1. To allow two new industrial buildings with principal entrances not located on the front or corner side façade
 2. To allow illumination levels to exceed the maximum of 1.0 f.c. along the interior side property line between Lots 8 & 9 and the north property line of Lots 8 & 9

3. To allow semi-truck trailer parking spaces smaller than the required 12 ft. by 60 ft. minimum in the M-2 Zoning District.

Director Abt introduced the item and stated that due to the layout of Lots 8 & 9 with respect to the access road and Commerce and Aucutt Roads, the variances were being requested to allow for the smaller truck parking spaces, the increased illumination along the north side of the property and interior side property line between Lots 8 & 9, and to allow for the offices to be facing the access road instead of the having the building entrances be on the front or corner side façade of the buildings. The UDO requires building entrances to be on the corner or side facades of the principal buildings, and the proposed plans show the office entrances on the interior façade. Therefore, a variance from Section 8.20.B.5 Principal Entrance Location is being requested. The proposed photometric plan shows illumination levels that exceed 1.0 f.c. along the interior side property line between Lots 8 & 9 and the north property line of Lots 8 & 9. The UDO allows a maximum of 1.0 f.c. at the property line, so a variance from Section 11.04.C.1.a Illumination Standards is being requested. The proposed semi-truck trailer parking spaces have dimensions of 11 feet wide by 50 feet long. The UDO requires a minimum width of 12 feet and length of 60 feet. Therefore, a variance from section 10.04.A.3 Parking Design Standards is being requested. If the Planning and Zoning Commission recommends approval the following condition should be applied:

- Illumination levels shall not exceed 18 f.c. along the north property line or the shared property line between Lots 8 & 9.
- Semi-trailer parking spaces must not be smaller than 11 ft. by 50 ft.
- The subdivision for MBC Unit 2 must be approved by the Village Board and recorded prior to building permit approval.
- Staff approval of the Landscape Plan prior to building permit approval
- Village Engineer approval of Final Engineering prior to building permit approval.

The Petitioner prepared a PowerPoint presentation to highlight the elements of the proposed plans they were requesting variances for.

Josh Terpstra was sworn in and went through the presentation. He explained the reasoning for having the offices on the interior façade, explained a semi-truck turning exhibit, and a terminal tractor turning exhibit, and spoke about the illumination along the shared access drive. Citing safety concerns and accessibility for each of these items.

Chairman Hammond opened the public hearing. *There were no comments from the public.*

Chairman Hammond opened the floor to questions or comments from the Commissioners.

Commissioner Kelsey asked if the truck parking spaces were intended to have the truck cabs parked in them or just the trailers. Paul Barry, Petitioner, responded that just the trailers would be kept there. Kelsey responded with a follow up inquiring about overnight parking and the concern of people sleeping in the trucks overnight. Barry stated that there would be no overnight parking of the truck cabs and therefore no one would be sleeping there in the trucks. Kelsey then asked if the trucking company the Petitioner referred to is speculative or if they had a distributor already involved. Barry responded that it is just speculative at this time. Kelsey then asked Director Abt what the UDO regulates with respect to sleeping in a truck cab overnight. Abt stated that there is a regulation against parking and sleeping on the road but that she would have to check on regulations specifically for sleeping on an industrial or commercial property. Kelsey then asked if the shared access road is a private road. Barry stated that this is intended to be a private road and the reason they chose this as the main access road instead of Commerce Road is because of the lower grade on the access road.

Commissioner McNeal-James asked if there was access via the security gate on Aucutt Road. Barry stated that this is just a green space, so there is no access from this area or anywhere on Aucutt Road. McNeal-James then asked Director Abt if the Village had received comments from the fire department for the site plans. Abt stated that the Village had received comments from the fire department and most of them were related to access to the security gates and fire hydrant locations. McNeal-James then stated that she could not locate the fire hydrants on the site plans provided and would like to see where they are located. Terpstra pulled up the site plan and highlighted where each fire hydrant was located, stating that they were moved based on fire department recommendations. McNeal-James had a final question about the sparse landscaping on the north and east sides of the lot. Director Abt explained that there is no proposed parking in this area, and perimeter landscaping is only required along the parking lot.

Chairman Hammond read through the findings of fact for item 1.

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. Curb cuts from Aucutt Road are not permitted, and Commerce Drive is a much higher elevation than the property, so a curb cut there leads to very steep slopes for trucks using the property. Because of setbacks and grade differences between the proposed buildings and both Commerce Drive and Aucutt Road, much of the building will not be visible for vehicles passing by. It is also the Petitioner's intent is to develop a modern building architecture for the areas that can be seen, as well as landscape along the south end adjacent to Aucutt Road.

Staff Comments: The intent of this section of the UDO is to provide for a higher quality industrial building that relates to the street while still providing for higher intensity industrial/manufacturing uses. While preference would be that the offices and principal entrances face the streets, in this instance Staff agrees that given the elevation differences, the office area would not be highly visible from Aucutt Road or Commerce Drive.

2. 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 much of the buildings will not be visible for vehicles passing by. It is also the Petitioner's intent is to develop a modern building architecture for the areas that can be seen, as well as landscaping along the south end adjacent to Aucutt Road. The buildings as designed are compatible with the adjacent properties.

Staff Comments: It is staff's opinion that buildings are compatible with the with the character of the adjacent industrial properties and will not negatively impact the adjacent properties. The principal entrances and office areas face north and will only be somewhat visible by the vacant lot (Lot 7) to the north. The landscaping and berming along Aucutt Road will effectively screen what is practically speaking the rear of the buildings from the right-of-way.

3. The proposed variation alleviates an undue hardship created by the literal enforcement of this Ordinance.

Petitioner: It is the Petitioner's opinion that UDO creates an undue hardship or practical difficulty because the front entrances would be constructed on the south side of the buildings, much further away from the car parking lot. Employees would need to walk around the building, or cut through the rear of the property if the two buildings are connected. This would cause an undesirable situation where employees and visitors are mixing with truck drives and fork-lift drivers.

Staff Comments: Staff believes that the UDO requirement that principal entrances be on a front or corner side façade applied on this particular site with its grade differences and proposed lot configuration for this particular use and the need to accommodate truck movements and parking creates a practical difficulty on in designing the site to meet the UDO.

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

Petitioner: It is the Petitioner's opinion that the fact that a curb cut from Aucutt Road is prohibited and the elevation difference from Commerce Drive are unique physical attributes of the subject property. Additionally, the Preliminary PUD Plan calls for a

shared access drive between Lots 7 & 8 from Commerce Drive; this was not a condition created by the Petitioner.

Staff Comments: Staff agrees with the Petitioner that the unique physical attributes of the subject property impact the proposed variation.

5. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.

Petitioner: It is the Petitioner's belief that the variation represents the minimum deviation from the regulation of the UDO as this would allow the office to face the proposed shared entrance drive at the north side of the lots, and the shared entry drive there.

Staff Comments: Staff agrees with the Petitioner that this is the minimum deviation from the UDO.

6. The proposed variation is consistent with the intent of the Comprehensive Plan, this Ordinance, 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 the buildings and uses are consistent with the goals of the Comprehensive Plan and support the general intent of the UDO to provide for higher quality development within the Village. The Petitioner is providing larger expanses of glass at the primary entrance areas in the office area, providing some windows facing Aucutt Road and utilizing pre-cast concrete panels for the building. The buildings generally meets the other design standards for the M-2 District.

There were no questions from Commissioners after reading the findings of fact for item 1.

Chairman Hammond read through the findings of fact for item 2: Illumination Level Variance.

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 adjacent uses are industrial / commercial in nature and providing appropriate lighting levels for these uses is a common safety / security practice.

Staff Comments: Staff agrees with the Petitioner that this will not endanger the health, safety comfort or general welfare of the public. In this particular instance the shared main access drives that straddle property lines serve only the property in question therefore the brighter illumination levels will not be impacting any other lots outside of the three lots that are served by these access drives.

2. 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 the proposed variation is compatible with the character of adjacent properties. The adjacent uses are industrial / commercial in nature and providing appropriate lighting levels for these uses is a common safety / security practice. The drive aisles will function as private roads for multiple users, and the public roads in the area also provide lighting to the area. The illumination levels will only exceed the maximum where the shared access drives straddle property lines.

Staff Comments: It is staff's opinion that the illumination levels are compatible with the with the character of the adjacent industrial properties and will not negatively impact the adjacent properties. The illumination requirement is being met at the property lines adjacent to public rights-of-way.

3. The proposed variation alleviates an undue hardship created by the literal enforcement of this Ordinance.

Petitioner: It is the Petitioner's opinion that the code creates an undue hardship and practical difficulty requiring the two shared drive aisles that straddle property lines would have minimal (1.0 foot-candle or less) lighting. These two drive aisles provide access to the property – first from Commerce Drive and then to Lots 8 & 9. Having dimly lit drive aisles would lead to safety and security concerns for the owners and users. The lack of lighting would also negatively impact the logistics and operations – a well-lit drive aisle provides a visual directional cue for people entering the property. Providing lighting levels for both drive aisles that give appropriate safety and security for the development requires exceeding the 1.0 foot-candle limit at the lot lines, because the lines are the center line of the drive aisles.

Staff Comments: Staff concurs with the Petitioner that the code as applied to this site, creates an undue hardship or practical difficulty. The intent of this section of the UDO is to reduce glare on adjacent properties and limit light pollution levels. Typically drive aisles and access drives are more internal to a site and brighter illumination levels that provide for safety can be accommodated without a variance. In this particular instance the shared main access drives that straddle property lines would not be able to be illuminated without exceeding the code maximum. The adjacent properties will be minimally impact by the proposed variation.

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

Petitioner: It is the Petitioner's opinion that the fact that a curb cut from Aucutt Road is prohibited and the elevation difference from Commerce Drive are unique physical attributes of the subject property that have impacted the site design for these parcels requiring two shared drive aisles – one east-west drive aisle providing access to Commerce Drive that is straddling the lot line between Lot 7 and Lots 8 / 9, and one north-south drive aisle providing access to the development that is straddling the proposed lot line between Lot 8 and Lot 9. It is important to provide lighting levels for both drive aisles that give appropriate safety and security for the development which requires exceeding the 1.0 foot-candle limit at the lot lines, because the lines are the center line of the drive aisles.

Staff Comments: Staff agrees with the Petitioner that the unique physical attributes of the subject property impact the proposed variation. Typically drive aisles and access drives are more internal to a site and brighter illumination levels that provide for safety can be accommodated without a variance. In this particular instance the shared main access drives straddle property lines which severely impacts the ability to adequately illuminate the access drives while meeting the maximum 1.0 f.c. restriction at essentially the centerline of the "roadway".

5. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.

Petitioner: It is the Petitioner's belief that the variation represents the minimum deviation from the regulation of the UDO. The illumination levels will not exceed 18 f.c. and only at those property lines that are located in the middle of the main shared access drives.

Staff Comments: Staff agrees with the Petitioner that this is the minimum deviation from the UDO.

6. The proposed variation is consistent with the intent of the Comprehensive Plan, this Ordinance, 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 the buildings and uses are consistent with the goals of the Comprehensive Plan and support the general intent of the UDO.

There were no questions from Commissioners after reading the findings of fact for item 1.

Chairman Hammond read through the findings of fact for item 3: Truck Parking Space Variance.

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. Nearby facilities provide similar uses and semi-trailer parking.

Staff Comments: Staff concurs with the Petitioner. The proposed variation will not have a negative impact on the public.

2. 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 the variation is compatible with the character of adjacent properties. The surrounding area is industrial and nearby facilities provide similar uses and semi-trailer parking.

Staff Comments: It is staff's opinion that buildings and parking are compatible with the with the character of the adjacent industrial properties and will not negatively impact the adjacent properties. The Petitioner has stated that trucks will still be able to maneuver and park into the smaller parking spaces by providing the wider drive aisles.

3. The proposed variation alleviates an undue hardship created by the literal enforcement of this Ordinance.

Petitioner: It is the Petitioner's opinion that the UDO creates an undue hardship or practical difficulty because the industry standard for trailer parking spaces is 11' x 50' and many competitors offer 11' x 50' spaces (some as narrow as 10'). Potential users expect trailer spaces 11' or narrower. Offering up 12' spaces would be a disadvantage when competing for users with other distribution centers in the Chicago area, and would reduce usable parking area for potential users by 8%. The smaller parking space size will still function effectively on the site.

Staff Comments: Staff believes that the UDO requirement creates a practical difficulty. While the UDO allows for some compact parking spaces for vehicles, it does not afford similar flexibility to semi-trailer parking.

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

Petitioner: It is the Petitioner's opinion that the variation is necessary and the condition was not created by the Petitioner. Rather the industry standard and user demand are causing the need for the variation.

Staff Comments: Staff agrees that the Petitioner has not deliberately created the need for the variation.

5. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.

Petitioner: It is the Petitioner's belief that the variation represents the minimum deviation from the regulation of the UDO to allow for industry standard size truck parking spaces.

Staff Comments: Staff agrees with the Petitioner that this is the minimum deviation from the UDO.

6. The proposed variation is consistent with the intent of the Comprehensive Plan, this Ordinance, 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 the buildings and uses are consistent with the goals of the Comprehensive Plan and support the general intent of the UDO.

Motion: Motion was made by Commissioner Kelsey to approve 2021-021 Variations to allow principal entrances on the interior sides of the proposed buildings, allow illumination levels to exceed the maximum 1.0 along the property lines located within shared access drives along the north property line of Lots 8 & 9 and the shared interior property line between Lots 8 & 9 and semi-tractor parking spaces smaller than the required minimum of 12 ft. by 60 ft. with the conditions outlined by Staff.

Commissioner Bond Seconded the motion.

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

Nays: None

Abstain: None

Note: The agenda items will be forwarded to the Village Board Meeting on Monday, February 28, 2022.

VII. Community Development Update/New Business

Director Abt informed the Commissioners that the GRID annexation and PUD were approved by the Village Board and building permits are under way for some of the properties on the lot. Abt also informed the Commissioners that Friday, February 4, 2022 would be Planner Olenka Wrobel's last day with the Village.

VIII. Next Meeting: March 3, 2022

IX. Adjournment with no further business, Chairman Hammond adjourned the meeting at 7:55 PM.

Respectfully Submitted,

Olenka Wrobel
Secretary