

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of July 15, 2015

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, July 15, 2015 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

Commissioner Sanderson called the meeting to order at 6:40 p.m. He stated he will be acting as pro tem Chairman for Chairman Spinelli and then led the Pledge of Allegiance.

**B. Verify Quorum**

Upon roll call the following were:

Present: Arendziak, Kwasneski, Maher, Sanderson,

Absent: McGleam, Sullivan, Spinelli

Planning and Economic Development Director Charity Jones, Village Planner Heather Milway, and Village Trustee Ron Stapleton were also present

**C. Approval of Minutes for the June 17, 2015 Meeting**

Commissioner Kwasneski made a motion, seconded by Commissioner Maher to approve the minutes for the June 17, 2015 meeting with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS**

None

**III. PUBLIC HEARINGS**

**A. 15-09 UDO AMENDMENTS CONTINUED**

Mrs. Jones stated this was continued from last month. Most of the amendments relate to accessory structures in residential districts. The first change however is for heavy industry to be changed from a permitted use to a special use in M-3 and M-4 Districts.

This has come up since dealing with some heavy industry users over the past year. It is a broad category of uses so they would like to have it as a special use so there will be that discretionary review. She said she will have Ms. Milway take them through the power point on accessory structures.

Ms. Milway said they have received recently a lot of inquiries in regards to some creative accessory structures that they have not had a good category for. They tried to have some definitions that specify a little bit more.

Mrs. Jones showed on the overhead some existing definitions. A building is defined as a structure that has a roof and is built for the enclosure of things or people. A structure could be a pool, patio or a deck. An accessory structure/building is an accessory to the principal use on the property. The principal use on the property would be the house and the accessory structure is a deck, shed, detached garage. Additionally, the Code defines garage as only buildings or parts of buildings designed to be used for the parking of vehicles. She said you could have the same size structure or building and one is the garage and one is not depending on what it is intended to store under the current definitions.

Ms. Milway stated staff has proposed to clarify some of those definitions. She then read through the definitions for gazebo, cabana, and pergola. These should help with some of the accessory structures. She then showed some pictures of different types of accessory structures. Staff is proposing that gazebos and cabanas be at least 10 feet from all lot lines. Such accessory structures shall have a maximum height of 15 feet and maximum area of 160 square feet.

Mrs. Jones said the current code is very open for interpretation.

Pro Tem Chairman Sanderson asked if they were going to allow a second garage.

Mrs. Jones stated they are not going to allow a second garage, but they will talk about a little later.

Ms. Milway said they are trying to limit the size so it will prevent it from eventually turn into a garage.

Mrs. Jones stated by limiting the area to 160 square feet effectively prevents it from being a garage.

Ms. Milway said they also added a section that restricts how many accessory buildings could be placed on residential properties. It has been restricted to two on any lot, however a detached garage does not count. You could have a lot that has a detached garage, shed and a pool house, but you would not be able to add a secondary shed.

Commissioner Maher asked if this was for R-4 only.

Ms. Milway stated it was for all residential.

Commissioner Maher asked why limit it to three structures if someone has an acre or an acre and a half. If it was an R-4 size lot he could understand. He feels it should be based on the size of the lot.

Mrs. Jones asked if he felt that lots over an acre should get one more structure. She said staff is trying to keep it streamlined and does not want to make it complicated.

Discussion continued in regards to how many structures should be allowed on a lot with an acre or more.

Pro Tem Chairman Sanderson said to add another structure so a lot that is over an acre can have three accessory structures.

Ms. Milway showed a picture on the overhead of what came in and was classified as a gazebo which now turned into a "man cave". The structure is now enclosed, the windows roll down and there is a garage door.

Mrs. Jones stated this is not what the code envisioned and they are trying to allow for these things but also not let them get out of hand. She then showed a drawing of another example. Someone had come in wanting to add another garage. He was allowed to do so as long as he tore out the driveway leading to the original garage so it could no longer serve the purpose of storing a vehicle, but instead would be an accessory structure.

Discussion continued on how the new code would prevent this from happening.

Mrs. Jones said one thing staff discussed but is not included in the draft that is presented tonight, was a prohibition on garage style doors on accessory structures that are not garages.

Pro Tem Chairman Sanderson stated maybe limited the width of them to six feet.

Commissioner Maher said it should also be limited to one door.

Mrs. Jones stated another concern with these accessory structures is when they get to big and nice they then become habitable and that is not allowed by the code. She asked if the Commission wanted to go with a maximum door width or a prohibition on roll up doors.

Discussion continued on whether to allow an overhead door on accessory structures.

All Commissioners agreed to no overhead doors on accessory structures.

Mrs. Jones said they moved pergolas out of the section of gazebos and cabanas because they are not meant to be enclosed. It will now read that they are at least five feet from all lot lines.

Pro Tem Chairman Sanderson asked if there was a height restriction on pergolas.

Mrs. Jones stated they could put a 15 foot max height on there but they will need to look into it because some people put them on raised decks.

All Commissioners agreed.

Mrs. Jones said in regards to patios it is stated that they are allowed on the side and rear yard but they have to be five feet from the lot lines. Staff is adding that when they are located on the side yard they shall be setback five feet or more than the front façade of the building. The reason staff is recommending this is because people are trying to have these driveways where they can pull their car on the side of the house. Which leads to the next point of driveway width, which reads the width of the driveway can only extend up to one foot on either side of the garage door with a maximum width of 30 feet.

Pro Tem Chairman Sanderson stated he knows of someone whose garage extends two feet wider than the overhead door. He asked would the concrete then have to stop.

Mrs. Jones said yes.

Commissioner Maher stated it would have to be different for side load garages.

Mrs. Jones said staff felt that there would have to be a set distance beyond the garage door that they could go. They did not want to say to the corner of the structure because then the garage could extend really far. She asked if the Commission felt if two feet would be better.

Discussion continued in regards to what the maximum width should be.

Pro Tem Chairman Sanderson stated it should be two feet on either side of the garage door with a maximum width of 32 feet.

Commissioner Arendziak asked if there would still be a special consideration for side load garages.

Mrs. Jones said she does not think it will be a concern now that they are at 32 feet, but staff will check. She stated this would conclude the UDO amendments.

Pro Tem Chairman Sanderson asked if anyone in the audience wanted to come up and speak in regards to these amendments. None responded. He then called for a motion to close the public hearing.

Commissioner Maher made a motion, seconded by Commissioner Arendziak to close the public hearing for Case 15-09. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Pro Tem Chairman Sanderson then called for a recommendation.

#### **Plan Commission Recommendation**

Commissioner Kwasneski made a motion, seconded by Commissioner Arendziak to recommend to the Mayor and Village Board approval of Case 15-06 UDO Amendments as discussed at tonight's meeting. A roll call vote was taken:

*Ayes: Kwasneski, Maher, Arendziak, Sanderson*

*Nays: None*

*Motion passed*

#### **IV. ACTION ITEMS**

None

#### **V. GENERAL DISCUSSION**

Mrs. Jones stated that Commissioner Sullivan will be moving and will no longer be on the Commission. They will have a new Commissioner next month that will be replacing Commission Sullivan.

Commissioner Maher asked if staff could include in the general discussion updates from the Village Board in regards to previous cases.

Mrs. Jones said staff could do that.

Commissioner Maher asked with the new subdivision on Parker and 131<sup>st</sup>, why did they let them put in a street with no shoulder that is paved.

Mrs. Jones stated it was allowed to remain as a rural streetscape. She said there is now a bike path that was just put in. Ultimately, the goal is to have a bike path along the ComEd easement that will run east/west.

Pro Tem Chairman Sanderson asked if there was a way to ask for at least turf restoration on demos.

Mrs. Jones said in regards to the gas station that was taken down they did tell them that if it sits for more than a year then they would have to do turf restoration. She does like that requirement.

Discussion continued in regards to demos and turf restoration.

**VI. AUDIENCE PARTICIPATION**

None

**VII. ADJOURMENT**

Commissioner Maher made a motion, seconded by Pro Tem Chairman Sanderson to adjourn the meeting. A roll call vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*