

Village of Lemont
Planning and Zoning Commission
Regular Meeting of October 21, 2015

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, October 21, 2015 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 6:33 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

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

Absent: Arendziak

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

C. Approval of Minutes for the September 16, 2015 Meeting

Commissioner McGleam made a motion, seconded by Commissioner Kwasneski to approve the minutes for the September 16, 2015 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli greeted the audience. He then asked for everyone to stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. 15-12 WEHN FENCE VARIATION

Chairman Spinelli called for a motion to open Case 15-12.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 15-12. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Ms. Valone, Village Planner, said the owners Robert and Kristi Wehn of 660 Tomaszewski Street are requesting a variation to apportion of a fence to encroach on the 25 foot corner side setback in a residential district. Staff is recommending approval of the variation. The subject property is in an R-4 district. The zoning classification requires a corner side setback of 25 feet from the property line. Fences are also required to observe the 25 foot setback. The subject property previously had a fence with the same placement permitted under the 1999 zoning ordinance. The applicant prior to application replaced the fence, without a permit and replaced it with a 5 foot vinyl fence.

Ms. Valone stated the north corner side property line is not a traditional straight line lot, rather it has 21 degree curve. The applicant is requesting to encroach the 25 foot setback by half a foot at the minimum and 8 feet at the maximum. When evaluating these corner side fences staff looks for any sort of influence on the neighboring property, specifically the front façade of the building. When examining this fence, although it extends eight feet further into the side setback, it does not extend further then the facade of the garage which juts out further then the principle façade. Although the UDO requires this 25 foot setback due to the curvature of the lot line staff is recommending approval of the variation.

Chairman Spinelli asked if the fence that is there now is in the exact same location as the original fence when it was approved when the house was built.

Ms. Valone said that is her understanding after speaking with the property owner.

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

Applicant Presentation

Robert Wehn, property owner, stated in his review of other hearings in regards to fence issues, the ordinance is for not to obstruct pedestrian and vehicle traffic. From the pictures of the site you can see that the fence does not do that. Secondly, the curvature of the lot width even with a wooden fence you cannot curve the fence and it has to go on direct angles, which would take off another 30% of his yard. The reason why he put up the fence was for his kids and his dog. The other reason for the ordinance was so you would not have a tunnel effect, which is not what this is.

Chairman Spinelli asked if the fence that he took down was open.

Mr. Wehn said it was a cedar fence. It is similar to the vinyl that he put up but it was a foot shorter and a little more open.

Chairman Spinelli asked if the new fence was in the same location.

Mr. Wehn stated it was. The old fence was falling down and needed to be replaced.

Chairman Spinelli asked if any of the Commissioners had any questions for the applicant. None responded. He then asked if anyone in the audience wanted to come up and speak in regards to this case.

Public Comment

None

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

Commissioner Kwasneski made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 15-12. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

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

Plan Commission Recommendation

Commissioner Maher made a motion, seconded by Commissioner Sanderson to approve Case 15-12 Wehn fence variation. A roll call vote was taken:

Ayes: McGleam, Kwasneski, Sanderson, Maher, Zolecki, Spinelli

Nays: None

Motion passed

Findings of Fact

Commissioner Maher made a motion, seconded by Commissioner Sanderson to authorize the Chairman to approve the Findings of Fact for Case 15-12 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

B. 15-06 508 ILLINOIS STREET FINAL PUD

Chairman Spinelli called for a motion to open Case 15-06.

Commissioner Kwasneski made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 15-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Ms. Valone said on August 24th the Village Board approved the Preliminary PUD for 508 Illinois Street. There were three conditions for Final Plat and approval. They were that a full tree survey be submitted, the petitioner should secure a Certificate of Appropriateness for final architectural plans from the Historic Preservation Committee (HPC), and lastly the petitioner shall establish a Homeowners Association.

Ms. Valone stated the applicant is now requesting a Final PUD consisting of a single-family detached home, one duplex and one three-unit residential building with shared vehicle access for two of the buildings. As it is substantially conforming Planning and Zoning's scope of review is limited to two items, which are reviewing the final landscape and site plans and reviewing the architectural elevations for the two duplexes and one single unit approved in the preliminary PUD. Staff is recommending approval with conditions. The HPC was able to review the application on the October 8th meeting and voted 4-0 in favor of the application. They issued a Certificate of Appropriateness with building materials included. The HPC felt that the architecture of the proposed buildings was consistent with the historic district.

Ms. Valone said the proposed site plan indicates a shift in the duplex unit. The west unit of the duplex (shown on the overhead) is pushed back four feet from the preliminary PUD. They did this to articulate the building façade. This also means that the east duplex remains 37 feet from the three unit and the west unit is 33 feet from three unit. Although they have shifted the building footprint, staff still finds it substantially conforming to the preliminary PUD.

Ms. Valone stated the landscaping and tree preservation plan submitted by the applicant was part of their requirement for the preliminary PUD. It indicates all but one tree on the site is proposed to be removed. The one tree that is supposed to be preserved is located on the property line. However the Village Arborist is concerned that it might not survive based on the storm water plans. Given that this tree is a boundary line tree, it is not fully located on the subject site, and there is an absence of agreement between the neighboring property owner and the applicant. Staff is recommending the applicant revise the plans as necessary to preserve the boundary line tree. The second area of concern is the existing parkway tree on Illinois Street. Based on some of the needs for storm water, again the Village Arborist feels that this tree will not survive. The Village Arborist and staff are recommending that the tree along the parkway be replanted.

Additionally, three new trees in the front yard of the three unit building, one new tree in the parkway and two new trees in the front yard of the duplex, and three new trees behind the single unit.

Ms. Valone said the shift in the duplex has changed the building façade, it is supposed to articulate it and give it more of a separate appearance. The other minor change was the clear storey on the duplex was also eliminated due to fire separation requirements. The change is to make the single family unit look more alike to the duplex, since the clear storey was removed; the dormer that was in place on the preliminary PUD was removed. Now the single-family has a similar roof line to match the duplex.

Ms. Valone stated the Village Engineer has commented that of his concerns from the preliminary PUD have been addressed. The Fire District has commented that the three unit building will be required to have a fire alarm but generally approves of the plan. As the plans are substantially conforming to the preliminary PUD with minor changes to the architectural, site, and landscape plan staff is recommending approval with the following conditions:

1. Applicant must revise the landscape plans as necessary to preserve that boundary line tree.
2. The applicant must plant one parkway tree on the Illinois Street side to mitigate the existing tree that most likely will not survive.
3. The landscape plan must be updated to include three new trees in the front yard of the three unit building, one new tree in the parkway and two new trees in the front yard of the duplex, and three new trees behind the single unit.

Chairman Spinelli said it appears that somebody is recommending having two residential structures on lot C. He is not seeing any lot lines and he is seeing lots A, B, and C. Lot C has a single-family and a duplex.

Mrs. Valone stated the lots are being used to describe where the buildings are going. The applicant will be reconsolidating all three lots under one parcel. It is zoned R-6 so it is permitted to have these multiple residential structures on the property.

Chairman Spinelli asked if that is how they are getting around the building setbacks.

Ms. Valone said the building setbacks were also approved in the preliminary PUD to be reduced.

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

Commissioner Maher asked about the two trees that are effected by the storm sewer.

Ms. Valone stated the first tree is the boundary line tree (shown on the overhead). Based on the way that the storm water is moved down the Village Arborist is concerned that it would be quite a bit of water for the tree to sustain. Since it is a boundary line

tree it is not solely the applicant's tree so he would need to revise those plans to preserve it.

Commissioner Maher asked if that is a condition that he has to meet.

Ms. Valone said yes. The second tree is located in the parkway and there is a storm water structure that will be going there that will draw water to it. Again it would be quite a lot water for a tree to survive.

Chairman Spinelli asked if it is the proximity of the tree that they are concerned it will kill the tree.

Ms. Valone stated it is that and the way they will grade it to draw water in that area.

Chairman Spinelli asked if they are depressing the front yard to retain some water.

Ms. Valone said when they put in that structure they will have to grade around it. That will depress it enough to draw water in.

Chairman Spinelli asked if the plan was to remove it or remove it if it dies.

Ms. Valone stated it would be recommended to remove the tree and put in a mitigation tree.

Commissioner Maher asked what they can do to keep the tree.

Ms. Valone said that would have to be something that their Engineer would have to look at to see if there is another placement for the structure or if there was a way to relocate the tree. She had asked the Village Arborist the likelihood of it surviving during moving and he had thought it had somewhat of a chance but was optimistic. He had recommended removing the tree and replacing it.

Commissioner Maher stated he recommended that based on what he was given.

Chairman Spinelli said looking at the utility plan it looks like they can put another structure part way up the side lot line then angle the connection to Illinois Street to avoid the root zone of that maple tree. It would cost about an extra \$2,000 for an extra storm structure. He feels it should be looked at to try and save the tree because it is a 15 inch diameter maple. If the tree has to come down or they decide to take it down what is the replacement requirement.

Ms. Valone stated it is a calculation based on diameter of the tree and the condition of it for how many additional trees you have to plant. The Village Arborist said based on the smallness of the site that putting multiple trees here would not be recommended based on the roots growing.

Chairman Spinelli asked what if the developer donates the trees to the Park District. He can put whatever will fit on the lot and then donate the rest to the Park District or the Village.

Ms. Valone said it recommended if they are going to require them to meet the mitigation rules that they would be able to put them on site. They can put one in the parkway but the others will go elsewhere on the site.

Chairman Spinelli stated there is no room on the site.

Ms. Valone said that is why the Village Arborist is recommending the additional trees in the front yard of the three unit building and then in the front of the duplex. There would be multiple trees to replace the parkway tree.

Commissioner Maher stated it was mentioned that they met most of the requirements for engineering.

Ms. Valone said they did meet all of them. The applicant was able to reduce the driveway to a 9 percent slope.

Commissioner Maher asked about the Fire District.

Ms. Valone stated the Fire District made one comment that they would need a fire alarm in the three unit building. Otherwise predominately their comments were items that were addressed in site development.

Chairman Spinelli asked if there was a way to ensure the Police Department enforces no parking across the sidewalk since the single unit building on Porter is 10 feet from the sidewalk.

Ms. Valone said they can encourage the Police Chief to increase patrols in this area.

Chairman Spinelli expressed concern over the length of the driveway and the possibility of cars blocking the sidewalk.

Commissioner Zolecki asked if the clear storey was open.

Ms. Valone said it was previously designed to act as a clear storey to let light into the building. When they had to deal with fire separation it was going to have to be a wall going up the middle of it.

Commissioner Zolecki asked if it was a decorative piece or was it open below.

Sal Alfano, representing the applicant, stated it was open to the interior.

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

Applicant Presentation

Sal Alfano, representing Zen Dog Properties, said he wanted to address the tree issue. He did talk to his engineer exactly what the Chairman had proposed; unfortunately his engineer was out of town for a couple of weeks so he could not get him to change it. That is their intent to save that parkway tree. Either they put another structure there and angle across to save that tree or they are going to angle the pipe from the first structure so they are far enough away from the tree.

Chairman Spinelli stated whatever contractor puts this in; he suggests that they put it in their specifications that they need to clean cut those roots.

Mr. Alfano said it is a beautiful tree and they are going to everything they can to preserve it. As far as the tree that is on the lot line, he does not think that there is any way to salvage it. They are going to come up with some type of agreement with the adjoining neighbor, remove the tree and then replace it.

Chairman Spinelli stated he is sure that they are going to have to give them something on their property.

Mr. Alfano said yes or near their property. They have one tree near it and he does not think they can put another one close to that. The neighbor has property behind his structure that is wide open that they could plant one there.

Chairman Spinelli asked if any of the Commissioners had any questions for the applicant. None responded. He then asked if anyone in the audience wanted to come up and speak in regards to this case.

Public Comment

None

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

Commissioner McGleam made a motion, seconded by Commissioner Kwasneski to close the public hearing for Case 15-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Spinelli asked if there any further questions or comments.

Commissioner Sanderson asked for staff to go over their conditions.

Ms. Valone then read the conditions again.

1. Applicant must revise the landscape plans as necessary to preserve that boundary line tree.
2. The applicant must revise the engineering storm water structure to preserve the tree in the parkway on the Illinois side.
3. The landscape plan must be updated to include three new trees in the front yard of the three unit building, one new tree in the parkway and two new trees in the front yard of the duplex, and three new trees behind the single unit.

Commissioner Sanderson made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Village Board approval of Case 15-06, 508 Illinois Street Final PUD with the following conditions:

1. Applicant must revise the landscape plans as necessary to preserve that boundary line tree.
2. The applicant must revise the engineering storm water and work with the engineering department to do everything they can to keep the pipe out of the canopy of the tree so they can preserve the tree in the parkway on the Illinois side.
3. The landscape plan must be updated to include three new trees in the front yard of the three unit building, one new tree in the parkway and two new trees in the front yard of the duplex, and three new trees behind the single unit.

A roll call vote was taken:

Ayes: Sanderson, McGleam, Kwasneski, Zolecki

Nays: Maher, Spinelli

Motion passed

Findings of Fact

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to authorize the Chairman to approve the Findings of Fact for Case 15-06 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

C. 11-06 GLEN OAKS SITE PLAN AMENDMENTS (KETTERING) FINAL PLAT PHASE I UNIT 3

Chairman Spinelli called for a motion to open Case 11-06.

Commissioner Kwasneski made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 11-06. A voice vote was taken:

Ayes: McGleam, Kwasneski, Sanderson, Zolecki, Spinelli

Nays: Maher

Motion passed

Commissioner Maher made a motion to postpone the public hearing until the applicant can be present.

Chairman Spinelli asked if there was a second. None responded. The motion fails.

Mrs. Valone said this is proposed to go before the Village Board at the October 26th meeting with the rest of the Phase II Final Plats. This item should have been approved back in 2014 and it looks like there was some sort of clerical error possible on the Village's side. Even though the applicant is not here staff is requesting to move this along.

Commissioner Maher stated he sympathizes with the issues that the applicant has, however there is more than one person on their staff. He does not think it is appropriate to not have one representative from this national company, MI Homes, for this public hearing.

Ms. Valone said the Final Plats for Phase II Unit 4 to 7 were on last month's meeting to be approved as part of the amendment to the Kettering PUD, during the time of writing the resolution to approve the Phase II items, it was realized that Phase I Unit 3 was never included in the previous plat approval. This was identified by the Village as an issue to be corrected.

Commissioner Kwasneski asked if it was postponed, when it would go before the Village Board.

Ms. Valone stated it would go on the November 23rd Village Board meeting.

Chairman Spinelli asked if there was an urgency for this to be corrected.

Ms. Valone said there is an urgency from an administrative standpoint. These lots should have already been subdivided and they have started sales under the assumption that the plat was properly filed Phase I Unit 3.

Chairman Spinelli asked if they had provided a plat that was signed by their surveyor and all the owners know that.

Ms. Valone stated they provided the plat back in 2014.

Chairman Spinelli asked if they had the Mylar since 2014 and have not recorded it.

Ms. Valone said she does not have the Mylar from 2014. When you look at the scan documents they had turned it in with all the other phases.

Chairman Spinelli asked where is this subdivision plat, Phase I Unit 3, waiting to be signed by the Village.

Ms. Valone stated all Mylar's for all Phase I and Phase II to be approved by the Village Board on the 26th are ready to be presented to the Board.

Chairman Spinelli said are they selling lots without recorded lots.

Ms. Valone stated they have contracts on them and they are not official recorded and subdivided.

Chairman Spinelli asked if any of them are scheduled to close prior to the November Village Board meeting. He asked if there are any changes in this plat

Ms. Valone said they had already their permit team submit permits for lot 96 and 100 today. They cannot issue them and they are holding them until the approval.

Chairman Spinelli asked if there are any changes in this plat.

Ms. Valone stated there is not.

Chairman Spinelli asked if this is in complete compliance with the plat from the Preliminary PUD that was approved.

Mrs. Valone said yes.

Chairman Spinelli stated he agrees with Commissioner Maher, but if this was an oversight by the Village then he thinks it should move forward. It is not something that the applicant had requested. He asked if there were any questions or comments for staff. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment

None

Chairman Spinelli called for a motion to close the public hearing for case 11-06.

Commissioner Sanderson made a motion, seconded by Commissioner Kwasneski to close the public hearing for Case 11-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Recommendation

Chairman Spinelli then called for a motion for recommendation.

Commissioner Sanderson made a motion, seconded by Commissioner Zolecki to recommend to the Mayor and Village Board approval of Case 11-06 Glen Oaks Site Plan Amendments (Kettering) Final Plat Phase I Unit 3. A roll call vote was taken:

Ayes: Sanderson, Zolecki, McGleam, Kwasneski, Spinelli

Nays: None

Abstain: Maher

Motion passed

Findings of Fact

Commissioner Kwasneski made a motion, seconded by Commissioner Sanderson to authorize the Chairman to approve the Findings of Fact for Case 11-06 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

Ms. Valone said Lemont Nursing did come before the Village Board meeting. They had come before the Committee of the Whole (COW) back in August. They had asked for additional time and had to extend it due to some of their storm water items along the property lines of neighbors. They have come in and have complied with all additional landscape requirements and all conditions from the Planning and Zoning and COW. They were approved on the September 28th meeting.

Ms. Valone stated case 15-08 Montefiori was reviewed by the COW. They had complied with all but one of the conditions by Planning and Zoning. Their landscape architect had some sort of disconnect between the letter he sent confirming he would be preserving all trees in fair/better condition and in the undisturbed area in Outlot C in the northwest corner. His plans had a pretty large error when they were submitted to the COW showing they were only going to preserve 40 trees instead of the 73 that they had indicated at the Planning and Zoning meeting. They were required to update the plan and she had seen the plans today. They should be substantially conforming today after being reviewed by the Village Arborist. They have also put in a maintenance plan for

the woodland restoration area by Outlot C. They are going to be on Village Board agenda for the October 26th meeting.

Mrs. Valone said Kettering was reviewed at the September 21st COW. The Board said they must meet the Planning and Zoning conditions. The PUD portion was approved at the September 28th meeting. The Final Plat will be on the October 26th agenda.

Chairman Spinelli asked if there were any questions in regards to the updates. None responded.

Chairman Spinelli asked when Illinois Bar and Grill's LED sign was approved was there any color restriction put on it. Today driving by there was a very blinding logo that lit up.

Ms. Valone stated she knows there would have been foot candle restrictions on it.

Commissioner Maher asked who is responsible to maintain or cut the grass along the new bike trail on the west side of Route 83.

Ms. Valone said she would have Public Works take a look at it.

Discussion continued in regards to the maintenance of the bike trails along Route 83.

Commissioner Maher asked if staff knew where the new bike lane on Main Street started and stopped.

Ms. Valone stated she has a call into Public Works regarding that because she was not aware that they were putting in that lane. She is also concerned about the width of the lane.

Commissioner Maher said he had tried to drive so he wasn't on the bike path and he noticed that he was in the oncoming traffic lane. He would like to know how far it goes down Main Street.

VI. AUDIENCE PARTICPATION

Ms. Banks, Lemont Park District, said the Park District Board had declined all of their bids for the Northview Park. The Board is going to go back and look at features and do some re-engineering.

Commissioner Maher asked if they are still looking for a grant for that.

Ms. Banks stated due to State funding they did not decided to go after the grant.

VII. ADJOURNMENT

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper