

Village of Lemont
Planning and Zoning Commission
Regular Meeting of September 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, September 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

Pro Tem Chairman McGleam 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

Absent: Glomp, Plahm, Spinelli

Community Development Manager, Mark Herman, Consulting Planner, Jamie Tate and Village Trustee Ron Stapleton were also present.

C. Approval of Minutes – August 15, 2018 Meeting

Commissioner Zolecki made a motion, seconded by Commissioner O'Connor to approve the minutes from the August 15, 2018 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Pro Tem Chairman McGleam stated he will be acting as Chairman since Chairman Spinelli could not be present 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 COMMENTS

A. 18-15 - 508 6TH STREET VARIATIONS

Pro Tem Chairman McGleam called for a motion to open the public hearing for Case 18-15.

Commissioner Cunningham made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 18-15. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said David DePaulo of D.B. DePaulo Construction is acting on behalf for the owners of the property. The applicants are requesting approval of three variations to the Lemont Unified Development Ordinance (UDO). The variations are relief from the public sidewalk requirement, relief from connecting to Village water, and from providing any street lighting from the property. The requested variations are associated with the proposed construction of a single-family detached home on Lot 2. Staff is recommending approval.

The Mierzwa Family had subdivided their property at 1166 McCarthy Road into two (2) lots with the Village of Lemont in early 2018 and the final plat was recorded with the County on May 1, 2018. Lot 1 contains the existing Mierzwa home and Lot 2 has been sold as 508 6th Street. At the time of subdivision, the Village of Lemont only considered the actual lot split and the subdivision requirements were not entirely addressed. It was determined that once the property was sold it would come forward with their plan and if any relief was being sought they would be requesting it themselves.

Mrs. Tate stated that Mr. DePaulo is acting on behalf of the property owners and is looking to construct a 2,600 square foot ranch home with a private well. Like the other homes on the block and in the neighborhood, they are not proposing a public sidewalk in front of the home or the use of curb and gutter on the driveway and street. The closest water main to tap is over 400 feet away. The Lemont 2030 Comprehensive Plan identifies this area as Infill Residential. The proposal to construct a detached single-family home falls within the parameters of the Lemont 2030 Plan to encourage infill development in established neighborhoods.

The proposed all brick ranch home has 2,600 square feet of living area with an 800 square foot side loaded garage. The subject property is zoned R-4 Single-Family Detached and meets the required lot and dimensional standards. Mrs. Tate then read through the standards for variations which are listed in staff's report.

The owner will be responsible for tree protection fencing and an action plan for trees on the site that need to be preserved which will done through the site development and building permit process. They will meet all the other requirements of the UDO including but not limited to landscaping, residential design standards, and driveway width. The applicant has updated their plan since the release of staff's packet. They have moved the house out of the easement and reduced the driveway width. Staff

finds the variation standards to be substantially met and recommends the approval of the variations to allow construction of the proposed detached single-family home.

Pro Tem Chairman McGleam asked if Sixth Street was a dedicated paved right-of-way (ROW).

Mrs. Tate said yes.

Pro Tem Chairman McGleam asked who permits the well.

Mr. Herman stated Cook County.

Pro Tem Chairman McGleam asked if there were lot size requirements for a well.

Mr. Herman said he believes that there are certain requirements however; he is not sure what they are. The applicant might be able to elaborate on this.

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

Applicant Presentation

David DePaulo, D.B. DePaulo Construction, stated Cook County will not approve or deny until you actually submit. Their only requirement is that you must be 75 feet from the septic and height restrictions. Everything is listed on their well permit. Since they are connecting to the Village sewer the 75 feet restriction will not apply, but they are still planning on being 75 feet away.

Pro Tem Chairman McGleam said if this is approved it will be contingent on securing the permit through Cook County for a well.

Mr. DePaulo stated he has built for the Hartman's about 26 years ago. The Hartman's want to downsize to a ranch. The home will be in character with the neighborhood. The house will be all brick with a side load two-car garage. He has built homes before with wells and will follow the permit process. Time is of the essence since they have sold their home already.

Commissioner Zolecki asked besides the variations being asked for tonight, all other criteria is being met.

Mr. DePaulo said that is correct.

Pro Tem Chairman McGleam asked if the Village Engineer had any comments.

Mrs. Tate stated only about the water.

Mr. Herman said there is a building permit submittal in and he has conducted the zoning review. With a new single-family home it would go to a different Engineering Consultant than Morris Engineering. He has not received comments as of yet. Staff will not sign off on anything until they get the permit from Cook County securing the well.

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

Public Comment

Joseph Hennerfeind, 507 6th Street, stated he is in support of the variance request. His house is on Village water. There is the ability if there was an easement on the side property line, which is a typical requirement of a subdivision. He actually pulls water from McCarthy. His question is if the house at the end of the cul-de-sac has issues with their well, who would be responsible to run the water line to the end of the cul-de-sac. Typically, someone would pay half of the cost to get that waterline down the street. He asked if anyone on their street was going to have an issue with their well would this variance request cost them more in the end because they would have to run the waterline. There could be water run through an easement.

Mr. Hennerfeind said the street is narrower in this section. There is a five foot difference south of this property. When the cul-de-sac developed with the newer homes there was a newer street standard. Living on the narrower piece they have to pull their guests into their front yard. He is supportive of no curb or gutter however, it would be nice if the street was widened so it could match the street to the south. By omitting the sidewalk you are making the people walking their dog go further into the street. Again, he is in support of the application but would ask the engineers to look at the minimum street width.

Mr. Herman stated it is his understanding that whoever is making the request of wanting water would come forward and have that work done. There is always the ability with new subdivisions to put a recapture agreement in place. So when other properties that would benefit from that extension were to take advantage of it they would pay their fair share of it. In terms of widening the street they can look at that and talk to public works about that.

Pro Tem Chairman McGleam said that piece would also require a dedication if it hasn't already been dedicated.

Mr. Hennerfeind stated the ROW is there and it matches all the way down through to the cul-de-sac. Also, he asked that the engineers look at his sewer. It runs on the north side of his house which is not indicated on the plans and it goes right under the driveway apron of the new house. He is asking if the engineers could confirm this

because he is not sure what the code requires. If he ever had to fix his sewer line he will have to dig up their driveway.

Rich Lighthart, resident on Sixth Street, said he is speaking on behalf of many residents surrounding the subject property. He is very pleased to hear that there will not be any sidewalks or curbs. One of the reasons why he bought his house was because he appreciated Sixth Street without any sidewalks. He is pleased that the Village is not going to inhibit the nature of Sixth Street. He is also happy that a well is going to be approved. He bought his house because it did have a well and he never wants to pay for water.

Pro Tem Chairman McGleam asked if there was anyone else that wanted to speak in regards to this public hearing. None responded. He then called for a motion to close the public hearing.

Commissioner Cunningham made a motion, seconded by Commissioner Zolecki to close the public hearing for Case18-15. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Commissioner Zolecki stated there was good commentary about some of the engineering practices from the resident on the due diligence that is required by code, but not necessary that we need to add to the motion.

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

Plan Commission Recommendation

Commissioner Zolecki made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 18-15, 508 6th Street Variations. A roll call vote was taken:

Ayes: Zolecki, Cunningham, O'Connor, McGleam

Nays: None

Motion passed

Findings of Fact

Commissioner Cunningham made a motion, seconded by Commissioner O'Connor to authorize the Chairman to approve the Findings of Fact for Case 18-15 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None
Motion passed

B. 18-13 – 16622 W. 127TH STREET REZONING AND PRELIMINARY PLAT

Pro Tem Chairman McGleam called for a motion to open the public hearing.

Commissioner Zolecki made a motion, seconded by Commissioner O'Connor to open the public hearing for Case 18-13. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said Guillermo “Alex” Gonzalez, owner of the subject property, and represented by Dan Greco, is requesting rezoning to R-4 Single-Family Detached Residential District from B-3 Arterial Commercial District and Preliminary Plat approval for a two lot residential subdivision. Staff is recommending approval with conditions.

The subject property is currently 1.99 acres in size, and is located at the southwest intersection of Rolling Meadows Drive and 127th Street. The property’s present use is residential, with a double driveway accessed off of 127th Street. The applicant is proposing to continue the residential use with the rezoning from B-3 to R-4 and create a two-lot subdivision to be accessed off of Rolling Meadows Drive. The property owner wishes to build the south lot first, while still keeping the existing older home in place. The existing home would be torn down at a later date and replaced with a new residence, with the driveway then closed on 127th Street and a new access off of Rolling Meadows Drive. The applicants wish to connect to the Village water and sewer systems.

Mrs. Tate stated the rezoning and subdivision would require 50 feet of property to be deeded to Cook County for right-of-way (ROW) along 127th Street with the resulting parcels being 0.8 acres and 0.9 acres in size. The public sidewalk would be constructed along 127th Street connecting the Rolling Meadows subdivision to the pathway west of the subject property. The proposed lots meet and exceed the R-4 dimensional standards.

New Horizon Homes, the adjacent property owner to the east, received a rezoning for 8.5 acres from B-3 to R-5 earlier in 2018. The purpose of the rezoning is to construct ten single-family detached homes and eighteen single-family attached homes. At the public hearing for the rezoning, it was stated that there was little interest in commercial use for this area and the surrounding neighbors all desired residential. She then read through the LaSalle factors that are used when looking at the standards for rezoning.

The Lemont 2030 Comprehensive Plan designates this area as EC (Employment Center) land use. The EC District shares some of the same characteristics of Retail Districts. The EC District has the primary benefit of generating local employment, and may have a secondary benefit of providing useful services to local residents. Within the Comprehensive Plan, a Target Industries report was created based on careful examination of Lemont's competitive position in the marketplace. The Target Industries Report identifies locations to be annexed or be developed as certain Economic Development Centers. The proposed development is not consistent with the land use goals of the Comprehensive Plan, but recent rezoning changes and subdivision approval for the adjacent parcel to the east have allowed for this area to possibly develop in a different direction. At TRC, staff had proposed the applicant consider other goals of the Lemont 2030 plan to offset the proposed land use change such as, adding the connecting sidewalk along 127th Street, and provide healthy and mature landscaping along 127th Street to create and inviting gateway into Lemont.

Mrs. Tate said it must be considered that the subject 2-acre property would not support a large office building. Adjacent parcels would have to be accumulated and consolidated in order to provide an economic center that the 2030 plan speaks of. With the rezoning of the Rolling Meadows the expectations of an economic center may have changed.

The Village Engineer has stated that stormwater detention will be required by the Village. Cook County Department of Transportation (CCDOT) may require a no access certificate for the driveway on Lot 1. The engineer has indicated that a CCDOT permit will be required for work in the right-of-way. The full comments from the Village Engineer are provided in staff's packet. The Fire Marshal did not have any comments. The Village Arborist visited the site and provided detailed comments. The existing conditions plan did not provide any information on the existing trees and a tree preservation plan must be provided with a Tree Survey. The Ecologist did not have any specific comments. However, the developer needs to be aware of the Native Planting Guidelines in the UDO. Parkways are required per the UDO and the 2030 Plan. So there will have to be five foot sidewalks and parkway trees installed.

Mrs. Tate said the homes must meet the residential design standards in the UDO and the garages cannot protrude more than ten feet from the plane of the elevation. The driveway appears too wide and can only be 22 feet at the curb cut. In regards to traffic, staff feels that the amount of traffic generated by the two single-family homes is not significant enough to impact the level of service.

In conclusion the rezoning would not follow the future land use map of the Comprehensive Plan. It would allow for faster development as the applicant is ready to start construction of a home on Lot 2. It would remove the opportunity for a non-residential use west of the I-355 exit. The rezoning and Preliminary Plat complies with most of the requirements of the UDO and can achieve other goals of the Lemont

2030 Plan. Staff is recommending approval with the conditions listed in staff's packet.

Commissioner Cunningham asked what the process would be for deeding the north 50 feet to Cook County and who is responsible.

Mrs. Tate said the property owner is responsible for that.

Mr. Herman stated it is recorded on the plat that will get recorded with the County.

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

Applicant Presentation

Dan Greco, Engineer for the project, thanked the Commission for their time. Everything that was presented by staff is correct. There will be a sidewalk on the north piece of the property along 127th. A lot of utilities already existing along Rolling Meadows, which is where they are going to be drawing access off of for the driveways in the future. The water main and sanitary is located there and the sidewalk and street lights already exist there. He would like to add to the petition a waiver for putting up any street lighting on 127th Street itself. He is available for any questions that the Commission might have.

Pro Tem Chairman McGleam asked if the street lighting at 127th Street would be covered under the Cook County jurisdiction.

Mrs. Tate said she thinks it might be a Cook County road so he would have to deal with them.

Commissioner Zolecki stated the Plat of Survey shows a 50 foot setback but the Site Plan shows a 25 foot setback.

Mr. Greco said what is being illustrated there is the 50 feet that is being deed to the county.

Commissioner Zolecki stated the Plat of Survey says Final Plat and it is not, so that will have to be changed. He is also concerned about the setback being 25 feet along 127th Street. He asked if the applicant would be willing to increase that setback another 25 feet.

Mr. Greco said there should be adequate room to move it down.

Pro Tem Chairman McGleam clarified it was for Lot 1 along 127th Street.

Commissioner Zolecki stated yes.

Pro Tem Chairman McGleam said they would like the driveway on Lot 1 as far away from 127th Street as it can be. He asked if he would be opposed to a restriction on the location of the garage, such as a garage left only.

Mr. Greco stated the owner has not specified a driveway preference and looking at public safety it would not be an issue.

Pro Tem Chairman McGleam confirmed that all utilities will be off of 127th.

Mr. Greco said that is correct, except for water service. There is a water main on the south side of 127th Street so they may utilize the opportunity for the short service.

Pro Tem Chairman McGleam asked if that would trigger a requirement for a utility easement along 127th Street.

Mr. Greco stated no because the existing water main is located within the ROW.

Pro Tem Chairman McGleam 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

John Jurnik, New Horizon Homes, said he was in support of anyone who wanted to build residential west of I-355. A concern is the location of the driveways. Most likely there are trees that are going to have to be removed. These trees are an important buffer for their subdivision from the Citgo tanks located further to the west. He asked if the owner is planning on building a two-story home.

Mr. Greco stated yes they are.

Mr. Jurnik said that will be helpful. He asked for there to be as much tree preservation as possible to keep that buffer. It has the potential for ruining Phase IV which is directly across the street from the proposed property. He asked if staff can explain recapture fees and what triggers it.

Mr. Herman stated there is an ordinance that is passed that does spell out the specifics like the length of the recapture is valid for and who is in the service area. People who are within the area and that would tap into that water main would then be responsible to pay an amount that is spelled out in the ordinance. There is a fair amount of variability from one recapture agreement to another because of these things. The recapture can be for the entire cost of the construction of the proposed improvement or in some cases the Village would require a larger size pipe put in and the recapture is only applicable for that additional cost. Staff is aware that there is a recapture agreement in place and it was brought up at the TRC. Staff has pulled the recapture

agreement that is in place and has shared it with the applicant. They will have to abide by the provisions and the applicable recapture agreement.

Mr. Jurnik stated apparently per Mr. Jurnik, Sr. when Mayfair Estates was being build recapture fees were never collected and they don't want to see that happen again.

Michelle Highland said they live across the street from the proposed property. She asked if there was a required square footage for the home.

Mr. Herman stated there is not a minimum or maximum square footage. It would have to comply with various bulk regulations which are in the code.

Mrs. Highland asked where she can find the code.

Mr. Herman said it is online but he can also give her the information.

Mrs. Highland asked if they knew how long it will take to build each home.

Mr. Greco stated it depends on the season. They might not get approval till the end of October so it depends on if the owner wants to rush it. Otherwise, they would be looking at next fall.

Mrs. Highland asked if these will be spec homes.

Mr. Greco said the owner is working with an architect and is moving into the first home.

Chris Bryla, Sun and Shade Garden Center, stated that each house is going to be 5,500 square feet. Her concern is that her property always floods with every rainfall. The topography plot does not have an elevation on it in the southeast corner and that is the low spot. The proposed detention area is on the east side of the property between the north and south plots and that is the high side of the property. Her concern is that it is going to affect their property which already floods.

Pro Tem Chairman McGleam said the applicant and their engineer have a responsibility to not only manage the stormwater that currently exists on the property but also any post construction stormwater management.

Commissioner Zolecki stated these are not final engineering drawings.

Pro Tem Chairman McGleam asked if there was anyone else in the audience that wanted to speak in regards to this case. None responded. He then called for a motion to close the public hearing.

Commissioner Cunningham made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 18-13. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

Plan Commission Discussion

Pro Tem Chairman McGleam asked if there were any further comments or questions from the Commission.

Commissioner Zolecki stated he would want to make sure that the additional items that the applicant had agreed to would be added to the motion.

Pro Tem Chairman McGleam then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Cunningham made a motion, seconded by Commissioner O'Connor to recommend to the Mayor and Board of Trustees approval of Case 18-13, 16622 W. 127th Street Rezoning and Preliminary Plat with the following conditions:

1. Address outstanding comments from the Village Engineer, Consulting Planner, Fire Marshal and Village Arborist prior to site development permit.
2. The proposal must meet all requirements of the UDO.
3. Correction on the Preliminary Plat needs to be changed from Final Plat to Preliminary Plat.
4. On the Lot that is closest to 127th Street, the preference would be to have a garage left.
5. On the Lot that is closest to 127th Street, there should be a 50 foot side yard setback from 127th Street.

A roll call vote was taken:

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

Findings of Fact

Commissioner Cunningham made a motion, seconded by Commissioner O'Connor to authorize the Chairman to approve the Findings of Fact for Case 18-13 as prepared by staff. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

Mr. Herman stated at the Committee of the Whole the Aldi project and the Archer Avenue Gas Station have moved on and will go before the Village Board at their next meeting. The gas station might need a little more time due to pre-annexation agreements.

Discussion continued in regards to the ROW for the Archer Avenue Gas Station.

VI. AUDIENCE PARTICIPATION

Dan Greco said in regards to Case 18-13 and the stormwater management, he will do his best in making sure that they get all the water captured. He did go out and do a survey of the property and have completed topography. The high spot of the property is located near the existing home and it slopes down from there. The southwest and southeast spots of the property are the low spots of the property. They are planning on putting the detention area in the low spot of the property. He also wanted to point out that the Sun and Shade property only built 2/3 of the sidewalk on their property, so there will be a gap.

VII. ADJOURNMENT

Pro Tem Chairman McGleam called for a motion to adjourn the meeting.

Commissioner Cunningham 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