

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of August 15, 2018

A regular meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, August 15, 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 6:35 p.m.

**B. Verify Quorum**

Upon roll call the following were:

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

Absent: Glomp, Plahm

Economic and Community Development Director, Jason Berry, Community Development Manager, Mark Herman, and Village Trustee Ron Stapleton were also present.

**C. Approval of Minutes – July 18, 2018**

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the July 18, 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. 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. 18-11 ILLINOIS MARINE TOWING (IMT) 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 18-11. A voice vote was taken:

*Ayes: All  
Nays: None  
Motion passed*

### **Staff Presentation**

Mark Herman, Community Development Manager, said the subject property is located at 16700 Des Plaines River Road. The Village had just recently amended the Unified Development Ordinance (UDO) to allow for dockside crew sleeping quarters as a special use in the Canal Overlay District. There were a number of requirements that were put into the UDO related to this type of use.

The subject property is owned by Metropolitan Water Reclamation District (MWRD) and is leased to the petitioner, Illinois Marine Towing (IMT). The property is zoned B-4 but it is in the Canal Overlay District. There is an existing two-story building on the site and IMT is proposing to remodel the second story of the building to allow for these crew sleeping quarters. He showed the layout of the sleeping quarters. IMT does have similar crew quarters at their Channahon location and they provided a number of photographs.

Mr. Herman stated that staff feels that the proposed use does comply with the special use conditions and with the requirements for the UDO amendment. Staff does recommend approval of the special use with one condition that IMT provide a lease amendment from MWRD allowing the dockside crew sleeping quarters at this location. He asked if the Commission had any questions.

Chairman Spinelli said on page 24 under the Summary of Request, item A, states that the minimum bedroom/sleeping room shall be 70 feet for one person and 50 square feet for each additional person. He feels it should state an addition 50 square feet for each additional person.

Mr. Herman stated it was something copied from the building code.

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

### **Applicant Presentation**

Dan Griebel, representative for IMT, thanked the staff for their due diligence in making the changes to Lemont's UDO and for the support with the special use. The applicant and its parent company transition equipment and manpower up and down the inland waterway of the United States. They are recognized as leaders in their industry of barge fleetings, operations, and waterborne logistics. Over several months the applicant, Village staff, Village Manager, and Mayor all worked together to create this dockside crew quarters special use.

After extended negotiations with MWRD, it was concluded that converting the second floor office for dockside crew quarters required more than just a simple consent. MWRD concurred with Village staff and a lease amendment will be put forth to the Village in a very short time. Their requirements will be to also view the building plans and also negotiate a lease amendment. They are in possession of those architectural plans at this time. Robert Barnes, General Manager of IMT is present this evening to answer any questions.

Chairman Spinelli asked if any of the Commissioners had any questions for the applicant.

Commissioner Cunningham said the plans that they received showed the first floor as a maintenance shop and storage area. He asked would there be any hazardous chemicals or materials stored in that area.

Mr. Barnes stated there will be nothing hazardous stored there. They will be storing groceries to supply the boats.

Chairman Spinelli asked if there were any further questions. 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

He then called for a motion to close the public the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to close the public hearing for Case 18-11. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commissioner Discussion**

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 Commissioner Recommendation**

Commissioner Zolecki made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 18-11 with the following condition:

1. Provide approved amendment from the MWRD allowing dockside crew sleeping quarters at the location.

A roll call vote was taken:

*Ayes: Zolecki, McGleam, Cunningham, O'Connor, 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 18-11 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **B. 18-06 ARCHER AVENUE GAS STATION ANNEXATION, REZONING, AND 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 18-06. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Mark Herman, Community Development Manager, said the application is for an annexation, rezoning, and special use for a proposed gas station use. The special use would be for a drive-thru restaurant. He showed on the overhead the subject property. A Preliminary Engineering Plan had been provided to staff for review. In terms of setbacks and bulk it would appear to apply to the UDO standards and at the moment there are no variances. However, when laying the site out there could always be the possibility and then it would have to come back to the Planning and Zoning Commission.

The subject property is located within the Will County triangle area. The subject property is not currently contiguous to the Village, so it would require a pre-annexation agreement. The Village of Homer Glen had disconnected the parcel at 135<sup>th</sup> and Archer Avenue that would provide for continuity. The Village of Lemont is working with Will County officials and believes that property is owned by Will County and is hoping to get that annexed into the Village as well. This would provide the necessary continuity in order to annex the subject property.

Mr. Herman stated the property is designated as Community Retail in the Comprehensive Plan. Developments in the Community Retail District would be more

auto-orientated. Staff feels that this use with a convenience store provides for conveniences related retail uses; in addition the gas station is more an automotive orientated use. This area at I355 and Archer Avenue was identified as an Economic Activity Center and the implementation goal is to annex these activity centers if they are not already in the Village. He then showed the Future Land Use Map.

The La Salle Factors and general analysis are listed in staff's packet. Staff feels the proposed use is compatible with existing land uses in the area. In terms of traffic and site access, the petitioner is working with IDOT on terms of allowing for their access onto their site from Archer Avenue. In conclusion, staff is recommending approval of the rezoning request to B-3 to allow for the gas station, the special use for the drive-thru along with the conditions listed in staff's report. He asked if the Commission had any questions.

Chairman Spinelli said it appears that the subject property is the first two existing single family structures that are southwest of the new 135<sup>th</sup> Street.

Mr. Herman showed the subject property on the overhead and stated the properties both have single-family homes on them.

Commissioner McGleam asked where is the Village at with annexing the Will County property.

Mr. Berry, Community Development Director, said they originally thought that the properties were with the Will County DOT, but they received a letter that they were not. They had already prepared a plat of annexation and then learned that one of the PIN's with the plat went away with a right-of-way by IDOT. Staff is correcting their plat of annexation. After talking with the Village Attorney, they are ordering title on the properties to confirm ownership.

Commissioner McGleam asked what are they going to need in terms of agreement from Will County.

Mr. Berry stated a letter of intent stating that they are going to sell this property to the Village.

Chairman Spinelli asked if there has been any progress with IDOT in regards to the right-in only.

Mr. Herman said the applicant can answer that.

Chairman Spinelli asked if this preliminary site plan was reviewed by the Technical Review Committee.

Mr. Herman stated there was a Technical Review Committee for the proposal. It did not include this revision of the plan.

Chairman Spinelli said he has an issue with the location of the diesel loading fuel pumps. They are shown on the westernmost side of the property which is impeding traffic flow. He asked if there has been any discussion in regards to a solid fence on top of the retaining wall to shield the remaining residential lot to the west.

Mr. Herman stated he is not sure if that has been discussed or not.

Chairman Spinelli said he would request that and have the retaining wall moved further off the property line. He asked if the Commission had any further questions for staff. None responded. He then asked the applicant to come up and make their presentation.

### **Applicant Presentation**

Thakor Patel, Consulting Engineer, stated in regards to the retaining wall, the wall will be higher on the north side so all the tiebacks will be on the north side. They are planning on using the heavy block so it will be a gravity wall. The topography is very difficult to grade and they want to cut back on the slope for the gas tanks.

Chairman Spinelli said he has a hard time believing that their property is lower than the property to the west. He wants to make sure that the wall is far enough off the property line and any tiebacks required are not leaving the property. He asked if they are proposing a fence on top of the retaining wall.

Mr. Patel stated yes.

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

Mr. Herman showed a concept elevation which was provided that day.

Commissioner McGleam asked if the driveways currently meet IDOT standards.

Mr. Patel stated yes they do. They submitted this preliminary plan to IDOT for them to look at it. Whether they allow it or not they are waiting to hear.

Commissioner McGleam asked if this development was possible if they don't get approval from IDOT for both driveways.

Mr. Patel said the diesel pumps would go away because truck traffic would not work.

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

### **Public Comment**

Mike Carey said he currently lives on 135<sup>th</sup> Street behind this proposal. The concern he has is what will the back of the building look like. This isn't a typical commercial property where it will only be viewed from one side. He will have to look at this everyday as he pulls out of his driveway and he is not happy about it. He is concerned as to where they are getting the water connection. He was told that they would get it off of Emily. As far as he knows it is up on Emily Court. For his business in Lemont he had to connect to Village sewer, but he has heard that septic was going to be allowed here.

He asked if any of the property was located in the flood plain. The topography is very unique and it drops very drastically. They are going to have to fill that property in order to get the flat ground that they need there. He is concerned that he will have to see their roof top mechanicals and dumpster from his yard. He wants to make sure that it is hidden not just from Archer Avenue but also from 135th Street. His business is located next to residential and his lights have to be off at 8 pm. He asked if they will be required the same and if not what will they do with the lighting after 8 pm. He does not see any of the lights from Target or Kohl's on his property. Target and Kohl's were granted a little later of a time than his business but their lights are shut off after a certain time. His other concern is where and when are they are going to be off-loading fuel.

Mr. Carey stated his property took a hit when they redeveloped Long Run Creek. It helped solve the flooding problems but they took down all the vegetation and trees. He feels that there is a lot going on with this property that they do not have answers for. He appreciates that the Chairman is concerned about the property owner to the west but what about the neighbors to the north. When he put in his business he was not allowed to put up a fence because this area was the gateway to the community. The fence along Target and Kohl's is not maintained at all and he does not want to see the same thing here. He would recommend that trees and bushes should be planted all along the side of 135<sup>th</sup> Street to help screen this from the residents over there. He feels the applicant should be held to the same standard that his business was 15 years ago and they should have to put vegetation around the perimeter of the property.

Chairman Spinelli explained that right now they are just asking for the annexation and rezoning. The Commission has not seen a plan and they are not asking for variances from any of the current codes. They will have to comply, just like he did, with the current codes.

Mr. Carey said he is not sure what the code is as far as screening. When he applied for his annexation, he was held to a higher standard and he did not have a problem with that. He would like to see the applicant held to a higher standard based on the location of where they are at and for the residents to the north of it. We have the opportunity now to require this rather than saying go ahead and just build to the require code. For Kohl's and Target they contacted the residents and had a meeting

to discuss ways on how to make it better for the surrounding residents. He would like the same respect from this developer. He is available to talk to them or the Village Board to come up with solutions. He feels the uniqueness of this location should require more than just code.

Chairman Spinelli asked at what point is the applicant required to submit landscaping plans.

Mr. Herman stated when applying for site development permit.

Dave Perczynski said he was surprised that the Commission was only concerned about the property to the west and not the properties to the north. The road in front of his house was raised 20 feet. He now has lights shining in his house and no one from the Village has helped him out. Now this gas station is going to be built right in front of his house. He is upset because his house value has gone down and now with this going in he might not be able to sell his house. If there is some way to block this fully then he is okay with it. It has been brought up that Target does turn off their lights by a certain time which should be considered for this property as well. This is a big concern for that whole area and needs to be look at extensively.

Joe Capiak, 13604 Archer Avenue, stated he understands his neighbors because he is up on a hill. After they tore everything down on 135<sup>th</sup> all he sees are lights but he never complained because it is progress. He has been dealing with this the past four years back and forth with Lemont. He asked if the Village can make a decision on one thing so he knows where his life is going. He is tired of hearing the neighbors in their million dollar homes crying about the lights. There are trees and fences in front of their houses and their homes are in the back. He never complained about Target or 135<sup>th</sup> but now that he wants to sell his house and the opportunity is there the neighbors are crying. He asked if the Village wanted the money to go to Lockport, because that is who they are competing against. There will not be any lights behind the building, they will be all to the front. He asked the Commission to make a decision on this.

Mr. Carey said he takes offense with the name calling. He is not against business and growth. He is not happy with the location but all he is asking for is to have the opportunity to see what this thing is going to look like and protect the view on his side. He agrees that they do need to develop that side but they need to be sensitive. The only reason why Mr. Capiak is here is because he has a financial gain with this.

Chairman Spinelli stated the requested action tonight is for annexation, rezoning and a special use. The applicant is required, as part of their application, to present a purpose. Right now their purpose is an idea for a gas station. The Commission is not considering a gas station or approving one. There is still a long process to go, but this is the first step.



Mr. Carey said he understand but if this is approved he wants to make sure that it is not just built to code. He wants to make sure it is landscaped and sensitive to surrounding neighbors.

Chairman Spinelli stated when they come in for a site plan permit then that is when they get into the zoning requirements. It cannot be stated at this time that they need to screen the property 100% from all these homes. The only thing the Commission received is a concept plan.

Mr. Carey said he just does not want this being built up to code and they find out that it does not give any kind of screening in the back.

Chairman Spinelli stated in regards to being only concerned about the property to the west, that property has an immediate impact. He understands that they can see the property also, but his first concern is any property that is immediately adjacent to the subject property. He saw diesel pumps within 50 feet of a single-family home and that was his first priority. The rest will be looked at when the site plan comes out. Part of that consideration is that they do have to screen residential areas, but what the distance is to the screening he is not sure of.

Mr. Carey said this is a unique property because it can be seen from several sides. He just wants to make sure the Village is aware of this because 135<sup>th</sup> Street is also a gateway coming into Lemont.

Commissioner McGleam asked staff if this case is approved and they build everything to code will the Planning and Zoning Commission see this case again.

Mr. Herman stated if everything was approved and everything meets code then they would just issue the appropriate permits and the Commission would not see it again.

Commissioner McGleam said so there is no way to hold them to a higher standard on landscaping. If they are not asking for variances then they will not see it again.

Mr. Carey stated that is his concern. It can be an eyesore from the back. Also, there has been no discussion as far as hours of operation.

Discussion continued in regards to landscaping requirements.

Chairman Spinelli said if approved it would go before the Village Board and that would be the next step for creating the annexation agreement. He recommends that Mr. Carey and Mr. Perczynski continue to follow this case.

Mr. Perczynski stated he has been a Lemont resident for 20 years and probably paid \$250,000 in taxes as a resident. He had to take \$100,000 plus loss on his home just trying to sell it and the deal ended up falling through. He is going to lose and someone else is going to benefit so he does not appreciate any name calling. He

asked as a 20 year resident of this town to please look at this so he can get the money out of his home that he put in.

Mora Capiak thanked the Commission and stated this has been very stressful for her and her husband. The only reason they are here is for the annexation. She said they are not going to benefit for selling their home. She can see the Target from their home and it really is not that bright.

Mr. Capiak apologized stating that he is just frustrated and they are not making a fortune on this deal. He just wants to get this annexed and rezoned.

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 Zolecki made a motion, seconded by Commission O'Connor to close the public hearing for Case 18-06. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

#### **Plan Commissioner Discussion**

Chairman Spinelli asked if the hours of operation is part of the annexation.

Mr. Berry said that it is.

Chairman Spinelli asked if in the code is there any type of distance measurement from the property.

Mr. Berry stated it does not and that it just requires screening.

Chairman Spinelli said again they are voting on recommending or not to rezone the property and annexation for a special use for a drive-thru. It could potentially be a fast food restaurant, but this developer is stating that his purpose is for a gas station, in either case they have to follow the code. The Commission could make recommendations to require enhanced perimeter screening that would provide visual blockage from adjacent properties. As far as hours of operation, without knowing their actual use they could not make recommendations.

Commissioner Zolecki stated the purpose of today is the rezoning and the allowance for a special use. There could be an encouragement to staff to look at this unique parcel, location and adjacencies, but that is not the purpose of tonight.

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 McGleam made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 18-06 Archer Avenue Gas Station Annexation, Rezoning and Special Use with staff's conditions listed on page 6 of staff's report and with the following additional condition:

1. For staff to work with the applicant on final engineering to improve enhance landscaping on all property lines that abut residential properties.

A roll call vote was taken:

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

*Nays: None*

*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 18-06 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **C. 18-12 LEMONT VILLAGE SQUARE PLANNED UNIT DEVELOPMENT AMENDMENT FOR ALDI**

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

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 18-12. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Mark Herman, Community Development Manager, said the amendment for Aldi would be for the Lemont Village Square Planned Unit Development (PUD). The Lemont Village Square PUD was approved in 2005. In 2007, there was a PUD amendment to allow for a certain site and elevation changes in the PUD to allow for Aldi to move into their spot. Nationwide, Aldi is in the process of renovating and updating many of their facilities with many of these remodels requiring building additions.

The current Aldi here in Lemont is 15,452 square feet in size and the proposed addition is for 2,427 square feet bringing the total to 17,879 square feet. In order to

allow for this addition there would be a loss in the total number of parking spaces. There would be a loss of 12 spaces which would leave 211 spaces on the parcel. However, a one space per every 300 square foot ratio would only require 151 parking spaces. There will still be ample parking on the site.

Mr. Herman stated staff requested some additional landscaping along the north building wall in order to soften the façade. He showed pictures on the overhead of what the building currently looks like and the elevations that they provided. The majority of the façade will remain the same. It appears that there may be a new sign. There is still 27 feet of drive aisle space to the north to allow some vehicular traffic. In conclusion, staff is recommending approval of the amendment.

Chairman Spinelli asked if the parking count exclude the bank parking.

Mr. Herman said he is not sure.

Trustee Stapleton stated the bank is not part of the Lemont Village Square.

Chairman Spinelli said he feels that a reduction to those stalls will not be negative. He confirmed that there will still be an appropriate drive aisle to the north of the building.

Mr. Herman stated there is.

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

### **Applicant Presentation**

Kyle Wood, MS Consultants, thanked the Commission for their time. They are here wanting to invest in Lemont and the upkeep of their building. They are hoping to bring in more customers and enhance their overall experience with Aldi.

Chairman Spinelli asked if this was going to be additional product storage for Aldi or an interior redesign.

Mr. Wood stated it would be both. The redesign is the big push, but there are new products that Aldi is issuing to keep things fresh.

Chairman Spinelli asked if this is driven by the foot traffic that they are receiving in Lemont or is it nationwide.

Mr. Wood said it is a nationwide push. The new look really stands out and they are getting great feedback on it. The overall façade is not going to change, but they are

making sure the exterior is just like it is now. The awnings will be refreshed and the sign is the only thing that will change.

Chairman Spinelli asked if the brick was going to stay the same.

Mr. Wood said it will.

Chairman Spinelli asked if any of the Commissioners had any 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

Chairman Spinelli called for a motion to close public hearing.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to close public hearing for Case 18-12. A voice vote was taken

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

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 McGleam made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 18-12 Lemont Village Square Planned Unit Development Amendment for Aldi. A roll call vote was taken:

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

*Nays: None*

*Motion passed*

## **IV. ACTION ITEMS**

None

## **V. GENERAL DISCUSSION**

Chairman Spinelli said at 12992 Mayfair they have relocated their sump pump discharge and their roof drain discharge to drain immediately adjacent to the sidewalk. The discharge is starting to undermine the sidewalk.

Mr. Berry stated staff will look into it.

Chairman Spinelli asked if staff heard anything from New Horizon.

Mr. Berry said they have not heard anything at this time.

Chairman Spinelli asked staff if they have looked into the sign for Birch Path.

Mr. Berry stated he will look into that.

## **VI. AUDIENCE PARTICIPATION**

None

## **VII. ADJOURNMENT**

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*

