

Village of Lemont
Planning and Zoning Commission
Regular Meeting of December 4, 2019

A regular meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, December 4, 2019 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Studebaker called the meeting to order at 6:30 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Carmody, Cunningham, McGleam, O'Connor, Pawlak, Zolecki, Studebaker

Absent: None

Community Development Manager Mark Herman, Consulting Planner Jamie Tate, and Village Trustee Ron Stapleton were also present.

C. Approval of Minutes – November 6, 2019 - Meeting

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the November 6, 2019 regular meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Studebaker asked anyone in the audience who was planning on speaking in regards to any of the public hearings this evening to please stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

**A. 06-26 NOTTING HILL MAJOR CHANGES TO PRELIMINARY
PLANNED UNIT DEVELOPMENT AT 15411 129TH STREET**

Chairman Studebaker called for a motion to open the public hearing for Case 06-26.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 06-26. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said the applicant ET Mansell Construction is requesting a major modification to the approved Preliminary Planned Unit Development (PUD) for Notting Hill. It was a 45 unit townhome subdivision that was approved in 2007. The approvals have been extended every year since by the Village Board. The current extension expires on February 11, 2020.

So within the major change they are requesting additional exception requests such as reduced side setbacks, reduced pavement widths, increased detention depths and the proposed change reduces the total units from 45 units that was approved in 2007 to 43 units. The new plan also provides a new street and sidewalk connection through the Stonehedge Condominium subdivision. This is north of the proposed subdivision and will be through St. Andrews Court. There are some new requests through the annexation agreement that are out of the scope of the Planning and Zoning Commission (PZC). They are discussed this evening and part of the major change to the PUD, but only the UDO and zoning exceptions is what is recommended from the PZC.

Mrs. Tate stated the applicant is asking to eliminate all improvements and road improvements to 129th Street such as ROW acquisition, not burying utility lines, not installing the sidewalk and not realigning 129th Street with the eastern portion of the street and property line. The proposed plat is similar to the approved preliminary plan from 2007, but the reduction and shift in units, along with additional UDO exception requests, require the proposal to go through the major change process.

The property was rezoned in 2007 to R-5 Single-Family Attached Residential District and the entire site is just over 10 acres. In conjunction with the Annexation Agreement, a Preliminary PUD and Plat was approved for the subject property as 0-27-07 and provided as Attachment 5. In order to accommodate the request, the PUD must be amended to allow for the additional UDO exception requests and to amend the Preliminary Plat due to the changes in site design.

Mrs. Tate said the Comprehensive Plan designates this area as Contemporary Neighborhood. Neighborhoods in this district are mostly characterized with single-family detached homes but you will find a higher proportion of single-family attached homes in this district. It also calls for all neighborhoods to have a walkable site design with streets that connect in a logical manner throughout the neighborhood and seamless transitions to adjacent neighborhoods. By providing the connection to St.

Andrews Court it does allow for a more logical connection to surrounding neighborhoods and close retail destinations. In the Our Mobility section of the Comprehensive Plan it also talks about connecting to existing streets whenever possible unless safety concerns advise not to. It also talks about requiring right-of-way improvements when new development occurs and require developers to mitigate road impacts.

The new development is going to meet everything in the Lot and Development standards except for the side yard setback request. Previously they were showing 30 feet between buildings and now they are requesting 20 feet between buildings or 10 feet to the property line. The townhome sizes are increasing and with the connection to St. Andrews Court it has decreased the number of units. It did increase the footprint of the total units that is why they are requesting the decrease in the side yard setbacks. The request is in line with similar recent proposals.

Mrs. Tate stated Lot 15 is labeled as open space but appears to be used as an overflow to the stormwater detention. The applicant is also requesting to not provide a tree preservation plan. They are also requesting to not make improvements to 129th Street. The UDO does talk about making improvements to dedicated streets when making a connection however, the issue is that 129th Street is not a dedicated road. Another exception is to the pavement width. The applicant wants to match up to Ashbury Woods which is 128th Street. The dry detention is proposed to be more than four feet and the naturalized detention depth would have a slope of 4:1 when 5:1 is required. Lastly, the sidewalk is absent from 129th Street which is required in residential developments whether there is issue with the street or not because it is part of the UDO.

In 2007, there was not the requirement for the 15% open space so it should not have to be addressed now because it is a modification to what was approved. Lot 15 is shown to be open but used for stormwater overflow. Also, at that time the developer was supposed to provide benches overlooking Lot 16 so staff is requesting that they continue to do that with this major change. The Village Engineer has provided comments and stated the connection and sidewalks are not lining up because the ROW widths are different so his comments state that area needs to be figured out and needs to align.

Mrs. Tate said the modification will allow for a stalled subdivision and it will further connect streets and sidewalk. It does meet the Comprehensive Plan even though there are more departures from the UDO standards, these exceptions have been found typical in recent developments. The roadway width will allow for a seamless transition into the Ashbury subdivision. Although, it is not ideal to leave 129th unimproved or aligned, the history with this roadway has led the applicant to proceed as is and has been a complex issue over time. Staff is recommending approval with conditions.

Chairman Studebaker asked if any of the Commissioners had questions for staff.

Commissioner McGleam asked staff that they referenced this application as a major change but technically it is an amendment to the PUD.

Mrs. Tate said in the PUD section there is minor change and major change. Minor changes do not have to go through the PZC and major changes have to go through the process again.

Commissioner McGleam asked since this is a major change does it trigger a review based on current UDO requirements.

Mrs. Tate stated what they have in place will stay and they do not have to meet current UDO requirements. If they have to meet current UDO requirements then they would have to start the PUD over again.

Mr. Herman said it references in the UDO just the process for making changes. It does not address such a unique circumstance such as this where so much time has passed.

Commissioner McGleam stated he was asking because of the open space requirement.

Mr. Herman said making them put the open space in would drastically change the development.

Commissioner McGleam asked what is the justification for not providing the tree preservation.

Pete Coules, attorney for the applicant, stated they have provided one. They are just not updating it because no new trees were planted.

Commissioner McGleam said in regards to the 129th Street upgrade from what he heard it is not a dedicated road.

Mr. Herman stated the portion of the southeast corner of the subject property heading west to State Street is not dedicated. The portion of the road heading east to Ashbury is dedicated.

Mr. Coules said the property owners own that road. There was discussion as to whether this was going to be a major modification and it was determined it would. He wants to let everyone on 129th Street know that they are not going to touch their street because it is not owned or cared for by the Village.

Commissioner McGleam asked if the applicant would be allowed to connect to a private street that the Village does not own.

Mr. Herman stated there is a driveway connection to the street.

Commissioner McGleam asked when Ashbury was built was that street dedicated to the Village.

Mrs. Tate said yes.

Commissioner McGleam asked if that had a similar ownership where the property owners owned it.

Mr. Herman stated he has not been able to clarify that.

Commissioner McGleam asked in regards to pavement width why is there a requirement of 30 when all townhome developments are 27 width.

Mr. Herman said over a year ago there were some zoning code changes and the R-5A zoning district was created. Part of the discussion was pavement width and there was clarification discrepancy. With this case, the thinking is it would match what is in the area.

Commissioner McGleam stated his opinion is with high density townhomes it is not a good idea because you are going to have more on-street parking and the location of all of the driveways. He feels having no parking on one side is a bad idea. It adversely impacts property owners.

Commissioner Cunningham asked in the originally agreement what was the intent for the improvement of 129th Street.

Mrs. Tate said it was just to the edge of the property.

Chairman Studebaker stated for planning are you not supposed to develop a street to its fullest. It would be poor planning if the property to the west is developed and this section is not developed or connected. The 129th Street can barely fit two cars so it would be problematic to have these residents going down that street to get to State Street.

Commissioner Cunningham said he agrees. The amount of traffic is going to increase on that road. Ashbury currently has no westward access to State Street and this new subdivision and road would give them that access.

Chairman Studebaker stated there is a barricade on 129th Street. He asked if that barricade was going to stay up.

Mr. Herman said he is not sure who put the barricade up and who owns it, but this case has nothing to do with it so it will stay up. He agreed with Chairman Studebaker that there should be a connection for future use, but this is not a dedicated road so it makes it complicated.

Commissioner McGleam asked why would the Village allow a subdivision to have a driveway connection to a piece of property that is not a dedicated road.

Mr. Herman said that the recommendation could be to not have the access there.

Commissioner Carmody asked if there are parking restrictions at Willow Pointe.

Mrs. Tate stated they have guest parking stalls.

Commissioner Cunningham asked if the south property line went all the way to 129th Street or does it stop north of it.

Mr. Herman said it varies.

Commissioner Zolecki asked if there was anything else besides the open space that is different from 2007 to current in the UDO.

Mr. Herman stated it is hard to answer because staff is not an expert as to what the UDO required at that time. The open space was something that he specifically checked. The only other thing was the reduced side yard setbacks which haven't changed over the years. Since there was a change in the setbacks it was reason to have this as a major change.

Commissioner Zolecki said the side yard setback reduction is not necessarily a change but something more in recent times is more of an exception and precedence variation that again is being sited now to be advantageous but hold the old for everything else. In regards to the comment of not knowing all those details would it be safe to say that with said exceptions our current UDO would be followed.

Mr. Herman stated besides the setbacks, street width and the open space he cannot think of anything else. There is the detention slope and detention depth also.

Commissioner Zolecki said why couldn't they make today's UDO apply with the exception of what variations are being accepted. There was the mention in staff's report of the development at 131st and Parker and it was that development that influenced the UDO change for design variation. He asked would this development meet that UDO requirement.

Mr. Herman stated the development at 131st and Parker was duplexes.

Commissioner Zolecki said the UDO has a design standard for single-family and this is single-family attached.

Mr. Herman stated the design requirement that were in place before were clarified for single-family detached. If the Commission would want to put some in place for townhomes that is something that they could do for the future.

Commissioner Zolecki said the version he is looking at in the UDO and does not call out that it is only for single-family detached. This is a major change to a PUD with a lot of requests, there is the opportunity to recommend and influence something like the design variation as part of this recommendation.

Mr. Herman stated there is that section of the code that allows PUD's to not comply with that section, but that is with the thought that the PUD was coming in wanting a certain character of development and to achieve that they couldn't comply with those design standards. This is still a major change to the PUD, so the Commission can make a recommendation to the architecture if they are wanting to.

Mrs. Tate said they are changing the elevations.

Commissioner Zolecki stated he would argue that it doesn't meet fenestration and roofline requirements of the UDO today.

Chairman Studebaker asked if there were any further questions from the Commission for staff. None responded. He then asked for the applicant to come forward.

Applicant Presentation

Peter Coules, attorney for the applicant, said he did not represent the applicant in 2007. He actually voted on this proposal to be annexed into the Village because he was a trustee at the time. At that time, they were told by legal that the access on 129th Street that was draw was acceptable. He agrees that from the point of the driveway going to the east it is not a road. He has had Chicago Title look into it and he has met with the mayor and staff trying to figure out this road. It is believed that the Village does not have any right to force any improvement on 129th Street because it is different in the fact that the Village has never taken care of the road. The people that are sitting here tonight either own to the middle of the road or all the way across. The Township recognizes it on their maps as a road so that is why they plow it and maintain it.

Mr. Coules stated the applicant has never stated that he will not put sidewalks in, but they have asked for an escrow. The 27 feet of pavement is so they can match up to Ashbury now. If the applicant wanted to they could break ground tomorrow and build 45 units. Mr. Mansell never came in with any drawings for the connection at St. Andrews, but rather the Village has asked for that change be made so they redesigned that end of the block to make it go through. Lot 15 is open space because it will depend on what MWRD (Metropolitan Water and Reclamation Department) states regarding the detention. It was put there because the property naturally runs west to the east.

Mr. Coules said the reason for the 10 foot side yard setbacks is because the wider townhomes are selling better. People want wider rooms and the duplexes on Parker Road are almost sold out. He stated they could build the property right now the way it is but were asked not to. Instead they were asked to put the road through for an exchange of the 10 foot side yard setbacks. He does not believe the major change came about because of the 10 foot side yard setback. It happened because the Village asked them to add the connection to St. Andrews. They sent out 138 letters notifying neighbors and they only heard from three people. One was in favor and just wanted to confirm that they were not adding any more units. The second wanted to confirm where it was because they recently bought in St. Andrews. The last one was upset because he does not want the detention pond being near his property.

Chairman Studebaker asked how did the approval in 2007 address the connection to 129th Street.

Mr. Coules stated it didn't address it and 12 years later the gate is still there. They were asked in 2007 to put the connection there. They thought in 2007 the road would be fixed and they would not be sitting there today.

Mr. Herman said the annexation agreement in 2007 specifically calls out as a condition to provide evidence of right-of-way acquisition for 129th. There was a TRC (Technical Review Committee) meeting a couple of months ago with staff, the applicant, Village Engineer, the Township and the Fire Department were present and this stretch of road was defiantly part of the topic. The fact that it is private property and the applicant does not want to touch it was the solution that they arrived at.

Commissioner McGleam stated the Village Board needs to understand that if they approve this then they are encouraging traffic to go onto private property.

Mr. Herman said the PZC can make the recommendation that the access does not connect.

Mr. Coules stated they recommended putting a hammerhead there or putting a cul-de-sac in there.

Commissioner McGleam asked if there is no driveway connection is the sidewalk required.

Mr. Herman said there would be no need for a sidewalk.

Mr. Coules stated they would put money into an escrow for a sidewalk.

Chairman Studebaker asked if there were any further questions for the applicant from the Commission. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment

James Rimkus, 15328 129th Street, said the property to the west is owned by two property owners. If they want to assert their right they can park their cars there and block the access. The other issue he has is the mass density of the development. He understands that there is going to be development and they should have it but they would like it done with a little more balance. He feels the applicant should adhere to the open space because over the years it has been determined that it is beneficial to the community. He is also concerned about the water and runoff. The property slopes there and he is concerned that water is going to flood their properties.

Chairman Studebaker stated engineering will address any water runoff so water will not impact surrounding properties.

Mr. Rimkus said he is concerned about their wells with all this water. He feels that the applicant should test their water to make sure nothing from these properties will end up in their wells.

Brian Hickey, 15326 129th Street, stated he did not get a letter. He also would like to see a balanced development with green space. There is a lot of water that runs off of this property and there are sewers there now, but it still floods their property. Over the past few years they have been getting these 5 to 6 inch rains, so his concern is whether the detention pond is big enough. He does not believe that the applicant should get access to the street if he doesn't want to improve it. The street is too narrow to handle all those cars coming from that subdivision.

Sandra Florancic, 15433 129th Street, said in regards to the gate, when she moved in 20 years ago it was further down and stopped at the woods. When the other subdivision was built it pushed the gate to where it is right now.

Chairman Studebaker asked if she knew who owned the gate.

Mrs. Florancic stated they all do. She does not mind if the development gets built. She feels the density is a lot. She understands if he does not want to fix 129th Street, however he has a road leading out to it. She feels they need to block that road, because 129th cannot handle the amount of traffic that will come out of there. When she moved here Lemont was against all the high density, but she understands that things change. She hopes that they are putting trees along her property so she does not have to look at a street and so they can help soak up some of the water. The construction trucks better not come down their road for this development.

Erica Rohde, 15328 129th Street, said she agrees with everyone here. She appreciates the time the Commission is giving and asking questions in regards to 129th Street. Most of these residents moved to this area because they enjoy the quiet and the peace. They enjoy the neighbors and the community. This is very high density and she lives

directly across from the pond. She hopes that there will also be a berm on her side because they did not move there to see a bunch of townhomes. She then read the mission statement for Lemont and stated that she hopes the Commission will take into consideration how they feel about their property.

Gediminas Pilelis, 15340 129th Street, showed on the overhead where his driveway was located. If you stand on the street you can see that the property slopes down. He understands that the pond is for drainage but he is not sure how it will affect the runoff that is there. He would like to see some independent research engineering.

Mr. Coules said the applicant is fine with putting a hammerhead there. It is open because he was asked to make it open. He agrees with everyone that the property goes down from the driveway to Ashbury. The Village Engineer has approved to have the detention pond go in that corner because that is the best place to have it. No money has been paid to the Park District and the Park District did not want a park out here. The money will get paid as permits get pulled.

Commissioner Carmody asked if there has been any discussion in regards to connect 129th Street to the east.

Mr. Coules stated if there is ownership of it, but the Village Engineer is looking into that.

Commissioner McGleam said they could make it a hammerhead now and if all the issues get resolved later then they can open it up. He asked if the 8 inch water main shown on the utility plan was existing or proposed on the south elevation. He wants to make sure there is an easement that goes with it.

Mr. Coules stated it is proposed and there is an easement that goes with it.

Mr. Herman said the utilities are on the dedicated portion of 129th and Ashbury and they can extend it onto their property in an easement.

Commissioner McGleam asked if there was any recapture.

Mr. Coules stated they did not ask for it and there is no present recapture to Ashbury.

Pat Huckle said she lives in Ashbury so this property is in her backyard. Her concern is that they are going to lose all of their privacy. She hopes that they will put some trees along their property. She knows that the residents have spoken regarding the rain and they have a lot of rain over the years. The property that backs up to hers is really flooded. She hopes that someone will take care of that. The sump pumps on their property go off like crazy so she is concerned about more water coming onto her property.

Chairman Studebaker explained that the applicant will have to meet the requirements of MWRD.

Ms. Huckle asked if they do have an issue after this is built who do they contact.

Chairman Studebaker explained that they would contact the engineers.

Ms. Huckle asked how long will the proposed development take to build.

Mr. Coules said it will take about two years.

Ms. Huckle asked how far is the patio from these developments to her property.

Mr. Coules stated it is 30 feet to the property line. He said these are not as deep as the ones approved in 2007.

Greg Taylor, 15445 129th Street, said he is not a resident but a developer for the land. He stated the residents have made a lot of good points. His concern is for future improvements to this area especially with the road. It has been 12 years and it still has not been resolved. He feels the Village should hold a letter of credit from the developer that would hold some money just in case the issue is resolved.

Mr. Rimkus stated there is a wetland that is part of this property. He is strongly against that two foot easement.

Joe Karcavich, 15424 129th Street, said along the east edge of his property there is a creek that goes back to 130th and then it drops into a ravine to Archer Ave. If needed a culvert could be tied into there.

Nancy Melvin, 1509 Ashbury Place, asked where the detention ponds would be located. She asked if Lot 15 was for sure going to be detention pond.

Mr. Coules stated it would be detention or open space.

Chairman Studebaker asked if there was anyone else in the audience that wanted to come up and make comments or ask questions regarding the public hearing. None responded.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to close the public hearing for Case 06-26. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Studebaker asked if there were any further questions or comments from the Commission. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to recommend to the Mayor and Board of Trustees approval of Case 06-26 with the following recommendations:

1. Configure the sidewalk and right-of-way for 128th Street to align where it meets Ashbury Woods to the east.
2. Install a sidewalk along the north side of 129th Street continuing west from Ashbury Woods or provide an escrow for a future sidewalk.
3. Address all comments from staff and consultants.
4. Remove the proposed driveway at 129th Street and replace it with a hammerhead design that will facilitate an internal turnaround.

A roll call vote was taken:

Ayes: McGleam, Zolecki, Cunningham, O'Connor, Pawlak, Carmody, Studebaker

Nays: None

Motion passed

B. 19-20 J-AVE DEVELOPMENT ANNEXATION, REZONING TO M-2 AND SPECIAL USE AT 16430 W. NEW AVENUE

Chairman Studebaker called for a motion to open the public hearing for Case 19-20.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 19-20. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said the applicant is proposing to annex, rezone to M-2 and obtain a special use for a freight transportation terminal with a variance. The scope of the project is to construct a 9,000 square foot maintenance garage with offices. They are proposing to have on-site parking for 28 semi-tractor trailer and 12 dump trucks. They wish to remodel the existing home for offices for the business. Then create an access drive from New Avenue to the existing home and have the truck spaces in the rear near the proposed garage.

The Village has been communicating with the applicant for several years. It did go to the TRC in 2016 with a similar design but same intentions. As far as defining the use, she hopes tonight the applicant can clarify the use. Staff is not completely sure if it is a freight transportation terminal. The industrial uses are kind of vague and there

is not a lot of them. With the adjacency to residential it should be some sort of special use in a manufacturing zoning district.

Mrs. Tate stated it is a 9.2 acre site and it is in unincorporated Cook County and zoned residential R-4 single-family. The surrounding land use to the north is unincorporated Cook County with a strip of homes. Across the street from there is unincorporated I-2 which is a Cook County Industrial district with a large trailer storage facility located on that property. To the south it is R-5A and it is in the Village of Lemont which is vacant but planned with a residential subdivision. To the east is unincorporated Cook County R-4 with more residential homes. To the west is unincorporated Cook County R-4 residential and it is the former McMahon site that was told to leave the site for operating an illegal business on the site, so as far as they can tell it is vacant.

The Comprehensive Plan designates this area as Industrial with the Future Land Use Map. She then read the definition. Also in the "Our Community Character" section of the plan it states to "create design standards for industrial development", which the Village has adopted. She then read the Building Design section which is included in staff's packet. In the code it states that the Village prohibits metal panel in the districts. The applicant has made some revisions to their plan so what they are showing now is a hardy board siding and no metal.

Mrs. Tate said there are four different M zoning districts. The purpose of the M-2 District is to accommodate those industrial activities that have moderate land use intensity and are located in areas remote from residential and prime retail development. The purpose of the M-1, which is a more restrictive district, is that it is intended to provide an environment that is suitable for industrial activity that provide a pleasant and nuisance free environment to be compatible with adjacent land uses. It may be located adjacent to R Districts in thus those provisions include special yard setbacks and screening requirements.

She then went through the standards for rezoning using the LaSalle factors which are included in staff's packet. As far as the special use, Freight Transportation Terminal was taken out of the M-1 District, it is a special use in the M-2 District and allowed in the M-3 District. She then read the definition for Freight Transportation. The overnight storage of the trucks, tractors and trailers is why they are leaning towards that use. She then read the definition for Container Storage yard which is a special use in M-1 and M-2. She hopes the applicant will clear up what the actual use is. A large component of J-Ave is to park trailers and trucks with maintenance garage and offices. There appears to be a little storage on site, which can be clarified as well.

Mrs. Tate stated either way a special use is needed for this site. They do look at the standards for a special use and three of the six are applicable. She then read through those three standards. The only remaining variation is the absence of curb and gutter in the parking areas. Staff feels that there is no hardship and there is no reason why they could not meet that requirement.

Some things that stood out with review is making sure that the transition buffer is enhanced. The response from the applicant is that appropriate screening would be incorporated into the Final Landscaping Plan. Staff has asked about sign detail along New Avenue and they want to do that at Final submittal. They did verify truck turning movements and they verified that they are not using any gravel. The Village Engineer has provided feedback just yesterday so the applicant has not been able to respond to them. Some key ones are that an IDOT permit will be needed for the New Avenue entrance, curb and gutter is needed around parking areas, certain permits will be required, they need to relocate the fuel station at least 25 feet from any sanitary sewer, and the boundaries of the plat of annexation need to extend a little bit farther on New Avenue.

In conclusion, it is in cooperation with the Lemont 2030 Comprehensive Plan and the zoning designation of manufacturing is in line with the Future Land Use designation of industrial. The site should be designed to meet the Village's UDO standards. The trucking use could work in this location, so long as the business is designed and operated with sensitivity to the existing neighboring residences. The access point needs to be upgraded to meet the Village's standards and landscaped to create a more attractive business entrance. Annexing the property will provide the Village with additional tax revenue and the ability to regulate the business through the Village's codes and ordinances. Staff is recommending approval with an updated list of conditions which were shown on the overhead.

Chairman Studebaker asked if there were any questions from the Commission for staff.

Commissioner McGleam asked if there was an overlay of the proposal with the new residential development to the south.

Mrs. Tate stated there is not. There is the section of Timber Run that they will not be developing. She showed on the overhead where the new subdivision will be in contrast to the proposal.

Commissioner McGleam asked if they knew the distance between the Timber Run development and the proposed truck building.

Mr. Herman said it is roughly 688 feet.

Commissioner McGleam clarified that there is a single-family home on the property but its use is going to change.

Mr. Herman stated if it was currently used as a residence, it wouldn't be an allowed use, it could be maintain as a legal non-conformity until that use is discontinued. As far as he knows it is currently not being used as a residence but rather as an office. If

in the future someone wanted to move in there and live there that would not be allowed.

Commissioner Zolecki said for clarification the only variation being requested is for no curb and gutter.

Mrs. Tate stated that is correct.

Chairman Studebaker said most of these containers will be connected to a truck, but is there a height limitation on storage containers.

Mrs. Tate stated she does not believe they are storing containers but with a special use you can write in the restrictions that you want.

Chairman Studebaker asked if there were any further questions from the Commission for staff. None responded. He then asked the applicant to come up and make a presentation.

Applicant Presentation

Darius Water, Attorney for the applicant, said they closed on the sale of the property in November of 2015. They wanted to annex into Lemont, but unfortunately with the property to the west they were not able to do so. They then proceeded to work with Cook County until they ran into difficulty with them. They then proceeded to look into annexing into the Village through the property to the south of them.

The property is a 9.25 acre lot with approximately 250,000 square feet. Their plan is to develop about 105,000 square feet. They will be constructing a 9,000 square foot building which will allow them to create 32 bays for trucks which consist of 12 short trucks, 18 long trucks and two washing stalls. The single-family structure that is currently on the property is used for clerical purposes and will continue to do so. It will be remodel so they can expand their administration work.

Mr. Water stated J-Ave is a hauling company that hauls mainly building materials that are used all over Cook County. They do not store anything on-site. They are looking to store their trucks on their lot, be able to do some light maintenance and all the clerical work for a company this size. The light maintenance would include such things as breaks, tires or light body work. This is not a heavy duty truck repair facility. There will be 25 parking spaces for employees with one handicapped space.

New Avenue is a very busy street with mixed uses in the area. The intended use for the area is going to industrial. There is truck parking across the street from them with some heavy industrial usage. They do acknowledge the fact that there are residential properties right next door to them. They can separate themselves from these properties by way of foliage and fencing for the property. He feels that the impact to

these residents would be minimal. They have provided a traffic study which is being reviewed.

Mr. Waters said the property lowers the further south you go so there will be minimal impact from headlights on the neighbors. The trucks will go down the eastern lot line to the southwest where the building and parking lot will be created. The acoustics and lighting will be minimal to the neighbors because of the sloping, the fencing and the landscaping that will be put up. He does not feel that the curb and gutter will be an issue. The overall project conforms to the intent of the Comprehensive Plan and what is happening to that area in general. The plans take into account the residential neighbors and what their concerns may be. They agree with either zoning that the Commission might want to recommend. He just wants to reiterate that they do not store anything on their site besides material to maintain their trucks for repairs.

Chairman Studebaker asked if any of the Commissioners had any questions for the applicant.

Commissioner Zolecki asked out of the six staff recommendations were there any that they are contesting.

Mr. Waters stated he agreed to them all.

Commissioner Zolecki asked if staff was looking for acoustics to be demonstrated.

Mrs. Tate said staff did not ask for an acoustic study.

Mr. Water stated when they started the process it was brought up by previous staff members. Obviously they are trucks and they can be loud, but they are leaving the premises empty.

Mrs. Tate said they would have to meet the noise ordinance and if people start complaining then we can go out there.

Commissioner Zolecki asked who would be approving condition number three.

Mrs. Tate stated it would be something they would work with the Village Engineer.

Commissioner Cunningham asked what would be the hours and days of operation.

Mr. Water said Monday through Saturday. They would start at 5:30 a.m. and get back around 3 p.m. to 6 p.m. On Saturday they would get back earlier. There are about 14 trucks but they might decrease that number because it is hard to find drivers.

Chairman Studebaker asked if there were any further questions from the Commission for the applicant. None responded. He then asked if there was anyone in the audience that wanted to come up and speak in regards to this public hearing.

Public Comment

John Tomaskovic, 16470 New Avenue, showed on the overhead map exactly where his house is located. It is his understanding that McMahon tried to come into Lemont and it was turned down so he went to Cook County. They were able to get him removed. McMahon's property was zoned residential and they tried to get it changed. He has spent a lot of money on his house and for improvements. He wants to live in his house for the rest of his life. He is concerned that if he is forced to move he will not get a good price for his home. This area was one area of Lemont that didn't decline during the market crash. He is concerned about the lights and the hours of operation. This property was someone's house and this business is trying to come into a residential area and develop it. If you go further south there is plenty of property that is zoned industrial that they could have bought. He is concerned that if this get annexed they will be made to tie into sewer and water also. He feels it is going to be another fight to keep this out.

Glen Granat 16460 New Avenue, said he has lived in his house for 36 years. Last year they had over 30 people here. He cannot imagine that this change would have minimal impact on their properties. He is assuming by looking at the 2030 Plan that all these houses are going to go away not by choice. This property is currently residential and a trucking company is currently operating there and he is not sure how that is happening. There are a lot of other properties so he does not understand why a trucking company would want to go on a residential property.

Mr. Water stated their business model is not for a 24 hour haulage company. This company works in conjunction with construction sites. He does not feel that they can compare this application to what happened to the property to the west. They are not operating out of the property at this point. They are doing this legally by annexing into this Village and following all necessary processes.

John Avelar, applicant, said there is a berm that blocks the residential houses. The garage will be at the back of the property. His intent is to not kick anyone out of their house and he always helps out his neighbors. There are other trucks that park out there which are an eyesore. He keeps his property clean and he just wants to run his business.

Matthew Hedger, 16490 New Avenue, asked if based on the Comprehensive Plan was the Village hoping to buy out the rest of the residential area. When he bought his house the trucking company across from him was not there. He met Mr. Avelar and he likes him, but he feels that this should remain residential. He would rather see the property get developed with townhomes. His concern is the exhaust from all the trucks.

Mr. Tomaskovic stated he agrees that when he purchased his property a lot of the industrial was not there. The railroad tracks block some of the view of it. If the

trucks go out during the day then they will have to work on the trucks at night. They can file complaints if there is a lot noise and the applicant will get fined. They are fighting this again and he doesn't understand how this industrial business can come into a residential area. Eventually, they will all have to move because they will get squeezed out.

Chairman Studebaker asked if there are any further comments from the audience. None responded. He then called for a motion to close the public hearing.

Commissioner O'Connor made a motion, seconded by Commissioner Carmody to close the public hearing for Case 19-20. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Commissioner Carmody asked to see the definition between the M-1 and the M-2 Districts.

Mr. Herman said in the fall staff had filed pre-annexation to allow them to have Village water. Typically, they would not let a property have water unless they were annexed in. The pre-annexation would say that there is this continuity which hasn't been resolved. They could do the pre-annexation agreement, give them the water and some point in the future when continuity is established then they would annex into the Village. The discussion was for it to come in as M-1, but at that time they thought it would be freight transportation terminal use. Looking at it now he is not so sure of it. There was a recent text amendment which does not allow that freight transportation terminal in the M-1. There is no issue with it being M-1 which would be more restrictive. They also learned more recently about what type of use the property would have.

Commissioner Carmody stated to him it seems like it is more M-1 which is more restrictive.

Commissioner Zolecki said he understands what staff is saying about the M-1 but by definition it would not comply as M-2 because of the residential next to it.

Mrs. Tate stated she feels they do not fit the freight transportation terminal. It is kind of a container storage yard and there is some outdoor storage which is a special use in M-1 and M-2. She is leaning more to M-1 and put restriction on the outdoor storage.

Commissioner O'Connor said he agrees that it should be M-1.

Commissioner Carmody stated it should be M-1 with hour restrictions.

Chairman Studebaker asked if there was any further discussion from the Plan Commission. None responded. He then called for a motion for recommendation.

Commissioner Carmody made a motion, seconded by Commissioner O'Connor to recommend to the Mayor and Board of Trustees approval of Case 19-20 – J-Ave Development Annexation, Rezoning to M-1 and Special Use at 16430 New Avenue with the following conditions:

1. Utilize curb and gutter along with the solid surface pavement used for the parking lots, truck parking and drive aisles.
2. Address outstanding comments from Consulting Planner, Fire Marshal, Plumbing Inspector and Village Engineer.
3. Provide a line of sight drawing to ensure the headlights from the trucks do not spill onto the neighboring residential properties.
4. If applicable, address outstanding comments when review of traffic study is complete by the Village and IDOT.
5. Provide details on the existing fence. Provide details on the existing gate near the entrance to the site to verify it meets the UDO standards.
6. The property should be zoned to the M-1 Zoning District with special use for container storage yard, only permitting trailers within the use, and outdoor storage. The hours of operation should be defined.

A roll call vote was taken:

Ayes: Carmody, O'Connor, Cunningham, Pawlak, Studebaker

Nays: McGleam and Zolecki

Motion passed

Findings of Fact

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to authorize the Chairman to approve the Findings of Fact for Case 19-20 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

Commissioner Pawlak said it was discussed about Hughie's outdoor seating arrangement at a recent meeting. The current situation at that location is an eyesore to the community. There is a big orange porta potty and there is a permanent white tent. He does not believe this is what the Village wants the community look like. It was discussed that they wanted the outdoor seating. The Commission had concerns about safety as well as the increase in occupancy without any building processes

getting done. The other thing he noticed was the signage on McCarthy and the one at St. Pat's Church. He feels that they don't fit the signage requirement.

Trustee Stapleton stated developers are allowed to have larger signage.

Mr. Herman said he will look into things and update the Commission.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURNMENT

Chairman Studebaker called for a motion to adjourn the meeting.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to adjourn the meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper