

Village of Lemont
Planning and Zoning Commission
Regular Meeting of December 19, 2018

A regular meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, December 19, 2018 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 6:31 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 Manager, Mark Herman, Consulting Planner, Jamie Tate and Village Trustee Ron Stapleton were also present.

C. Approval of Minutes – October 17, 2018 Meeting

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the October 17, 2018 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli greeted the audience and stated there are three cases this evening. He then asked everyone in the audience to please stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. 18-23 HINDU TEMPLE REZONING

Chairman Spinelli called for a motion to open the public hearing for Case 18-23.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 18-23. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said Tilak Marwaha owner of the subject property is requesting rezoning to INT Institutional District from R-2 Single-Family Detached Residential District. Much of the surrounding property is unincorporated. To the north is residential unincorporated DuPage County, south is PLM Trailer Leasing, east is Forest Preserve District which is unincorporated DuPage County, and west is single-family residences also in unincorporated DuPage County. The subject property is 20 acres and is located on the northern boundary of Lemont. The present use is a religious institution.

The property was annexed into the Village in 1991 and zoned R-2 Detached Single-Family Residential. The special use allowed a temple, guest houses used in conjunction with temple functions, Ministers quarters, auditorium, community center, multi-level parking facility, Ganesh Temple Indianization, and restaurant to be used exclusively by devotees and in house residents. The Village settled at the time to accept all the buildings in their current state and the Temple agreed to pave the parking lots once the conversion of the community center was completed.

A religious assembly and religious institution is an allowed use in the INT district while it is a special use in the R-2. It is unclear why the Village assigned the R-2 Zoning at the time. The INT district is designed to provide environment for land uses of a civic, educational, governmental, recreational and religious nature.

Mrs. Tate said there are no setback or lot dimension concerns in the INT district versus the R-2 district. The setbacks appear to be met and are provided on the Plat of Survey. One difference is there is no lot coverage requirement in the INT district versus R-2. She then read through the different land use permissions comparing the two districts.

There are few non-conformities that are found on the site that are in both districts. Fences in both INT and R-2 cannot be located in the front yard and cannot be chain link. The fence surrounding the property and at the gate of the Lemont Road entrance is chain link. The monument sign does not meet current regulations regarding landscaping and a limestone base. There are some signage difference in the two zoning district. Monument signs are allowed a total square footage of up to 32 sf in residential and 64 sf in INT districts. Electronic message board signs are allowed with restrictions in the INT district but are not allowed in the R-2 district. There is a 250 foot distance requirement from residentially zoned land that the Hindu Temple might not meet. She then read through the standards for rezoning.

Mrs. Tate stated the Comprehensive Plan designates this area as INST (Institutional) land use. The proposed zoning change will bring the zoning designation and Comprehensive Plan land use designation into agreement. Staff does not have compatibility concerns with the surrounding properties. The subject property is a large site that has been in operation for over twenty years with no close adjacent neighbors. There is a large four lane highway separating the residential properties to the west and there is dense landscaping surrounding the Hindu Temple. This would conclude staff's presentation and staff is recommending approval.

Chairman Spinelli asked for the electronic message board, would the applicant have to come back in for a special use or are they allowed up to 64 feet.

Mrs. Tate said it is a permitted use and they would have to meet the regulations. One of the regulations is that they can't be within 250 feet from a residential district. If they don't meet that then they would have to come back in and ask for a variance.

Chairman Spinelli asked if they were asking for this request.

Mrs. Tate stated they are not.

Chairman Spinelli asked staff if they were aware of any changes on the property.

Mrs. Tate said there is not.

Commissioner McGleam asked if staff had ever found out any information as to why it was zoned R-2.

Mrs. Tate stated she did not find out why it was zoned R-2.

Commissioner O'Connor asked if there was any residential on the property currently.

Mrs. Tate said that would be a question for the applicant

Commissioner O'Connor asked why the applicant is asking for the change.

Mrs. Tate stated the applicant can answer that question.

Chairman Spinelli then asked the applicant to come forward and make a presentation.

Applicant Presentation

Tilak Marwaha said their religious institution has grown. They plan on opening a small medical facility on campus to reach out to anyone in need of medical care. A lot of their members have medical backgrounds and are willing to help out. They have a task force that are working on this. In 2016, their board approved a Montessori school so they are looking in that direction also.

Commissioner McGleam asked if medical care was allowed in INT district.

Mrs. Tate stated hospitals are permitted in that district; however she is not sure if a medical care facility is.

Mark Herman, Community Development Manager, said hospitals would require a special use in the INT district. Medical care places are not permitted in INT district. They would have to see what they are proposing to see if it is allowed or if they will have to seek some other type of relief in the future.

Chairman Spinelli stated he would like to reiterate that this request is just for rezoning and there is no request to change the use of the property. He then asked if they are requesting at this time an electronic message board.

Mr. Marwaha said they are not requesting anything at this time.

Commissioner O'Connor asked if there was anyone living on the property at this time.

Mr. Marwaha stated there is one building that is assigned to the priest but it is inhabitable and nobody is living there.

Chairman Spinelli asked if there were 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

Vera Gardner asked if they are trying to put in a medical or mental hospital.

Chairman Spinelli said this public hearing is just for the rezoning. One of their potential plans is to provide a medical facility on-site. A hospital is a special use in the INT district and the medical facility is not permitted. If they pursue the special use then the applicant would have to come back here and the residents would receive a notice again.

Ms. Gardner stated the lights are becoming an issue.

Doni Robinson, attorney for the applicant, stated they have spoken to the code enforcer and they changed the angle of the light.

Ms. Gardner said there is the one blue light in the evening time.

Ms. Robinson stated they are definitely willing to work on getting that changed.

Paul Pachl said his house is surrounded by the subject property. He would like to know how this will affect his zoning.

Mr. Herman stated that they are in DuPage County and their zoning is in no way over them. So their R-2 is different from Lemont's zoning districts.

Linda Pachl asked if there is any way they could postpone the meeting until they have a lawyer look everything over so they can see how it will affect them.

Mr. Herman said the Hindu Temple does own property in DuPage County. He showed on the overhead everything that is in the Village of Lemont that is proposed to be changed.

Mr. Pachl asked where are they proposing to put the medical institution.

Chairman Spinelli explained that there is no proposal for a medical institution. The proposal is just for rezoning and it is only for the property located in red.

Ms. Gardner asked if by changing the zoning will that effect the way traffic is handled for their big events.

Chairman Spinelli stated that will not change. He then asked if there was anybody else that wanted to make further comments or ask questions 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 18-23. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

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

Plan Commission Recommendation

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 18-23, rezoning of The Hindu Temple of Greater Chicago. A roll call vote was taken:

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

Nays: None

Motion passed

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to authorize the Chairman to approve the Findings of Fact for Case 18-23 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

B. 18-24 UNIFIED DEVELOPMEN ORDINANCE TEXT AMENDMENTS

Chairman Spinelli called for a motion to open the public hearing for Case 18-24.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to open the public hearing for Case 18-24 UDO Text Amendments. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Jamie Tate, Consulting Planner, said there are a few UDO amendments that they need to bring forward. The first is they were notified by IDNR that they were missing some references to DuPage County and Will County and some dates on FEMA maps. The next is there has been an inquiry to the Village by a resident to amend fences in corner through lots to allow five foot see-through fences. She then showed the different types of corner lots. There would be no chain link, PVC, or wood material allowed.

Mr. Herman said on page 6, there is the restriction that a fence is at least 20 feet from the edge of any public street. That is not being amended, but if they were to possibly allow these types of lots that can go up to five feet, is the Plan Commission interested in those types of lots having the fence closer to the street.

Chairman Spinelli stated currently they allow four feet fences up to the property line.

Mr. Herman said it still needs to be 20 feet from the edge of the street, which he interprets as the curb.

Chairman Spinelli asked what happens if there is a 25 foot parkway. Technically someone can block the public sidewalk.

Mr. Herman asked if they would like to reword it to provide a distance from the front and corner property line.

Discussion continued as to what distance a fence should be from the property line and whether to allow more than a four foot fence.

Chairman Spinelli said he would permit the fences, open style into the side yard setback, no closer than two (2) feet to the property line and stay at the four (4) foot height. In order to soften the corners, there should be one six foot panel at a 45 degree angle and no 90 degree corners are permitted adjacent to a public-way.

Mrs. Tate asked should it only be required within so many feet off of the property line.

Chairman Spinelli stated that no 90 degree corners should be permitted within 10 feet off of the property line.

Mrs. Tate said another item that was brought up to staff was fence height discrepancies due to topography. So they will add that the fence height shall be measured by average grade of the yard and provide a diagram.

Chairman Spinelli stated he feels that this will be an issue for the code enforcement officer.

Mr. Herman said it was brought up by the building official who does go out to do the fence inspections. Prior to 2008 the Code did allow variation for topography and currently in the code there is nothing to guide on how to measure a fence height.

Chairman Spinelli stated it should be the average over the course of the panel width up to a maximum panel width of six feet.

All Commissioners agreed.

Mrs. Tate said the next is to reduce the required setbacks for sheds from principal structures from 10 feet to 0 in residential. Currently the UDO groups sheds and detached garages in the same category and requires them to both be at least 10 feet from the principal structure. This would be proposing for just sheds reducing that setback from 10 feet to zero. The change was discussed with the Village Building Official and he was in support of the modification.

Chairman Spinelli asked if it could be attached to the principal structure.

Mr. Herman stated with what they are proposing then yes.

All Commissioners agreed with the change but add "behind the rear wall of the principal structure".

Mrs. Tate said the next amendment is to add aesthetic regulations for temporary Construction Contractor Sales Trailers. They would be required to have landscaping according to the ordinance, the foundation on the trailer cannot be visible and the trailer must be kept in good condition.

Trustee Stapleton asked if there was any timeline on how long they can be there.

Mr. Herman stated they do require a permit for this so they might need to add some timing on there.

Mrs. Tate said sometimes it is written in the Planned Unit Development.

Chairman Spinelli asked if they need to have where there is a minimum development size in order to have a construction trailer on-site.

Commissioner McGleam said he feels what staff is proposing is aesthetically acceptable and it will prevent someone from bringing a trailer out there unless it is for business.

Mrs. Tate stated the next section is small cell antennae. There is a Small Wireless Facilities Deployment Act that was approved by the State of Illinois. It mandates that all small wireless facilities are now all considered permitted uses in the right-of-way of all zoning districts. Applications are subject to administrative review only (except for height exceptions or variations and design standards), and applications are not subject to zoning review or approval if they are located in the right-of-way in any zoning district or outside of right-of-way in property zoned exclusively commercial or industrial.

The Village Board passed an ordinance in June 2018 adopting and implementing the new regulations and permit fees. However, at the time the Board did not amend its zoning district to put them in as permitted uses in the right-of-way. Staff is proposing to add a new use category "Small Cell Antenna" to allow in all zoning districts if located in the right-of-way, and allowed in all other districts on private property but not residential zoning districts or DD Zoning District.

Trustee Stapleton asked if there were any restrictions on height or size.

Mrs. Tate said they are allowed to go ten feet above the pole.

Commissioner McGleam asked if these are put on top of ComEd poles.

Mr. Herman stated that they could.

Chairman Spinelli asked if there needs to be a requirement to have them so many feet off the ground.

Mrs. Tate said she had inquired about that and she was told that is not anything to worry about.

Chairman Spinelli stated he feels it should have a minimum of 12 feet.

Mrs. Tate said this proposal is just to add to the urban design section for the Downtown District. It talks about accessory structures attached to poles in the district. Anything attached to the poles must be reasonably concealed. She showed on the overhead different pictures of what the antennae can look like and what a “stealth” design can look like. Sometimes the stealth design can make things bigger.

Chairman Spinelli asked if they were not in favor of a stealth design and can they restrict it.

Mrs. Tate stated if it is in a Historic District or a Downtown District. You can’t discriminate but you can make it a blanket design aesthetics. The word stealth can be taken out and just say it has to be reasonable concealed.

Chairman Spinelli said he agreed for both districts.

Commissioner McGleam asked if they should have it match the color of the pole, especially if it is a decorative pole.

Mrs. Tate stated they could add the color should match the structure it is attached to. The next section states that it requires the Historic Preservation Commission to notify the applicant of a public hearing by certified mail. It does not make sense to send this to the applicant when they are the ones who applied, so this is just being taken out.

Mrs. Tate said they have been notified by the Park District that they wish to host beekeeping classes and keep an apiary on their property located in the INT Zoning District. They have requested a location near the southeast corner of Centennial Park. The proposed amendment would allow beekeeping as a hobby with an aviary as an accessory use in the INT Zoning district. The use would be added to the accessory use table and definitions will be added. There are a few regulations that she had found from other communities. She then read those regulations.

Trustee Stapleton asked if a distance can be set from residential.

Mrs. Tate stated yes they can.

Commissioner Cunningham said signs should be posted.

Chairman Spinelli stated he agrees to just have it in the INT District to see how it goes and it should be at least 100 feet from property lines.

Mrs. Tate said the next part is regulations for lighting standards. The code does not have lot lighting standards. There are other regulations that are typically found in a local municipality’s zoning code. One is requiring a photometric plan as part of a development plan, redevelopment plan and for all nonresidential projects and for residential developments that utilize parking lots.

Chairman Spinelli asked if it was for all developments proposing commercial lighting.

Mrs. Tate said she agrees that it needs to say that. She added some wording under "Glare". There was no requirement on height for any non-residential lighting, so this was added to the section. Also, adding all non-residential lighting is required to be turned off no later than 60 minutes after business hours only leaving lighting necessary for site security. Some things she would like to get the Commission's opinion on is to whether to add the following for freestanding poles:

- Be located within landscaped areas or planter islands, or on sidewalks maintaining an accessible sidewalk width.
- Be located on a concrete base where no more than eight (8) inches of the base is located above grade.
- Be located to avoid conflict with trees.

Chairman Spinelli asked if there is a requirement for a landscape island every 20 parking spots.

Mrs. Tate stated yes it is required.

Chairman Spinelli said if you are going to force it into an island then you are going to need higher wattages, taller light poles, forward throwing lights. He asked why they are against concrete base.

Mrs. Tate stated it is just to prevent concrete bases in the middle of a parking lot. Curbs tend to protect the lights.

Chairman Spinelli said if you are trying to reduce the nuisance lighting then you will have to reduce the pole height which then you are going to need more islands or you allow these in the stalls.

All Commissioners agreed to not add those regulations to freestanding poles.

Discussion continued in regards to photometric plans and how they are measured.

Mrs. Tate stated next is linear lighting which you find on commercial store fronts. She asked if the Commission wanted to add this or prohibit it. She showed pictures of the rope lighting at store fronts.

All Commissioners agreed to prohibit the linear lighting.

Mrs. Tate said the last thing is addressing aesthetics for accessory structures in non-residential districts. She then read the requirement.

Discussion continued as to when this would be used.

Mrs. Tate stated this would conclude the text amendments.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 18-24. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Recommendation

Commissioner O'Connor made a motion, seconded by Commission McGleam to recommend to the Mayor and Board of Trustees approval of the UDO text amendments as discussed with the following changes:

1. Fencing: fence heights are not allowed at five feet, must be two feet off of property line, and softened corners. Remove the 20 feet from a public street. Measuring fence height will be based on the panel with a maximum of six feet wide panel.
2. Sheds must be behind principal structure but the setback can be reduced from 10 feet to 0 feet.
3. Remove the word "stealth" from small cell antennae but add color and harmony.
4. Beekeeping add 100 feet from property line and require signage.
5. Add non-residential to lighting standards, no further regulations to the freestanding pole bases and prohibit linear lighting.

A roll call vote was taken:

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

Nays: None

Motion passed

Commissioner Cunningham made a motion, seconded by Commissioner Zolecki to authorize the Chairman to approve the Findings of Fact for Case 18-24 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

A. 18-21 EQUESTRIAN MEADOWS PHASE 2 FINAL PUD/PLAT PLAN

Jamie Tate, Consulting Planner, said on December 14, 2015 the Village of Lemont approved a preliminary plat/plan for a 34 single-family residential planned unit development located at 12150 Bell Road. On June 27, 2016 the Village approved the Final PUD/Plat for Equestrian Meadows Phase I of the development that included 22 single-family lots. On October 31, 2018 James Marth of Equestrian Meadows, LLC submitted an application for a Final PUD/Plat approval for Phase II for the remaining 12 single-family lots. Staff is recommending approval with conditions.

There were some UDO exceptions that were part of the Preliminary Plat/Plan that was approved. She then read those exceptions and the conditions for the final/plat approval. The site plan is consistent with the approved preliminary PUD and the approvals for Phase I Final PUD. For Engineering there were some comments regarding lots 33 and 34 as the rear yards have no usable living or play area. Also, the engineer requests verification of compliance with the “berm rule” along Bell Road. There are other minor comments that need to be addressed along with MWRD and IEPA permits that are in the process of being issued.

Mrs. Tate stated there are comments from the Fire Marshal addressing requirements and fire hydrant minimum distances and locations that must be met in the final plans. The Village Arborist has requested an as-built landscape plan for the entire subdivision once completed for Village records. The Village Ecologist stated that the landscape plan does not comply with the Village’s current Native Planting Guidelines as the guidelines were not in place at the time of Preliminary PUD approval. However, the ecologist has confirmed, the landscape plan is consistent with the previously approved plans. So moving forward, the comments provided by the ecologist are considered suggestions rather than required since guideline were not in place at time of preliminary approval.

The only difference with the residential design standards is they can only have seven three-car front loaded garages. All single-family detached units shall be constructed with masonry from grade to the top of the first story. Brick and stone veneer shall be anchored veneer. Siding shall be cement fiber board, LP Smart Side or a comparable product of similar style and quality as approved by the Village Planning and Economic Development Director.

Staff does recommend approval with the following conditions:

1. Address any additional outstanding issues as noted in the comment letter by the Fire Marshal and Village Engineer.
2. Consider the Village Ecologist’s recommendations to meet the Village Natural Planting Guidelines.
3. Revise the final plat per the Village Engineer and staff’s comments.
4. Comply with the final residential design guidelines.

Chairman Spinelli stated the plat needs to be updated and corrected. Currently, at around lot 32 it is showing a 15 foot rear yard utility drainage easement and a 30 foot rear yard setback. When you look at the grading plan on page 123 of staff’s report, the storm sewer is well beyond the 15 foot public utility easement. The drainage swale that the Village Engineer was talking about, the grading does go all the way to the rear yard setback. The elevations shown on the grading plan would indicate that there would be stormwater detention volume stored in these backyards. Lots 32, 33 and 34 need to be corrected to accommodate the shift in the storm sewer along with storm water detention volume in those lots. He then asked if any of the

Commissioners had any questions for staff at this time. None responded. He then asked the applicant to come forward.

Applicant Presentation

Matthew Kline, representing the applicant, said staff made a great presentation and they do not have anything to add further. They are available for questioning.

Chairman Spinelli asked if they got their wetland issues resolved.

Mr. Kline said they were told by the Army Core that the wetland issue is resolved, but they have not issued the permit yet. In regards to those two lots, the swale is very shallow.

Sean Dudak, Design Tech Engineer, stated they have revised their plans and resubmitted them to the Village.

Chairman Spinelli asked what is the high water now.

Mr. Dudak said it is 728.3 and there is a spot elevation of 728.5 at lot 34.

Chairman Spinelli stated the rim elevation at lots 33 and 34 is at 28 even.

Mr. Dudak said they have revised that to 28.5 with the plans he has. The swale has been moved over; they put in a modular block retaining wall on the property line.

Chairman Spinelli stated he would recommend that they confirm that the easements are a proper width to contain everything. He then 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 case.

Public Comment

None

Plan Commission Discussion

Chairman Spinelli asked if any of the Commissioners had any questions or comments. None responded. He then called for a motion for 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 18-21 Equestrian Meadows Phase 2 Final PUD/Plat Plan with staff's conditions. A roll call vote was taken:

Ayes: Cunningham, McGleam, Zolecki, O'Connor, Spinelli
Nays: None
Motion passed

V. GENERAL DISCUSSION

Mr. Herman asked the Commission if they agreed to move the meeting dates from the third Wednesday of the month to the first Wednesday of the month.

All Commissioners agreed.

Mr. Herman said he had a resident inquire about having chickens in a residentially zoned property. The way the code reads now the accessory structure for the coop would have to be on a lot of an acre or more and there are some setback requirements. This unfortunately, is not possible for most residents. Before staff goes any further they would like to get some feedback from the Commission.

Chairman Spinelli stated he feels this might start to create a lot of problems.

Commissioner O'Connor said he agrees.

Commissioner McGleam stated the way the code is written is perfect.

Commissioner Zolecki said he would entertain the idea.

VI. AUDIENCE PARTICIPATION

None

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

