

PLANNING & ZONING COMMISSION
Regular Meeting
Wednesday, November 6, 2019
6:30 p.m.

**Planning and
Zoning Commission**

Scott Studebaker,
Chairman

Commission
Members:
Shawn Carmody
Sean Cunningham
Jerry McGleam
Kevin O'Connor
Mark Pawlak
Matthew Zolecki

I. CALL TO ORDER

A. Pledge of Allegiance

B. Verify Quorum

C. Approval of Minutes: October 2, 2019 meeting

II. CHAIRMAN'S COMMENTS

III. PUBLIC HEARINGS

A. 19-16 541 Ledochowski Street Variation

**B. 19-17 Route 83 and Main Street Unified Development
Ordinance Text and Map Amendments**

**C. 19-18 Downtown District (DD) Unified Development
Ordinance Text Amendments**

**D. 19-19 Recreational Cannabis Unified Development
Ordinance Text Amendments**

IV. ACTION ITEMS

V. GENERAL DISCUSSION

VI. AUDIENCE PARTICIPATION

VII. ADJOURNMENT

**Community
Development: Planning
Division Staff**

Jason Berry, AICP,
Community Development
Director
Mark Herman, MPA, AICP
Community Development
Manager
Jamie Tate, AICP,
Consulting Planner



Village of Lemont
Planning and Zoning Commission
Regular Meeting of October 2, 2019

A regular meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, October 2, 2019 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Studebaker called the meeting to order at 6:35 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

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

Absent: None

Mayor John Egofske, Community Development Director Jason Berry, Community Development Manager Mark Herman, Consulting Planner Jamie Tate and Village Trustee Ron Stapleton were also present.

C. Approval of Minutes – September 4, 2019 Meeting

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to approve the minutes from the September 4, 2019 regular meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Mayor Egofske congratulated the three new members to the Commission and thanked the existing Commissioners for their time and service. He stated development has been key over the past two years and the Village needs to continue to grow. He talked about developments that the Village is working on and how they are looking at quality growth but yet wanting to keep the quaintness of the town. Again, he thanked the Commission for their time and service.

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Chairman Studebaker said he is excited to back and looks forward to serving the Community. He then asked anyone in the audience who wanted to speak to stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. 19-13 HOFFMAN SUBDIVISION WITH VARIATIONS

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

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to open the public hearing for Case 19-13. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said the applicant is requesting approval of variations from the UDO for purpose to allow a subdivision of an existing property to be divided into four single-family home lots. The current zoning on the property is R-4 and it is approximately 1.01 acres. The property currently has a single-family home and detached garage on it that will be demolished. The property is surrounded by R-4 zoning.

As part of the proposal they will be dedicating right-of-way (ROW) on both 4th and 5th Streets. They will continue the curbs south along 4th Street along with the sidewalk. Two of the homes will have access onto 4th Street and two of the homes will have access on 5th Street. They plan on meeting all the standards in the UDO except for the minimum lot size and width. If the variance for the width is approved, then they will be able to meet the setback requirements.

Mrs. Tate stated they are asking for a minimum lot size of 9,835 square feet and minimum lot width of 65.95 feet. Again, they are dedicating approximately 1,121 per lot of ROW. Homes across the street have similar 66 feet lot width. The applicant is also asking for relief from curb and gutter and sidewalk just along 5th Street. Currently, there is no curb and gutter on that street. Staff has suggested that they can put money into an escrow just in case the adjacent lots were ever to develop or if a sidewalk was ever going to be constructed along there.

The Comprehensive Plan designates the area as Infill Residential. She then read the definition for Infill Residential. There are three Standards for Variations that have to be consistent in order to be approved. The subject property is proposed to be split into single-family home lots that are of similar width of the 5th Street lots. The narrow and smaller lots do fit with the established character of the neighborhood better than the R-4 standards.

Mrs. Tate stated the difficulty is created by the current property owners as the request is to subdivide the lot. However, the lot size and width are partially affected by the

dedicated ROW. The property owners are requesting similar standards that are already found on the block. Fifth Street does not have sidewalks or curb and gutter so putting something like that in would not fit in with the character of the neighborhood. The applicant is also proposing single-family detached homes which the property is surrounded by. Lastly, the variation should not alter the essential character of the local area. The proposal of the homes is consistent with the land use surrounding the property.

Staff has received comments back from the Village Engineer and he is okay with the stormwater as it is proposed. The Fire District did not have any comments regarding the subdivision. Staff is recommending approval with two conditions. The first is to provide an escrow for the public sidewalk in front of both proposed lots on 5th Street. Also, provide onsite parking for workers during construction of all lots.

Chairman Studebaker asked if there were any questions for staff.

Commissioner Pawlak asked who determines the amount for the escrow and what are the rules and regulations for disbursement.

Mrs. Tate said she would assume Engineering would determine the cost and staff would most likely determine a time frame. Staff is currently working on something similar with another project.

Commissioner Pawlak asked if there was any incentive for the other neighbors to have sidewalks put in place.

Mr. Herman stated there is no incentive other than if another property were to subdivide.

Commissioner Cunningham asked if the properties to the south aren't developed then does that escrow have a time limit.

Mr. Herman said there currently is no time limit, but they can talk with the Village Attorney about that.

Commissioner McGleam stated on the applicant Engineer's letter dated September 12th it states that they are going to add a note to the plan relative to the existing sanitary sewer riser. Typically, if you are going to connect to an existing sanitary riser it should also be videotaped back to the sewer main. He would recommend adding this and have the Village Engineer approve the condition of the riser all the way back to the main before the contractor ties into it.

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

Applicant Presentation

Applicant declined making a presentation.

Chairman Studebaker then asked if there was anyone in the audience that wanted to come up and speak in regards to Case 19-13.

Public Comment

None

Chairman Studebaker then called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 19-13. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Studebaker asked if there were any further comments or questions from the Commission. None responded.

Plan Commission Recommendation

Chairman Studebaker called for a motion for recommendation.

Commissioner Pawlak made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 19-13 Hoffman Subdivision and Variations - 459 4th Street with the following conditions:

1. Provide an escrow for the public sidewalk in front of both proposed lots on 5th Street.
2. Provide onsite parking for workers during construction of all lots.
3. Village Engineer must approve a videotape from the riser all the way back to the main.

A roll call vote was taken:

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

Nays: None

Motion passed

Findings of Fact

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to authorize the Chairman to approve the Findings of Fact for Case 19-13 as prepared by staff. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

B. 19-14 SPECIAL USE PERMIT WITH VARIATIONS FOR A CHILD DAYCARE FACILITY (KIDDIE ACADEMY)

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

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 19-14. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

Staff Presentation

Mrs. Tate said Kelly Harper and Christopher Grahn of Masters in Educated Incorporated are requesting a special use with associated variations to allow for Kiddie Academy child daycare facility at 15907 W. 127th Street. A child daycare facility is a special use in the B-1 Zoning District. The variation requests are to allow more than 50% of the parking in the front yard and a reduction in the amount of parking stalls required by the UDO. The proposed lot is 1.1 acres and was part of the Alpine Estates Subdivision. The surrounding properties are R-4 residential to the north and B-1 to the east, west and south. The Comprehensive Plan designates the area as Neighborhood Retail.

Some background information on Kiddie Academy is that it started in 1981. In the early 90's, they expanded into other communities and in 1992 the first franchise opened. In 1999, there were over 50 Kiddie Academy locations, and in 2008 the renown and accredited curriculum was named *Life Essentials*. There are 13 locations in the Chicagoland area.

Mrs. Tate stated the proposed building is 11,030 square feet with a fenced outdoor playground in the rear. The hours of operation will be from 6:30 a.m. to 6:30 p.m., excluding holidays. The facility will be alarmed with cameras and be completely fenced with one secure point of entry into the building via a security code. It is designed to meet all the requirements of the UDO except for the parking requirements. The applicant is proposing 44 parking stalls when the code requires 59 stalls. The applicants have over 200 locations and have been in business for over 30 years and know how much parking they are going to need. They feel the 44 parking stalls are adequate for the size of the facility they are proposing. The 44 stalls does meet the requirement for an office building in the UDO.

The second request is that no more than 50% of off-street parking shall be located between the principal building façade and the street. Currently as it proposed a 100%

is located in the front. They did propose to the Village multiple plans. The parking being located in the front did allow for better circulation for vehicles and emergency vehicles. It also allows for a safer play area that is fully screened. The Comprehensive Plan designates this as Neighborhood Retail. It is characterized by convenience-orientated retail uses. The proposal appears to meet the general intentions of the Neighborhood Retail district as it states, “Development within the neighborhood retail district will be designed to complement adjacent neighborhoods” and “stand alone commercial buildings with on-site parking provided”.

Mrs. Tate said that staff did find the child daycare facility special use does meet the standards for the special use. The transitional yard and landscaping in the rear will allow for a 50 foot setback from the outdoor playground fence to the rear property line. There will be detention basin and bioswale in-between the playground and berm with plantings. The most noise from the property will be children playing and the site has been designed to keep the children safe by having the playground in the rear.

The staff report goes in detail regarding the three variation standards that it must be consistent with. Some highlighted items are having the parking in the front did allow for better site circulation and more space for emergency vehicles. The outdoor play area will be fully screened and the reduction of parking stalls did allow for landscaping with less impervious surface. The shape and the size of the lot did prevent a bit of a challenge with the design. For commercial lots they are pretty narrow, which could be why they have been vacant for 30 years. Lastly, it does not appear the variations will alter the essential character of the locality. The addition of the daycare center will fill a vacant space and be a complementary addition to the businesses along 127th Street.

Mrs. Tate stated that the application did go before the Technical Review Committee (TRC) and this plan was the plan that staff and everyone at the meeting agreed with. The Arborist has reviewed the plans and provided comments. Two questions that staff had was where were they planning on stacking snow removal and if there are any buses where would they be parking them. The Fire Marshall requested that the fire plans show an overlay of the turning radius on the architectural drawing to verify that the emergency vehicle turns will comply. There is a chance that four more stalls could be lost due to that. Staff has not received comments back yet from the Village Engineer. Staff is requesting that any comments or concerns brought up by the Engineer must be addressed.

In conclusion, staff finds that it meets the 2030 Comprehensive Plan. Staff finds the variations are acceptable and staff is recommending approval with conditions listed in staff's report.

Chairman Studebaker asked if the Commission had any questions.

Commissioner McGleam asked if there was a monument sign.

Mrs. Tate said she believes that there is a monument sign but no plans have been submitted.

Commissioner Cunningham asked if the applicant agreed to all the comments from the Fire Marshall including the sprinkler and fire suppression system.

Mrs. Tate stated yes it is a requirement.

Chairman Studebaker asked if the applicant had any statistics related to the parking. He feels the parking is fine but would like to see data that can back it up.

Mr. Herman, Community Development Manager, said the applicant had submitted a variety of designs that did try to meet the parking, but that created a number of other variations. Staff suggested seeking the variation for parking in luau of two, three or four other variations. In discussion with the applicant, it was stated that parents generally park and walk the children into the facility and then leave. There will be staggered times that these parents will be coming in. They will only have 10 to 15 employees working at one time. He agreed that prior to going before the Village Board they could provide data on the parking.

Commissioner Pawlak asked if they were going to have bus service.

Mr. Herman stated they will have the applicant answer that question.

Commissioner Zolecki asked if the mention of snow removal was so that the lot was having the clear widths for fire or just to maintain the bare minimum or both.

Mrs. Tate said the snow removal comment was so that they don't overlook that. They will already have reduced parking so they would want to make sure they are looking at more reduced parking if needed for snow removal.

Commissioner Zolecki stated it is already a tight parking lot so they need to know where they are going to be putting it because of the emergency vehicles and there is only one access point.

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

Applicant Presentation

Chris Grahn, applicant, said he and his wife are the applicants wanting to start the Kiddie Academy. He thanked the Commission and staff for their time. In regards to the monument sign, the UDO states the requirements for the sign and they plan on complying with the requirements. They will not need a lot of parking. The most they will have on-site would be 22 cars. There will be schedules and shifts so people will

be coming and going at different times. They anticipate about 20 to 30 stalls being used at most by them. They can provide reference numbers. They do not plan on doing buses. They can push the snow to the unused area and leave the spots closest to the building open as possible.

The Fire Department gave them some numbers and they just need to make sure that they are good. They just want to make sure that the rear wheel base does not clip the island. If it does then they will need to shift it to make sure that they are clear. Their intent is to make sure they are clear so there is not delay with the emergency vehicles. They plan on complying with the sprinklers and fire suppression which is also a requirement of the franchise.

Kelly Harper, applicant, stated there are other academies in the area that do have branded buses that do occupy parking stalls. It is their understanding that the local schools will send buses to the daycares that are in the area to pick up school aged children. They do not see the need to have their own buses.

Mr. Grahn asked if the Commission had any questions.

Commissioner Cunningham asked if the Kiddie Academy had a staff ratio for staff to children.

Mrs. Harper said it depends on the age group. For 6 weeks to 14 months it is one teacher per four children ratio. For five year olds you can have one lead teacher for 20 children.

Commissioner Cunningham asked what are the age limits for the academy.

Mrs. Harper stated they will go up to 12 years of age to provide before and after care.

Commissioner Cunningham asked if the turning radius on a bus is the same as a fire truck.

Mr. Grahn said he will find out. He will make sure that fire trucks, garbage trucks and school buses can turn in the lot.

Commissioner Zolecki asked who is performing the turning radius study.

Mr. Herman stated he received information from the Fire Department and sent it to the applicant and their engineer.

Nick Varchetto, Project Manager, said they have auto turn software that will be used to calculate this and they will make sure it works in the parking lot.

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

Public Comment

Joseph Morand was sworn in. He is concerned about the noise and the buffer they are providing. He understands that there is a utility easement between his property and the daycare. He asked what kind of a fence are they planning on installing and what type of landscaping.

Mr. Herman showed him the landscape plan. He explained that chain-link fences are prohibited but he is not sure the exact type of fencing. The applicant has provided an entire tree survey of the property. The applicant will be providing a variety of trees and shrubs for a berm.

Mr. Morand stated a childcare facility will be nice in the neighborhood. There is a lot of noise at night from the postal facility with air condition and trucks, so he does have a little concern in regards to the busing.

Mr. Herman said the buses will only be going in the front parking area and not behind the facility.

Mrs. Harper stated the hours of operation will be from 6:30 a.m. to 6:30 p.m.

Kevin Lynch was sworn in. He stated that he owns the property to the west of this daycare facility. He asked with having the daycare facility how will it affect future development to the west. He asked what type of restrictions would the Village have.

Mr. Herman said the purpose of having the special use is that the use is compatible within that zoning district. The reason it is a special use is so they take a look at any possible restrictions or conditions they might want to set like looking at the bus service. Having bus service there could be a nuisance and this would not be offered with a permitted use in the B-1 like with an office space. The only restriction might be with the new cannabis law, so there might be a state law restricting it from licensed daycare facilities. At this time the Village has not opted in and most likely it will not be allowed in B-1 Zoning. It might also impact a tobacco type of business but he is not sure if that is also even allowed in the B-1 Zoning.

Angela Cipolla was sworn in. She asked why she received the letter because she is more than 250 feet away from this property.

Mr. Herman stated the buffer is measured from the applicant's property lines and does not include any right-of-ways.

Ms. Cipolla said her only concern would be the increased traffic on Leinster Drive. She lives in unincorporated Cook County and Cook County has not been out once in the 30 plus years to fix anything.

Chairman Studebaker asked if there was anyone else in the audience that wanted to come up and speak in regards to this public hearing. None responded. He then called for a motion to close the public hearing.

Commissioner O'Connor made a motion, seconded by Commissioner Cunningham to close the public hearing for Case #19-14. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Commissioner McGleam said he would like to reword staff's recommendation number three.

Chairman Studebaker stated he would like to see the applicant provide data to back up the parking statistics. He asked if the Commission had any other comments. None responded.

Plan Commission Recommendation

Chairman Studebaker called for a motion for recommendation.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to recommend to the Mayor and Board of Trustees approval of Case 19-14 Special Use Permit with Variations for a Child Daycare Facility (Kiddie Academy) with the following conditions:

1. Provide a location for snowplowing in the winter.
2. Provide a designated location for the Kiddie Academy buses (if applicable) and verify they do not block the drive aisles or vision.
3. Applicant is to secure the Fire Protection District approval of their engineer's developed auto turning radius submittal.
4. Address any outstanding or forthcoming comments from the Village Engineer.
5. The applicant is to provide historical parking data to support their position for the reduced number of parking stalls.

A roll call vote was taken:

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

Nays: None

Motion passed

Findings of Fact

Commissioner McGleam made a motion, seconded by Commissioner Carmody to authorize the Chairman to approve the Findings of Fact for Case 19-14 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

C. 19-15 HUGHIE’S IRISH PUB SPECIAL USE PERMIT TO ALLOW OUTDOOR DINING

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

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 19-15. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Mrs. Tate said Manus McClarrferty, of the Lemont Group, is requesting a special use to allow for an outdoor dining and drinking area at Hughie’s Irish Pub. Outdoor dining is a special use in the Downtown District when there is a capacity of 10 or more patrons. There is currently 1,200 square feet of paved area which allows for 112 people to be on the outside patio. They are proposing to have a small stage for live outdoor entertainment that would be on Thursday, Friday and Saturday. The request will be till 12 a.m. On the other days they are requesting to have music from the jukebox playing outside till 11 p.m. Patio access will be through the front door.

The Comprehensive Plan designates this area as mixed use. Some of the goals is to develop the downtown area as a destination place for visitors and to also support local establishments in the downtown and throughout Lemont. There are four applicable standards for the special use that should be met for recommendation. The downtown district is a unique district meant to have mix uses and offerings. The dining area is enclosed and will keep patrons inside the gated space in an orderly and safe manner. Staff is recommending an appropriate end time for outside entertainment, food and drink so to not disturb neighboring properties and cause excessive demands on Village services. Further explanation of egress and emergency exits is being requested from the applicant to verify safe and orderly exiting during an emergency event.

Mrs. Tate stated there are residential units on second floors adjacent to the subject property and also in close proximity down the street and across the street. General concerns for this type of proposal are noise, garbage, access to the patio from the outside and safety. The applicant has stated that the patio will only be accessed from

the front door of the pub, but further clarification on emergency exit and access should be provided.

In conclusion, this would be a great enhancement for the downtown however, there is still the concern of noise and sensitivity for neighbors. Staff is recommending approval with conditions that are listed in staff's report.

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

Commissioner McGleam asked what noise ordinance does the Village have in place that would regulate the amount of noise that would come from this.

Mr. Herman said he would look them up and get back to him.

Commissioner Pawlak asked for the other establishments that have outdoor dining are there similar restrictions.

Mrs. Tate stated you typically see for Friday and Saturday so the Thursday night was not a standard request.

Chairman Studebaker said there is the gate for the emergency exit, but where is the additional emergency exit.

Mrs. Tate stated the gate is not supposed to be used as an entrance so staff wants to know if there is a locking mechanism on it that does allow for easy emergency exiting.

Commissioner McGleam asked if building code governs egress.

Commissioner Zolecki said the gate will have to swing out and typically the gate cannot swing out into a right-of-way. The fence appears to be right on the property line. The gate needs to set inward so it can swing out.

Commissioner Pawlak asked if the fencing was already in place.

Mrs. Tate stated the fence is in place.

Mr. Herman said going back to the sound levels, there is a table that establishes a maximum permissible sound level. The table does have a source zoning district and then the receiving zoning district which the downtown would be both. The number is 60 which he assumes would be decibels. There is some text in the code in regards as to how that is to be measured. If there is a nuisance complaint it does need to be followed up with by code enforcement. It also includes illumination as well.

Chairman Studebaker asked if they are issued tickets what would the next step be. He asked would their special use would be in jeopardy.

Mr. Herman stated if fines are issued and they do not comply then the liquor license or business license could be pulled or a condition could be written in to revoke the special use if they don't comply.

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

Applicant Presentation

Mrs. Tate said the applicant is not present this evening and they do not have a representative present this evening.

Chairman Studebaker asked if there was anyone in the audience that wanted to come up and speak in regards to this public hearing.

Public Comment

Humberta Gallardo, owner of H & H Restaurant, was sworn in. She stated that the owner and employees of Hughie's are parking in front of the building. She feels those should be left open for customers.

Chairman Studebaker said he understands but feels that needs to be worked out outside from this public hearing this evening. He recommended talking with the Chamber of Commerce.

Mrs. Gallardo stated their patrons are smoking in front of her building and leaving the cigarette butts there on the ground. The outdoor patio tables where people are sitting out front keep moving over in front of her business.

Mr. Herman said there is an outdoor café license agreement that the Village has. Hughie's should have provided a site plan. The tables should be in front of their space, but over time things slightly move or customers want a little more room. The owners should move them back.

Mrs. Gallardo stated she is concerned that the music will be noisy at night.

Richard Czuchra said H & H has been around for 30 some years and have done a lot for the community. If the gate is locked then emergency services are not able to get in there. The fence is completely blocking off the other businesses from getting deliveries and basically putting them out of business. He does not mind the outdoor dining because we live in a climate where it is only good for three to four months a

year. Lemont used to be the Village of Faith but the people made them drop it. He wonders with all the bars that are going in what will be the next by-line.

Stacy Stackhouse stated she has been going to H & H restaurant for over 20 years. The mayor spoke earlier about how Lemont is a quaint and wonderful community. This proposal is not quaint whatsoever. If this proposal is for outdoor dining then how is it already built when the hearing is today. The stage is already built. If this patio can hold 112 people there is going to be an issue with parking. Currently, she has to park by Pollyanna's just so she can go to H & H for breakfast or dinner. The outdoor dining in the front of Hughie's is halfway in front of H & H. There are people that live above these businesses and she feels that allowing music whether through speakers or live music till 11 p.m. at night is unacceptable in our "quaint" Village of Lemont. There are several small businesses that have come and gone in the downtown area because there is no place to park. Now the Village wants to bring people downtown for an outdoor beer garden which is not consistent with the kind of neighborhood and the quaintness that they are stating that they want, which has been here for years.

Ms. Stackhouse said when the business opens the front windows you can hear everything that is going on in the business. Mrs. Gallardo is not able to access her garbage or get deliveries. The owner of the business is constantly parking in the no parking spot. She stated that Mrs. Gallardo does not speak very good English, is hard of hearing and she does not understand how all of this is able to happen all around her.

Commissioner Pawlak asked if there have been permits for the fencing.

Mr. Herman stated any property can build a fence as long as it complies with the zoning regulations. This does comply with the zoning regulations and the fence is on his property.

Ms. Stackhouse said she feels that the fencing does not fit in with the downtown area and is surprised he was allowed to put it up.

Commissioner McGleam clarified that the proposal was just for property that the applicant owns.

Mrs. Tate stated yes it is.

Ms. Stackhouse asked if it was okay for a special use to be allowed to have music blaring so late at night.

Mr. Herman said like he stated for the previous public hearing, a special use is a use that has been determined to be compatible for the zoning district. It does require some additional level of review for various reasons and one could be the noise. This is why they send out notices and it is up to the Planning and Zoning Commission to

consider as part of their recommendation to put any special conditions or limitations on the special use.

Ms. Stackhouse asked if there were any notices sent out for him to build the outdoor patio or was he okay to build it.

Mr. Herman stated he built the fence but the “use” cannot be used without the special use.

Commissioner McGleam asked if the applicant needed a permit to build the stage.

Mr. Herman said he is not aware of the stage. He does not believe it is a permanent structure.

Ms. Stackhouse asked if there is so many feet that they are allowed to have in front of their business and does anyone check on that.

Mr. Herman stated this is the first time he has heard that there was an issue and he will have code enforcement follow-up with it.

Ms. Stackhouse said she feels the special use does not go along with the quaintness of the Village. There will be parking issues, noise pollution, and safety issues. Unfortunately, she did not help Mrs. Gallardo sooner because all of this has happened and she did not know how to take charge of it. She hopes the Commission will consider this and how ridiculous having a band out there would be. There is no reason why it has to go to midnight. Having the band play to 6 p.m. or 7 p.m. is reasonable. She does not understand where the 112 people are going to park. She would hate to see H & H close and for the people in this room be responsible for it.

Chairman Studebaker asked if her patrons use the parking garage or the Metra lots.

Ms. Stackhouse stated the parking located by Pollyanna and Bottles are always full. She will look by the Post Office and Canal Street but they are always full and she has to drive around.

Commissioner Cunningham said the issue of smoking was brought up and he assumes it is not allowed at an outdoor restaurant area.

Mr. Herman stated it was discussed recently and there is a distant requirement from the door which is a State law.

Trustee Stapleton said it cannot be anywhere near dining.

Commissioner Cunningham asked if the garbage for Hughie’s is located in the back in the same area as this outdoor dining. He asked if there is a distance requirement from where the garbage receptacle is located and the dining area.

Mr. Herman stated he is not sure but every restaurant gets inspected twice a year regarding health codes. Staff can follow-up with the Village's Health Inspector.

Commissioner Carmody asked what is the cut-off time for other events in the downtown area.

Commissioner Cunningham said the Sunset Soiree was done at 10 p.m. He felt the 12 a.m. cut-off on a Thursday night was not acceptable.

Chairman Studebaker asked in regards to safety and the back walkway area, is there a way for someone to get out into that walkway. If there was a fire in the front of the building or the south side is there a way for people to get out into the gangway area. He asked if there was a way one could be put in.

Commissioner Zolecki said that would be up to the building review to decide if 112 people going through the building is acceptable or not. Staff had talked about in their report about having an egress plan and it is up to the Commission to echo that concern. The gate looks like it swings out into the right-of-way and it doesn't have the proper hardware. Those are things that they need to be looking at.

Commissioner McGleam asked during what review do they look at the quantity of egresses based on the number of occupancy.

Commissioner Pawlak stated he thinks the Fire Department should evaluate and review to determine for this use that they have the proper exit strategy for the safety of the 112 people.

Mr. Herman said staff can touch base with the Fire Department.

Commissioner Zolecki stated he agrees that the Fire Department needs to review this but more importantly the Building Code reviewer to review this use. These are building codes that they are talking about.

Commissioner McGleam said they need to submit an egress plan at a minimum.

Discussion continued in regards to the egress for the maximum amount of occupancy.

Commissioner Zolecki stated they currently have an occupancy permit. This request would significantly change that occupancy permit so it needs to be re-evaluated.

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

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to close the public hearing for Case 19-15. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Commissioner Zolecki said in regards to smoking, there is most likely a law requiring the owner of the establishment to post a sign for the smoking distance from the entrance. However, they might want to make a recommendation to have something at the Canal Street egress.

Commissioner McGleam asked if the other Commissioners were in agreement in regards to the noise.

Chairman Studebaker stated he feels Thursday should end at 10 p.m. There is already a noise ordinance that has to be followed.

Commissioner Pawlak said he feels Thursday at 10 p.m. would be good and then 11 p.m. on Friday and Saturday.

Commissioner Carmody asked staff if they knew what other Village's did for cut-off times.

Chairman Studebaker asked if it had to be consistent with other outdoor dining.

Commissioner McGleam stated it is not the dining but rather the music.

Mr. Herman said most Village's do regulate these things through special use permits. Some communities might add in addition to the special use that they might have to apply for an entertainment permit request as well. You do want to be consistent but you do have to look at all the context like different zoning and location.

Chairman Studebaker asked if there were any further comments or questions. None responded.

Plan Commission Recommendation

Chairman Studebaker called for a motion for recommendation.

Commissioner Zolecki made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 19-15 Hughie's Irish Pub Special Use Permit to Allow Outdoor Dining with the following conditions:

1. The outdoor dining area shall close no later than 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday.

2. The patio shall not allow patrons to enter at the gates without a staffed attendant working the gate. The gate or another gate should be provided for an emergency exit.
3. The outdoor entertainment volume should be kept at a minimum; to be enjoyed by Hughie's patrons but not heard beyond the subject property.
4. Provide planters for landscaping at or near the gate entrances.
5. Signage identifying smoking restrictions should be posted at the egress on Canal Street.
6. The plans are reviewed for proper occupancy permitted by the Village of Lemont and/or authority having jurisdiction over any/all code requirements for egress, including but not limited to quantity of egress, direction of travel and proper hardware.

A roll call vote was taken:

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

Nays: None

Motion passed

Findings of Fact

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to authorize the Chairman to approve the Findings of Fact for Case 19-15 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

Commissioner McGleam thanked staff for putting together such a good packet.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURNMENT

Chairman Studebaker called for a motion to adjourn the meeting.

Commissioner O'Connor made a motion, seconded by Commissioner Pawlak to adjourn the meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Jamie Tate, AICP, Consulting Planner
THRU: Mark Herman, MPA, AICP, Community Development Manager



CASE NUMBER & NAME
 19-16 541 Ledochowski Street Variation

APPLICANT/PROPERTY OWNER
 Saint Cyril And Methodius Church

DATE
 November 6, 2019

PROPERTY ADDRESS/LOCATION
 541 Ledochowski Street

BRIEF SUMMARY OF REQUEST

The Applicant is requesting a variance to access a new attached garage from the street rather than the alley, as required by the UDO. When an alley is available or existing, the UDO requires the garage on the lot to be accessed from the alley. The variation request would accommodate the existing single-family home and detached garage being demolished and replaced with a new home and attached front-loading garage. The purpose of the development is to allow for a new rectory home with guest suites and rooms.

The proposed development will meet all R-4A setbacks, standards and other UDO requirements.



MAP SOURCE: CC GIS

<p>EXISTING ZONING R-4A, Single-Family Preservation and Infill District</p>	<p>EXISTING LAND USE Single-Family home with detached garage</p>	<p>SURROUNDING ZONING & LAND USE North: R-4A, Single-family home South: R-4A, Church parking lot East: R-4A, Single-family homes West: R-4A, Church/School parking lot</p>	<p>REQUESTED ACTIONS Variation</p>	<p>SIZE OF PROPERTY 6,996 SF 0.16 acres</p>
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PROPERTY HISTORY

At this time, the existing home on the subject property has been demolished, as visible in the attached photographs. In order to expedite the process and meet deadlines, the proposal was reviewed at the Committee of the Whole (COW) meeting on October 21, 2019 prior to the public hearing at the PZC. The COW discussed the variation and did not have any additional comments or conditions to impose on the proposal.

<p>COMPATIBILITY with the COMPREHENSIVE PLAN</p> <p>The proposal is compatible with the Lemont 2030 Comprehensive Plan as it promotes Infill Residential Development (INF). The proposal furthers the goals and objectives to preserve Lemont’s single-family character and maintain high standards for residential design. The INF district states that ‘any new development will be consistent with the established character of these neighborhoods’. The surrounding properties are single-family homes and church related uses, therefore the new construction of a single-family home is consistent with the established neighborhood.</p>	<p>COMPATIBILITY with the UNIFIED DEVELOPMENT ORDINANCE</p> <p>The proposal is compatible with all aspects of the UDO besides the requested variation. The new home will meet the bulk, lot and dimensional standards for the R-4A district along with the residential design guidelines. A single-family home is compatible with the neighborhood as the surrounding land use with the majority of single-family homes, besides the church associated parking lots and structures.</p>
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STAFF RECOMMENDATION: **APPROVE** APPROVE WITH CONDITIONS DENY

ATTACHMENTS

1. Staff Analysis
2. Site Photographs
3. Variation Application and Worksheet
4. Plat of Survey
5. Architectural Plans Site Grading Plan

Attachment 1 – Staff Analysis – Ledochowski Variation

The proposed single-family home is designed to meet all requirements of the UDO (such as setbacks, landscaping, architecture, etc.), except the applicant is requesting one variance regarding the attached front-loading garage. The following variation is proposed for the new rectory home:

Code Section	UDO Requirement	Proposal and Analysis
§17.07.020 F. 2.	If an existing alley provides access to the lot in question, then detached and attached garages shall be accessed from the alley.	The new home is proposing a front-loading attached garage that is to be accessed from Ledochowski Street rather than the alley adjacent to the lot. The prior home, that has since been recently demolished, accessed the detached garage in the rear yard of the property from a driveway off of Ledochowski Street adjacent to the north property line. The alley did not serve the previous home and it does not serve the home to the north of the subject property as well. The applicant states there is a grade change with an existing retaining wall between the subject property and the home lot that does not allow for appropriate access.

STANDARDS FOR VARIATIONS

The new rectory home for Saint Cyril and Methodius Church requires a variation to the UDO as proposed with a front loading attached garage. 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;**

The general purpose of the UDO is specified in UDO Section 17.01.050:

- Promoting and protecting the public health, safety and general welfare;*

- *Ensuring adequate natural light, air, privacy, and access to property;*
- *Avoiding or mitigating the hazards to persons and property resulting from accumulation of runoff or flood waters;*
- *Protecting the character of established residential neighborhoods;*
- *Maintaining and promoting economically vibrant and attractive commercial areas;*
- *Establishing clear and efficient development review and approval procedures; and*
- *Conserving the value of land and buildings throughout the Village; and*
- *Accommodating development and growth that is consistent with the preceding stated purposes.*

Analysis. The proposed variation is in harmony with the above stated purpose statements found in the UDO. The new home is designed to meet all the parameters of the R-4A zoning district except to access the garage from the street rather than the alley.

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.

- ***Particular physical surroundings, shape, or topographical conditions results in a particular hardship upon the owner as distinguished from a mere inconvenience.***
 - **Analysis.** There is an existing grade change with a 2.5' retaining wall in the rear of the property that does not allow for appropriate access from the alley to the subject property.
- ***The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district.***
 - **Analysis.** There are other properties that are in the same zoning district, particularly the adjacent home to the north, that may have the same or similar conditions. Due to the grade changes throughout this zoning district and in this particular area, it could allow for inconvenient and impractical access from the alleyway to home lots. The lot adjacent to the subject property to the north does not currently access their detached garage from the alley, rather a long driveway runs from the street to the rear of the lot in order to access the garage.

- ***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.***
 - **Analysis.** The hardship has not been created by any person presently having an interest in the property, rather the hardship is in the elevation change from the alley to the subject property, causing an unreasonable burden on the property owner to provide access to a garage from the alley.

 - ***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.***
 - **Analysis.** The variation should not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The previous home with detached garage that has been recently demolished has an existing curb cut to access the garage from Ledochowski Street and has not been utilizing the alley in the past. There will not be much difference between the previous driveway compared to the new driveway except the new garage is attached to the home and the previous garage was detached in the rear of the property.

 - ***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.***
 - **Analysis.** The proposed variation should not substantially increase congestion in the public street or endanger the public safety or substantially diminish property values within the neighborhood. The new home is designed to meet the bulk and dimensional standards appropriate for the existing zoning district. The variation to access the garage from the street rather than the alley is consistent with the previous home and it is also consistent with the neighboring property.
3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Analysis. It does not appear the variation will alter the essential character of the locality or be a substantial detriment to adjacent property. The new home has been designed to fit in with the surrounding neighborhood while better serving the church and its guests.

CONCLUSIONS & RECOMMENDATIONS

The demolition of the existing single-family home with a detached garage to allow for a new rectory with guest rooms and suites requires a variation from the UDO to allow the new attached garage to be accessed from Ledochowski Street rather than the adjacent alleyway. The previous home also accessed the garage (detached in the rear) from Ledochowski Street by a long narrow driveway that was situated along the northern property line. The new driveway will shift south and be more centered on the subject property providing more of a buffer for the neighboring property to the north. Staff does not find a significant difference in the previous condition versus the new proposal and therefore is recommending approval of the proposed variation.

Attachment 2

Site Photographs

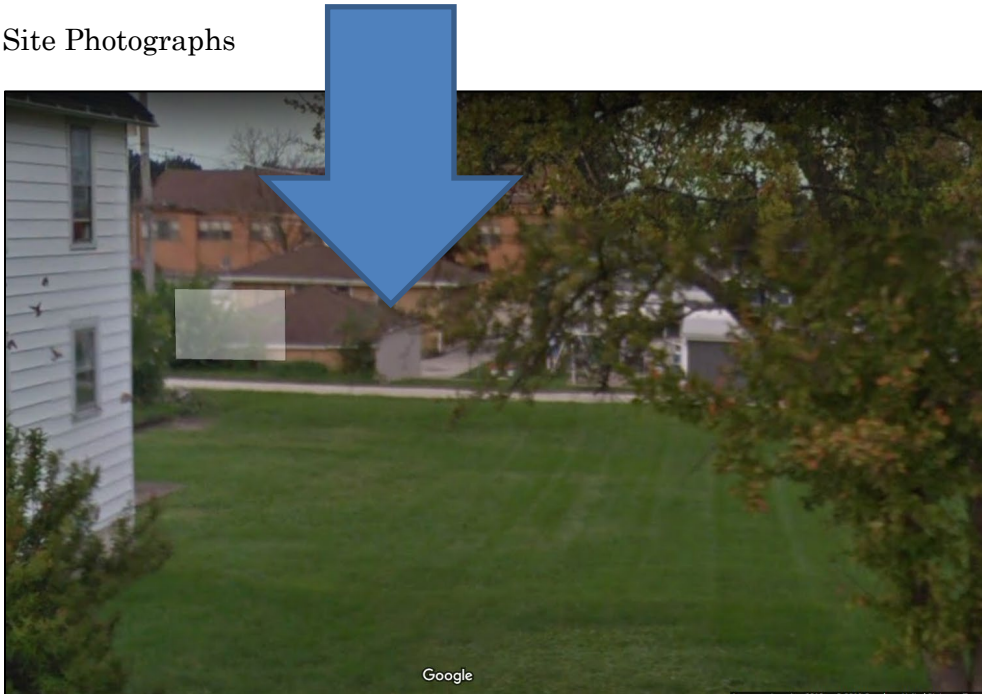


Figure 1: View from McCarthy Street demonstrating elevation change from alley.



Figure 2: View from Ledochowski street looking south.



Figure 3: View from alley and adjacent church parking lot looking at rear of subject property.



Figure 4: View of front of subject property from Ledochowski Street.



Figure 5: View standing in alley of rear of property.

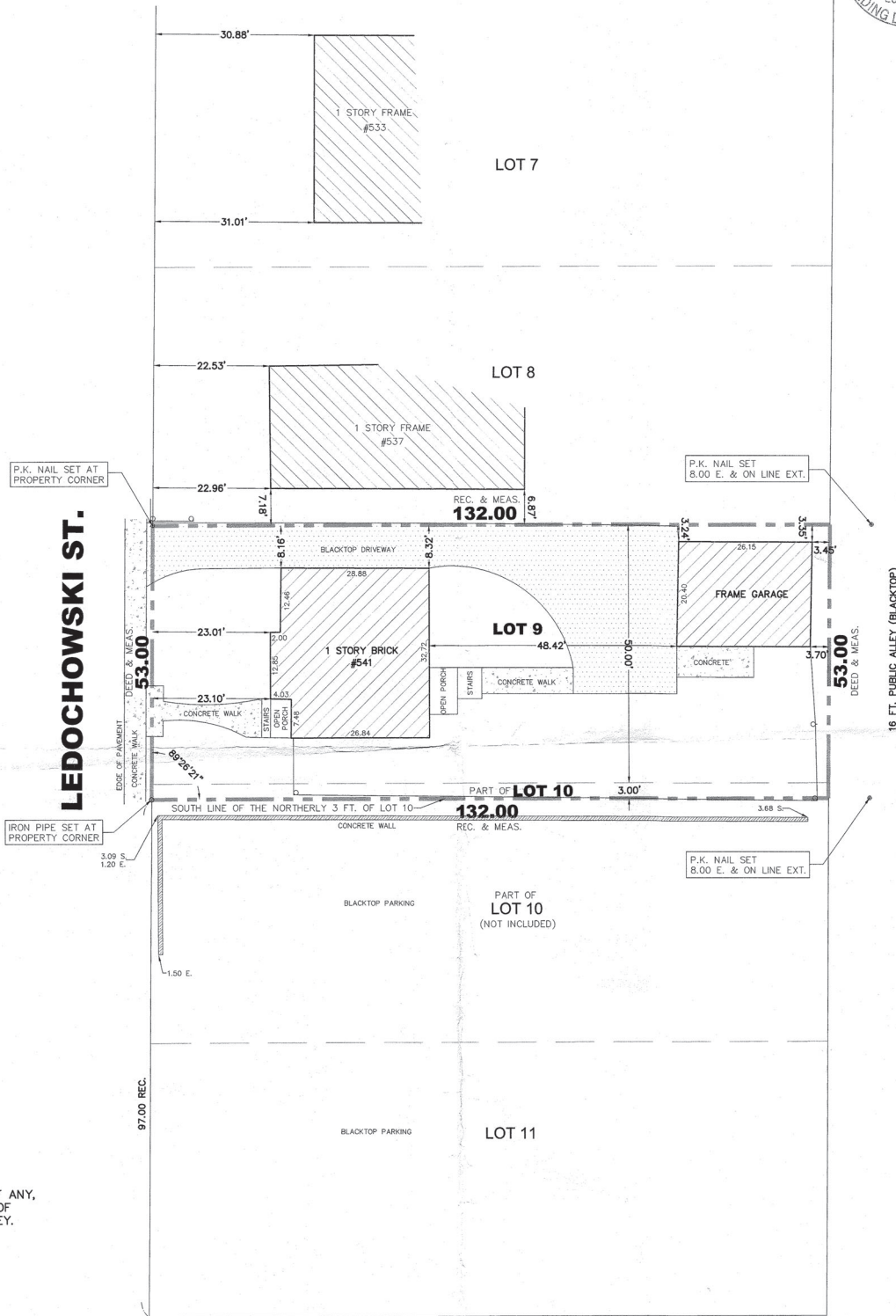
SPIEWAK CONSULTING

PROFESSIONAL DESIGN FIRM
LICENSE NO. 184.006518
1030 W. HIGGINS RD. SUITE 218, PARK RIDGE, IL 60068
phone: (773) 853-2572
phone: (630) 351-9489
www.landsurveyors.pro
andrew@landsurveyors.pro

PLAT OF SURVEY

by
ANDREW SPIEWAK LAND SURVEYOR, INC.
of

LOT 9 AND THE NORTHERLY 3 FEET OF LOT 10 IN JASNAGORA, A SUBDIVISION OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS



NOTE:
SETBACK OR EASEMENT LINES, IF ANY, ARE NOT SHOWN DUE TO LACK OF RECORDS AT THE TIME OF SURVEY.

COMMONLY KNOWN AS:
541 LEDOCHOWSKI ST.
LEMONT, IL 60439
P.I.N. 22-29-208-027-0000
LAND AREA ± 6,996 sq. ft.

- Legend**
- FENCE
 - WD = WOOD FENCE CL = CHAIN LINK
 - N.F. = NORTH FACE S.F. = SOUTH FACE
 - W.F. = WEST FACE E.F. = EAST FACE
 - I.P. = IRON PIPE L.R. = IRON ROD
 - I.F. = IRON FENCE
 - MEAS. = MEASURED REC. = RECORD
 - IRON ROD FOUND ○ IRON ROD SET
 - IRON PIPE FOUND ○ IRON PIPE SET
 - ⊕ CROSS FOUND & SET
 - PROPERTY LINE

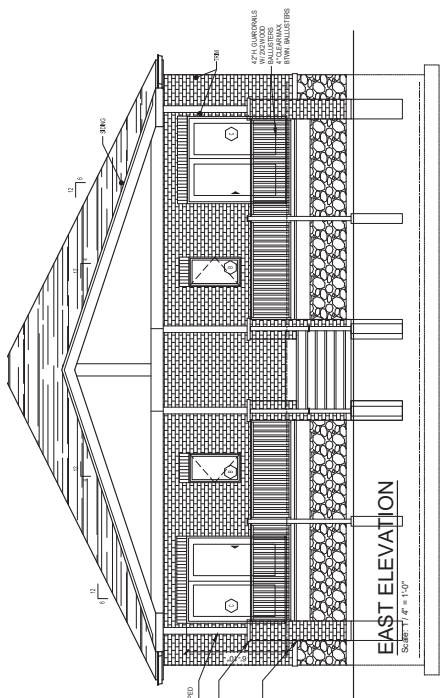
SCALE: 1 INCH EQUALS 15 FEET.
DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF.

ORDERED BY: JOE SKIBA
COMPANY OR ORGANIZATION: KASPER DEVELOPMENT
SURVEYED BY: JG
DRAWN BY: AM
CHECKED BY: AFS
PROJECT No: 206-19

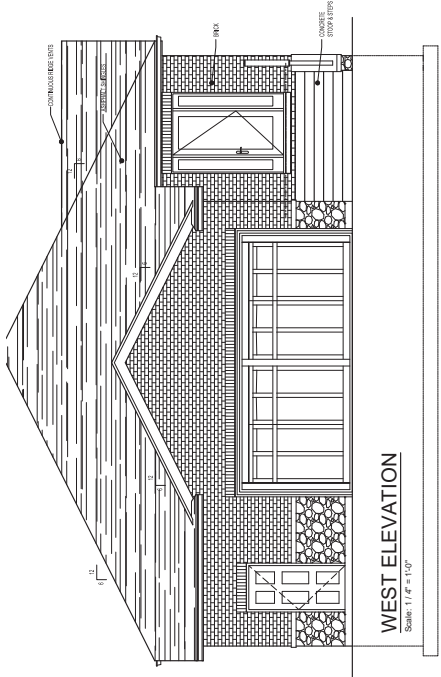


STATE OF ILLINOIS) COUNTY OF COOK) S.S.
ANDREW SPIEWAK LAND SURVEYOR, INC. A PROFESSIONAL DESIGN FIRM, LAND SURVEYING CORPORATION, LICENSE No.: 184.006518
HEREBY CERTIFIES THAT A SURVEY HAS BEEN MADE UNDER THE DIRECTION AND SUPERVISION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR OF THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.
FIELD WORK WAS COMPLETED ON 6th DAY OF AUG. A.D. 20 19.
CHICAGO, ILLINOIS, DATE OF PLAT 10th DAY OF AUG. A.D. 20 19.
BY: Andrew F. Spiewak
ILLINOIS PROFESSIONAL LAND SURVEYOR
ANDRZEJ F. SPIEWAK LICENSE No. 035.003178
LICENSE EXPIRES 11/30/2020
PROFESSIONAL DESIGN FIRM, LAND SURVEYING CORPORATION,
LICENSE NO. 184.006518 EXPIRES 04/30/2021

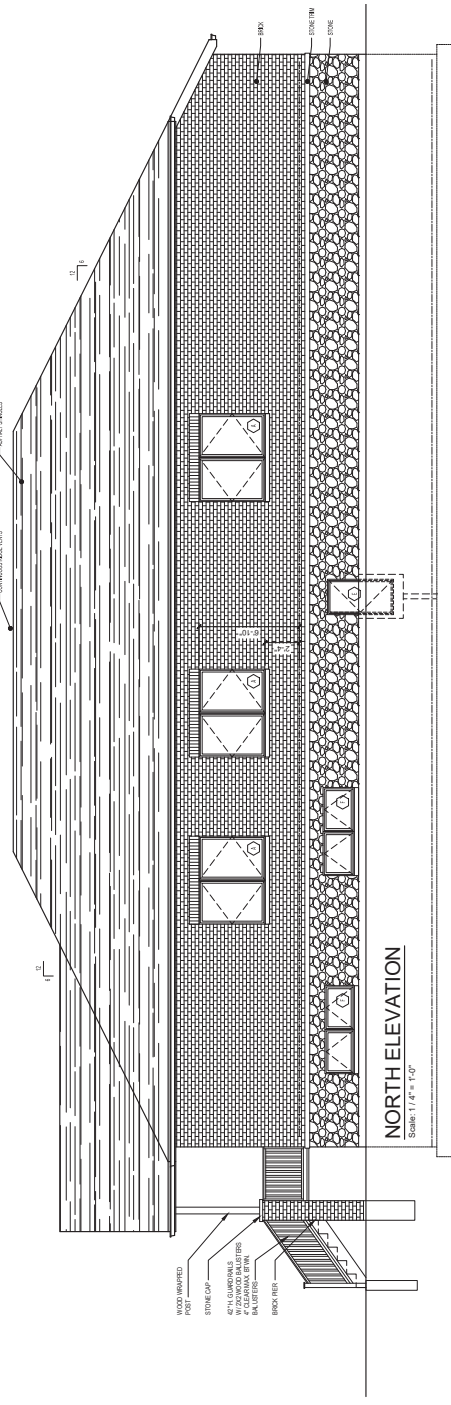
WINDOW SCHEDULE			
NO.	SYMBOL	DESCRIPTION	TYPE
1	1	WOOD SHAPED POST	WOOD
2	2	STONE CAP	STONE
3	3	BROOKLYN	BRICK
4	4	6" x 6" SQUARE	CONCRETE
5	5	1/2" x 1/2" SQUARE	CONCRETE
6	6	1/4" x 1/4" SQUARE	CONCRETE
7	7	1/8" x 1/8" SQUARE	CONCRETE
8	8	1/4" x 1/4" SQUARE	CONCRETE
9	9	1/2" x 1/2" SQUARE	CONCRETE
10	10	3/4" x 3/4" SQUARE	CONCRETE
11	11	1" x 1" SQUARE	CONCRETE
12	12	1 1/2" x 1 1/2" SQUARE	CONCRETE
13	13	2" x 2" SQUARE	CONCRETE
14	14	3" x 3" SQUARE	CONCRETE
15	15	4" x 4" SQUARE	CONCRETE
16	16	6" x 6" SQUARE	CONCRETE
17	17	8" x 8" SQUARE	CONCRETE
18	18	10" x 10" SQUARE	CONCRETE
19	19	12" x 12" SQUARE	CONCRETE
20	20	14" x 14" SQUARE	CONCRETE
21	21	16" x 16" SQUARE	CONCRETE
22	22	18" x 18" SQUARE	CONCRETE
23	23	20" x 20" SQUARE	CONCRETE
24	24	22" x 22" SQUARE	CONCRETE
25	25	24" x 24" SQUARE	CONCRETE
26	26	26" x 26" SQUARE	CONCRETE
27	27	28" x 28" SQUARE	CONCRETE
28	28	30" x 30" SQUARE	CONCRETE
29	29	32" x 32" SQUARE	CONCRETE
30	30	34" x 34" SQUARE	CONCRETE
31	31	36" x 36" SQUARE	CONCRETE
32	32	38" x 38" SQUARE	CONCRETE
33	33	40" x 40" SQUARE	CONCRETE
34	34	42" x 42" SQUARE	CONCRETE
35	35	44" x 44" SQUARE	CONCRETE
36	36	46" x 46" SQUARE	CONCRETE
37	37	48" x 48" SQUARE	CONCRETE
38	38	50" x 50" SQUARE	CONCRETE
39	39	52" x 52" SQUARE	CONCRETE
40	40	54" x 54" SQUARE	CONCRETE
41	41	56" x 56" SQUARE	CONCRETE
42	42	58" x 58" SQUARE	CONCRETE
43	43	60" x 60" SQUARE	CONCRETE
44	44	62" x 62" SQUARE	CONCRETE
45	45	64" x 64" SQUARE	CONCRETE
46	46	66" x 66" SQUARE	CONCRETE
47	47	68" x 68" SQUARE	CONCRETE
48	48	70" x 70" SQUARE	CONCRETE
49	49	72" x 72" SQUARE	CONCRETE
50	50	74" x 74" SQUARE	CONCRETE
51	51	76" x 76" SQUARE	CONCRETE
52	52	78" x 78" SQUARE	CONCRETE
53	53	80" x 80" SQUARE	CONCRETE
54	54	82" x 82" SQUARE	CONCRETE
55	55	84" x 84" SQUARE	CONCRETE
56	56	86" x 86" SQUARE	CONCRETE
57	57	88" x 88" SQUARE	CONCRETE
58	58	90" x 90" SQUARE	CONCRETE
59	59	92" x 92" SQUARE	CONCRETE
60	60	94" x 94" SQUARE	CONCRETE
61	61	96" x 96" SQUARE	CONCRETE
62	62	98" x 98" SQUARE	CONCRETE
63	63	100" x 100" SQUARE	CONCRETE



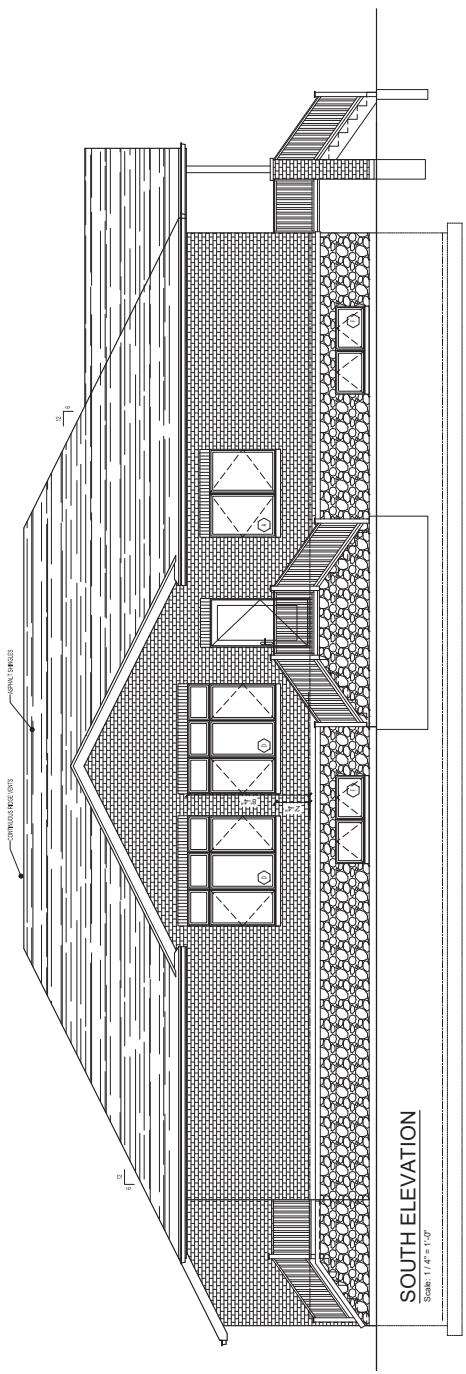
EAST ELEVATION
Scale: 1/4" = 1'-0"



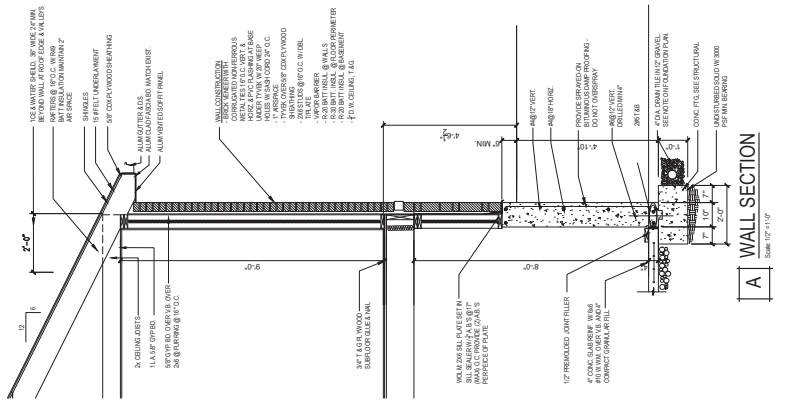
WEST ELEVATION
Scale: 1/4" = 1'-0"



NORTH ELEVATION
Scale: 1/4" = 1'-0"



SOUTH ELEVATION
Scale: 1/4" = 1'-0"

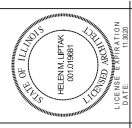


A WALL SECTION
Scale: 1/2" = 1'-0"

SINGLE FAMILY RESIDENCE FOR
541 LEDOCHOWSKI
LEMONT, ILLINOIS

HELEN M. LIPTAK, ARCHITECT, INC.
LEMON, ILLINOIS
630.257.6331 p: 630.257.6388 fax: helenliptak@comcast.net

I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED OR CAUSED TO BE PREPARED UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES OF LEMONT, ILLINOIS.



SCALE AS NOTED
DATE: 04.12.19
DRAWN: ML

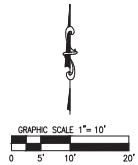
SHEET:
A-2

PROPOSED SITE GRADING PLAN

PN: 22-29-208-027-0000

LEGAL DESCRIPTION

LOT 9 AND THE NORTHERLY 3 FEET OF LOT 10 IN JAWACORA, A SUBDIVISION OF THE WEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SEC 26, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



LEGEND

PROPOSED	DESCRIPTION
	STORM SEWER
	WATER MAIN WITH SIZE
	SANITARY SEWER
	CONDUIT
	SPOT GRADE
	SANITARY MANHOLE
	STORM MANHOLE
	STORM INLET
	STORM CATCH BASIN
	CLEANOUT
	FIRE HYDRANT
	BUFFALO BOX
	GATE VALVE/WAULT
	OVERFLOW DIRECTION
	CURB
	SILT FENCE OR SILTWORK
	DOWNSPOUT (TO UNDERGROUND)
	DOWNSPOUT
	TOP OF FOUNDATION
	GARAGE FLOOR ELEVATION
	BRICK LEDGE
	WINDOW WELL
	TRENCH BACKFILL

NOTE:
 THE PROPOSED SITE GRADING PLAN PROVIDED BY ADVANTAGE CONSULTING ENGINEERS SHALL BE USED FOR PROPOSED ELEVATIONS AND PROPOSED GRADING ONLY. THE CONTRACTORS EXCAVATING FOR THE FOUNDATION AND FOUNDING FOUNDATION ARE RESPONSIBLE FOR VERIFYING THE FOUNDATION DIMENSIONS AND LAYOUT BEFORE STARTING CONSTRUCTION. THE FOUNDATION DIMENSIONS SHALL BE BASED OFF THE APPROVED ARCHITECTURAL PLANS, NOT THIS LOT GRADING PLAN.

NOTES:
 1. SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, STEP LOCATIONS, AND ALL SPECIAL FOUNDATION REQUIREMENTS.
 2. SEE SITE LANDSCAPING PLANS FOR TREE LOCATIONS, SIZE, ETC.
 3. SILT FENCE SHALL BE INSTALLED BEFORE CONSTRUCTION BEGINS AND MAINTAINED DURING THE PROJECT.
 4. SIDE WIND SHIELDS MUST BE A MINIMUM ONE FOOT LOWER THAN WINDOW WELLS.
 5. TRENCH BACKFILL FOR WATER AND SANITARY SERVICES SHALL BE COMPACTED.
 6. EXISTING TOPOGRAPHY PROVIDED BY J.H. LAND SURVEYING, INC.
 7. IF AN EXISTING WELL OR SEPTIC FIELD IS FOUND DURING CONSTRUCTION, WORK SHALL BE STOPPED AND CONTACT WELLS & SEPTIC HEALTH DEPARTMENT.
 8. A SEWER AND WATER SERVICE SHALL BE DISCONNECTED PRIOR TO DEMOLITION OF BUILDING.

BENCHMARKS:

ON SITE BM: SW FLANGE BOLT ON HYDRANT UNDER THE LETTER "A" IN "USA"
 ELEV: 716.00 (NAVD88)
 FEMA BM: P10 MEY731
 ELEV: 616.41 (NAVD88)

FRONT SETBACK COVERAGE

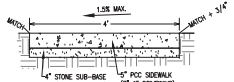
IMPERVIOUS AREA	=	549 SF
TOTAL AREA	=	1,320 SF
FRONT SETBACK COVERAGE	=	41.06%

LOT COVERAGE

IMPERVIOUS AREA	=	4,065 SF
TOTAL AREA	=	7,000 SF
LOT COVERAGE	=	58.07%

- A 1" BITUMINOUS CONCRETE SURFACE COURSE, HOT MIX ASPHALT, MIX. C
- B 8" CRUSHED AGGREGATE BASE COURSE, TY. B
- C COMPACTED SUB GRADE

DRIVEWAY PAYMENT SECTION



CONCRETE SIDEWALK
N.T.S.



ADVANTAGE
 CONSULTING ENGINEERS
 80 MAIN STREET, SUITE 17, LEMONT, ILLINOIS 60439
 (630) 984-3292

PROPOSED SITE GRADING PLAN
541 LEDOCHOWSKI STREET
LEMONT, IL

KASPER DEVELOPMENT, LLC
 444 WEST 41st STREET
 CHICAGO, ILLINOIS 60609

SEPTEMBER 10, 2019
 JOB: 19-054
 SHEET:
C1
 1 OF 1

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Jamie Tate, AICP, Consulting Planner
THRU: Mark Herman, MPA, AICP, Community Development Manager



CASE NUMBER & NAME

19-17 Route 83 and Main Street Rezoning

APPLICANT/PROPERTY OWNER

Village of Lemont

DATE

November 6, 2019

PROPERTY ADDRESS/LOCATION

Route 83 and Main Street

BRIEF SUMMARY OF REQUEST

The Village has been working with Bluestone Single Tenant Properties (Bluestone) for the past year to provide master development services for a mixed-use commercial development for the Village’s 16-acre site located at the intersection area of Route 83 and Main Street, known as 83 & Main. The current proposal and plan calls for a mix of uses consisting of a fuel station and convenience store, retail outlots, and light industrial. There has also been discussion regarding potential development/redevelopment of the Meno Stone site. There is desire for this site to also have a mix of commercial and industrial uses

This hearing covers the rezoning of the properties included in the 83 & Main development and adjacent areas in order to remain consistent with the comprehensive plan and ensure future development potential. In addition to the rezoning, a text amendment to the use Table 17-06-01 is proposed to make “freight transportation terminal” a prohibited use in the M-1, Light Manufacturing District and a Special Use in the M-2, General Manufacturing District.



MAP SOURCE: CC GIS

<p>EXISTING ZONING R-1, Single-Family Detached and M-2, General Manufacturing District</p>	<p>EXISTING LAND USE Vacant, industrial and office</p>	<p>SURROUNDING ZONING & LAND USE North:M-2, Industrial South: Unincorporated Cook County Residential; Existing homes. East: Unincorporated Cook County, Sag Quarries and Cook County Forest Preserve West: M-2, Industrial properties.</p>	<p>REQUESTED ACTIONS Rezoning and UDO Text Amendment</p>	<p>SIZE OF PROPERTIES INCLUDED IN REZONING ~ 22.9 acres</p>
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HISTORY

Between 2011 and 2015 the Village acquired 8 properties along the northwest corner of Rt. 83 and Main St, then located in the Gateway TIF, in order to create a single development site that could serve as an entryway to Lemont. Once assembled, the properties were cleared and environmental site assessments completed. In 2016, SB Friedman was hired as a development consultant and the Village began actively marketing the site with a RFQ and RFP. In 2017, the Village-owned properties, now tax-exempt, were removed from the Gateway TIF to create the Main & Archer TIF. Following an unsuccessful RFP, the Village began marketing the site directly to the real estate brokerage community.

<p>COMPATIBILITY with the COMPREHENSIVE PLAN</p> <p>The future land use map in the Comprehensive Plan shows this area as Community Retail (CR) and Employment Center (EC). The rezoning is consistent with the Lemont 2030 Comprehensive Plan.</p>	<p>COMPATIBILITY with the UNIFIED DEVELOPMENT ORDINANCE</p> <p>The proposed changes are more in line with the Unified Development Ordinance as the zoning districts will permit more appropriate uses with the update in zoning rather than the zoning that exists today.</p>
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STAFF RECOMMENDATION:

APPROVE

APPROVE WITH CONDITIONS

DENY

ATTACHMENTS

1. Staff Analysis
2. Site photos
3. Zoning change map

Attachment 1 - Staff Analysis – 83 & Main Rezoning

Property History

The Village has been actively marketing the 83 & Main site beginning with a comprehensive Request for Qualification (RFQ) and Request for Proposal (RFP) process back in 2016-17. The Village engaged a development consultant, SB Friedman, to assist in the RFP/RFQ process along with the reconfiguration of the two-tax increment finance (TIF) districts encompassing and adjacent to the site. The following timeline is a synopsis to date:

- **February 2009** – Establishment of the Gateway TIF
- **2011 – 2015** – Land purchases, annexation, demolition of buildings, and site remediation.
- **June 2016** – Village issued a RFQ to approximately 20 developers and brokers to generate interest in redeveloping the site.
- **August 2016** – the Village evaluated three firms that responded to the RFQ and issued a more detailed RFP to two selected firms.
- **Fall 2016** – the Village interviewed and selected one of the firms to move forward in the process. While there was no formal engagement with the selected firm, the Village worked exclusively with them until the spring of 2017. At the July 2017 Committee of the Whole Meeting, the board met to discuss the project and decided to go in another direction rather than pursue the agreement with the selected firm.
- **January 2017** – Establishment of the Main & Archer TIF
- **Fall 2017 – Spring 2019** - Village staff marketed directly to commercial developers and brokers, receiving proposals from potential partners. After several meetings and evaluation, Bluestone's concept proved to have a vision for the site that best aligned with the Village's goals for this gateway area and negotiation moved forward.
- **May 2019** – Development Services Agreement with Bluestone Single Tenant Properties (Bluestone) approved by Village Board.

In order to be consistent with the development goals of the Village's Memorandum of Understanding (MOU) with Bluestone, who is serving as the master site developer for the Village-owned properties at Route 83 and Main Street, the following map and text amendments are proposed:

- Village properties with frontage on Route 83 or the old Bell Road right-of-way zoned as B-3 Arterial Commercial. Additionally, the Meno Stone office building is proposed to be rezoned as B-3. This corrects the legal non-conforming office use of the property, which is not permitted in the current M-2 General Manufacturing zoning district and maintains commercial uses in the future along the heavily-trafficked IL-83.
- Properties along Main Street west of the proposed commercial parcels zoned M-1 Light Manufacturing. These parcels are currently zoned M-2, however the Unified Development Ordinance (UDO) states M-1 may be located adjacent to R districts. Property south of Main Street is zoned R-4 Single Family Detached.
- A text amendment to eliminate Freight Transportation Terminal (FTT) as a Special Use in M-1 and restore it as a Special Use in the M-2. FTT is a permitted use in M-3, Heavy Manufacturing. It was deleted from M-2 in a 2012 amendment.

The existing zoning with the proposed changes (the border bolded either red for B-3 or purple for M-1) are demonstrated in the Map provided in Attachment 2.

The following analysis is provided for the rezoning of the entire redevelopment area, rather than parcel by parcel. A unified redevelopment area is essential to consider in order to facilitate development and become consistent with the goals of the 2030 Lemont Comprehensive Plan.

STANDARDS FOR REZONING

Illinois courts have used an established set of criteria when evaluating the validity of zoning changes. The criteria are known as the LaSalle factors, as they were established in a 1957 lawsuit and serve as a useful guide to planners and appointed and elected officials who are contemplating zoning changes. The LaSalle factors are as follows with Staff analysis for the 83 & Main Street parcels.

1. The compatibility with the existing use and zoning of nearby property;

Analysis: The existing use and zoning of property nearby is a fragmented mix of zoning and land uses. Much of the land proposed to be rezoned is R-1, Single-Family Detached Residential District, which is not suitable for the highly visible and heavy trafficked intersection of Route 83 and Main Street. The land uses and zoning to the north and west of the is primarily industrial, with residential land use to the south across Main Street (Montefiori). The property to the east across Archer Avenue is the Forest Preserves of Cook County's Sag Quarries, which will likely remain open space and undeveloped. The change

from residential and manufacturing zoning to a commercial zoning district is more appropriate for an intersection such as Route 83 and Main Street.

- 2. The extent to which property values of the subject property are diminished by the existing zoning restrictions;*

Analysis: Much of the subject property is zoned residential in an area that is not ideal for residential land use. These properties were unincorporated when purchased by the Village, and R-1 is the default zoning district following annexation. The properties were not rezoned for commercial use at that time. Typical commercial uses are not permitted in residential districts therefore property values for a residentially zoned parcel would be less than if the property were a commercial zoning designation. The change in zoning designation will likely increase property values as it will allow for uses that are more appropriate at a highly visible intersection of two major arterial roadways.

- 3. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village;*

Analysis: The proposed zoning map amendments promote the public health, safety and welfare of the Village by revitalizing an underperforming gateway into the Village of Lemont. The rezoning will allow for the redevelopment of the subject property with appropriate entitlements and land use designations. The redevelopment of the subject property will be more in line with the Lemont 2030 Comprehensive Plan and the UDO, therefore promoting the health, safety and welfare of the Village as are the intentions of these documents.

- 4. The relative gain to the public, as compared to the hardship imposed upon the applicant;*

Analysis: The public will gain a more attractive entranceway into the Village, rather than a vacant commercial corner, with the potential to serve the Village of Lemont, its residents and non-residents, and create new revenues from sales taxes. Property tax within the TIF will be used to pay a bond and loans used to purchase the properties. There is difficulty in developing this area as it is currently incompatibly zoned. There is an advantage to unifying parcels with the same zoning district that is in line with the Village's plans and goals. Residential zoning has little potential to develop in this area and several parcels have past uses that would prohibit future residential development without a costly remediation effort. A commercial zoning designation with adjacent manufacturing zoning is more suitable for a busy intersection and the adjacent land uses.

- 5. The suitability of the subject property for the purposes for which it is presently zoned;*

Analysis: As already discussed, the residential zoning in this area is not ideal for any type of development or redevelopment. A small portion of the subject property adjacent to Archer Avenue currently zoned B-3 will remain B-3 through the proposed rezoning, which is a more appropriate land use and zoning district for this location. Properties remaining manufacturing, as currently zoned, will be buffered by the proposed commercial. The

rezoning of M-2 property on Main Street to M-1 is consistent with the zoning uses in the UDO and is a buffer to the adjacent manufacturing district. The zoning as mapped today is not compatible for redevelopment.

6. *The length of time that the subject property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located;*

Analysis: Much of the property has been vacant since the Village began purchasing lots and demolishing the onsite structures. Considering the location of the subject property, there is ample opportunity for development with the existing zoning hindering its redevelopment potential.

7. *The public need for the proposed use; and*

Analysis: Following the MOU between Bluestone and the Village, the proposed uses of a fuel station and convenience store, retail outlots and light industrial provide the Village with increased tax revenues, an improved visual entrance into the community and the opportunity for residents and non-residents to purchase fuel and goods within the Village of Lemont.

8. *The thoroughness with which the municipality has planned and zoned its land use.*

Analysis: The Village has been thorough with its planning and land use zoning, especially with the adoption of the Lemont 2030 Comprehensive Plan in 2014. The Comprehensive Plan designates the subject property and the area surrounding Employment Center (EC) and Community Retail (CR). While the existing zoning is not in line with the Comprehensive Plan, the timing to rezone has not been appropriate up until present day when there is now a master developer ready to redevelop the site. The future land use designations of EC and CR signify the Village's goals and objectives for this area and the thoroughness to which they had planned.

TEXT AMENDMENT

An amendment to the Table 17-06-01 Permitted and Special Uses in the Zoning Districts eliminates Freight uses from the M-1 district (the area proposed to be rezoned along Main Street) and restores Freight Transportation Terminal as a special use in the M-2, General Manufacturing district. Both impact the properties owned by Meno Stone that are presently zoned M-2 and correct legal non-conforming uses of adjacent property owners in the same zoning district. FTT is a permitted use in the M-3, Heavy Manufacturing District.

CONCLUSIONS & RECOMMENDATIONS

In order to provide the opportunity for redevelopment of the 83 & Main parcels the Village should rezone the 83 & Main and adjacent properties to create a more attractive development. The current zoning is fragmented and is not conducive to development with a mix of commercial, light and general manufacturing. Most of the properties are vacant and under Village control, creating an opportune time to guide a conforming development that furthers the goals of the Comprehensive Plan and falls in line with the intentions of the UDO. The Village has been strategic during the redevelopment process for 83 & Main and the proposed rezoning is a step towards the final redevelopment.

Staff is recommending approval of Case 19-17 Rezoning of 83 & Main Street parcels and the approval of the text amendment to remove Freight Transportation Terminals from M-1, Light Manufacturing District and allow them as a special use in the M-2, General Manufacturing District.

Attachment 2

Site Photos



Figure 1: Looking west from Archer Avenue at the intersection of Route 83 & Main Street



Figure 2: Looking west from Archer (Route 83) at the existing vacant B-3



Figure 3: Meno Stone office building proposed to be rezoned to B-3 from M-2



Figure 4: View from Main Street looking northeast at curb cut into the proposed B-3 subject property.

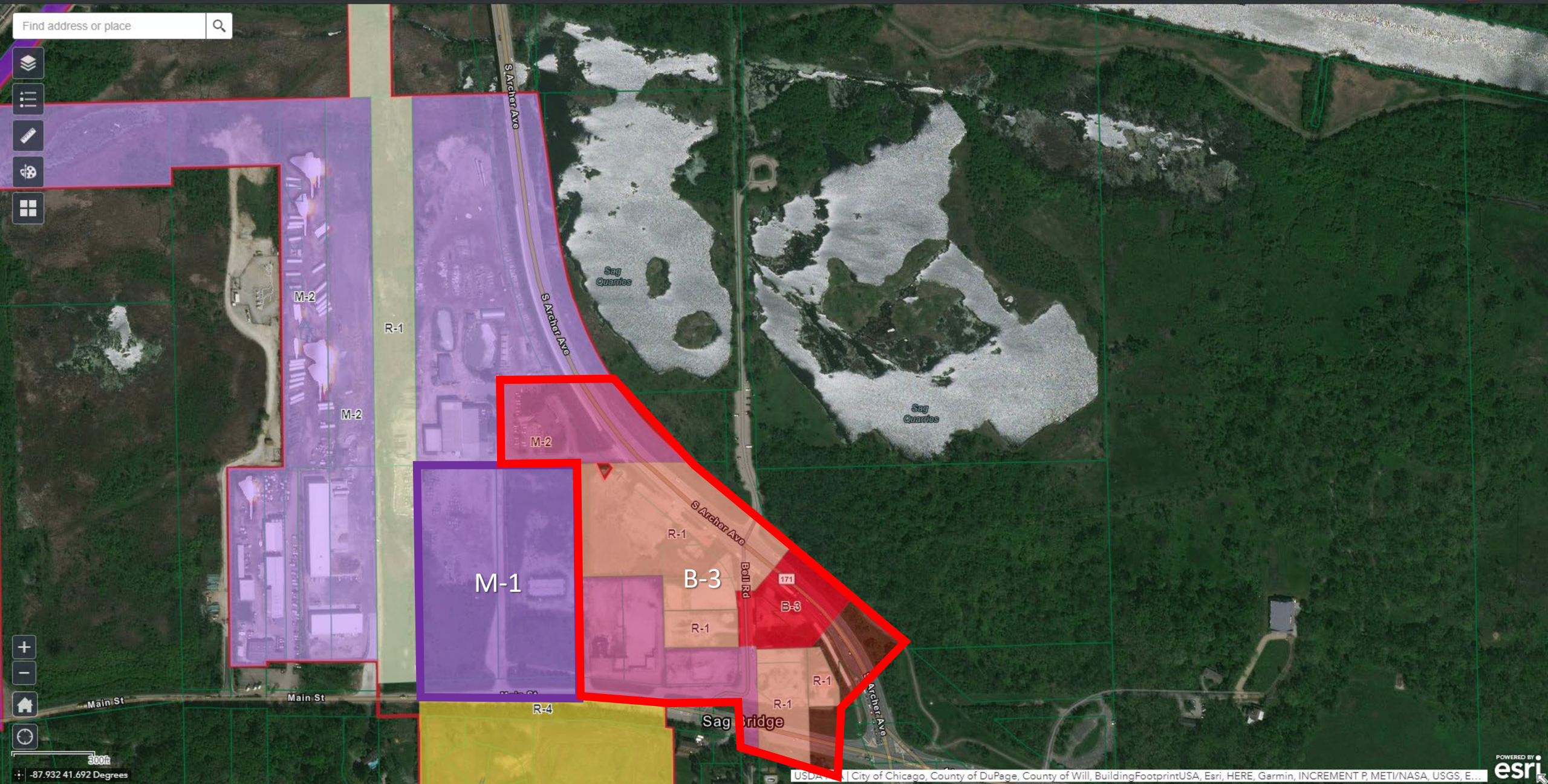


Figure 5: View from Main Street looking north into proposed B-3 portion of property.



Figure 6: Looking north from Main Street at proposed M-1, Light Industrial segment of subject property.

Find address or place



300ft
-87.932 41.692 Degrees

STAFF REPORT

TO: Planning & Zoning Commission

FROM: Jamie Tate, AICP, Consulting Planner

THRU: Mark Herman, MPA, AICP, Community Development Manager



CASE NUMBER & NAME

19-18 Downtown District (DD) Unified
Development Ordinance Text Amendments

APPLICANT/PROPERTY OWNER

Village of Lemont

DATE

November 6, 2019

PROPERTY ADDRESS/LOCATION

Downtown District

BRIEF SUMMARY OF REQUEST

The purpose for this request is to ensure development within the DD is consistent with the standards for development elsewhere in the Village. Currently the DD has two types of review and thresholds. Staff is proposing to eliminate Type I and Type II reviews in the DD District and add a more restrictive version of the Type II thresholds to a mandatory Planned Unit Development (PUD), significantly reducing the number of dwelling units that would require a PUD. Urban Design Standards, Architectural Standards, and Street Type Requirements that all development in the DD is required to meet remain.

Staff is also proposing to amend the regulating plan in the DD District to extend the Main Street designation, which current stops on the west at Ed Bossert/State St to stop at Lockport St. This would bring in 110-112 Main St (Bonus Electric building) and 116 Main St (Centennial Building). The goal is to preserve 1st floor commercial in these locations, which the Main Street designation requires.

EXISTING ZONING N/A	EXISTING LAND USE N/A	SURROUNDING ZONING & LAND USE N/A	REQUESTED ACTIONS Text Amendments to the UDO	SIZE OF PROPERTY N/A
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HISTORY

It is appropriate to review the Unified Development Ordinance (UDO) from time to time due to modernization and trends in land development. The Lemont 2030 Comprehensive Plan also designates Community Development Staff and the PZC to review the UDO for updates and changes at least once a year.

COMPATIBILITY with the COMPREHENSIVE PLAN The Comprehensive Plan designates the Community Development Staff to review the UDO for updates throughout the year, as time permits and as circumstances are brought to staff's attention.	COMPATIBILITY with the UNIFIED DEVELOPMENT ORDINANCE The proposed changes are consistent with the remainder of the Lemont UDO.
---	--

STAFF RECOMMENDATION:

APPROVE

APPROVE WITH CONDITIONS

DENY

ATTACHMENTS:

1. Staff Analysis and proposed text amendments
2. Revised Figure 17-09-02 The Regulating Plan

Attachment 1 – Staff Analysis – Downtown District UDO Amendments

Words in **red** or specifically called out to be added are proposed additions to the text of the UDO and words ~~stricken~~ are proposed deletions. New UDO code sections are not shown in red rather stated prior to the text that the entire section is new to the UDO. The amendments are organized by topic, rather than by chapter, to facilitate discussion.

The following is from the Downtown District section of the UDO (17.09) and how the applicable sections are proposed to be updated.

17.09.040 REVIEW AND APPROVAL

- A. **Review Standards.** In addition to all applicable provisions of this ordinance, development in the DD District shall conform to:
1. ~~The urban design standards found in §17.09.070; and~~ **The applicable PUD standards found in §17.08.020; and**
 2. ~~The architectural standards found in §17.09.080; and~~ **The urban design standards found in §17.09.070; and**
 3. ~~The standards for the specific street types identified in §17.09.090 and its attendant figures and tables. The~~ **architectural standards found in §17.09.080; and**
 4. **The standards for the specific street types identified in §17.09.090 and its attendant figures and tables.**
- B. ~~*Type I and Type II Approvals.* There are two types of development review and approval procedures, Type I and Type II. Type I review and approval is for situations where the proposed size, height, or density and attendant potential impacts of the development on surrounding areas will be relatively minor. Type II review and approval is for situations where the proposed size, height, or density and attendant potential impacts of the development on surrounding areas is deemed much greater and therefore a discretionary review is warranted.~~

17.09.050 — TYPE I REVIEW AND APPROVAL

- ~~A. **Type I Thresholds.** New construction, or any remodeling or reconstruction of an existing which meets one or more of the following criteria shall be subject to Type I review and approval if:~~
- ~~1. It is to occur on lots not adjacent to the I&M Canal; or~~
 - ~~2. It is to occur on lots less than 10,000 square feet; or~~
 - ~~3. Fifteen or less dwelling units will be constructed; or~~
 - ~~4. Less than 7,500 square feet of commercial gross floor area will be constructed.~~
 - ~~5. The building will be less than three stories or less than 35 feet in height.~~
- ~~B. **Applications.** For Type I review and approval, applicants shall submit building permit applications to the Building Official for review. The standards for applications found in [§ 17.04.020](#) of this ordinance shall apply.~~
- ~~C. **Administrative Review.** The Building Official shall forward the application to the Planning and Economic Development Director, who shall review the application for completeness and adherence to the standards of this chapter. Within 15 days of filing of a complete application, the Planning and Economic Development Director shall render a written decision on whether the application meets the criteria and standards of this chapter. Upon determination by the Planning and Economic Development Director that the application meets the criteria, the application shall be forwarded to the Historic Preservation Commission. If the Planning and Economic Development Director does not concur, the application shall be considered denied and the applicant may appeal the decision in accordance with [§ 17.04.170](#) of this ordinance.~~
- ~~D. **Certificate of Appropriateness.** Within six weeks of receipt of the Planning and Economic Development Director's written concurrence or successful appeal of the Planning and Economic Development Director's denial of approval, the Historic Preservation Commission shall review the application in accordance with the provisions of [Chapter 17.16](#) of this ordinance and either issue or deny a Certificate of Appropriateness for~~

~~the application. Upon issuance of a Certificate of Appropriateness, the application shall be forwarded to the Building Official for review of compliance with building codes and ultimate approval of the application.~~

~~**E. Building Code Review.** The Building Official shall review the application for adherence to all applicable building and fire codes. Additionally, if the proposed development meets the standards for site development permits, the application shall be forwarded to the Village Engineer for review and approval.~~

~~**F. Permit Issuance.** Upon satisfactory building code and engineering review, the Building Official shall issue the appropriate permits for construction.~~

~~17.09.06 TYPE II REVIEW AND APPROVAL~~

~~**A. Type II Thresholds.** New construction, or any remodeling or reconstruction of an existing building which meets one or more of the following criteria shall be subject to Type II review and approval if:~~

- ~~1. It is to occur on lots adjacent to the I&M Canal or the Canal Reserve Strip; or~~
- ~~2. It is to occur on lots 10,000 square feet or more; or~~
- ~~3. The development will include more than 20 dwelling units; or~~
- ~~4. The development will include 7,500 square feet or more of commercial gross floor area; or~~
- ~~5. The building will be 35 feet or more in height or more than three stories tall.~~

~~**B. Historic Preservation Commission Review.** For Type II review, the petitioner shall file an application with the Planning and Economic Development Director, who, within 15 days, shall verify the completeness of the application and forward it to the Historic Preservation Commission. The following documents shall be submitted for review:~~

- ~~1. Building elevations;~~
- ~~2. Sample materials;~~

- ~~3. A brief description of the proposal that includes at a minimum the intended land uses, number of units, and size of parcel;~~
- ~~4. Other appropriate documents as determined by the Planning and Economic Development Director necessary to provide a full understanding of the scope of nature of the proposed project.~~

~~C. **Certificate of Appropriateness.** The Historic Preservation Commission shall review the application in accordance with the provisions of [Chapter 17.16](#) of this ordinance and either issue or deny a Certificate of Appropriateness for the application. Upon issuance of a Certificate of Appropriateness, the application shall be forwarded to the Village Board. If the issuance of a certificate of appropriateness is denied, the applicant may appeal such decision to the Village Board.~~

~~D. **Planned Unit Development Approval.** The Village Board application shall be reviewed in accordance with the provisions of [Chapter 17.08](#) of this ordinance, with the exception that the Village Board shall conduct the public hearing instead of the Planning and Zoning Commission. The Village Board may:~~

- ~~1. Approve the proposal. Such approval shall be deemed to include approval of the Certificate of Appropriateness.~~
- ~~2. Approve the proposal with conditions. The Village Board may attach conditions aimed at achieving the goals of this ordinance and the policies and plans of the Village.~~
- ~~3. Deny approval of the proposal.~~
- ~~4. Remand the proposal to either the Historic Preservation Commission for an attempt to resolve the issues that resulted in the denial of the Certificate of Appropriateness.~~

~~E. **Building Permits.** Building permits shall be issued only after:~~

- ~~1. Planned unit development approval by the Village Board and fulfillment of any conditions the Village Board attached to the approval; and~~
- ~~2. Approval of the Village Engineer and all outside agency review; and~~

- ~~3. Submission of all applicable building plans to the Community Development Department and their satisfactory review of the plans.~~

The following is from the Planned Unit Development section of the UDO (17.08) and how the applicable sections are proposed to be updated. The criteria from Type I and Type II reviews are added as a PUD threshold so that the projects would still be reviewed with stricter scrutiny than 'permitted uses', as Special Use Permits for PUDS.

17.08.020 THRESHOLDS

- A. Mandatory.** Development of land that includes more than one type of land use on a single zoning lot shall be approved as a PUD. Additionally, all development that meets one or more of the following shall be approved as a PUD:
 1. Development of land totaling 20 or more acres; or
 2. Development of land including 40 or more dwelling units.
 3. Development of land including more than one principal building on the lot of record.
 4. **New construction, or any remodeling or reconstruction of an existing building in the DD District, which meets one or more of the following criteria:**
 - a. **On lots 10,000 square-feet or more; or**
 - b. **That will include 7 dwelling units or more; or**
 - c. **That will include 7,500 square-feet or more of commercial gross floor area; or**
 - d. **That will be 37 feet or more in height or more than 3 stories tall.**
- B. Elective.** Any owner of property who wishes to develop his or her property as a PUD may voluntarily petition for such approval under the provisions of this ordinance.

- C. ~~**Exempt Development.** Development of land within the DD district has unique thresholds for PUDs, and therefore the mandatory provisions of paragraph A of this section do not apply to development within the DD district; see [Chapter 17.09](#) of this ordinance for development in the DD district.~~

 - D. **Review of Commercial Projects.** All commercial projects, whether PUDs or not, are subject to the commercial design standards of [Chapter 17.21](#) of this ordinance.
-

Along with the above changes, staff is proposing to amend the Main Street Standards map found in Table 17-09-02. The proposed change is to extend the Main Street line southwest to Lockport Street. Figure 17-09-02 The Regulating Plan shows this area as “Neighborhood” and it will change to “Main Street” and be red instead of orange. The purpose of this proposed change is to maintain the first floor commercial use, which is mandatory in the Main Street standards and not mandatory in the Neighborhood standards.

STAFF REPORT

TO: Planning & Zoning Commission

FROM: Jamie Tate, AICP, Consulting Planner

THRU: Mark Herman, MPA, AICP, Community Development Manager



CASE NUMBER & NAME
19-19 Recreational Cannabis Unified Development Ordinance Text Amendments

APPLICANT/PROPERTY OWNER
Village of Lemont

DATE
November 6, 2019

PROPERTY ADDRESS/LOCATION
Village of Lemont

BRIEF SUMMARY OF REQUEST

The purpose of the hearing is to consider amendments to the Lemont Unified Development Ordinance to modify Chapter 17.02 (Definitions), Table 17-06-01 (Permitted and Special Uses in the Zoning Districts), Section 17.06.180 (Medical Cannabis Organizations) as it relates to Recreational Cannabis regulations; and any other Section of the Unified Development Ordinance that would be appropriate as it relates to recreational or medical cannabis.

Starting January 1, 2020 adults over the age of 21 will be legally able to purchase cannabis for recreational use from licensed dispensaries across the State of Illinois. The following analysis and text amendments to the UDO are proposed along with other regulations outside the review of the PZC such as Licensing, Penalties, Consumption, Hours of Operation, and Taxation.

EXISTING ZONING N/A	EXISTING LAND USE N/A	SURROUNDING ZONING & LAND USE N/A	REQUESTED ACTIONS Text Amendments to the UDO	SIZE OF PROPERTY N/A
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HISTORY

The Village of Lemont held a Cannabis Public Workshop on October 8, 2019 to discuss with residents the public legislation approved by the State of Illinois regarding recreational cannabis. Following this workshop, direction was given to regulate adult-use cannabis in a manner consistent with liquor establishments. The following zoning regulations are proposed:

- A dispensary shall not be located within 1,500 feet of the property line of a pre-existing dispensary or 500 feet of the property line of private or public school grounds, or within 100 feet of a child care center not in a residence, a public park, a library, or a games arcade establishment to which admission is not restricted to persons 21 years or older.
- Cannabis dispensary as a permitted use in the B-3, Arterial Commercial zoning district and a special use in the B-1, Office/Retail Transitional zoning district.
- Craft Grower as a special use in the B-3 zoning district and in the M-1, M-2 and M-3 Manufacturing districts as a special use.
- Cannabis infusers and transporting organizations as a special use in the M-1, M-2, and M-3 Manufacturing districts.

Additional regulations will be proposed for the Business License code.

COMPATIBILITY with the COMPREHENSIVE PLAN The Comprehensive Plan designates the Community Development Staff to review the UDO for updates throughout the year due to modernization and external changes such as the State of Illinois allowing recreational cannabis. The Comprehensive Plan will be further discussed in the Staff Analysis in Attachment 1.	COMPATIBILITY with the UNIFIED DEVELOPMENT ORDINANCE The proposed changes will modify the UDO.
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STAFF RECOMMENDATION:

APPROVE

APPROVE WITH CONDITIONS

DENY

ATTACHMENTS:

1. Staff Analysis and proposed text amendments

Attachment 1 - Staff Analysis – Recreational Cannabis

Consistency with the Lemont 2030 Comprehensive Plan. While the Comprehensive Plan does not address the cannabis industry or dispensaries, it does direct Staff and the Village Board to explore changes to the Unified Development Ordinance from time to time due to modernization and changes in land use trends. The following are Guiding Principles from the Economic Prosperity section that could be applicable in this situation:

- Village codes and permitting processes are safeguards to public health and safety; they should also be tools for promoting economic growth and development.
- Proactive approaches to business recruitment and retention are needed to overcome challenges to achieving our vision for economic prosperity.

Also within the Economic Prosperity section, there is discussion surrounding “Economic Activity Centers” and certain locations throughout the Village. Economic activity centers are existing or *potential hubs* of business activity. Since the cannabis industry was not envisioned at the time of the creation of the plan, they could be categorized into an “economic activity center” today.

Proposed Modifications to the UDO. Words in **red** or specifically called out to be added are proposed additions to the text of the UDO and words ~~stricken~~ are proposed deletions. New UDO code sections are not shown in red rather stated prior to the text that the entire section is new to the UDO. The amendments are organized by topic, rather than by chapter, to facilitate discussion.

The following Definitions are proposed to be added to Chapter 17.02. They are derived from IL Public Act 101-0027 also known as HB 1438 “Cannabis Regulation and Tax Act”. The definitions should be added in alphabetical order. Staff suggests placing a disclaimer somewhere in the definitions for cannabis type uses that if a definition is not found in the Village UDO, reference the IL State Act for further definitions.

17.02 Definitions

CANNABIS Marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of

all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

CANNABIS BUSINESS ESTABLISHMENT A cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

CANNABIS DISPENSARY or DISPENSING ORGANIZATION A facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

CANNABIS-INFUSED PRODUCT A beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

CRAFT GROWER A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a

separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

CULTIVATION CENTER ~~A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.~~ A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

FLOWERING STAGE The stage of cultivation where and when a cannabis plant is cultivated to produce plant material for cannabis products. This includes mature plants as follows:

1. If greater than 2 stigmas are visible at each internode of the plant; or
2. If the cannabis plant is in an area that has been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation, from the moment the light deprivation began through the remainder of the marijuana plant growth cycle.

INFUSER ORGANIZATION or CANNABIS INFUSER A facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

TRANSPORTING ORGANIZATION or TRANSPORTER An organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

The following definitions should be removed:

~~**MEDICAL CANNABIS DISPENSING ORGANIZATION** — A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. Also referred to as a "dispensing organization," or "dispensary organization."~~

~~MEDICAL CANNABIS ORGANIZATION — A Medical Cannabis Dispensing Organization or Cultivation Center.~~

The following is from the Use Regulations section of the UDO (17.06). The succeeding changes are proposed to Table 17-06-01 Permitted and Special Uses in the Zoning Districts:

- **ADD: “Cannabis Dispensary”** under the COMMERCIAL portion of the use table. It will be an allowed use “P” in B-3 and a special use in B-1 “S”. The use listed in the table shall read “Cannabis Dispensary, consistent with the requirements of 17.06.180 of this ordinance.”; and
- **ADD: “Craft Grower”** as a special use in the B-3 District, M-1, M-2 and M-3 Manufacturing Districts; and
- **ADD: “Cannabis Infusers”** as a special use in the M-1, M-2 and M-3 Manufacturing Districts; and
- **ADD: “Transporting Organizations”** as a special use in the M-1, M-2, and M-3 Manufacturing Districts; and
- **REMOVE:** “Medical Cannabis Dispensing Organization” entirely from the Use Table 17-06-01.

The following section is part of the Use Regulation Chapter 17.06. It was created to regulate medical cannabis organizations, but now it is proposed to regulate all cannabis regulations, either medical or recreational. It will be referenced in the use table.

17.06.180 MEDICAL CANNABIS ORGANIZATIONS (~~O-10-14~~) (~~O-12-16~~)

Cultivation centers and registered ~~medical~~ cannabis dispensing organizations, together known as a “~~Medical Cannabis Organizations~~” for the purposes of this section, shall be regulated as follows:

A. **Location Restrictions.** ~~Medical Cannabis Organizations may only be considered a special use within the M-4 District provided that~~ **must meet the following:**

1. ~~A cultivation center shall not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned~~

~~for residential use; A dispensary shall not be located within 1,500 feet of the property line of a pre-existing dispensary or 500 feet of the property line of private or public school grounds, or within 100 feet of a child care center not in a residence, a public park, a library, or a games arcade establishment to which admission is not restricted to persons 21 years or older.~~

~~2. A dispensing organization shall not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, and may not be located in a house, apartment, condominium, or an area zoned for residential use;~~

~~3. Medical Cannabis Organizations shall not be located within 1,000 feet of a property boundary of any cemetery, public park, forest preserve, public housing, or place of worship; and~~

~~4. Medical Cannabis Organizations shall not be located within 500 feet of the boundary of any parcel in the DD District.~~

B. Method of Measurement. Measurement of the location restrictions described in Paragraph A of this section shall be made in a straight line, without regard to intervening structures or objects, from the nearest lot line of the lot where the ~~medical~~ cannabis organization is located, to the nearest lot line of the other specified use.

C. Compliance with State Requirements. In addition to the regulations set forth in the Lemont, Illinois Municipal Code, all Medical Cannabis Organizations shall comply with all regulations provided in the Compassionate Use of Medical Cannabis Pilot Program Act, as enacted by the State of Illinois, effective January 1, 2014, as may be amended from time to time (hereinafter referred to as the “Act”) and any administrative rules promulgated and duly adopted by the various State of Illinois departments authorized to enforce the Act. **All Recreational Cannabis Organizations shall comply with all regulations provided in the ‘Cannabis Regulation and Tax Act’, Public Act 101-0027, as enacted by the State of Illinois, effective January 1, 2020, as may be amended from time to time.**

D. Licensure. The use must have all required State of Illinois and Village of Lemont licenses.

- E. **Lighting.** All site lighting and inside the dispensary building must be provided and kept in good working order and of sufficient wattage for security cameras and the safety of customers and employees.
- F. **Visibility.** The parking facility must be visible from a public street.
- G. **Vehicle Access.** The parking facilities must be access directly from a public street.
- H. **Location of sales.** All product storage, display and sales must be conducted inside an enclosed building. Drive-through facilities are prohibited.
- I. **Combined uses.** Other uses that are permitted or special uses in the district in which the dispensary is located may be combined with a cannabis dispensary provided that they meet off-street parking requirements and all other code requirements for each use.

The following additions to the UDO are proposed to address parking at cannabis dispensaries or organizations. Cannabis dispensaries are similar to a retail use rather than a tavern or bar, as consumption will not be onsite. Staff is proposing the same calculation for cannabis dispensaries as a retail establishment and per special use for craft growers, cannabis infusers, and transporting organizations.

Chapter 17.10 OFF-STREET PARKING AND LOADING

Add the following use to Table 17-10-01 Schedule of Off-Street Parking under the COMMERCIAL headline in alphabetical order:

Cannabis Dispensary	1 per 250 sf of GFA
Craft Grower	Per special use approval

Add the following uses to Tale 17-10-01 Schedule of Off-Street Parking under the INDUSTRIAL headline in alphabetical order:

Cannabis Infusers	Per special use approval
Transporting Organization	Per special use approval