



Village of Lemont
Planning and Zoning Commission

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

PLANNING & ZONING COMMISSION
Regular Meeting
Wednesday, June 20, 2012
6:30 p.m.

**Planning and Zoning
Commission**

Dennis Schubert,
Chairman

Commission Members:

Ryan Kwasneski
David Maher
Gregory Messer
Katherine Murphy
Jason Sanderson
Anthony Spinelli

I. CALL TO ORDER

A. Pledge of Allegiance

B. Verify Quorum

C. Approval of Minutes: May 16, 2012 meeting

II. CHAIRMAN'S COMMENTS

III. PUBIC HEARINGS

A. Case 12-10 – St. Alphonsus Sign Variation. A public hearing for a variation for an internally illuminated monument sign at 210 E. Logan Street.

B. Case 12-12 – UDO Amendments. A public hearing for amendments to the Unified Development Ordinance, continued from the May Planning & Zoning Commission meeting.

IV. GENERAL DISCUSSION

V. ADJOURNMENT

**Community Development
Department Staff**

James A. Brown, Director

Charity Jones, AICP Planner

Village of Lemont
Planning and Zoning Commission
Regular Meeting of May 16, 2012

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, May 16, 2012, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Schubert led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Maher, Messer, Sanderson, Spinelli, Schubert

Absent: Murphy

Economic Development Director Jim Brown, Village Planner Charity Jones, and Village Trustee Ron Stapleton were also present.

C. Approval of Minutes:

Commissioner Spinelli made a motion, seconded by Commissioner Messer to approve the minutes from the April 18, 2012 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Schubert greeted the audience and congratulated Commissioner Sanderson on the birth of his new daughter.

III. PUBLIC HEARINGS

A. Case#12-11 – Old Quarry Professional Center. A public hearing for a special use approval for a preliminary and final Planned Unit Development (PUD) for medical offices at 15884 W. 127th Street.

Chairman Schubert called for a motion to open the public hearing for Case #12-11.

Commissioner Kwasneski made a motion, seconded by Commissioner Spinelli to open the public hearing for Case #12-11. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Jones stated that the Old Quarry Professional Center currently had one building on the site. It was previously approved for medical office use for three buildings total that would be identical to the current building that is there. She said that the previous owner got started on the property, but the economy took a turn and the property went into foreclosure. Mrs. Jones stated that there is a new owner and he is looking to get a PUD approval for medical office use. She said the site plan remains relatively unchanged with the exception that instead of three buildings it will be two buildings with one being a three story building on the back side of the site. Mrs. Jones stated that the original PUD had expired, so this is a new review and approval. She said because the engineering for the site has been done and it is only changing in very minor ways this will be a preliminary and final approval for the PUD.

Mrs. Jones stated that there is a table in the Staff Report on page three that goes through where the submitted plans deviate from the Unified Development Ordinance. She said the site plan does adhere to most of the standards. She stated that there was a preliminary landscape plan that was submitted with the application. Staff did request a full landscape plan because this is a final PUD. She said that the applicant did submit one that day and staff has not had the time to review that plan. Mrs. Jones said that it was prepared by a registered landscape architect and staff feels that they would come close to meeting the landscape standards. She stated that it is very heavily landscaped.

Mrs. Jones stated that they also submitted today a plan for a revised sign. She said that she will pass that out to the Board tonight. There are two different options and the applicant was requesting that it also be part of the PUD as well. Mrs. Jones said that the sign that is out there is not that attractive and is not very readable from the street. She stated that staff does not have any concerns with revisions to the sign as proposed.

Mrs. Jones stated that she will talk a little about the new building since it is the biggest change. She said it is three stories, 35 feet at the maximum height, which complies for the maximum height for that zoning district. She stated that it is limestone, brick and glass windows. Mrs. Jones stated that it looks different then the building up front. She said that it doesn't comply with the Comprehensive Plan guidelines which call for residential style architecture. Staff feels that the building is acceptable because it is setback so far from the street and it is adjacent to the Advocate Good Samaritan Building which is just as tall. Visually it won't have as large an impact as the Good Samaritan Building due to the materials being used on this building and because it is not as wide or deep as the Advocate building. Mrs. Jones asked if the Board had any questions.

Chairman Schubert asked if the applicant addressed any of the deviations that were listed on page three of the Staff Report.

Mrs. Jones stated that she will let the applicant address those. She said like she stated, there was a landscape plan that was submitted that day, but she has not been able to

review the plan. She stated that she did talk with Simon Batistich, architect for the project who is present this evening, and he did state that they would do a revised photometric plan that would meet the Village's standards for the parking lot. Mrs. Jones said that she will let them go into more detail in regards to sidewalks.

Commissioner Maher asked if the deviations on page three of the Staff Report were original deviations or were these new deviations.

Mrs. Jones said that the existing loading zone was what was on the original plans, so she would have to assume that was originally approved as a deviation. She stated in regards to the landscape plan, what was originally approved was a preliminary approval so it wasn't a full landscape plan and she could not compare the two. Mrs. Jones stated that she does not know what their photometric plan looked like. In regards to parking, it has definitely changed due to the change in buildings so there is additional square footage overall in the entire PUD, which necessitates additional parking.

Mr. Brown stated that there was not a sign plan with the original PUD.

Commissioner Maher asked about the fence.

Mrs. Jones stated that there was originally a fence and it was part of the original deviations that was approved.

Commissioner Maher asked about the sidewalks.

Mrs. Jones stated that she did not know. She stated for example, the existing building there are no sidewalks. She said she feels it is unreasonable to ask the applicant to rip things out and put that in. However, for whatever is new staff feels that they should attempt to meet the standards.

Commissioner Sanderson asked if the Board was going to see the landscape plan that staff received today.

Chairman Schubert stated that he feels that they would abide by it and he is more interested in the sidewalks, loading zone and if there would be an amenity to the front of the new building. He said that he knows staff will make sure that the landscaping was okay.

Commissioner Sanderson stated that it wasn't that long ago that the Board Room was filled with people upset about a fence issue.

Commissioner Messer stated that on page 22 of the Staff Report it mentions a typical rod iron fence. He asked if typical means that is what it is going to be.

Mrs. Jones stated that they submitted a full landscape plan. She said that the Village's landscape requirements require the full scientific name of the species and size. She

stated that there are transition landscape requirements. Mrs. Jones stated that the full landscape plan has more than what is seen on page 22 of the Staff Report.

Commissioner Sanderson asked if he was able to see up close what the applicant was proposing for the landscape plan.

Mrs. Jones stated that the Board has the option to continue the public hearing because they want to see the final landscape plan in order to make a recommendation or the Board can make a recommendation contingent upon staff's approval of the submitted plan.

Commissioner Sanderson said that he might be able to see what he is looking for right now if he can view the presentation board of the landscape up close that the applicant is presenting tonight.

Mr. Brown asked if he was concerned about seeing the final landscape plan.

Commissioner Sanderson stated that his understanding is that they are doing the preliminary and final tonight.

Mr. Brown stated that the difference between the preliminary and the final is that the preliminary shows the general location and types of material. He said that the species and exact location is on the final plan. He stated the reason why they want it from a registered landscape architect is because they work from a regular engineering plan. Mr. Brown said then they look at species and other things. He stated the landscape plan is showing the right amounts of plant material in appropriate locations. He said the Board might hear other comments and feel that certain areas might need heavier landscape and those things can be worked out.

Chairman Schubert stated that there was something in the Staff Report about shared parking.

Mrs. Jones stated that it was for a shared access. She said that the site is a little deficient on parking for the UDO standards. It would be in the Village's best interest to have shared access and parking with Good Samaritan, so people will not have to go back out onto 127th to get to the other building. Mrs. Jones stated that if they have a shared parking arrangement then that would get rid of any parking problem that they did not meet.

Commissioner Spinelli asked if the Fire Department's concerns were addressed. He said one of their items was the looping of the water main and he did not see that the water main had been looped on the engineering plans in the Staff Report.

Mrs. Jones stated that the plans were submitted prior to the Fire Department's comments.

Commissioner Spinelli asked if the applicant had any comments to staff in regards to the Fire Department's comments.

Mrs. Jones stated no but she will let the applicant address that tonight.

Commissioner Maher asked if staff received any calls in regards to this case.

Mrs. Jones stated that she did receive a couple calls; they were primarily about not understanding the letter that they had received. She said that there was nobody that expressed any specific concerns.

Commissioner Maher asked when this first originated was there any landscape considerations that were being made to the neighbors in the area.

Mr. Brown stated that there was not a lot of public input. He said they tried to keep the back area to the south with more landscaping. He stated that there was not a lot of concern from the neighbors and there were no issues.

Commissioner Messer asked if staff knew what the fence was going to look like that runs down the east and south side of the property line.

Mrs. Jones stated that it is the same look that is on the conceptual landscape plan that was in the Staff Report. She said it is the open wrought-iron style.

Chairman Schubert asked if there were any more questions for staff. None responded. Chairman Schubert then asked the audience to stand and raise his/her right hand. He then administered the oath.

Simon Batistich, Architect for the Old Quarry Professional Center, stated that Dr. Patel is moving into the first building and that is the activity that they are seeing there. He said that Nick Christie from Hoeffler-Butler Engineering was present tonight and they were the engineers for this project and the original project. Mr. Batistich stated that Mrs. Jones gave a good overview of the project. He said that the original PUD had three identical buildings. He said times have changed and the type of use is going to change. He stated that they are looking for a three story unit in the back, which is within the height limits of the Village. He said it will line up with the Good Samaritan Building next to them.

Mr. Batistich stated that they did not have any problems with what was listed on the staff report. He said in regards to the landscaping, he apologized that he just received it today. He stated that he did bring a copy along. Mr. Batistich said it is very similar to the preliminary that he did. He stated that they added a lot more material to the plan. The fence is wrought iron and very similar to the fence at Ruffled Feathers. The new plan shows for a double layer of eight foot high evergreens which will give it a good sound and visual break. He asked if there were any questions in regard to the landscape plan.

Chairman Schubert stated that in the southwest corner there is a residential property line and asked if there should be more of a buffer there.

Mr. Batistich stated that it is heavily landscaped there.

Commissioner Spinelli stated that he would like to see the fence head north on the west line until it reaches the residential property line, which is approximately their south curb line or until they get to the Good Samaritan property line.

Commissioner Sanderson asked if Good Samaritan had a fence that they could tie into.

Mrs. Jones stated that they did not.

Mr. Batistich stated that he does not see a problem adding an additional 30 some feet of fence. He said that it is heavily landscaped and they can bring some of the evergreens around the corner to add as a buffer.

Mr. Batistich said in regards to the sidewalk, they have no problem putting a sidewalk in front of the building. He stated the one question they have is adding a sidewalk that connects to the sidewalk along 127th. He said when this was originally approved there was no requirement to connect the sidewalk on 127th to the interior site. Mr. Batistich stated that it would be difficult to do now. He said you could not come through to the building itself or along the east side of the property line because there is some detention. He stated that he did not see anywhere that it would be beneficial.

Commissioner Sanderson asked if this was a requirement from the Village.

Mrs. Jones said it is and in a brand new commercial development you would have more flexibility to incorporate it. With this property being already partially developed it is more complicated.

Commissioner Messer asked if there was any consideration for a sidewalk that leads from the front building and goes west to the other Good Samaritan Building.

Mr. Christie said that there is a back sidewalk that could line up with that building.

Commissioner Sanderson asked what the benefit would be.

Mrs. Jones stated that it could help if someone was referred over to the Urgent Care Center. However, it would depend on if Good Samaritan wanted to do something.

Chairman Schubert asked if there was shared parking where would that be proposed for the site.

Mr. Christie said that when he looked at it he thought the only area would be in the back. He stated that when they are talking about parking deficiency, they would lose four parking spaces as well as Good Samaritan losing four to put in the driveway.

Discussion continued on the shared parking.

Mrs. Jones stated that her primary concern was not the parking; the shortage of eight spaces is not that much. She said what she wanted to prevent was cars going back out onto 127th just to turn and get back into the Advocate parking lot. She said even if they lost the four spaces, she would be happy to see some kind of cross access between the two sites.

Commissioner Spinelli said that if it is just a cross access then that could be lined up with the drive aisle immediately south of the existing building. He said then they would not lose any parking on their site.

Mr. Christie asked if it was heavily landscaped in that area.

Mrs. Jones stated no.

Commissioner Spinelli stated that if they put it at the back of the parking lot not many people would know that it was there. It would be better to put it near the front for more circulation.

Mr. Batistich asked Dr. Patel if he had any discussion with Good Samaritan.

Dr. Patel stated that he did not.

Commissioner Sanderson asked if both owners would have to agree to it.

Mrs. Jones stated that they would and staff would be more than happy to coordinate a meeting with the other owners. She said it would not change staff's recommendation if Good Samaritan is completely opposed to it.

Commissioner Spinelli stated that they are installing a new trash enclosure at the southwest corner of the existing building. He asked if there was any objection with moving the trash collection for the new building to the trash enclosure of the existing building, or along the west parking stalls that are adjacent to the parking at Good Samaritan. Commissioner Spinelli stated that he did not like trash collection near residential. He said based on the drawing they are probably about 80 feet from that residential drive-way.

Mr. Batistich stated that they did not object.

Chairman Schubert stated that in front of the new building if there was no sidewalk would they be willing to put up a bench for people to sit at while waiting for a car to pull up. He said this will make it more pleasant if there was some kind of garden.

Mr. Batistich stated that they have about 40 feet of landscape and could easily add something to make it more attractive with seating areas.

Commissioner Messer asked if the stone work on the existing building would be tied into the color of the stone or the base of the new building.

Mr. Batistich said that the brick would be the same brick. The base of the building which runs up about three to four feet would be the same brick so it ties together. He stated that there is the same stone trim that is on the front building. He said the stone itself is a little different then the stone that is on the first building. Mr. Batistich said that the glass and the way the building sticks out make it so the building doesn't look like a square. He stated that the idea with the glass is so that visually it will take away a lot of the building.

Chairman Schubert stated that he does like the look of the building.

Mr. Batistich said that they are trying to tie in the existing building, the building next door, and the Village with the stone. He stated that on the back of the building there is a stair tower that is pulled out to open up the floor plan. This gives them a nice stone wall with a little glass on the side that will be very effective. Mr. Batistich stated that the back has the same massing as the front but with less glass.

Chairman Schubert asked if east and west were matching.

Mr. Batistich stated that they were.

Commissioner Sanderson asked if staff will review the site lighting.

Mrs. Jones stated that the photometric plan that was submitted shows all the site lighting.

Mr. Batistich said that they did an original photometric which was done with the lights that were there. He stated when going through it with staff they will need to add more, but they will meet code. He said as far as the comment about the water, Mr. Christie will answer that question.

Mr. Christie stated that the water main is looped; it was part of the previous development.

Chairman Schubert asked if there was a loading zone at the new building. He stated that he sees that there is a loading zone at the existing building.

Mr. Batistich stated that there wasn't one for the new building. He said that this is a carry over from the existing plan. The previous plan had one loading zone for all three buildings. He stated that this is medical offices, so there is no need for a loading zone besides for parcel trucks which will probably pull up along side the building.

Chairman Schubert asked if the elevator required an overrun for the third floor.

Mr. Batistich said that they would be able to handle that because the height to clear was 12 feet 4 inches to the parapet. He stated that it might end up right at the roof, but it would be no higher than the roof top units. He said that they will keep it in the center so with the line of sight you will not see anything.

Chairman Schubert asked what they had up on the rooftop as far as units.

Mr. Batistich said that they don't have that design yet. He said with this footprint and these buildings it will probably end up with six rooftop units.

Chairman Schubert asked how they were going to be screened.

Mr. Batistich said he does not know yet. He stated that there is a partial parapet on that wall so they can do some line of sight and do some screening.

Commissioner Sanderson asked if there were codes that covered that.

Mr. Brown stated that mechanicals were supposed to be screened. He said that usually a parapet wall will do it.

Chairman Schubert asked if it had a sprinkler system and a Knox-box.

Mr. Batistich stated yes it will.

Mrs. Jones asked the applicant if the sign that they were submitting for was going to stay externally illuminated.

Mr. Batistich stated that they understand if they wanted it internally lit that they would have to come back. He said that they are not too far with the sign and apologize for the late notice, but they wanted to let the Board and staff know what they were thinking. He stated that they wanted to use the base that was there.

Mrs. Jones stated that they were going to talking about sign issues after their case, so it might not be an issue when they come back.

Commissioner Spinelli stated that he would prefer option four because option three has the street address on the sidewalk side of the sign and it will block sight lines. He said in option four the flag is gone; it is on the south side so it does not block the sidewalk at all.

Dr. Patel stated that he liked option four.

Commissioner Spinelli asked them to consider sight lines for the sidewalk when designing the sign.

Sandy Moleski, 1224 Acorn Street, Lemont, stated that her property is directly south of the buildings. She said her drive-way is the one on the southwest side. She stated that she has three concerns. When she bought her home two years ago she did her due diligence and looked at what the plans were so they knew what they were getting into. Mrs. Moleski stated that her concern is that the height and size of the building is completely different than what was approved before. It is not what many residents had looked at when they purchased their homes so they are concerned about the value of their homes. She said many of the homes around there were empty and that could be why they haven't heard many complaints. Mrs. Moleski stated the fact that it is a three story building is a little disconcerting to her. She said that she understands that it is the same size as the Good Samaritan Building; but that building is known as the eyesore of Eagle Crest. She stated to have another building that is comparable to that, which wasn't originally slated to be there, is a real concern for property values when they are already being depressed for a number of reasons in Lemont.

Mrs. Moleski stated when you are standing on the ground and you have a three story building, you are going to see it regardless of what size tree you have planted. She said when you are talking about decks or upstairs windows the views are ruined. She stated to go from a one story brick building to a three story glass, limestone, brick building with a rooftop that has mechanicals on it is a huge differential to residents of Eagle Crest.

Mrs. Moleski said another concern is the cross access between the two buildings. She stated that if they wanted to put a walkway between the two buildings that is fine, but she is concerned with a driveway between the two. She said that there are many small children under the age of five that live right there in the houses that surround the building. Mrs. Moleski stated that if they are coming through the south side of the property it can create a danger for some children in the area. She said a lot of children cut through there, because it is not fenced off, to go to the park.

Mrs. Moleski stated that her last concern is landscaping and trash. She said with a three story building there is no landscaping that can hide the building. She said with a one story building it is easy to fix with a fence and trees, but a three story glass building would be hard to conceal. Mrs. Moleski stated the trash set-up would have been directly adjacent to her yard. She said that Commissioner Spinelli did address that issue and it would be nice if that could get moved forward so it is not next to any residential. She stated that those are her concerns. She said it is mostly the safety of the children and property values long term.

Chairman Schubert stated the cross access that they were talking about was so that it would not be at the back of the property line, but between the two buildings. He said that the new building would be 70 feet further away from their property line than the original plan. He stated maybe being further away will make it less intrusive to them.

Mrs. Moleski stated the parking hasn't changed though.

Mr. Batistich stated that on the front building the height of the hip roof is about 35 feet which is the same height as this building.

Mrs. Moleski said that is different to her though as a visual, especially when you have lighting on the third floor at night. She said the distance of the building does not make a difference because the parking has not changed. It would help if there was an additional 70 feet of landscaping. Mrs. Moleski stated that having a three story building was more imposing than having a one story building.

Chairman Schubert asked Dr. Patel what the hours of operation would be.

Dr. Patel stated that it would be a medical building with different sub-specialties and most doctors do not work till 9:30 p.m. He said that he would guess between 6:00 pm and 8:00 p.m. the latest. Dr. Patel reiterated that the height of the new building is the same height as the old building.

Darius Maurukas, 1216 Leinster Drive, Lemont, stated that his property line is south of project sited. He said that a three story building was a shock for him also. He said that he bought the foreclosed house about six weeks ago. Mr. Maurukas stated he is concerned about the size of the building and the fact that when they look out their windows they will stare at a building. He said he is also concerned with the six rooftop units and the noise that they can make. Being a commercial building those units will be running 24 hours a day and year round. He said right now it is quiet and nice around his property; he would not want to listen to the constant buzzing of a condenser unit all the time.

Mrs. Moleski stated that the Good Samaritan Building is not completely full and she does not know what the need is to build another building when there are so many empty buildings in Lemont already.

Chairman Schubert said that they are a recommending Board that goes to the Village Board. He stated when someone comes in wanting to build on a piece of property, they cannot say no to them because they think it is a bad investment; it is their property and they have certain rights to develop it. He said that the Village can ask for certain things so that the development is consistent with Village guidelines but Chairman Schubert stated that the property owners are the ones that are taking the risk.

Chairman Schubert asked if there were any other questions. None responded. He then called for a motion to close the public hearing.

Commissioner Maher made a motion, seconded by Commissioner Messer to close the public hearing for Case #12-11. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Schubert then called for a motion to recommend approval for Case #12-11 with conditions.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to recommend approval of Case #12-11 with the following conditions:

1. A full landscape plan is submitted that complies with the requirements of the Unified Development Ordinance;
2. The need for loading spaces is addressed, and loading spaces are added to the site plan if necessary;
3. The photometric plan is revised to show sufficient illumination with the parking lot;
4. Sidewalks are added to provide pedestrian access within the site, and specifically to the proposed building;
5. The applicant makes a concerted effort to work with the adjacent property owner to secure a cross access and shared parking arrangement;
6. The cross access should be more towards the north and not to the south if arranged with adjacent property owner;
7. Make sure the line-of-sight for the sign is not blocking the sidewalk;
8. Make sure that the mechanicals on top of the roof are well screened, it has to have some sound reducing elements, and needs to be approved by Board or staff at the time presented;
9. The south trash enclosure should be relocated to another location on the site away from the residential;
10. The fence on the southwest corner needs to continue north till it reaches the Advocate Good Samaritan property line which is approximately 30 to 35 feet, with a double layer of landscaping.

A roll call vote was taken:

Ayes: Kwasneski, Maher, Messer, Sanderson, Spinelli, Schubert

Nays: None

Motion passed

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to authorize the Chairman to approve the Findings of Fact as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

B. Case #12-12 – UDO Amendments. A public hearing for amendments to the Unified Development Ordinance.

Chairman Schubert called for a motion to open the public hearing for Case #12-12.

Commissioner Kwasneski made a motion, seconded by Commissioner Sanderson to open the public hearing for Case #12-12. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown said that there are a couple of areas of concerns for staff and the Village Board. One being freight transportation terminals in the M-2 zoning district which was covered a couple of months ago. He stated the issue of Art Logistics and their adjacency to what will become a nice commercial area had brought to light a few other deficiencies in the code. Mr. Brown said that the second issue that has come up recently is the treatment of signs. He stated that Chairman Schubert was on the Zoning Commission when they first started the process in March of 2006 and the UDO was finally passed in February 2008. He said for those Commissioners who were not here at that time they established per state statute a special Zoning Commission to make recommendations for overhauling the old zoning ordinances.

Mr. Brown stated that they would go through the changes and they will start with freight transportation first. He said table 17-06-01 is the list of permitted and special uses. He stated that staff is proposing to change “container storage yard” from a special use to a prohibited use in the M-1 zoning district. In the staff report there is an extract of the zoning map showing where that zoning is located. Mr. Brown stated that there is some M-1 zoning very near the downtown area. He said this would be an area that someone could not come and stack storage containers because it would not be allowed. Mr. Brown asked if the Board had any questions.

Commissioner Messer asked if there were any existing businesses that this would be affecting.

Mr. Brown stated no.

Mr. Brown said in the same table they would be changing “freight transportation terminal” from a permitted use to a special use in the M-3 zoning district. This is defined as a place that has a building and some transfer of offloading and reloading of freight is done. He said when you look at the map there are larger areas of M-3 than there are of M-1.

Commissioner Sanderson asked if it was allowed anywhere or is it just a special use.

Mr. Brown said with this change it would be a special use in the M-2 and M-3 zoning districts.

Commissioner Maher asked what happens to the people that currently have a freight transportation terminal in an M-2 or M-3 district.

Mr. Brown stated that it is already a special use so it would not be non-conforming.

Commissioner Messer asked about what if the property was sold.

Mr. Brown stated that it depends on how long it sits vacant and if there are any changes.

Commissioner Sanderson asked what the goal was.

Mrs. Jones stated that they are trying to keep their manufacturing district property completely overrun by one single use.

Mr. Brown said they have nothing against trucking companies, but they never intended all of the industrial area to be trucking logistics. He stated that they want to have a more discretionary review on them. He asked the Board if they had any other questions or concerns. None responded.

Mr. Brown said they would add a requirement that a "transition yard" shall be maintained when an M-zoned lot abuts a B-, DD- or INT-zoned lot. He stated that right now there is a standard that requires a transition yard when these properties abut a residential zoned property. Mr. Brown said when you look at the map there are M-zoned properties that abut all these different properties and staff feels that this is prudent to add.

Commissioner Sanderson asked what the definition was for transition yard.

Mr. Brown stated that it was strip of land that is about 15 to 20 feet wide, it cannot include parking, and it has to be maintained. He said it is usually filled with various plant materials, fence or a combination of both.

Commissioner Sanderson asked if detentions qualified.

Mr. Brown said that if there was a very elongated detention area that was a minimum of 20 feet wide. They would still have to put in a fence or berm though.

Commissioner Spinelli asked in the M-zoning districts what are building setback requirements for side and rear yard. He stated the reason why he is asking is because he has seen it where there is 10 foot side yard setback but they want to put up a 40 foot tall warehouse building. Then side yard setback would have to be no less than the equal height of the building, which would then be 40 feet.

Mrs. Jones said the minimum side yard setbacks in the M-zoning are 15 feet.

Commissioner Spinelli said whether it is in the transition yard verbiage or if they have to come back another night there should be a something written that the minimum is 15 feet or equal to the height of the building.

Mr. Brown stated that they would have to change the building setback in the Table.

Discussion continued on the side yard setback.

Mr. Brown asked if there were any other questions on the transition yard. None responded. He said lastly, change provisions to require exterior parking lot landscaping for freight truck terminals and container storage yards. He stated right now they are excluded from any landscaping requirements. He said staff feels that there should be some type of screening or buffering. Mr. Brown asked if there were any comments. None responded.

Mr. Brown said on signs, when they did the UDO there were a lot of concerns with signs. He said the bowling alley which is now defunct was in violation of the Village Ordinance. He stated that they had erected the scrolling electronic message sign illegally. He said it was done about year before he came to the Village and he has spent numerous hours trying to fix it. Mr. Brown stated that a lot of the discussions about electronic signs were driven by that problem. At that time in 2006, the electronic message centers were just evolving. The ones that existed were extremely bright. Mr. Brown stated that he is not sure what has happened since then. Whether technology advanced or if the sign industry realized that they were going to be sued because of the brightness. He said that they are a lot dimmer than they used to be and better. He stated that a lot of the provisions were around scrolling, flashing, and how long a message can be displayed. Mr. Brown said now you can have technology that is not so bright and have a message remain static for quite some time. He said they didn't want the electronic area to be that big, but by doing that they weren't able to display a lengthy message so it had to scroll. He stated then they had to try and limit the scrolling or the flashing. He said now you can have where the entire sign face is electronic and there is one static message. Mr. Brown stated that he wouldn't want to make it too long. He said that there has been a general acceptance of electronic signs.

Commissioner Spinelli asked if there could be some type of standard that requires some type of shut off. If they are not in compliance, the Village can come and pull the plug on just the message part of the sign. Then make them come before the Board to state why they weren't in compliance to get their sign turned back on. He stated if they are not complying with the special use, what could the Village do to enforce it.

Commissioner Maher stated to increase the fines and if they don't pay put a lien on the property.

Mr. Brown stated that he liked the idea, but does not see the political will to make it happen. Mr. Brown stated that they will look at electronic signs first. He said that he is

in favor of enlarging the area of the electronic message center. He stated that the duration of time that a message remains static should be increased. He said that he is in favor of keeping the prohibition of the scrolling, twirling and fireworks on the electronic message centers.

Commissioner Messer asked if staff was in favor of multicolored displays.

Mr. Brown stated that they are.

Discussion continued about enforcement of the special use.

Commissioner Sanderson asked if they were all in agreement that there should be no scrolling signs besides the existing signs that are out there. None of the Commissioners objected.

Mr. Brown stated that there could be a requirement that if it is over a certain area then it can not scroll. He said if there is a larger area than you don't have to have it scrolling.

Commissioner Sanderson stated that he is okay with existing signs, but would not want to give someone the option. He said that they are expensive signs and if someone can't afford the big sign then they go with the smaller sign that scrolls.

Mr. Brown stated that he liked the current standards.

Discussion continued on electronic message centers.

Commissioner Sanderson asked if they were going to talk about "districts" or where they were going to allow these types of signs.

Mrs. Jones stated that it is something that should be considered.

Mr. Brown stated that they did not have to decide this tonight. If the Board feels that there should be more discussion or want time to think about it, then they can continue till next month.

Chairman Schubert stated that signs that are in a residential area should not be light up. He said he feels that the goose-neck lighting is what works there because the light is too intrusive to the area.

Commissioner Messer asked if Bell Road was going to be considered a "lighted" corridor along with 127th Street west of State down to Interstate 355.

Mrs. Jones stated that currently it is pretty much limited to only the properties that are at the intersection of 127th and State.

Commissioner Messer asked if it was all of State Street.

Mrs. Jones stated that it is only a portion of State Street. She said that a map is in the staff report.

Commissioner Sanderson asked what is staff's and the Village Board's opinion on this. He said that he feels that LED's are great for business and a big investment for them. He said do we want them up and down Bell Road and how far do we want them on State Street. He stated how can you tell one business that they can't have it because last month another business 500 feet away got one.

Mr. Brown said that on page three, the third bullet, in the staff report it is one of the recommended changes. In the bullet it states to expand the overlay district rather than continually approving variation requests. He said that the overlay district encompasses a couple of the zoning districts, B-1 and B-3. He said that was defined as the commercial node in town at 127th and State Street. Mr. Brown said that they did not want to have all of State Street or all of 127th with electronic signs. He stated at this time Bell Road was not even considered. He said that the Board can always add Bell Road to the overlay district. Mr. Brown said that he likes idea of keeping an overlay district, confining it, and not making just allowing electronic signs within certain zoning districts.

Commissioner Messer asked what it would be if something outside of the overlay district comes before the Board again.

Mr. Brown stated that it would be a prohibited use and they would have to apply for a variance to come before the Board.

Mrs. Jones said that it is up to the Board to decide where the appropriate areas are, do they want these types of sign all over the Village or limit them to certain areas. She asked if down Main Street or on Archer Avenue was an appropriate place for these signs.

Chairman Schubert stated that he liked the overlay district.

Mr. Brown stated that he liked the area that they have now. He said that they might want to add an additional area that is an overlay district. He stated that it is an easy fix to the code to add another overlay district if something starts to develop. He said you can draw and form it so it is away from sensitive areas or include certain areas like a church, park, or school district. Mr. Brown stated that they don't have to make a recommendation tonight. He stated that the Board is in an agreement to:

1. Somehow enlarging the area where electronic signs are permitted.
2. Establishing another area of an overlay district rather than limiting it to a certain zoning district.
3. Keeping some type of limitation on scrolling.

4. Enlarging the area of the electronic message center with the stipulation if it has an area above certain threshold then it would have to remain static for a certain amount of time that the Board decides.

Commissioner Messer and Maher said that they were in agreement except for making the areas of the sign larger.

Commissioner Sanderson said that he does not mind bigger because he feels you will get a better image and message on the board. He stated as long as you keep the overall sign with the sign ordinance. He said he likes the look of an LED sign as long as they are not everywhere. Commissioner Sanderson stated that he would hate to limit the sign area and then end up with a little scrolling message.

Commissioner Messer stated that if you make the area larger than more can happen in it. He said he feels you can achieve with today's technology a cleaner looking sign, but does not feel that making it bigger is better.

Commissioner Sanderson said that it is a matter of depth. He said when driving down Bell Road and looking at the sign it would have to be a decent size sign to be effective. He stated that if they spent fifty thousand on the sign then you want people to see it.

Commissioner Maher stated that the size of the sign is indicative of the area it is going into. He said you don't need a bigger sign when you are going down State Street at 25 mph as opposed to Bell Road when you are driving 40 mph. He stated that you want a bigger sign especially with the setback that they had. Commissioner Maher stated that his concern on Bell Road was that it was a lot bigger and it looked like a billboard. He said that he doesn't want to go bigger and if they want to increase the size as they go further out of town then he would be okay with that. Commissioner Maher stated that his concern with the LED's is when the bulbs start to go out and the companies are having financial issues then they start to look awful.

Mrs. Jones stated as far as a percentage with the sign, 64 square feet is the standard for the maximum sign area for a monument sign. She said the current code allows 25% of the total sign area to be electronic message center, which works out to be 16 square feet. She stated that if they upped that to 33% it would be 21 square feet.

Discussion continued on the size of electronic message center and scrolling signs.

Mr. Brown stated that he would like to move on and cover some other minor things on signs. He said the size of the monument signs in shopping centers needs to be changed from 60 feet to 64 feet. He stated that this must have been just an error and it should be 64 square feet. Mr. Brown said that internally illuminated monument signs, with the advancement in technology in recent years, he feels that they are seeing very attractive signs. He stated what staff and Trustees don't want is the cabinet signs. Mr. Brown provided some pictures or examples in the staff report. He said when it was looked at

years ago he feels that they were trying to create a certain aesthetic that everyone would look the same, but in practice they really haven't adhered to that.

Commissioner Sanderson said that businesses don't want to look like everyone else.

Mrs. Jones stated that when they write the ordinance for the internally illuminated monument sign they might want to include a limitation for the logo area of what can be internally illuminated. She said that staff has dealt with this on the wall signs and it could be similar to that. She asked what the Board thought about not allowing cabinet signs at all even if they are externally illuminated.

All Boards members said that they would agree to that.

Mr. Brown said one final thing is the temporary sign called wind wavers. He stated that he wanted the Board's opinion as to the duration and if they should be allowed.

Discussion continued on enforcement of codes.

Mr. Brown said that they can continue the meeting to next month or make recommendations tonight.

Chairman Schubert called for a motion to recommend approval of the amendments with the exception of all provisions related to the electronic message centers.

Commissioner Messer called for a motion, seconded by Commissioner Spinelli to recommend approval of the amendments with the exception of all provisions related to the electronic message centers. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to continue the public hearing for Case #12-12 for the provisions related to electronic message centers to next month's regularly scheduled meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. GENERAL DISCUSSION

Commissioner Spinelli asked for the Briarcliffe Subdivision how many for sale signs were they allowed.

Mrs. Jones stated that it was one per frontage and that subdivision had two frontages.

Commissioner Spinelli stated that they had two and they were both on 127th Street.

Mr. Brown stated that one was facing Thornberry. Mr. Brown stated that he was fine with that.

Commissioner Spinelli asked if Mr. Jurinek had a permit for all the dirt that he was hauling onto his site. Commissioner Spinelli stated that they are stockpiling topsoil.

Commissioner Maher asked if staff new what the public notice was that was on Main Street and Archer that is going to the Cook County Appeals.

Mr. Brown stated that it was the Horvath property.

Mr. Stapleton stated that it was hearing to just continue what they are doing now till 2023 because there was no paper trail. Mr. Stapleton stated that there was no decision made it was just a hearing.

V. ADJOURNMENT

Chairman Schubert called for a motion to adjourn the meeting.

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper



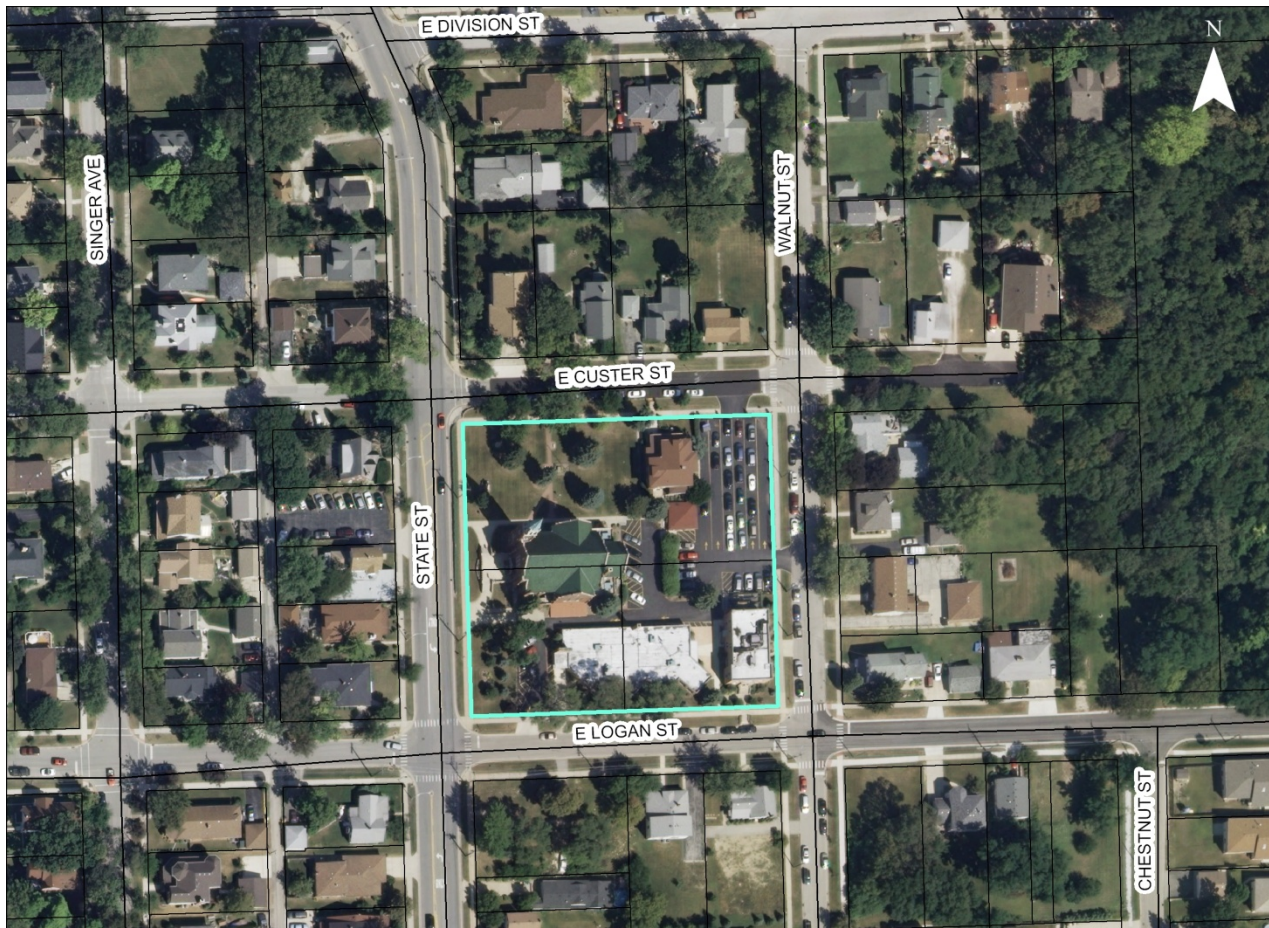
Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Planning & Zoning Commission #70-12
FROM: Charity Jones, Village Planner
THRU: James A. Brown, Planning & Economic Development Director
SUBJECT: Case 12-10 St. Alphonsus Sign Variation
DATE: June 12, 2012

SUMMARY

Saint Alphonsus Church, acting on behalf of the owner of the subject property, has requested a variation from UDO §17.11.080.D to allow internal illumination of existing monument sign for the church. Staff is recommending denial.



PROPOSAL INFORMATION

Case No. 12.10
Project Name St. Alphonsus Sign Variation

General Information

Applicant	St. Alphonsus Church
Agent Representing Applicant	Don Betley
Status of Applicant	Agent acting on behalf of Property Owner
Requested Actions:	Variation to allow internal illumination of existing monument sign
Site Location	210 E. Logan Street (PINs 22-29-201-001, 002, and 003)
Existing Zoning	R-4A Single-Family Preservation and Infill District
Size	1.77 acres (76,950 sf)
Existing Land Use	Institutional
Surrounding Land Use/Zoning	East: Residential, R-6 Multi-Family Residential District West: Residential, R-4A Single-Family Preservation and Infill District North: Residential, R-4A Single-Family Preservation and Infill District South: Residential, R-4A Single-Family Preservation and Infill District
Comprehensive Plan 2002	The Comprehensive Plan calls for this site to be neighborhood commercial.
Zoning History	N/A

Special Information

Public Utilities	The site is serviced by Village water and sewer.
Transportation	N/A
Physical Characteristics	The site is fully developed with the St. Alphosus church building, offices, parking, and other attendant structures.

BACKGROUND

On August 15, 2011 the applicant submitted a sign permit application for a new monument sign. The sign was originally proposed to be internally illuminated. Village staff informed the applicant that internal illumination is not allowed and the applicant revised their sign application accordingly. The sign permit was issued on March 20, 2012. The applicant is now seeking variation to make the sign internally illuminated.

STANDARDS FOR VARIATIONS

UDO Section 17.04.150.D states that variation requests must be consistent with the following three standards to be approved:

1. The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

Analysis. The general purpose of the UDO is specified in UDO Section 17.01.050. Of the eight components listed, four are not applicable to this variation request. The remaining four are detailed below.

- **Promoting and protecting the general health, safety and welfare.** Aesthetics are valid municipal health, safety and welfare concerns. The UDO's sign provisions adequately accommodate institutional uses yet seek to prevent the aesthetic degradation of corridors and neighborhoods.
- **Ensuring adequate natural light, air, privacy, and access to property.** The variation will have no impact on air, privacy, or access to property. It will increase light emanating from the subject site, but this would have no effect on natural light.
- **Protecting the character of established residential neighborhoods.** The subject property is surrounded by residential uses and residential zoning. Signs within residential zoning districts are strictly regulated. Small signs for home occupations and bed and breakfasts are allowed. Additionally, subdivisions are permitted monument signs along major street frontages. Commercial and institutional uses in residential zoning districts are permitted to have monument signs and changeable copy signs are allowed; however, the total sign area is less than what is typically permitted in commercial districts. The intent of these regulations is to limit the intrusion of signs in neighborhoods. To permit the internal illumination of a monument sign, which projects light outward, would be a greater intrusion into the residential area than a sign in conformance with the current regulations, which focus the illumination on the face of the sign.
- **Conserving the value of land and buildings throughout the Village.** The illumination of this monument sign could have an impact on the value of adjacent properties due to increased light emanating from the subject site. The sign variation would likely have minimal to no impact on the value of land and buildings throughout the Village. However, a precedent could be set by approving this requested variation that may have an unknown impact on land throughout the Village.

2. The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unique conditions that are not generally found on other properties in the same zoning district;

Analysis. Staff sees no unique circumstances that would result in practical difficulties or exceptional hardships for this property. The UDO standards related to internal illumination of monument signs apply to all monument signs equally. The applicant contends that the unique circumstance in this case is that the sign represents a significant investment by the church, and to not internally illuminate it is a waste of resources. Section 17.04.150.A of the UDO specifically states that variations are "not intended merely to remove an inconvenience or financial burden that the requirements of this ordinance may impose." Additionally, §17.04.150.D.2 details the factors which the Planning & Zoning Commission should consider when making a determination whether there are unique circumstances,

practical difficulties, or particular hardships in a variation case. Within this list of factors, item c is that “the alleged difficulty or hardship has not been created by any person presently having an interest in the property.” The applicant was made aware of the Village’s restrictions on illumination of monument signs prior to issuance of the building permit; therefore any financial hardship is self-imposed. Moreover, options for illumination of the sign exist—the illumination must be external, however.

3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Analysis. As noted above, the internal illumination of this one sign would likely have little impact on the essential character of Lemont. It may be a detriment to adjacent property, but the degree of impact would likely depend on factors like the configuration of the relevant property in relation to the sign (e.g. is the sign in line with a bedroom window), the brightness of the sign illumination, and the hours the sign is illuminated. Additionally, because no unique circumstances exist, the precedent set by approving this variation could have larger impacts across the municipality.

Engineering Comments. The Village Engineer stated he has no objections to the variation application.

Fire District Comments. The Fire District had no comments on the variation application.

RECOMMENDATIONS

Staff does not recommend approval of the variation request. Staff finds no unique circumstances in this case that warrant a variation. Although the Planning & Zoning Commission has discussed amending the UDO to allow internal illumination of monument signs, staff does not believe it is appropriate in residential areas such as this.

ATTACHMENTS

1. Applicant Submission
2. Site Photos

Variation Application Form

APPLICANT INFORMATION

ST. ALPHONSUS CHURCH

Applicant Name

ST. ALPHONSUS CHURCH G/O DON BETLEY

Company/Organization

210 E. LOGAN ST.

Applicant Address

630-257-2414 FAX 630-257-2476

Telephone & Fax

JSTERNAT@ST-ALS.ORG

E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

605 STATE STREET

Address of Subject Property/Properties

~~22-29-215-009~~ 22-29-201-001, 002, +003

Parcel Identification Number of Subject Property/Properties

32 SQ. FT.

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

INTERNAL ILLUMINATION OF NEW CHURCH SIGN

Brief description of the proposed variation

REQUIRED DOCUMENTS

See Form 500-A, Variation Application Checklist of Required Materials, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

Variation Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee = \$250 (per zoning lot)

Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance Chapter 17.02).

Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the variation application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the variation review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

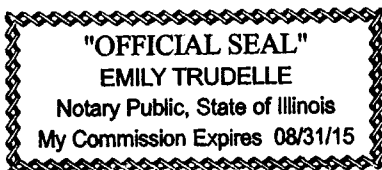
Rev. Brian Ardagh 3/30/12
 Signature of Applicant Date
ILLINOIS COOK
 State County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that Rev. Brian Ardagh is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Emily Truelle
Notary Signature

Given under my hand and notary seal this 3 day of April A.D. 20 12.

My commission expires this 31 day of August A.D. 20 15.



Variation Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.150.D.1 establishes the criteria that all applications for variations must meet. In addition, Section 17.04.150.D.2 of the Unified Development Ordinance requires that the Planning & Zoning Commission or Zoning Hearing Officer take the following conditions into consideration when determining whether a request qualifies for a variation. You may want to consider the following in your variation request:

- The particular physical surroundings, shape, or topographical condition of the specific property involved results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations of the Unified Development Ordinance were fulfilled;
- The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located; and
- The variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please describe below how your variation request meets the criteria of UDO Section 17.04.150.D.1. Attach additional sheets if necessary.

UDO Section 17.04.150.D.1.a

The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

THE GRANTING OF THE VARIATION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD IN WHICH THE SUBJECT PROPERTY IS LOCATED.

UDO Section 17.04.150.D.1.b

The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and

THIS SIGN WAS A FINANCIAL INVESTMENT OF \$19,300 FOR THE BENEFIT OF THE VILLAGE OF LEMONT AND IT'S RESIDENTS, TO HAVE A BRAND NEW INTERNALLY ILLUMINATED MESSAGE SIGN THAT WE CAN'T LIGHT TO ACCEPT THE COMMUNITY OF EVENTS IS A WASTE OF MONEY.

UDO Section 17.04.150.D.1.c

The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

THE SIGN BLENDS IN WITH THE CHURCH PROPERTY AND THE NEIGHBORHOOD. THE CURRENT ALLOWED USE OF FLOODLIGHTS IS APPROXIMATELY THE SAME AMOUNT OF ILLUMINATION AS THE SIGN INTERNALLY WOULD DISPLAY, THUS NOT AFFECTING THE NEIGHBORHOOD IN ANY WAY.



Current Sign on Subject Site



Properties across State Street.



Subject Site