

**Village of Lemont**  
**Planning and Zoning Commission**  
Special Meeting of June 19, 2019

A special meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, June 19, 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 Spinelli called the meeting to order at 6:37 p.m. He then led the Pledge of Allegiance.

**B. Verify Quorum**

Upon roll call the following were:

Present: Cunningham, McGleam, O'Connor, Zolecki, Spinelli

Absent: Glomp and Plahm

Community Development Director Jason Berry, Consulting Planner Jamie Tate and Village Trustee Ron Stapleton were also present.

**C. Approval of Minutes – May 1, 2019**

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the May 1, 2019 meeting with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS**

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

**III. PUBLIC HEARINGS**

**A. 19-10 PM MARKET O STATE EMC SIGN**

Chairman Spinelli called for a motion to open the public hearing for Case 19-10.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 19-10. A voice vote was taken:

*Ayes: All*  
*Nays: None*  
*Motion passed*

### **Staff Presentation**

Jamie Tate, Consulting Planner, said that Eugene Grzynkowicz from PM Market on State is requesting an amendment to the approved Planned Unit Development for the Lemont Plaza. The purpose of the PUD amendment is to allow an electronic message board sign within the existing pylon sign with elements that do not meet the UDO regulations.

The Lemont Plaza was zoned B-3 and granted a special use for a Commercial Planned Development back on August 28, 1995. Pete's Fresh Market will be occupying the space indicated "Certified Grocers" on the master site plan included in the Ordinance, but better known as the Chipain's location. The PUD did allow for freestanding ground mounted monument, pole or pylon signs only on the State Street frontage. It could be up to 25 feet in height and 167 square feet in area, provided that not more than 3 signs are put on the property.

Mrs. Tate stated the applicant is in the process of renovating the former Chipain's space. Pete's Market is a family owned company in the area with other successful grocery stores in the Chicagoland area. All of their other stores have the electronic message board (EMCs) center on a freestanding sign in front of their grocery stores. They wish to install a similar sign on the existing pylon sign in front of their store.

EMCs are allowed on property zoned B-3 adjacent to State Street and at least 400 feet from another EMC. The distance from the nearest EMC sign is at Illinois Bar and Grill and it's approximately 540 feet away. The sign must also be at least 250 feet from the nearest residentially zoned property that is adjacent to the same street on which the EMC is located. The proposed sign does not meet this because the closest residentially zoned property is across the street. It is SS. Cyril & Methodius Catholic Cemetery which is zoned R-1. The sign is about 40 feet away so the applicant is requesting relief from this regulation.

Mrs. Tate said according to the UDO regulations the EMC sign shall not be located above a non-EMC sign. The proposed EMC sign is below and above a non-EMC sign as the applicant is proposing to move the existing signage down and install the Pete's info at the top of the monument sign. The applicant is asking for more than two colors at a time and wants a full color message board. The proposed square footage of the sign with the addition of the Pete's Market and the EMC is over the total allowed square footage of the sign in the PUD. The sign is being proposed at 228 square feet and the PUD Ordinance allows up to 167 square feet. The applicant is using the existing sign and is not increasing the height or width of the sign as it stands today. Staff is asking the applicant to evaluate and update the landscaping

located around the freestanding sign. She showed on the overhead what the EMC sign will look like.

Staff is supportive of utilizing the existing sign with landscaping enhancements and updates. The community will benefit from a successful grocery store chain locating in a vacant former grocery store space that has been non-performing for approximately two years. Staff is recommending approval with conditions listed on pages four and five of staff's report. This will conclude staff's report.

Chairman Spinelli asked if the applicant or the Village performed any sight line analysis. He is concerned with lower the sign and adding additional landscaping it might block sight lines at the intersection.

Mrs. Tate stated an analysis has not been done but they can ask for one.

Chairman Spinelli asked if internally illuminated signs are permitted within the code.

Mrs. Tate said this is a pylon sign so it is permitted as part of the PUD. If this was a new development it would be a monument sign and it could be internally lit.

Commissioner Cunningham asked if it is typical for a cemetery to be R-1 or is it grandfathered because it is so old.

Mrs. Tate stated it is typical to be residentially zoned or sometimes it will be institutional.

Mr. Berry, Community Development Director, said the Comprehensive Plan ask that they rezone cemeteries to Institutional.

Commissioner Zolecki asked for condition number six how is that determined.

Mrs. Tate stated in the code under the illumination section it does have metrics and talks about foot candles. There are ways to measure with photo light meters.

Commissioner Zolecki agreed that a sight line analysis needs to be done. He asked was there a reason why they chose this sign over the other sign further south.

Mrs. Tate said it could be because this sign is in front of their business.

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

### **Applicant Presentation**

Eugene Grzynkowicz stated they did pick this pylon sign because it is closer to the store. The other sign is a little too far to the south.

Chairman Spinelli asked if the six foot height was the same at the other stores.

Mr. Grzynkowicz said the other signs that they have are a little larger with height and width.

Chairman Spinelli asked if this was permitted, who is responsible for complying with the conditions that will be set upon them.

Mr. Grzynkowicz stated the signs will be controlled by the corporate office.

Chairman Spinelli asked if there will be anyone at the store that will be able to change the sign or shut it down.

Mr. Grzynkowicz said no there will not be. The sign itself can be shut down by a power source which will be located near the sign itself or a breaker within the store. The sign display will be controlled by corporate.

Chairman Spinelli asked if any of the Commissioners had 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**

Trustee Stapleton asked what are the hours that the sign will be illuminating.

Mr. Grzynkowicz stated it will on while they are open which is about 7 a.m. till 10 p.m.

Commissioner O'Connor asked if the sign goes black when it is not displaying anything.

Mr. Grzynkowicz said it can go black or they can put an image on it that stays static.

Chairman Spinelli stated he would prefer that once they are closed the sign goes black.

Mr. Grzynkowicz said he is fine with that.

Chairman Spinelli 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 19-10. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Chairman Spinelli said he has voiced his opinion regarding EMC signs. He understands that it supports businesses. The concern that he has, which is not specifically with this applicant's request but all of the EMC signs in the Village, is that the Village has a difficult time enforcing the conditions that are placed on special uses that allow the EMC's. They have some signs that have never been an issue but on the other hand they have a business on State Street that has been issue since day one. He cannot support any EMC sign that comes before the Commission until they have some way of enforcing the conditions. There should be some type of disconnect that the Village has authorization to go on-site and pull the power plug if the applicant is being noncompliant. He is not sure if this can be made as a condition.

Commissioner McGleam asked what obstacles does the Village face in enforcing the requirements.

Mr. Berry stated they usually send Code Enforcement to give a warning. They usually comply but this specific business goes right back to noncomplying. There is some concern from the Village Attorney when you are out trying to enforce signage that signage can fall under free speech and there are some Constitutional protection for signage.

Chairman Spinelli asked how it is free speech if it is noncompliance to a special use. The Village is not dictating what they can put on the sign, it is more of how they display that message. The special use is a privilege that they get from the Village.

Commissioner McGleam said the brightness and color issues are a problem with public safety and this should be a priority. If they are not going to be enforced then they should not have them. The applicant should not be paying the price for another business that does not comply and the Village's inability to enforce their own requirements.

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

### **Plan Commission Recommendation**

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to recommend to the Mayor and Board of Trustees approval of Case 19-10 – Lemont

Plaza PUD Amendment for PM Market on State with staff's recommendations 1 through 7 as listed in staff's report on pages 4 and 5 with additional conditions:

1. The EMC sign must be turned off when the business is closed.
2. An enforcement plan for nonconformance needs to be considered and reviewed.
3. A sight line analysis needs to be performed.

A roll call vote was taken:

*Ayes: McGleam, O'Connor, Cunningham, Zolecki*

*Nays: Spinelli*

*Motion passed*

### **Findings of Fact**

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to authorize the Chairman to approve the Findings of Fact for Case 19-10 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **B. 19-08 COVINGTON KNOLLS UNIT 8 PRELIMINARY PUD/PLAT**

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

Commissioner O'Connor made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 19-08. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Mrs. Tate said John Gallagher of Farmingdale Development Company d/b/a Gallagher and Henry, owner of the subject property is seeking a Preliminary PUD and Preliminary Plat of Subdivision to allow the construction of 24 detached single-family homes as Phase 8 of Covington Knolls. The subject property was included in the overall Covington Knolls PUD approval as Ordinance 849 on July 25, 1994. At that time, Phase 8 was zoned B-3 but that was with the ability to rezone to residential after a certain time period. After no commercial development on the parcel, on December 10, 2007 it was rezoned to R-4 and a Preliminary PUD/Plat was approved for 24 single-family homes. The approval also included some modifications to the lots to the north of Phase 8 on the south side of Overton Street, which were originally part of Phase 1. They were subsequently approved as Phase 1A.

On March 9, 2009 the Final PUD/Plat was approved for Phase 8. Due to the housing market over the past ten years, the final phases of the development have been stalled several times. The approval for Phase 8 from 2009 has lapsed due to the timing of

approvals. The applicant has submitted an application to revisit the process to gain entitlement once again for the 24 single-family homes. There are 2 parking outlots, a fire access/pathway lot and a public roadway. The parking lots will have 20 parking stalls in each lot for a total of 40 off-street parking spaces, to be primarily used by the Park District fields across Covington Drive. Since staff's report, the applicant has met with the Park District. The Park District has a proposal for the applicant to sell back those two parking lots so the applicant can use it for development, so it can increase by two more homes. Most likely the parking will shift to across the street and be on the actual park site.

Mrs. Tate stated there is a range in model choices from two-story to ranch homes and all homes will have a front loaded three car garage. The homes will be designed to meet the appearance standards set forth in the overall PUD which is included in staff's packet as Attachment 4. The standards require brick/masonry on all four sides, at a minimum to the top of the first story. There are other standards set forth to encourage design variety among dwellings on the same street.

The Comprehensive Plan designates this area as Conventional Neighborhood District, which states it is mostly single-family homes. The proposed development is consistent with the goals of the Lemont 2030 Comprehensive Plan. The proposal does meet the PUD objectives. She then read through the objectives that were applicable to this PUD which are listed in staff's report.

Mrs. Tate said the subdivision will be accessed off of Covington Drive and is within close proximity to 127th Street. Staff has suggested a "dead-end" sign or changing the street name to "Court" in order to not confuse anyone that Bainbridge connects to the east. The applicant recently submitted a landscape plan and it is currently under review with the Village's consultants. Staff has suggested an enhanced buffer with a decorative fence along 127<sup>th</sup> Street as it was approved in 2007 PUD/Plat ordinance. Street and parkway trees will be planted to meet the UDO's minimum requirements.

The Village Engineer did not have any comments on the site plan. The only difference today from the former approval is that the subdivision must provide stormwater volume control and must gain MWRD approval to configure the existing detention pond to the east of Phase 8 to include volume control measures at the bottom of the existing detention basin. Both engineering and public works have reviewed the plan and have objections. The Engineering Plan review will be finalized once the MWRD permit is issued. A resident has reached out that could not make it to the meeting that mentioned drainage issues that they have backing up onto Overton Drive. The Fire Marshall is requesting more information on the cul-de-sac turn around and for more information regarding the hydrants.

Mrs. Tate stated that staff has asked the developer if there are parking lots to screen them well from the adjacent homes, to provide the fencing along 127<sup>th</sup> Street, add the dead-end sign or add "Court" to the street name, lot 464 and 440 have driveways and garages that are further to the east if the parking lots are there, and provide more

information on lighting and maintenance of the fire lane area. In conclusion, the proposed subdivision is in line with the previously approved Phase 8 plan in 2009. Staff is recommending approval with the conditions listed in staff's report on page 7. She then read the conditions.

Chairman Spinelli said he is concerned about the two parkway trees per lot. The parkway trees need to be spaced 40 feet apart. With a 75 foot lot they will only be able to get 30 feet of spacing. He is not opposed with requiring two parkway trees, but it might be restricting species if you are trying to get something closer than ideal.

Mrs. Tate stated she looked at the plan and it looks like it comes out to that anyways.

Chairman Spinelli said whichever residential lots become the end lots the north lot should be garage right and the south lot should be garage left when facing the home. It appears the flood route out of the cul-de-sac is between 452 and 453. If that is correct then lot 452 should be a garage left and 453 should be garage right to make sure that future driveways do not impede the flood route. The parking lots should have no access easement onto Covington Drive. He asked if fences are restricted through flood route easements.

Mr. Berry stated they have to show that the fence will not impede the flood route and it is reviewed by the Village Engineer.

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

### **Applicant Presentation**

Al Domanskis, attorney for the applicant, said this is the exact same plan that was approved in 2009. All of the homes are similar in design with what is currently in Covington Knolls. In 2007, they entered in agreement with the Park District to have the two end lots to be parking for the property across the street. Gallagher & Henry also deeded the property west of Covington Drive to the Park District for use. There is currently a gravel parking lot there that has been informally used for when they have special events there. They have recently met with the Park District and they reviewed it. The agreement in 2007, provided that Gallagher & Henry had met its cash land obligations even before the donation of this property. The Park District brought this before their board to be reviewed. The property has never been deeded to the Park District, so it would not be deeded back but instead they would just pay in lieu of giving the land to the Park District.

The Park District had looked at putting parking across the street and has asked Gallagher & Henry to improve the parking lot. This does change some of the engineering, but with that they would be asking for those lots to be available for



residential. The lots are larger than the other lots in the subdivision. They will continue to work with the Park District and will get their approval.

Mr. Domanskis stated they are in agreement with staff's recommendations except number two which talks about the parking lots. If they agree with the Park District that they are not parking lots then they will not need number two telling them what to do with the parking lots. In 2007, when the plan was presented it wasn't presented as a cul-de-sac, but rather connected to another street. Based upon the Plan Commission's review and resident's review they were asked not to do that and that is why they have the emergency lane in the cul-de-sac. They were asked by the Fire Department to do a large radius at the end of the cul-de-sac, which they have done.

There was the resident, which Mrs. Tate, pointed out on Overton that has drainage issues. Both John Gallagher and John Green have gone out there and reviewed it. They do have a plan on how to deal with the issue. Part of dealing with the issue is the improvements that will take place with the subdivision completion. They have had some inquiries from the townhome association. They are concerned with the detention. They have met with the Townhome Association President and Engineers to discuss what will happen. He then asked Mr. Green to come up and speak in regards to those issues.

Jon Green, Civil Engineer from Engineer Resource Associates, said one of the major things that have happened since the last time they were here was that the MWRD have revised their stormwater management ordinance. There are new additional stormwater volume metric control requirements that are required for the developers. What that means for this project, is that they have added more stormwater detention that was previously approved. They have upsized the sizes of the storm sewers that will be constructed underground to store more water. There is a stormsewer run along 127<sup>th</sup> Street in the proposed rear lots. There is also an additional parallel stormsewer along the rears of the lots on Overton Drive. Lastly, there is also the addition of the volume metric control on each and every lot of this project. Each volume metric control is sized to provide about one and a half inch rainfall stormwater storage. It will be a bio infiltration trench with a combination of amended soil and three inch rock or perhaps an aggregate stratum in the rears of the lots. This will help reduce run-off of the project and it will actually hold water and promotes infiltration into the ground. This is consistent with the new and improved requirements from MWRD.

Mr. Green stated they have received reviews from the Village's Engineer. They have submitted their proposal to MWRD and are waiting their first review comments. They started the preliminary process with MWRD about six to eight months ago. The project has gone through a couple of renditions and cycles. He feels they are generally in accordance with what their expectations are.

Chairman Spinelli asked if he is correct that at the end of the cul-de-sac there is a flood route between 452 and 453.

Mr. Green said yes but one clarification on flood routing is the major detention storage is across the street on this. They are sized for storm sewers for a 100 year storm. There always need to be an over land flow route. He does concur with his recommendations.

Chairman Spinelli asked where the bio trenches will be at.

Mr. Green stated they are in the rear 15 feet of all the properties but within the stormsewer trench.

Mr. Domanskis said they are in agreement with adding the word "Court" to the street name. They have submitted a landscape plan but have not received comments back from the Village Arborist. They will work with the Village Arborist to resolve any issues. If the two end lots get developed instead of being parking, they are acceptable with them not having driveways onto Covington Drive. They do request to remove the condition number two because they feel it is inapplicable. The other condition about reaching an agreement with the Park District covers that. There are a few residents that are present this evening and he is willing to talk with them after the meeting if needed.

Chairman Spinelli stated in regards to the two trees per lot, he just wants to make sure there is enough space between each tree based on the Village Arborists recommendation.

Mr. Domanskis said he agrees to go with the Village's Arborist recommendations.

Chairman Spinelli asked if staff agreed.

Mrs. Tate stated she does and she will talk with the Village arborist.

Chairman Spinelli asked if they had any objections to the driveway restrictions that he has stated.

Mr. Domanskis said they do not have any objections.

Chairman Spinelli asked if any of the Commissioners 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**

Marge Gierstikas stated she lives in Ember Terrace and she has the first townhome that faces the detention pond. She asked what are they planning on doing with the detention pond.

Mr. Green said this pond was approved years ago and MWRD asked for them to make sure that the pond meets compliance to the original storage volume. They premeasured the pond and their analysis found out that the pond is about 15% short of the original required volume. They will have to regrade the bottom of it and fix the overflow a little bit to comply with the original volume from 1994.

Mrs. Gierstikas stated she was concerned when she heard it was going to go deeper. She is also getting seepage and was wondering if it had to do with the infrastructure.

Chairman Spinelli asked if the pond is currently designed as a dry basin.

Mr. Green said it is a dry basin and will remain a dry basin.

Chairman Spinelli stated if you are having seepage issues during storm events then there could be cracks in the foundation. There could be a variety of things going on at the house that is causing the seepage. This is completely separate from the detention basin by the house. He recommended contacting the HOA.

Tom Janco said he is a member of the HOA. He asked the Commission to defer their recommendation until their hydrologist was able to exam the plans.

Chairman Spinelli stated this is only for Preliminary. Their engineering plans will be reviewed by the Village Engineer and also by MWRD. There will still be time before they come back for Final Engineering plans.

Mr. Janco said further to the east there is a wetland and he was told that eventually that will silt up.

Chairman Spinelli said when this property develops there will be less silt from it.

Don Tijnelis, 1133 Amber Drive, stated the one foot deeper refers to the volume that the detention pond can hold, but does not say anything about the rate of filling up and leaving. He has seen the pond fill up for a couple days. He asked with more water coming here will it fill up deeper and not drain as fast. He asked if a State of Illinois employee be stamping approval on the drawing.

Chairman Spinelli said the plans will be stamped by a licensed engineer that is licensed to work in the State of Illinois.

Mr. Green stated the pond has an underdrain and they are just restoring the pond to the original proposed design. The pond is currently receiving the water from this site. The pond was sized for commercial which was the original zoning in the beginning. Due to the MWRD regulations they will be storing the first inch and half of rainfall in the backyards of each lot in the drywells.

Chairman Spinelli 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 McGleam made a motion, seconded by Commission Zolecki to close the public hearing for Case 19-08. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Commissioner Zolecki asked what staff's opinion was regarding Condition number two.

Mrs. Tate said there is no agreement in place. Even though it is looking like parking lots will not be built there, they still can be built there.

Chairman Spinelli asked if parking lots are allowed in this zoning district.

Mr. Domanskis said it was approved as part of the Planned Unit Development.

Chairman Spinelli stated they are trying to figure out how to address this and remove comment two.

Mr. Domanskis said he feels it can be solved by having a condition that they work out an agreement with the Park District.

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

### **Plan Commission Recommendation**

Commissioner Zolecki made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 19-08 Covington Knolls Phase 8 Preliminary PUD/Plat including staff's conditions as listed on page 7 of staff's report with the following changes:

1. Strike recommendation number one.
2. Require lots 444 and 446 to be garage left and garage right respectively.
3. Require lots 452 and 453 to be garage left and garage right respectively due to the overlay of the flood routing.
4. Require lots 439 and 465 to be garage right and garage left respectively due to the adjacent entry.
5. Have the landscape plan approved and reviewed in conjunction with the landscape architect for the tree placement behind the properties.

A roll call vote was taken:

*Ayes: Zolecki, Cunningham, O'Connor, McGleam, Spinelli*

*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 19-08 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **C. CASE 19-09 - UDO AMENDMENTS**

Chairman Spinelli called for a motion to open the public hearing for Case 19-09.

Commissioner Zolecki made a motion, seconded by Commissioner McGleam to open the public hearing for Case 19-09. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Jamie Tate said the first UDO amendment is for the floodplain regulations. The date needs to be changed so they are in compliance. DuPage County is adopting new flood maps, so the date needs to be changed to August 1, 2019. While they were updating this they did look for any other changes that might need to be done. They discovered that there is no definition for childcare facilities or for driveways. The UDO is currently confusing regarding child care facilities or day care center or day care homes. They are proposing to break child care facilities into two different definitions of day care home and day care center. They are referencing the State Code so if they ever change it then they are in compliance with it.

Some more updates are adding the R-5A to where it talks about decks and terraces and not allowing overhead doors for sheds. Other small items are adjustment to the use table, adding small cell antennae to the table, fixing an auto repair scrivener's error and lastly boat/RV sales, service, or storage scrivener's error.

Chairman Spinelli stated something they might want to look at is mobile billboards. Where it is a box truck and the box is gone and a sign is put in its place. He asked if there is anything in the code regarding a time limit for storage pods.

Mrs. Tate said she believes there is a time regulation on them.

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

### **Public Comment**

Chairman Spinelli asked if there was anyone 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 Cunningham made a motion, seconded by Commissioner O'Connor to close the public hearing for Case 19-09. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

None

### **Plan Commission Recommendation**

Commissioner Zolecki made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 19-09 UDO Amendments as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

## **IV. ACTION ITEMS**

### **A. 19-01 FINAL PLAT FOR ROLLING MEADOWS PHASE 4**

Mrs. Tate said on April 8, 2019 the Village of Lemont approved the preliminary plat for a single-family attached residential subdivision that had 16 duplex lots at southeast corner of 127<sup>th</sup> Street and Rolling Meadows Drive. The applicant is requesting Final approval of the subdivision for Phase 4.

On February 6, 2019 the plat that included both Phase 3A and Phase 4 came before the Plan Commission for Final approval. It was approved as a Preliminary due to the engineering not being complete and the Village Engineer was requesting more information. Phase 3A and Phase 4 were separated into two plats and the Phase 3A was approved as Final and the Phase 4 was approved as Preliminary. She then read the conditions that were approved for the Final for Phase 3A and Phase 4 at the Plan Commission meeting.

Mrs. Tate stated the Final Plat is in conformance with the Preliminary Plat for Phase 4. The Village Engineer has reviewed the Plat and has provided comments to the

applicant. There is only one final comment which has been updated since the staff report. That comment is that the applicant should state on the plat that the Village is allowed to record the Plat. Everything else that was in the staff report has been addressed.

Chairman Spinelli said in regards to the no access easement that he recommended, the applicant has come back with a general note. They did put a box text on lots 1 and 16 that says “refer to general note 4 for lot restrictions”. He asked if staff will be okay with that.

Mrs. Tate stated she knows the box text was put in there to draw attention to it. When it came to placing the actual easement on there they had an issue with putting the easement on.

Chairman Spinelli said he will be watching this lot to make sure they do not have an access driveway onto Rolling Meadows Drive. He asked if there were any further questions or comments for staff. None responded.

#### **Applicant Presentation**

Mr. Jurinek stated that he agreed and would not have driveway access onto Rolling Meadows Drive.

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

#### **Public Comment**

None

Chairman Spinelli then called for a motion for a recommendation.

#### **Plan Commission Recommendation**

Commissioner Cunningham made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 19-01 Rolling Meadows Phase 4 Final Plat with one recommendation:

1. The applicant should state on the plat that the Village is allowed to record the Plat.

A roll call vote was taken:

*Ayes: Cunningham, McGleam, O’Connor, Zolecki, Spinelli*

*Nays: None*

*Motion passed*

### **B. 19-11 RIVER STREET RESUBDIVISION**

Mrs. Tate stated Leo Cattoni of Seaways, Inc. is the owner of the subject property. He is seeking a subdivision and Final Plat for the property at 337-379 River Street. The purpose of the request is to create two separate lots in order to sell one of the properties.

The property is located in the Downtown District (DD) and Historic District. It is composed of five parcels with 6 pins consisting of two office/warehouse buildings, outdoor storage, and parking. Illinois Marine Towing (IMT) occupies the building closest to the intersection of River Street and Stephen Street. A portion of the IMT building does encroach into the River Street right-of-way (ROW). Seaways occupies the building to the west at 337 River Street. The applicant intends to consolidate the properties and divide them into 2 lots with the intentions to sell the 379 River Street building and property.

Mrs. Tate said the proposed lot subdivision will provide more independent parcels with each lot having their own parking and driveways. There are site improvements to 337 River Street proposed. She then read the improvements that are listed in staff's report. There are no improvements proposed for the property at 379 River Street. While the subject property is not compatible with the Downtown Street "residential" description and purpose of the UDO, it must meet the setbacks, applicable building volume regulations, and other requirements. On the proposed lots they do meet the side and rear setbacks. They do not meet the front yard setback as the warehouse buildings are on the lot lines and even encroaching a portion of River Street. Although, they don't meet this requirement, they are not proposing to change or expand the nonconformity. The western most building at 337 was actually reduced with a loss of the garage and the attached car parts. Other applicable requirements is that they must meet lot coverage, that they contain certain aspects, and no residential uses on the first floor.

As far as consistency with the Comprehensive Plan, it doesn't necessarily meet the intentions of this area because it is not addressed in the Plan for mixed use. There may be some "single-use buildings" which applies to both of the office/warehouse buildings. The demolition of the attached garage and carports along with the proposed new fence is more sensitive and compatible with the established character of the downtown and historic district. The proposal will create more access points since the lots currently share parking and an access drive. There is not a traffic concern since there is not an increase in building size, structures or number of businesses.

Mrs. Tate stated there is no room for foundation plantings with the buildings being adjacent to the front property line, staff has suggested planters at the entrances and in other appropriate locations. A couple of street trees should be explored to be planted in the southwest corner of the site in front of the outdoor storage area. The Village Engineer has reviewed it and has provided comments to the applicant. The outstanding comments have been incorporated into the conditions. The Historic Preservation Commission (HPC) has reviewed the application on May 23, 2019 and



they did approve the proposal. The proposal did go before the Committee of the Whole (COW) on Monday and they were satisfied with the proposed subdivision.

Lastly, it will be an improvement to the site to demolish the framed garage and carport area attached to the building at 337 River Street. It will be an improvement to the site to remove the chain link fence and replace it with a new wood fence along River Street and along the adjacent property's side lot line. The subdivision does not create any further non-conformity and cleans up the multiple property PINs and lots to create a clearer two lot subdivision. Staff recommends approval with conditions. She then read through the conditions as listed in staff's report.

Chairman Spinelli asked if any of the Commissioners had questions for staff. None responded. He stated he does have a question for the applicant.

### **Applicant Presentation**

Chairman Spinelli asked if they are putting the fence on the property line.

John Antonopoulos, attorney for the applicant, said they will put up the fence closer to their property.

Chairman Spinelli stated that IMT has parking in the old shared driveway. He is concerned with the placement of the new fence if it will still permit access to those parking stalls on the IMT property.

Mr. Antonopoulos said yes it will.

Mr. Cattoni, applicant, stated there is 70 feet between the buildings.

Chairman Spinelli asked if there were any further questions for the applicant. None responded.

### **Plan Commission Discussion**

Chairman Spinelli asked if any of the Commissioners had any further comments. None responded. He then called for a motion for recommendation.

### **Plan Commission Recommendation**

Commissioner O'Connor made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 19-11 River Street Subdivision with staff's conditions 1 through 6 as listed in staff's report. A roll call vote was taken:

*Ayes: O'Connor, McGleam, Cunningham, Zolecki, Spinelli*

*Nays: None*

*Motion passed*

## **V. GENERAL DISCUSSION**

Chairman Spinelli asked if there was any further progress on the shed in Smith Farms.

Mr. Berry stated he and the Village Administrator have discussed it and they are waiting until there is a consensus from the Village Board.

## **VI. AUDIENCE PARTICIPATION**

Michelle Highland said she is on the Association Board for Briarcliffe. She has a question regarding the property at 12266 127<sup>th</sup> Street. She asked if the subdivision that was approved in November is for a 3 or 2 single-family subdivision. The property was zoned commercial and now rezoned residential. She also asked where are they at in the planning stages.

Chairman Spinelli stated that property was zoned residential for three lots. Those lots can only access from Rolling Meadows Drive.

Ms. Highland asked if they have submitted Final Plans for those lots.

Mr. Berry said he thinks that they are still working with MWRD. It only received Preliminary approval so they do have to come back for Final approval.

Mr. Jurinek stated in regards to those lots he left an easement so that they will not remove any of those trees. He chose to have a 40 foot easement just for sewer and water.

## **VII. ADJOURNMENT**

Chairman Spinelli called for a motion to adjourn the meeting.

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

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*

