

Village of Lemont
Planning and Zoning Commission
Regular Meeting of July 18, 2018

A regular meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, July 18, 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, Plahm, Zolecki, Spinelli

Absent: Glomp

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

C. Approval of Minutes – June 20, 2018

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the June 20, 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 said there were three public hearings this evening and one action item on the agenda. 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. 18-10 RUSSO SALT SUPPLY, LLC SPECIAL USE

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 18-10. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said Eric Adams of Russo Salt Supply, LLC is requesting a special use to allow for the offloading and storage of de-icing salt located at 16500 Des Plaines River Road. Material stockpiles are a special use within the Canal Overlay District and considered on a case by case basis. Staff is recommending approval.

The subject property is owned by Metropolitan Water Reclamation District (MWRD). On June 2, 2005, MWRD awarded a 39 year lease to ACBL Transportation Services, LLC on approximately 28 acres of MWRD property located at 15900 Des Plaines River Road. The site contains a barge slip and ACBL uses the site for loading and unloading barges and storing shipping containers. The Lease allows ACBL to sublease, subject to MWRD's prior written consent. ACBL has requested permission to sublease an 8.1 acre portion of its leasehold, including a portion of the barge slip to Russo Salt Supply, LLC for a period of five years, with the option to renew the sublease for another five years. Russo proposes to load and unload barges, and to receive, store and distribute bulk and packaged products, including salt, stone, sand and mulch. The applicant is present tonight and can clarify if it is just salt or if they are looking for more. In conjunction with such operations, Russo intends to construct a salt pad and surrounding berm. They intend to follow best industry practices for handling and storing salt on the subleased portion, including covering any stored salt with a tarp. Mrs. Valone stated MWRD did approve the sublease request in June of 2018.

The applicant will be unloading de-icing salt off of shipping barges located on the Des Plaines River and temporarily storing the material on-site. As orders come in, trucks will haul the material off-site to various clients throughout the Midwest. Not all of the material will move directly from the barge to trucks, therefore outdoor storage is a part of the request. The applicant has stated that the maximum height of the salt storage pile will be 25 feet tall and the B-4 Zoning District allows buildings up to 35 feet in height. Primary operations from this site will take place from September to April each calendar year. Business hours are expected to be Monday through Friday 6am – 3 pm each weekday with occasional peak times extending past these hours. The total workforce at the property is expected to be 3-6 employees.

Mrs. Tate then read through the standards for special use and staff found that the requested special use meets the applicable standards. An item to discuss is that in 2009 there was a similar request that came through for this location for salt storage

and other storage as well. The Plan Commission did look at it and did put the following conditions on the special use:

1. Cover the materials with tarps and the tarps must remain in good condition and be a uniformed color.
2. ACBL would also be responsible for the proper handling, storage, and/or disposal of materials on site.

The applicant is also present tonight to answer any questions.

Commissioner McGleam asked what kind of building permits would be required for this.

Mrs. Tate said it would be site development permits right before salt storage pad.

Commissioner McGleam asked if there were any required EPA permits for salt storage.

Mrs. Tate stated that might be a question for the applicant. She is aware that the EPA has regulations for it but she is not sure if they have a permit process.

Mr. Berry, Economic and Community Development Director, said the applicant has to get a WMO permit from MWRD.

Chairman Spinelli asked if the Village Engineer was going to be looking at the concrete block containment wall to see if it requires a structural evaluation.

Mrs. Tate stated she is sure that he will be looking at it through the site development process. The Village Engineer or the Fire Marshall did not have any further comments at this time. However, through the process he will be looking at the site development permit.

Chairman Spinelli asked if the Commissioners had any further questions for staff at this time. None responded. He then asked the applicant to come up and make a presentation.

Applicant Presentation

Kevin Coyne, Attorney for the applicant, said staff was very thorough and appreciates their support. They do not have much to add but are present this evening to answer any questions that the Commission might have. The applicant is in agreement with the conditions from 2009 relative to the tarp. The request is for de-icing salt only and all necessary permits will be achieved. The concrete block containment wall will be six to eight feet high. The applicant is also present this evening to answer any questions.

Chairman Spinelli asked to confirm that the application was for salt only. He asked the applicant if the Commission does put a restriction on the special use for salt only would he have any objections to it.

Eric Adams, applicant, stated he would not.

Commissioner McGleam asked if he could explain how the business works in regards to receiving the salt in the summer for preparation for winter.

Mr. Adams said each year it varies a little. Typically you receive the salt sometime in the fall and then you tarp it. You deliver it out once the season hits. They will receive the salt by barge, and then unload it with an excavator. They will truck it to the pile and a frontend loader will stock it.

Commissioner McGleam asked if they will be using a crane.

Mr. Adams stated no.

Chairman Spinelli asked if they are required to get NPDES Permit and if so who will be the permit holder.

Mr. Coyne said they are still working with engineering on that, but if they are required then they will get it.

Commissioner McGleam asked if staff can talk about the 2009 special use.

Mrs. Tate stated the special use will be given to Russo for the salt pile, but it will also hold ACBL responsible for Russo's actions.

Commissioner McGleam asked if they would have to be in the lease agreement.

Mrs. Tate said it was part of the motion in 2009.

Chris Shepherd, ACBL, stated at that time they were the applicant themselves and they were going to operate the facility.

Commissioner McGleam asked if they were going to have that condition in their sublease agreement.

Mr. Shepherd said yes.

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

Robert Barnes, General Manager for Illinois Marine Towing, They own and operate the adjacent barge slip that is next to the subject property. They are not opposing this but they do have some concerns since salt can be corrosive. They received the notice on Friday, July 6th, and turned it over to people who do research for them and have not received anything back yet. There are other facilities that have salt down by them which don't affect them; however, they are further away from them. They would like to express their concern for their equipment. It is his understanding that they did oppose the petition in 2009, but is not sure why.

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 18-10. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commissioner Discussion

Chairman Spinelli said he was on the Commission in 2009 and does not recall the objection.

Mr. Shepherd stated there is a significant difference between the proposed facility and what was proposed in 2009. One is the size of the facility. There was a contract for 50,000 tons of salt at that time and there could have been as much as 300,000 tons. They were asking to use the whole property which would have gone right up to Illinois Marine Towing. Russo is planning on being on the furthest part of the property. The size of the facility is much smaller. Mr. Adams is proposing 50,000 tons. There were also different holding facilities that were proposed.

Commissioner Zolecki said he felt that they should not include the second condition and that it does not apply here.

Chairman Spinelli stated he agrees also. He asked if there were 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 Cunningham to recommend to the Mayor and Board of Trustees approval of Case 18-10 with the following conditions:

1. The Special Use is for salt only.

2. To cover all areas with tarps, which all tarps must remain in good condition at all times and be uniformed in color.

A roll call vote was taken:

Ayes: McGleam, Cunningham, Zolecki, O'Connor, Plahm, 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 18-10 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

B. 18-09 13610 ELIZA LANE DRIVEWAY VARIATION

Chairman Spinelli called for a motion to open Case 18-09.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 18-09. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said Elliot Slosar and Nina Godlewski, owners of the subject property are requesting a variation to allow construction of a residential driveway wider than code allows with greater front yard lot coverage than allowed in the UDO. The subject property is zoned R-4 Single-Family Detached Residential District. All driveway widths in residential zoning districts shall not exceed 22 feet at the lot line and driveway apron. From the lot line, driveway width may gradually be increased to accommodate entry into garages. Front yard lot coverage may not exceed 36% of required area in the front yard.

The driveway as built, and with the requested variation, is greater than 36% as the code stands today. The PZC reviewed and approved an updated way to calculate front and rear lot coverage on June 20, 2018. This UDO amendment goes before the Village Board on July 23, 2018 to vote on adoption. If the UDO amendment is approved, the proposed driveway does not go over the calculated front yard lot coverage maximum of 36%, but is still in violation of the maximum width requirement.

Mrs. Tate stated on March 21, 2017 the property owner submitted a building permit application to replace their existing driveway with pavers and the work was to be performed by Elemental Landscaping. The permit was approved on March 23, 2017 with several notes highlighting the UDO requirements for driveways in residential zoning districts. The previous asphalt driveway was approximately 29 feet at the garage doors and tapered to 22 feet at the lot line and driveway curb cut. The homeowners claim they were shown a different sketch of the driveway by their contractor, in conflict with the Village approved permit drawing. At the time of inspection, the Building Inspector, closed out the permit even though it was noted constructed not as approved. Given several options, the property owners desire to go ahead with a variation request rather than bring the driveway into compliance with the UDO.

Mrs. Tate then read through the three standards for variations which are listed in staff's report. The UDO requires that the applicant demonstrate consistency with all three of the variation standards. Staff found that all the standards for variations are not substantially met. The applicant is present to answer any questions.

Chairman Spinelli asked with applications like this does the Village inspector go out and approve the curb cut. He asked if there is any type of inspection before they are permitted to cut public curb.

Mr. Berry said yes.

Chairman Spinelli stated when he looks at the picture it looks like they cut it to the full width which was incorrect.

Mr. Berry said that is correct and he does not think that was inspected. The contractor did not call for inspection so it was inspected after the installation.

Commissioner McGleam asked if the contractor was represented this evening.

Mrs. Tate stated no.

Commissioner McGleam asked if he was still licensed to do work in Lemont.

Mr. Berry said he would look into that.

Discussion continued in regards to what the Village can do with contractors that don't follow permits.

Commissioner McGleam asked for staff to explain how the permit was closed out.

Mrs. Tate stated from what she knows it was closed out in error.

Commissioner McGleam said he is trying to determine where the mistake was made.

Mrs. Tate stated it was noted that it was not built how it was supposed to be.

Commissioner O'Connor said it was noted on March 23, 2017. He asked so how did we get to this point today.

Mr. Herman, Community Development Manager, stated the inspection was in October of 2017, but he does not have specifics as to what that note said.

Mr. Berry said it is not unusual especially if the contractor does not call for a final. About every six months they start pulling them to see what is happening. The Code Enforcement Officer went out and saw that this one was not built as approved and then he alerted the Building Commissioner. Since then staff has been working with the homeowners.

Commissioner Zolecki asked if there were any fines issued to the contractor.

Mr. Berry stated not at this time.

Commissioner McGleam said not only did the contractor not build it to the approved permit; they also had cut a public right-of-way curb without a permit.

Chairman Spinelli stated they need to find ways to make sure contractors like this are not permitted to work in this town.

Commissioner McGleam asked why they have the required 22 feet curb cut from planning and aesthetics standpoint.

Mrs. Tate said she would say it has to do with scale and not having this massive curb cut into the driveway. Lot widths vary and this kind of keeps it at a standard size.

Mr. Berry stated at one point the 29 feet curb cut was allowed. The issue that is happening now is there are more three car garages than before. That is why they looked at changing the front yard coverage. The UDO does allow you to go up to 32 feet to the lot line.

Commissioner McGleam said he feels that the 22 feet works really well.

Chairman Spinelli asked what is the lot width on subject property.

Mrs. Tate stated it is 90 feet.

Chairman Spinelli asked if the applicant had included the photos or staff.

Mrs. Tate said those were provided by the applicant and most of those homes are in unincorporated Lemont.

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

Applicant Presentation

Elliot Slosar, applicant, said they are here tonight to discuss six feet and whether their driveway should be provided a variance. This is a result of their landscaper informing them that the plan they discussed, agreed upon, and paid for was approved all along. If the variance is declined then their family will be forced to incur significant expenses and end up with a different result than what was promised. He and his wife have invested a large sum of money into two different phases of their landscape plan. One was done prior to the driveway and was performed by Elemental Landscape. They were mostly happy with the results and because of that they went back to them for the driveway. Since the first phase went so smooth they figured the second phase would go just as smoothly.

When their family would come over they would use the widest part of the driveway as they got close to the garage. When they would back up they did not pay attention to the aggressive reduction of the width. Because of this they were ruining the landscape that they had at the end of the driveway. That's when they decided to widen the driveway. They went with pavers and had lights installed.

The Village Board will be evaluating an amendment on how to calculate front lot coverage. If that passes then the only issue will be the variance for the width. He understands that the six feet is a significant request and feels that the petition they have submitted exceeds the standards for variations. The variation in issue is in harmony with the general purpose and intent of the UDO. The plight that their family faces is unique circumstances and strict enforcement would impose exceptional hardship. The circumstances has to do with a contractor making promises to them, that they relied upon and spent thousands of dollars. If they would have known that this was in violation then they would never have done it. If they also knew that they couldn't have widened the driveway three cars wide, then they probably wouldn't have done it at all.

Mr. Slosar stated if the Commission looks at their home and their location of their plot, they will see that they are at the nearest entrance of Parker Road. There is an excessive amount of traffic from residents entering the community. Their family would have to park on the street because they could not fit in the driveway. They believe their home has a unique circumstance as opposed to other neighbors deeper into the community and not presented with the traffic flow of residents. Next, they are certainly not trying to set precedence by going through this process. The driveway cost them anywhere between \$25,000 and \$30,000. They have incurred expenses related to this learning process.

There is a third phase to their landscaping that is going to start next week and everything has been approved. They are using a different landscaper. It wasn't until after this process started that they learned that Elemental had a different name a few years ago and went into bankruptcy and created this new company. They feel that the hardship was created by an outside influence and not by his wife or him. The outside influence was the contractor they hired, but they provided the landscape plan that he had showed them. That is the first time they saw the plat of survey before the Commission which was totally different. It is his understanding that the only reason why they are here is because a neighbor had inquired about the stone porch, which prompted an inspector to come out who noticed the different driveway width. He is not trying to demean the issue, but they certainly didn't intentionally violate the ordinance code.

Mr. Slosar said the fourth and fifth factor staff agrees with them, that the variation will not be detrimental to the public welfare or injurious to other property. The driveway adds value to the community and is beautiful. It adds to the community and helps with safety for their guests and other residents of the community. With the widen driveway their guests can park on the driveway and not in the street with all the incoming traffic. Staff also agrees that the variation will not alter the essential character of the locality and should not be a substantial detriment to adjacent property.

Finally, they feel that the variance application is consistent with the standards. They were provided false information by a landscape designer prior to determining whether to construct the driveway. They certainly didn't intend to violate any ordinances and had good faith basis believing that this was a legitimate project and design. The variance they seek will allow their family to move forward and not incur costs for reconstruction. They are not seeking to change the driveway back. If they knew it could not be done then they would have saved the thousands of dollars. The Commission should know that they are doing an additional landscape project starting Monday with a different landscape company. They did make sure all the designs were approved. This was not the only issue that they had with Elemental. He asked the Commission to please vote in favor of the variation.

Chairman Spinelli said that he had mentioned an issue with traffic; he asked if they had selected this lot.

Mr. Slosar stated they selected the lot primarily because there was a retention pond behind the house, which is now a wetland, and they really wanted privacy behind their home. This was their first home purchase, and they moved out from the city. They did not realize there would be so much traffic from Parker Road.

Chairman Spinelli said he is sympathetic that the contractor took advantage of them. Once the contractor received the permit from the Village did they see the document at all.

Mr. Slosar stated the first time he saw the document was when they were at the Village Hall for a meeting because they received a notice of violation.

Commissioner Zolecki asked when they submitted the application for permit what design was in there.

Mr. Slosar said the contractor submitted the application for permit.

Commissioner Zolecki asked if the signature on the application was the contractor.

Mr. Slosar stated yes it was.

Mr. Berry said they do take applications from contractors or owners.

Commissioner O'Connor confirmed that the plan they saw was for the full driveway.

Mr. Slosar said yes it was.

Commissioner Zolecki asked if the contractor first submitted it with the 29 foot wide driveway and during review it was changed.

Mr. Berry stated it looks like during plan review it was changed.

Commissioner McGleam asked if the permit was just issued from this plat of survey.

Mr. Berry said they get more information than that.

Chairman Spinelli asked if staff could go to page 68 of the PDF where it actually shows the permit when it was received in March of 2017. He asked if the text that is printed below the owner information was preprinted and if it was standard for all driveway permits.

Mrs. Tate said that is default text on the permit.

Mr. Slosar stated it is not his handwriting on the application.

Commissioner Cunningham asked if the applicant had any contact with Elemental since finding out the violation.

Mr. Slosar said that his wife has been dealing with them regarding other issues.

Commissioner Cunningham asked if they specifically brought to their attention the driveway and what was permitted to what was put in.

Mr. Slosar stated they are aware that they are seeking a variance.

Commissioner Cunningham asked if they are seeking action against them.

Mr. Slosar said he feels that if he wasted time and resources on file action against them then they would just file for bankruptcy again and create a new company. They are encouraging their neighbors not to use them.

Commissioner O'Connor asked if the contractor made any admission and did they have any intention of trying to make good on this.

Nina Godlewski, applicant, stated the contractor has admitted to making the driveway wider than what was submitted. They would like to keep it the way that it is.

Mr. Slosar said the contractor concedes that he did it and it was not intentionally by mistake.

Commissioner McGleam asked if the contractor offered to correct it if they were denied the variance.

Mrs. Godlewski stated the contractor could correct it, but they would not get back any of the money that they put in.

Commissioner McGleam asked putting the money to the side, has the contractor offered to correct it if they are denied the variance.

Mrs. Godlewski said she is sure they would.

Mr. Slosar stated there is electrical wiring underneath the entire driveway. He hopes that the variance is granted. In the event it isn't, it could potentially cause the entire driveway to be ripped up to deal with the electrical wiring to replace the lights. They hope this is the last night they have to deal with Elemental.

Chairman Spinelli asked if the Commission had any more 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

None

Chairman Spinelli then called for a motion to close the public hearing for Case 18-09.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to close the public hearing for Case 18-09. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commissioner Discussion

Chairman Spinelli said before they discuss this case, he would like for staff to make a change and require both, applicant and contractor's signatures on these applications. If this business is acting in a deceitful way then they should be pulling their business license. The whole purpose of the business license is to protect the residents. He is torn on his decision. He truly feels the applicant was misled based on the drawing that was submitted and corrected.

Commissioner Zolecki stated he feels that it was amended after it was submitted. He can appreciate knowing that the homeowners said that if knew that they wouldn't be allowed to do the driveway like they wanted then they wouldn't do the driveway at all.

Chairman Spinelli asked if the inspectors only go out when they are called.

Mr. Berry said yes. It is pointless for them to go out until they are ready. The inspector realized that the final inspection was never done.

Chairman Spinelli stated they have to look at changing the way our building applications are submitted and require the property owner to be part of it. It won't prevent homeowners from being misled, but it might help minimize the potential.

Mr. Berry said Lemont did over 1,100 permits last year, unfortunately the Commission hears about the few problem ones.

Discussion continued on how to prevent this from happening.

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 Zolecki made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 18-09 Eliza Lane Driveway Variation with the following condition:

1. Further pursuit by the Village for retribution from the installing contractor.

A roll call vote was taken:

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

Nays: None

Motion passed

Findings of Fact

Commissioner McGleam made a motion, seconded by Commissioner Plahm to authorize the Chairman to approve the Findings of Fact for Case 18-09 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

C. 18-01 UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS

Chairman Spinelli called for a motion to open the public hearing for Case 18-01.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to open the public hearing for Case 18-01. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Mrs. Tate said the first action in the Our Homes section of the Comprehensive Plan was to consider the creation of a new zoning district aimed at allowing detached single-family home construction on smaller lots. So presented tonight is the creation of the new R-5A zoning district. The new residential subdivisions that have been coming in have been falling short of typical Lemont single-family lot and dimension requirements. This will address the modern style and size of desirable new construction homes with less variations and PUD requests from residential home builders.

For the definition, she had looked at all the other definitions and how this one lines up to that. She then read the definition which is listed in staff's packet. There should be discussion on whether or not to include attached residential in the R-5A zoning district. The R-5 is already an attached district and the Comprehensive Plan just talks about the single-family detached, so this needs to be discussed.

Mrs. Tate stated she added a column to Table 17-06-01 for uses and it is basically mimicking the R-5. There was a column added to Table 17-07-01 Lot and Dimensional Standards since the last time it was seen. It was the maximum lot coverage and she just mimicked what was done for all the other districts.

Chairman Spinelli asked what was the maximum lot coverage for R-4

Mr. Herman said it was 55%.

Chairman Spinelli stated they do need to discuss whether they want to include attached single-family to the R-5A.

Mrs. Tate said the Comprehensive Plan just says detached single-family, but since we are in an R-5 zoning district it should be discussed. The only advantage would be the setbacks.

Mr. Berry stated he feels that duplexes should be allowed and was pushing for this in the R-5A instead of R-4B. He is not sure if he would be in favor of townhomes but he would be for duplexes. They are seeing more of them and it gives them the opportunity to work with developers.

Chairman Spinelli said he thinks the definition should say two-family attached dwellings. A duplex is usually considered a two-family detached. He asked what was considered a two-family detached dwelling.

Mr. Herman then read the different definitions.

Chairman Spinelli stated he does not think two-family detached dwellings or townhomes belong in this new R-5A district.

Mrs. Tate said just like the R-4A they do want to apply standards for the district. The applicability is the same as you find in R-4A. The Comprehensive Plan does talk about keeping open space with this new district, so it talks about the open space under the Purpose section. Staff wanted to put something in here in regards to garages, since developers could come in without a PUD. It addresses three-car garages that are facing the street and the width. Also, it addresses side car garages that are facing a street. Lastly, there is verbiage about open space which is from the PUD codes.

Chairman Spinelli stated in regards to the garages is there a setback requirement currently for the other zoning districts between the primary garage and the third car.

Mr. Herman said he does not believe so.

Chairman Spinelli asked what is the purpose of adding it here.

Mrs. Tate stated it was to give it some depth.

Chairman Spinelli said he doesn't necessarily object to it. However, if you have an interior lot facing the street you are penalized and have to have three feet of offset. If you are on a corner lot then you only have to have a one foot offset. He asked what is the difference since it is still a public street.

Mrs. Tate stated it mostly based on scale and depth.

Chairman Spinelli said it should be the same whether it is a corner lot or an interior lot. It will also make it easier for staff.

The Commission agreed upon two feet.

Mrs. Tate stated this would conclude her presentation.

Chairman Spinelli asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment

None

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

Commissioner Zolecki made a motion, seconded by Commissioner O'Connor to close the public hearing for Case 18-01. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Recommendation

Chairman Spinelli asked if there were no further comments, then he would call for a motion for recommendation.

Commissioner O'Connor made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 18-01 with the following changes:

1. Under 17.05.010 Establishments and Purposes of Districts, number 7, strike two-family detached dwellings and townhomes.
2. Under 17.07.050 Standards for the 5-4A District, Under "C" for Garages, change setback for third bay to two feet.

A roll call vote was taken:

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

Nays: None

Motion passed

IV. ACTION ITEMS

A. 18-04 WILLOW POINTE FINAL PUD/PLAT

Staff Presentation

Mrs. Tate said on April 23, 2018 the Village of Lemont approved a preliminary plat/plan for a 40-unit single-family dwelling unit duplex residential planned unit development. The property was rezoned at that time to R-5 Single-Family Attached District from R-4 Single-Family Detached District. The development is located at the southeast corner of 131st Street and Parker Road. She then read through the UDO

exceptions that were part of the Preliminary PUD and Plat approval. The Preliminary approval indicated that they had to turn in certain plans which are listed in staff's report and they were submitted. There were other specific conditions which she then read through.

There were a few changes to the Preliminary PUD plat/plan that the applicant is requesting. One is relief from the requirement to construct a sidewalk along 131st Street. It wasn't included but it wasn't specifically called out either. Lastly, relief from Exhibit LS-6 requiring residential driveways to be at least 6" thick of concrete. The developer desires to install 4" thick residential driveways. On June 12, 2018, Matthew Dill of Willow Pointe, LLC submitted the application for Final Plat and they are the owner of the subject property. They have provided all the required documents.

Mrs. Tate stated the site plan is consistent with the Preliminary PUD; however, there were some changes that did occur since the review from the PZC's review on February 21, 2018. The developer has removed a duplex building in the cul-de-sac to provide more space in the subdivision. A bench and gazebo has been added to the subdivision and more landscape has been added to the open space. A safe pedestrian crossing has been added to Parker Road from Eliza Court, south of the entrance and exit to the subdivision.

The Village engineer has reviewed the plans and provided comments to the applicant. Some of the requests were to remove window wells between some of the units. There is a concern about snow storage in front of Units 25 through 28. Many of the comments ask for note corrections and dimension updates. The Fire Marshall notes that a two-hour separation wall must be installed between the units or in-lieu of the separation wall, the developer can install sprinklers in the units. The remaining comments are requirements of hydrants and addressing.

Mrs. Tate said landscaping has been added and placed in an easement along the property perimeter. An overlook bench and landscaping was added to the entrance near Parker Road. There is a walking path leading to a landscaped gazebo on Lot 21. Staff has suggested adding more landscaping to the off-street parking stalls located in the cul-de-sac island for visitors to shield headlights. The Village Arborist is requesting the saved trees indicated on the Tree Preservation plan be included on the Landscape maintenance Plan. The Ecologist had a few minor comments that have yet to be addressed.

The homes are proposed to be constructed of brick accented with fiber cement siding, arched entryways, brick soldier course lining the windows and architectural shutters. The rear elevations have been updated since the PZC hearing. Since the application is substantially conforming to the Preliminary PUD staff is recommending approval with the following condition:

1. Address any additional outstanding issues as noted in the comment letter by the Fire Marshal, Village Arborist, Village Engineer, Consulting Planner and Village Ecologist.

The applicant and engineer are present this evening.

Chairman Spinelli asked if they have to apply to all the conditions or just respond to all the conditions.

Mrs. Tate said a lot of them are notes or updating plans. There has been no feedback from the applicant that there were any concerns about the comments.

Chairman Spinelli stated there were comments for no snow storage in front of units 25 through 28. He asked if this has been resolved.

Mrs. Tate said she thinks that it has been noted as a concern. The applicant's engineer might be able to update us tonight on this.

Chairman Spinelli stated the staff report had indicated that it is within substantial compliance with the preliminary plat. He asked if staff can elaborate on the new elevation with lookouts. He asked if perimeter lots would also be lookouts or are those only interior lots that back up to the wetland area.

Mrs. Tate said she is not aware of which specific lots.

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

Applicant Presentation

Matt Dill, Beechen and Dill Homes, said in regards to the exterior elevations the majority of the homes on the east and south perimeter line are either look outs or walk outs. It will all be maintenance free decking and will all match. This will be all controlled by Beechen and Dill and it will be in the HOA that it cannot be changed. As far as a covered patio to break up the monotony for the neighboring residents, on all of those adjacent buildings they will add the taller gable. They will also have signage on the island that there is no parking if there is more than an inch of snow. It will also be a maintenance free community so all the plowing for the individual units will be done by the landscape company. The Village will do the main streets.

Chairman Spinelli stated the Village Engineer is requesting removal of window wells on units 2 and 3, between Lot 1 and 2. He asked if there was a flood route there.

Mr. Coyne said that is one of the main overflow routes there and they agree to do that.

Chairman Spinelli asked if any of the Commissioners had any questions for the applicant. None responded. He asked if there was anyone in the audience that wanted to speak in regards to this case.

Public Comment

None

Plan Commission Recommendation

Chairman Spinelli stated if there is no further discussion then he would recommend a motion for recommendation.

Commissioner Cunningham made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 18-04 Willow Pointe Final PUD/Plat with the following condition:

1. Address any additional outstanding issues as noted in the comment letter by the Fire marshal, Village Arborist, Village Engineer, Consulting Planner and Village Ecologist.

A roll call vote was taken:

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

Nays: None

Motion passed

V. GENERAL DISCUSSION

Commissioner Zolecki asked what are the hours for construction on the weekend.

Mr. Herman said they are 8 am to 7 pm.

Commissioner Zolecki stated they may want to look at that at the next text amendments.

Chairman Spinelli asked staff to pull up the Residential Driveway Standards and look at the cross section B. There is a tag at the bottom that says you can have a depressed curb and gutter at the driveway apron. It should probable say mountable or depressed; otherwise it shows that someone can cut the curb to depress it. He asked if there were any further comments.

Jerry Johnson, resident, said when he had his roof done the contractor came in and got the permit. He feels in regards to the driveway public hearing this evening, the homeowners should be made to come in and sign off for the permit.

Chairman Spinelli stated the only problem he sees is that the Village Hall closes at 5 pm and most people work.

Mr. Johnson said if they want to get it done then they will make the time.

Chairman Spinelli stated he likes the idea that if there are any changes to the submittal then the owner needs to come down to the Village Hall and initial or sign the changes.

Discussion continued in regards to permits and required signatures.

Mr. Johnson asked doesn't the work have to be completed within 60 days and shouldn't the final be called then.

Chairman Spinelli said our inspector should be checking on these to see if they are done.

Mr. Berry stated the new softer and tablets that they have will help.

Discussion continued in regards to fines on permits.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURNMENT

Chairman Spinelli called for a motion to adjourn the meeting.

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper

