

**MINUTES OF THE PLAN COMMISSION**  
**June 10, 2019**

The regular meeting of the Plan Commission was called to order by Acting Chairman Kurt Schultz at 8:00 p.m. at the Village Hall.

Members present: Acting Chairman Kurt Schultz, Amy Flores, Matthew Krummick, Walter Oakley, Richard Pyter, and Eric Steffe.

Members absent: Chairman Mark Moore.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Jeff Cooper, Village Engineer.

Commissioner Steffe moved, seconded by Commissioner Flores, to approve the May 13, 2019, Plan Commission meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**PC 19-11 South Mil Properties LLC, Applicant  
920 S. Milwaukee Avenue**

**Request is for an Amendment to a Special Use Permit in order to allow the expansion of an New Vehicle Dealer for property located in a C-4, Shopping Center Commercial District.**

Mr. David Smith, Senior Planner, introduced the request by the petitioner. Mr. Smith stated that the petitioner, Liberty Nissan, is requesting approval for an Amendment to a Special Use Permit in order to allow the expansion of a New Vehicle Dealer for property located at 920 S. Milwaukee Avenue in a C-4, Shopping Center Commercial District. The dealership is located in the Liberty Mill Shopping Center.

Mr. Smith stated that on April 29, 1998, the Village Board approved a Zoning Code Text Amendment and a Special Use Permit in order to allow the operation of an Auto Dealership at 920 S. Milwaukee Avenue. Mr. Smith stated that the current proposal is for the Nissan dealership to expand into an existing tenant space within the same shopping center thereby requiring the amendment of the Special Use Permit.

Mr. Rodrigo Gutierrez, architect for the applicant, described the scope of work for the dealership tenant space buildout. He stated that they concur with the Staff review comments in Development Review Committee Staff Report.

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Ms. Debbie Murphy, 919 Cambridge Drive, stated that the car dealerships located next door at 920 S. Milwaukee Avenue are poor commercial neighbors. She stated that she has no problem with the proposal for the Nissan expansion, but she stated that she can smell paint coming from their property. She stated that they have replaced only a portion of the fence, weeds are growing out of control, and that there is trash blowing about. She stated that she is concerned that there will be no one to monitor the opening and closing of the overhead doors.

Mr. John Spoden, Director of Community Development, stated that the Village can investigate the paint smells with the Fire Department and make sure that paint operation at the dealership is code compliant.

Ms. Murphy stated that she is concerned with the lack of maintenance of the fence that separates the commercial property from the residential property.

Mr. John Massarelli, petitioner, stated that they just recently installed a new fence.

Mr. Spoden stated that the fence line ends in accordance with a prior approval, but does not go all the way to the Golf Road right-of-way.

Mr. Massarelli stated that he installed the fence in the location approved by the Village. He stated that he will clean up the property.

Mr. Craig Rawlinson, 920 Cambridge Drive, stated that he is concerned about the paint fumes and the car alarms sounding late at night coming from the car dealership property.

Ms. Diane Rawlinson, 920 Cambridge Drive, stated that the car alarms sound off for over 45 minutes at a time sometimes. She stated that she is concerned about the paint fumes.

Mr. Rawlinson asked who they can call to make a complaint. Mr. Massarelli stated most of the car alarms that are sounding off are service cars. He stated that if any of the neighbors have complaints that they can then call him directly. He stated that the paint booths have been certified by a third party vendor. He stated that he will have the vendor look at their paint booth ventilation system.

Commissioner Schultz stated that Mr. Massarelli should talk to the appropriate professional about the paint booth system in order to determine how to mitigate the paint fume nuisance.

Mr. Mike Murphy, 919 Cambridge Drive, stated he has observed vehicles being serviced by the car dealership are being driven by their staff at excessive speeds at 8:00 p.m. to 10:00 p.m. in the evenings.

Mr. Don Pets, Grace Lutheran Church, stated that he has concerns about the lack of maintenance of the perimeter landscaping of the subject property.

Mr. Massarelli stated that he is uncertain where the property line lies between the shopping center property and the church property.

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Mr. Pets stated that the landscaping maintenance schedule should include the whole property line.

Commissioner Oakley stated that the V.O.C. (Volatile Organic Compounds) should be monitored closely as it relates to the dealership's paint activity.

Commissioner Flores stated that she supports the project, but that the property needs to be cleaned up.

Commissioner Pyter stated that he is concerned about the sound and chemical pollution nuisance coming from the subject property. He asked for clarification about the overhead doors that provide access to the indoor car wash for the dealership facility.

Mr. Massarelli stated that they have a double door system to help mitigate the car wash noise from escaping the facility. He stated that they have had the filters recently replaced in the paint booth, but they will review the situation again.

Commissioner Krummick stated that he has visited the site and noted that the overhead doors appeared to be open most of the time. He stated that he notices a preponderance of trash along the back side of the facility. He stated that the owner should walk the rear property line and meet with the neighbors on this issue.

Mr. Massarelli stated that he is a man of his word and he will make the property clean.

Commissioner Krummick stated that Mr. Massarelli should meet with the neighbors.

Commissioner Steffe stated that he supports the project and that he is glad that Mr. Massarelli is present for the public hearing to hear the neighbor's concerns.

Acting Chairman Schultz stated that consideration should be given to adding a condition for approval that Mr. Massarelli meet with the neighbors.

Mr. David Pardys, Village Attorney, stated that in order to make the meeting with the neighbors a condition for approval then parameters and a time frame will need to be established.

Commissioner Flores stated that appropriate amount of time should be given to Mr. Massarelli to clean up the shopping center property before requiring him to meet with neighbors.

Chairman Krummick stated that consideration should be given to requiring the meeting between Mr. Massarelli and the neighbors with Village Staff as mediators.

Mr. Massarelli asked what he is supposed to do about dead trees on the property. Mr. Spoden stated that for any dead trees removed they should be replaced.

Chairman Krummick stated that Mr. Massarelli should meet with the neighbors before the Village Board takes action on the request.

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Mr. Massarelli stated that all of the overhead doors are new, high speed sensors will be installed to auto open and close.

Mr. Murphy stated that if the V.O.C.'s are still a problem it should be addressed, but he does not want to see the project derailed. He stated that the neighbors can report to the Village Board at their regularly scheduled meeting for this project as to whether or not Mr. Massarelli has cleaned up the property.

Mr. Spoden stated that it was discussed that the property maintenance schedule as outline in condition for approval number three (3) be amended to cover the entire property line.

Chairman Schultz noted the change to condition number three and recommended that the condition be amended accordingly. He asked the petitioner if he is ready for the recommendation from the Plan Commission this evening. Mr. Massarelli stated that he is ready for the Plan Commission to render their recommendation to the Village Board.

*In the matter of PC 19-11, Commissioner Oakley moved, seconded by Commissioner Flores, to recommend that the Village Board of Trustees approve an Amendment to a Special Use Permit in order to allow the expansion of an New Vehicle Dealer for property located in a C-4, Shopping Center Commercial District, subject to the following conditions:*

- 1. Proposed overhead doors for the service department are closed except when vehicles are entering or exiting.*
- 2. No external speakers are permitted.*
- 3. That a maintenance schedule be submitted and approved by Village Staff for the existing property line prior to issuance of Final Occupancy.*

*Motion carried 6 - 0.*

*Ayes: Schultz, Flores, Krummick, Oakley, Pyter, Steffe*  
*Nays: None*  
*Absent: Moore*

**STAFF COMMUNICATIONS AND DISCUSSION:** None.

Commissioner Pyter moved, seconded by Commissioner Krummick, to adjourn the Plan Commission meeting.

Motion carried 6 - 0.

Meeting adjourned at 9:00 p.m.