

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of July 20, 2016

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, July 20, 2016 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 6:37 p.m. He then led the Pledge of Allegiance. He asked the audience to remain standing and raise his/her right hand to be sworn in. He then administered the oath.

**B. Verify Quorum**

Upon roll call the following were:

Present: Andrysiak, Kwasneski, McGleam, Sanderson, Zolecki, Spinelli

Absent: Maher

Planning and Economic Development Director Charity Jones, Village Planner Heather Valone, Village Trustee Ron Stapleton, and Fire Marshall Dan Tholotowsky were also present.

**C. Approval of Minutes for the June 15, 2016 Meeting**

Commissioner Kwasneski made a motion, seconded by Commissioner Andrysiak to approve the minutes from the June 15, 2016 meeting with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS**

Chairman Spinelli greeted the audience.

**III. PUBLIC HEARINGS**

**A. 16-05 23 E. Logan Street Variation**

Chairman Spinelli called for a motion to open the public hearing for Case 16-05.

Commissioner Andrysiak made a motion, seconded by Commissioner McGleam to open the public hearing for Case 16-05. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Staff Presentation**

Mrs. Valone stated that Ken McClafferty, who is acting on behalf of the owner of the property, is requesting a variation to allow driveway access in a Single-Family Preservation Infill District via the street rather than the alley. Staff is recommending denial of the variation. The subject property is currently vacant and the applicant is proposing to construct a single-family home on the property. The subject property is located two lots west of Brown Park along Logan Street. An alley runs between Custer and Logan with access from Park Place. The alley right-of-way terminates roughly 50 feet east of the subject property where Brown Park is located. Per the UDO “if an existing alley provides access to the lot in question, then detached and attached garages shall be accessed from the alley”. The UDO defines an alley as “a public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street”. The standard width of an alley per the UDO is 16 feet.

The applicant submitted a building permit for a single-family home with a two-car attached garage with access off of E. Logan Street on April 14, 2016. Staff denied the permit on April 19, 2016 because of the alley access requirement. The permit had multiple items in addition to the driveway access which did not meet UDO standards including the proposed maximum square footage of the home. The applicant filed an appeal on May 14, 2016, which was denied by the PZC on June 15, 2016.

Mrs. Valone said the UDO states that the variation request must be consistent with the following three standards to be approved. The first standard is that the variation is in harmony with the general purpose and intent of the UDO. The general purpose of the UDO has eight components, six are either not applicable to or unaffected by the variation request. The first purpose that was applicable to the application is ensuring that adequate light, air, privacy and access to property. The variation would not negatively impact light or air to the property. The variation would allow for access to the property from the street rather than from the alley. The property has the same accessibility from either the street or alley. The second purpose that is applicable is protecting the character of established residential neighborhoods. The proposed variation is not consistent with the established neighborhood character. The majority of the properties surrounding the subject property have detached garages with driveways that access via the alley. Those homes that do have driveways with street access also have detached garages located in the rear of the properties. The proposed two-car front load garage and driveway is not consistent with the neighborhood.

The second standard for granting variations is that the plight of the owner is due to unique circumstances, and thus strict enforcement of the UDO would result in practical difficulties or impose exceptional hardships due to the special and unique conditions that are not generally found on other properties in the same zoning district. The UDO states that in making a determination whether there are unique circumstances, practical difficulties or particular hardships in a variation petition that there are five factors that should be taken into consideration. The first factor is that the particular physical surroundings, shape, or topographical conditions result in a particular hardship upon the owner that is distinguished from a mere inconvenience. The subject property is the last remaining vacant property along East Logan Street from Park Place to Brown Park. The subject property has similar lot size, shape, and topographical conditions as the surrounding properties. The subject property gradually slopes down from the front of the property to the rear property line. This is similar to the properties that are east and west. The properties to the north of the subject site gradually slope down from the rear to the front of the property. The physical characteristics of the subject property are not unique when compared to the surrounding properties.

The applicant also submitted a cost estimate for the proposed alley as evidence of a hardship. The applicant estimates the total cost for the construction of the alley would be approximately \$17,000.00. The applicant also estimated that the cost of the street access driveway to be roughly \$1,400.00. The Village Engineer reviewed the estimates and commented that the costs for the alley access were too high and the estimate for the street access driveway was too low. The Village Engineer provided an alternate cost estimate. The cost for the applicant to pave the driveway from East Logan Street to the attached garage with corresponding sidewalk alterations is estimated at \$5,800.00. The estimate for the alley driveway and retaining wall is roughly \$12,000.00. The total estimated cost difference between the alley and street access with a retaining wall is roughly \$6,000.00 which does not create an economic hardship. Additionally, these costs would equally be applicable to all other similar adjacent properties making this not unique for the subject property.

Mr. Valone stated the second factor is the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district. The properties to the west of the subject property along Logan Street all have vehicle access through the alley rather than the street. The alley behind the property to the west prior to 2011, was not paved across the entire rear property line. A detached garage was constructed in 2011 at 15 E. Logan Street and the alley was extended. At that time, the alley was paved only 12 feet past 15 E. Logan's west lot line. The homeowner for 15 E. Logan Street was required to extend the alley across the entire lot to the property line it shares with 23 E. Logan Street. Staff sees no distinction between the condition of 23 E. Logan Street and 15 E. Logan Street or any other lots along the alley in question.

The paved alley currently terminates at the west property line of the subject property. The applicant has indicated that since the alley is not a through alley that it prevents

the use of the alley to this property. The neighboring lots to the west are able to enter and exit their properties effectively via the alley even though it terminates midblock. Currently, 15 E. Logan is the terminus of the paved portion of the alley. The property owner is able to access their garage even though the alley does not extend past its east property line. Thus, the condition of the subject property are similar to the neighboring properties that currently utilize the alley for driveway access.

The third factor is that the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The alleged hardship is partially created by the current owner of the property. The owner subdivided a larger piece of property to create two pieces of property. The subject property was original one large lot improved with a single-family home. The lot was comprised of the subject property and the property known as 15 E. Logan. The original home is situated on 15 E. Logan Street. In 2008, Mako Properties subdivided the larger property to create two smaller properties. When the property was only one large lot there was an existing single-family driveway that accessed from E. Logan Street. Sometime between 2008 and 2009 the driveway was removed and replaced with a service walk since it was partially located on the newly created 23 E. Logan Street and 15 E. Logan Street. The driveway apron still remains in the parkway. However, had 15 E. Logan Street had not extended the alley to the east property line it shares with the subject property there would not have been alley access. The subject property in that scenario would have been separated from the paved alley by another private property.

The fourth factor is that granting a variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The request will not be detrimental to public welfare or injurious to other properties or improvements. The fifth factor is the variation will not impair and adequate supply of light and air to adjacent properties or substantially increase congestion in the public street or increase the danger of fire or endanger the public safety. The variation would not endanger public safety, substantially impair property values or increase the danger of fire or congestion.

Mrs. Valone said the third standard for granting variation is that it will not alter the essential character of the locality and will not be a substantial detriment to adjacent property. The requested variation will alter the essential character of the area. The subject property is located in the R-4A District which has specific and unique purposes. The future land use for the subject property defined by the Comprehensive Plan is Infill Residential. The purposes of the future land use is to ensure any new development or redevelopment will be consistent with the established character of the surrounding neighborhood, similar to the intent of the R-4A District. The R-4A properties, unlike the standard R-4 properties have a number of unique standards due to the size of the lots, the older established homes that have been constructed, and the intent and purpose of the R-4A zoning district. Two of the most visible standards that the R-4A regulates are the driveway placement and the size of the homes.

The surrounding properties have detached garages rather than attached garages. The proposed attached two-car front load garage is inconsistent with the majority of the surrounding neighborhood. There are 40 homes within a two block area, of those 40 homes 50% have detached garages that access via the alley, 38% have detached garages in the rear of the property that have street access and 13% have two-car garages that access via the street. Nine homes along Logan Street from Brown Park to Warner Avenue do not have alley access. She showed on the overhead those homes. There is no alley that services the rear of them. If these properties are removed from the study area, the percentage of existing homes with detached garages increases substantially. 65% of homes have alley access, 29% of homes have a detached garage in the rear of the property that accesses via the street, and 6% of homes have attached two-car garages with street access. The proposed garage and driveway does not conform to either the typical driveway or garage configuration that currently exist in the neighborhood.

Currently the property to the east of the subject property is the only home with a driveway that interrupts the sidewalk on the north block face of E. Logan Street from Park Place to Brown Park. The apron in the parkway at 15 E. Logan Street, although present, narrows to a roughly four foot service walk once on the property. The sidewalks on the subject property are important due to the fact that there are no sidewalks on the south side of E. Logan Street from Ridge Road to Warner Avenue. These sidewalks along this block are the only pedestrian friendly access to Brown Park.

Additionally, the proposed variation request could create the basis of another variation application. The proposed home as it is currently depicted in the submitted architectural plans exceeds the maximum permitted square footage for R-4A homes. The R-4A properties are limited in size to conform to the existing homes. The maximum square footage of a home that can be built on the subject property is roughly 2,600 square feet. The proposed home with the attached two-car garage exceeds the maximum area by 192 feet. The proposed driveway and garage are not consistent with the neighborhood and characteristics. If allowed to keep the two-car garage he'll have to make significant alterations to his architectural plans or apply for another variation to be constructed as shown.

Mrs. Valone stated although the next item she will go through is not considered a standard for a variation, the applicant has indicated that providing alley access would aggravate the drainage issues that exist in the rear of the lot and alley. The Village Engineer has reviewed the site design for the alley access and finds that construction of the alley will not aggravate the rear yard drainage. The Engineer's review finds that the paving of the alley would not aggravate nor improve the drainage issues of the subject property or the property to the north. Although the alley extension represents an increase in impervious area, it is not a significant increase to create stormwater issues since the property to the north is already lower and accepting some portion of the subject property's runoff. The home on the northwest side of the alley constructed an asphalt edge that interrupts the stormwater and directs it to the grass

area behind the subject property. The berm was likely intentionally created by the neighbor to direct more stormwater to the subject property as the site has been vacant for years.

The property was visited by staff the morning after a large rain event on July 8, 2016. During that time there was no pooling of water in the rear yards of the subject property or on the neighboring property to the north. The only pooling of water that was observed in the alley was along that asphalt edge that directs water toward the subject property.

Mrs. Valone said the UDO requires that the applicant demonstrate consistency with all three of the variation standards. Staff finds the variation does not meet all the standards for granting approval. Staff recommends denial of the variation. The driveway access and proposed attached front loading two-car garage is not consistent with the character of the neighborhood. The property is not unique from the neighboring properties that already utilize the alley for driveway access. The UDO requirement to provide alley access has also recently been enforced on a nearly identical property immediately west of the subject site. The construction of the alley access does not create an economic hardship and the paving of the alley will not aggravate drainage issues in the rear yards.

Although staff recommends denial of the proposed variation, if the PZC concludes that the standards for a variation have been met by the applicant, staff would recommend that the variation require a detached garage located in the rear of the property, rather than the proposed front loading garage, to better conform to the character of the area. She stated this would conclude staff's report.

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

Commissioner McGleam said in staff's report on page four it talks about in 2011 the Village required them to extend the alley across the entire property line. He asked what was that pursuant to.

Mrs. Jones stated at that time there was an application for construction of a new garage. It had to be accessed off the alley and the alley was unimproved at that time.

Commissioner McGleam asked if this was spelled out in the UDO.

Mrs. Jones said if an alley provides access and a garage is proposed in the R-4A then the garage must be accessed off the alley. It is incumbent upon the person who is building the garage or the home to construct the alley to provide the access. The administrative interpretation has been if the pavement is to the subject's property line then the alley is deemed to provide access. As an administrative policy they do not require an applicant to extend an alley across other people's property to provide access to their improvement. It is only on the right-of-way immediately adjacent to their property.

Commissioner McGleam stated the Village Engineer stated that the storm water runoff would be to the property to the north.

Mrs. Valone said the property to the north is already accepting some water because it is lower than the subject property. Per State law that property will have to continue to accept that water but any additional water that is created based on this development has to be mitigated.

Commissioner McGleam asked if there is a responsibility for stormwater control within the public right-of-way. After that alley is developed and is accepted by the Village it becomes public right-of-way.

Mrs. Valone stated the amount of stormwater in theory that would be generated is not significant enough to impact the property to the north. The way it is built is that it is crowned so you are pushing water off to both sides so they are both accepting some of the stormwater.

Discussion continued in regards to stormwater runoff from an alley.

Commissioner Andrysiak asked if the 200 square foot credit was applied for having an attached garage.

Mrs. Valone stated yes she did and he was exceeding code restrictions.

Commissioner Andrysiak said one of his concerns is during the winter when a plow comes down and piles up the snow at the end.

Mrs. Valone stated right now they would be pushing the snow to the back of 23 E. Logan Street. There is still some area after 23 E. Logan where the snow can be piled up.

Commissioner Andrysiak asked if the easement on the lots was part of the footage calculation.

Mrs. Valone said no it is not.

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

### **Applicant Presentation**

Ken McClafferty, builder acting on behalf of the owner, stated he is requesting a variance to have a driveway have access off of Logan Street. The purpose of the UDO was to regulate the height, building coverage, and the impervious surface of the

residential unit. By requiring them to pave 16 by 50 feet of alley it would add more impervious surface which is going against the UDO's intention originally. By paving the alley it would require more pavement in the rear than in the front. Also in the R-4A Infill District it intended to provide owners for infill development to vacant lots. The only thing they are looking for is to have access off of Logan Street. As far as the square footage they are willing to comply.

The Illinois Department of Transportation Bureau of Local Roads and Streets Manual states that an alley should connect to a public street at each end and should not terminate at a permanent dead-end. There are many reasons for this including public safety and particularly snow plows, drainage, and service vehicles. The other reason they are requesting the variance is for financial hardship. He said he still does not agree with the Village Engineer's numbers for the cost of putting an alley in. He has priced a couple of paving companies and just for the alley it would be \$10,000.00. He has figured it would cost about \$25,000.00 in total which includes the retaining wall.

In regards to stormwater, the berms that are in the alley clearly shows that there are drainage issues. If there were no drainage issues then the homeowners would not be putting berms there. The alley is on an angle and he feels it does not conform to IDOT regulations either. All the water on that alley is being guided down to the grassy spot behind the subject property. If they pave that alley then all that water has to go somewhere else and the same thing with the snow plows. The snow plows will first tear up all those berms. All the homes that have driveways and detached garages on the back of their properties also have curb cuts on Logan Street. If they have access in the back then they are going to be taking up more parking on Logan Street because they will not be able to get into their garage or it won't be convenient for them. He asked for the Commission to approve the variance based on these reasons.

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

Commissioner McGleam asked if the owner of 23 E. Logan have half an assessment for the alley.

Mrs. Jones stated no it's a public right-of-way.

Mr. McClafferty stated the neighbors to the north have been maintaining that alleyway and cutting the grass. He said they could have claim to that land.

Commissioner Zolecki clarified that they are not looking for any other variances.

Mr. McClafferty said they are going to build it to the R-4A requirement and they are only looking for the access variance.

Commissioner Zolecki asked if he was interested in revising the plans and making the garage detached.



Mr. McClafferty stated no they plan on reducing the square footage of the home.

Commissioner Zolecki said one thing that was mentioned was maintaining the character of the neighborhood. He asked did he feel that an attached front-load garage would enhance the character of the neighborhood.

Mr. McClafferty stated he counted 17 homes.

Commissioner Zolecki stated there is none west of Brown Park.

Mrs. Valone stated staff did not include the south side of Logan Street as part of the study area because there are not alleys dedicated there. She showed on the overhead the two areas that are comparable because they both have alley access.

Mr. McClafferty said they are on the same street and in character of the neighborhood.

Mrs. Valone stated they do not have the same requirement with regards to alley access.

Mr. McClafferty said the Commissioner was talking about an attached garage and there are attached garages on that side of the street.

Mrs. Valone showed on the overhead where there are some attached garages.

Commissioner McGleam asked if there were attached garages on the south side of Logan.

Mrs. Valone stated there were but they do not have alley access so they would not be treated the same in the R-4A.

Chairman Spinelli said if this gets a positive recommendation, the neighbor to the west that is not using the old existing apron, he would want to see that whole entire apron removed. Between the existing apron, the new apron and the existing apron to the east there would be about 35 feet of concrete across the 50 feet of frontage. He suggests if this gets a favorable recommendation or if the Village Board approves it he suggests that the existing apron from the neighbor to the west gets completely removed. If its barrier curb then that should get replaced so there is only a curb cut in the neighboring for this parcel. If it is not done then there is too much concrete on Logan in this location.

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

## **Public Comment**

Philip Steck, 28 E. Logan Street, said he would like to make a clarification about the alley. It has always been a dedicated alley and will not be created as an alley. He has lived there for 45 years at that particular residence. That alley used to go all the way up to Brown Park. Before it was the park it was a large ravine and that is why the alley stopped there. The alley was gravel and the people next to 15 E. Logan weren't using it. The alley was not being maintained by anyone so the grass grew up. If you dig up a layer you will probably find the stone. To put more gravel down it will not cost \$10,000 to \$15,000. He does not think it is a hardship, but it is for the people that are on either side of that lot being developed. He feels if a house is going to be built there then the access should be off of the alley otherwise it will not look right.

Tony Frank, 15 E. Logan, asked if they had an a elevation of the house so they could see what they were thinking of building.

Mrs. Valone showed on the overhead the elevation.

Mr. Steck asked what the current code was for the side yard setback on a 50 foot lot.

Mrs. Valone said it is 12% of the lot width which would be 6 feet.

Benton Bullwinkle, 37 E. Logan Street, stated his home is one of the older homes in the neighborhood. At one point he had owned the two adjacent lots. The homes were built before the alleyways were set. The home adjacent to him has a similar garage in front and was built during the 80's. He had met the man who subdivided the lot and at that point the UDO was not in place. At that point the R-4A was whatever happened. On the other side of him, he had found out that the builder had built the house in the wrong spot, paid the fine and left it where it was at. He said in regards to the character of this street, he would hope that the UDO would be enforced the way it is written. There is a lot of redevelopment interest in Lemont and that is wonderful. However, the character of this neighborhood needs to be respected especially in regards to the use of the alleys. His parents are looking to buy 18 E. Custer which is directly behind the subject property. He is aware that the owner has been mowing the alley.

Madeline Bullwinkle said she feels that the alley would be a great asset. Her husband is currently in a wheelchair so driving to their current garage from Custer Street is daunting. There is a steep incline so putting in a fresh garage with access from the alley would be much easier.

Chairman Spinelli asked if there were was anyone else in the audience that wanted to speak in regards to this public hearing. None responded.

Commissioner Andrysiak stated he has been up and down that alley and you cannot turn around in that alley without trespassing onto someone's property. That alley ends right at the park where kids might become a hazard. This is the last lot in the

neighborhood and we are trying to match it to some of the oldest homes in the neighborhood. The lot is very desirable and land is very limited in Lemont so they will be tearing down houses. He knows when he passes someone is going to buy his house, most likely tear it down, and build something huge there. The owner talks about a hardship with having to put in the alley but what about when he goes to sell the house. When he puts a detached garage in the back the 100 year old tree is gone and so is the backyard. He feels they will take a hit of \$10,000 when he tries to go to sell it because there is no yard. He feels that this house is not that big of an upgrade to the neighborhood.

Commissioner Sanderson asked why this house is not that big of an upgrade.

Commissioner Andrysiak said around the corner there is a \$600,000 house that has been there for 40 years. This is a very mixed neighborhood. If a developer has to build a detached garage on lots to create what is not a desirable house anymore it will be like Berwyn bungalows. It will help if you upgrade on an infill neighborhood.

Christina Nunez, 21 E. Logan Street, stated they are a young couple that is recently married and they bought a house next to the subject property that has a detached garage. She said they are part of the new generation and that did not stop them from buying a house with a detached garage.

Madeline Strapple said if that is the logic you are going to use then that just creates a slippery slope. Next time someone else sells a house that is too small then let's just knock it down and build a bigger house with no yard. She stated she disagreed with what Commissioner Andrysiak had stated.

Gary Hartz, 18 E. Custer, stated he is the owner of the house to the north. He asked if they knew what the width of the house was that they were intending on building.

Mrs. Valone said it is about 35 to 36 feet.

Mr. Hartz stated it is hard for him to decipher the way it is situated if any of the landscape would dictate the water coming back to Logan. He does not agree with the engineer that stated there was no problem with the water being controlled right now. In 1991 or 1992 when Brown Park was developed the contractor was from Milwaukee. The contractor and Bob Porter were there admiring the work that was done. They took all of the dirt and back filled it all the way to the top of the wall and pitched it right down to his lot line. He had talked with Mr. Porter and the contractor about where the water was going to runoff to and did not get any answers. In the spring water was pouring in through the masonry wall of the garage and through the front door. When he talked to Mr. Porter about it he had said that they needed to do something about that. That was 25 years ago and that is why the water stops where it does now. If the subject property does not pitch back towards Logan then every bit of the rain will come down and it will be accelerated because of the driveway in the back. He said he brought in six yards of dirt to build the berm because water was

coming across his whole back yard. He had to tear out the garage floor because so much of the water was coming through. There is a water problem there and there needs to be a catch basin at the end of the alley were it would extend to.

Mr. Hartz said he is not sure where the downspouts and sump pump are going to drain out for this house. However the Village directs the developer to put in that alley, he hopes that there is some kind of drain that is put in and not some hand dug shovel drain that there it is right now. There is a water issue now. Because of that double apron that Chairman Spinelli had talked about a neighbor of his had four inches of water in his basement. The neighbor had to build a trench around his house. This is only going to bring them back to the original problems.

Ken McClafferty stated what the gentleman is saying is what they are trying to prevent. By putting in an alley it will cause problems to the properties to the north. There will be less places for the water to go and more of a mess with the snow plows piling up the water.

Margaret Crowell, 8 E. Custer, said she will be sharing the alley with the property. Speaking about water problems, there has been water problems in that alley for as long as she could remember. It was just a stone alley when they first moved in. There was at one time a big pipe buried in the back that carried storm water down towards the park. They recently paved the alley about two years ago. The paving of the alley did alleviate a lot of the water problems on the north side and they also installed that small berm. Every time you build another house uphill of a house you are going to have drainage problems.

Mrs. Crowell stated she feels it is important that Lemont focuses in on its historical district. There is not a large amount and they need to maintain it. There are many places in Lemont to build rather than one block away from the historic district and be non-conforming. The majority of the houses on that street are one-story homes and are like Berwyn bungalows. Some of us do like our Berwyn bungalows. There are lovely homes in Berwyn that have detached garages that are being bought out by young couples. There have been other people in their neighborhood that have rebuilt and they have been required to put in a detached garage. Also, have a 2,000 square foot house in this neighborhood when most of the homes are 1,000 square feet is out of character. It is important to maintain the character of the neighborhood at the same time they make some accommodations for redevelopment. These accommodations have been written into the R-4A district and it should be followed.

Mr. Bullwinkle said they are talking about a 1,900 square foot house that is going to create runoff and alley. There is going to be runoff from any development on this lot. He believes that the only thing that is going to protect this neighborhood is the UDO and it should be honored to the full effect.

Joe Forzley, 22 E. Logan, stated he does not see how all this can be built on this property. If someone on the west has a roof problem, to get a ladder up there you are on another person's property.

Commissioner Andrysiak asked what types of water problems is the property to the north having currently with the vacant land. Is the neighbor thinking that a detached garage with the alley would be less detrimental.

Mr. Hartz said you can't really tell without having a grading scheme. He is not sure if having the garage in the front attached would put the grading back instead of the sidewalk all the way back like it is now. If it does then it might help some because there would be two downspouts that would go to the front and drain onto Logan Street.

Chairman Spinelli stated the site plans that they have right now show that the drainage will be going to the north. The only thing he can decipher from the site plans is possibly if the driveway, if it was in front, would drain to Logan but everything else is going to go north.

Mr. Hartz said by having the driveway coming in from the alley there is going to be more water going to the north.

Chairman Spinelli stated whether the garage is in front or the back there is going to be drainage to the north.

Mr. Hartz said the problem is going to be greater by having the alley because there will be no grass to impede the water running off. The water will runoff until it hits the berm of the park. Then in the winter with ice and snow buildup the water will run into the foundation of his garage. He is sure that if the alley is put in without a catch basin then it is going to be a hard time for all the people to the north.

Mr. Steck stated the lot slopes to the north. If a driveway is going to drain towards Logan then the house would have to be eight feet higher than the house next to it. If the alley is not required, that is still a dedicated alley so the owner of that house has every right to drive down that alley and park behind that house.

Chairman Spinelli said they would be able to use the alley but they could not park in the alley.

Ms. Franck stated that they are talking about water concerns when they are putting a home 7 feet from the property line. She asked where is the water going to go that comes off of the sides.

Chairman Spinelli said this lot would have to make provisions to carry that water away from their house.

Chairman Spinelli 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 McGleam made a motion, seconded by Commissioner Andrysiak to close the public hearing for Case 16-05. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Chairman Spinelli asked what the maximum impervious coverage is for the R-4A District.

Mrs. Valone stated it is 65% of the total lot area in the R-4A.

Chairman Spinelli asked if the detached or attached was less than the 65%.

Mrs. Valone said either detached or attached must be at or below the 65% impervious coverage.

Chairman Spinelli asked if the Village Engineer or staff researched whether there was storm sewer down that alley. He asked if there were any atlases that would show that.

Mrs. Valone stated the Village Engineer has not investigated that.

Chairman Spinelli said whether it is this proposal or another building on this lot it will have a negative impact to the residents to the north. If this moves forward and possibly prior to getting an actual building permit, the Village Engineer or Public Works should look to see if there something in this alley. It is only 50 feet from the park it might only take a 100 foot storm sewer to get a little catch basin back there and all the roof drainage and side yard swales can go to the catch basin. This way there is no negative impact to the neighbors in regards to runoff. He stated however this proceeds he is requesting that the Village Engineer or Public Works look to see if there is a storm sewer in the alley or whether the drainage ditch in the park could accept water from here.

Commissioner McGleam asked whether the Village has installed permeable alley paving anywhere.

Mrs. Jones stated not to her knowledge.

Discussion continued in regards to cost of permeable paving and the placement of the garage.

Commissioner Zolecki said they are here to see if there is consistency demonstrated for the three requirements for the UDO, which he finds hard that any of them feel that they do. Comments from both audience and the Commission as to whether this development is a desirable project is a very subjective comment. There is a protection put in place for these areas and these types of homes are readily available in other areas. The R-4A are the smallest lots so that is why the side yard requirements are the smallest there are. Mistakes may have been made on these lots but that is why they are here now and the protection is put in place.

Commissioner McGleam stated in staff report there is mention of a second option for approval which would include a detached garage with a side drive off of Logan Street. He asked do they need to decide which option they are wanting to vote on.

Chairman Spinelli said the site plan that they have in front of them, with having seven foot side yards, he would not be sure how they would get a garage along the side. The builder would end up losing an additional eight feet of house.

Mrs. Jones stated the point of that revision was though staff feels the standards for the variation has not been met. However, if the PZC felt otherwise, a detached garage in the rear of lot would be more in keeping of the area than an attached front load garage.

Commissioner Sanderson said he agrees with Commissioner Zolecki. He has done some building in Hinsdale and they encourage detached garages. He disagrees that this is an outdated development style by having a detached garage. They have heard from some of the members of the community and feel that they echo that. There is talk about losing the rear yard but he feels if it is in the front then you will be losing the front yard. He thinks having a detached garage with alley access makes sense.

Commissioner Kwasneski stated he has lived on the street for over 20 years and feels that the character is most important thing to preserve. He agrees with Commissioner Sanderson.

Chairman Spinelli asked if there were any further comments or questions. None responded. He then called for a motion of recommendation to the Mayor and Village Board.

### **Plan Commission Recommendation**

Commissioner McGleam made a motion, seconded by Commissioner Sanderson to recommend to the Mayor and Village Board of Trustee approval of Case 16-05 Logan Street variation with one condition:

1. The Village work with the property owner on a potential permeable alley system.

A roll call vote was taken:

*Ayes: Andrysiak*

*Nays: McGleam, Sanderson, Kwasneski, Zolecki, Spinelli*  
*Motion denied*

Commissioner Kwasneski made a motion, seconded by Commissioner Sanderson to authorize the Chairman to approve the Findings of Fact for Case 16-05 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**B. 16-06 13769 Main Street Special Use and Variation**

Chairman Spinelli called for a motion to open the public hearing for Case 16-06.

Commissioner Kwasneski made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 16-06. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**Staff Presentation**

Mrs. Valone stated that Fornaro Lot, on behalf of the contract purchaser Main Street Lemont, LLC, is requesting a special use to allow for parking and storage of trucks and trailers at 13769 Main Street. The applicant is also requesting a variation from the UDO to allow for the proposed detention ponds on the site be gravel rather than sod. Staff is recommending approval with conditions for the special use and denial of the variation.

The subject property is currently being operated for the stockpiling of materials, processing of concrete and asphalt, and office for K-Five Construction Corporation. The applicant is purchasing the property to relocate their trucking company. The site is proposed to be used for parking of trucks and trailers. The site plan indicates parking stalls for 156 trucks. The existing 14,000 square foot office building will be used for administrative and business operations for the applicant's business. The existing building to the south of the building will be used for truck maintenance. The majority of the west half of the site is currently stockpiled materials for K-Five. She showed the site on overhead. K-Five has applied for a site development permit to pave the site in preparation of the truck parking and storage. This paving triggers stormwater detention requirements for both MWRD and the Village. The site already has ample aggregate material stockpiled from K-Five, thus the applicant is proposing that the detention ponds be constructed on non-compacted aggregate material that will not support being sodded.

Mrs. Valone said she will first talk about the special use for the truck and trailer parking and storage. The proposed special use is compatible with the neighboring



existing land uses. Properties to the south and west are undeveloped property and the property to the north is the Canadian National railroad. The properties to the east is developed with three buildings for industrial businesses. The proposed truck parking is situated on the west portion of the subject property and the existing buildings are along the east side of the property. Thus, the use is consistent with the existing properties as the office building and out buildings are near the neighboring industrial businesses' building to the east and the trucks are parked/stored by the undeveloped parcels.

The applicant has indicated that the truck traffic for the site will be restricted to Main Street east of the subject property and Route 83. The applicant has submitted a traffic study modeled after another larger facility in Melrose Park. The results indicate that the proposed truck traffic and trailer storage will generate a significant amount of traffic in the area. It is anticipated that the great majority of the site-generated traffic will be traveling to/from the east on Route 83 given its proximity of I55. The proposed traffic will result in an increase of less than two percent, which their traffic consultant has indicated is insignificant and will not be perceived by the drivers in the area. The proposed use's traffic can be accommodated by the adjacent roadways because the existing traffic that is already much higher than the proposed generated use.

The applicant has indicated that other than the requested variation for the detention facilities, the subject property will comply with the required landscaping for M-3 districts. The UDO requires M zoned properties along a public street to have either two plant units per 100 linear feet of street frontage or have a fence with a minimum of 95% opacity and a minimum height of six feet and at least one plant unit per 1200 linear feet. The property has approximately 387 feet of frontage along Main Street. The existing tree survey for the area along Main Street depicts 105 trees; 19 of them are located on the applicant's property, are in fair or good condition, and are non-prohibited species per the UDO. Fifty-nine of the trees are located in IDOT's right-of-way. Of the 19 trees on the subject site, 17 of them are located in the east 200 feet of frontage from the entrance of the site. The UDO requires plant units per 100 feet which are consistent of accommodations of plant types. The existing 19 trees would exceed the minimum number of canopy trees required for the site if the placement was not clustered within the first 200 feet of frontage along Main. Additionally, four of the 19 trees are on or near the boundary line with Main Street which has a right-of-way which could potentially be removed by IDOT at any given time. The remaining 180 feet of frontage does not achieve all the minimum required landscaping requirements per the UDO.

Mrs. Valone stated so based on these considerations as well as the topography conditions, the existing vegetation within the Main Street right-of-way, staff recommends accepting the applicants existing canopy trees as fulfillment of the plant unit requirement for the first 200 feet of frontage along Main Street. For the remaining 187 feet frontage along Main Street staff recommends that the applicant add an additional nine juniper trees to achieve the UDO minimum required plant

material. Also, to provide some all season screening to the site. In addition to preserving the 19 trees credited and planting nine new junipers, staff recommends that the applicant preserve all the Elm trees on the site that are in fair or good condition so as to maintain as much existing screening as possible, while removing the poor condition or dead trees of any species, as well as any prohibited species on the site.

The applicant is proposing to convert the existing stockpile areas into truck and trailer parking/storage stalls. The parking area is located in the west and northwest portion of the subject property which is buffered from Main Street by neighboring undeveloped properties. The proposed entrance to the truck parking is located 200 feet southwest of the office building. She showed on the overhead where the buildings and parking were located and how truck traffic will flow through parking lot. The existing eastern portion of the site will remain as is with minor paving improvements. Thus, the parking/storage use is buffered from Main Street and the undeveloped parcels to the east. Staff recommends that the truck parking be restricted to the area shown on the parking layout, preventing trucks from being parked on the eastern portion of the subject property.

Mrs. Valone said she will now go through the variation for the detention ponds. The UDO states the variation must be consistent with the following three standards to be approved. The first is that it is in harmony with the general purpose and intent of the UDO. There are only two components out of the eight with the first being ensuring adequate light, air, etc. The proposed variation would not negatively impact. The second is maintaining and promoting economically vibrant and attractive commercial areas. The proposed variation would allow for visually unappealing detention ponds. The site is separated from Main Street by undeveloped vegetated spaces that currently act as a buffer. However, the site is proposed to be raised and the neighboring properties could develop in the future revealing more of the site to Main Street. Additionally, one of the goals of the Lemont 2030 Comprehensive Plan, Community Chapter, is to develop guidelines for industrial development. The UDO has not yet been updated to include such standards, however, minimal aesthetic appeal is still important for M Districts. Thus, the variation for the detention ponds does not promote attractive commercial/industrial area.

The second standard is that the plight of the owner is due to unique circumstances, and thus strict enforcement of the UDO would result in practical difficulties. The first factor is that the physical surroundings, shape, or topographical conditions result in a hardship. The subject property is located north of Main Street and south of the railroad tracks. The properties to the east are heavily vegetated and are at a slightly higher elevation than the subject property however, they are currently undeveloped. The applicant has proposed two non-compacted aggregate detention ponds, one located in the west corner of the property and the other in the northwest corner of the property along the railroad tracks.

The top soil is rocky due to the topography of the area and the stockpiling of construction materials, which has removed most of the top soil from the site by the nature of its use. As such the site is not conducive to grass or other vegetation. However the property is proposed to be raised through the use of non-compacted aggregate fill to construct both the parking area and the detention facilities. As the fill has to be added to the subject property, a portion of the fill could be top soil, which would allow the detention ponds to be sodded. There is an existing sodded detention pond located on the property near the east property line. She showed on the overhead the location of that detention pond.

Mrs. Valone said the Village Ecologist reviewed the submittal and commented that the information provided does not show that implementation of vegetated detention facilities can be conclusively ruled out. The proposed plans indicate that two feet of fill will be added to the site. If the applicant uses clean fill it should be possible to get vegetation to establish even if the existing soils create a restrictive layer. Additionally, the applicant has not submitted any soil borings to indicate that bedrock is an issue. The applicant's report states that the purpose of using the non-compacted aggregate material is to promote infiltration into the soils, thus the soils must have some capacity to percolate.

The second factor is the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district. The industrially zoned properties to the west and south are undeveloped and heavily vegetated. The neighboring properties to east are developed and do not appear to have detention ponds. The Maley Road Industrial Park area, which is also zoned M-3, are serviced by wet detention basins. These wet detention basins are no longer permitted by the Village. Art Logistics, another industrial zoned property, roughly a mile from the subject property, is under construction and will have a sodded detention pond.

The third factor is granting of the variation will not be detrimental to the public welfare or injurious to other property. At the moment with the undeveloped properties it is not. If the properties were developed it would create some unintended visual impacts on the neighboring property. The fourth factor is that the variation will not impair an adequate supply of light or air to the property, which it will not.

Mrs. Valone stated the last standard for granting variations, is it will not alter the essential character of the locality. The site is currently 91% impervious. The detention ponds being sodded would reduce that lot coverage and increase green space. The neighboring developed properties are similar in lot coverage; however, the neighboring properties either have detention facilities or wet bottom basins. The proposed variation is not consistent with the essential character of the existing detention pond on the property that is dry detention and sodded.

The Village Engineer had no objections to the use, or the use of the aggregate detention facilities. The Fire District did comment that most of their comments made

relate to items during site development. The truck repair building may require the installation of a sprinkler system.

Mrs. Valone said the proposed variation for the detention ponds is not consistent with the neighboring developments or the existing dry detention pond on the subject property. The applicant has not demonstrated a hardship based on the physical characteristics of the property. The UDO requires that the applicant demonstrate consistency with all three. Staff finds that the standards are not met and thus recommends denial of the variation.

The applicant has provided preliminary information to demonstrate that the proposed special use for truck and trailer parking will not affect traffic conditions. The applicant will comply with landscaping screening requirements for the property. The proposed land use is consistent with the existing surrounding properties. Thus, staff recommends approval of the special use with the following conditions:

1. The applicant shall preserve the Elm trees on the site that are in fair or good condition so as to maintain as much existing screening as possible, while removing the poor condition or dead trees of any species, as well as any prohibited species trees on the site.
2. The applicant must also submit a landscape plan for the site including the requirements from condition 2 above.
3. No parking or storing of trucks and trailers outside of the designated parking area, as shown in the submitted Parking Layout Plan.

There was one final condition that was shown in the staff report that has been satisfied. The applicant has turned in a detailed traffic study which confirms all the preliminary findings. She stated this would conclude staff's presentation.

Chairman Spinelli said knowing that MWRD promotes infiltration type systems, looking at this he is seeing it as an infiltration basin with a controlled release. So not necessarily infiltrating into the ground but rather using the voids in the stone for storage and then controlling the release. He stated it was mentioned about detention basins currently being built or designed down the street that have soils. He asked if that was being designed as infiltration or regular stormwater detention.

Mrs. Valone stated Art Logistics is being developed just east of the property. They are using dry detention basins. They were permitted before the WMO came through, so they are under different requirements.

Chairman Spinelli asked if MWRD had been contacted.

Mrs. Valone said they have been contacted and she will let the applicant speak in regards to that. They did have a pre-application meeting with them and they did go

through a number of these items. From MWRD perspective they are relatively comfortable, but again from a local level they do have these requirements.

Chairman Spinelli stated if there are conflicting requirement between the municipal level and MWRD, where is the Village going to go with this. Ultimately they have to comply with MWRD.

Mrs. Jones said it is her understanding from the Village Engineer that either type can meet the WMO requirements.

Chairman Spinelli stated there still has to be volume control with MWRD and a typical dry detention basin will not meet volume control. A modified detention basin would meet it. He sees an area that is already gravel and we are making them bring in soil to grow grass and if they are using infiltration with using the voids of the stone for storage it seems counterintuitive to fill those voids with soils.

Mrs. Valone said she saw from the Village's Ecologist comments they are bringing in quite a bit of soil so there is an opportunity there. The applicant has indicated that it will be aggregate soil. The Village Ecologist is indicating that there is no reason why part of it could be aggregate and the other be clean fill to provide for some type of vegetation.

Commissioner McGleam stated in regards to the KLOA traffic study, there is a table number 3 with estimated development generated traffic volumes. It shows that the average peak hour trips per day in the morning would be 8 inbound with 11 outbound and weekday evening with 11 inbound and 11 outbound. That is giving a total volume for the entire day of 41 trucks. He thought the capacity was 250.

Mrs. Valone said in their preliminary comments they indicated that they would like to store over 100 to 200. From their actual site plan layout it indicates 156. If the question is how many are parked there and how many are leaving then she would say let the applicant speak in regards to this.

Chairman Spinelli asked for the applicant to come up and make their presentation.

### **Applicant Presentation**

Mark Scarlato, attorney with Fornaro Law, stated he is speaking on behalf of the applicant for this matter. In addressing the special use application they are in agreement with staff's recommendations and will do everything that they need to do for the landscaping. In regards to the actual lot itself, if you look at the Village's 30 year plan it indicates that area as being industrial. The use that they are proposing is completely in line with the use for the area being a truck/trailer parking/storage facility. There may be 150 trucks there but they will not be all in use all the time every day. The amount of trucks going in and out will be very limited. It's a storage

facility so there is not going to be any change of materials or cargos. There may be a change of trailers between trucks once in a while.

He said there are several buildings on the parcel with one being 14,500 square feet. That building will be utilized all or in part for the trucking business with dispatch and management. There are a number of auxiliary structures on the property. They are expecting at least some of them to be used for repair. The Fire Department had indicated that sprinkler systems may be necessary. If they are then they will do everything they need to do in order to be compliant with code. They are expecting to have approximately 50 employees that will not all be there at the same time. There will be 24 hour truck security. They do not anticipate that they will be storing tankers there. There may be some parking spaces that will be leased out to other companies or fleets, but not independent operators. The applicant themselves have over 15 years of experience in the trucking business with these sorts of uses. Access routes to the property is going to be the quickest route which would be I55 to Route 83 to Main Street.

Mr. Scarlato stated in regards to the request for variation on the detention pond. They agree with the Village with the noble cause of providing green space and making things look better. The problem here is the practicality of it. The apparatus isn't in place to support the sod that they are going to put there. If you put fresh clean dirt there and fill it with sod then the sod is going to die, weeds will invade, and the water to be able permeate will be greatly reduced. One of the problems that has been illustrated by the Village is that there is already invasive species that they don't want growing on the property. With this you are just giving them the perfect opportunity to grow and establish in those detention ponds. He said this would conclude his presentation and he will open it up to questions that the Commission might have.

Chairman Spinelli asked if the intent is for most of these trailers to be empty. His concern is that even if they have 24 hour security, if there is product being stored overnight, the security will be sitting at the entrance which will not be helpful if someone walks onto the property on the far west side. He asked if there are plans to have a mobile patrol to secure the lot after hours and evening especially if there is product being stored overnight.

Mr. Scarlato said he does not believe the product will be stored on site overnight, mostly because of the reason he has stated. In regards to a fence, the property has some issues with elevation. If you're looking to the west frontage on Main Street there is a drop of about 10 to 15 feet so if there was going to be a fence on the property it would have to be over 20 feet to be effective. On the eastern portion on the frontage Main Street they might put up a chain link four to five foot fence or a cable on pull for about 600 feet. The security personal will be someone who is patrolling the entire area.

Chairman Spinelli asked if there were any restrictions for hours of operation for this district.

Mrs. Jones stated no there is not.

Mr. Scarlato said they are anticipating 7 am to 8 pm.

Commissioner Andrysiak stated with a special use they should be provided with a lot of information. What he is hearing is that they are hauling out of there freight, there will be repairs with mechanics, and they will be selling and leasing. He asked if they have all their proper licensing.

Mr. Scarlato said they have all the appropriate licensing. They have already submitted the business license application.

Commissioner Andrysiak asked when they are closing the Lyons facility down and moving to Lemont full time.

Mr. Scarlato stated it depends on whether if they get the special use but they are hoping quickly.

Commissioner Andrysiak asked how they know that they will not be storing tanker trailers there with product in them overnight.

Mr. Scarlato said it is specifically addressed with staff that they are not going to store tankers. It will also be part of a condition with a lease.

Mrs. Jones stated as part of the special use they could include a condition that no hazardous material be stored on the facility. This has been done with other facilities.

Commissioner Andrysiak asked if they are going to be washing and changing oil on the trucks.

Mr. Scarlato said there will be a repair so it might include changing oil. They would need State licensing for that. This is just the first step in a long process.

Commissioner Andrysiak asked if sales tax would be generated for Lemont.

Mr. Scarlato stated yes if there is sales of trucks and leasing.

Chairman Spinelli asked if the Commissioners had any further questions. None responded. He then asked if there was anyone in the audience that wanted to come up and speak in regards to this public hearing.

### **Public Comment**

Frank Jemsek, Cog Hill Golf Club, said he is not opposed but he does have some concerns in regards to their clients that might exit that way. He suggests that an

independent traffic study be done, then at that time it would be the time to either approve or disapprove. His concern is that there might be a safety issue if intersections don't line up. With a traffic study they could look at this and help prevent any safety concerns.

Rick Sniegowski, Village Trustee, stated it will be his intent to recuse from any voting as a Trustee. Tonight he is here representing his company. Whenever his company is involved with anything in the Village he does recuse himself. His company is the seller and they do have a vested interest. Their plant can produce 400 tons in an hour of material and typically a truck can carry 20 tons. That is 20 loads of material per hour going out minimally. Additionally, there are 20 trucks coming back in so they could pick up material and there is also trucks bringing in raw materials. There could be 80 trucks in an hour if they are in a full operation. So to address Mr. Jemsek's concern, he feels that this use will not put as many trucks into use as their company could have.

Mr. Sniegowski said addressing Commissioner Andrysiak question in regards to granting a special use permit. When granting a special use permit it doesn't mean that it covers all special uses. One of the special uses that is going to go away is the special use for operating the asphalt plant. If they wanted to continue that then they would have to reapply for a special use for an asphalt plant separately as a condition to the special use. All things that are allowed under a special use aren't granted just because they have a special use. Each individual one would have to be applied for.

In regards to the detention/retention, the problem is that they don't have a current standard to apply to what is allowed by the new MWO. They do have some grass bottom detention areas, again they would have been functioning the same as Art Logistics because it is prior to the change in law. What is happening now is that they have to have a control release which means the ground itself is holding the water. What they are trying to do is if you look at page 17 in staff's report you will see what an infiltration basin looks like which is different from both of their standards. So infiltration basin is built flat because the rock itself can hold 36% voids in volume of water within itself. So instead of building a plastic tank, you fill it with rock and the open areas of the rock holds the water.

They have submitted some revised drawings, but on there is a calculation of what was the prior pervious retention and impervious areas versus post development. The previous pervious area is 52,000 square feet which represents 9%, which is existing. Post construction the pervious area will be 20% which represents a 120% gain. So it is still over the 70% but they are at 122% more than what is existing out there today. In addition to that they have this controlled containment of water that is still open to evaporate. Most of the area where the parking stalls are at is all paved now which will reduce any dust in the air. To the west of that will be this bigger stone which will be all open without dust. If the buyer wants to have that paved then part of the deal is that they will pave that for them. They are hoping to build this right away.



Chairman Spinelli asked if a formal submittal been sent to MWRD.

Mr. Sniegowski stated they will not give them anything official because they are waiting for this approval. They have an email stating that provided that it is approved by the Village they will let the operation start.

Chairman Spinelli asked so with preliminary review they have no objections with the proposed detention.

Mr. Sniegowski said they have no objections to the concept but there may be some technical issues to address.

Chairman Spinelli asked if there was anyone else in the audience that wanted to come up and speak in regards to this public hearing. None responded. He then called for a motion to close the public hearing.

Commissioner Sanderson made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 16-06. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Chairman Spinelli stated as far as the variation he understands that our ordinance requires grass bottom detention basins, but the new MWRD ordinance requires some form of infiltration control. They actually promote this type of design. As an engineering perspective he feels it will be negative to try and introduce grass on top of stone. As far as the special use, he does not have an issue. As far as truck traffic it has been indicated that it will be a benefit with a reduction in trucks. As far as the variation, because this ordinance is new with MWRD it is something that the Village's Engineer need to look at and try to address how to resolve these conflicts when ordinances change because MWRD governs that parcel along with the Village.

Commissioner Sanderson asked for staff to go over their recommendations.

Mrs. Valone said staff is recommending approval of the special use with three conditions.

1. The applicant shall preserve the Elm trees on the site that are in fair or good condition so as to maintain as much existing screening as possible, while removing the poor condition or dead trees of any species, as well as any prohibited species trees on the site.
2. The applicant must also submit a landscape plan for the site including the requirements from condition 2.
3. No parking or storing of trucks and trailers outside of the designated parking area, as shown in the submitted Parking Layout Plan.

As far as the variance staff was recommending denial.

Chairman Spinelli asked if the parking stalls are completely contained on the hard surface.

Mrs. Valone stated they are.

Chairman Spinelli asked if there were any further questions or comments. None responded. He then called for a recommendation to the Mayor and Village Board.

### **Plan Commission Recommendation**

Commissioner Sanderson made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Village Board to approve the special use permit for Case 16-06 with the following conditions:

1. The applicant shall preserve the Elm trees on the site that are in fair or good condition so as to maintain as much existing screening as possible, while removing the poor condition or dead trees of any species, as well as any prohibited species trees on the site.
2. The applicant must also submit a landscape plan for the site including the requirements from condition 2 above.
3. No parking or storing of trucks and trailers outside of the designated parking area, as shown in the submitted Parking Layout Plan.

A roll call vote was taken:

*Ayes: Sanderson, McGleam, Kwasneski, Zolecki, Andrysiak, Spinelli*

*Nays: None*

*Motion passed*

Commissioner Sanderson made a motion, seconded by Commissioner Zolecki to recommend to the Mayor and Village Board to approve the variation request for Case 16-06. A roll call vote was taken:

*Ayes: Sanderson, Zolecki, Kwasneski, McGleam, Andrysiak, Spinelli*

*Nays: None*

*Motion passed*

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 16-06 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**

Mrs. Valone stated there is nothing that has come before the Village Board. She asked if any of the Commissioners had anything for her.

Chairman Spinelli said there was a newly installed fence on the southwest corner of Wend and Walter. It is a solid six foot fence that is approximately three feet off the sidewalk on the side yard.

Mrs. Valone stated she will look into it.

Chairman Spinelli asked if they found out anything regarding the shed that was put on a slab in Smith Farms subdivision.

Mrs. Valone said when she originally approved the shed it was contingent on the approval from the Village Engineer. Sometime between her review and the engineers review it switched to a concrete base. At some point the Village Engineer reviewed it with a concrete base, however it was not supposed to have steps on it.

Chairman Spinelli stated it is in an easement on a concrete slab. The reason he is bringing it up is because he has had neighbors held to the ordinance. The pool that was built on that property was also built in the drainage easement.

**VI. AUDIENCE PARTICIPATION**

None

Chairman Spinelli asked if there were any further comments or questions. None responded. He then called for a motion to adjourn.

**VII. ADJOURNMENT**

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

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*