



**Planning and Zoning Commission Minutes  
Thursday, May 5, 2022  
7:00 PM, Village Hall Board Room  
200 N. River Street, Montgomery, IL, 60538**

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- I. Call to Order- Chairman Hammond called the meeting to order at 7:07 pm
- II. Pledge of Allegiance- All present gave the Pledge of Allegiance.
- III. Roll Call

Absent: Tom Yakaitis, Patrick Kelsey

Present: Marion Bond, Mike Hammond, Ben Brzoska, Mildred McNeal-James and Joe Yen

Also present: Village Attorney Laura Julien, Director of Community Development Sonya Abt, Village Engineer Pete Wallers, Planner Zach Ewoldt, Director of Public Works Mark Wolf, Trustee Dan Gier, Trustee Doug Marecek, Trustee Theresa Sperling, and members of the audience.

- IV. Approval of the Minutes of the Planning and Zoning Commission Meeting of April 7, 2022.  
Motion: Motion was made by Commissioner Brzoska to approve the minutes of the Planning and Zoning Commission Meeting of April 7, 2022. Commissioner McNeal-James Seconded the motion.  
**Ayes:** Bond, Hammond, Brzoska, McNeal-James and Yen.  
**Nays:** None  
**Abstain:** None  
**Motion carried.**

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

- VI. Items for Planning and Zoning Commission Action
  - a. 2022-004 Special Use and Variance Requests for the southeast corner of Rochester Drive and Gusto Drive – *Trans Lines*
    - i. Consideration of a special use to allow outdoor storage  
Chairman Hammond explained that the public hearing portion of the Special Use consideration had been closed at the April 7<sup>th</sup> meeting, therefore no additional public comment would be allowed on the

special use, however the public hearing for the variations would be opened after the Commission voted on the Special Use and the public would be allowed to make comments at that time.

Director Abt gave a summary of the project and then outlined the major concerns from the April 7<sup>th</sup> hearing which were:

- Drainage/Flooding
- Soil/Well Contamination
- Noise & Hours of Operation
- Light Spillage
- Visibility

Director Abt outlined the revisions the Petitioners had made based on feedback from the April meeting. The changes included increased berm height, extension of the berm around the north side of the truck parking area and additional landscaping along the north side of the truck parking area. These revisions were intended to better screen the area from the residents to the north.

Director Abt also addressed the lighting concerns. She noted that the adjacent development's lighting is not shielded, and the light fixtures are directed out towards the residents. The Village is working with the business to address those issues and bring the lighting in to conformance with the Village Code. Director Abt noted that the Trans Lines development lighting includes 30 ft. light poles with fixtures that are directed straight down. The Petitioner has provided a sightline detail on updated plans that shows the berming and landscaping with the sightline from the adjacent homes to the east to show how much of the site will be screened by the berm and landscaping.

In response to soil contamination concerns, Director Abt noted that it was previously stated during the April 7 meeting, that only dry freight and no hazardous materials will be transported by this company. She explained that if spillage does occur the Village and Emergency Services will be notified. The Village will notify the EPA. EPA will be the agency enforcing clean up. It is the entity who caused the spillage's responsibility to provide the clean up to EPA's standards.

Engineer Wallers provided background regarding drainage and detention in the Frelk Overflow area. He noted that drainage area is approximately 265 acres, upstream of Frelk overflow. He explained that the detention basin was designed with the Yellow Freight Development and provided detention for Yellow Freight, Buddig and preserved existing depressional areas on the subject property. The basin was in compliance with the stormwater ordinance and was designed as a no outfall basin with a zero release rate. The basin is wetland basin. He also noted that it maintained the 100-year high water level. In order to

accommodate future development on the subject site the detention basin was expanded, adding 7.65 acre-feet of storage. This was constructed in 2013/2014. This expansion was also compliant with the stormwater ordinance and did not change the overflow or high water level.

Engineer Wallers also provided some background regarding drainage improvements for the areas that unfortunately the Village was unable to obtain easements from property owners to install the improvements and the project was never built. Engineer Wallers then outlined the Village's latest proposed relief storm sewer project for this area which should alleviate some of the flooding on the Johnston properties. The project connects the detention basin to storm sewer on Johnston Drive. It will also include a storm drain for the rear yard low areas that will draw down standing water after a storm. The relief storm sewer includes a control valve for the basin outlet which could be opened after Johnston Drive and the rear yards drain to draw down any standing water remaining in the basin. Engineer Wallers stated that they had spoken with Jodie Wollnik of the Kane County Environmental and Water Resources regarding the proposed development, the existing basin and the relief storm sewer project and she is in agreement that the basin meets the storm water ordinance and that the proposed relief storm sewer will improve flooding in the Johnston Drive area.

Director Abt stated that the Petitioners were present to walk through their revisions and address operational concerns regarding their development.

Chairman Hammond swore in the Petitioners.

**John Swierk (via Zoom) DDCA Architects**

Mr. Swierk outlined some of the changes to the plans. He showed the sight line detail showing how the new berm with 7.5 ft. landscaping will screen the truck parking area from view. He also noted that the lighting illumination levels are already at 0 foot-candles before they reach the berm, therefore there should be no glare on the adjacent properties. He also noted that their proposed lighting meets all the requirements of the UDO.

**Tom Carrol, Geotech**

Mr. Carrol, the civil engineer for this project, stated that no additional water from their property is going on any other adjacent areas. It was noted that this is a requirement of the Kane County Stormwater Ordinance.

**Andrius Petkunas, Trans Lines, Inc. Owner/Operator**

Mr. Petkunas stated that Trans Lines is an Over the Road (OTR) trucking company. In comparison, Yellow Freight is a last mile carrier which is different and brings a lot more in and out traffic.

Trans Lines differs with only 15-25 trucks in and out per day. Trans Lines has 4 local carriers, and typically the most in and out traffic from those carriers would be four times daily.

He also explained why such a large parking area is needed. He stated that they must have two trailers for each truck to account for break downs and to facilitate customer needs.

In response to environmental concerns, he noted that all their trucks are 2018 and newer. These trucks follow stricter emissions rules. Trucks have optimized idle or auxiliary power units so they can sit without idling and are able to maintain temperatures in cabin sleepers without making a lot of noise. He also explained that typically a truck will come in to drop off and/or hook up. Drivers are not sleeping on the site overnight. Their company provides off-site hotel accommodations for their drivers during their mandatory rest time. He noted that they are a dry freight carrier, including paper, dry foods and electronics. There are not flatbeds or refrigerator trucks. They do not store hazardous materials. They do not do heavy repairs on site. On-site maintenance includes replacing tires, brakes and changing oil. Any major repairs are done by the dealership.

Mr. Petkunas stated that their Office and Warehouse hours are 7:00am -5:00pm. He did state that sometimes trucks do come in after hours to drop off, pick up and leave, but this was not a daily occurrence.

Trans Lines will have 25 employees but will be expanding with yard guards so employees could be up to 30-40. He noted that these are high value loads so need they need to make sure they are secured and monitored.

Chairman Hammond opened the floor for commissioners' questions.

Commissioner McNeal-James asked if the relief storm sewer would be installed prior to this tenant. Engineer Wallers stated it will be installed as soon as practical. Commissioner McNeal-James also asked about the relief valve and who would be better to operate. Engineer Wallers stated that further discussion will happen in the future, however either Public Works or the Township could operate, he couldn't say which would be better. Director Abt added that the preference would always be for the Village to have control since it is a Village storm sewer, however since it connects to a township storm sewer there is value to

having the Township operate because they would know better when to release.

Chairman Hammond asked what the height of the berm on the northwest side is. Mr. Swierk stated it is also 6-9 feet and landscaped similarly to the berm to the east.

Commissioner Yen asked about the density of the landscaping. Mr. Swierk stated that both the evergreen trees and the shrubs are continuous rows.

Chairman Hammond asked if there were any further questions from the Commission. The Commissioners had no further questions.

Chairman Hammond read the Findings of fact for the Special Use:

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

*The proposed warehouse/distribution center with associated outdoor storage of semi-tractor/trailers will not endanger the health, safety, comfort, convenience or general welfare of the public. This is an industrially zoned property and the Petitioner will provide the required screening from the adjacent residential properties.*

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

*The proposed outdoor storage area is compatible with the character of adjacent properties. It is located in an industrial area with other businesses with outdoor storage of trucks/trailers. Additionally, they are providing the required buffer screening and setback from the adjacent residential neighborhood.*

3. 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 warehouse/distribution center will not impede the orderly development of adjacent properties. The area is primarily built out.*

4. The proposed 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 will complete Rochester Drive as part of its development and will provide an easement for the existing stormwater detention area on the site.*

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

*The proposed warehouse/distribution center with outdoor storage is consistent with the Comprehensive Plan designation of light industrial/business park for this area, the UDO, and with the other land use policies of the Village.*

The Commission concurred with the Findings.

Director Abt stated that she had two additional conditions from what is in the Staff Report that should be applied based on the plan revisions, if the Commission recommends approval.

- Berming and landscaping around the outdoor storage area must generally match what is shown on the site and landscape plans dated last revised 4-22-22.
- Evergreen trees planted on the berm must be a minimum of 7 ft. 5 in. tall.

Motion: Motion was made by Commissioner McNeal-James to approve PZC 2022-004 Special Use for outdoor storage with the following conditions:

- Semi-trailer parking spaces must not be smaller than 10 ft. wide by 25 ft. long.
- The semi-tractor/trailer parking along the western property line must be setback at least 21 ft. from the west property line.
- Staff approval of the Landscape Plan prior to building permit approval.
- Village Engineer approval of Final Engineering prior to building permit approval.
- Installation of the cul-de-sac for Rochester Drive and dedication of the remaining right-of-way.
- Granting of a stormwater easement to the Village for the existing stormwater detention facility on the Property.
- Berming and landscaping around the outdoor storage area must generally match what is shown on the site and landscape plans dated last revised 4-22-22.
- Evergreen trees planted on the berm must be a minimum of 7 ft. 5 in. tall.

Commissioner Brzoska Seconded the motion.

**Ayes:** Bond, Hammond, 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

Chairman Hammond re-opened the public hearing for the variations. He asked Director Abt to walk through the requests for the Commission. Director Abt stated that the Petitioner was requesting three variations.

- **Building Façade Materials:** The UDO limits certain building materials, including metal siding and wall panels, to a maximum of 25% of the total area of any building façade. The proposed building will be primarily constructed of metal wall panels. The west and south elevations are 100% metal wall panels, while the north and east elevations have masonry along the lower third of their elevations around the office areas. These exceed the maximum 25% for this type of building material on a facade. Therefore, a variation from this standard is required.
- **Truck Parking Space Size:** The UDO requires semi-truck trailer parking spaces to be a minimum of 12 ft. by 60 ft. The variance request is to allow the truck parking spaces to be a minimum of 10 ft. wide and a minimum of 25 ft. long. The Petitioner is providing different types of parking, some for just the tractor, some for just the trailers and some for the tractor and trailer. The trailer spaces will be only 10 ft. wide and 55 ft. long, while the tractor and trailer spaces will be 10 ft. wide and 75 ft. long. The spaces for just the tractors are 12 ft. wide, however only 25 ft. long. Director Abt noted that another trucking company recently requested a similar variation. Staff researched other communities' standards and found that many do not regulate truck/trailer parking size. Yorkville's requirement is a minimum of 10 ft. by 50 ft.
- **Landscape Screening:** The UDO requires landscaping on the outside of the perimeter fencing around the outdoor storage

area. The landscaping must provide 75% coverage and must include a mix of evergreen trees, shade trees and ornamental trees. The variance requested by Petitioner would waive the screening requirements along the north, west and south property lines. Buffer Yard Landscaping is being provided along the eastern property line adjacent to residential which will meet the requirements of the outdoor storage screening along that property line. Buffer Yard landscaping is being extended partially along the north side of the outdoor storage area on the berm to help screen the truck parking from the residents to the north. Additional landscaping is proposed along the north side between the vehicle parking lot and the berm. However the proposed landscaping does not meet the outdoor storage screening requirements. No landscaping is proposed along the east and south sides of the outdoor storage area, which are adjacent to Yellow Freight and the railroad.

**Michael Roth, Ice Miller**

Mr. Roth, the attorney for the Petitioner, explained that they focused their landscaping on the most visible areas, the front and the east side adjacent to the residences. They have extended screening along the north side of the outdoor storage area. He stated they are not providing landscaping along the west side, noting that Yellow Freight is located adjacent to that side, and they do not provide any screening. He noted that there are no neighbors to the south, therefore they are not proposing any screening on that side and rather focused their landscaping adjacent to the residences.

Mr. Roth stated they do not need large spaces for the parking of the trailers and trucks. They are spaced trying to maximize use, additionally the trucks do not move that much therefore the additional size is not necessary.

Mr. Roth also noted that for building materials, this is not a basic metal seam panel. It has a masonry look for a higher-quality look. He explained that it is a cost-effective material with minimal maintenance.

**John Swierk, DDCA Architects**

Mr. Swierk showed the rendering of the building. He noted the offices face east and will have masonry along the base of that side. He noted that a typical metal building is what is found along Rochester Drive. What they are proposing is comparable to precast but is more durable.

Mr. Roth noted the variances requested will not harm adjacent properties, they will be compatible with the area's existing developments. He stated that this will be a high-quality development.

He added that costs are high right now and they are trying to make this project financially feasible, while still providing a high-quality project.

Chairman Hammond opened the hearing for public comment.

**Martin Jacyno, 1237 Johnston Drive**

Mr. Jacyno expressed concern that the landscaping will take years to fill in. He also does not believe the berm concerns have been addressed and that the berm should be as high as trailers; the proposed berm will provide minimal coverage. Mr. Jacyno also questioned why they need so many spaces with only 10-25 trucks in and out per day. He notes the landscaping is barely meeting the minimum, and that there is nothing unique about the property that causes them to need variances. He requested no variances be granted.

**Mark Lyons 1131 Monticello Drive**

Mr. Lyons lived in Pine Knoll for 18 years. He stated the parking will provide a hazard for the water supply for the area since they are on wells. He stated fluid leakage could cause contamination. He also spoke about prior flooding events, noting that some neighbors have serious issues and with heavy rain events water has been past waist high. He stated this use is not a good fit for their neighborhood and suggested that they go to the CAT property.

**John Wollert 2070 Rosemont**

Mr. Wollert asked if the other trucks coming in/out will have backup alarms? He also asked if the other trucks are 2018 or newer?

**Sarah Kimmerly 1051 Johnston Drive**

Ms. Kimmerly has been a resident for 6 years. She noted gas and oil are hazardous. She questioned the relief for metal siding and landscaping. She also noted this is their (the residents') primary investments, and asked the Commission to please help protect their homes and the neighborhood.

**Rita Hefke 1060 Johnston Drive**

Ms. Hefke questions the stormwater basin size. She also asked will the Village have any provisions for the neighborhood if concerns become reality.

**Maria Caraballo 1002 Monticello Drive**

Ms. Caraballo has been a resident in Pine Knolls since 1989. She noted the trees have never been planted on the berm and the noise from the adjacent businesses is late into the night.

Director Abt read an email from Bill Catching Township Supervisor/ Aurora Township. *Entered as Exhibit A.*

Chairman Hammond asked the Petitioner and Staff to address the comments from the public.

Mr. Petkunas stated they are providing the amount of parking because with 100 plus units on road, they need 2 trailers per unit. That is at least 200 trailers.

Engineer Wallers responded to the question about adequate storm water. He stated in 2013 the detention basin was expanded to add capacity for this subject property in order to make it a buildable site.

Director Abt stated that if the neighbors believe that and conditions or codes are being violated once the development is complete, they can contact the Community Development Department and the Village will investigate and follow up appropriately.

Chairman Hammond asked if there are any more questions from the public. There were no further questions.

Chairman Hammond closed public hearing

Chairman Hammond opened the floor to questions from the Commissioners.

Chairman Hammond asked what was missing from the landscaping to the north. Director Abt noted they are just below the 75% coverage required. Additionally with the evergreen tree buffer along the berm they are not meeting the diversity requirements of the screening which requires shade and ornamental trees as well. Director Abt noted that with the continued berm around north side with the evergreens rather than shade and ornamental trees, in her opinion this area will be better screened from the residents to the north.

Chairman Hammond asked what it would take to meet the code on the north side. Director Abt responded that just a few more shade trees would meet the requirement between the berm and the end of the outdoor storage area. Chairman Hammond then asked the Petitioner if they would be willing to do this. Mr. Roth responded that they would.

Commissioner Yen asked if the metal siding will rust. Director Abt stated that the newer panels do not rust.

Chairman Hammond asked about the trucks and trailers and if they only own trucks with no back up alarms.

Mr. Petkunas responded that they do not. The trucks are continually on road, they only park per required. He explained where the trucks, bobtails and trailers would be parked

Chairman Hammond and Commissioner Yen asked if the masonry walls were complying and how much of a deviation they were asking for. Director Abt stated that two of the facades required 100% deviations since they were all metal panels, while the north and east sides had some masonry but the metal panels still well exceeded the maximum 25% as they only went a third to a half of the way up the walls.

Commissioner Brzoska asked the timeline of the relief storm sewer. Engineer Wallers answered the intent is this year, however due to supply chain issues, he cannot guarantee that at this point since the project had not gone out to bid yet and they still needed to obtain the easement from the Petitioner.

Commissioner McNeal-James stated she understood the neighbors concerns but had to consider both sides. She noted that landscaping does take time to fill in but will be a benefit in the years to come. She believed concerns about contamination could be addressed with testing. She noted that vacant land to be developed doesn't always work out as happily as we would like.

Chairman Hammond asked if the UDO needs to be looked at based on the variations being requested. Director Abt noted that in applying the UDO over the past year, some issues have come up more often, and it may be stricter than the Village intended.

Commissioner Bond noted for all years she has been a resident she has known this area was industrial. She stated she appreciates the Petitioners' effort in taking the resident concerns seriously and making changes and improvements to the project.

Chairman Hammond stated he believed the landscape along north should meet outdoor storage screening requirements. He also asked about the berm being taller and asked if slope was an issue. Engineer Wallers responded that going to a steeper slope could become a maintenance issue but was not infeasible. The Petitioner stated they could potentially increase the slope on one side to gain a bit more height.

Chairman Hammond asked if anyone had further questions. There were no further questions from the Commission.

Chairman Hammond read the Findings of Fact for the Building Façade Materials Variance (Variation from Section 8.20.B.2)

Findings of fact:

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.*

*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. Given the large setback from Rochester Drive due to the stormwater detention area the building would not be highly visible from Rochester 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 the development as designed is compatible with the character of adjacent properties. The property directly west and adjacent to the subject property is occupied by YRC Freight and the property to the south and adjacent to the subject property is occupied by United Facilities, Inc. Both of these properties are being used for freight transportation and store semi-trailers, and significantly, both of these properties are construed with mostly metal siding façade. The property to the north is occupied by A-1 Landscape Maintenance, Inc. and also appears to have a building with metal siding façade.*

*Staff Comments: It is staff's opinion that the proposed buildings are compatible with the with the character of the adjacent industrial properties and will not negatively impact the adjacent properties. With the large setback from Rochester Dr., much of the building will not be visible for vehicles passing by.*

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

*Petitioner: It is the Petitioner's opinion that the UDO creates an undue hardship or practical difficulty in developing the Property due to the excessive cost related to the design requirements. Adjacent and nearby buildings are primarily constructed of metal wall panels. Masonry is being provided on the elevations with the most visibility, to try and meet the intent of design standards.*

*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. The Petitioner is providing masonry on the two most visible elevations.*

4. 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 large setback from Rochester Drive due to the existing stormwater facility and the existing surrounding development which includes buildings with metal wall panels/siding are unique attributes and were not created by the Petitioner.*

*Staff Comments: Staff agrees with the Petitioner that the large setback and the character of the surrounding development impact the proposed variation.*

5. 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.*

*Staff Comments: Staff agrees with the Petitioner that this is the minimum deviation from the UDO. Masonry is being provided on the most visible elevations of the building in an attempt to meet the intent of the UDO.*

6. 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 the building is 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 some masonry on the north and east elevations of the building and the buildings generally meets the other design standards for the M-1 District.*

Chairman Hammond read the Findings of Fact for the Truck Parking Space Variance (Variation from Section 10.04.A.3)

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 the area is designed to meet their business needs.*

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

*Petitioner: It is the Petitioner's opinion that the UDO creates an undue hardship or practical difficulty because the trailers do not require the spaces to be 12 ft. wide to accommodate them. Additionally, the stalls in the outdoor storage area will store the cabs separate from the trailers and as a result the size of these stalls vary as shown on the revised site plan. The shortest spaces will be for cabs only, while the 55 ft. spaces will accommodate the trailers.*

*In order to accommodate Trans Lines business operations and allow for adequate vehicle parking, the size variation is necessary.*

*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. Granting the requested variation would alleviate this hardship.*

4. 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 variation is necessary and the condition was not created by the Petitioner. Rather the industry standard and the existing site conditions of the existing stormwater detention area and the*

*setback required from the adjacent residential are causing the need for the variation in order to accommodate an adequate amount of parking for the business.*

*Staff Comments: Staff agrees that there are unique physical attributes to the Property and the Petitioner has not deliberately created the need for the variation.*

5. 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 to allow for a variety of parking for their business including cabs only and trailers.*

*Staff Comments: Staff agrees with the Petitioner that this is the minimum deviation from the UDO that will accomplish the desired improvement.*

6. 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 the buildings and uses are consistent with the goals of the Comprehensive Plan and support the general intent of the UDO.*

Chairman Hammond read the Findings of Fact for the Landscape Screening Variance (Variation from Section 11.07)

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 businesses do not provide landscaping around their outdoor storage areas and the required screening will be provided along the eastern property line adjacent to residential properties.*

*Staff Comments: Staff concurs with the Petitioner. The proposed variation will not have a negative impact on the public and the area directly adjacent to residential would be sufficiently screened.*

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 that are not screened along their side or rear property lines. Additionally, the outdoor storage area is set back more than 300 ft. from the north property line, with a large stormwater detention area separating it from the property to the north.*

*Staff Comments: It is staff's opinion that the development is compatible with the with the character of the adjacent industrial properties and will not negatively impact the adjacent properties. Landscaping and berming is being provided along the property line adjacent to residential to adequately screen that area.*

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

*Petitioner: It is the Petitioner's opinion that the UDO creates an undue hardship or practical difficulty requiring extensive landscaping around the outdoor storage area, when it is adjacent to other outdoor storage areas.*

*Staff Comments: The intent of this section of the UDO is to provide for a higher quality development and provide screening from the right-of-way and between users while still providing for higher intensity industrial/manufacturing uses. Staff believes that the proposed variation would still meet the UDO's intent.*

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 large setback from Rochester Drive due to the existing stormwater facility and the existing surrounding development which includes other outdoor storage areas without landscape screening are unique attributes and were not created by the Petitioner.*

*Staff Comments: Staff agrees with the Petitioner that the large setback and the character of the surrounding development impact the proposed variation and were not deliberately created by the Petitioner.*

5. 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.*

*Staff Comments: The Petitioner is providing landscaping on the eastern side of the outdoor storage area to screen it from the adjacent residential properties and is providing landscaping along the main access drive.*

6. 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 the buildings and uses proposed by the Petitioner for the Property are consistent with the goals of the Comprehensive Plan and support the general intent of the UDO.*

The Commission concurred with the findings.

Director Abt stated that the additional conditions from the Special Use should be applied here as well. Chairman Hammond stated he would like a condition that the screening on the north side between the berm and the end of the parking lot area should meet the screening requirements.

Motion: Motion was made by Commissioner Yen to approve the Variances for PZC 2022-004 Trans Lines with the following conditions:

- Semi-trailer parking spaces must not be smaller than 10 ft. wide by 25 ft. long.
- The semi-tractor/trailer parking along the western property line must be setback at least 21 ft. from the west property line.
- Staff approval of the Landscape Plan prior to building permit approval.
- Village Engineer approval of Final Engineering prior to building permit approval.
- Installation of the cul-de-sac for Rochester Drive and dedication of the remaining right-of-way.
- Granting of a stormwater easement to the Village for the existing stormwater detention facility on the Property.
- Berming and landscaping around the outdoor storage area must generally match what is shown on the site and landscape plans dated last revised 4-22-22.

- Evergreen trees planted on the berm must be a minimum of 7 ft. 5 in. tall.
- Additional landscaping must be provided along the north side of the outdoor storage area between the end of the berm and the customer/employee parking lot so that it meets the outdoor storage landscape screening requirements.

Commissioner McNeal-James Seconded the motion.

**Ayes:** Bond, Hammond, Brzoska, McNeal - James and Yen.

**Nays:** None

**Abstain:** None

**Motion carried.**

- VII. Community Development Update/New Business  
Director Abt stated that Staff had received a zoning application and there will be a public hearing next month.
- VIII. Next Meeting: June 2, 2022
- IX. Adjournment: With no further business, Chairman Hammond adjourned the meeting at 9:30 PM.

Respectfully Submitted,

*Jill Hoover*

Secretary

**Sonya Abt**

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**From:** William Catching <william.c@auroratownship.org>  
**Sent:** Thursday, May 5, 2022 5:56 PM  
**To:** Sonya Abt  
**Subject:** PZC 22-004 Trans Lines - for public comment

Commissioners:

First of all, thank you for your service to your community, and the open and transparent process you have in place for your meetings and hearings. I will write this and attend virtually in the interests of everyone's time.

As Township Supervisor, I rarely weigh in on zoning issues, but I have been approached by several constituents in the unincorporated subdivision to the east and north of the subject property who are concerned about this new industrial development.

As you are aware, they are concerned about noise and light pollution, stormwater management, and potential contamination of the aquifer among other issues. Really though, the primary issue is that they want to maintain their quality of life and their property values. This is a mature subdivision where homes tend to be \$250,000 to \$300,000 on average.

Since the last meeting, the petitioner has made a few small concessions, but I believe that more can be done to minimize the impact on the subdivision. One example would be installing landscaping on the north edge of the property. The berm to the east is all well and good but homeowners further north on Johnston will look out their backyard onto this facility. I also think a sound barrier is appropriate for a new industrial use immediately adjacent to homes.

Please continue to be a good neighbor and preserve the property values in this unincorporated subdivision. It does little good to have economic development to add to our tax base if that economic development drives down residential values.

Thank you again for your time and consideration,

Bill Catching  
Township Supervisor  
Aurora Township  
630-897-8777  
[www.auroratownship.org](http://www.auroratownship.org)