



## **VILLAGE OF MONTGOMERY**

### ***Planning and Zoning Commission Minutes***

***May 6, 2021 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: None

Present: Marion Bond (arrived after motion minutes for 2/18/21 Plan Commission), Tom Yakaitis (arrived after motion minutes for 10/22/20 Zoning Board of Appeals) Patrick Kelsey, Mike Hammond, Ben Brzoska, Mildred McNeal James and Joe Yen.

Also present: Trustee Gier, Trustee Marecek, Trustee Jungermann, Village Attorney Laura Julien, Director of Community Development Sonya Abt, Senior Planner Jerad Chipman, Montgomery Economic Development Corporation Charlene Coulombe-Fiore and members of the audience.

- IV. Approval of the Minutes of the Special Joint Meeting of the Zoning Commission and the Plan Commission of February 18, 2021

Motion: Motion was made by Commissioner Kelsey to approve the minutes of February 18, 2021. Commissioner Yen seconded the motion. Motion passed 5-0.

Ayes: Kelsey, Hammond, Brzoska, McNeal-James and Yen.

Nays: None

Abstain: None

- V. Approval of the Special Zoning Board of Appeals Minutes of October 22, 2020

Motion: Motion was made by Commissioner Kelsey to approve the minutes of October 22, 2020. Commissioner McNeal-James seconded the motion. Motion passed 6-0.

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

Nays: None

Abstain: None

- VI. Public Comment Period

There were no comments from the public and this period was closed.

VII. Items for Plan Commission Action

- a. 2021-005 Public Hearing and Consideration of an Amendment to a Special Use for a Planned Unit Development for the Montgomery Business Center – J.B. Commodities

This item was requested for continuance by staff for the next meeting. A public hearing was opened, no comments were heard. The item was continued to the June 3rd meeting.

- b. 2021-006 Special Uses and Variance Requests Located at 211 N River Street – The Gray’s Mill Estate
- i. Public Hearing and Consideration of a Special Use for Outdoor Dining, the Expansion of the Banquet Hall, and Hotel/Motel (Vacation Rental).

Senior Planner Chipman gave an outline of the meeting format noting that the Plan Commission and ZBA are merged following the passage of the Unified Development Ordinance (UDO). There is one staff report and three separate public hearings required for the item.

Item i: 211 N River Special Use, outdoor dining, banquet facility and vacation rental type facility. The speakeasy type restaurant would occupy of the bottom floor, a glass addition on second floor, and vacation rental on 4<sup>th</sup> floor, silo in lower parking lots with elevated walkway and beer garden in NE corner. Conformance with Comprehensive plan is fitting with the mixed uses. Zoning is MD, Mill District, mixed use district. Setback requirements are met in many areas but is also challenged by expanding an existing building. Senior Planner Chipman went over the neighboring areas, surrounding existing, and on street parking. The petitioner is also working with Lyon Workspace to come to an agreement for additional parking. Additional Bike parking is also required per the UDO. New signage would have to comply with the UDO but has not been submitted yet. Regarding engineering, the first phase of development does not involve any portions of the floodplain. Other areas do include floodway and floodplain that will require permits when that step is reached. The garbage enclosure is being worked on with staff, the fire district is also working with the petitioner. Senior Planner Chipman went over a map of the proposed uses throughout the site, requested variances and the special use area.

The petitioner, Phil Cullen for Grays Mill, stated that the silo was relocated to a new location in order to accommodate access to the bathrooms along with the special events areas. The architect is working with the army corps on the large two story addition that goes out into the floodway. The petitioner gave a presentation of the layout for the venue with mock-up drawings for each area.

Chairman Hammond asked if there was a picture of how the silo would be set up, the petitioner replied that it would be two stories, 17 feet tall. Chipman commented that a drawing was in the packets distributed.

Chairman Hammond inquired if it would be fully enclosed for use in all seasons, which the petitioner replies that it would, with a two-deck type interior with stair access.

Chipman pointed out that the elevator can be used to access as well and across the walkway. A second bathroom will be near the beer garden.

Commissioner Kelsey asked how the facility was accessible, and where is the gender neutral bathroom was located? The petitioner replied that two bathrooms are located in the lower level, the first and second floor each have gender neutral bathrooms. Kelsey asked about accessibility. The petitioner replied that the elevator serves all floors.

Chipman clarified that the plan would be to enter the lower level and take the elevator or come in the beer garden. The petitioner pointed out the paths of travel for ADA accessibility through various areas.

Commissioner Yen inquired if there would be an upgrade to the elevator. Petitioner stated that there would not, they plan to use the existing elevator. Yen clarified that there was no plan B for ADA if the elevator were to go out. Petitioner stated no, it would be the only one but inspected and fully operational.

The petitioner expressed the difficulty faced in the past in this space due to the reliance on only one business. Having multiple avenues for businesses combined will drive the sales to keep up operations.

Commissioner McNeal-James stated she felt there is great potential there, should the business take off. She expressed concern for the lack of handicap ramps to park a car, get out into the wheelchair and get into the facility more easily. The petitioner replied that they would have to unload from the car at the lower level and go into the lower level which is ground level. Commissioner McNeal-James, inquired about handicap parking spaces, the petitioner replied that it would be an unloading area, and hopefully a ramp at the front of the building.

Commissioner Bond asked the petitioner to speak more on the fourth floor rental space not defined in the plans. The petitioner described it as a ski lodge type set up with a main area and a loft up above concept.

Chairman Hammond opened the public hearing, there were no comments. Hammond closed the special use public hearing.

Senior Planner Chipman read through the findings of fact.

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

The proposed banquet expansion, outdoor dining, and vacation rental use has the potential to impact the surrounding properties through increased noise and the increased usage of available parking. It is staff's opinion that the potential for noise nuisances is low as the site is located in a mixed-use commercial district that is used to events occurring, especially in the neighboring Montgomery Park. There is a potential for parking to become an issue in the future, however, the Mill District is designed with

increased street parking and the Petitioner has proposed a parking agreement that would address parking for large events that are planned on the property.

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 uses are compatible with the character of the adjacent properties and is envisioned within the Comprehensive Plan.

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 uses do not prohibit the use of surrounding property or its normal and orderly development. Neighboring properties within the area are able to develop, per the restrictions of the Mill District, in the event that this development is approved.

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.

There are existing utility connections on the site, and adequate utilities are available in the event that the site requires utility connections to be enlarged. Village staff and EEI will ensure that proper stormwater drainage and detention is accounted for in future phases of development.

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

Motion: Motion was made by Commissioner Bond to approve i. Public Hearing and Consideration of a Special Use for Outdoor Dining, the Expansion of the Banquet Hall, and Hotel/Motel (Vacation Rental) with an agreement for additional parking.

Commissioner Yakaitis seconded the motion. Motion passed 7-0.

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

Nays: None

Abstain: None

- ii. Public Hearing and Consideration of a Variance to the Unified Development Ordinance for Outdoor Dining Adjacent to a Residentially Zoned Property.

Senior Planner Chipman introduced the variance item and read through the findings of fact. Staff recommended approval of the 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 and general welfare of the public. The outdoor uses are contained

within a perimeter and the neighboring residential zoning parcel is a park that does not contain dwelling units or residents.

Staff: Staff agrees with the Petitioner and is of the opinion that the intent of the UDO was to protect residents located outside of the Mill District from potential nuisances.

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 location of the beer garden is in keeping with the character of other properties located in the immediate vicinity as outdoor events frequently occur in the area.

Staff: It is staff's opinion that the use is in keeping with the character of the adjacent properties as both the park and the VFW hold outdoor events. The Comprehensive Plan also envisions additional business activity in the Mill District.

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 ordinance would create an undue hardship due to the location of the floodplain on the property and the affect that it has on locating structures and outdoor spaces.

Staff: It is staff's opinion that the floodplain restricts the location of potential developments on the site, and the intention of the Ordinance is to protect residents located outside of the Mill District rather than open space.

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 location of the beer garden is dictated by the location of floodplain on the site. The beer garden is located outside of the floodplain and all other potential locations that do not remove additional parking are located within the floodplain. The areas within the floodplain that are proposed to be developed are planned to include buildings that are elevated outside of the floodplain.

Staff: Staff agrees with the Petitioner that there are few areas on the site that would allow for the construction of a beer garden with accessory structures due to the presences of the floodplain along the Fox River.

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 the area located north of the building is small and narrow and would not be feasible to allow for access and seating into the beer garden if it were made smaller.

Staff: Staff agrees with the Petitioner that it would be challenging to make the area smaller and allow for a viable use of the space for outdoor dining.

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: It is staff's opinion that the proposed encroachment is consistent with the intent of the Comprehensive Plan and the UDO as the neighboring residentially zoned property does not contain any dwelling units.

Chairman Hammond opened the public hearing, there were no comments. Hammond closed the variation public hearing.

Motion: Motion was made by Commissioner McNeal-James to approve ii. Public Hearing and Consideration of a Variance to the Unified Development Ordinance for Outdoor Dining Adjacent to a Residentially Zoned Property. Commissioner Bond seconded the motion. Motion passed 7-0.

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

Nays: None

Abstain: None

iii. Public Hearing and Consideration of a Variance to the Unified Development Ordinance for Constructing Accessory Structures Located in the Corner Side Yard.

Senior Planner Chipman stated that the accessory structures do not meet requirements for pergola or gazebo. He read through the findings of fact. Staff recommends the approval of the 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 and general welfare of the public. The Petitioner believes that solid roofs on the accessory structures will not affect pedestrians as there are opening in the sides of the structures to allow in natural light. The solid roof structures will benefit visitors by shielding them from the sun and rain creating a more enjoyable experience.

Staff: Staff agrees with the Petitioner that the variation will not endanger the health, safety, comfort, convenience, and general welfare of 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 the immediate vicinity as the structures would promote outdoor uses that are appealing to residents.

Staff: It is staff's opinion that the proposed variation is compatible with the properties in the immediate vicinity as it is similar to other customer service entities in the Mill District.

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 ordinance would create an undue hardship as additional patrons would be exposed to the sun and precipitation.

Staff: It is staff's opinion that this section of the UDO was intended for residential use. Staff promotes the creation of inviting environments that draw patrons to the Mill District.

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 location of the beer garden, which was pushed to the north due to the presence of the floodplain, has created a situation that would expose additional patrons to the sun and precipitation while dining if not for the presence of covered dining and waiting areas.

Staff: It is staff's opinion that the need to locate the beer garden further to the north of the property, due to the presence of the floodplain, has resulted in a location that encroaches into the corner side yard and is affected by the evening summer sunlight. If the floodplain would have allowed for more outdoor space behind the building, a variance would not have been necessary as the structure could have been behind the Mill and outside of the corner side yard.

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 the aesthetic effect of having a solid roof verses an open slatted roof for an accessory structure is minimal.

Staff: Staff agrees with the Petitioner that the proposed variation represents 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: It is staff opinion that the Comprehensive Plan encourages creative outdoor spaces resulting in a more inviting and attractive Mill District.

Chairman Hammond opened the public hearing, there were no comments. Hammond closed the variation public hearing.

Motion: Motion was made by Commissioner Kelsey to approve iii. Public Hearing and Consideration of a Variance to the Unified Development Ordinance for Constructing Accessory Structures Located in the Corner Side Yard. Commissioner McNeal-James seconded the motion. Motion passed 7-0.

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

Nays: None

Abstain: None

Note: The agenda items will be forwarded to the Village Board Meeting on Monday, May 10, 2021.

VIII. Community Development Update/New Business – Officer Nominations.

Senior Planner Chipman welcomed officer nominations for chair and vice chair. Commissioner McNeal-James nominated Mike Hammond for Chair; Hammond accepted. Commissioner Bond nominated Patrick Kelsey for Vice Chair; Kelsey accepted. Nominations can also be made next meeting.

Other updates included construction progress at the Sugar dome, and the apartments were moving forward. McAlister's was being finalized. Central states bus had broken ground with grading. Senior Planner Chipman announced that it would be his last meeting, having accepted a new position out of state. He stated his appreciation for working with the commission members for the last 13 years. Commissioners stated their gratitude and best wishes for Senior Planner Chipman.

Commissioners welcomed Sonya Abt as the new Director of Community Development and Ben Brzoska as the new commission member.

IX. Next Meeting: June 3, 2021

X. Adjournment

Having no further business, Chairman Hammond adjourned the Meeting at 8:14 pm.

Respectfully submitted,

Chris Wagner