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MINUTES
FLOSSMOOR PLAN COMMISSION
REGULAR MAY MEETING
MAY 20, 2021

Attorney Orr called the May 20, 2021 regular Meeting of the Plan Commission to order at 7:40PM

1. ROLL CALL

PRESENT:

Commissioners Maddox, Martin, McCarthy and Yast.

ABSENT: Chair Curran, Commissioners Matthys and Mitchell

ALSO PRESENT:

Scott Bugner, Zoning Administrator; Kathleen Orr, Village Attorney; Anthony Shipps, Petitioner; Corey Bradford, Petitioner; Shailesh Shah, Petitioner; Peter Paraskis, Petitioner; Keinon Washington, Petitioner; Andrew Willis, Petitioner; Dorothy Scrementi; Joyce Butler; Anita Glencoe; Crystal Arsenal; Frank Arsenal; Betty Walker Ward, Residents

2. In the absence of Chair Curran, Attorney Orr asked for a motion and second to appoint an acting Chair.

Commissioner Martin motioned to nominate Commissioner McCarthy as acting Chair. Commissioner Yast seconded the motion which passed by roll call vote.

AYES: Commissioners Maddox, Martin, McCarthy and Yast

NAYS: None

3. APPROVAL OF THE MINUTES OF THE MEETINGS OF APRIL 15, 2021

Acting Chair McCarthy asked the Commissioners if they had any changes or comments. Hearing no changes, Acting Chair Mitchell asked for a motion to approve the minutes as submitted.

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Commissioner Yast motioned to accept the minutes of the April 15, 2021 meeting as submitted. Commissioner Martin seconded the motion which passed by voice vote.

AYES: Commissioners Maddox, Martin, McCarthy and Yast

NAYS: None

4. CONSIDERATION OF A REQUEST FOR APPROVAL OF A SPECIAL USE FOR A SWIMMING POOL AT 1407 DIXIE HIGHWAY (SHIPPS)

Attorney Orr opened the Public Hearing and introduced the agenda item. Acting Chair McCarthy asked Mr. Bugner to provide a review of the request.

Mr. Bugner advised that the petitioner, Reynaldo Shipps owner of 1407 Dixie Highway was petitioning for the construction of an inground swimming pool with dimensions of 16' X 40' with a 4' paver patio surround and a powered safety cover. Mr. Bugner stated that the pool pump and filter equipment were proposed to be located near the southwest corner of the paver surround on a 4' X 6' pad. He stated that a 6' high wood fence was proposed along the south and west sides of the rear yard and a 6' high aluminum fence along the east or rear property line and that an existing 6' high wood would remain along the north side of the property. He stated that the only lighting proposed is low voltage underwater lighting with no additional outdoor lighting proposed. He advised that setbacks were approximately 44' from the north lot line, 16' from the south lot line, 132' from the east lot line and 21' from the rear of the home which were all in conformance with the zoning regulations for accessory uses. He advised that Public Works Director Brunke had visited the site and indicated that a sanitary sewer line runs along the south of the home and that either the pool may need to be placed further north or that the sewer line be relocated.

Acting Chair McCarthy asked the petitioner to describe the request. Mr. Shipps stated that he was requesting a special use permit for the pool for the use by his family of 6. He advised that his children ranged in age from 2 to 21 years old.

Acting Chair McCarthy asked if there were any questions from the Commissioners.

Commissioner Martin asked where the pool equipment would be located and if it would be enclosed. Mr. Shipps explained that the pump and filtration system would be located on a pad along the south side of the home and that the entire back yard would be enclosed with a six-foot fence. He added that there would be an automatic pool safety cover for the pool.

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Commissioner Martin advised that the Plan Commission typically requests that there be screening around the pool equipment to provide a buffer from surrounding properties. Mr. Bugner advised that the equipment would not be visible by any neighboring properties. Mr. Shipps added that the entire backyard is enclosed with vegetation. Commissioner Martin asked about noise. Mr. Shipps advised that they would be using a saltwater system and that the pump is extremely quiet in comparison to other pumps. Commissioner Martin asked about drainage. Mr. Bugner advised that site drainage would be subject to review by Public Works staff.

Commissioner Yast asked why there would be wood fencing on 3 sides and aluminum on the 4th. Mr. Shipps advised that the neighbor on the north side already has a wood fence and that the intent is to keep the aesthetics the same on 3 sides while having the aluminum fence in the rear to keep the view of the beautiful vegetation in the rear yard.

Acting Chair McCarthy asked if there were any public comments on the matter. There being none, he asked if the Commissioners had any else to add and closed the public hearing.

Acting Chair McCarthy asked that no additional exterior pool lighting be installed and be reflected in the record as part of the recommendation.

Acting Chair McCarthy asked for a motion to recommend approval.

Commissioner Yast motioned to approve the petition as submitted subject to no additional lighting being permitted. Commissioner Martin seconded the motion which passed by roll call vote.

AYES: Acting Chair McCarthy, Commissioners Maddox, Martin and Yast.

NAYS: None

ABSENT: Chair Curran, Commissioners Matthys and Mitchell.

5. CONSIDERATION OF A REQUEST FOR APPROVAL OF A SPECIAL USE FOR A SWIMMING POOL AT 2 ASHLEY OAKS LANE (BRADFORD)

Attorney Orr opened the Public Hearing and introduced the agenda item. Acting Chair McCarthy asked Mr. Bugner to provide a review of the request.

Mr. Bugner advised that the petitioner, Corey and Bianca Bradford owners of 2 Ashley Oaks Lane were petitioning for a special use permit. He advised that the property is located in a cul-

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de-sac and improved with a 2-story single family dwelling with an attached garage and accessory patio. He stated that the lot has an approximate area of 35,619 square feet or .82 acres. Mr. Bugner advised that the petitioners were proposing the construction of an inground pool with dimensions of 16' X 35' as well as a 4' wide patio surround near the southwest corner of the lot with the pool pump and filter equipment proposed to be located near the southwest corner of the home adjacent to the garage on a 4' X 6' pad. He advised that a 6' aluminum fence would surround the pool in the southwest corner of the yard and that the petitioner has indicated that there be in pool lighting only.

Acting Chair McCarthy asked if the petitioner would like to add anything. Mr. Bradford advised that they had purchased the home in August of 2020 and that they had 2 children aged 10 and 13. He advised the children wanted a swimming pool from day one which they promised them and that they just want to provide for them. He stated that the area of the yard where the pool is proposed has a lot of empty space has enough room for the pool and that the other side of the yard has a lot of vegetation. He advised that it would be enclosed with an aluminum fence which will blend in with the surroundings.

Acting Chair McCarthy asked the Commissioners for any questions.

Commissioner Martin asked what would be done with the mechanical equipment given the closer proximity of the pool to neighboring property. Mr. Bradford stated the mechanical equipment would be located closer to the home which is also out of sight from the neighbors. Mr. Bugner added that the location of the mechanical equipment was to be located near the garage which is roughly 75 feet from any lot line. Commissioner Martin asked what would be about noise. Mr. Bradford advised that the pump was a quiet saltwater pump. Commissioner Martin asked Mr. Bugner if there would need to any type of buffer for the equipment. Mr. Bugner advised that there not need to be any buffer provided.

Commissioner Yast asked what type of fence would be installed. Mr. Bradford advised that there was an existing fence along the rear lot line which was a black aluminum fence and that they would use that same type of fence.

Commissioner Martin asked for clarification that the fence would meet all of the safety parameters. Mr. Bradford advised that it would.

Mr. Bugner asked there was anybody in the audience on Zoom who wished to speak on the petition. There being none, Acting Chair McCarthy closed the public hearing and asked the Commissioners if they any further comments or questions.

Commissioner Maddox asked if there were any utilities along the south property line to be concerned about. Mr. Bugner advised that there was no public utility easement according to

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the plat of survey and while JULIE locates would be required, Public Works staff had visited the site and that there were no potential issues reported.

Commissioner Martin motioned to approve the petition as submitted subject to no additional lighting being permitted. Commissioner Maddox seconded the motion which passed by roll call vote.

AYES: Acting Chair McCarthy, Commissioners Maddox, Martin and Yast.

NAYS: None

ABSENT: Chair Curran, Commissioners Matthys and Mitchell.

6. CONSIDERATION OF A REQUEST FOR A PRELIMINARY AND FINAL PLAN AND A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT – 3608 VOLLMER ROAD (RESTAURANT AND DRIVE-THRU) – DUNKIN/BASKIN ROBBINS

Attorney Orr opened the Public Hearing and introduced the agenda item. Acting Chair McCarthy asked Mr. Bugner to provide a review of the request.

Mr. Bugner advised that back on December 20, 2018 the Plan Commission held a public hearing of a request for approval of a conceptual plan for the development of a 2,500 square foot single-story restaurant with a drive-thru. He stated that at the close of that public hearing the Plan Commission voted 3-2 to deny the request citing concerns about how this development would incorporate access with the larger development area to the west. He stated subsequent to that hearing, the petitioner requested the petition to heard by the Board of Trustees and on January 7, 2019 the Board of Trustees adopted a resolution approving the concept plan finding that it would provide residents with an important addition to its commercial offerings and which could spur future development of the adjacent commercial properties. He advised that the proposed project had since been delayed due to permitting requirements from MWRD and Cook County Department of Highways and Transportation as well as the pandemic. He stated that those permits had been recently approved by both agencies and that the petitioner is proceeding with the preliminary and final plans. Mr. Bugner advised that construction plans have been submitted for review and that following approval by the plan Commission and Board of Trustees construction would begin soon after.

Mr. Bugner advised that the existing site is a 0.643 acre (28,059.8 sq. ft.) corner lot with dimensions of 156.42' x 179.21' located at the northwest corner of Vollmer Road and Central Park Avenue. The parcel is currently owned by the Village of Flossmoor and is under contract with the petitioner. With the exception of an existing parking lot from a previous office building that had been demolished, the parcel is currently vacant. Surrounding properties include office

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complexes to the south of Vollmer Road, Vacant property to the west, residential and vacant property to the north (B-6 zoning), and residential townhouses to the east of Central Park Avenue.

Mr. Bugner advised that the petitioner is seeking approval to develop the parcel with a 2,500 square foot (50' x 50') single-story Dunkin / Baskin Robbins restaurant with a drive-thru and a walk-in box cooler/freezer on the north side of the building. Two curb cuts would be provided to the site with one on Vollmer Road and one on Central Park Avenue. A total of 20 parking spaces are proposed along with a drive-thru stacking of 10 vehicles. The elevation renderings indicate that the exterior finishes of the building would consist of a combination of fiber cement panels and EIFS with painted metal coping and trim elements. A dumpster enclosure would be located in the northwest corner of the parcel with landscaping elements around both the building and site perimeter. An outdoor seating area with a decorative railing is proposed near the entrance to the building at the southeast corner.

Mr. Bugner advised that the proposed building setbacks exceed the required setbacks and are in conformance with zoning regulations. He stated that the 21 proposed exceeds the number of required spaces based on the floor area calculations for the type of use and the aisle access and entrance dimensions are all in conformance with zoning regulations. He added that an exception from the regulations for parking in required yards would be needed.

Mr. Bugner advised that the signage indicated on the south elevation (front) is in conformance with zoning regulations. The proposed signage on the east elevation would exceed zoning regulations for side wall signs, where the maximum allowable area on a side wall sign facing a street is 50 square feet in area. The proposed east elevation signage is approximately 80 square feet in area. Proposed signage (22.5 square feet) on the west elevation does not meet zoning regulations as side wall signs that do not face a street frontage are not permitted. He stated that the petitioner is seeking exceptions to the overall area regulations for the east elevation as well as for signage on the west side wall which does not face a street frontage. As was the case with the Buona and Starbucks developments, the Plan Commission did recommend exceptions from Section 285-22-9 B. for both side wall signage and allowable area. A 60 square foot ground sign is proposed near the southeast corner of the property. Section 285-22-9 D. permits ground signs of up to 60 square feet in area and not to exceed 6 feet in height for lots greater than 25,000 square feet in area. He added that for single-occupancy buildings however, a ground sign may be used in lieu of a wall sign. Again for the Buona restaurant, an exception was recommended and approved to permit both ground and wall signs. Other site signage includes preview and menu boards as well as the height bar at the south end of the building next to the drive-thru.

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Mr. Bugner advised that parking lot lighting would be provided by 4 pole mounted fixtures located in the parking lot. The average foot candle output in the parking lot is 2.33 f.c. with a maximum of 4.9 f.c. The average foot candle output at the property lines is .86 f.c. with a maximum of 2.7 f.c. (along small portions of the north and west lot lines).

Mr. Bugner advised that Stormwater detention will be accomplished by volume control with 4 drywells located within the site and which meet the minimum storage requirements for the new impervious surface area. He stated that Public Works Director Brunke has reviewed and approved the overall site development plans for the project including stormwater, sanitary, and water service improvements.

Mr. Bugner advised that proposed landscaping includes various species of trees, perennial shrubs and ground cover surrounding the parking lot, trash enclosure, restaurant and ground sign. Species include burning bush, geranium, Hughes juniper, drift rose, yew, arborvitae, arrowwood viburnum and Bradford pear.

Mr. Bugner advised that the petitioners were in attendance.

Project Architect Pete Paraskis introduced himself and advised that the project has been a long time coming but that they are ready to go with all other approvals in place and that he would be happy to answer any questions.

Commissioner Maddox asked if this would be a new development not in association with the Dunkin' Donuts on Vollmer in Olympia Fields. Mr. Shailesh Shaw advised that he was the owner of that Dunkin' Donuts and that he was seeking to move from that location into Flossmoor and stated that the current location does not allow for sufficient stacking of vehicles in the drive-thru and that cars sometimes back up onto Vollmer Road at that location.

Commissioner Martin asked why the signage would need to exceed the sign regulations by so much. Mr. Paraskis stated that the south elevation isn't much the issue and that the east and the west are the only two, and that Dunkin' corporate branding for the new image that is coming out that because it is a dual brand Dunkin' and Baskin Robbins. He advised that if it was only a Dunkin' the signage would be somewhat smaller. He said that in order to get the signage to read correctly with the dual brand the larger sign area is necessary. He advised that as for the west side which doesn't have any street frontage, they were requesting it because there is nothing being built that way and that the whole elevation would look bare around the drive-thru monolith and that adding some signage would soften that elevation. He stated that with the dual brand, if the signage were to comply with the regulations, you wouldn't be able to read the signs.

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Commissioner Martin asked if there was a signage plan submitted. Mr. Bugner advised that there was a sign plan on sheet A.1. Commissioner Martin asked if there would be any obstructions by the ground signs. Mr. Bugner stated the ground sign would be located near the southeast corner of the lot. Commissioner Martin asked if there would be any sight obstruction. Mr. Bugner advised that it would be outside of the vision triangle.

Commissioner Martin stated that the petitioner tightened up the drive-thru quite a bit and that was a previous concern.

Commissioner Martin asked if there were any homeowners from the area in attendance.

Crystal Arsenal of 3531 Park Place stated that she was very concerned and disheartened that the Village went ahead with this proposal and agreed to it without consideration of the senior citizens complex that is here. She stated that the big sign that they are talking about would be right across from one her neighbor's front door. She stated that every morning that she goes down Vollmer Road toward the existing Dunkin' Donuts patrons back up onto Vollmer Road creating a traffic hazard and the potential for accidents. She asked what became of the traffic study that was proposed at the previous meeting because right now she can barely get onto Vollmer off of Central Park as it is and that a drive-in and a driveway there on Central Park would increase the traffic there making it more difficult for the residents Park Place to get in and out and lead to accidents.

Betty Walker Ward of 3537 Park Place stated that right now it is almost impossible to come out onto Vollmer Road from Central Park and can't imagine being able to see traffic that is heading east on Vollmer Road if that building is constructed. She stated that she understands that the property is commercial but she hoped that the restaurant could be moved further west on Vollmer Road near the other developed properties near Meijer. She asked why congest this little area which is just too small to accommodate what is being proposed. She also asked in regards to another traffic light was there consideration of putting another traffic light in between.

Crystal Arsenal asked what happens to the market value of their homes as it seems that it hasn't been taken into consideration as having a business sitting right on top of them where you can't even get in and out. She advised that she understands that there is a need for development but to have it sitting in her yard with the lights and signs that would be shining right into their homes. She advised that the proposed driveway into Dunkin' would be directly across from Park Place, that she regularly witnesses cars backing up on Vollmer Road at the other location and what was the result of the traffic study.

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Betty Walker Ward asked if the Village could please consider moving the business further toward the other commercial properties. She stated that this would not be in the best interest of Flossmoor to put this at the proposed location and that it would be a disaster.

Frank Arsenal of 3531 Park Place advised that he was a retired Illinois State Police officer and that his concern was that a lot of the residents use this area for walking. He stated that Buona was a good idea and Meijer was outstanding but that he didn't understand why all of a sudden, this size of project has to be next door to a housing complex. He stated that he would never purchase a home next to a commercial business in this area where there are high signs with a one-way street that leads back to a maintenance garage. He stated that he didn't understand it. He said that there are people at the corner where their bedroom would look right at the business and that their front door is facing the business right on Central. He stated that nobody would want to purchase a home and doesn't understand why their properties have to be singled out for the first project along Vollmer Road to be next to housing. He stated that even the senior citizens homes across the street in Olympia Fields have no commercial property.

Acting Chair McCarthy asked the petitioner to respond.

Mr. Paraskis thanked the residents for their comments. He stated that there was a commercial building at this site in the past and according to Flossmoor's Comprehensive Land Plan the property has always been zoned commercial so at some point there is going to be some commercial use that will abut the residential area. He advised that in terms of the traffic, one of the delays that they had was due to the Cook County Highway Department spending a lot of time looking at the traffic management on Vollmer and on Central Park and that they approved after spending a lot of time doing their own traffic analysis and which is why they requested that there be a right-in right-out entrance and exit on Vollmer Road. He advised that most of the traffic when exiting will be through the Vollmer Road exit and traveling west toward I-57. He stated that in terms of lighting that the site lighting meets the requirements of the Village and that Flossmoor also requires that there be screening of headlights in the parking area and that the landscape plan includes close to 42" high arborvitae all along Central Park in addition to 2 large trees that will further mature on to Central Park. He advised that the distance between the building and the centerline of Central Park is about 120 feet and that it is quite a way from the residential properties on the east side of Central Park.

Crystal Arsenal advised that she understands about a building being there previously having been a resident for over 16 years but that it was a small dentist office and not a commercial building that would have cars in and out all day. She said she understands that this is a business owner that wants what he wants but that they asked at the previous meeting to take consideration of the residents that live there. She stated that they asked the Village of Flossmoor to take into consideration their residents.

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Betty Walker Ward asked the parties that will approve this would feel if this were next to their property and of the owner how the tight space at this location would be better than the current place given the close proximity to Vollmer.

Crystal Arsenal asked what the hours of operation would be. Mr. Shah advised that the hours are 4 am – 9 pm with prep beginning at 4 am.

Betty Walker Ward stated that was just not fair and though she understands this a business but that they are residents that have kept this community afloat.

Acting Chair McCarthy advised that the conversation was beginning to cover the same ground. Betty Walker Ward just wanted the Commission to understand how they feel about it.

Acting Chair McCarthy advised that there were suggestions made at the previous meeting and that there have been changes made to reflect accommodate those suggestions.

Crystal Arsenal asking the board if they would want this in their front yard.

Commissioner Martin advised that where she grew up it was 7 miles to the nearest grocery store and that from the time that she has grown up to now in just 1 mile there have been many businesses and traffic lights that you would have never believed would have been there. She stated that unfortunately that is part of the development process and growth. She advised that the petitioner has done the things that the Commission asked them to do such as re-routing traffic. She stated that we understand that there will be an impact to the residents but that the owner bought the property in a commercial area and that he is going to put the business there and that there is only so much room to work with and that the owner and his consultant have worked with us. She advised that the Commission requested that additional vegetation be added and that they had done so.

Acting Chair McCarthy asked for any other comments before closing the public hearing portion and asked the Commissioners for additional questions or comments.

Dorothy Scrementi asked if she could speak on another matter. Attorney Orr advised that this was not on the agenda tonight however the Commission may allow comment following the public hearings.

Acting Chair McCarthy closed the public hearing and asked the Commissioners to review and make their comments.

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Commissioner Yast asked about the light at the northwest corner and wanted to be sure that the light wouldn't be bleeding onto the adjacent residential areas. Mr. Paraskis advised that there is shielded cutoffs on the led lighting so there is no spillage toward the residential area.

Commissioner Maddox asked Mr. Bugner if there would be an east-west road to the north of the restaurant as depicted in the concept plan for the area. Mr. Bugner advised that in concept for future development to the west there would be a north-south road from 198th Street to Vollmer Road at Park Place in Olympia Fields and an east-west access from Central Park to the Meijer Gas station access.

Commissioner Martin advised that if you look at the traffic pattern, most traffic going into the drive-thru would be using the Vollmer Road right-in right-out on Vollmer.

Commissioner Maddox advised that there is the possibility and where the residents are concerned that after exiting the drive-thru there may be some that circle around the parking lot and exit on to Central Park south in order to go back eastward on Vollmer towards Governors.

Commissioner Martin advised that with the new plan, the drive-thru is tighter to the building than previously and that if you come in off of Central Park you have to drive around the entire building to enter the drive-thru and that the flow would not be easy and that it would be less likely for traffic to exit on to Central Park.

Commissioner Maddox advised that while there is no Flossmoor police personnel present to answer questions and that people don't always obey traffic laws but that is not something that the Commission can govern though it is a thought to be brought up.

Commissioner Yast stated that as far as the concerns regarding the development of this property and the property to the west as a whole is understandable and appreciated but that the whole area will be commercial and retail eventually all the way to Central Park.

Commissioner Martin advised that she understands the residents and that she grew up in Frankfort and how that area along Lagrange Road was developed over the years where there used to be nothing there and now you sit in traffic with multiple traffic lights from I-80 to Rte. 30 and that that is the reality of the situation. She stated that short of adding another tree or two along the east line there is ample landscaping.

Commissioner Yast added that the arborvitaes will block the headlights and that once the trees mature the headlights would be under the canopy. He advised that they have done a good job with the landscaping.

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Commissioner Yast asked if the west sign elevation will only have the double D or will it include the Flossmoor Dunkin'. Mr. Paraskis advised the Flossmoor Dunkin' graphics would be non-illuminated to promote the Village.

Acting Chair McCarthy stated that the Commission has covered all of the issues and that lighting is always a concern that we ensure that we are not allowing lighting to shine on to other properties and that our lighting ordinance requires that at the property line there is no spillage on to adjacent properties. He stated the right-in right-out should eliminate many of the concerns with traffic.

Acting Chair McCarthy advised that the larger question was related to signs by allowing more signage area than the ordinance allows but that exceptions were also granted to Buona Beef and the Starbucks building.

Commissioner Martin asked if those were painted signs. Mr. Paraskis advised that the Flossmoor signage would be 3 dimensional graphic letters that were not illuminated. Commissioner Martin was concerned about setting a precedent of allowing signs everywhere in the future and that the petitioner will be very respectable about the signage and that it is maintained. Mr. Paraskis advised that technology has come a long way and that with no ballasts in the LED's which would cause flickering.

Commissioner Martin asked if the hours of operation will always be as proposed and that there not be any attempts down the road to open 24 hours. Mr. Shah stated they do not want to open later than 9 pm because it doesn't make good business sense to keep it open.

Commissioner Maddox asked what the construction schedule would be. Mr. Paraskis advised that they would like to get it opened by fall of this year.

Commissioner Yast asked what kind of sales tax would be projected. Mr. Shah stated that he didn't have those numbers with him but generally around \$1 million is sales per year and that when moving he projects \$1.1 to \$1.2 million in sales.

Acting Chair McCarthy asked if there was a motion to approve.

Commissioner Yast motioned to recommend approval of the petition for a Preliminary and Final Plan and a Special Use as submitted. Commissioner Martin seconded the motion which passed by roll call vote.

AYES: Acting Chair McCarthy, Commissioners Maddox, Martin and Yast.

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NAYS: None**ABSENT:** Chair Curran, Commissioners Matthys and Mitchell.

7. PUBLIC HEARING OF A REQUEST FOR A REZONING AND A SPECIAL USE PERMIT – WORD SEED CHURCH (PLACE OF PUBLIC WORSHIP) – 1615 VOLLMER ROAD

Attorney Orr opened the Public Hearing and introduced the agenda item. Acting Chair McCarthy asked Mr. Bugner to provide a review of the request.

Mr. Bugner advised that this request was submitted by Word Seed Church, contract purchaser of 1615 Vollmer Road and that the subject property is an interior lot with dimensions of 158 feet wide by 159 feet deep located on the north side of Vollmer Road and is currently improved with a 6,435 square foot vacant single-story office building with a 23 - space parking lot, accessory storage shed and a stormwater detention basin. He advised that the overall lot area for the parcels is 25,120 square feet with the property being adjacent to a two-story office building to the west and townhomes to the south. He advised that adjacent to the east and north is the border limits with Chicago Heights with single-family homes to the east and commercial property on the north side of Vollmer Road.

Mr. Bugner advised that the petitioner is seeking approval of a rezoning from the existing B-4 Office to R-7 Residential, and a Special Use Permit to operate a place of public worship. He explained that While places of public worship may be permitted as a Special Use in residential districts, site and structure requirements for such uses include a minimum lot area of 45,000 square feet, minimum lot width of 150 feet, minimum front yard of 60 feet, minimum rear yard of 20 percent of the depth of the lot, and a minimum side yard on each side of a building of 20 percent of the width of the lot, however in 1996, variations were granted for the construction of an office building as a special use allowing for a front yard of 27 feet, a side yard of 15 feet, as well as parking in required yards. He stated that the existing building had been previously used as an office with several separate smaller office spaces and a larger open office space with half partition cubicles.

Mr. Bugner stated that the petitioner has indicated there would be some future renovations though the interior will largely remain unchanged at this time. They advised that the congregation is small with approximately 20 weekly attendees. There are no planned changes to the exterior other than possibly signage. He advised that the proposed hours of operation

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would be Saturday mornings for services, Wednesday and Thursday evenings for prayer and bible study as well as minimal office staff operations during the week.

Acting Chair McCarthy asked the petitioners to provide details of their request.

Andrew Willis, attorney for the petitioner advised that Word Seed Church is looking for approval of a public place of worship at 1615 Vollmer Road and that the property is currently located in the B-4 zoning district and that currently places of public worship are not permitted in any business district so they are applying for a rezoning to the R-7 zoning district which abuts the boundary of the property. He stated that in the residential districts there is a requirement for places of public worship to obtain a special use permit which is why they are simultaneously applying for a special use permit.

Before going into more details of the zoning code, Mr. Willis introduced Pastor Washington.

Keinon Washington introduced himself as Pastor of Word Seed Church and advised that the church has been established for 20 years and as stated earlier they an attendance of about 20 people. He advised that they have been searching for a location for a little over a year and that 1615 Vollmer appears to be an ideal location because of the size and the parking and they are looking to make Flossmoor their community. He advised that he understands that there may be concerns with the loss of revenue from property taxes however they believe that they can provide the resources to bring in businesses to Flossmoor. He stated that they do have members of the church that are currently looking to open up businesses and that he felt that they could possibly bring that into Flossmoor as well.

Mr. Willis advise that the building has been vacant for several years and that the seller is a joint venture that bought the property off of foreclosure in March of 2020 and that the property was previously used as office space.

Mr. Willis stated that they believe the church meets the matters brought out in the zoning code regarding map amendments, specifically regarding existing uses and zoning of nearby properties, that the church will bring much needed life to the district as the building has been vacant for some time, that they don't believe that there will be a strong impact either way on property values in the area, there would be minimal traffic impact and no traffic impact to residential areas, they don't believe there would be any negative impact on the office uses nearby as the operation would be mainly during non-business hours, and that the property is well suited for the use proposed with plenty of parking with 23 spots where the zoning requirements for parking require 1 parking space per every 4 persons which would not only meet current needs but also allow for growth.

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Mr. Willis asked if there were any questions.

Mr. Bugner asked if there were any residents that wished to speak.

Anita Glencoe of 1619 Huntington Court asked about signage and what type of signage there would be.

Mr. Willis advised that there were no plans for any signage at this time.

Commissioner Yast added that based on the requirements for street frontage, the only location that signage could be placed is on Vollmer Road.

Ms. Glencoe asked how large the congregation was.

Pastor Washington stated that there were 20 attendees currently.

Commissioner Maddox asked Pastor Washington that as the congregation grows, what is the plan to mitigate the limited parking as his concern was that there may be a need to develop a relationship with the neighboring business to accommodate additional parking and that while there are no safety concerns with a relationship with the businesses to the west, there may be a concern with pedestrian traffic if there were a relationship with US Bank on the Chicago Heights side.

Pastor Washington advised that he has considered developing a relationship with the office building to the west.

Commissioner Yast asked if the 2-story office building to the west was occupied. Mr. Bugner advised that it was semi-occupied and that the single-story building to the west that had no occupancy.

Joyce Butler of 1617 Huntington Court and the President of the Huntington Court Homeowners' Association asked if it would be the responsibility of the owner to ensure that the detention area is maintained. Mr. Bugner advised that the maintenance of the detention pond would be the responsibility of the owner and that in addition, the fence that was designed to prevent vehicles from entering the pond would need to be repaired.

Commissioner Martin asked Mr. Willis to go over item number 2 that he referenced earlier as it wasn't in the packet. Mr. Willis advised that he did not put it in the application but he was referencing the zoning code regulations for map amendments under Section 285-26-10.

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Commissioner Martin asked why the petitioner would want to take property that is zoned business, and with limited businesses in the Village, isn't there other property in the Village that could be utilized for 20 people. Mr. Willis advised that Pastor Washington has been looking for properties for over a year and that zoning issues have made that search very difficult. He stated that the problem with many residential districts is that they already built up and that the required setbacks for special uses for places of worship in the are very steep and that for a church of this size with limited resources it is very difficult to find a property that is suitable, whereas this property meets those needs very well.

Commissioner Martin asked why they couldn't meet with 20 people by renting a hall or co-partnering with another establishment. Pastor Washington advised that when it comes to renting a hall they are restricted in what they can and can't do and they have tried that in the past and did not work. He stated that regarding partnering or fellowshipping with other churches, there is a limitation due to their space needs.

Commissioner Martin asked how Flossmoor would benefit at all from changing the zoning from a business district to R-7. Mr. Willis stated that the church was definitely open to grow but a church brings a lot of benefit to a community and while not necessarily from tax revenue, it offers health and spiritual development and that those with mental health issues often seek religion for comfort. Mr. Willis also cited first amendment. Commissioner Martin advised that she did not dispute the first amendment or mental health issues but questioned how this would benefit the Village by changing the zoning from a business district to a residential district for a small congregation with limited potential growth and asked if the petitioner had any property where they were currently offering services. Pastor Washington advised that they were currently at his residence and they are in the process of selling so they will not have a place to worship once that goes through.

Commissioner Yast stated in the brief it was indicated that the church was engaged in litigation with 2 other municipalities and asked if they won one of those cases would they be a better fit for them than this property. He asked for an explanation. Mr. Willis advised that those cases involve litigation related to zoning issues and RLUIPA which is Federal law but that to answer the question, the petitioner is only planning on moving into this property and is not considering any property related to those law suits.

Commissioner Yast asked how long the church has had 20 members. Pastor Washington advised that the church has had 20 members for the past 3 years that he has been the Pastor. He stated that the church has been in existence since 2000 under different leadership where there were between 30-40 members and that after the former Pastor passed away some of the membership dropped off.

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Commissioner Yast asked how many could the facility accommodate. Pastor Washington advised that he would stay within the ordinances of Flossmoor and that about 80 people is what he had planned to accommodate within the sanctuary so as the church grows the parking spaces will still accommodate that.

Acting Chair McCarthy asked how many parking spaces there were. Mr. Bugner advised that there were 23 parking spaces and that the code for places of worship was 1 space for every 4 seats or 92 seats.

Attorney Orr asked to address the concern of the Commissioners. She advised that their concern was universal whenever any faith or denomination wants to come into a neighborhood or community and because of that the Federal Government has adopted RLUIPA. She advised that with RLUIPA our problems with zoning is because we are a fully built up community and so our ability to in any way have a church join our community is very limited because are no residential properties available that could meet the requirements of the zoning ordinance so we are somewhat forced to utilize some of our property for reasonable requests for churches. She advised that while she is not concerned about this property, she is concerned about protecting mainline commercial entities. She stated that she absolutely understands that we want to grow our commercial properties in the Village and that rezoning a business property to a residential property is a difficult thing to do.

Commissioner Martin stated that she was very troubled with this petition.

Acting Chair McCarthy indicated that he had similar concerns.

Commissioner Martin asked if the petitioner was looking at 2 other properties elsewhere. Mr. Willis advised that those properties were no longer on the market. He stated that they have a contract on this property and that they not looking at anything else at this point.

Acting Chair McCarthy asked if it was possible to continue the public hearing. Attorney Orr advised that unless there was more information and evidence that you are requesting than the answer is no.

Commissioner Martin asked about the history of the property one more time. Mr. Bugner advised that the property was built for office space only and not for retail and that it has been vacant for approximately 2 ½ years and that it hasn't been maintained very well during that time and that there are currently some property maintenance issues regarding the detention area and the fencing around it.

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Commissioner Martin asked how was it prior to the last 2 ½ years as there has been a lot going on during that time. Mr. Bugner advised that it was an office space occupied by Home Bound Healthcare which provides home nursing care. Commissioner Martin asked about the surrounding businesses. Mr. Bugner advised that there were 2 buildings next door which were sparsely occupied, stating that the 2-story building next door is only about half occupied and that the 1-story building next to that with 7 units has only 1 unit occupied and which has been nearly empty for the past 5 or 6 years.

Acting Chair McCarthy asked if the Fire Chief has reviewed the petition. Mr. Bugner advised that the Chief has reviewed it and that of course his concerns are losing the property tax revenues for the Village. Acting Chair McCarthy asked is there would be any life safety issues as it is being converted from a business to a church. Mr. Bugner advised that the change of occupancy would be reviewed for egress and other requirements of the building and fire codes.

Commissioner Maddox if renovations would occur immediately following the purchase or later on down the line. Pastor Washington indicated that it would be immediately after the purchase.

Acting Chair McCarthy closed the public hearing and asked the Commissioners for any further discussion. He stated that it would appear that there really isn't a lot of choice as it is a first amendment issue and that the church has the financial means to put it back in the condition that would be an acceptable usage.

Acting Chair McCarthy asked for a motion to approve the request.

Attorney Orr advised that a motion should be made to approve the rezoning the property as requested and a special use and give it an up or down vote.

Commissioner Martin asked if there could be a condition that this petition is only for this particular applicant. Attorney Orr advised that the special use is limited to a church only and is only good as long as they use it as a church so that if the use a church ends the special use is no longer valid. The property would then need to be rezoned back to B-4 for commercial use if another purchaser chose to change it back to commercial.

Commissioner Yast motioned to recommend approval of the petition for a Rezoning to R-7 and a Special Use for a Place of Public Worship. Acting Chair McCarthy seconded the motion which passed by roll call vote.

AYES: Acting Chair McCarthy, Commissioners Maddox, Martin and Yast.

NAYS: None

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ABSENT: Chair Curran, Commissioners Matthys and Mitchell.

8. OTHER BUSINESS

Attorney Orr advised that there was a member of the public that would like to speak regarding an issue that is not on the agenda.

Dorothy Scrementi of 19177 Hamlin Avenue and has resided at that address with her husband for 23 years. She stated that 2 properties to the north of them want to annex into Flossmoor and develop the Pearls of Flossmoor. She stated that following the last meeting, many of the neighbors felt like their voices were not being heard and were very upset about this development. She stated that they decided to put a letter together to the new mayor inviting her to visit the property and read the letter as follows: The purchase was to the intent of developing the property with 6 homes where 2 homes would have been permitted as per the R-3 zoning that is throughout all of Sunnycrest. The developer named it the Pearls. Many of the residents of Sunnycrest feel that they have been lied to and they don't feel that zoning should just be so easily erased from an R-3 to what the developer is proposing. They have purchased homes here and put down roots only to be told that their neighborhood has been rezoned against their wishes. There are actually 4 petitions that are circulating in Sunnycrest, Flossmoor Hills, Ballantrae and Flossmoor proper. Anyone that is using Flossmoor Road, Ballantrae exits using Hamlin, all of these people have been against this once they have learned what is proposed there. To date there is 80 signatures on these petitions. We feel it's an urgent matter.

She stated that Mr. Bugner advised that it was moving forward and that it would be on a coming meeting with a notification of all residents within 300 feet and legal notice published in the newspaper. Mr. Bugner advised that the petition had yet to be submitted.

Mrs. Scrementi advised that 10 years ago there was an attempted rezoning of the corner lot directly south of us at the southeast corner of 192nd and Hamlin and she did enclose to the Mayor exhibit A which was a resolution of protest by the Village which basically stopped the rezoning and in that everything is coming from the Village of Flossmoor's Comprehensive Plan which address spot zoning which benefits one person, the possibility of lowering surrounding property values, the slope of the area and the impact on the Ballantrae Subdivision.

Mrs. Scrementi advised that there had been mentioned the widening of Hamlin Avenue along the proposed development but that to date there has been no indication as to who would be assuming the cost of the widening. Mr. Bugner advised that the developer is responsible for the cost of all infrastructure improvements including the road widening.

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Mrs. Scrementi asked the Mayor to take a ride by to look at the development would be shoe-horned onto the property. She stated that this was the definition of spot zoning and that she didn't understand how this was being overlooked. She stated that they appealed last time to the Cook County Building and Zoning Commissioners and won that appeal. She advised that this proposed development is too congested and doesn't fit the neighborhood.

Commissioner Martin Thanked Mrs. Scrementi for voicing her opinion and wished her and her neighbors the best.

9. NEW BUSINESS

None

10. STAFF REPORTS

None

11. MEMBERS CONCERNS AND IDEAS

None

12. ADJOURNMENT

Commissioner Martin motioned to adjourn the meeting. Commissioner Maddox seconded the motion which passed by voice vote.

AYES: Acting Chair McCarthy, Commissioners Maddox, Martin and Yast

NAYS: None