



## **VILLAGE OF MONTGOMERY**

*Plan Commission Meeting Minutes  
March 7, 2019 7:00 P.M.  
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: Tom Betsinger, Tom Yakaitis, Patrick Kelsey, Ryan Anderson Mildred McNeal-James, and Nick Plattos.

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

### **IV. Approval of the Minutes of February 7, 2019**

Motion: Motion was made by Commissioner Betsinger to approve the minutes of February 7, 2019 as amended. Commissioner Plattos seconded the motion. Motion passed 5-0.

Ayes: Betsinger, Yakaitis, Anderson, McNeal-James, Plattos

Nays: None

Abstain: Kelsey

### **V. Public Comment Period**

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

VI. Items for Plan Commission Action

- a. 2018-021 SU Public Hearing and Consideration of a Special Use for Outdoor Storage Located at 800 S. River Street – F.H. Paschen.

This item was moved to the end of the action items as the petitioner informed staff that they were running late.

- b. 2019-003 A, Z, FP, SU Public Hearing and Consideration of an Annexation, Zoning, Final Plat and Special Use for an Outdoor Use as a Principal Use and Alternative Surfaces Located at 29 Baseline Road – Ruben Hernandez on Behalf of Mar & Celi, LLC.

Senior Planner Chipman informed the commissioners that he was working with Kane County and the Petitioner and had a meeting scheduled regarding this item. Staff recommended a second continuance to the next regular meeting.

Motion: Motion was made by Commissioner Betsinger to continue 2019-003 A, Z, FP, SU Public Hearing and Consideration of an Annexation, Zoning, Final Plat and Special Use for an Outdoor Use as a Principal Use and Alternative Surfaces Located at 29 Baseline Road to the next regular meeting. Commissioner McNeal-James seconded the motion. Motion passed 6-0.

Ayes: Betsinger, Yakaitis, Kelsey, Anderson, McNeal-James, Plattos

Nays: None

Abstain: None

- c. 2019-006 SU Public Hearing and Consideration of a Special Use for an Outdoor Use Accessory to a Principle Use Located at Lot 20 of the Blackberry Creek Commercial Subdivision – Wooforia, LLC.

Senior Planner Chipman gave an overview of the proposed use and background on the proposed dog daycare. Chipman stated that the Zoning Ordinance did not allow the use, however, the Planned Unit Development (PUD) does. This resulted in the need for a special use being proposed. Chipman informed the commission that there was a fence shown in the rear of the building on the plans, but no detailed of the fence was provided. This would need to be addressed further in final planning steps if moved forward. Staff recommended a similar screening standard to that associated in the Zoning Ordinance with outdoor storage uses. The lighting plan predominantly complies with the Zoning Ordinance, and the brick architecture was compliant with the PUD.

Engineer Paulson stated that his comments are toward final engineering and that there were no objections with the preliminary plans and the detention area to the south is adequate.

Senior Planner Chipman explained that there are two (2) items on the agenda for the same petitioner, one item to request the overnight boarding and the other for the outdoor use. Chipman invited the petitioner forward to speak.

The petitioner gave a brief overview of their proposed business and stated that they plan to have no more than two (2) to three (3) dogs outside at any given time. He stated that the exterior is intended to match the surrounding area and look residential in design.

Commissioner McNeal-James inquired as to the number of employees on staff. The petitioner replied they plan to have only two (2) or three (3) since it is a small facility with only an office, grooming area, restrooms and space for the dogs.

Senior Planner Chipman asked the petitioner to expand on the possibility of expansion in the future. The petitioner replied that expansion is possible, and will depend on their business. The petitioner continued stating that even if the business expanded, it would remain a relatively small operation.

Commissioner McNeal-James asked if they had any concerns for noise with their business. The petitioner replied that they did not, that it would be similar to a residential home with two (2) dogs outside.

Vice Chairman Kelsey opened the public hearing, there were no comments from the public. The hearing was closed.

Commissioner McNeal-James inquired if the neighbors had been notified, which all parcel owners within two hundred fifty (250) feet had received notices.

Commissioner Betsinger inquired into screening, and whether the Village had additional screening requirements that would address noise concerns. Chipman replied that there were no defined standard.

Commissioner Anderson inquired if the dogs had free access to the outdoor area of the facility, which the petitioner replied that they did not, only with staff.

Vice Chairman Kelsey requested the distance from the play area to the homes. Chipman responded that he did not have an exact figure but was approximately one hundred (100) feet.

Commissioner Betsinger asked if staff had received any comments from the neighboring daycare. Chipman replied that staff had received only one (1) and they were not opposed.

Commissioner McNeal-James expressed concern for residents walking dogs on adjacent sidewalks and the barking between them and the dogs in the outdoor play area. The petitioner responded that they would have a solid vinyl type fence so they

would be unable to see one another, plus the distance and landscape in between for a further buffer. The petitioner stated they have intention to manage the noise from a business standpoint and do not wish to be 'bad neighbors.

Vice Chairman Kelsey read through the findings of Fact:

A. *That the establishment, maintenance or operation of the special use will not be detrimental to endanger the public health, safety, comfort or general welfare;*

The outdoor component of the proposal has the potential to affect the comfort and general welfare of the neighboring residents;

B. *That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish or impair property values within the neighborhood;*

The outdoor component of the proposal has the potential to affect the enjoyment of the neighboring residential uses;

C. *That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

The proposed use does not prohibit the use of surrounding property and is normal and orderly;

D. *That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;*

Adequate utilities, roads and drainage have been planned for;

E. *That adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;*

The property provides adequate ingress and egress;

F. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the Plan Commission.*

All aspects of the proposed development that have been submitted to this point that do not meet the Zoning Ordinance have been discussed in the above report and recommendations have been made accordingly.

The Plan Commission should discuss each of these criteria and make findings of fact as to whether the proposed use meets the criteria. If the Commission finds that the use should be permitted, they may impose additional conditions in order to mitigate any impacts of the proposed use.

Motion: Motion was made by Commissioner Anderson to approve 2019-006 SU Public Hearing and Consideration of a Special Use for an Outdoor Use Accessory to a Principle Use Located at Lot 20 of the Blackberry Creek Commercial Subdivision – Commissioner Betsinger seconded the motion. Motion passed 5-1.

Ayes: Betsinger, Yakaitis, Kelsey, Anderson, Plattos

Nays: McNeal-James

Abstain: None

- d. 2019-007 SU Public Hearing and Consideration of an Amendment to the Special Use for a Planned Unit Development of the Blackberry Creek Subdivision to Allow for Overnight Boarding/Kenneling of Pets on Lot 20 of the Blackberry Creek Commercial Subdivision – Wooforia, LLC.

Senior Planner Chipman stated the proposed use was to allow for the overnight boarding of dogs and staff anticipated this would create an increase in noise.

The petitioner stated that there would typically be no dogs outside at night. They would be kenneled in the rear of the insulated brick building. The petitioner informed the commissioners that the windows in the building are high on the walls above the dogs reach to allow for light to come through while reducing noise.

Commissioner Yakaitis inquired if the facility would be staffed overnight, which it would.

Commissioner Plattos asked about the proposed business hours as well as what time they would stop letting dogs outside. The petitioner replied their hours would be seven (7) in the morning until six (6) in the evening and they would attempt to mirror a dogs home schedule.

Commissioner Yakaitis asked if any drop-offs would be allowed after six (6) in the evening. The petitioner replied that generally not, only if an exception is made.

Commissioner Betsinger inquired what steps would the village take if noise was becoming a nuisance. Village Attorney Laura Julien replied that the mechanisms within the noise ordinance set forth in the Village code would be utilized through the police department or code enforcement.

Vice Chairman Kelsey opened the public hearing, there were no comments from the public. The hearing was closed.

Vice Chairman Kelsey read through the findings of fact:

*A. That the establishment, maintenance or operation of the special use will not be detrimental to endanger the public health, safety, comfort or general welfare;*

This use has the potential to affect the comfort and general welfare of the neighboring residential property owners. The Petitioner has indicated that only few dogs would be allowed outside at a time. However, even though few dogs may be let outside at a time there is the potential for noise nuisances to occur due to the relative quiet that exists in the area overnight.

*B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish or impair property values within the neighborhood;*

This has the potential to affect the enjoyment of neighboring properties due to the potential for noise nuisances;

*C. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

The proposed use does not prohibit use of surrounding property and is normal and orderly;

*D. That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;*

Adequate utilities, roads and drainage have been planned for;

*E. That adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;*

The property provides adequate ingress and egress; *and*

*F. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the Plan Commission.*

All aspects of the proposed development that have been submitted to this point that do not meet the Zoning Ordinance have been discussed in the above report and recommendations have been made accordingly.

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

should be permitted, they may impose additional conditions in order to mitigate any impacts of the proposed use.

Village Attorney Laura Julien clarified the options for wording the motion.

Motion: Motion was made by Commissioner Plattos to approve 2019-007 SU Public Hearing and Consideration of an Amendment to the Special Use for a Planned Unit Development of the Blackberry Creek Subdivision to Allow for Overnight Boarding/Kenneling of Pets on Lot 20 of the Blackberry Creek Commercial Subdivision – Wooforia, LLC Commissioner Yakaitis seconded the motion. Motion failed 3-3.

Ayes: Betsinger, Yakaitis, Kelsey,

Nays: Anderson, McNeal-James, Plattos

Abstain: None

Attorney Julien stated that she would determine if a super majority would be required by the village board to approve the item.

Senior Planner Chipman introduced item A on the agenda that had been postponed from earlier in the meeting, 2018-021 SU Public Hearing and Consideration of a Special Use for Outdoor Storage Located at 800 S. River Street – F.H. Paschen. Chipman stated the parcel was zoned M-2 and that staff had been discussing with the petitioner that the outdoor storage be temporary and removed over a twelve (12) month timeframe. Chipman informed the commission that due to the elevation of nearby US Route 30, screening is a challenge for the parcel and additional screening was not being requested by staff. Staff also recommended that access to the site be only from Railroad Street, and that material be removed over twelve (12) months. Chipman invited the petitioner forward to speak.

The petitioner stated that they have leased 12 acres of property and are working to comply with the Village. The petitioner informed commissioners that since receiving the option to purchase, they began to utilize the site more heavily in their business. While they did not actually purchase the parcel, the increase in usage is when they received notice from the Village. The petitioner stated that while they have been working diligently to vacate the property, they would request twelve (12) months to complete the move safely.

Commissioner Plattos inquired as to their safety concerns. The petitioner responded that there are four (4) foot diameter metal casing that cannot be stacked and pose safety hazards if not moved slowly and properly.

Vice Chairman Kelsey opened the public hearing, there were no comments from the public. The hearing was closed.

Director of Community Development Rich Young clarified with the petitioner on the timeframe they were proposing. The petitioner stated they were looking for one (1) year to have the site vacant.

Vice Chairman Kelsey asked Director Young why a special use was being utilized for only one (1) year. Young replied that staff felt this was the best avenue for the site to get cleaned up.

Commissioner Betsinger inquired as to the start date for their timeline. The petitioner replied that it would be twelve (12) months from the approval date, or sooner if possible. Betsinger inquired to staff if any conditions regarding weather or other delays should be included. Chipman recommended nothing be added.

Vice Chairman Kelsey and Senior Planner Chipman discussed Fox Metro's involvement as parcel owner. Chipman stated they have been involved throughout the process.

Vice Chairman Kelsey read through the findings of fact:

A. That the establishment, maintenance or operation of the special use will not be detrimental to endanger the public health, safety, comfort or general welfare;

This use should not endanger the public health, safety, comfort or general welfare;

B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish or impair property values within the neighborhood;

This use may be injurious to the enjoyment of other properties as it is an aesthetic nuisance to neighboring properties and the general public that traverses U.S. Route 30, which is elevated adjacent to the site;

C. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The proposed use does not prohibit use of surrounding property and is normal and orderly;

D. That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;

Adequate utilities, roads and drainage have not been provided for, however, as this use is proposed to be temporary, staff recommends approval of the special use with the additional condition that the use be terminated in twelve (12) months;



E. That adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;

The property provides adequate ingress and egress; and

F. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the Plan Commission.

All aspects of the proposed development that have been submitted to this point that do not meet the Zoning Ordinance have been discussed in the above report and recommendations have been made accordingly.

The Plan Commission should discuss each of these criteria and make findings of fact as to whether the proposed use meets the criteria. If the Commission finds that the use should be permitted, they may impose additional conditions in order to mitigate any impacts of the proposed use.

Motion: Motion was made by Commissioner Plattos to approve 2018-021 SU Public Hearing and Consideration of a Special Use for Outdoor Storage Located at 800 S. River Street – F.H. Paschen. Commissioner Betsinger seconded the motion. Motion passed 6-0.

Ayes: Betsinger, Yakaitis, Kelsey, Anderson, McNeal-James, Plattos

Nays: None

Abstain: None

VII. Community Development Update/New Business

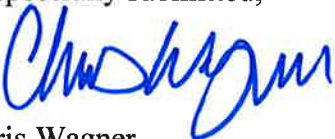
Senior Planner Chipman informed the commissioners the Chicago Metropolitan Agency for Planning (CMAP) was hosting a community meeting March 11, 2019 and invited the commissioners to spread the word and attend. Chipman stated the new Dollar Tree in Montgomery recently opened on Caterpillar Dr.

VIII. Next Meeting: April 4, 2019

IX. Adjournment

Having no further business, Vice Chairman Kelsey adjourned the meeting at 8:12 pm.

Respectfully submitted,



Chris Wagner  
Plan Commission Secretary