

Village of Lemont
Planning and Zoning Commission
Regular Meeting of September 21, 2016

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, September 21, 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 6:31 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:
Present: Maher, McGleam, Zolecki, Spinelli
Absent: Kwasneski, Sanderson

Village Planner Heather Valone, Village Trustee Ron Stapleton, and Dawn Banks, Director of Parks and Planning for the Park District were also present.

C. Approval of Minutes August 17, 2016

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the August 17, 2016 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli stated that Commissioner Andrysiak has resigned from the Commission.

III. PUBLIC HEARINGS

A. 16-07 UDO AMENDMENTS CONTINUED

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

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

Ayes: All

Nays: None

Motion passed

Mrs. Valone stated this is a continuance from last month's meeting. First they will cover native plantings. The native plantings guideline is to start implementing MWRD requirements. It is also to start implementing these ponds that are less maintenance strenuous and more aesthetically pleasing than some of the areas that they have. The first and second chapters are more of the educational piece. The first part will also become a brochure that they will be able to hand out to homeowners and developers. It is mostly sections two through five in the appendixes that actually get into the requirements for the plantings. The key piece that they went over last month was deciding about the more general approvals, if they were going to allow that to be the Village Ecologist or the Director of the Planning and Economic Development Department. The Commission had indicated that they wanted to see it modeled after how they do approvals through the Village Arborist. This would be that the Director would have the majority of the approval and can override some of the things that the consultant approves. The more technical things are approved by the Village Ecologist. The report that is included is the result of that but the content has not changed too much. The sections work well together by showing how to design it, then construct it, maintenance of it, and monitor it, and finally standards for Village acceptance. She asked if they had any questions or if they wanted her to go through chapter by chapter.

Chairman Spinelli asked if there were any typical sections for engineers and landscapers need to see.

Mrs. Valone said it does. Throughout the document it has a great number of figures. She showed on the overhead. The design criteria there are hydrographs are required for the plan submittal. The native detention area do need to be designed along with the engineer. What it also allows is wet bottom ponds which were previously not allowed.

Chairman Spinelli asked if this was going to be the minimum guideline or the guideline.

Mrs. Valone stated this is a minimum guideline. They would have to at least meet this criteria but can go above or beyond.

Chairman Spinelli asked if they are still permitted to do a dry basin and if they want to do a wet basin then they would have to do a natural.

Mrs. Valone said yes they could still do a dry. MWRD's new requirements are forcing this because developers need those best management practices (BMP) i.e. these native areas.

Chairman Spinelli asked if the Village was still going to require ownership of these basins whether wet or dry.

Mrs. Valone stated yes they would.

Chairman Spinelli asked if there was going to be some type of funding in place that the developers are going to have to provide to the Village for maintaining these basins while they are still developing.

Mrs. Valone said it is outlined in section four and five that there is a monitoring period so the Village has the option to not accept those ponds at that time. Or they can except it with a maintenance letter of credit (LOC) which would include monies for the upkeep in the event that they don't.

Chairman Spinelli asked if it remains to the developer until the letter of credit is released.

Mrs. Valone stated when you are first issued the permit the LOC is for the entire amount which includes landscaping, sod, trees, detention facility, pipes, etc. As they draw down on the LOC by completing improvements, they do require a two year maintenance period on the LOC. Even if they get drawn down and the Village accepted the subdivision, there is two years where they hold the letter of credit in the event that they do not maintain these items. In theory, because these ponds take anywhere between three to five years they could extend it.

Chairman Spinelli said in the two year maintenance period is the developer still responsible for it. Once the two year maintenance has expired the Village releases the letter of credit and takes ownership of the detention basin.

Mrs. Valone stated that is correct.

Chairman Spinelli asked if that detention lot gets deeded to the Village.

Mrs. Valone said yes it does.

Chairman Spinelli asked if there was funding in place or a mechanism for funding in place, after the Village has taken ownership and the letter of credit has been released.

Mrs. Valone stated no but they would not accept it if it was not functioning properly. The whole point is that it is a lower cost to the Village.

Chairman Spinelli said he understands that but there are still burn periods and maintenance periods after that two years. There should be a component in there for whatever the maintenance cost would be in the first five years after the letter of credit has been released. This is not just put the sod in, cut the grass, then just leave it. The plants need to be maintained more than two years after they are planted.

Mrs. Valone stated that is accurate. However, a typical dry bottom pond at about year five, when they are accepting the entire thing, needs heavier maintenance which is more than just mowing. Although, the wet bottom still requires some maintenance it is still not the same level of maintenance. When you look at the numbers for a naturalized detention pond you are spending more money upfront to get it established and get it on a good maintenance path. About year five to seven is when you start seeing that it is actually less cost to maintain those then it is the dry bottoms.

Chairman Spinelli said he has never been in agreement with taking over these detention basins without some type of funding from the developers. This is why the majority of the communities in Will County requires a Homeowner's Associations to take care of it. The Villages and Park Districts do not take the detention basins whether they are dry or wet. There is liability involved and there is maintenance. Even though this is less expensive he feels that there should be some type of funding in place. If you look at the detention basin at 131st and Parker, there is significant problems with their erosion control. They are going to have to redo their basin once the development is 90% completed then they start their two year maintenance period. It is stated that it takes five to seven years to get established and it is not known what will happen in the first five years after the Village has taken over.

Mrs. Valone stated what this is stating is that they are not taking possession of it until it has been established and out of the maintenance period. It can take longer to accept some of these subdivisions.

Chairman Spinelli asked what if the developer has to redo its basin bottom and then the two year maintenance starts.

Mrs. Valone said if there are issues with it then they are not going to accept it until it is established. It is in the developers best interest to get them done and get them established because the Village will not accept them until they are functioning properly.

Commissioner McGleam asked who comes up with the punch list.

Chairman Spinelli stated the Village Engineer or somebody does an inspection and they come up with a punch list of deficient items. So if they are at the end of the subdivision and the deficiency is the natural detention basin. The develop can go in and replant and if they replant appropriately the Village could potentially authorize to accept maintenance now. The maintenance is two years and the document says it can

take five to seven years to establish. The Village is three years short at a minimum and it is the Village's responsibility.

Commissioner McGleam said his concern is that someone is going to develop a punch list and the developer is not going to agree with the items on the punch list. He asked what if there is a disagreement with the punch list.

Mrs. Valone stated they will be submitting a plan and if those items are not functioning from either the engineering or the actual landscape then it won't be accepted.

Commissioner McGleam said it is hard to create a punch list on items when they haven't fully developed and won't be until several years later. These types of swales are a system and he feels it is not as straightforward as it sounds.

Mrs. Valone stated the punch list is also determined by the Village Ecologist, Village Arborist, Public Works, and of course the Village Engineer. It indicates in here what signs you are going to see if the system is not working properly and how to manage them. Typically the Village Ecologist will go out every month and monitors it and lets the developer know what he needs to do to improve it or change. Thus, similar to any punch list, if the natural area is not established the Village Ecologist will not allow acceptance until it is established and meeting standards.

Discussion continued in regards to the Kettering detention ponds.

Chairman Spinelli said he feels that there should be funding in place and a timeline of the plantings that cannot be installed until a certain percentage of lots have been built on.

Mrs. Valone stated she will look into the question. If a developer gets their punch list and he has to replant a significant portion of the detention pond, then his time frame starts over. They wouldn't except it until it reaches the level of establishment. If everything else is done and the detention pond is not function well it still will not move into the maintenance period. They have to accept everything to move into the maintenance period.

Chairman Spinelli asked how do they go into maintenance when it take five years to know for sure that this has been established.

Mrs. Valone said that is the incentive for the developer to get it established. This document states that the Village will not take it over until it is functioning properly and it has gotten through the establishment period.

Commissioner Maher stated so it could be three years after the development is done before the Village decides to take it over and let it go to maintenance, then there are two years after that.

Chairman Spinelli said he would caution our Village because he has seen other municipalities quick to go to maintenance for whatever reason. After two years it slips through the cracks and the maintenance bond gets released.

Commissioner Maher asked if there should some type of criteria in there for the arborist's approval.

Chairman Spinelli stated one thing that would help would be not allowing this type of plantings to occur prior to certain amount of lots being built to minimize the sediment that gets into the basin.

Mrs. Valone said in the performance criteria on page 56 it indicates the actual goals for the growing seasons. It then goes into formal acceptance criteria which indicates all the things that need to be done prior to them accepting it. On page 59 there is a great diagram to show the criteria that they should be meeting. If they don't meet that criteria then they are not being accepted. It puts it so many growing seasons out for it to have this level of performance for us to accept it. So if it there are significant portions of the pond that need to be replanted then they would have to go through these growing seasons before they would be accepted.

Discussion continued in regards to how it is known if the proper steps were taken for planting.

Chairman Spinelli stated as long as the Village is protected financially then he would go along with the Village Board's final decision. There should be a mechanism for a timing of when they are permitted to plant. The erosion control and sediment plan that is around these basins needs to be upgraded from more than the minimum. A simple suggestion would be double row silk fence put up and properly maintained. In addition to trying to get a certain percentage of lots built and covered with permanent vegetation. There should also be provisions for homeowners who live adjacent to these that think these might be weeds to keep them from mowing. The developer should put in informational signs that say "Naturalized detention area. Do not mow."

Ms. Banks asked if there was a buffer zone from the residential area to these native plantings.

Mrs. Valone said there is and there is an area of grass to keep residents from intervening. On page 28 it does go through grading preparation prior to the establishment of native plantings.

Discussion continued in regards to silk fencing.

Mrs. Valone stated they will now go through the other changes. The first is the definition for telecommunications tower which everyone agreed on. A new one is to Conditions for Special Use Approval. The Illinois Municipal Code requires that if the

Planning and Zoning Commission does not recommend approval of a special use to the Village Board a favorable vote of two-thirds of all the Trustees holding office shall be required for the approval of the special use. For the special use it is the “current” Board. So if the Board was down a member for whatever reason it would be two-thirds of the six. For a variation the text is not the same so it just says two-thirds of the trustees. This was put in to meet State requirements and was approved by the Village Attorney.

The next area is the parking requirements. In R Districts the prohibited vehicles are trucks, recreational vehicles, construction equipment, buses, trailers, tractors, and boats. For commercial trucks with “B” plates a maximum of one commercial vehicle is permitted to be parked on a residential lot in open view. This stayed the same and everyone had agreed. The next section is off-street parking of commercial vehicles, buses, trailers, trucks, construction equipment, and recreation vehicles in non-residential districts. The restriction of hours from 2 am to 6 am was added as discussed for that section.

Mrs. Valone said the next section for buses there were several changes. She read the restriction and the following was added for exemption:

1. Parking of storage of buses attendant to the following active principal uses:
 - a. Banquet Hall;
 - b. Religious Assembly;
 - c. Religious Institution; and
 - d. Government Facility;

Government facility does include schools, but there are some properties that are leased by the schools but are not technically part of the school campus.

Chairman Spinelli asked to change the limit from four hours to eight hours.

Mrs. Valone asked if they wanted to change it to no parking between the hours of 2 am and 6 am or illegal to park for more than eight hours like the residential.

Commissioner Maher said he feels eight hours.

Chairman Spinelli stated he feels for enforcement it should be the same as residential and change to eight hours.

Mrs. Valone asked if they wanted to change the construction equipment from four to eight as well.

Chairman Spinelli said yes.

Mrs. Valone then read the code for construction equipment and changed the time from four to eight hours. The Commission also wanted to add Government facility to the exemption list.

Chairman Spinelli asked if someone could park the construction equipment overnight on the street.

Mrs. Valone said they do allow RV's, boats attached to a car, or construction equipment on a trailer to be parked for 24 hours on a street after that it would be ticketed. Moving on to truck, tractor, and trailer parking in B Districts. She asked if they wanted to change the time from four to eight.

Chairman Spinelli asked if staff had any problems with changing that.

Mrs. Valone stated her concern would be with the Jewel Plaza and having trucks parked there for a long time. She would prefer that this one stay at four.

All Commissioners agreed.

Mrs. Valone then read the remaining changes which they all agreed upon.

Chairman Spinelli asked if a tow truck driver brings home his tow truck because he is on a 24 hour call can they park it in the street or driveway in a residential area.

Mrs. Valone said in their driveway they would not be able to park the truck but they could park it on the street for 24 hours.

Chairman Spinelli asked if there was a restriction in regards to having a truck idling for more than an hour.

Mrs. Valone said there is nothing in the UDO, but she will check with police to see if there is anything. There are nuisance ordinances for light and sound. The next section is the sidewalk construction where they were just updating the base course from two to four inches.

Chairman Spinelli asked if the construction detailed got modified also.

Mrs. Valone stated it did. The next section is naturalized detentions and this is just giving it its place in the index. For location restrictions they changed it to interior side or rear yards instead of just interior. The changes for Vehicle Related Uses as Permitted or Special Uses and the Plat Certificates, all the Commissioners agreed on last month.

Mrs. Valone said in regards to street signs it has been updated. She contacted Public Works in regards to honorary signs in the Historic District and they want to be the only ones that make those.

Commissioner Maher asked what if their equipment breaks and they decide to not replace it.

Mrs. Valone stated they would revisit it at that time.

Commissioner Maher said his concern is that Public Works is putting a green sign out there but our requirement is a white sign.

Mrs. Valone stated Public Works would have to develop them this way for streets but the more specialized designs will not be in code because they will be the only ones to produce them.

Commissioner Maher said there are several designs standards throughout the Village.

Chairman Spinelli asked if he wanted text put in there about historic signs or special signs.

Mrs. Valone stated she would not want to put standards in for other signs and then a developer creates the wrong ones.

Chairman Spinelli said it should read Street Name Sign Specifications and verbiage added exempting Historic District or temporary street name signs.

Mrs. Valone stated that are all the changes she has.

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

Commissioner Maher made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 16-07. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Spinelli called for a motion for recommendation.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to recommend to the Mayor and Village Board of Trustee approval of the UDO Amendments as discussed. A roll call vote was taken:

Ayes: McGleam, Zolecki, Maher, Spinelli

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

A. Update from Village Board

Mrs. Valone said the Village Board also reviewed the UDO Amendments this week. She stated there are two possible cases in November and they will need a full Commission. She will also need to know who will be present for the meeting in December because it is scheduled for the 21st.

Commissioner McGleam asked if there was any progression with the subdivision at McCarthy and Bell.

Mrs. Valone stated they are progressing with their MWRD permit and are close to obtaining it. Also, close in obtaining their IDOT permit as well. They almost have local approvals. They are progressing with their site development phase with outside agencies as well.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURNMENT

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper