

Village of Lemont
Planning and Zoning Commission
Regular Meeting of November 15, 2017

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, November 15, 2017 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. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Cunningham, Glomp, McGleam, Plahm, Zolecki, Spinelli

Absent: Forzley

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

C. Approval of Minutes: October 18, 2017

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from October 18, 2017 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli greeted the audience. He then asked everyone in the audience to stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. Case 17- 13 - 16727 Pasture Drive Shed Variation

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

Commissioner Zolecki made a motion, seconded by Commission Glomp to open the public hearing for Case 17-13. A voice vote was taken:

Ayes: All

Nays: None
Motion passed

Staff Presentation

Jason Berry, Community Development Director, said the applicants are requesting a shed variation. It is an existing shed and at final inspection it was discovered that it was built at 80 square feet to large. The applicants are hoping that the Commission will consider a retro-variation to keep the additional 80 square feet. He showed some pictures on the overhead of what the shed looks like. The shed is adjacent to a cell tower and is at the corner of Smith Road and Pasture Drive. Per the UDO, all sheds are allowed up to 160 square feet.

Chairman Spinelli asked if the applicant was present.

Mr. Berry stated they were not.

Chairman Spinelli said it is noted in the staff report that someone for the applicant had talked with staff via email. He asked if he knew if it was before an initial submittal of a permit request or after.

Mr. Berry stated it was after. The applicant had submitted a permit that had initially showed a shed that was too big. They were told that the shed could only be 160 square feet and then built the shed that is there now.

Chairman Spinelli asked if the shed that is there now is the original permit that they had asked for.

Mr. Berry said he is not sure.

Chairman Spinelli stated the concrete foundation that this shed is on is in a public utility easement. He asked if the permit was issued with a concrete foundation. When they were pouring the foundation for this shed he had called the Village and was told that the concrete foundation was not part of the permit. Unfortunately, it was not red tagged like he requested. If the concrete foundation is not part of the permit then it also needs a variance and needs to be clarified before it goes to the Village Board. He has an issue with any resident submitting a permit, being told that it is too big, and then they come back in with a drawing that meets the ordinance but still builds whatever they want.

Commissioner McGleam asked if the shed met the height requirement.

Mr. Berry said it did and the maximum height is 15 feet.

Commissioner Cunningham asked if the 240 square feet was just for the footprint or the first and second floor.

Mr. Berry stated it is just the footprint.

Commissioner McGleam asked if there was a second floor.

Mr. Berry said it is one floor.

Commissioner McGleam asked what the policy is for when a contractor does not build to the permit. He asked if they were allowed to still do business in the Village.

Mr. Berry stated they could pull the license, but he is not sure if that is what has been done before.

Mrs. Tate, Consulting Planner, said she thinks family had built this shed. There was no contractor listed in the permit.

Chairman Spinelli asked what are the required inspections for a shed.

Mr. Berry stated they would come out for the slab and then at final. He said the applicant did not call for the slab inspection.

Commissioner Glomp said if there was a house behind here then he would be concerned, however, they did do whatever they wanted to.

Commissioner Plahm stated he feels that this sets a very bad precedence.

Chairman Spinelli asked if there were any penalties in the code if they do not call for an inspection. If the permit did allow for the concrete foundation and there was no inspection they will not know if the slab was built to code.

Mr. Berry said there is housing court that is twice a month.

Chairman Spinelli clarified that it is up to the applicant to call for inspection.

Mr. Berry stated yes.

Chairman Spinelli asked if any of the Commissioners had any further questions. None responded. He then asked if there was anyone in the audience that wanted to speak.

Public Comment

Trustee Stapleton asked why a copy of the permit was not included in staff's packet.

Mr. Berry said he did not include it. He will provide it before it goes before the Village Board.

Chairman Spinelli stated this could have been prevented with their own inspection or with the phone call he made.

Commissioner McGleam said he feels they need to revisit the 15 feet height requirement for sheds at a further date.

Chairman Spinelli asked if our inspector went out to view the inside of the shed to confirm it is one floor and not a two story shed.

Mr. Berry stated yes. They use the shed to park four wheelers.

Chairman Spinelli said if this variance is granted, he knows the code is specific that boats and RV's have to be out of sight of public view. The applicant needs to make sure that they are parking their ATV's in the shed. There are numerous occasions where they are parked on the driveway. He asked at the Village Board level it be a requirement that they use the shed for what it was intended.

Chairman Spinelli asked if there were any further comments or questions from the audience. None responded. He then called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Plahm to close the public hearing for Case 17-13. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Commissioner Cunningham asked if the applicant had contacted staff to be their representative.

Mr. Berry said the applicant had come in earlier in the week to drop off paperwork and had stated at that time she would not be able to attend.

Chairman Spinelli asked if there were any further questions. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Cunningham called for a motion, seconded by Commissioner Glomp to recommend approval of the shed variation for Case 17-13. A voice vote was taken:

Ayes: None

Nays: Cunningham, Glomp, Plahm, McGleam, Zolecki, Spinelli

Motion denied

Commissioner Glomp made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 17-13 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

B. Kotlin Annexation, Rezoning and Preliminary Plat

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

Commissioner Zolecki made a motion, seconded by Commissioner McGleam to open the public hearing for Case 17-06 Kotlin Annexation, Rezoning and Preliminary Plat.

A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Jamie Tate, Consulting Planner, said Linas Kliarski of Kotlin, LLC is requesting a preliminary plat, rezoning and annexation. They are seeking to rezone to R-4 Single Family Detached Residential District. The location of the property is 320 Kromray Road and is currently in unincorporated Cook County R-4 zoning. It is proposed to be two single-family detached lots. The size of the lot is 1.67 acres and is currently vacant land. North and west is R-4 vacant land, south is R-4 Single Family residences and east is unincorporated Cook County. The Comprehensive Plan shows it as Contemporary Neighborhood and it is consistent with the goals of the Lemont 2030.

The applicant is requesting to build two single-family homes which will be built on two separate lots. They are looking to connect to the Village water and sewer. The rezoning would fit in with the character and zoning of the current neighborhood. The two lots meet the minimum requirements for square footage. The lot is unique and is five sided. The two front yard lots that you combine together are a little short of the required 90 feet for the typical R-4 zoning. All the homes meet the setbacks that the UDO requires.

Mrs. Tate then read through the standards for rezoning. The property is adjacent to a residential subdivision and is suitable for the zoned purpose. Rezoning the property would not diminish the value of the subject property and there is no hardship upon the subject property's owners. The subject property is situated adjacent to existing utilities and major streets thus the burden on the public utilities or road system is minimal. Two single-family homes are not significant enough to impact the level of service for Kromray, 4th Street or Wheeler Drive.

A preliminary landscape plan was submitted but a more detailed plan is being requested by the Village Arborist. His comments are attached to the packets. The Village Engineer has reviewed and made comments about the MWRD permit being required for the sanitary sewer extension. A watermain is being shown extending to this site from Kromray and terminating with a fire hydrant. The Village Engineer indicates also the hammerhead proposal does not meet the requirements of the UDO and a cul-de-sac is required or possibly a variance. A cul-de-sac would be more desirable, but when you have a situation such as this with these types of lots, the hammerhead is what can be provided. They are working it out with the engineer. Because of the lookout elevations on Lot 1, the footings will need to be very deep or fill has to be brought in. Their project engineer is present to answer any questions and his response to the Engineer's comments is provided in the packet.

Mrs. Tate said the Fire Marshal's comments are attached. The proposed homes are to have the first sprinkler systems installed in a single-family home within the Village. In conclusion, the proposal complies with most of the requirements of the UDO and achieves the goals of the Lemont 2030 Plan. Therefore staff recommends approval with one condition that all outstanding comments from the Village Engineer, Fire Marshall and Village Arborist must be addressed prior to final approval.

Chairman Spinelli stated in the packet it talked about the sidewalk configuration. It had indicated that the sidewalk be on the north side of the hammerhead. In his opinion, either the right-of-way needs to be extended or another easement needs to be provided so you have a continuous walk around the hammerhead. He will talk to the applicant about this. He asked if there were any further comments regarding the staff report. None responded. He then asked if the applicant wanted to make a presentation.

Applicant Presentation

Al Domanskis, Attorney for the applicant, said the applicant has been a resident of Lemont for 15 years and is a contractor himself. The property does need to be annexed into the Village and they are looking to rezone the property to R-4 single-family. Both lots will be about $\frac{3}{4}$ of an acre and most likely a little larger than the surrounding neighborhood. He agrees with the Chairman in regards to the sidewalk. They have also agreed to put the sprinkler systems in the two homes. In regards to the hammerhead, it is consistent to what was put in at Monteferrori and other subdivisions.

The parcel is odd shaped, and they had discussions with staff in regards to Lot 1. They had asked what if the person in Lot 1 wanted to put in a pool and a fence. What they were told is it would not be right to put in a fence and block the whole view of the subdivision for everyone driving up. That is why they have that east parcel to be dedicated to the Village, or an outlot or it can be extended. It really can't be usable for Lot 1 that is there.

Mr. Domanskis stated he has had communication with two of the residents. One is present this evening and the issue or conversation was in regards to drainage. He is aware of the concern and feels that their engineer can address the issue. The property is on a hill and they will do whatever is necessary to take care of the drainage. The Hirsekorn subdivision drainage for the eastern side does not run through there. It runs through a detention area and has nothing to do with their property. The other resident could not be present this evening but also had concerns about drainage and did not want to see the stub street extended. They of course want to extend it and feels that was the intention of the Village with having the stub street. He then introduced the engineer for the project.

Aurimas Spucys, Engineer, said the major concern that they have received from residents is flooding. There are two swales that are running through both lots. They did calculate the off-site area, which the Village Engineer had provided the subdivision plans, so they had based it off the Master Grading Plan. Most of the water would be treated through their existing detention pond. Based on the grading there is one and half lots that drain north but there is some overflow which would carry some of the existing water over the lots. The houses did get rotated a little bit since because of this. The swales would wrap around the houses and the capacity and slope of the drainage swale would be adequate for the drainage coming onto their lots. They will not impact the residents and they will not pick up the water. The foundations are up higher with walkout basements. There are steps along the foundation starting at the front of the house which would accommodate the steep swale and carry the runoff. It would be pushed through their detention system before the discharge so their pond would fill up more often. The MWRD rules are to either bypass it or treat it. There is an existing easement that connects to the east, which is a public utility and drainage easement, so they are planning to discharge the water into the existing ditch. He thinks the detention pond from the south subdivision drains into this

Mr. Spucys stated the comment from the landscaper was the trees that they would most likely want to save cannot be saved because of grading. They would like to go through preliminary phase then get the grading worked out with the Village Engineer then they could design grading around the trees. They are hoping to try and save as much as they can. He has been talking with the Village Engineer about using the triangular piece area as treatment for some of the runoff that comes from the south. This might help with the flow down the hill that 4th Street sees.

Chairman Spinelli asked if the offsite easement was existing.

Mr. Dominskis said it has been recorded. There is an offsite easement that connects down to a stream down by Cotton Road. It was recorded about a month and half ago.

Chairman Spinelli stated a storm sewer is being proposed in that 10 foot easement. A back hoe will not fit in a 10 foot easement. The property to the north and this property is not owned by you so if public works ever needed to replace the storm

sewer there is not enough room for them to do the work. He would require a 15 foot easement for any public utility easement that has a storm sewer in it. Unfortunately, it is already recorded but he still believes it still should be 15 feet. It will be up to the Village Board to decide if they want you to get an additional 5 feet.

Mr. Dominskis said it was part of the discussion with the Village Engineer and he did not express any objection.

Chairman Spinelli stated it is also draw within two feet of that easement. On Lot 1 there is a 10 foot public utility easement that they are proposing and one of the structures is towards the south edge of that easement line. Again, he feels that should be 15 feet.

Mr. Spucys said as far as the easements go they feel that this was the best. However, they could make the easements bigger and they would still be within the backyard setbacks. It was their understanding from the Village Engineer that this detention pond would be maintained by the homeowners of the two lots who would also maintain the storm sewer system leading to it. They will have to clarify this with the Village Engineer.

Chairman Spinelli stated that needs to be clarified because usually a situation like this all storm sewers become the maintenance responsibility of the Village. Again, he feels that it should be a 15 foot easement and not 10 feet. Also, something needs to be done with the sidewalk configuration to make it go around the hammerhead. He agrees with the Village Engineer about a snow removal easement at the north end of the hammerhead. He would recommend the entire north end of the hammerhead be a snow removal easement so that the homes will not have a side load garage and then access the street from the north side of the hammerhead. He then asked the Fire Department how they felt about the hammerhead.

Mr. DeAnda, Fire Marshall, said because they cannot fit the hammerhead that is required by code they are requiring that these two homes have sprinkler systems in them.

Chairman Spinelli stated there is also a sanitary manhole that is drawn right in the middle of the curblin. He asked if any of the Commissioners had 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

Judy Wilson said she is north of the proposed development. Her concern is whether the development will affect access to the property. She stated a few years ago there was discussion about moving the road. Her other concern is how this development will affect the water flow across the property and who will be responsible for any damages during and after construction. Prior documents had shown an uphill

retention pond which is a concern for overflow based on the size houses they are going to build. She asked if the rezoning will affect her property.

Chairman Spinelli stated as far as access to your property, they are accessing the property from the south so they are not asking for any connection from 4th Street. As far as the water flow from the subdivision, all the stormwater runoff from this site is required to go through their detention basin and stored for a certain amount of time to slow the flow down. The water is discharging to the northeast and the overflow of the detention basin is also to the northeast. As far as any potential damage during construction, it is the responsibility of the property owner. If any issues come up she can contact the Village Engineer.

Phil Siston, neighbor to the proposed development, said he is against the proposed development for a few reasons. First, the existing drain overflow from Hirsekorn and Fordham subdivisions runs behind his residence for a natural swale. The proposed development is going to have a house built where the natural path is for the overflow. There is also a sanitary line that flows through his parkway and under his driveway apron. In the parkway, there are about two 30-year-old maple trees. The roots for these trees will be ruined with the installation of the sanitary line and will cause the trees to die several years later. He does not see any reference on the plans for replacement. If they were planning on replacing them then he would like them replaced with a similar age. He asked what would be the timeline for replacing his driveway because this will be a huge inconvenience for him. He asked if there will be construction fences installed to provide safety for the neighborhood. If this is annexed then they will have to deal with all the construction traffic, mud, and debris on a primary road. Lastly, since this parcel is part of the unincorporated Cook County and has an established access on Cotton Road he does not see a reason as to why they need to be annexed in Lemont. He thanked the Commission for listening to his concerns and asked them to vote against this annexation.

Mr. Dominkis stated they do not have access to Kotlin Road. They do need to provide to the Village a landscape plan as well as tree placement as part of the ordinance. It is not in the plans at this time because they need to see the proper placement and that is why they need to complete the preliminary plan. In terms of construction, it is an issue and they hope it does not rain that much when they first start. They will comply with the Village as far as fencing and it is only two homes rather than a whole subdivision.

Chairman Spinelli said if this continues and moves forward, he would like some kind of timeline in regards to the restoration of driveways. Also, 24 to 48 hours prior to the installation of the water main and the sanitary sewer, notification needs to be given to the neighbors. He would like to see a verbal and written notice given to the neighbors. Once the sewer and water main get passed the driveway, then stone needs to get back in there so people have access to their driveway.

Mr. Dominkis stated it is reasonable and they will comply.

Commissioner McGleam said they should consider directional bore under those driveways if it is feasible.

Mr. Spucys stated it is one of the options but he feels it would create a bigger mess. If they can save the tree they will do what they can.

Chairman Spinelli asked them to investigate the option of doing the directional drilling. With the trees that are existing, if the arborist states that they are healthy trees, maybe consider taking them out with a tree spade and then putting them back in or shift them in the parkway.

Mr. Siston said his big concern is the water runoff. The sewer system does not take the runoff from the neighboring subdivision. His backyard is like a river and in the front yard the street floods over the sidewalk and continues downhill. The detention pond to the east cannot support the flow.

Chairman Spinelli stated the engineer has to accommodate all that water that is coming onto that site. He asked the engineer to verify with the Village Engineer that the drainage area that he is saying is tributary to this.

Mr. Spucys said they had addressed the front yard and Kromray Road. The request from the Village Engineer was to have a 20 foot easement that will have a foot deep swale. He asked the Village Engineer if he knew of any problem or complaints. The problem with the detention system to the east was fixed years back and the pond is working.

Mr. Siston stated there are a lot of times that Main Street is closed due to flooding. Now more water is going to be dumped into that creek area as a runoff which will create more havoc.

Chairman said this development is going to slow that water down that hits their property. The water will then be released at a slower rate. He 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 Zolecki to close the public hearing for Case 17-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Spinelli stated this is Preliminary and the applicant is aware of his concern with the sidewalk configuration and the easement sizes. He asked if any of the

Commissioners had any further comments or questions. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 17-06 Kotlin Annexation, Rezoning and Preliminary Plat with the following conditions:

1. All outstanding comments from the Village Engineer, Fire Marshal and Village Arborist must be addressed prior to final approval.
2. The Final Landscaping Plan must include tree protection measures for the parkway trees on the east and west side of Kromray.

A roll call vote was taken:

Ayes: McGleam, Cunningham, Zolecki, Glomp, Plahm, Spinelli

Nays: None

Motion passed

Chairman Spinelli called for a motion for Findings of Fact.

Commissioner Glomp made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 17-06 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

A. Update from Village Board

Chairman Spinelli asked staff if they could revisit the height requirement for sheds at another meeting.

Mr. Berry said Trustee Sniegowski had requested that they also look at requirements for front yard and side yard setbacks. He would also like to review lot coverage for front yards for these front load three car garages that are coming in.

Chairman Spinelli stated they also need to look at easement requirements when they have utilities running through them and side yard setbacks with sewers running through them.

Discussion continued on setbacks for side yard and front yard setbacks.

Chairman Spinelli thanked staff for working with Illinois Bar and Grill and getting them to comply with the electronic sign ordinance.

Commissioner McGleam said another thing to add to the list of items to discuss is instituting some requirements for front load garage doors. Items like architectural features, no white or something to make it a little more appropriate from the street.

Commissioner Glomp stated they need to also look at the process when someone calls in to report something like with what happened for the first case. That situation should not have happened.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURNMENT

Chairman Spinelli called for a motion to adjourn the meeting.

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper