

**MINUTES**  
**FLOSSMOOR PLAN COMMISSION**  
**REGULAR MARCH MEETING**  
**MARCH 21, 2019**

Commissioner Mitchell called the March 21, 2019 regular Meeting of the Plan Commission to order at 7:36 PM

**1. ROLL CALL**

**PRESENT:**

Commissioners Matthys, Mitchell, White and Yast

**ABSENT:**

Commissioners Chair Curran, Commissioners Martin and McCarthy

**ALSO PRESENT:**

Scott Bugner, Zoning Administrator; Andrew Costa, Village Attorney; Petitioners Todd Abrams, Dean Armstrong, Craig Harrison, Ryan Kelley, Jordan Rhyne and Ed Wright.

**2. MOTION TO NOMINATE AN ACTING CHAIR**

**Commissioner Matthys motioned to nominate Commissioner Mitchell as Acting Chair.**  
**Commissioner White seconded the motion which passed by voice vote.**

**AYES:** Commissioners Matthys, Mitchell, White and Yast

**NAYS:** None

**3. APPROVAL OF THE MINUTES OF THE MEETINGS OF DECEMBER 20, 2018**

**Commissioner Yast motioned to accept the minutes of the December 20, 2018 meeting as amended.** Commissioner Matthys seconded the motion which passed by voice vote.

**AYES:** Acting Chair Mitchell, Commissioners Matthys, and Yast

**NAYS:** None

**ABSTAIN:** Commissioner White

#### **4. PUBLIC HEARINGS/NEW BUSINESS**

##### **A. PUBLIC HEARING TO CONSIDER A REQUEST FOR AN AMENDMENT TO A SPECIAL USE PERMIT (Caulfield Properties – Paver Patio and Fire Pit) – 1035 Sterling Avenue**

Acting Chair Mitchell opened the Public Hearing and asked Mr. Bugner to read the legal notice and provide a summary of the request. Mr. Bugner summarized the petitioners request stating that Flossmoor Station Restaurant and Brewery was proposing a new paver patio and natural gas non-combustible ceramic log fire pit, along with new railings and landscaping improvements. He stated that in the B-5 District, no existing lot area or width, or existing yard may be decreased unless an applicant follows the special provisions in Section 285-18-5F of the Zoning Code, thereby requiring review as a special use.

Acting Chair Mitchell asked the petitioner to provide additional detail and to explain how the proposal would benefit the community.

Dean Armstrong stated that he was Vice President and General Counsel for Caulfield Properties also known as Flossmoor Station Restaurant and Brewery. He provided a brief history of the Restaurant and explained the proposed project and that the he proposed that the Amendment to the Special Use Permit be narrowly tailored to reflect that the proposed fire pit will be a natural gas, ceramic or concrete log fire pit to prevent any burning embers.

Mr. Bugner added that the Fire Department had reviewed the proposed fire pit and had no issues or recommendations.

Acting Chair Mitchell asked Commissioners for questions or comments.

Commissioner Matthys asked about the plans for future plantings as indicated in the submittal. Mr. Armstrong stated that they were indicated as future plantings only in the fact that the fire pit and patio would be completed first. He stated the plantings and retaining wall would be done immediately following the completion of the fire pit and patio.

Commissioner White asked what the required distance would be from combustibles if the fire pit were log burning. Mr. Bugner advised that the minimum distance would be 15 feet. He stated that the proposed fire pit is approximately 10 feet from the caboose deck which is considered as a combustible material.

Commissioner Matthys asked what the distance was between the restaurant building and the fire pit. Mr. Armstrong did not have an exact distance but stated that it was at least 20 feet.

Commissioner Matthys asked if there would be an emergency gas shut off nearby. Mr. Bugner stated that an accessible shut off valve would be located nearby. Mr. Armstrong added that the shut off would be located adjacent to the far south end of the building.

With no additional comments from the Commissioners or the public, Acting Chair Mitchell closed the public hearing and asked for a motion to recommend approval of an Amendment to Special Use Permit as proposed.

**Commissioner White motioned to recommend approval of an Amendment to the Special Use Permit as proposed. Commissioner Matthys seconded the motion which passed by roll call vote.**

**AYES:** Acting Chair Mitchell, Commissioners Matthys, White and Yast

**NAYS:** None

**ABSENT:** Chair Curran, Commissioners Martin and McCarthy

**B. PUBLIC HEARING TO CONSIDER A REQUEST FOR AN AMENDMENT TO FINAL PLAN FOR A PLANNED UNIT DEVELOPMENT AND A SPECIAL USE PERMIT (Tesla Motors, Inc. / Meijer – Electric car charging stations) – 3800 Vollmer Road**

Acting Chair Mitchell opened the Public Hearing and asked Mr. Bugner to read the legal notice and provide a summary of the request. Mr. Bugner provided a summary of the request explaining that Tesla Motors Inc. has leased space near the southeast corner of the Meijer store main parking lot for the proposed installation of up to 16 electric automobile charging stations. He stated that 10 stations would be installed initially starting at the far south end of the lot. He advised that a new island would be constructed to the north of the charging stalls where an 8 foot high fenced

enclosure would be constructed to house the supercharger equipment and switchgear. He stated that the proposed charging station curb would reduce the minimum depth requirement for parking stalls from the previously approved 19 feet to 18 feet and that the new island would eliminate 6 existing parking stalls. He advised that the Fire Department has some concern that the equipment may be subject to vehicle damage and recommended that there be some bollard protection particularly near the south end where the Meijer access road intersects the parking lot. The Fire Department also requested a Knox Box to be installed for emergency access into the enclosure.

Acting Chair Mitchell asked the petitioner to provide additional detail of the proposed project and to address the concerns of the Fire Department and zoning regulations.

Jordan Rhynes, market lead for Tesla stated that he had been able to review the concerns raised in the staff report. He explained that Tesla has worked with Meijer and currently has over 30 supercharger sites at Meijer locations. He stated that there would be no issue with meeting the requests of the Fire Department for emergency access. He stated that the equipment enclosure was placed further north in the lot in an effort to provide an additional safety buffer from the access road. He advised that alternate sites had been considered for the enclosure, but that the proposed location would be the safest of those considered. He stated that the curbing which would reduce the depth of the parking stalls was necessary in order to mount the charging equipment and run the wiring. He advised that other sites that have 17 and 18 foot stalls have not encountered any issues affecting the parking of vehicles within those stalls.

Acting Chair Mitchell asked Commissioners for questions or comments.

Commissioner Matthys asked how many parking spaces would be reduced overall. Mr. Bugner advised that 6 spaces would be eliminated by the construction of the new island where the enclosure would be placed, with 5 spaces proposed for dedicated for charging only would essentially eliminate 11 spaces. The remaining 5-11 spaces would be available for 30 minute general parking. Commissioner Matthys asked what the original number of required spaces was for the Meijer store. Mr. Bugner explained that existing zoning regulations would have required 1,929 stalls based on the use and square footage of the store, but that the Plan Commission and Village Board did approve a reduction to 771 stalls. Commissioner Matthys noted that he has never had an issue finding a parking space.

Commissioner Matthys asked if the petitioner would be providing bollard protection as requested. Mr. Rhynes asked for confirmation that the concern was related to the transformer at the far south end near the access road. Mr. Bugner advised that was correct and that there was concern for vehicles jumping the island off of the access road that could damage the transformer or the nearby chargers. Mr. Rhynes stated that they would address those concerns and provide protection as requested.

Commissioner Matthys asked what the height of the proposed fence would be. Acting Chair Mitchell advised that the proposed height was 8 feet as indicated on sheet A6 of the submittal drawings. Commissioner Matthys asked if the color of the fence indicated in the submittal was an accurate depiction. Mr. Bugner advised that he had taken the photo sample from the fence manufacturer's web site of the color proposed in the drawings.

Mr. Rhynes added in response to the question of parking counts, that while the signage may indicate designated charger parking only they do not generally actively enforce such dedicated space requirements and that in working with Meijer, Tesla places these sites in more remote areas of the parking lots to accommodate regular Meijer customers with spaces that are closer to the store.

Commissioner Matthys noted that in reviewing the proposed location, that it was sited where the one of the most common access points is into the parking lot. He asked if there was any thought in moving the location further to the west where it would be further from that main access. Acting Chair Mitchell also agreed with the question being asked and stated that in the winter, the snow is typically plowed into that area and piled up.

Commissioner Yast was also concerned with the proposed location and asked if a fence would surround both the equipment enclosure to the north and the transformer to the south. Mr. Rhynes advised that the fence would only be constructed around the supercharging equipment at the north end.

Mr. Rhynes stated that multiple locations had been considered but that both Meijer and ComEd were driving factors in to the proposed location and that Meijer had the final say as to where they would allow the charging stations to be located.

Commissioner Yast asked if the green space behind the Meijer gas station was required and if that could have been a potential site or if the charging stations could have been moved further to the north and east along the eastern edge of the parking lot. Mr. Rhynes stated that he would be more than happy to go back to

Meijer to present the concerns raised by the Commission to see if there could be any alternate options for the location.

Commissioner Matthys stated that it may be more desirable to locate the charging stations further west towards the middle of the parking lot as opposed to further east. Commissioner Yast agreed, but stated that if it needs to be located in the area proposed he would prefer that it be located in the last row to the east as opposed to the proposed location near the access road. Acting Chair Mitchell agreed.

Mr. Rhynes understood the Commissioners concerns and requested that conditional approval be granted for the request as submitted with the understanding that they would go back to Meijer to discuss whether these alternate locations could be considered. He stated that while there were several locations proposed, he did not know the specific locations that were either approved or denied by Meijer and was unsure if any of the locations suggested by the Commission had already been considered.

Acting Chair Mitchell asked if a request for conditional approval would be subject to additional review by the Commission. Mr. Bugner advised that as an amendment to a final plan for the PUD a conditional approval is the same as an approval with the understanding that Tesla would go back to Meijer in attempt to seek alternate locations. Mr. Bugner advised that if conditional approval is recommended, there is no guarantee that Meijer would approve one of the alternate locations recommended and that in such a case, the location as proposed would be approved as an amendment to the final plan.

Mr. Rhynes stated that Tesla will go back to Meijer in a good faith effort to seek an alternate location as suggested and only wants to build a site that everyone is happy about and doesn't cause any issues in the community.

Mr. Rhynes asked if the main concern was the location of the stalls or the equipment. Acting Chair Mitchell stated that the location in relation to the access road is main concern and that equipment enclosure enhances the possibility of problems with sight lines and vision.

With no additional comments from the Commissioners or the public, Acting Chair Mitchell closed the public hearing and asked for a motion to recommend approval of an Amendment to Final Plan and Special Use Permit as proposed with the understanding that Tesla will put a good faith effort in seeking alternate locations as suggested by the Commission.

**Commissioner White motioned to recommend approval of an Amendment to the Final Plan and Special Use Permit as proposed with the condition that the petitioner would seek an alternate location as suggested by the Plan Commission. Commissioner Yast seconded the motion which passed by roll call vote.**

**AYES:** Acting Chair Mitchell, Commissioners Matthys, White and Yast

**NAYS:** None

**ABSENT:** Chair Curran, Commissioners McCarthy and White

**C. PUBLIC HEARING OF A REQUEST FOR AN AMENDMENT TO A SPECIAL USE PERMIT (Homewood-Flossmoor Community High School District 233 – Additions) – 999 Kedzie Avenue**

Acting Chair Mitchell opened the Public Hearing and asked Mr. Bugner to read the legal notice and provide a summary of the request. Mr. Bugner stated that Homewood-Flossmoor High School is seeking an amendment to the Special Use Permit to construct two new additions to the south campus building. He advised that the northerly addition would be approximately 9,200 square feet and the southerly addition being approximately 23,000 square feet. Both additions are proposed to house the fine arts programs. He stated that additional site improvements proposed include new landscape planter boxes and other landscape improvements, a new courtyard in the center of the building, various sidewalk and parking lot improvements, the rerouting and installation of new utilities such as storm and sanitary sewer and water main, as well as building and monument signage.

Acting Chair Mitchell asked the petitioner to provide additional detail of the proposed project.

Ed Wright, principal at DLA Architects which represents the school district provided a brief history as to why the project has been proposed stating there were three driving reasons behind the project. He stated that the music and band programs have expanded substantially, the theater program has also grown substantially, and the third component is the MVP program where the school is consolidating the music, theater and art programs into one area of the building. He provided details of the proposed floor plans for the new spaces which include improved accessibility to both new as well as existing areas of the building. He provided details of exterior

finishes and design and deferred any comments or questions regarding the site and utility improvements for the civil engineer Todd Abrams.

Acting Chair Mitchell asked Commissioners for questions or comments.

Commissioner Matthys asked about the impact would be related to stormwater given that there have been issues over the years and which were recently addressed with the nearby MWRD project and asked about the impact on parking. Mr. Bugner advised that the existing parking would continue to be in excess of that which is required by the zoning code. Mr. Wright added that no additional population is being added to the school. Todd Abrams explained that there had been substantial amount of impervious area built in to the MWRD model for these future improvements at the high school and which were mutually agreed upon in an intergovernmental agreement between the school district, the Village and MWRD and further explained the extent of the improvements that were completed as a part of the MRWD project.

Commissioner Yast asked what the current art department area would be utilized as following the additions. Mr. Wright explained that the plan for that area in the future would be to increase the vocational uses such as welding, automotive or other trades which are currently located nearby.

Acting Chair Mitchell asked about the proposed signage on the wall and if it was considered a wall sign. Mr. Bugner explained that the proposed signs on the wall would be considered as wall signs and that the ground sign was considered a monument sign. He advised that while there are no provisions for wall signs in a Public Use District, previous amendments have permitted walls signs in multiple locations at the campus.

With no additional comments from the Commissioners or the public, Acting Chair Mitchell closed the public hearing and asked for a motion to recommend approval of an Amendment to Special Use Permit as proposed.

**Commissioner Matthys motioned to recommend approval of an Amendment to the Special Use Permit as proposed. Commissioner Yast seconded the motion which passed by roll call vote.**

**AYES:** Acting Chair Mitchell, Commissioners Matthys, White and Yast

**NAYS:** None

**ABSENT:** Chair Curran, Commissioners McCarthy and White

**5. OTHER BUSINESS**

**A. FINDINGS OF FACT 1035 STERLING AVENUE**

Findings of fact were discussed and approved for the recommendation that the Amendment to the Special Use Permit for 1035 Sterling Avenue be recommended for approval.

**B. FINDINGS OF FACT 3800 VOLLMER ROAD**

Findings of fact were discussed and approved for the recommendation that the Amendment to the Final Plan and Special Use Permit for 3800 Vollmer Road be recommended for approval.

**C. FINDINGS OF FACT 999 KEDZIE AVENUE**

Findings of fact were discussed and approved for the recommendation that the Amendment to the Special Use Permit for 999 Kedzie Avenue be recommended for approval.

**6. OLD BUSINESS**

None

**7. STAFF REPORTS**

None

**8. MEMBERS CONCERNS AND IDEAS**

Commissioner Matthys stated that he has noticed that most submittals coming to the Commission have poor landscaping plans, which in part is due to the landscape code of the Village. He brought up the Flossmoor Station proposal and the fact that the plans called for future landscaping, and that he didn't see any landscape plan provided in the Tesla proposal. Mr. Bugner advised that the Tesla proposal included a detail that grass

was to be planted around the enclosure on the new island. But he also advised that where there are insufficiencies in a plan submittal, the Plan Commission can recommend additional landscaping or other items and that the Commission can recommend that those items be addressed sufficiently before recommending approval, which may require continuing a hearing to a later date where the petitioner can return with an updated submittal. Commissioner Matthys expressed his concerns that any restrictions or recommendations that the Commission requests would be overruled by the Village Board. He asked if there should be consideration to amending the village codes to raise the bar for required landscaping so that a petitioner knows the minimum criteria that they have to meet when a plan is submitted.

The Commissioners discussed the possibility of amending the landscape ordinance or other options that may prevent a petitioner from proceeding to a public hearing before an adequate landscape plan has been submitted.

Mr. Bugner and Mr. Costa advised that the Plan Commission can recommend text amendments and that the existing landscape regulations could be revised as necessary.

Mr. Bugner also advised that the Dunkin Donuts situation was unique with relation to the Village Board approval in that the Board had already had an agreement for the sale of the property to the franchisee. He advised that Planned Unit Development Procedures have been recommended for change which would place the approval of a concept plan in the hands of the Village Board before a preliminary or final plan is submitted for public hearing before the Plan Commission which would essentially provide some feedback to the Commission as to where the Board of Trustees stands on a particular project.

## 9. ADJOURNMENT

**Commissioner Matthys motioned to adjourn the meeting at 8:54 PM. Commissioner Yast seconded the motion which passed by unanimous voice vote.**

**AYES:** Acting Chair Mitchell, Commissioners Matthys, White and Yast

**NAYS:** None