

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of August 17, 2016

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, August 17, 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 6:35 p.m. He then led the Pledge of Allegiance.

**B. Verify Quorum**

Upon roll call the following were:

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

Absent: None

Planning and Economic Development Director Charity Jones and Village Planner Heather Valone were present.

**C. Approval of Minutes July 20,2016 Meeting**

Commissioner Andrysiak made a motion, seconded by Commissioner Zolecki to approve the minutes from the July 20, 2016 meeting with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS**

Chairman Spinelli stated Mrs. Jones will be leaving the Village and he wished her the best of luck.

**III. PUBLIC HEARINGS**

**A. 16-07 UDO Amendments**

Chairman Spinelli said there is nobody present in the audience to swear in. He then called for a motion to open the public hearing for Case 16-07.

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to open the public hearing for Case 16-07. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mrs. Valone stated there are a number of UDO amendments to go through. There is a definition for communication towers but it does not include some small cell equipment that has recently been introduced. She then read the new definition which is listed in staff's report.

Chairman Spinelli asked if the Village of Lemont went to fixed read antennas for the water meters would they then have to ask for a variance.

Mrs. Jones said they might to have to get a special use for that.

Commissioner Zolecki asked if there needed to be something in there to specify between private and municipality uses. He asked what if the police department wanted to put a telecommunications tower.

Mrs. Jones stated they would have to get a special use which they have done already.

Mrs. Valone said the next one is just a correction on section labeling. Next is the change to the provisions relating to the storage of campers/RVs and trailers for non-residential districts and off street parking of vehicles, buses, and trucks. The current restrictions for parking vehicles in residential districts are not clear and the restrictions are contained in two different areas. This adjustment will provide clarity and help code enforcement for enforcement. Number four is being removed in the section which was repeated in a lower section. They did replace it with "In R districts the parking of vehicles on areas of the front yard other than a driveway is prohibited".

The next section is off-street parking of Commercial vehicles, buses, trailers, trucks, construction equipment, and recreational vehicles in residential districts.

Mrs. Jones stated the first section that Mrs. Valone just went through were the general restrictions and now they are getting into the residential districts.

Mrs. Valone said the first section is prohibited vehicles. They are proposing that it is illegal to park or store the following vehicles on any lot in a residential zoning district, except when located in a garage or other fully enclosed structure that substantially conceals them from view, for more than eight consecutive hours or 12 hours within a 24-hour period.

Chairman Spinelli asked if they were striking all of 17.10.100.

Mrs. Valone stated the code that has been struck above it, that was an existing section that tried to put both the residential, commercial and industrial standards all together. It also had a number of repeated items or items that were not very clear. Staff is removing that and replacing it with these two items. So instead of having one section there will now be two. She then read all the vehicles which are restricted. For Commercial Trucks that have a "B" Plate, "there is a maximum of one commercial vehicle with a "B" license plate that is permitted to be parked on a residential lot in open view. Any other commercial vehicles with a "B" license plate shall be located in a garage or other fully enclosed structure that substantially conceals them from view". This is to allow a contractor that lives in town to have one of his vehicles in his driveway and any other ones would need to be concealed.

Chairman Spinelli asked how they are defining commercial vehicle. He asked if you have someone that has a personal truck with a "B" plate and they use that for work, but their vehicle is not marked and it has a ladder on it would it be considered work.

Mrs. Jones said this is existing language that they just organized in the code. She believes past practice with the code enforcement officer would be that it is a commercial vehicle. Even though it is owned by a person it is used for business so they are limited to one.

Chairman Spinelli asked if this was something that was complaint driven.

Mrs. Jones stated yes.

Chairman Spinelli asked if someone has their work truck with them and equipment on a trailer behind them are they allowed to park in the street overnight in a residential district.

Mrs. Jones said parking on the street is not regulated through the UDO. It is regulated through the on-street parking requirements in the municipal code. She is not sure if the municipal code differentiates between a passenger vehicle and other equipment in the street.

Chairman Spinelli stated he is not sure why they are going to restrict this on a personal driveway but they can park on the street. He would rather they park it on a personal driveway overnight rather in the street.

Mrs. Jones said these are existing regulations in place. She does know the code enforcement offices does enforce these every summer especially with boats and RV's.

Commissioner Andrysiak asked why they want to restrict RV's.

Mrs. Jones stated because they are large and considered unsightly by some people. This has been on the books before the UDO was adopted in 2008.

Commissioner Andrysiak said he could understand if the lot was small, but in the R-1 or R-2 zoning districts it should be allowed.

Mrs. Jones stated the policy of the Village is that it has to be in an enclosed structure. If this requirement was changed then they would see a lot of complaints. Some of the issue is that these larger vehicles like boats and RV's can hang over onto the sidewalk.

Discussion continued in regards to allowing boats and RV's on driveways.

Mrs. Valone said previously there was one section that combined all three commercial, industrial, and residential in one. Next is a completely new section and new number that would mostly focus on commercial regulations. The off-street parking requirements in non-residential districts allow for parking of vehicles that are prohibited in residential areas and are not associated with a permitted principal use. The code allows for a lot of vehicles that are not associated with the principal active use to be parked on the site. For example an RV cannot be stored in an open residential district, however, currently they could be stored in a shopping center parking lot. So staff is proposing the following changes. The first is boats and recreational vehicles. "In non-residential districts, it is illegal to park or store boats or recreational vehicles for more than four hours unless within a fully enclosed structure that substantially conceals them from view. The following boat and recreational vehicle parking is exempt from this requirement:

1. When attendant to an active Boat/RV sales, service, or storage use;
2. Parking or storage as permitted by 17.06.120.C.5."

Commissioner Maher asked what was the reason for four hours.

Mrs. Valone stated it was just what was previously in code and was previously being enforced.

Commissioner Maher said you are restricting someone from going somewhere in Lemont for more than four hours.

Mrs. Valone asked if the Commission preferred six or eight hours.

Commissioner Maher stated what you are trying to avoid is someone parking there overnight.

Mrs. Jones said instead of four hours they could have the words no overnight parking

Commissioner Maher stated whether it is no overnight or by 2 a.m., whatever needs to be said so they don't park overnight.

Chairman Spinelli said you can say no parking between 2 a.m. and 6 a.m.

Mrs. Valone stated for buses “in non-residential districts, it is illegal to park or store buses for more than four hours unless within a fully enclosed structure that substantially conceals them from view. The following bus parking is exempt from this requirement:

1. When the subject vehicles are school buses and they are parked on lots owned or leased by a school district; and
2. Parking or storage as permitted by 17.06.120.C.5”.

Commissioner Maher said there are people who rent buses for weddings and there is a reception hall that might have a reception that is longer than four hours.

Mrs. Jones stated they could add a third exception to that use. They can call out that use and exempt it.

Chairman Spinelli asked if all of the churches are either in institutional zoning or residential zoning.

Mrs. Jones said yes, there is not a single one in commercial zoning.

Chairman Spinelli asked if this would impact the church in any way if they have a church bus.

Commissioner Maher asked about Franscian Village and their bus.

Mrs. Jones stated they will come up with something to address that.

Mrs. Valone began discussion of construction equipment parking. “In non-residential districts, it is illegal to park or store construction equipment for more than four hours unless within a fully enclosed structure that substantially conceals them from view. Parking of construction equipment engaged in work related to an active building construction or site development project occurring on the same lot on which the equipment is parked shall be exempt from this requirement. Parking or storage of construction equipment attendant to the following active principal uses shall be exempt from this requirement:

1. Construction contractor office with yard;
2. Landscaping/Nursery;
3. Lumberyard; and
4. Heavy equipment sales and service”.

Chairman Spinelli stated this might be an issue for our own Public Works Department. He does not believe that Public Works are able to store all of their truck equipment in an enclosed building. He said you might have to check with the Park District and Township also.

Mrs. Jones said she will look into that.

Commissioner Maher asked if it has to fully enclosed or substantially concealed.

Mrs. Jones stated she would rather come up with some type of exemption for taxing jurisdictions.

Mrs. Valone said the next section is Truck, Tractor, and Trailer Parking in B Districts. “In B Districts, it is illegal to park or store trucks, tractors, or trailers for more than four hours unless within a fully enclosed structure that substantially conceals them from view. The following truck parking is exempt from this requirement:

1. Trucks with “B” or “D” plates owned or operated by the owner or tenant of the lot and operated for the delivery of goods or materials in support of the active principal use on the lot;
2. Parking or storage of tow trucks when such trucks are located on the same lot as, and are operated in support of, an active principal use within the Vehicle-Related Land Uses category of Table 17-06-01;
3. Parking or storage as permitted by 17.06.120.C.5; and
4. Parking of semi-trailers at designated loading docks for a period not exceed 24 hours.”

Commissioner Maher asked where does a company like a plumbing company fall.

Mrs. Jones stated they would fall under number one.

Commissioner Maher said they are not delivering goods or materials.

Chairman Spinelli stated instead of specifying goods or materials it could say “operated in support of”.

Mrs. Jones said that wording becomes a very ambiguous term, but they could add another exemption to specifically exempt construction contractor office uses.

Commissioner Maher asked if there was a definition for loading dock.

Mrs. Jones stated there is and she will make sure it is in there.

The next section is Truck, Tractor, and Trailer Parking in M Districts. “In M Districts, outdoor parking or storage of trucks, tractors, and trailers shall be permitted when such trucks, tractors, or trailers are operated in support of an active principle use on the lot. Such parking or storage shall be consistent with the provision of 17.06.120.C.5.

Mrs. Jones said with this one they had to use the more ambiguous language of “in support of” because the trucks might not be owned by the company. Most industrial uses need to have some type of truck traffic coming in/out of the company. 17.06.120.C.5 specifically addresses freight transportation terminals and container storage yards.

Commissioner Andrysiak asked if they could go back to prohibited vehicles. He said it should read “It is illegal to park or store the following vehicles on any lot in a residential zoning district for more than eight consecutive hours or 12 hours within a 24 hour period, except when located in a garage or other fully enclosed structure that substantially conceals them from view”.

Mrs. Jones stated she will correct that.

Chairman Spinelli asked if before it went to the Village Board could it come back to them with the changes then the Commission would vote.

Mrs. Jones said that would be all right.

Mrs. Valone stated for Sidewalk Construction there is just a correction for the thickness per base. So the second to last sentence it will state, “A four-inch minimum CA-6 sidewalk base course shall be provided”.

The next section is the next big section for Natural Guidelines for natural areas establishment and locational requirements for stormwater detention facilities. There was an attachment that was a very long document, which she will get to later. First they need to input it into the code as more of an appendix similar to most of the standards. The first is naturalized detentions and she then read the language. Give the authority to be incorporated in to the larger UDO document.

Chairman Spinelli asked if the Village also require or specify maintenance or does the developer have to provide a maintenance plan.

Mrs. Jones said the guidelines require a very specific maintenance plan.

Chairman Spinelli inquired about the detention basin at 131<sup>st</sup>.

Discussion continued in regards to the detention basin at the Kettering development.

Mrs. Valone said the next one is Locational Restrictions which is to prevent unsightly detention areas from being located in highly visible areas. It will state, “When detention areas contain retaining walls, such detention areas shall only be:

1. On privately owned and maintained properties;
2. In only M-Districts, B-Districts, or the R-6 District; and
3. In only the interior or rear yards.”

Mrs. Jones stated there is currently a provision in UDO that says that there should not be retaining walls in detention basins but then goes on to say if there is a retaining wall. Retaining walls have been approved in detention basins regularly. They are trying to minimize the appearance of detention basins with retaining walls.

Chairman Spinelli asked if the Village has responsibility to maintain the Smith Farms detention basins.

Mrs. Jones said yes they do. It will now say that if someone wants to propose a detention basin with retaining walls that the Village is going to have to maintain, then they are going to have to come in for a variance to do so.

Commissioner Maher asked how interior yard was defined.

Mrs. Valone showed on the overhead how an interior yard was defined.

Chairman Spinelli stated he would keep it out of the corner and front yards due to public safety.

Mrs. Valone said next is vehicle related uses as permitted or special uses. There is a current use in town that falls in conflict with one of these which they are looking to change. Also there are some other unintended consequences of having some of these uses in certain zoning districts. First auto body and repair would change in Downtown Districts from a permitted use to a special use. In the downtown area it would prevent someone from putting in a new auto body shop without coming in for a special use.

Commissioner Maher asked about the existing businesses.

Mrs. Jones stated they are considered existing nonconforming. They could sell the business but could not expand without having to come in.

Mrs. Valone said the second part that would change would be auto body repairs uses being a special use to a permitted use in the M-1 Districts. Where it differs is that the downtown is pedestrian orientated and has historic character. The downtown is a bit more of a sensitive area as opposed to the M-1 Districts that are a little more suited for these types of uses.

Next is Boat, RV Sales and storage. In the B-3 District it would be a special use and in the M-1 District a permitted use. Because these types of uses are big and unsightly for the B District the Village would want them to come in for a special use. It would make it easier for these types of uses to come into the M-1 Districts.

Commissioner McGleam asked if they are sales orientated then why would they want to be in a M-1 District.

Mrs. Jones stated the use category in the code is sales, service or storage. So it could be a service and storage facility only and then an M-1 would be perfectly suited. If it is more sales orientated then they might want to be in a B-3, but they still might want to have that special use process to ensure that there aren't any incompatibilities with any other adjacent uses.



Mrs. Valone said there have been some certificate changes for outside agencies such as Cook County Highway Department and IDOT. These are certificates that go on plats and these are just updates to what the current ones are. The next one is just to change an incorrect standard to a more appropriate one. It goes back to the previous one for sidewalk construction. Two inches of base coarse is listed and it should be four so they are changing it to reflect what the code says.

Chairman Spinelli asked that whoever created the document needs to correct the scale so it matches what is shown in the middle.

Mrs. Valone stated the next one is there are no standards for street signs. Public Works has come up with a drawing and would like to put together another detail as to where they would be put up and how it will be attached.

Chairman Spinelli asked if it was ever changed or clarified as to where parkway trees can be planted in relation to street signs.

Mrs. Valone said they have not but she will look into it.

Discussion continued in regards to color, historical street signs, approval of street signs and using a sign manufacture.

Mrs. Valone stated the last change is a significant one. This would be our new Appendix H that would list all the requirements for the native planting areas. This would list what type of seeding mixes would be required, the maintenance periods, how they would maintain them, qualification contractors.

Chairman Spinelli asked who created this document.

Mrs. Valone said it was the Village Ecologist.

Chairman Spinelli asked because ecologists have varying opinions on what needs to be done, is this standardized for natural detention basins so it will be simpler.

Mrs. Jones stated it is simpler for review and for the plan development team. Also, the MWRD standards set a certain baseline but they don't really count for aesthetics. The firm that the Village uses is an ecologist but also a landscape architect so the standards are developed but they also look at the aesthetics for the community.

Mrs. Valone said staff would like to get the commission's opinion is throughout the document it lists the Village will approve. Our code typically calls out who would be approving it whether it is the Village Engineer, Planning and Economic Development Director or whatever position or sub entity would approve it. She asked in their opinion is there some items that they would be okay with the Village Ecologist approving. Just like the Village Arborist there are some things that they do approve

and there are some items the Planning and Economic Development Director could approve like landscaping requirements. Or should it be a different entity within the Village.

Mrs. Jones asked if they are comfortable relinquishing some of the approval authority to an outside contractor or would they rather it all be retained in-house with Village Staff.

Chairman Spinelli stated he would like to see a professional group reviewing it but not relinquish all approval to them. We are going to rely on them for their expertise but the Village will have the final say.

Mrs. Jones said there are certain things that the Arborist reviews and approves, but there are items that her position approves. She stated they could mirror that but they wanted to bring the question to the Commission to ask.

Chairman Spinelli stated he does not feel that you would want to relinquish all approval. The Village should still have the ability to enforce their opinion and power of it.

Commissioner Sanderson asked what does the Village Arborist approve.

Mrs. Jones said her role always has the authority to override a decision made by someone under her.

All Commissioners agreed then.

Mrs. Valone stated there are some items in there that would allow for wet detention basins. Right now the code does not allow for wet detention basins. She asked are they willing to start and look at this because of the MWRD WMO requirements. Some of these areas can be used for habitat or natural areas so are they willing to reopen that door to allowing these types of detentions.

Chairman Spinelli said with naturalized detention there are applications where you need the water. A wet detention in combination with naturalized detention should be allowed. He does not agree with a traditional wet detention basin. If they don't allow water at all then they are going to have to fix that so you can have wetland type plantings for these naturalized basins. Part of it is probably a weed area with a naturalized detention area, but you will have pockets of open water to help with the aesthetics of the facility. He feels they have to allow wet detention as part of or in conjunction with the same entire facility. He asked if this was what the document stated.

Mrs. Jones stated yes. It contemplates in allowing open water/wet detention as part of naturalized. These guidelines are if you are doing a naturalized detention facility then these are the rules that apply.

Chairman Spinelli asked if they could do either dry basin or this which will allow for open water.

Mrs. Jones said yes.

Chairman Spinelli asked if the Village will be still maintain these.

Mrs. Jones stated some yes and some no. Right now Kettering's detention basins will be the Village's responsibility. Lemont Nursing and Rehab is doing a naturalized detention basin that will be privately owned and maintained.

Discussion continued in regards to which detention basins the Village will have to maintain.

Mrs. Valone asked if there were any further questions or comments in regards to this.

Chairman Spinelli asked if they could see it after changes are made before it goes to the Village Board for approval.

Mrs. Valone stated it will go to the Committee of the Whole then back to Planning and Zoning before going for final approval with the Village Board. This way they will get comments from both Boards before final approvals.

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

Commissioner Maher made a motion, seconded by Commissioner McGleam to continue the public hearing for Case 16-07 till the September 21, 2016 meeting. 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 said 23 E. Logan Street was heard by the Committee of the Whole on Monday. The Village Board opted to allow the variation with the condition that any detached garage construction on the property would need to be relocated in the rear yard of the property. Or if it was attached it would have to be a side load and would

have to be somewhere about 25 feet back from the front of the façade. The applicant had indicated at the meeting that he would be able to make this work.

Chairman Spinelli asked if it was detached would he have access from Logan.

Mrs. Valone stated yes but the garage would be located in the rear yard.

Commissioner Andrysiak asked if this would make them rethink the requirement of alley access.

Mrs. Valone said the Comprehensive Plan lists alleys as being an important area to continue to allow and nurture. Unless there is a change to the Comprehensive Plan or an amendment driven by an elected official or staff will continue to operate like as the UDO requires.

Commissioner Andrysiak stated there has not been a detached garage project in the Midwest in 10 years. He said he feels that alleys are a thing of the past.

Discussion continued in regards to detached garages and impervious coverage area.

Mrs. Valone said 13769 Main Street is another case that was previously heard by the PZC. This was a special use and variation for the truck parking site. went to the Village Board and was approved. They did incorporate all the landscaping requirements, the parking areas, no hazardous materials are permitted to be stored on the site, and no tanker trucks are permitted to be stored on the site.

Commissioner McGleam asked why it did not have to go before the COW.

Mrs. Valone stated the applicant indicated they were will to conform to all of Commissions conditions. When an applicant is not going to argue with the conditions they will sometime streamline the process and allow them to go straight to the Village Board.

## **VI. AUDIENCE PARTICIPATION**

None

## **VII. ADJOURNMENT**

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

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*