



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, February 19, 2014
6:30 p.m.

**Planning and Zoning
Commission**

Anthony Spinelli,
Chairman

Commission Members:

Ryan Kwasneski
David Maher
Jerry McGleam
Gregory Messer
Jason Sanderson
Phil Sullivan

**Planning & Economic
Development Department
Staff**

Charity Jones, AICP, Director
Martha M. Glas, Planner

- I. **CALL TO ORDER**
 - A. Pledge of Allegiance
 - B. Verify Quorum
 - C. Approval of Minutes: January 15, 2014 meeting
- II. **CHAIRMAN'S COMMENTS**
- III. **PUBLIC HEARINGS**
 - A. **Case 14-01 – 410 Main St. Variation.** A public hearing for variation to allow a residential unit on the first floor of a property located on the Main St. street type in the Downtown District.
- IV. **ACTION ITEMS**
- V. **GENERAL DISCUSSION**

Status of Comprehensive Plan update
- VI. **ADJOURNMENT**

Village of Lemont
Planning and Zoning Commission
Regular Meeting of January 15, 2014

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, January 15, 2014 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Spinelli called the meeting to order at 6:37 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Maher, McGleam, Messer, Sanderson, Sullivan, Spinelli

Absent: None

Planning and Economic Development Director Charity Jones, Planner Martha Glas, and Village Trustee Ron Stapleton were also present

C. Approval of Minutes: December 18, 2013 meeting

Commissioner Messer made a motion, seconded by Commissioner Sullivan to approve the minutes from the December 18, 2013 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli greeted the audience.

III. PUBLIC HEARINGS

A. Case 13-09 – 604-06 State Street PUD.

A public hearing for a PUD with B-1 zoning to allow the existing structures to be used for limited commercial use and residential use.

Chairman Spinelli called for a motion to open the public hearing.

Commissioner Sanderson made a motion, seconded by Commissioner Maher to open the public hearing for Case 13-09. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Spinelli asked the audience to stand and raise his/her right hand. He then administered the oath.

Mrs. Glas said this case had come before the Commission in November. At that time it was a request for rezoning from R-4A to B-1. She stated staff did recommend approval as well as the Planning and Zoning Board. She said the petition went before the Committee of the Whole in December. Mrs. Glas stated at that meeting residents did attend to express their concerns about the rezoning. She said they were okay with office uses, but did want some kind of protection against unwanted uses. She stated they did provide a petition from residents in the area that did not support the rezoning.

Mrs. Glas stated the Committee of the Whole recommended that staff come up with some other options in order to address the residents concerns. She said the public hearing is for a Planned Unit Development. She stated those are typically done as a tool for new development, but they have been used in cases to allow existing uses.

Mrs. Glas said the following is a list of conditions that staff's is proposing:

1. The structures on the subject site can continue to exist as residential and commercial. With the B-1 zoning the residential would be a non-conforming use and would be subject to Chapter 17.13.020 Non-conforming Uses. In that chapter non-conforming uses could be re-established or converted to a conforming use. In this particular PUD if the residential use was to be converted to a commercial use the applicant would have to come back and ask for an amendment to the PUD. This will protect the property from becoming two commercial uses. If the residential use is abandoned for more than 12 months it is not allowed to be re-established.
2. All the B-1 uses identified in the UDO as permitted uses will be allowed as-of-right and all uses identified as special uses will be allowed as special uses, except the following:
 - a. Uses identified under the category of Eating and Drinking Establishments. These include café, coffee shop, soda fountain, outdoor dining, restaurant, specialty food shop/carry-out and tavern.
 - b. Uses identified under the category of Vehicle-Related Land Uses. These include auto body and auto repair; auto supply or auto accessory; and service station.

Any proposal to use the subject site for a use that is excluded as part of this PUD would be considered a major modification to the PUD and would require an amendment and a public hearing.

3. Construction Contractor Offices will be permitted and must comply with the following requirements:
 - a. The building is primarily used for office and/or retail showroom space where warehousing or other storage is limited to less than 50% of the gross

- floor area. However, area inside the principal structure that is used for the parking of company vehicles with a “B” license plate shall not be considered warehousing/storage space for the purpose of this calculation.
- b. No outdoor storage would be permitted.
 - c. Trucks and other commercial vehicles with “C” through “Z” license plates, construction equipment, tractors, trailers, and boats may not be parked on the property unless within a fully enclosed structure that substantially conceals them from view.
 - d. No fabrication is allowed on the property.
4. The existing garage is an accessory structure and an accessory use to the residential home. No regulations exist specifically for garages in commercial districts. Any rebuilding of the garage, as an accessory use to the residential home, would be permissible if rebuilt in the same location and of the same size and height.

Mrs. Glas asked if the Commission had any questions.

Commissioner McGleam asked if the burnt out garage had been inspected by the building inspectors. He asked if it had been deemed to be immanently hazardous.

Mrs. Glas said she is not aware of any inspection. She stated the Fire Marshall said there was fire damage and had asked what was going to happen to it. She said at the last meeting residents had mentioned the building because it was boarded up and left that way. Mrs. Glas stated the applicant at that time said there has been a lack of funds because he hasn't been able to rent out the commercial space. Since there was no money coming in he hasn't been able to rebuild the garage. Mrs. Glas said as part of this PUD they are going to consider the garage as an accessory use to the residence.

Chairman Spinelli stated if there is a change in use they are to notify the Village. He asked what about any improvements to the building.

Mrs. Glas said if it stays as what as depicted on Exhibit A, stays within the footprints, and isn't a major substantial change to the footprints then minor repairs or alterations would be permissible.

Chairman Spinelli asked if there is anything in the staff report about the building being torn down (other than the garage) and rebuilt. He asked if a rebuilt is allowed or is this PUD specific to that structure.

Mrs. Glas stated if it was a rebuilt or if a new structure was proposed it would have to be an amendment to the PUD. She said the PUD allows for what is existing, so if there was change to that then there would have to be an amendment to the PUD.

Commissioner Kwasneski asked if the garage was torn down and rebuilt would the business be able to use it.

Mrs. Glas said it would be as an accessory use to the residential.

Commissioner McGleam asked if there was any requirement in the PUD for the garage to be rebuilt.

Mrs. Glas stated no there was not.

Commissioner Messer asked if staff knew where the dumpster was placed.

Mrs. Glas said she did not know, however the applicant is present and can maybe answer that question.

John Ross, 6 N. Old Creek, Palos Park, owner of the property, stated it was placed by the chain link fence and there is an asphalt pad there.

Commissioner Sullivan asked where the separation for Lot 8 and Lot 9 is and are there two separate pin numbers.

Mr. Ross said one is the parking lot and the house and commercial building is the other.

Chairman Spinelli asked if they were going to require a plat of consolidation.

Mrs. Jones stated they would not require a plat of consolidation. She said the PUD is memorializing what is existing. She stated the plat of survey showing the existing conditions would be attached to the PUD ordinance as an exhibit.

Commissioner McGleam said from what he is reading a liquor store, bed and breakfast, and convenience store is allowed in B-1. He asked if staff and the residents were aware of the different permitted uses.

Mrs. Glas stated the liquor store falls under food and beverage and would not be allowed.

Mrs. Jones said a bed and breakfast is a permitted use in residential zoning districts as well.

Mr. Ross stated he had listened to the concerns of the neighbors and what they didn't want in there. He said the garage he is planning on tearing down and it will be gone by spring. He stated if he has the funding he would like to rebuild it. Mr. Ross said in the mean time he might put a fence around the pad and use it as a parking pad. He stated the person who will be leasing from him is not interested in a garage. He said they will be only using vans or vehicles with a "B" plate. Mr. Ross stated we were able to address the concerns and get back to what the original plan was, which was the office use.

Chairman Spinelli asked if after the meeting with staff he is acceptable to the restrictions that are placed on this.

Mr. Ross said he was. He stated there was never a plan to put a liquor or food store there. He said he understands that down the road it can change and there were concerns. He stated this way everyone feels protected. Mr. Ross said he is looking forward to getting someone in there.

Commissioner Messer stated the location of the dumpster was an issue for residents. He said especially access for loading and unloading from off of the alley. He asked has he given any consideration in regards to relocating the dumpster.

Mr. Ross said he does not want to put it into the parking lot because the Church uses the lot.

Commissioner Messer asked if the dumpster can be moved and screened in.

Mrs. Jones stated the code requires that dumpsters are enclosed.

Commissioner Sanderson said he can put it where the garage was once he tears it down.

Mr. Ross stated the tenant does not need a garage. He said she feels safer parking right next to the house in the parking lot. He stated he can move the dumpster right in the corner where the garage is.

Commissioner Sullivan asked if for parking, do they come in off of State and leave out the alley. He also asked if it was one lane coming in and out of the alley.

Mr. Ross said the majority come in off of State Street and go out the alley. Mr. Ross stated per Waste Management they will have to have a dumpster. He said they do not recognize the property as residential.

Commissioner Messer asked if they were going to approve this PUD could they put a condition that the garage must be torn down before occupancy is granted.

Mrs. Jones stated yes you can put that condition on it. She said or you can put a condition that the garage needs to be removed by a certain time frame.

Chairman Spinelli asked Mr. Ross how much time would he need to have the garage torn down.

Mr. Ross said he would like to wait till the snow is gone. He stated he could have it gone by June 30th. He said he had told the tenant by May 1st, but he would prefer June 30th.

Commissioner Messer asked if he would like to occupy the commercial space before the garage is torn down.

Mr. Ross stated he would like to so that he can get some income coming in. He said he has been working on this for about six months. He stated the tenant has been very patient.

Commissioner Kwasneski asked with the business vehicles being parked there, would the Church still be able to use the parking lot on weekends.

Mr. Ross said there is no sign stating that they can't park there and he is not stopping them.

Chairman Spinelli asked if the Commissioners had further questions for the applicant. None responded. He then asked if there were was anyone in the audience that would like to come up and speak in regards to this case.

Carol Newton, 609 Singer Avenue, gave a copy of the petition to Chairman Spinelli. She said in regards to the garage it has been six years since the fire and the garage is still there. She stated as far as putting the dumpster in that corner, it would not be a good idea. She said during the winter the plow does plow all the snow into the corner and the neighborhood kids like to climb in it. Ms. Newton stated it would be better for the drainage if it stays there. She said the dumpster is probably better somewhere behind the property.

Ms. Newton stated the parking lot is only one way in and one way out. She said it is illegal to make a left hand turn into and out of the parking lot. She stated she does not understand why it can't stay residential with a PUD for the business.

Mrs. Jones said it is not a business with a PUD for the residential. She stated PUD is for the commercial component. She said the residential remains non-conforming and through the PUD they were able to give him a longer period where it would be considered vacant. Mrs. Jones stated if the residential remains vacant for more than 12 months it could not be re-established. She said they can't alter the uses allowed by the underlying zoning through the PUD; however they can limit the uses allowed. Mrs. Jones said if it was residential with a PUD they would have to add on uses and that is not allowed.

Ms. Newton stated she was supposed to see a list of what a PUD can control. She said she was not able to find it online.

Mrs. Glas said it is available under the Unified Development Ordinance. She stated with a Planned Unit Development there are certain allowances a property can get if it is developed as a PUD.

Ms. Newton stated she would like to clarify a few things. She said there would be no eating or drinking places allowed.

Mrs. Glas said in the list of permitted and special uses for B-1 zoning they had found items that would address the concerns of the neighbors. She stated there is a category called eating and drinking establishments which is café, restaurants, specialty food shops, carry out, and taverns. She said those would not be permitted in the PUD. Mrs. Glas stated there is another section called food and beverage retail sales which included a convenience store or a liquor store. She said those were not excluded as part of staff's recommendations. She stated staff did not feel that was a concern, however if they felt it was it can be added to the list.

Ms. Newton stated they do not want a retail of any kind. She said they do not want anything that would generate high volume and retail implies high volume. She stated the parking lot can't hold a lot of cars and with children playing in the alley it would not be safe.

Mrs. Jones said staff's role is making recommendations to Planning and Zoning Commission. She stated taking into consideration the direction from the Committee of the Whole, staff was to address the concerns of the residents and balance it with the concerns of the property owner. She said from staff's perspective with the space available and the existing commercial space staff feels in regard to retail that it would be an appropriate use. She said the PUD is to limit what is existing and to not allow redevelopment with no further review.

Ms. Newton stated by leaving retail open the neighbors would have no say and it could have a higher impact than what they would think it would be. She said their concern is alley use, safety and always having a say. She stated with it being in a residential area with a lot of kids around, it is always nice to have a right to voice their opinion.

Mrs. Jones said in staff's professional opinion because of the square footage of the space the impact is not going to be significantly different.

Ms. Newton asked if she lived in the neighborhood.

Commissioner Sanderson stated there was a bakery there before. He said they are now saying that no food establishments can be there. He stated they are trying to find a balance for everyone. He said whether she lives in the neighborhood or not does not matter, however all of the Commissioners do. Commissioner Sanderson stated we are hearing that you do not want high volume in there.

Ms. Newton said she may not care what goes there, but whoever moves in or the neighbors might care more. She stated she does not like that they have no recourse.

Commissioner Sanderson stated that business owner has no recourse if you paint your house a certain color. He said that owner has his rights along with everyone. He stated the Commission is here to listen to their concerns and address them.

Ms. Newton said that is her concern about retail. She stated the concept of retail is subjective. She said what she thinks is high impact, what they think, and what really are are three different views.

Commissioner Spinelli stated in regard to retail, the property parking has to support the use they want to use. He said if they come in and it is a high use retail that they allow, if the parking does not support it then it is not allowed.

Mr. Ross said the highest impact to that property is St. Alphonsus's Church.

Ms. Newton stated she just want to make sure she has a clear understanding so when she goes back to talk to the other neighbors who could not be there.

Commissioner Sanderson said he is glad that she is the liaison for the neighborhood. He stated Mrs. Jones or Mrs. Glas would be happy to help you with any of those calls to the neighbors.

Ms. Newton stated at the Committee of the Whole they did discuss the alley and its present condition. She said they can't get a clear answer about the alley. She stated she understands it is not their responsibility but it is a concern. Ms. Newton said there are six garbage trucks that go up and down that alley. She stated she has been told that it is not in the budget, so what is she suppose to do.

Mrs. Jones said she should write a letter to the Mayor and Board of Trustees asking them to make it a priority in their capital plan.

Mr. Ross stated it has sunk within the last year and a half.

Chairman Spinelli asked if the PUD runs with the property or the owner.

Mrs. Jones said it runs with the property. She stated staff will verify with the Village Attorney if there is any additional language that they would have to add to make sure that is clear.

Tom Knopinski, 608 State Street, said some of the items he would like to discuss were already covered. He stated he and his neighbors are trying to find a happy medium. He said office use is the most prominent use for the property. Mr. Knopinski stated they are trying to keep it low key and would not like to see a food or liquor establishment.

Mr. Knopinski stated there is a handicapped parking space, however if it is B-1 he will then have to put up a sign on a post. He said not including the handicapped parking space that will leave him with only 11 parking spaces. He stated on the weekends he can fit about 25 cars in there with stadium style parking. Mr. Knopinski said as far as a dumpster it would have to be enclosed per staff. He stated the only thing they ask is that there is not an early morning pick-up, any time after 6:00 a.m. would be ideal.

Mr. Knopinski said he asks that no exterior alarm system be installed and if there is then it needs to be a silent alarm system. He stated there should not be any bright lighting or anything excessive. He said there is currently a motion sensor light on the back which he is aware of.

Mr. Knopinski stated in regards to lighting, there is a sign that is on the north side of the building. He said his understanding is that the sign would be grandfathered in and if he wanted a new sign then he would have to go through the building department

Mr. Ross said that the lessee is planning on replacing the plastic.

Mrs. Jones stated that may not be possible unless it is explicitly allowed in the PUD given that the sign has been abandoned.

Mr. Ross said the lessee will need some type of sign.

Mrs. Jones stated he can certainly put up a sign that conforms to the sign requirements.

Chairman Spinelli asked if this was being requested at this time.

Mrs. Jones said it has not been addressed.

Mr. Ross stated he will not be able to get anybody in there without some type of sign.

Mrs. Jones said they can certainly put up a sign in compliance to the current requirements. She stated it is just that existing sign does not conform to the current requirements.

Mr. Knopinski stated these were just some of his concerns and his neighbors that he would like the Commission to consider.

Ms. Newton asked what the sign requirements were.

Mrs. Jones said if the Commission wanted the sign to be used as is then that needs to be part of the PUD.

Mr. Ross stated when it came before the Commission before that was part of the conditions for the use is that he could not put a new sign and he had to use the old sign. He said he can put sketching or stencil on the window though.

Ms. Newton said they would prefer they use the current sign rather than a sign on the ground. She stated there is not much yard in front of the building to the sidewalk.

Mrs. Glas then read the sign requirements for B-1 zoning.

Mr. Ross said when illuminated it does not shine in any of the neighbors houses. He stated his tenant for the residential portion never complained about the sign.

Ms. Newton stated as far as the location, it was so the cars coming up the hill could see the sign.

Mrs. Jones said that is not a legally permitted location. She stated regardless whether they want to allow that particular sign type or not, she agrees that would be the most visible location for that property. She said that should be incorporated in the PUD if nothing else.

Commissioner Messer clarified that it was a box sign that was internally illuminated.

Discussion continued in regards to the sign and setting precedence.

Commissioner Kwasneski asked if they allow the sign and then the business changed would they still be allowed to use the sign.

Mrs. Jones stated it would depend on how it was written in the PUD.

Mr. Ross said he would like that it would be allowed. He stated he doesn't want to have to keep coming back.

Mrs. Jones stated as a policy the Village in the past has memorialized sign allowances for commercial properties. That is how there are a lot of out dated signs that they no longer feel are up to their aesthetic standards. She said they can't get rid of them because they were allowed by a PUD 15 years ago. She stated there is a point when signs need to come up to our new standards. Mrs. Jones said as a Community our standards have gotten higher over the years and at some point those signs need to meet those standards. She stated when that is suppose to happen she can't say, but she would argue that they grant signage allowances in perpetuity.

Ms. Newton asked can't they keep the sign where it was on the side, but he would just have to bring it up to code.

Mr. Ross said he would appreciate if he could at least have two to three years before he would have to bring it up to code. He stated this gives him some time to get going again.

Commissioner Sanderson stated a typical lease is about a year or two. He said one option is to set the time limit to the tenant.

Chairman Spinelli asked if there was anyone else in the audience that would like to speak in regards to this case. None responded. He then called for a motion to close the public hearing.

Commissioner Kwasneski made a motion, seconded by Commissioner Sullivan to close the public hearing for Case 13-09. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Spinelli asked if there were any comments or questions that the Commission might have.

Commissioner Sanderson stated he would like to go through staff's recommendations and see if there are any other recommendations that the Commission might want to add.

Mrs. Glas said the first condition was that the structures on the site can continue to exist as residential and commercial use. With the B-1 zoning the residential would be a non-conforming use and would be subject to Chapter 17.13.020 Non-conforming Uses. In that chapter non-conforming uses could be re-established or converted to a conforming use. In this particular PUD if the residential use was to be converted to a commercial use the applicant would have to come back and ask for an amendment to the PUD. She said if the residential use is abandoned for more than 12 months it is not allowed to be re-established.

Commissioner Sanderson asked if all the commissioners agreed with that recommendation.

All the Commissioners agreed.

Mrs. Glas stated the second recommendation is the B-1 uses identified in the UDO as permitted uses will be allowed as-of-right and all uses identified as special uses, would have to come through a zoning process which includes a public hearing, except the following:

- a. Uses identified under the category of Eating and Drinking Establishments. These include café, coffee shop, soda fountain, outdoor dining, restaurant specialty food shop/carry-out and tavern.
- b. Uses identified under the category of Vehicle-Related Land Uses. These include auto body and auto repair; auto supply or auto accessory; and service station.

Any proposal to use the subject site for a use that is excluded as part of this PUD would be considered a major modification to the PUD and would require an amendment and a public hearing

Mrs. Glas said she knows that liquor store was mentioned, however that is under retail. She stated retail would be currently permitted as to what they

Mrs. Jones stated it is under food and beverage retail sales. She said right now staff is not recommending excluding anything under food and beverage retail sales. She stated

this would include convenience store and liquor store. Mrs. Jones said if the Commission wanted to exclude that then they would have to add it to the list.

Commissioner Sanderson asked if any of the Commissioners, besides himself, felt that should be excluded.

Commissioner Kwasneski said he felt it should be excluded.

Commissioner Maher stated a liquor store could not go in there because of the school across the street.

Mrs. Jones said she is not sure what the requirements were for a liquor license. She stated there is a minimum distance from schools; however she is not sure if that includes religious education teaching.

Chairman Spinelli stated he finds it difficult for a liquor store to meet parking requirements for that piece of property.

Mrs. Jones said if the Commission does not want a liquor store there then don't allow it in the PUD. She stated that would be your safest route. She said if they felt that liquor stores and convenience stores should also not be allowed then they could just exclude the entire category under food and beverage retail sales.

Chairman Spinelli asked Mr. Ross if he had an issue with that.

Mr. Ross responded he did not.

Mrs. Glas said the third recommendation would be construction contractor offices will be permitted and must comply with the following requirements:

- a. The building is primarily used for office and/or retail showroom space where warehousing or other storage is limited to less than 50% of the gross floor area. However, area inside the principal structure that is used for the parking of company vehicles with a "B" license plate shall not be considered warehousing/storage space for the purpose of this calculation.
- b. No outdoor storage would be permitted.
- c. Trucks and other commercial vehicles with "C" through "Z" license plates, construction equipment, tractors, trailers, and boats may not be parked on the property unless within a fully enclosed structure that substantially conceals them from view.
- d. No fabrication is allowed on the property.

Chairman Spinelli stated for item number "c" he thinks the intent for it is for overnight parking. He said there is no way to guarantee that a "C" truck will not come and visit the office to conduct office business and then leave. He asked if the intent is for overnight or a certain length of time.

Mrs. Glas said yes it is "cpf" stated that k'eould prohibit deliveries.

Chairman Spinelli stated they would need to revise "c" or add "overnight" to the wording.

Commissioner Maher said he agreed.

Commissioner Messer stated that would be an add-on along with the second item in regards to food and beverage.

Mrs. Jones said they can just add during non-business hours.

Commissioner Sullivan asked at what point does that building need to meet certain code requirements, such as ADA standards.

Mrs. Glas stated if they proposed any interior remodeling it would have to come up to code. She said if they proposed any changes to the parking lot then those new codes would apply.

Chairman Spinelli said if there is a business the Illinois ADA codes trumps municipal codes and would require accessible stalls. He stated the building does not have to accessible but you must provide an accessible stall.

Mrs. Glas stated the next recommendation by staff is the existing garage is an accessory structure and an accessory use to the residential home. No regulations exist specifically for garages in commercial districts. Any rebuilding of the garage, as an accessory use to the residential home, would be permissible if rebuilt in the same location and of the same size and height.

Chairman Spinelli asked if the Commissioners agreed with that. They all agreed.

Mrs. Glas said that was all of staff's recommendations. She stated what was mentioned during the hearing was the request to remove the garage by a certain date. 'Cf f kqpcmf eqpukf gtcwqpu'hqt'j g'sign'pggf "q"dg"cf f tguugf .

Commissioner Maher stated the garage should be required to be removed by June 30, 2014.

Commissioner Kwasneski said he agreed.

Commissioner McGleam stated without a report from the Village stating it was a hazard could they require him to remove it.

Mrs. Jones said they can tell him.

Chairman Spinelli stated they can tell him that and the petitioner is acceptable to it also. He said the structure is in disrepair.

Mr. Ross said whether it is required or not he is taking the garage down.

Commissioner Messer stated he thinks requiring the garage to be taken down should be tied into allowing occupancy.

Commissioner Maher asked what would happen if he violated the June 30th date.

Mrs. Jones said then he would be in violation of the PUD. She stated it could nullify the PUD and he runs the risk of his tenant not being able to be in there at all.

Commissioner Sullivan asked how long he has not had a tenant.

Mr. Ross said it has been 24 months for the commercial property and the residential has never been vacant.

Commissioner Sullivan asked how long ago the fire in the garage was.

Mr. Ross stated it was years ago. He said the garage is sealed up.

Chairman Spinelli said the public hearing is closed. He stated they are just asking a few questions to clarify a few things.

Commissioner Maher stated he thinks they should just have a date of June 30th. He said this will give the property owner some time to get his tenant in there. He stated the Village has their own method to enforce it if need be. Commissioner Maher said his opinion is to be more flexible to the business owner.

Chairman Spinelli said he agreed because the last time this property came before the Commission the owner stated he had not removed because of financial reasons. He stated if he can get his tenant in there he should be able to take it down in a couple of months.

Commissioner Messer stated the fire was six years ago. He said the owner stated he only has been without a tenant for two years. He stated during the four years he never repaired it then.

Chairman Spinelli said now that it coming as a PUD they can put this restriction. He stated independent of getting the tenant they can set a date and if it is approved he would have to comply.

Commissioner Sanderson stated he agreed with Commissioner Messer. He said he can get a demolition company to come out within 30 days to knock down the garage. He stated there is no reason why it should take four or five months. Commissioner

Sanderson said he can get that garage knocked down quicker than getting a new sign, if they make him get a new sign. He stated if they are going to give on the sign, then they should require the garage to come down. He said this is not a big money item and he feels it should come down.

Commissioner Maher asked why they would make it harder for the land owner.

Chairman Spinelli asked when would be the soonest this will go before the Village Board.

Mrs. Jones stated January 27th.

Chairman Spinelli asked would it make a difference if they require it to be down by May 30th.

Commissioner Maher stated he feels they should be flexible to businesses and try to bring businesses into town. He said it could take him three months just to get the garage torn down. He stated he will have to get a permit to tear down the garage, it is the middle of winter, and the company can be back logged due to the cold weather. Commissioner Maher said does that mean we are going to tell him he can't sign a lease because he has a structure that doesn't even impact the property. He stated he doesn't even know if the Village has ever sighted or fined him telling him he even needs to tear it down.

Commissioner Messer said they are not talking about a business. He stated they are talking about a long-term land owner. He said he did not just buy the property. He stated there is a difference between a new business and a long-term land owner.

Commissioner Sanderson stated they still have to talk about the trash enclosures. He had asked when would they let him move a tenant in and would it be after the trash enclosures are done. Commissioner Sanderson said the occupancy is the one thing they can hold owner them. He stated once they are in it becomes hard to enforce anything. He said if he tied the garage to the occupancy then the owner would have someone out there in a week.

Discussion continued in regards to the garage being torn down by a certain date or requiring it down to gain occupancy.

Commissioner Sanderson asked if the business could move in without a trash enclosure.

Mrs. Jones said enclosures are required for dumpsters. She stated if he had a residential style garbage can in the back, then that would not require an enclosure.

Commissioner Sanderson stated his recommendation would be that he has a trash enclosure. He said he finds it hard to believe this tenant is going to operate without one.

Mrs. Jones said if he feels that the dumpster location should be limited to a certain area then that should be included in the PUD. She stated aside from certain setbacks and not allowing them in the front yard they don't regulate exactly where it can be located on a site. Mrs. Jones said if there is a certain area that might be better for the neighbors then they can regulate the location.

Commissioner Messer stated they can restrict it to go where the garage was. He said then he can't get a dumpster till the garage is down.

Commissioner Maher said they can put it against the building.

Commissioner Kwasneski stated he feels they should be a little lenient because he is letting people park there on Sundays.

Chairman Spinelli said he feels the trash enclosure is not needed for occupancy until he has a dumpster. He stated if he does not want trash pick-up at the site, he doesn't have to have a dumpster.

Commissioner Sanderson stated he could not believe that if another site plan came in under the B-1 zoning that they would not require them to have a trash enclosure.

Chairman Spinelli said that would be new construction. He stated this is an existing structure and the owner is trying to get a tenant to lease the structure.

Commissioner Sanderson stated we have the chance now to bring them up to current standards.

Discussion continued about previous cases in regards to trash enclosures and whether a trash enclosure is needed.

Commissioner McGleam asked what would happen if two weeks into the lease the tenant had a dumpster delivered.

Mrs. Jones stated they would send the Code Enforcement Officer out there or send him a letter stating that it would have to be removed until an enclosure is put in. She said he would probably have about 14 days to get the dumpster out of there.

Chairman Spinelli said next they will need to talk about sign placement, sign type and whether they want to grandfather the existing sign in for certain amount of time.

Mrs. Jones then read and explained the regulations for monument signs and wall signs for the Commission and the audience.

Chairman Spinelli asked if they put a time limit on sign, he would have to comply 100% and if not would he automatically lose the PUD or does it come before the Village Board.

Mrs. Jones stated he would be operating inconsistent with the terms of the PUD. She said after that she thinks it would go to litigation.

Chairman Spinelli asked if they should check with the Village Attorney to make sure we have means in place to revoke the PUD.

Mrs. Jones stated they do have means in place to revoke it if the owner does not comply with the conditions that are set for the PUD. She said they are extreme measures that the Village would have to take.

Commissioner Messer said that would be litigation, which would cost the Village money to enforce to what could have been adverted if occupancy was withheld until these items were fixed.

Mrs. Jones stated it would cost the Village money and they would be within their authority to withhold occupancy if they so choose.

Commissioner Maher said they could not allow the tenant to use that sign.

Mr. Ross stated he would not get a tenant without a sign.

Commissioner Sullivan asked if the garage issue was resolved.

Commissioner Sanderson stated he would agree to the May 30th date.

Commissioner McGleam said he thinks it should still be inspected by the building inspectors and if they determine that it is imminently hazardous then it comes down sooner.

Commissioner Sullivan stated when he looks at the two photos he sees nothing but urban blight. He said for six years this has been an embarrassment for an owner. He stated the Village should be embarrassed that they have not done a thing about this garage. He said if he owned this building for six years in the town that he lived in, on the main thoroughfare, it would not have lasted six months in that town. Commissioner Sullivan stated there is no better way to get an owner to do something then to tie it into the occupancy permit. He said this has been an embarrassment to this town and for the neighbors. He stated this might be why you are not getting a renter.

Mr. Ross said he has lived in Lemont for 14 years and had to move out for financial reasons. He stated when his kids graduate they plan on coming back to Lemont to live. He said he has let St. Patrick's parishioners, his wife was on the school board for St. Al's and St. Pat's, and he has let St. Al's use his parking lot. Mr. Ross stated he never

asked the Church for a penny and he always plowed the lot. He said as far as the community, he is pretty entrenched in the community.

Chairman Spinelli asked Mr. Ross what is the earliest he feels it can be taken down.

Mr. Ross stated March 1st.

Chairman Spinelli said he feels that the earliest he will be able to take it down would March 30th or April 30th. He stated he is going to the Village Board at the end of this month, then he will need at least 10 days to get a permit to take it down, then he has to get a permit from the county which is 30 days. He said earliest he can do this is April 30th if he has to get a permit from the county. Chairman Spinelli stated there was talk of May 30th which is just another 30 days. He said if they set an unrealistic date then that will make him be in violation of the PUD.

Commissioner Sanderson stated fundamentally that is where they are disagreeing. He said he understands that this gentleman is trying to bring a business into the Village. He stated some of us agree that he has had six years to knock it down, even if it takes six months to get a county permit. Commissioner Sanderson said he understands that since 2008 it has been a rough couple of years. He stated he will agree with either April or May, but the point is to make sure that this garage does come down.

Chairman Spinelli said he has had a long time, however nobody has deemed it a hazard. He stated it may be an eyesore, but nobody has deemed it a hazard. Chairman Spinelli reviewed staff's recommendations and what the Commissioner wanted to add. He then stated they had to talk about the sign. He said the owner obviously needs a sign and the residents do not have an issue where it is. He stated his opinion is the sign works, the residents are happy, but the sign will need to come up to current code eventually. Chairman Spinelli said there was talk about making him change it after the first tenant; however that tenant could be there for 10 years.

Commissioner Messer stated then they should state that the sign needs to become conforming in one year.

Chairman Spinelli said he was going to propose two years. He stated they can have it coincide with the garage. The garage needs to be down by May 30, 2014 and the sign has to be conforming by May 30, 2016.

Mrs. Jones stated she feels the one year is too short for the tenant or the property owner. She said they will have to recoup the cost of the plexi-glass face first.

Chairman Spinelli said he feels two years is not unrealistic.

Discussion then continued in regards to the location of the trash enclosure.

Commissioner Sanderson asked if they needed to talk about office hour restriction.

Chairman Spinelli asked if they had hour restrictions for B-1 office use.

Mrs. Jones stated they did not.

Chairman Spinelli said half of the parking spaces do not face the resident to the north, so headlight impact is minimal. He stated he does not feel that 10 p.m. is out-of-line, but who is going to enforce it. He said they do not restrict hours anywhere else in town for B-1. Chairman Spinelli stated he does not feel the tenant will have a lot of foot traffic there after 8 p.m. He said there might be a time when someone might need to meet him after they get off of work.

Commissioner McGleam stated during the winter he might be really busy and they might have to work late.

Chairman Spinelli said he does not feel it is fair to restrict his hours.

Commissioner Sanderson stated they have not eliminated retail though.

Chairman Spinelli asked if they could restrict retail use to no business between the hours of 10 p.m. and 6 a.m.

Mrs. Jones said there are different traffic impacts with retail, so it would not be out-of-line.

Chairman Spinelli asked if there was anything else that the Commissioners wanted to add.

Commissioner Maher stated in regards to the license plate restriction for plates "C" through "Z" he would like to tie the hour restriction to those hours.

Mrs. Jones said it would be no parking for "C" through "Z" license plates from 10 p.m. to 6 a.m. for all uses. She stated you can also word it as trucks and other commercial vehicles with "C" through "Z" license plates can't be parked there; this restriction will not apply to routine deliveries.

Chairman Spinelli stated he feels it would just be easier saying no parking from 10 p.m. to 6 a.m.

Mrs. Jones said this is also restricting construction equipment, tractors, trailers, and boats which are all things that they might not want parked there at anytime.

Discussion continued in regards to restricting parking and what type of vehicles.

Chairman Spinelli stated he believes that none of the neighbors had any concerns with cars coming there and leaving. He said you can't restrict how a guy operates buy

vehicle size. He stated you do not see signs out there that say nothing bigger than “C” plates. Chairman Spinelli said he feels it should just be restricted from 10 p.m. to 6 a.m. He stated if it becomes a hassle then they can file a complaint with the Village. He said it is a PUD and if there any complaints then they could re-evaluate it. Chairman Spinelli stated they went from four to eight issues and they keep circling around. He said if nobody has any more to add then it is time to move on with this case.

Chairman Spinelli called for a motion to recommend approval.

Commissioner Maher made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Village Board approval of Case 13-09, 604-606 State Street Planned Unit Development with the following conditions:

1. The structures on the site can continue to exist as residential and commercial use. With the B-1 zoning, the residential would be a non-conforming use and would be subject to Chapter 17.13.020 Non-conforming Uses. In that chapter non-conforming uses could be re-established or converted to a conforming use. In this particular PUD if the residential use was to be converted to a commercial use the applicant would have to come back and ask for an amendment to the PUD. If the residential use is abandoned for more than 12 months it is not allowed to be re-established.
2. The B-1 uses identified in the UDO as permitted uses will be allowed as-of-right and all uses identified as special uses, would have to come through a zoning process which includes a public hearing, except the following:
 - a. Uses identified under the category of Eating and Drinking Establishments. These include café, coffee shop, soda fountain, outdoor dining, restaurant specialty food shop/carry-out and tavern.
 - b. Uses identified under the category of Vehicle-Related Land Uses. These include auto body and auto repair; auto supply or auto accessory; and service station.
 - c. Uses identified under Food and Beverage Retail Sales. These include convenience store, grocery store/supermarket, and liquor store.Any proposal to use the subject site for a use that is excluded as part of this PUD would be considered a major modification to the PUD and would require an amendment and a public hearing.
3. Construction contractor offices will be permitted and must comply with the following requirements:
 - a. The building is primarily used for office and/or retail showroom space where warehousing or other storage is limited to less than 50% of the gross floor area. However, area inside the principal structure that is used for the parking of company vehicles with a “B” license plate shall not be considered warehousing/storage space for the purpose of this calculation.
 - b. No outdoor storage would be permitted.
 - c. Trucks and other commercial vehicles with “C” through “Z” license plates, construction equipment, tractors, trailers, and boats may not be parked on the property during the hours of 10 p.m. and 6 a.m. for any type of use.

- d. No fabrication is allowed on the property.
4. The existing garage is an accessory structure and an accessory use to the residential home. No regulations exist specifically for garages in commercial districts. Any rebuilding of the garage, as an accessory use to the residential home, would be permissible if rebuilt in the same location and of the same size and height.
5. The garage needs to be removed by May 30, 2014.
6. The location of the wall sign will be permitted permanently. The type of existing wall sign on the north side of the commercial building can continue to exist till May 30, 2016. After that time, the wall sign will need to be brought up to current code for signs.
7. The trash enclosure, when required, will need to be located in the western 50 feet of the parcel.
8. Retail use would have restricted hours between 10 p.m. and 6 a.m.

A voice vote was taken:

Ayes: McGleam, Kwasneski, Sanderson, Maher, Messer, Sullivan, Spinelli

Nays: None

Motion passed

Commissioner Maher made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 13-09 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

A. Transportation & Mobility Element Generalized Planned Roadway Map

Mrs. Jones stated up on the projection is the draft of the Generalized Planned Roadway Map. She said when they had talked about the mobility element it had talked about roads, bicycle and pedestrian improvements, and had talked about having this map as part of the element. She stated it is intended to be a generalized map of existing and future roadway network. Mrs. Jones said it serves as a guide to illustrate the policy that they would like collector roads spaced a certain distance apart approximately.

Mrs. Jones said this is an attempt to identify principal, minor arterial, and collector roads. She stated she realized that I-55 is not marked. She said anything that is a solid line is already that classification by IDOT currently. Mrs. Jones stated there are no collectors that are in the Village that are recognized by IDOT.

Chairman Spinelli stated even if Timberline Drive is a collector by design, IDOT will not classify them because they are not meeting the daily traffic numbers. So it could be a collector for the Village, but it will not be one to IDOT.

Mrs. Jones said she wanted to present the map and get any feedback or thoughts from the Commission. She stated the grayed out portions represent the planning area that are outside the Village limits but within the planning area. She said the roads kind of stop east and south because that is then outside the planning area and no longer in their jurisdiction.

Chairman Spinelli asked if 143rd was in their planning area.

Mrs. Jones showed on the map where the planning areas were.

Chairman Spinelli asked if they had a boundary agreement with Homer Glen.

Mrs. Jones said they did with Lockport and Woodridge. She showed them on the map a small pink portion on the map. She stated the planning area extends a mile and half from the municipal boundary and then you have to extract any areas where there is a boundary agreement in place or otherwise incorporated. Mrs. Jones said in the future land use workshops they will be using this planning area as the basis for some of the exercises they will be going through. She stated she wanted to make sure the Commissioners were acceptable with excluding this small area from the planning purposes. She said although it is north of the Lockport boundary, it has Romeoville all around it.

Commissioner Maher stated it wouldn't be continuous for us.

Mrs. Jones said it would be incredibly unlikely to annex that property. She stated she had already excluded from the planning area other pieces like this that were completely surrounded by other municipalities and there was no way we could annex them. Mrs. Jones said since this one was not surrounded by other municipalities she wanted to bring it to the Commission before she excluded it.

Commissioner Maher stated the question would be is that property worth breaking the agreement in 2017 with Lockport.

Mrs. Jones said a better approach would be when the term of the agreement is coming up for expiration in 2016-2017 that they evaluate it at that time. She stated then they can plan for it accordingly.

All Commissioners agreed they could exclude that small piece of property.

Mrs. Jones asked if there were any comments in regard to the map.

Chairman Spinelli stated he does not see people leaving 127th and going through Rolling Meadows to come out on Smith Road.

Mrs. Jones said they were thinking that was a primary collector road for people getting out of the subdivision.

Commissioner Maher asked about 4th Street through Covington. He said that was the intent for the road and the subdivision.

Mrs. Jones stated she was debating that connection.

Trustee Stapleton said once people start learning the roads they might start using it more.

Commissioner Maher stated 1st Street does not save you any time. He said 4th Street takes you directly to Covington Drive and it becomes a major collector. He stated that was the intent for it because it is wide enough. He said 1st Street is not really wide enough.

Mrs. Jones said she will put it in the map.

B. Civic Life Element

Mrs. Glas stated this was presented in September; however she had refined it since then. She said they are trying to get particular for what they are suggesting for the implementation steps so they are something they can do and it is measurable. She stated the guiding principles were refined. She said there are five recommendations and she read through each of them briefly.

Commissioner Maher said in the fourth recommendation he thinks “places of worship” should be deleted. He stated he feels the Village should not be endorsing that.

Mrs. Jones stated in some of the visioning there was a lot of talk of different community organizations that ranged from things that were overtly religious to things that are secular, or things that are open in religion. She said in part of fostering a sense of community and maintaining the small town charm they felt that supporting organizations that foster that sense of community was appropriate. Mrs. Jones stated they are not drawing a distinction between secular and religious organizations. She said they are saying all of them are important to the community.

Commissioner Maher said it is a Constitution thing that he believes there is a separation and government should not be involved in religious activities.

Commissioner Messer stated they can just leave out “like places of worship”.

Mrs. Jones said they can change it to say, “Institutions that foster a sense of community should be encouraged and provided a place to grow”.

C. Natural Resources and Recreation Element

Mrs. Glas stated this section has not been presented as a full element. She said there were portions that talked about the guiding principles, but even those have been redefined. She stated there are now six guiding principles. She said it goes through a similar format as the other elements. Mrs. Glas said there is an introduction, existing conditions which goes into air and soil quality, water quality and supply, recreation and open space and then into the four recommendations.

Mrs. Glas then read each of the recommendations. She said in recommendation number two it states develop a green infrastructure menu. She stated right now the UDO in the storm water section talks about detention in a way for development to bring the water to the site and then find a way to convey the water. Mrs. Glas said it touches lightly in regards to encouraging naturalized detention. She stated there is not a lot of detail to say what each of them are and their benefits. She said the recommendation is to come up with a couple of different suggestions for green infrastructure and maybe their estimated costs.

Mrs. Glas stated after that is identify a Green Infrastructure Network (GIN). She said there is a watershed plan that is in the works of being finalized for the Long Run Creek. The method is to identify parcels that are contributing to the natural water system. She said any development on those parcels should be flagged so other measures can be taken rather than just conveying water. She stated a portion of Lemont has been identified, but the goal would be to do this for all of Lemont.

Mrs. Glas talked about development of an interdepartmental pollution prevention plan for stormwater runoff. She said right now the receiving waters for the storm water on the IEPC website is the I&M Canal. She stated that has a lot of sedimentation so they would like to come up with a plan to reduce the sedimentation which should help the water quality. Mrs. Glas said another item is improve the I&M Canal banks. She said this can be done in a number of ways.

Mrs. Glas stated next is partner with and support regional water resource planning efforts. She said they do rely on ground water from the deep aquifers. She stated recently there was a detailed study that was done in the northeastern section of Illinois to kind of model the water use and demand. Mrs. Glas said the CMAP Water 2050 Plan came from that original work so there are a lot of recommendations from there that should be implemented. She stated additionally there was an alliance that was formed in the northwestern counties with different municipalities. She said they are looking at regionally what they need to do to make sure the water supply meets the demand. Mrs. Glas said there is an organization for the southern communities that is still in the forming stages. She stated the recommendation would be that if it solidifies then Lemont should participate in that.

Mrs. Glas said the third recommendation is ensure long-term management of natural areas of habitat. She stated they have taken the steps for example to etgcvg naturalize detention, but there is no plan on how to maintain it. She said the recommendation would be to explore some options on how they can keep these areas maintained as assets to the community.

Mrs. Glas stated for the Green Infrastructure Maintenance Plan, at the Police Facility they went through the efforts of putting in permeable pavers. She said those can get blocked if not maintained and then they are useless. She stated a plan to qwnkpg o clpvgpcpeg'pvggf u'ku'dgpghekn Mrs. Glas said bioswales. if not maintained within the first three years. can become overgrown with weeds then they are not serving their purpose. She said if you are going to take the time to recommend green infrastructure somewhere you need to have a plan to maintain it.

Chairman Spinelli said he does not like permeable pavers because vehicle fluids drain into the subsurface and get into the ground water. He stated when we are doing this they need to look at the designs with permeable pavers and think twice. He said do other things like bioswales where the plants can treat the chemicals as opposed to just letting oils and chemicals flow through. Chairman Spinelli stated it looks nice at the Police Department but his opinion is it should have been done with regular pavement then routed to bioswales and treated before it goes into the ground. He said when they have green infrastructure coming in they need to direct them to use plants and not stone.

Commissioner Messer asked if he was in favor of permeable pavers being used in non-vehicle areas.

Chairman Spinelli stated yes he is and they should be used on bike or walking paths.

Discussion continued in regards to green infrastructure and permeable pavers.

Mrs. Glas said the last recommendation is enhance recreation experiences. She stated the first is exploring partnership opportunities for recreation in the downtown district. She said that is one area that does not have park space. Mrs. Glas stated the Park District has this as one of their strategic plans so they see this as an opportunity to partner together. She said secondly would be to conduct a natural resource inventory at the HQRA. She stated this is a natural property that is theirs to do something with which has potential. Mrs. Glas said identifying what that potential is really needs to be done. She stated the outcome of that would be to highlight these natural resources. She said it should also have some type of maintenance suggestion.

Mrs. Glas stated next is partner with other taxing districts to showcase recreational opportunities. She said a lot of people say there are hidden gems. They are items that they did not know existed until someone from Lemont had told them. Mrs. Glas stated there are a lot of people that are drawn to outdoor recreational type of facilities. Another is increase connectivity of open space and recreational areas. She said that

was something that was recommendgf in the transportation plan that they want to highlight here. Lastly, allow flexibility in the park donation. She said there are guidelines in the UDO that say if park space doesn't really work for the subdivision then they could provide a cash donation to the Park District. Mrs. Glas stated they don't have a say as to how that cash donation should be used.

Mrs. Glas said that would conclude the recreational section.

Chairman Spinelli stated the connectivity of parks worked really well in the city of Joliet. They had two different builders combine parks that made a big regional park which was really nice.

Chairman Spinelli asked if anyone had anything for general discussion.

Commissioner Maher asked if there was still a budget for training for Planning and Zoning members. He said he remembers attending a seminar at one time.

Mrs. Jones said they are not doing them anymore. She stated there is a budget for training and she proposed for two Commissioners to go to the Planning Commissioner Track which will be in Evanston sometime in the fall.

Mrs. Jones stated she had passed out a pamphlet of legal briefings which they get sometimes in the Building Department. She said she thought the Commissioners would find it interesting to read and it talks about land use law cases in very plain English.

VI. ADJOURNMENT

Chairman Spinelli called for a motion to adjourn the meeting.

Commissioner McGleam 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



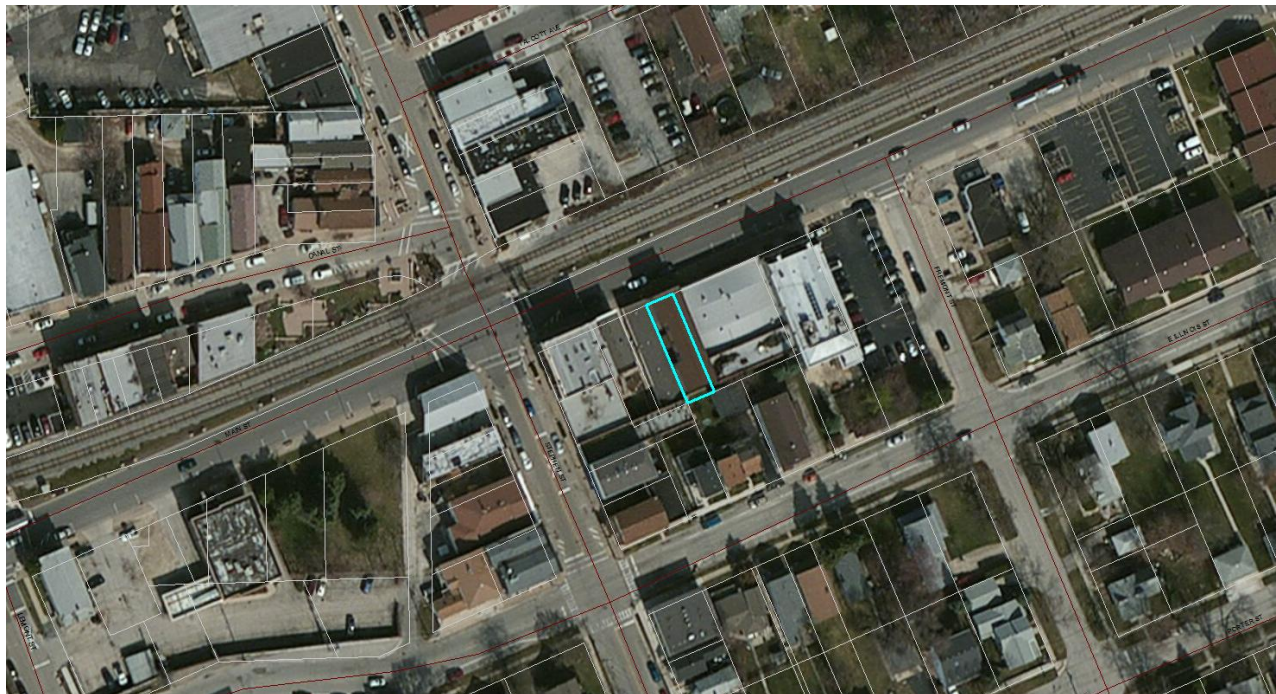
Village of Lemont
Planning & Economic Development Department

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

TO: Planning & Zoning Commission
FROM: Martha M. Glas, Village Planner
THRU: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Case 14-01 410 Main St. Variation
DATE: February 7, 2014

SUMMARY

John Savarino, the owner of 410 Main St., is seeking a variation from the Unified Development Ordinance to allow for a residential unit on the first floor for a property subject to the Main St. street type standards in the DD district. This street type reflects the character of the historic central business district, has buildings with mixed use and is intended to preserve and enhance the historic character of the downtown. The property was constructed in 1992 and has 3 stories. The 2nd and 3rd floors each contain 2 residential units. The first floor has one currently occupied commercial unit at the front of the building facing Main St. and a rear unoccupied unit. The rear unit has separate utilities. Staff is recommending approval.



PROPOSAL INFORMATION

Case No. 14-01
Project Name 410 Main St. Variation

General Information

Applicant	John Savarino
Owners	John A. and Sandra L. Savarino
Status of Applicant	Owner
Requested Actions:	Variation to allow a residential unit on the first floor of a property located on the Main St. street type in the Downtown District.
Site Location	410 Main St. (PIN 22-20-420-005-0000)
Existing Zoning	DD Downtown District
Size	2,275 lot size; 730 sq. ft. rear unit size
Existing Land Use	Mixed use
Surrounding Land Use/Zoning	DD Downtown District
Comprehensive Plan 2002	The Comprehensive Plan calls for this site to be Downtown B-2 Mixed Use.
Zoning History	N/A

Special Information

Public Utilities The site is serviced by Village water and sewer. There are 6 units in the building. The owner receives one water bill and is charged for 6 units.

BACKGROUND

Development in the DD is regulated by street type. There is an established street type hierarchy that is identified in Figure 17-09-01 of the Unified Development Ordinance; Main St. is the top of the hierarchy. Tables 17-09-02 through 17-09-07 define standards for the buildings located along the various street types.

The subject property is located on the Main St. street type. That street type has mixed use buildings and is intended to preserve and enhance the historic character of the downtown. The property is mixed use with commercial on the first floor and residential on the 2nd and 3rd floors. The 1st floor has a front unit that is approximately 930 sq. ft. and rear unit with separate utilities that is approximately 730 sq. ft. A 115 sq. ft. laundry room is also located on the first floor. There are 2 doors on the front of the building that provide access to the units from Main St. The eastern door provides access to the existing commercial unit. The western door provides access to the residential units, laundry room and the rear unit. It is secured with a pass code entry system. The front commercial unit also has an interior door that exits to the hallway on the western side of the building. See Exhibit A for a floor plan submitted by the applicant.

The applicant has stated that the rear unit has historically been used for storage. Commercial use in the rear unit is not ideal because it lacks visibility from Main Street. The shared access with residential units is also a concern because that would allow the public to access an area that serves current residents and their laundry facilities.

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, three are not applicable to the variation request. The variation request to allow a residential unit on the first floor is consistent with the remaining five components.

- **Promoting and protecting the general health, safety and welfare.** The variation request will not injure the health, safety and general welfare of the public. The building does have sprinklers and secure access to the rear unit is available.
- **Ensuring adequate natural light, air, privacy, and access to property.** The variation will have no impact on light and air to the property. Allowing a residential use, as opposed to a commercial use in the rear unit, would have a positive impact on privacy. Existing residential tenants currently utilize laundry facilities on the first floor. If the rear unit was used for commercial uses and was open to the public, privacy for residential tenants would be diminished. Likewise, public access through an area that is utilized for a residential use, such as the laundry room located on the first floor, would compromise the existing accessibility.
- **Protecting the character of established residential neighborhoods.** The subject site is in mixed use area where commercial and residential uses are expected. The residential use would be in the rear of the property and would not affect the character of the district because the front commercial space currently provides the walkable retail district that is sought along Main St.
- **Maintaining and promoting economically vibrant and attractive commercial areas.** The subject site is mixed use and located in a mixed use district. Allowing an additional residential unit will add a needed housing product in the community. The applicant is proposing a 1-bedroom unit. The current housing stock in Lemont consists of 8.2% 0-1 bedroom units compared to 16% available regionally.¹ Increased density and housing choices in the downtown district add economic vitality to the area. The existing commercial space in the front of the building provides the commercial use desired of sites along Main St. It is currently leased and is a viable commercial space. The rear unit, as a commercial space, brings little value to the street type because it lacks exposure and has inadequate access for public use in its current configuration.

¹ Lemont Community Data Snapshot, Chicago Metropolitan Agency for Planning, 2011 ACS Data

- **Conserving the value of land and buildings throughout the Village.** Investments that allow a building to be fully utilized add value to the building and generally conserve value 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. The UDO states that in making a determination whether there are unique circumstances, practical difficulties, or particular hardships in a variation petition, the Planning and Zoning Commission shall take into consideration the factors listed in UDO §17.04.150.D.2.

- a. *Particular physical surroundings, shape or topographical conditions results in a particular hardship upon the owner as distinguished from a mere inconvenience.* The subject property is a 3 story mixed use building with commercial on the 1st floor and residential on the 2nd and 3rd floors. As noted, the building has two front entrances from Main St. The eastern entrance provides street access to the front commercial space. The western entrance provides street access to the residential units, laundry room and the rear unit. The unit has separate utilities but has been used by previous owners only as storage space. The current configuration and lack of exposure on Main St. makes the rear unit impractical for commercial use and storage space use is not economical and causes a hardship to the owner.
- b. *The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district.* The conditions upon which this petition is based would not generally be applicable to other properties in the DD district. The floor plan, composition and points of access are unique to this property and are the factors that make it difficult to use the entire first floor for commercial use.
- c. *The alleged difficulty or hardship has not been created by any person presently having an interest in the property.* The owner purchased the property in its current configuration and did not cause the hardship.
- d. *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 project is located.* The variation would not be detrimental to the public welfare or injurious to other property in the neighborhood.
- e. *The variation will not impair an adequate supply of light and air to adjacent properties or substantially increase congestion in the public street or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.* The residential unit would be provided access to the unit with a security code entrance from Main St. The variation would increase housing supply by one 1-bedroom unit. Although parking demand will increase with the additional unit, it will not substantially

increase congestion in the area. Downtown parking regulations encourage a balance between compact pedestrian-oriented development and vehicle use. Off-street parking is available in public parking lots and the parking structure. Daytime parking in public parking lots is limited to 4 hours.

The building has fire sprinklers installed and an additional residential unit would not increase the danger of fire or endanger public safety. Fire District staff did complete a visual inspection of the site and stated no objections to the proposed residential occupancy provided that the fire protection systems within the space were maintained. With the remodeling permit some systems will have to be modified and additional life safety enhancements will be required.

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

Analysis. The character of the area is historical and mixed use with commercial on the first floor. The residential unit will be located in the rear of the property and will not alter the essential character of the district or take away from the street features important to this district.

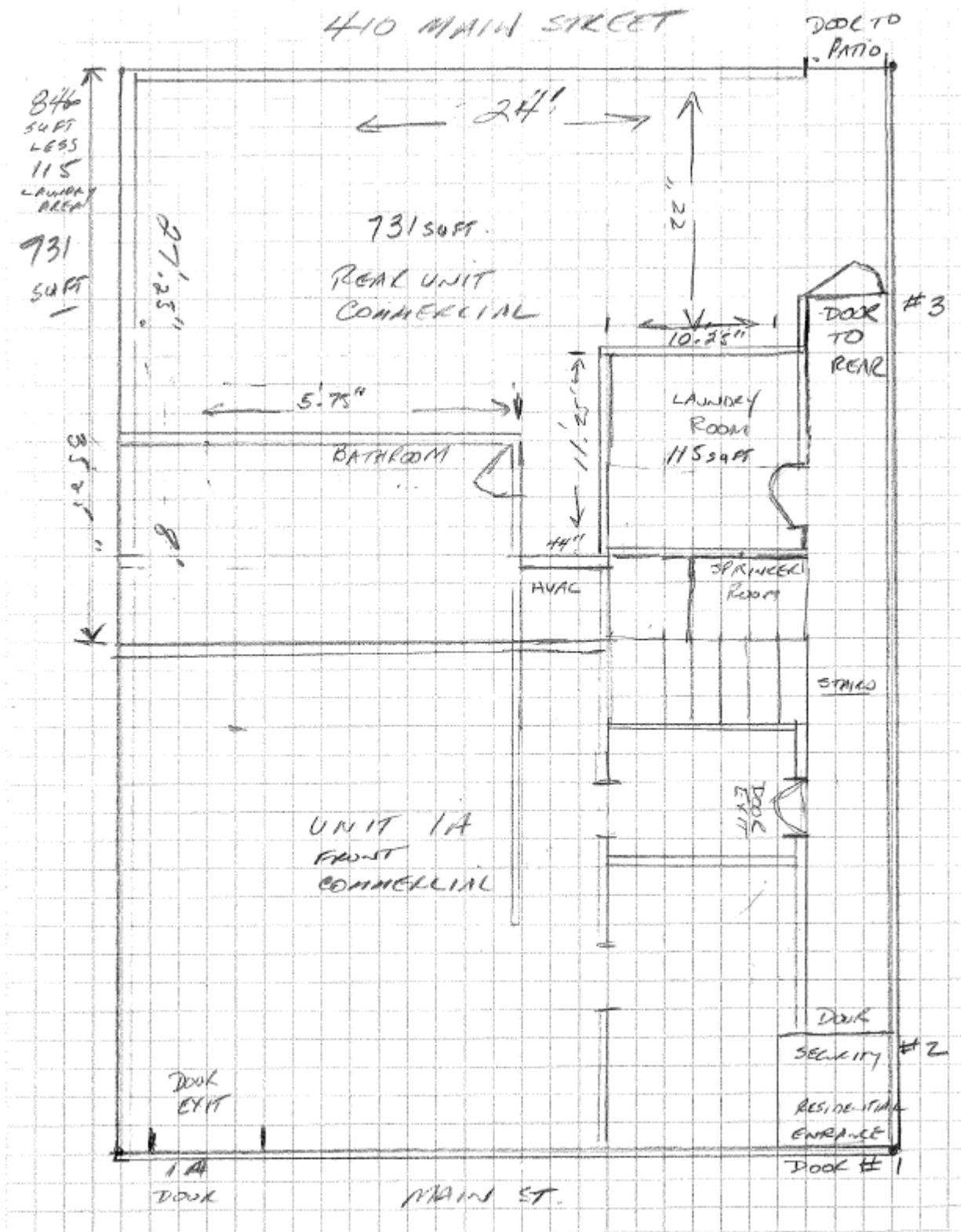
RECOMMENDATIONS

Staff recommends approval of the variation request. The UDO requires that the applicant demonstrate consistency with all three of the variation standards contained within §17.04.150.D. and staff finds that they were substantially met.

ATTACHMENTS

1. Exhibit A – floor plan sketch
2. Site Photos
3. Applicant Submissions

EXHIBIT A



North

SITE PHOTOS



Front of subject property looking south

Western hallway looking towards Main St.
from the rear unit



Rear patio area accessible from the rear unit



Variation Application Form

APPLICANT INFORMATION

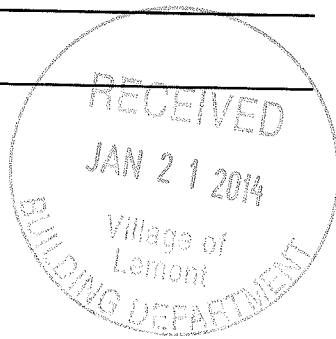
Applicant Name JOHN A. SAVARINO

Company/Organization 53 LOWLY COVE DR. LEMONT, IL 60439

Applicant Address (708) 533-1111-

Telephone & Fax MRGI0BATT@YAHOO.COM

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

Address of Subject Property/Properties 410 MAIN ST, LEMONT, IL 60439

Parcel Identification Number of Subject Property/Properties 22-20-420-005-0000

Size of Subject Property/Properties 3 STORY BUILDING WITH COMMERCIAL FRONT, REAR 5325 SQFT.

DESCRIPTION OF REQUEST

CONVERT 1ST FLOOR REAR UNIT TO 1BR RESIDENTIAL

Brief description of the proposed variation

DUE TO THE INABILITY TO UTILIZE AS COMMERCIAL. BECAUSE OF THE SAFETY AND SECURITY OF TENANTS WOULD BE JEOPARDISED.

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: 1/21

By: MMG

Application deemed complete on: 1/29

By: MMG

Current Zoning: DD

Fee Amount Enclosed: 250⁰⁰

Escrow Amount Enclosed: 500⁰⁰

Variation Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee = \$250 (per zoning lot)

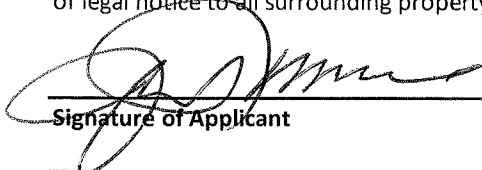
Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance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



Signature of Applicant

1-17-2014

Date

State

County

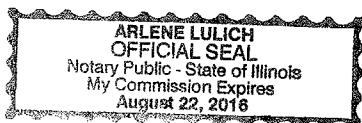
I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that JOHN SAVARINO is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and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



Notary Signature

Given under my hand and notary seal this 17 day of January A.D. 20 14.

My commission expires this _____ day of _____ A.D. 20 _____.



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;

SEE COVER LETTER FOR VARIATION.

_____ **Address List.** A list of all addresses to which the applicant sent the written notice of public hearing shall be submitted to the Planning & Economic Development Department at the time the written notice is sent to the surrounding property owners. More explanation regarding public notice requirements is contained in the attached *Variation Public Notice Requirements* document.

John A. Savarino 53 Long Cove Dr. Lemont Il 60439

Village of Lemont
418 Main St.
Lemont, IL 60439

Jan 20, 2014

Re: 410 Main St. Lemont IL 60439

Pin #22-20-420-005-0000

Legal Description:

The West ½ of Lot 4 Block 2 in Truesdell's Addition to Athens, in Section 20, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

3 Story 5325 Sq Ft Brick Apartment Building with 4 residential apartments and 2 commercial units on the first floor of building built in 1992 with a sprinkler system.

To the board of the Planning and Economic Development of Lemont:

Dear Board:

As a property owner and resident of Lemont, I am requesting a variation for my property located at 410 Main St. from a commercial to a residential apartment. The building has a front commercial unit with a designated entrance from Main St. and a rear commercial unit with an entrance only accessible through the residential side. The rear commercial unit as constructed makes it difficult and unpractical for commercial utilization. First the rear unit has no visual exposure from Main St. for any type of merchandise pickup, delivery or customer services. Secondly any commercial tenant and customers that were to occupy this unit would have to gain entry via a pass coded security door on the residential entry side in order to gain access to this rear unit. Upon doing so anyone entering would have access to the residential common areas, laundry facility and stairway to the upstairs apartments. Allowing strangers to have access to the residential side of the building also jeopardizing the safety and security of all the tenants.

John A. Savarino 53 Long Cove Dr. Lemont Il 60439

Therefore the only viable solution to utilize this space effectively and efficiently would be to convert it to a one bedroom apartment. Doing so would keep the rear unit within the scope of economic feasibility and retain the respect for the safety and security of tenants in the building. The conversion would entail adding a tub to the existing bathroom and installing a small kitchen area.

From my review of the Unified Development Ordinance (UDO) this request meets all of the following conditions for variation.

1. The physical surroundings of the property does not allow it to be used as constructed therefore it remains vacant.
2. The conditions upon which the petition for variation is based would not be applicable to other property within the same zoning classification.
3. The alleged difficulty for use was not created by me. I purchased the property as constructed.
4. The granting of this variation will not be detrimental to the public welfare or injurious to other property improvements in the neighborhood.
5. The variation will not impair any light or air to the adjacent properties. It will not increase congestion in the public streets or increase the danger of fire or endanger the public safety, or substantially diminish or impair any property values within the neighborhood.

Your cooperation in granting this variation would be greatly appreciated.

Sincerely Yours



John A. Savarino

(708)533-1111

mrgiobatt@yahoo.com

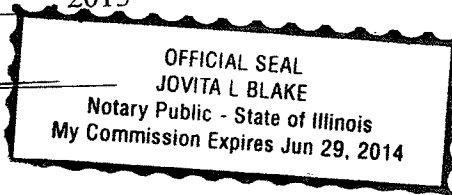
STATE OF ILLINOIS)
) ss.
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, certify that Jasmine Singh, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, in her capacity as a Member of M & M Partners, LLC, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand official seal this

28th day of May 2013

NOTARY PUBLIC



Prepared by:

Hilary E. Wild
THE CHAWLA GROUP, LTD.
15 Spinning Wheel Road
Suite 126
Hinsdale, Illinois 60521
(630) 325-5557

Mail to:

John A. Savarino and Sandra L. Savarino
53 Long Cove Drive
Lemont, IL 60439

LUCIA BOFF
9501 W. 144TH PL.
ORLAND PARK, IL.
60462

Name and Address of Taxpayer:

John A. Savarino and Sandra L. Savarino
53 Long Cove Drive
Lemont, IL 60439

410 MAIN STREET

DOOR TO PATIO

8460
54 FT
LESS
115
LAUNDRY
AREA

931
54 FT

24'

731 SUFF.

REAL UNIT
COMMERCIAL

22'

27.25"

5.75"

10.25"

DOOR
TO
REAR

#3

LAUNDRY
ROOM
115 SUFF

BATHROOM

44"

AVAC

SPRINKLER
ROOM

STAIRS

UNIT 1A
FRONT
COMMERCIAL

DOOR
EXIT

DOOR
EXIT

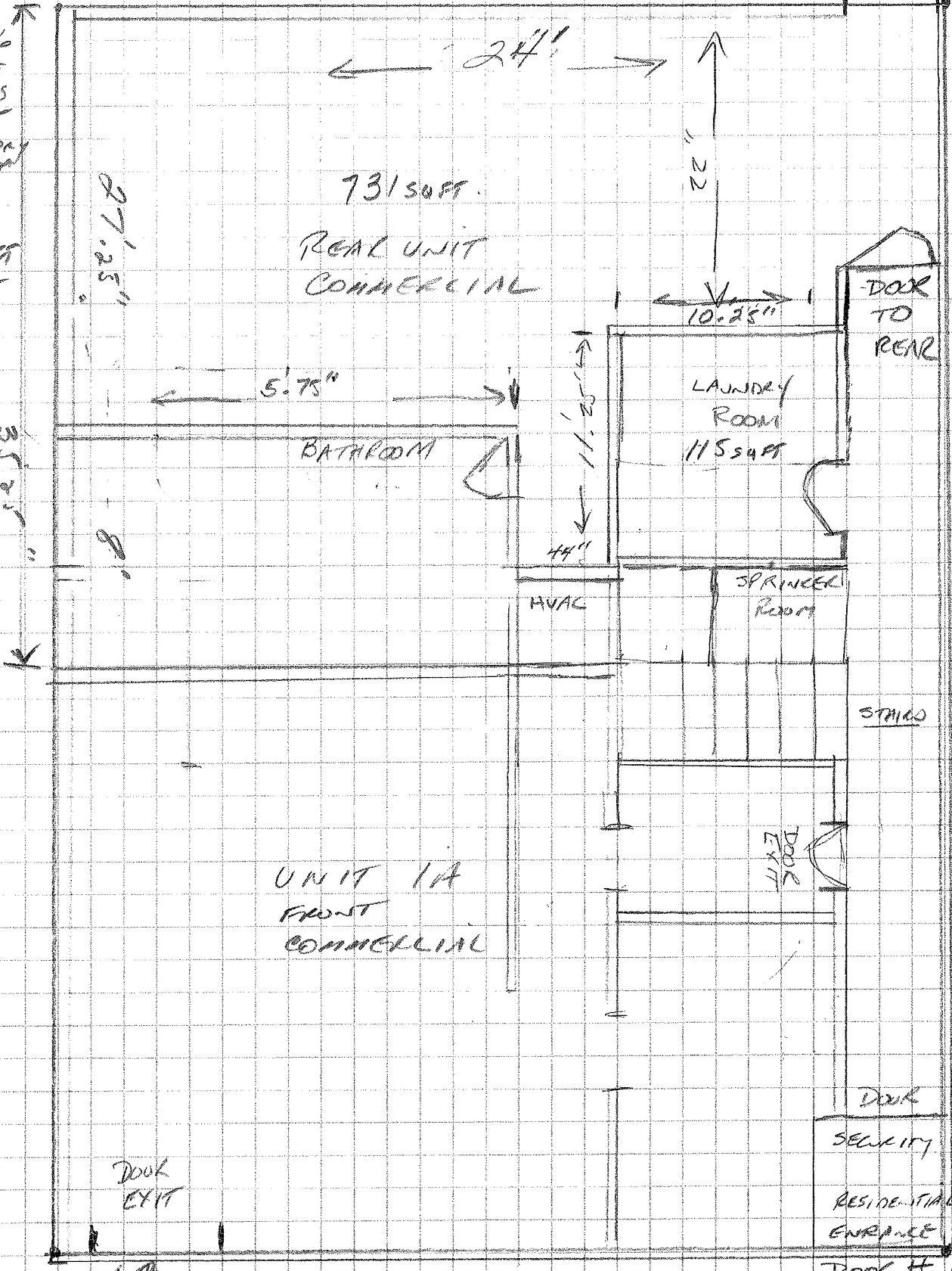
DOOR
SECURITY #2

RESIDENTIAL
ENTRANCE

DOOR #1

1A
DOOR

MAIN ST.





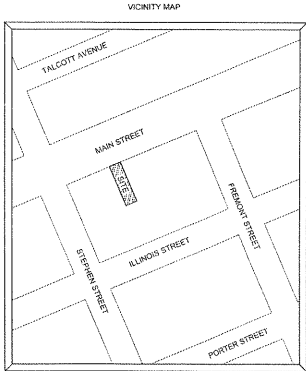
RUSSELL W. SCHOMIG, PLS.
WILLIAM K. SCHOMIG

• BOUNDARY • TOPOGRAPHICAL • SUBDIVISIONS • ALTA/ACSM • CONDOMINIUMS • SITE PLANS • CONSTRUCTION • FEMA CERTIFICATES •

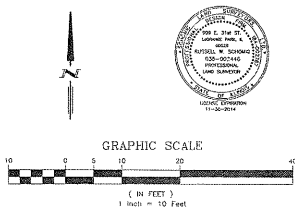
SCHOMIG LAND SURVEYORS, LTD. ALTA/ACSM LAND TITLE SURVEY

THE WEST HALF OF LOT 4 IN BLOCK 2 IN TRUESDILL'S ADDITION TO ATHENS, IN SECTION 20, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.
COMMON ADDRESS: 410 SOUTH MAIN STREET, LEMONT, ILLINOIS.
PH: 312-251-4201-4202

909 EAST 31st STREET
LA GRANGE PARK, ILLINOIS 60526
E-MAIL: SCHOMIG-SURVEYS@GLOBALNET
WEB: WWW.LAND-SURVEY-NOW.COM
PHONE: 708-352-1452
FAX: 708-352-1454



- LEGEND
- ⊠ - FIRE ALARM
 - ⊡ - AIR CONDENSER
 - ⊞ - FIRE SPRINKLER CONNECTION
 - - GAS LINE
 - ⊞ - KEY BOX
 - ⊞ - TELEPHONE BOX
 - ⊞ - LIGHT POLE
 - M - MEASURED
 - R - RECORDED
 - ⊙ - SANITARY MANHOLE



STATE OF ILLINOIS) ss.
COUNTY OF COOK)

CERTIFIED TO: FIRST AMERICAN TITLE INSURANCE COMPANY,
JOHN A. SAWYER AND SANDRA L. SAWYER. AREA: 2,288 SQUARE FEET

THIS IS TO CERTIFY THAT THIS MAP ON PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD FETAL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS ON FEBRUARY 23RD, 2011 AND INCLUDES ITEMS 1, 2, 4, 7A, 8, 9, 11A AND 14, OF TABLE A THEREOF.

EASEMENTS AND RESTRICTIONS SHOWN ARE BASED ON: FIRST AMERICAN TITLE INSURANCE COMPANY.
TITLE COMMITMENT NUMBER: 2417088, EFFECTIVE DATE: MARCH 27, 2013.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECT MEASUREMENTS AT A TEMPERATURE OF 68 DEGREES FAHRENHEIT. DIMENSIONS SHOWN ON BUILDINGS ARE TO THE OUTSIDE OF BUILDINGS. BUILDING AREA SHOWN IS THE BUILDING FOOTPRINT AREA. ANY UNDERGROUND UTILITY IMPROVEMENTS SHOWN HEREIN ARE BASED ON ABOVE GROUND INSPECTION AND/OR INFORMATION PROVIDED BY RESPECTIVE UTILITY COMPANIES OR MUNICIPALITIES. CONTRACT RESPECTIVE UTILITY REPRESENTATIVES AND/OR MUNICIPAL AUTHORITIES TO CONFIRM UTILITY LOCATION AND SIZES PRIOR TO NEW CONSTRUCTION. CONTACT THE APPROPRIATE UTILITY LOCATION SERVICE PRIOR TO EXCAVATION OR CONSTRUCTION.

OUTSIDE OF CHICAGO CONTACT JULIE, AT: 1-888-258-0808 OR IN CHICAGO CONTACT BIGGER AT: 312-744-7000.

THE FIELD WORK WAS COMPLETED ON MAY 28TH, 2013. PLAT DATE MAY 29TH, 2013.

COMPARE LEGAL DESCRIPTIONS WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. THIS PLAT DOES NOT SHOW BUILDING RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES. LOCAL AUTHORITIES MUST BE CONSULTED REGARDING ANY RESTRICTIONS. DO NOT SCALE DIMENSIONS FROM THIS PLAT. NO EXTRAPOLATIONS SHOULD BE MADE FROM THE INFORMATION SHOWN WITHOUT WRITTEN PERMISSION OF SCHOMIG LAND SURVEYORS, LTD. THIS PLAT IS NOT TRANSFERABLE. ONLY PRINTS WITH AN EMPLOYED SEAL ARE CRITICAL COPIES. © COPYRIGHT, ALL RIGHTS RESERVED.

ORDERED BY: THE CHAWLA GROUP, LTD.
PLAT NUMBER: 139911 FC: 2541 ROLL: 107-48 FILE: TEMPLEM

BY: *Russell W. Schomig*
RUSSELL W. SCHOMIG, PROFESSIONAL LAND SURVEYOR #0335-002448