

Village of Lemont
Planning and Zoning Commission
Special Meeting of July 10, 2019

A special meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, July 10, 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 Mark Herman was also present.

C. Approval of Minutes – June 19, 2019 Special Meeting

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the June 19, 2019 special 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. 19-12 QUARRY PUB & GRILL SPECIAL USE PERMIT WITH VARIATIONS FOR OUTDOOR DINING AND SIGN VARIATION

Chairman Spinelli 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 19-12. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

Mark Herman, Community Development Manager, said the subject property is 1015 State Street, Quarry Pub & Grill. He then showed an aerial view of the property. This is the fifth location for Quarry Pub & Grill. In 1999, the Village Board did approve variations for a patio, fence and dining area in the front yard along with a special use for the outdoor dining. Outdoor dining is a special use when it is on private property with a seating capacity of 10 or more. The proposal is about for 60 people which will consist of 15 tables with four to a table.

He showed a drawing that was submitted by the applicant which shows the outdoor dining in the front of the building. The dimensions from the drawing were put on the ultra survey by staff. The property to the north and south of the subject property has B-3 zoning. The property located across the street is a cemetery. The outdoor dining is located in the front of the subject property which is away from the residential property to the east.

Mr. Herman stated with locating the outdoor dining to the front of the building, it does provide a buffer and helps minimize any nuisance created by the noise, however it does create the need for variations. Patios are not allowed in the front yard and there is a 20 yard setback. The patio is setback 16 feet from the right-of-way (ROW) line. There is also a maximum lot coverage of 80% in the B-3. This property is already nonconforming with a lot coverage of 89% and the patio would increase the lot coverage to a little over 91%. The fencing should be located in the rear and/or side yard and this fence is located in the front yard. He then listed some other properties located on State Street that have fencing either in the front or side yard.

The applicant is also requesting a special use for additional signing on the building. The sign that is currently there is at the maximum of 72 square feet. In the code the maximum signage in the B-3 district is one square foot of signage for every one foot of building frontage with a maximum of 72 square feet. The building frontage based on the ultra survey is 154 ½ feet. The proposed new signage is the reverse channel letters that say Food, Sports and Entertainment. They are 24 inches tall and would be 42 feet wide so it would be an additional 84 square feet for a total of 156 square feet of signage. This is a relatively large building for a single tenant.

Mr. Herman said parking in the code is based on the size of the building. By adding the outdoor dining the seating capacity does increase during the summer. The applicant has a formal shared parking arrangement with the office building to the north. Quarry Pub & Grill can have access to the parking at the office building after 5 p.m. There is soon supposed to be a formal agreement with Lemon Tree to the south also. Staff will follow-up with these agreements, but feel with the agreements there is adequate parking.

In regards to the Standards for a Special Use, staff went through them. The application does meet the applicable standards. The location for the outdoor dining area in the front yard is considerate of the residential neighbors. The design elements of the fencing and stone pillars does make it aesthetically pleasing. He then went through the Standards for Variations.

Mr. Herman stated that staff does recommend approval with conditions related to the special use. He read through the conditions that are listed in staff's report.

Chairman Spinelli asked for staff to go through the drawings that were provided in staff's packet.

Mr. Herman went through and explained which drawings were from the 1999 approval and which drawing was for the current application. The reason why he provided the 1999 drawing was to show what the Village Board at that time was comfortable with, however, it was never constructed.

Chairman Spinelli asked if the patio was 16 feet from the ROW and where is the fence going to be.

Mr. Herman said it would be 16 feet from the ROW. The fence is also at the 16 feet.

Chairman Spinelli stated he would want nothing more than 15 feet from the ROW. Since an architect did not do the drawing he is going to give a little bit of a buffer. He appreciates the information from 1999, but this is a different applicant.

Mr. Herman said a variation should run with the property so there should be some acknowledgement. This is a different request however, and the dimensions are different.

Chairman Spinelli asked if there were guidelines for submitting a professional drawing. There is no reference to property lines and variances are being requested off a landscape plan.

Mr. Herman stated he is not aware of any language in the UDO regarding that a design professional needs to submit drawings.

Commissioner McGleam asked if they would need a professional drawing for permit.

Mr. Herman said he does not believe so.

Chairman Spinelli asked if the Village requires an as built survey to prove that they put it in according to permit.

Mr. Herman stated he would need to verify that.

Chairman Spinelli asked what the distance was for smoking outside of a building from the Department of Health.

Mr. Herman said he believes it is 15 feet.

Chairman Spinelli stated that will need to be addressed if this moves forward. There is a portable ashtray that is near the door currently.

Mr. Herman said signage can be added.

Commissioner McGleam clarified which plan they were making their decision on.

Mr. Herman stated it should be clarified that if approved it is based on substantial compliance of that document.

Chairman Spinelli asked if the gate that is shown on the north side was required for fire code.

Mr. Herman said staff did not run it pass the Fire Department, but it is something staff can do.

Chairman Spinelli stated if it is not required then it should be eliminated. Patrons can try and use that area as another area to smoke.

Chairman Spinelli asked where the gate was located to get into the area.

Mr. Herman said there would be an ingress/egress into the building but did also show where a gate will be located.

Chairman Spinelli stated the gate should be locked from the inside.

Commissioner McGleam asked if staff knew what the width of the landscaping and fence were.

Mr. Herman said the landscape would be on the outside of the fence. The 16 feet would be to the fence.

Commissioner McGleam asked if he knew the layout for the stone piers.

Mr. Herman stated he did not know, but this was a recommendation from staff based on what was approved from 1999.

Chairman Spinelli asked what the boxed area was in the patio.

Mr. Herman said it is for playing bags.

Chairman Spinelli asked if this was going to be concrete or pavers.

Mr. Herman stated that would be a question for the applicant.

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

Applicant Presentation

Christopher Reum said he was present this evening for Robert Taft, applicant, who could not be present this evening. In regards to whether it is concrete or pavers they have been working with the landscapers to find out what will match better with the overall landscaping plan. If there is something required they will do whichever is required.

Chairman Spinelli stated there is no requirement besides it has to be some type of hardscape and it must be ADA accessible.

Mr. Reum said they put the gates in for emergency purposes and they will be lockable. There will be no entrance to the patio unless you go through the building. The gates are only for emergency purposes.

Chairman Spinelli clarified that people do not have access to the patio as they come out of the building. He asked if that is why they need separate modification for the garage door.

Mr. Reum stated he believes that is a separate recommendation because it is attached to the building. The original plan will have a man door while they go through the permit use. He believes that one has to go through the Health Department.

Chairman Spinelli said the smoking area will need to be adjusted. If the Village Board does approve this he does not want to see just the ashtrays moved. There needs to be signs or the pavement marked.

Commissioner Zolecki asked what the landscape material was in front of the bean bag area.

Mr. Reum stated he is not sure.

Commissioner Zolecki asked if there was going to be a max occupancy.

Mr. Herman said yes and that would be based on the fire code.

Chairman Spinelli asked what time does the kitchen currently close.

Mr. Reum stated between 10 p.m. and 11 p.m. They might have a late night menu on certain nights come the fall, but they are still working on that.

Chairman Spinelli asked if the applicant had requested the midnight closing.

Mr. Reum said they have patios at other locations that do not have hours of operation.

Commissioner Cunningham stated that was from the Liquor Commission.

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

Public Comment

Bruce Taylor said his son lives directly behind the subject property and he lives across the street from him. He understands that they do not want them smoking out front, but otherwise they will go to the side of the building. They will be drinking and can be very loud. It is extremely loud when they dump all the bottles into the dumpsters. His son has a little baby, so they are concerned about the noise that would be generated from outside entertainment. He is concerned that there will be more garbage with the outside dining. His son gets a lot of garbage that blows into his yard. He asked if they were going to allow entertainment outside. When there are bands downtown Lemont, the sound carries all the way up to where he lives.

Mr. Herman stated they do have live entertainment inside the building. It was never proposed to staff that they wanted to do live entertainment outside of the building. As a condition of approval, which the Planning Commission can change or amend, if they were to consider it they would not be allowed to have a band out there by right. The purpose of staff's recommendation was if they intended to do that, they could only do that with Village approval. That way they would have information on what was being done.

Mr. Taylor asked if they are planning on having any music, possibly through speakers, playing out there.

Mr. Reum stated there is already two speakers outside playing music and they don't plan on adding any more.

Ed Andrysiak said he owns the property at 1020 Cherokee. He does not want to see the business fail because it will not help his property value and it doesn't help the Village with sales taxes. He understands there are concerns with smoking and landscape issues, but that is up to the Commission to work out. He just wanted to state that he is not opposed to their application. He was concerned about parking but they seem to have figured that out. If you look behind Lemon Tree there is a grass

strip and that is an alley. He thinks it would be nice if they could connect to that alley and have an additional exit to Keepataw Drive.

Chairman Spinelli asked if there was anyone else 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 O'Connor to close the public hearing for Case 19-12. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Spinelli stated he objects to opening up an alley behind the property. He does not believe that the subject property has an enclosed dumpster. He asked staff if this was something that they can ask the applicant to provide since they are coming in asking for a special use.

Mr. Herman said that they could, especially since there has been concern brought up by the neighbor about garbage. It also helps make it more aesthetically pleasing.

Chairman Spinelli stated either a trash enclosure should be provide or covers for the dumpsters that they have on site. He said some items he would like to add for the motion that is made would be a 15 foot setback from the ROW line, somehow address the smoking restricted area, the fence gate shown would be panic push bars for exiting only, and no outdoor entertainment.

Commissioner O'Connor agreed with the outdoor entertainment. He does not believe that there will be enough room.

Commissioner Zolecki said the bean bags should be restricted to a certain time because that game can get loud. It might have to be excluded or limited to a certain time.

Chairman Spinelli stated if it is played at night then there might have to be lighting. He asked staff how that would be policed if they restrict it.

Mr. Herman said it would be through code enforcement. He suggested that staff will look into it and make sure code enforcement take a look at the dumpsters.

Chairman Spinelli asked if there were any talks about outdoor lighting.

Mr. Herman stated he did not talk about outdoor lighting with the applicant.

Mr. Reum said they would just have low voltage ambient lighting.

Chairman Spinelli asked if any of the Commissioners had any further comments or questions. 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 19-12 – Quarry Pub & Grill Special Use Permit with Variations for Outdoor Dining and Sign Variation with the following conditions for the Special Use and Variations for Outdoor Dining Area:

1. The outdoor dining area shall close no later than 12:00 a.m.
2. Require a 15 foot setback from the right-of-way line to the proposed fencing.
3. Enforce the building code requirements for no smoking within 15 feet of the building.
4. The outdoor fence gates are for egress only and no access to the patio area other than from the inside of the building.
5. No live entertainment.
6. No bean bag play after 10 p.m.
7. All portions of the outdoor dining area shall be setback at least 5 feet from any property line, as stated for patios in the accessory structure table.
8. A solid landscape buffer shall be planted along the fence of the outdoor dining area.
9. The fence wall shall have masonry pillars as posts.

A roll call vote was taken:

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

Nays: None

Motion passed

Findings of Fact

Commissioner Cunningham made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 19-12 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMSS

A. 18-13 FINAL PLAT OF SUBDIVISION FOR 16622 W. 127TH STREET (LOMAS SUBDIVISION)

Mr. Herman said the subject property is located on the southwest corner of 127th Street and Rolling Meadows Drive. Last year the Village approved a preliminary plat

of subdivision for a two lot subdivision on the subject property. The property had been rezoned from B-3 to R-4 Single Family. He then showed the Final Plat of Subdivision submitted by the applicant. The applicant did try and comply with the recommendations that were made.

The lot sizes are greater than what is required for the R-4 District. In regards to having a greater setback for Lot 1 off of 127th Street, they did increase it to 40 feet. He then reviewed the conditions that were placed from Planning Commission at the preliminary hearing. Staff feels the Final Plat substantially conforms to the Preliminary Plat and recommends approval of the Final Plat with the conditions listed in staff's report.

Chairman Spinelli stated the restriction for no vehicular access to 127th Street is not shown anywhere on the subdivision plat and that will need to be added to the plat. The applicant's engineer needs to update their preliminary engineering drawings to show the 40 foot setback from 127th Street. He concurs with staff that the Final Plat does conform to the Preliminary Plat. He then asked if any of the other Commissioners had any comments or questions. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Zolecki made a motion, seconded by Commission McGleam to recommend to the Mayor and Board of Trustees approval of Case 18-13 Final Plat of Subdivision for 16622 W. 127th Street (Lomas Subdivision) with the following conditions:

1. Address planning comments and meet the requirements of the UDO at site development permit.
2. Address any remaining comments forthcoming from the Village Engineer and Village Arborist.
3. Identify a non-access easement along 127th Street prior to final approval.
4. Update the preliminary engineering drawings to show the 40 foot setback from 127th Street.

A roll call vote was taken:

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

Nays: None

Motion passed

V. GENERAL DISCUSSION

Chairman Spinelli asked if there were any updates from the Village Board in regards to cases that they have heard.

Mr. Herman said this upcoming Monday, at the Committee of the Whole, they will be talking about all the cases from June Special Meeting. The only thing that might get

pushed back is the UDO amendments, but they will have to update the FIRM Map for DuPage County.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURMENT

Chairman Spinelli called for a motion to adjourn the meeting.

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper