

Village of Lemont
Planning and Zoning Commission
Regular Meeting of April 19, 2017

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, April 19, 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: Kwasneski, Cunningham, Maher, McGleam, Zolecki, Spinelli

Absent: Sanderson

Village Planner Heather Valone and Village Trustee Ron Stapleton were also present.

C. Approval of Minutes: March 15, 2017 Meeting

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the March 15, 2017 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli congratulated Commissioner Maher, Commissioner Kwasneski and Commissioner Sanderson on getting elected to their new Boards. He stated there is an announcement in regards to the Donegal Excavating case.

Mrs. Valone stated the Donegal case was scheduled to be on this agenda. The applicant at the time of submittal for this meeting needed to produce a contract indicating that they still had a valid interest in the properties, and they did not do so. Staff is not aware that they still have valid contracts on the properties, which means they don't have an interest in the property and therefore cannot bring an application before us. This application is considered abandoned at this current juncture.

Commissioner Maher asked what does this mean.

Mrs. Valone said when or if they try to bring this application back it will have to go back through a public hearing.

III. PUBLIC HEARINGS

A. 17-03 UDO Amendments

Chairman Spinelli called for a motion to open the public hearing for Case 17-03.

Commissioner Maher made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 17-03 UDO Amendments. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Valone stated tonight there are a series of UDO amendments that relate to signs, authorized persons, and detention facilities. There are a couple of definitions that are provided in the beginning of the staff report that we can refer back to if needed. Throughout the entirety of the UDO, as the reorganization of the Planning and Building Departments, which is now the Community Development Department, changes are needed for the authorized person in the UDO to administer and enforce provisions. The title changed to Community Development Director, so anywhere in the code where it states Planning and Economic Development Director it will change to this new title.

Commissioner Maher asked who is that person currently.

Mrs. Valone said Jeff Stein currently holds the temporary position. However, Mr. Stein has given his notice and his last day is next Friday. In the interim George Schafer will hold the title. At the current moment, the Board did previously approve this re-organization. It might be best to hear this public notice tonight, but continue this single portion until it is decided what they will actually do. Technically, at this time there is not a position as Planning and Economic Development Director.

Commissioner Maher asked if it is was budgeted for this year for a Community Development Director.

Mrs. Valone stated she could not answer that question without looking at the budget.

Commissioner Maher said the only reason why he is asking is because it seems like we are changing a title that doesn't exist to another title that doesn't exist.

Chairman Spinelli stated it is just that no one is in that position at this time.

Mrs. Valone said again she feels that this is one section that they will open tonight and continue until June.

Commissioner Cunningham asked when did this reorganization happen that is driving this change.

Mrs. Valone stated in February. The second change would be again to the Community Development Director but also adding Building Official. Previously, the code enforcement for the UDO seem to fall under the Planning and Economic Development Director or designee and somewhat the Code Enforcement Official. But it was never incorporated that the Building Official, who is an actual division head, had the right to kind of enforce this. There were issues when tickets were written so this will help clear this up. The next change is very similar as well, it changes the name and adds the Building Official to enforce some of these items.

Chairman Spinelli asked if there was a definition on what Building Official is.

Mrs. Valone said it is in the code and defined earlier in the UDO.

Commissioner Kwasneski asked if the reason to combine all of these is due to budgetary.

Mrs. Valone stated the Building Official has always been a separate entity. The point on the reorganization was to streamline things. So technically the Planning and Building Department operated separately. The point now is to bring them together so they are under the same heading, so it will be easier to share resources and to facilitate reviews. The next section is in regards to public notice signs. There was no provision in the UDO to require these public notice signs to be removed in a timely fashion. What would be added is that the applicant shall remove the otherwise required public notice sign within thirty days after the conclusion of the public hearing held before the Planning and Zoning Commission. Failure of the applicant to do so shall be deemed a violation of the ordinance and be subject to the General Penalty provision of this Code.

Commissioner McGleam asked what are the General Penalty provisions.

Mrs. Valone said the General Penalty provisions are a ticket of a maximum of \$750 a day to be issued, or a minimum of \$100. Typically, what will happen if a sign is left out past thirty days the Code Enforcement Officer will issue a warning to remove the sign within so many days before a ticket will be issued.

Chairman Spinelli said did we decided not to do the deposit for the sign which they would get back if the sign is removed, but if not they don't get their refund.

Mrs. Valone stated they did do a little research and most municipalities that do the deposit up front do provide the sign, so it would be hard to justify a deposit for a sign they do not give them. This is a code violation so they only have the right to ticket.

Chairman Spinelli asked how successful are we on getting people to pay these tickets.

Mrs. Valone said pretty successful. The revenues from that have been up and compliance has been up as well.

Chairman Spinelli stated he is happy that this is finally going in. There are still some public notice signs that are still up. He asked if this will only apply to new applications.

Mrs. Valone said it does not specify new application so it will be all signs currently up an in violation of the proposed amendment. The next amendment relates to sign standards for government entities. This actually came about because the Park District was redoing some of their signs and they were finding that our current code requirements were a little bit costly for them to implement. Additionally, the Village is working on their own wayfinding and entrance signage improvements. The Village had put in an RFP back in March and the contract was awarded on April 10th. They have looked at the sign requirements, met several times with the Park District, and also had conversations with the Township as well.

Instead of creating a whole new sign standard for government facilities, they would exempt them from certain portions of the code. They would be exempt from certain portions but still will need to follow other sections of the code. She read through which ones they would be exempted from which are listed in staff's report as: 17.11.040.D, 17.11.050.B, 17.11.110, 17.11.130, 17.11.140, 17.11.170, 17.11.180, and 17.11.190. Government Facility signs shall not exceed a maximum of 64 square feet that may be applied to two sides of a sign for a total of 128 square feet per sign, shall not exceed 8 feet in height and shall not be pole signs erected by a single pole.

Mrs. Valone stated they will go through each one that they are exempted from first. The first one is 17.11.040.D, which is pole signs. The code defines pole signs as any sign that is supported by pole or poles. She showed an example of what the Park District and Village were looking at which is a two pole sign. This was just an example and was just submitted as discussion purposes. There are a number of these throughout the Village. The reason to exempt them from pole signs is to allow them the dual pole signs that are less costly, but still visually appealing.

The next section that they are exempt from is 17.11.050.B which is fees for sign permitting. They don't usually charge other government agencies, taxing bodies, and churches fees for permits. Next is 17.11.110 which is landscaping requirements. A minimum of 50 feet of landscaping is required for each free standing sign or monument sign. The Village, Park District and Township have always used landscaping at the bottom of their signs. Sometimes 50 feet of landscaping has been

difficult to accommodate in tighter areas. It is highly likely that they will still use landscaping.

Commissioner Maher asked instead of exempting isn't there a reasonable number. Either we are okay with these signs having grass underneath it or we want some type of radius around it.

Mrs. Valone said the 50 square feet allowed a reasonable amount of landscaping around it and they are a tricky location to fit the landscaping in

Commissioner Zolecki stated there is a different way to come about it rather than just omitting it. Maybe saying that it remains except in impractical or infeasible certain site situations as the discretion of the Planner.

Commissioner Maher said he understand that the 50 square feet is a lot, but he feels there should be something around it.

Commissioner McGleam stated maybe we need to come up with a minimum.

Mrs. Valone said if you get any tighter then you have problems spacing the plants and they could die. She would recommend leaving it at 50 feet for the minimum.

Discussion continued in regards to the minimum.

Chairman Spinelli asked if the Commissioners agreed with 24 square feet minimum for landscaping.

All the Commissioners agreed.

Mrs. Valone stated the next exemption is that they exempt from signs in R Districts, B Districts, and Institutional Districts.

Commissioner Maher said he does not understand why they are changing the standards just for governing bodies. We are trying to maintain a specific standard in the Village, so why would the Fire District, Park District or someone else be exempt from something that we are asking a business to do. He asked why aren't we changing the standards in general or make them come in for a variance. If we don't want these two post signs then why are we allowing the Park District or someone else to put them up.

Mrs. Valone stated the reason why we are exempting these governing bodies is because a number of their signs are not in compliance and secondly is the cost. Requiring the businesses to put in the limestone base monument signs is to make their commercial areas look better and that high standard is something that they should maintain. Most of the Park District Facilities fall under either institutional or in

residential property. Asking a governmental entity rather than a commercial entity is not the same.

Commissioner Maher asked don't we care about our government signs.

Mrs. Valone said they are not exempt from all of the requirements. She would like to go through the ones that they still have to follow. They are exempt also from State Street Sign and Overlay District. Ones that they are still required to follow are illumination standards, location standards, removal of nonconforming signs, the vision triangle, maintenance requirements and they still have to apply for a sign permit but do not have to pay the fee so it could be reviewed.

The section she wants the Commissioners to look at is 17.11.090, which is the standards for specific signs. These are items that do relate to monument signs, wall signs, awning signs, projecting signs, and electronic messaging signs. All of these are more general requirements for the size and for the location that they are still required to follow. Additionally, they would have to still follow the electronic message sign. They are still required to follow the Downtown Zoning District as well and it will still have to be reviewed by the Historic Preservation Commission. Lastly, they would still have to comply with all the illumination standards.

Commissioner Maher asked if they had an illuminated sign can they have it on two posts.

Mrs. Valone stated they could have it on two posts.

Commissioner Maher said he does not understand why they are creating an exception for taxing bodies. If we want to make a change then we should make a change in general or we allow them to come in for a variance and waive the variance cost. The Park District could change their sign and put a two post illuminated sign up, which is okay, but the business across the street cannot put the same exact sign in. If there is a concern in residential areas then we should make it a rule in residential areas that we allow whatever it is we are requiring.

Mrs. Valone stated we already do that. They allow government or commercial use, in Residentially Zoned Districts, to put up one monument sign per street frontage. It does not have to be a limestone base, but it does have to be monument sign. The Park District in one government body that has indicated that it is too costly for them.

Commissioner Maher said we can go on from here, but his personal opinion is that he does not feel that we should have different standards for government entities.

Commissioner Kwasneski clarified with Commissioner Maher that he feels it should be consistent across the board and just waive the variance fee so the Commission can still decide on the sign.

Commissioner Maher agreed.

Mrs. Valone stated the only downfall is that they still have to follow public notice requirements and there is a significant delay per sign.

Commissioner Zolecki said maybe it should be written in the UDO as per use. If a private developer is building a park, he feels that the sign is more than adequate for any park whether it is a government entity or private park.

Mrs. Valone stated it is by zoning district and the applicant would have to follow the rules by District. The rules are originally designed to keep consistency, so if it is a park site it is almost held to the same standards as a commercial site. It is still a monument sign; they are just not required to have a limestone base. They still have to follow the lighting requirements and landscape requirements. If a developer puts in a park, it is unlikely that the developer is going to put in a park that will remain in their ownership forever. It would be deeded over to the Park District at some point and they would be in charge of the sign.

Commissioner Maher said what if we put in there that they will waive the fee.

Mrs. Valone stated the fees are waived now but they still have to pay for out of pocket costs. So any reviews by third parties.

Commissioner Maher said then they should try to bundle them. He does not feel it is right to say that a government entity does not have to held up to the same standards. The Park District spent a lot of money putting in the Core, it would not be right to have them put in a sign without a limestone base, when we would require it for a business right across the street from them.

Larry Rizzo, Park District Director of Parks and Maintenance, stated they have 21 parks. They did a cost difference of what was originally required and what they are asking for. Originally it would have cost \$192,000 to do all the signs. If they were given the right to move forward with what they are discussing here the total would be \$45,000.

Commissioner Maher said they are not here to say yes or no to what they are looking to do, but they are here to look at an ordinance change in general. All he is saying is he does not agree with a change that excludes government just because they are a government office.

Discussion continued in regards to the sign ordinance.

Commissioner Zolecki stated other ordinances that have been enacted like this were based on a maximum monetary value or maximum square footage. So for example the Core that has a high value or a school district that gets built would not be excluded. It might read that it does not exceed an area of 10,000 square feet or a

construction value of a million dollars. He cannot see a stone based sign for a neighborhood park. He supports the intent of the change, but agrees with Commissioner Maher on the consistency of it.

Commissioner Kwasneski asked if we looked at other local Village ordinances.

Mrs. Valone said most of the Village's around us exempt government entities from all sign requirements. She asked what size of park are they looking for, because Kettering is going to be about seven acres that the Park District will be taking over.

Mr. Rizzo stated the Park District has quite a few parks that are over three acres.

Commissioner Maher said he is not sure about size, but he would not want to see Centennial with a two post sign.

Discussion continued in regards to the size of the parks.

Commissioner Maher stated they agreed it would be a location under five acres, it has to be a recreational area, and it has to be reviewed by Village staff.

Commissioner McGleam said if you put recreational area in there then you are limiting it to just the Park District.

Commissioner Maher stated it should be only for open, passive, recreational areas. The Village, Park District and the Township all have parks. If there is a building or office then it is not a recreational area.

Chairman Spinelli said he is fine with this as long as they add an acreage threshold. He does not think we should give a business that is there to make money and exemption on a sign, when another business has to do a sign that has only two acres. He feels it should only apply to taxing bodies and with a threshold.

Commissioner Maher asked for recreational or just the acreage.

Commissioner McGleam stated his concern with the term recreational, is that it won't apply to other taxing bodies. If the Village wants to put a new sign on the pump house then this would not apply to them.

Mrs. Valone said what if it states any government facilities five acres or less is permitted one sign per street frontage, is permitted to be erected and there exempt from the following sections, of this chapter. Government facility sign shall not exceed a maximum of 64 square feet that may be applied to two sides of a sign, for a total of 128 square feet per sign, shall not exceed 8 feet in height, and shall not be pole signs erected by a single pole, shall not be pole signs constructed with internal illumination. Government facilities over five acres shall be required to follow the code sections.

Commissioner Zolecki stated the issue is whether recreational should be in there. He could not see a library putting a pole sign up, which is probably under the five acres, especially after the renovation that they did. If you add recreational use then it will lock out entities like the Library and they would have to follow the standard.

Mrs. Valone said it will lock out the Village also and they would have to put a limestone base on a sign in front of a pump station.

Commissioner Maher stated they don't need to put a sign up in front of a pump station or they put one on the pump station.

Discussion continued in regards to the Village signs..

Commissioner Maher asked why does it have to say government.

Chairman Spinelli said because if they are not a taxing body then they should not be exempt. If you don't restrict it then you will have all the churches wanting new signs. Most of the Commissioners have come to the consensus that it should be recreational government facilities with the five acre threshold and no internally illuminated signs.

Mrs. Valone stated the next amendment, back in the fall they approved the new Natural Planting Guideline which started to allow for some of these different detention facilities because MWRD is requiring them now. At that time, there were no changes that were made to the wet detention code requirements. There is a small change to it that might change it back to a previous code requirement. Mr. Cainkar, Village Engineer, was not able to provide his comments prior to Friday. She has provided his comments in front of them.

The intent is to start to allow these again and not restrict them outright. The first would be to change the wet detention requirements to a detention basin designed with the intention of holding water on a permanent or nearly permanent basis. Unlike naturalized detention basins, wet detention basins have generally steeper slopes, usually employ riprap for erosion control, and generally do not incorporate emergent vegetation at the edge of the basin, and do not incorporate a combination of vegetated and open waters in the basin area. Slopes of wet detention shall not exceed 5:1. Mr. Cainkar's comments states he would prefer the slopes 4:1 and not 5:1

Chairman Spinelli said he does not and he references DuPage County when it should be Cook County. Wet detention basins should not be steeper than a 5:1

Mrs. Valone stated she confirmed it with him today and he is saying 4:1.

Chairman Spinelli said then he does not agree with him.

Mrs. Valone stated she is fine with the 5:1 and that is the MWRD standard.

Commissioner Maher asked why did we get rid of them and now we are putting it back.

Mrs. Valone said the reason they had originally discouraged them was because a number of folks were using them and they were not being designed correctly and the Village had taken them over. Now they are a permitted detention facility from MWRD, and more encouraged than the dry detention basins, Village has to reconsider allowing them again. It does not state though that the Village has to take possession of them.

Commissioner Maher asked so it is because MWRD changed their standard.

Mrs. Valone stated they did in 2014.

Chairman Spinelli asked if they had a design standard for wet basin ponds.

Mrs. Valone said they will need one.

Chairman Spinelli stated they will. A lot of communities do not have the proper safety ledges. Most are at four foot wide and he feels they should be eight feet wide.

Discussion continued in regards to safety ledges.

Mrs. Valone said the next change is to Naturalized Detention. The text was already changed in the fall but the underline portion is new. They employed the MWRD standard for this which is a 5:1 slope, again the Village engineer is fine with 4:1.

Chairman Spinelli stated again anything with a wet basin should be 5:1.

Mrs. Valone said that are all the changes.

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

Commissioner McGleam made a motion, seconded by Commissioner Kwasneski to close the public hearing for Case 17-03 UDO Amendments. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Recommendation

Commissioner Zolecki made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of the UDO Amendments as follow:

1. Position title change, 17.01070 Violations, Penalties and Enforcement, and 17.01.080 Consent for Inspections, to be approved contingent on final title determination by the Village Board.
2. 17.040.050 Public Notice, approved as read.
3. 17.11.210 Government Facility Signs be changed to specific Recreational Government Facilities, no larger than five acres and no internal illumination post signs. Striking 17.11.110 and adding landscaping shall be no less than 24 feet. A recommendation that 17.11.110 to be addressed in consistent across the board in the future.
4. 17.29.020 Wet Detention approved as read, but needs to include standard engineering details for wet detention basins.
5. 17.29.020 Naturalized Detention approved as read.

A roll call vote was taken:

Ayes: Zolecki, McGleam, Kwasneski, Cunningham, Spinelli

Nays: Maher

Motion passed

Commissioner Maher wanted to clarify that his negative vote was that they were doing something different for government bodies. He feels it should be standard whether it is for a government body or not.

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

A. Update from the Village Board

Mrs. Valone said Vistancia went before the COW on March 20th and then approved by the Village Board on April 10th.

Commissioner McGleam asked if she could give a summary of the changes that they made.

Mrs. Valone stated at the COW they brought forth a plan with a decrease number of units at 273, they had upped the brick requirements, made some changes to the detention facilities, and made some changes to the open space as well. When they went before the Village Board they were down to 270 units, they went to about 50% of all the units to have brick on all elevations, there are 10 foot side yard setbacks, lots that back up to Timberline are no less than 12,500 square feet, the rest are a mix of size but none are less than 9,000 square feet, the Ridgeline there were four lots that were 8,500 square feet and the rest are 9,000 or above, and the duplexes have not changed since they have seen them.

Commissioner Maher asked if they are using full size brick.

Mrs. Valone said they are using the same brick requirements as Kettering. They are using a full veneer, which is a face brick.

Commissioner Maher stated when he specifically spoke of brick, his intention was not to go partial brick. His intent was to use a standard size brick.

Mrs. Valone said there is not a standard in the UDO for depth of brick. If it is something that is needed to be changed then we will have to change it.

Discussion continued in regards to what type of brick is being used.

Chairman Spinelli asked if the detention pond depth ever got resolved.

Mrs. Valone stated there is not an actual depth standard in the code.

Chairman Spinelli said there is a maximum of a four foot storage depth.

Mrs. Valone said then they were granted it by the inclusion of their plans.

Chairman Spinelli stated in regards to other items for discussion, the Vistancia public notice sign needs to be removed. The Birch Path advertising sign on 127th and Rolling Meadows Drive is on private property.

Mrs. Valone said they are one permit away from 75%. They do not have occupancy for all of them and the code says 75%.

Chairman Spinelli stated the sign is unsafe for vehicles heading east.

Discussion continued in regards to the occupancy code.

Chairman Spinelli said the public notice sign for the assisted living facility on McCarthy needs to come down and Pat Jurinek has a for sale sign at Rolling Meadows and 127th which is on State property.

Commissioner McGleam stated there is a public notice sign that is still up at Equestrian Meadows.

Mrs. Valone said they will be seeking new Commissioners. There is a chance that they might not have a May meeting, but she will keep everyone notified. There are a couple of planning items that are coming up. In the fall there is the State APA and there are a couple of planning meetings for the On To 2050 Plan for CMAP. She will send out the invites as she gets them.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURMENT

Chairman Spinelli called for a motion to adjourn the meeting.

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper