

## PLAN COMMISSION

March 8, 2021

### REGULAR MEETING

#### ROLL CALL

The meeting was called to order at 7:00p.m. and the assemblage was invited to stand and recite the Pledge of Allegiance. President John Marshall asked for the roll call to be conducted. Members in attendance and absent are listed below:

#### **Members Present:**

President John Marshall, Vice President Daniel Rohaley, Michael Conquest, Laura Sauerman, Chad Jeffries, Richard Day

**Members Absent:** Scott Evorik

#### **Staff Present:**

Commission Attorney Joe Irak, Executive Secretary Anthony Schlueter, Recording Secretary Jenni Pause

#### APPROVAL OF MINUTES

President John Marshall asked the Commission to approve the March 8, 2021 meeting notes. Laura Sauerman stated there is one correction to made regarding who called the roll. Sauerman motioned to approve the February 8<sup>th</sup> meeting minutes with the correction. Rich Day seconded the motion. A roll call vote was taken, by a vote of 6 Yeas, 0 Nays, 0 Abstentions, the motion unanimously passed, and the meeting notes are now official record of the body.

#### OLD BUSINESS

##### **21-03 C.P. Prairie, LLC, Petitioner/Floyd & Brenda Mowry, Owner**

**Request:** Primary Subdivision

**Purpose:** The Orchard Subdivision (53 Lots)

**Location:** SE Corner of 109<sup>th</sup> & Iowa Street

Marshall informed the Board that this petition was deferred at the last BZA meeting due to the Board not being in favor of just one entrance. Schlueter stated any approval would need to be subject to BZA approval of the second entrance.

Ryan Fleming, 219 N Main St Unit C, came before the Board and provided an overview of the petition. Fleming detailed the proposed subdivision and lot size. The Orchard subdivision will be controlled by a POA and governed by covenants & restrictions. Fleming provided a detailed overview of the layout of the proposed subdivision. Fleming detailed the changes they have proposed to add an emergency access to the subdivision.

Executive Secretary Anthony Schlueter reported on the location, zoning, surrounding properties and history of approvals. Schlueter detailed some of the 109<sup>th</sup> improvements that will be happening in the future and reported the petitioner has participated in the improvements. Schlueter reported on the proposed subdivision design and layout. Schlueter reported the Crown Point Planning Commission has made it clear that there will be no new curb cuts on this section of 109<sup>th</sup> due to safety and traffic concerns. Schlueter detailed what the BZA was requiring as far access. Schlueter reported the parks requirement would be met with a monetary donation to the Parks Dept. Schlueter reported the curbs and sidewalks along Iowa will be prepaid to the city and will be installed once the 109<sup>th</sup> improvements are completed. Schlueter reported all lots of the subdivision do meet the minimum requirements of the city subdivision and zoning code Schlueter recommended approval subject to all Engineering findings, all payments to the city and BZA approval of the second access point. Schlueter informed Fleming that the emergency access needs to be a minimum of 10' in width. Fleming stated okay.

Marshall asked Schlueter to verify that the emergency access would be sufficient to drive a firetruck on. Schlueter asked Conquest if he has come up with a solution for the concrete. Conquest stated he does not have anything in black and white but believes 6-8" should be good. Conquest stated if they are using the existing stone driveway, they probably have a good base. Conquest stated it would not hurt to put structural fibers in and saw joints every 10' as you are coming down the driveway. Conquest stated he is trying to get some Engineering help and he believes the ordinance calls for at least 6". Schlueter reported any plans will be sent off to the Engineer for approval as well. Conquest stated they will need to get the weight of the heaviest firetruck. Schlueter stated everything including the access will require Engineering approval.

Marshall asked Schlueter to verify that the main entrance will be wider and have a double lane so that if something happens traffic can come in and out of one side. Schlueter confirmed.

Rohaley asked if you can get a firetruck and an ambulance down a 10' wide improved path. Marshall stated they would not be any wider than 8 ½ wide. Conquest agreed with Marshall and stated they should be worried about the height to make sure there are no wires or trees that would prohibit any emergency vehicle from getting through. Rohaley stated he is still not comfortable with this plan and thinks there needs to be another access along Iowa St. Rohaley stated there needs to be some recorded easement agreement with the city so that someone takes care of snow removal and maintenance of the emergency access drive. Rohaley stated the sign needs to be there indicating that it is an emergency access only. Rohaley stated no one should be using it as a shortcut.

Jeffries asked Schlueter to verify that they have the same amount of right of way on the north side as they do on the west side where the Fricke Farm is located. Schlueter reported he believes they do. Jeffries informed Schlueter that he believes they need to make sure they do. Jeffries asked about the traffic study and if Butler Fehrman have looked at this emergency access. Schlueter stated they can have that done before the BZA. Jeffries stated he feels that would be part of the city's due diligence to make sure that the traffic engineers agree with this proposed emergency access. Jeffries agreed with Conquest that the drive needs to be built to withstand the heaviest emergency vehicle. Schlueter

agreed. Schlueter asked Irak if there is language, they can create to state that the city would not be responsible or liable for any damage to the road made by an emergency vehicle, the financial liability would be the POA's responsibility. Irak stated that is possible and thinks Rohaley's idea of a maintenance agreement would work. Irak informed Fleming a document would need to be created making the POA responsible for any and all maintenance of the emergency access. Rohaley stated the road should be built according to city standards. Schlueter stated if the access were to city standards, they would essentially be putting another entrance on Iowa which Staff does not want. Rohaley stated the road will only be an emergency road and only 10' wide. Marshall stated he feels if they do 6" of concrete and install fibers & rebar there shouldn't be a cracking issue. Schlueter reported that they can have the city engineers look at it and come up with something for the BZA.

Jeffries stated if the access is deemed acceptable, he feels the signage should read walking path only, so it does not make it seem like it is a drivable access. Jeffries stated emergency personnel would be aware that it is an emergency access, but residents would look at it as a walking path. Fleming stated their intention was to mask the access as a walking path. Fleming informed the Board that his engineer stated 6" of concrete and 6" of stone should be sufficient. Fleming stated they will do whatever is necessary and required by the city. Conquest stated the 6" of concrete has to be minimum of 4000 psi, maybe even 4500 psi, with structural fibers installed and every 10' come back and saw cut the joints.

Sauerman asked Fleming to clarify the lot size. Fleming detailed the lot sizes for the subdivision. Sauerman stated that they have quite a range. Sauerman asked Fleming to verify that the smallest lot is 12,000sq ft. Fleming confirmed. Fleming stated over half the lots are over 18,000 sq ft.

Jeffries asked Fleming to verify that they have 50' of right of way to the center of the road. Fleming stated he believes so but will have to confirm that.

Rohaley asked Fleming if there are drainage easements on the plat and the magic language that the city requires for the situation where the city would have to take over the pond. Fleming stated will have to defer to the Engineer. Fleming asked Rohaley to elaborate so that he is clear what is required. Rohaley detailed what the requirement is as well as the "magi" language regarding the quick claim. Fleming stated he has no problem making sure that language is added to the plat. Rohaley stated the language is required for primary.

Rohaley addressed the Board and the public and stated he understands there are probably going to be remonstrators against the building of anything on this property, but they must understand that if someone owns property that is zoned residential, they have every right to build on that property according to the city subdivision code and the city cannot stop them. Rohaley stated if the city denies a petition simply because they do not want the subdivision the petitioner would have every right to take legal action against the city. Marshall stated residents have a right to their opinion. Rohaley stated he understands that but just wants to make sure people know that it is not as subjective as they may think.

Marshall opened the public portion of the meeting.

Grafer stated they will take comments via zoom first, then facebook comments and the third will be the online forms submitted.

Ed Lukacsek, 2530 E. 111<sup>th</sup> Ct, Crown Point, came before the Board and voiced his opposition to this petition. Lukacsek stated Rohaley clearly stated this would have to be approved if it meets the requirements but it does not because the subdivision has more than 40 lots and only 1 entrance so it should be rejected. Lukacsek stated the surrounding subdivisions have not been brought up. Lukacsek detailed his concerns with safety and traffic issues. Lukacsek stated he feels Iowa street needs to be widened before they approve a third subdivision in that location. Lukacsek stated the Board has the cart before the horse and they are not even going to be able to get an emergency vehicle to the subdivision. Lukacsek voiced his concerns with the lack of fire hydrants. Lukacsek stated they should have to bring the number of lots down to 40 or add a second access. Lukacsek detailed all his concerns with the fact the road improvements on 109<sup>th</sup> and Iowa have not been completed. Lukacsek stated he does not believe the rotaries will work the way they need to. Lukacsek stated the rotaries need to be redesigned. Lukacsek stated he also submitted a letter to the Plan Commission. Schlueter confirmed the letter was received.

Andy Kmiec, 2510 E. 111<sup>th</sup> Ct, Crown Point, came before the Board and stated he spoke with several neighbors in Niles Creek and Miller Farm, and they are concerned with the small size of the lots. Kmiec stated the lots in the adjoining subdivisions of Niles Creek and Miller Farm are all one acre lots and the proposed lots in this subdivision are less than a .43 of an acre. Kmiec stated they have a nice country atmosphere, and this will not fit it. Kmiec stated he feels Fleming should increase their lot sizes to an acre to match the surrounding subdivisions which would reduce the number of lots and they would not need the second access.

Brent Stack, 2640 E 111<sup>th</sup> Ct., Crown Point, came before the Board and voiced his concern with traffic and safety issues. Stack stated he moved to this area recently to avoid the congestion of town. Stack stated his biggest concern is his property butts up to the Niles Creek retention pond and wants to know what kind of assurance he can have that what is being planned will not have a negative effect on his property. Stack stated he has real concern with how this proposed development will affect his pond. Stack voiced his concern with the small lot size will have an adverse effect on his property value. Stack stated he is not opposed to growth he just feels it needs to be controlled.

Floyd & Brenda Mowry came before the Board and stated the reason Niles Creek and Miller Farm have one acre lots is because they are on well and septic systems and this subdivision will be on city sewer and water. Mowry stated as far as the traffic, people need to look at the plans the city has for 109<sup>th</sup> and Iowa because she believes this will alleviate traffic issues. Mowry asked the Commission for confirmation that the subdivision across the street, Heather Ridge, will have an access on Mississippi which should help alleviate traffic.

Brent Stack came back before the Board and stated Heather Ridge will also have an access on to Iowa Street which creates a clear danger to people driving. Stack stated there will be 4 entrances on that small stretch of Iowa St. Marshall agreed the traffic can be pretty bad in that area.

Graper stated there was one public comment sent the day before from Maureen Flaherty that was forwarded to the members. Schlueter stated he sent that to the members, and it is part of the record.

With no other public coming forward, Marshall closed the public portion of the meeting.

Marshall informed the public that all Crown Point subdivisions are required to have fire hydrants. Marshall stated all of the remonstrators are from subdivisions located in Lake County and some of the issues they are speaking of should be taken up with Lake Co. not Crown Point.

Schlueter addressed the traffic concerns. Schlueter stated the 2 entrances that are going to be located within the city of Crown Point jurisdiction are both going to have accel and decel lanes added with a passing blister on the opposite side of the street. Schlueter stated he cannot speak to the entrances located in Lake County's jurisdiction. Schlueter reported on the road improvements planned for this area including the I65 interchange, both to the east and west side of I65, which should help alleviate traffic and make this area safer to travel. Schlueter reported on the funds that were utilized to allow these improvements to happen.

Fleming addressed the lot size concerns and stated they exceeded the lot size requirement by the city for an R1 zoning. Fleming stated he cannot speak about lots located outside of the city of Crown Point city limits. Fleming stated he cannot do one acre lots. Fleming stated the houses exceed the minimums in Ellendale. Fleming stated the lots will be selling around \$100,000. Fleming addressed the detention concerns by detailing the grading plan for the proposed subdivision. Fleming addressed the corner that butts up to Stack's property and detailed the stormwater and drainage for that area. Fleming stated they have standards they have to conform to. Fleming stated they did not pursue this project until they were sure the improvements were going to happen with 109<sup>th</sup>.

Conquest asked what the magic number of lots is for 2 access points. Schlueter reported it is 40. Conquest addressed Lukascek and stated the turning radius needs to be looked at to make sure the Fire truck can make the turn. Conquest asked Fleming if this subdivision could be the answer to surrounding subdivisions getting city sewer and water. Fleming stated it does open the opportunity, but he cannot speak to capacity and pressure levels he cannot speak to that. Conquest stated he knows they have done recapture agreements in the past.

Rohaley motioned to deny Petition # 21-03 due to safety issues based on two access points for ingress/egress are not provided. Sauerma seconded the motion. Sauerma asked if there is a reason one lot is not being subtracted to allow for the second access for ingress/egress. Fleming stated the reason they have not gone that way is there is a very limited amount of space since they are not utilizing 109th and they feel having two on Iowa St. will pose its own safety issue. Fleming stated if they add another access, they will have the ability to add more lots instead of having this subdivision as a low-density subdivision and they would prefer not to go that route. Fleming stated the low density has always been their goal at this site. Schlueter stated Staff (Planning, Fire & Engineering) met with Fleming a few weeks ago and brought that subject up and the exact reasons Fleming just stated are the reason they decided this would be the best route. Schlueter reported they felt too many entrances too close

together on Iowa St. would cause a safety issue. Schlueter reported if the Board sees this petition incomplete he would prefer see it deferred than denied. With no further discussion. Marshall called for a roll call. With a roll call vote of 2 Ayes, 4 Nays, and 0 Abstentions, the motion to deny Petition #21-03 was not approved.

Jeffries motioned to approve Petition #21-03 subject to all Staff comments, all Engineering findings, subsequent approvals from the BZA, a proper agreement for the design of an emergency entrance, make sure the city has 50' right of way from the center line of 109<sup>th</sup> and review and approval by BFS (Butler Fehrman) of the emergency entrance in conjunction with the roundabout off 109<sup>th</sup>. Marshall asked Jeffries to add all required legal language to be added to the plat. Jeffries included that in his motion. Irak asked Jeffries to consider adding the hold harmless clause and maintenance agreement for the pond. Jeffries added that to his motion as well. Conquest seconded the motion. Conquest stated he would have preferred to defer. Conquest stated he is looking for darn near a road and something substantial for that emergency access. Conquest stated there must be an agreement that that road is open access all the time including in the winter. With no further discussion. Marshall called for a roll call. With a roll call vote of 4 Ayes, 2 Nays, and 0 Abstentions, the motion to approve Petition #21-03 was approved.

Marshall reminded Fleming that the approval is subject to approval by the BZA.

## **NEW BUSINESS**

### **21-05 Al Krygier, Petitioner/Bullseye Properties, LLC, Owner**

**Request:** Site Development

**Purpose:** Multi-Tenant Building (Crown Village East)

**Location:** 1400 Summit Street

Ryan Marovich, of DVG 1155 Troutwine, came before the Board and provided an overview of the petition. Marovich stated they will have 2 entrances on Madison and 1 entrance on Summit St. Marovich stated they exceed the parking requirement for this site. Schlueter asked Marovich for more detail on the main entrance off Summit. Marovich detailed the entrance and provided the Board with renderings showing the entrance. Marovich stated the entrance will be a right in/right out only with a pork chop installed. Marovich detailed the proposed architecture which will be similar to the existing Crown Village to the east of this site. Marovich stated this will be a smaller mirror image of that complex.

Schlueter reported on the location, zoning, surrounding properties and history of approvals. Schlueter reported on the proposed design, materials, trash containment, parking and 3 entrances. Schlueter reported that the site plan does meet with the minimum requirements for the Crown Point zoning and subdivision code. Schlueter recommended approval subject to all Engineering findings and Tree Board approval of the landscape plan.

Jeffries stated the site plan he was provided does not show the pork chop on Summit St. that the rendering does and asked how they were reconciling that. Schlueter reported they are going with the new site plan that shows the pork chop and decel lane on Summit.

Rohaley commended Krygier on the site plan and stated he has no issues with this petition.

Marshall entertained a motion. Rohaley motioned to approve Petition # 21-05 subject to Staff comments, final Engineering and Tree Board approval. Day seconded the motion. With no further discussion. Rohaley called for roll call. With a roll call vote of 6 Ayes, 0 Nays, and 0 Abstentions, Petition #21-05 was approved.

**21-06 DVG Team, Inc., LLC, Petitioner/DPCOMM22, Owner**

**Request:** Site Development

**Purpose:** Sonic Drive Thru Restaurant

**Location:** 896 North Superior Drive

Russ Pozen, of DVG, 11555 Troutwine, came before the Board and provided an overview of the petition. Pozen stated there is a cross access easement as well as a shared drive way agreement. Pozen detailed the parking. Pozen stated there will be no seating inside of the restaurant. Pozen provided details regarding the ingress/egress for this site. Pozen provided details regarding the trash containment and proposed signage. Pozen stated the detention for this site is already existing and provided by the subdivision. Pozen stated there is a hydrant added to this site per request by Staff.

Cory Detamore, owner, came before the Board and provided details regarding the design and materials of the site including the traffic flow and proposed stacking. Detamore stated all equipment for the building will be screened. Detamore stated all the grease containers will be on the interior.

Grant Currier, Linden Group Architects, 10100 Orland Parkway, Orland Park, IL, came before the Board and detailed the proposed design, color, materials, canopy and lighting for the building. Currier detailed how the stacking will work. Currier provided details regarding the proposed landscaping which has not been approved yet.

Schlueter reported on the location, zoning, and history of approvals. Schlueter reported on the design, materials, shared access, parking, and trash containment. Schlueter reported the site meets the minimum standards of the Crown subdivision and zoning code. Schlueter recommended approval subject to all Engineering findings and Tree Board approval.

Rohaley asked petitioner to verify that there are 9 dining experience parking spots under the canopy and 8 parking spots on the west side. Currier confirmed. Rohaley asked the petitioner to verify that there are only 17 total parking spots for this site. Currier stated there is no inside dining for this site. Currier confirmed 17 spots and stated they also have a cross access with Advanced Auto. Pozen stated Advanced Auto required 24 parking spots and 34 were installed. Rohaley voiced his concern with the demand outweighing what is there for parking. Rohaley stated as far as the design he likes the material

but does not feel like the architecture fits into the Broadway corridor. Rohaley stated in the past they have made even the gas stations install canopies that are somewhat Williamsburg. Marshall reminded the Board that they do not follow Williamsburg anymore. Rohaley stated it has never been repealed.

Jeffries asked Schlueter to confirm that the trash enclosure will match the brick masonry on the building. Schlueter and Pozen confirmed. Jeffries asked how the service entrance will be screened off. Currier detailed how that area will be screened off. Jeffries voiced his concern with "opaque" fencing and wants to make sure that the fencing is appropriate. Jeffries asked about the canopies and what they are going to look like. Detamore stated the renderings show exactly what the canopies will look like. Jeffries stated he is asking more about the canopy that people will eat under. Jeffries and Detamore discussed the proposed canopy. Currier provided a picture of what the canopy will look like from one elevation. Jeffries stated he does not feel the picture provides enough detail. Board and petitioners discussed the canopies and the proposed design. Jeffries asked what the material for the columns for the canopy will be. Currier confirmed the material will be a wrapped metal.

Marshall agreed with Jeffries on the fencing and recommended bricking the fence. Detamore stated they plan to put up the same kind of fence panel that is at Starbucks. Detamore stated they would be open to options.

Day stated he likes the changes but asked for a rendering of the monument sign. Detamore stated the monument sign is already installed and matches the masonry on Advanced Auto.

Marshall entertained a motion. Conquest motioned to approve Petition # 21-06 subject to Staff comments, final Engineering and Legal findings. Jeffries seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 5 Ayes, 1 Nays, and 0 Abstentions, Petition #21-06 was approved.

**21-07 DVG Team, Inc., LLC, Petitioner/RSC Properties, LLC, Owner**

**Request:** Site Development

**Purpose:** Office/Warehouse Building

**Location:** 750 East Porter Street

Ryan Marovich, of DVG 1155 Troutwine, came before the Board and provided an overview of the petition. Marovich detailed the proposed design, materials, parking, detention, and sidewalk. Marovich stated there will be a privacy fence on the north and west side.

Schlueter reported on the location, zoning, and history of approvals. Schlueter reported on the proposed design and use of the building. Schlueter reported on the parking. Schlueter reported that the site does meet the minimum requirements for the Crown zoning and subdivision code. Schlueter recommended approval subject to all Engineering findings and Tree Board approval.



Marshall asked the petitioner to verify that the trash containment has been moved inside the building. Detamore confirmed and stated the owners will take the trash out like a residential property.

Rohaley stated he really likes the look of the building. Conquest agreed. Marshall stated they did a good job on the design.

Conquest stated he cannot believe that a construction business will not have any trash. Conquest asked if they could try this residential style trash pick up for awhile but if it does not work, they have to install a proper trash containment area. Marovich stated it sounds like most of the trash generated in the office will be minimal and all construction materials will be on the jobsites not brought back to the office. Marovich stated if it becomes an issue the owner will do what is required.

Marshall entertained a motion. Rohaley motioned to approve Petition # 21-07 subject to Staff comments and final Engineering. Jeffries seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 6 Ayes, 0 Nays, and 0 Abstentions, Petition #21-07 was approved.

#### **MISC. AND PUBLIC COMMENT**

##### **Public Hearing: Crown Point Zoning & Subdivision Code Update**

Schlueter informed the Board that Maura, the consultant, was unable to complete the changes due to personal reasons. Schlueter asked for a deferral. Marshall entertained a motion. Rohaley motioned to defer the public hearing for the Crown Point Zoning & Subdivision Code Update. Day seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 6 Ayes, 0 Nays, and 0 Abstentions, the public hearing was deferred.

No Public Comment

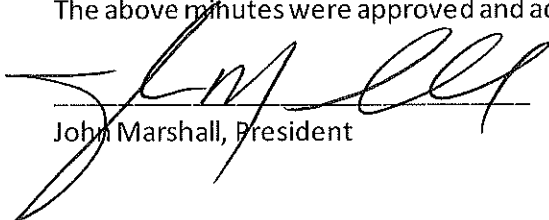
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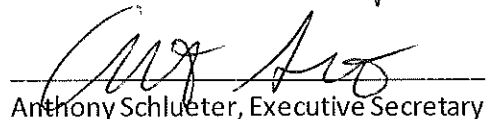
#### **ADJOURNMENT**

At 9:14p.m. Day motioned to adjourn, seconded by Jeffries.

#### **ATTESTMENTS OF MEETING MINUTES**

The above minutes were approved and adopted by majority on the 12th day of April, 2021.

  
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John Marshall, President

  
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Anthony Schlueter, Executive Secretary