

## PLANNING & ZONING COMMISSION

APRIL 9, 2019 – 7:00 PM

The meeting was called to order by Chairman DAN FRIANT at 7:00 p.m. followed by the Pledge of Allegiance. Members present: TERRY McEVILLY, DAN WITTENKELLER, BOB WHITE, BRUCE MILLER, & BOB WILSON. Member absent: MIKE CLEMMONS. Steve Thornton, Building & Zoning Officer, and Mike Hopkins, Village Attorney were also present.

### **Approval of Previous Meeting Minutes:**

Commissioner McEvelly moved to approve the October 9, 2018 minutes as presented. Commissioner Wittenkeller seconded the motion.

Ayes: Commissioners McEvelly, Wittenkeller, White, Miller & Wilson

Nays: None

Absent: Commissioner Clemmons

Motion carried.

**Upcoming Agenda Items:** Building & Zoning Officer Thornton stated that Domino's Pizza would be coming in with their preliminary and final plat next month.

### **Briefing on Village Board Actions and Related Matters:**

Building & Zoning Officer Thornton had nothing to report.

### **Public Hearings:**

Public Hearing and Consideration of an Amendment to Title 5, Chapter 3, General Zoning Provisions, Section 5-3-10(G), Parking Restrictions for Motor Vehicles in Residence Districts, of the Village Code.

Chairman Friant opened the Public Hearing at 7:05 p.m.

Chairman Friant stated that the notice of public hearing was published in the Joliet Herald News, The Morris Herald News and The Kendall County Record on March 21, 2019.

Attorney Hopkins reported that the way the section reads now, it is distinguishing between motor vehicles being different from recreational vehicles.

Chairman Friant asked Attorney Hopkins if a boat can be parked in gravel on the side of the house. Attorney Hopkins stated that the way he reads the ordinance it basically states that parking of **motor vehicles** is restricted to: a) the residential driveway; b) fully enclosed building or structure; or c) the side yard, so long as the entire area beneath the motor vehicle is open, impervious, and constructed of a hard dustless material, such as concrete, asphalt, brick pavers, slate, or stamped concrete, with a surface capable of supporting the weight of the vehicle, and otherwise complies with all of the provisions of this code. Access of motor vehicles to side and rear yards for parking purposes must also be upon surfaces that meet the same surface requirements for motor vehicles, parking (i.e. concrete, asphalt, brick pavers, slate, or stamped concrete).

The section that is being changed is motor vehicles and the definition for motor vehicles is passenger vehicle, truck, truck trailer, trailer or semi-trailer, propelled or drawn by mechanical power. He stated that a motor vehicle is not the same as a recreational vehicle.

The section that is being changed is specifically motor vehicles and that this discussion at this meeting was to better define and explain the existing ordinance.

Commissioner White wondered about a motor home that is self-propelled. Attorney Hopkins responded that it is a trailer that is drawn by mechanical power. Commissioner McEvelly questioned if RV's would be included in the section. Attorney Hopkins stated that RV's are separate and that the Section we are dealing with is specifically motor vehicles and snowmobile trailer would count as a trailer and a boat would also if on a trailer. Mobile homes would not fall under this category. The penalties stay the same.

**Joe Stalzer, 808 Wildwood Drive**, wondered if he can park a trailer on gravel. The way the ordinance reads it has to be on asphalt or concrete.

Chairman Friant closed the Public Hearing at 7:17 p.m.

Commissioner McEvelly motioned based on the evidence presented and the reasons set forth in the Planning and Zoning meeting, to recommend to the Village Board amending Title 5, Chapter 3, General Zoning Provisions, Section 5-3-10(G), Parking Restrictions for Motor Vehicles in Residence Districts, of the Village Code as written and discussed. Commissioner Wittenkeller seconded the motion.

Ayes: Commissioners Wittenkeller, Miller, White, Wilson & McEvelly

Nays: None

Absent: Commissioner Clemmons

Motion carried.

Public Hearing and Consideration of Case#2019-01; Granting a Conditional Permitted Use for a B-1 Business Zoning District to allow for a drive-through facility, Grundy County, Illinois: Pin 03-11-278-030, part of existing tax parcel, located in the Village of Minooka, Commonly Known As: 855 South Ridge Road, Minooka, IL 60447.

Chairman Friant opened the Public Hearing at 7:19 p.m.

Chairman Friant stated that the notice of public hearing was published in the Joliet Herald News, The Morris Herald News and The Kendall County Record on March 21, 2019.

Chairman Friant swore in **Steve Walker, 3695 W. 6<sup>th</sup> Street, Frontage Road West, Suite B, Springfield, IL 62703**, of Martin Engineering Company requesting a Conditional Permitted Use for a drive-through lane on a proposed Domino's Pizza on the north side of the current Ace Hardware retail center.

The drive through is requested mainly for a pick-up window and is not a true drive through window because there will not be order board. A customer would call in or get on the app to order pizza and pick up at the window making it convenient for families. Sometimes money would be exchanged if the order was not placed on the app and if the pizza is not ready when a customer gets to the window they would be instructed to move up to a parking space and the pizza would be brought out to their car.

One of the commissioners asked if there would be a back up of cars at the window and Mr. Walker stated that typically Domino's drive through would only have maybe two cars at the most in the drive up due to it being just a drive through window.

The building is 48 feet deep, the window is a third of that, probably at least 2 cars on side and along the back 2-3 cars with one on the curve. Not blocking anything. Drive through window is on the west side of building.

Commissioner White commented that the way it looks, the traffic would be exiting back into the parking lot and not onto Ridge Road. Parking is along the east side and south, and there is shared parking in the existing center. Commissioner Wittenkeller questioned whether the entire perimeter has a barrier curb and Mr. Walker answered yes. As far as setbacks go, there is a 25 foot rear yard setback that is all landscaped before the curb for any of the drive-thru for parking on the north side of the building per Village's ordinance. 40 feet setback from the north property line through the drive thru lane. Fence is on the north end.

Chairman Friant opened discussion to the public.

**Mark Spangler of 715 Wildwood Drive**, commented on the fence that is on the property line being in disrepair. He questioned whether lights from the building would shine in his back windows? He objects to more heavy traffic.

**Kathi Spindler of 709 Wildwood Drive**, questioned what the hours would be. Mr. Walker stated that the hours would be 11am to 1200 am weekdays, 11am to 1am or 2am weekends. There would be limited seating.

Commissioner Wittenkellar questioned about the landscaping that is in the back. Mr. Walker stated that currently it is flat terrain, with opportunity to put in evergreen screening or whatever would be required. Commission Miller asked what type of fence was in the back and Mr. Walker stated that it was solid wood. Commissioner White stated that it would be nice to see some nice size evergreens for landscaping which would improve the appearance and knock out the lights and noise to the residences.

Commissioner McEvelly stated that to put fencing up would be nice between the subject matter and the residents along with the evergreens.

**Colleen Krol of 710 Wildwood Drive**, is directly behind the proposed building. She is wondering about the proposed lighting to be put up on the building, in the parking lot and spot lights on the outside of the building. Mr. Walker doubts if there would be any free-standing lighting. The lighting is LED lights. She wonders if the lights get shut off when the store closes or are they on 24 hours? Mr. Walker stated that he did not know the answer to that question at this time.

**Nick Krol of 710 Wildwood Drive**, wondered if Domino's has taken into consideration the bike path danger that is right behind the proposed site. How far would the drive-through be from the bike path? Mr. Walker stated that it would be 20 feet from the bike path to the property line.

He also stated that parking will be on east side away from bike path and the front door will be facing south with plenty of places for people to park.

**Mark Spangler of 715 Longwood Drive** – Wonders why they have to have a drive-through. He feels that people can get out of their car and walk in and get their pizza. He feels that there will be noise no matter what kind of buffering would be put up, concerned about the lighting, and the extra traffic. He feels that it isn't necessary to have a drive-through.

**Kathi Spindler of 709 Wildwood Drive**, there are two empty lots between them that have been sold and are having houses being built on them. She has lived here for 12 years. Have had problems with break-in's at the strip mall. Her concerns are also the additional lighting, noise and additional traffic. She realizes that the drive-through will not have a speaker but the hours alone and the increased traffic will be hard enough to get in and out of the business. The project will back up to four properties and worries about the long hours. She respects the small business but does not think it is the right location for a Domino's with a drive-through.

**Colleen Krol of 710 Wildwood Drive**, stated that she has three kids and all their bedroom windows face the site. She wonders about the lighting coming from the store and the vehicle lights. She worries about someone getting out of their vehicle, making loud noises at all times in the morning. She also worries about someone hitting the gas pedal instead of the brake pedal and breaking through the barrier and the fence and hit someone in her back yard.

**Nick Krol of 710 Wildwood Drive**, stated that they bought their house three years ago and loved the location. He understands living next to a business, but is against a drive through. At the time they bought the house it was not zoned for a drive through. It was to be a strip mall. He feels that you can't guarantee how many would be in the drive-up at any time. Also, with the extra traffic he feels that a lot of the traffic will be cutting through the subdivision.

Commissioner White questioned what the approximate percentage of drive-through traffic verses pick-up. Is it significant enough to have a drive-through or walk in and get the pizza? Mr. Walker stated that about 2/3 of the business is delivery and pick-up and 1/3 is walk in or eat inside.

Mr. Walker stated that it is a convenience for families to just pullup to a drive-up window and get their pizza instead of getting out of their cars.

Mr. Walker stated that this developer has built 86 stores and have put evergreens around buildings and that all modern Domino's have drive-thru windows.

Chairman Friant commented that some sort of screening is required by the Village.

Commissioner Miller asked if other facilities have had circumstances like this one. Two stores in Springfield, IL are built in residential areas that are right behind the store and required evergreens for the lights going around building.

Mr. Walker gave a summary. He stated that the developer wasn't able to attend and that he probably would not build a Domino's without a drive-through. He testified that they use lighting that would not be visible away from the building and that they only light up the sides of the building.

Mr. Spangler stated that there is no way to stop all noise and if they can't operate without a drive-through than they should find a place away from the residential area. He has no objection against Domino's Pizza, there is plenty of parking spaces, it is just having the drive-through window close to a residential area.

Mr. Walker stated that the 40 foot setback ordinance is the largest he has had to deal with. He feels that the Village has put a lot of thought into the ordinance.

Chairman Friant closed the Public Hearing at 8:11 p.m.

Commissioner Miller asked if the Village Board has already discussed this. Yes, it has been. He wondered if they had any discussion about it. Chairman Friant did not have an answer. Commissioner Wittenkeller stated that it goes to the Village Board next.

Chairman Friant stated to the audience that this Board makes a recommendation (rather approving or dis-approving) and then it goes to the Village Board. Commissioner Wittenkeller stated that the Village Board has the final say.

Commissioner McEvilly motioned based on the evidence presented and the reasons set forth in the Planning and Zoning meeting and recommendation sheets, I move to recommend to the Village Board the Approval of Case #2019-01 for a Conditional Permitted Use for a drive-through on the parcel that is listed on the site plan with special consideration to additional buffering and screening based on review by Village Attorney and by engineering review as well. Also reviewing the lighting on the facility. Commissioner Miller seconded the motion.

Ayes: Commissioners McEvilly, Wittenkeller, White & Miller  
Nays: Commissioner Wilson  
Absent: Commissioner Clemmons

**Old Business:** None.

**New Business:** None

**As Appropriate:** None

**Adjournment:**

Commissioner White motioned to adjourn at 8:24 p.m., Commissioner Wittenkeller seconded the motion. All voted aye, meeting adjourned.

Missy Ferguson  
Deputy Village Clerk  
Approved May 14, 2019