

Village of Lemont
Planning and Zoning Commission
Regular Meeting of June 18, 2014

A meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, June 18, 2014 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 greeted the audience and called the meeting to order at 6:34 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Maher, McGleam, Sullivan, Spinelli

Absent: Sanderson

Planner Martha Glas and Village Trustee Ron Stapleton were also present

C. Approval of Minutes from the May 21, 2014 Meeting and June 4, 2014 Meeting

Commissioner McGleam made a motion, seconded by Commissioner Sullivan to approve the minutes from the May 21, 2014 meeting and the June 4, 2014 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

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

III. PUBLIC HEARINGS

A. Case 13-14 – 16548 New Ave. Annexation & Rezoning

Annexation of approximately 8.43 acres of land located at 16548 New Avenue and rezoning to the M-1 Light Manufacturing District.

At 6:36 p.m. Commissioner Sanderson arrived for the meeting.

Chairman Spinelli called for a motion to open the public hearing for Case 13-14.

Commissioner McGleam made a motion, seconded by Commissioner Kwasneski to open the public hearing for Case 13-14. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Glas said the applicant owns a snow and ice removal contracting business in town. The Village purchased that property which is at Route 83 and Main Street. The owner wanted to stay in town with his business and has purchased the subject property. The subject property is unincorporated and the applicant is looking to annex into the Village with a rezoning of M-1. When the property is annexed into the Village the default zoning is R-1, so any annexations usually require a rezoning request as well. The Village has agreed to allow a building from the old property to be moved to the new property. The details of this will be addressed in an annexation agreement. The annexation agreement will be a public hearing before the Village Board and a notice for that public hearing will also be given. The annexation agreement will have a separate public hearing and this public hearing is just for the rezoning.

Mrs. Glas stated staff is recommending approval of the rezoning to M-1 and there are industrial uses in the area. The Target Industries Report, that the Village has, identifies the preservation of manufacturing as a goal and this site is suitable for that type of use.

Chairman Spinelli said to the audience that proper notification was not given on this case. The residents did receive proper notice; however the posted sign on the property was not properly marked with the date. The applicant did change the date but it was in the 15 day notice. He stated they will hear the public hearing tonight and take any public testimony, but they will be continuing the case until the July 16th meeting. He said they will not be voting on this tonight and would recommend anyone interested in this case to come back to the July 16th meeting when they will be voting. Chairman Spinelli then asked if the applicant wanted to come up and make a presentation.

Pete Coules, attorney for the applicant, said this property is being purchased by someone who has sold their property to the Village. He stated when Tim White, President of the company, was going to sell his property to the Village he had asked where he could go so he could keep his business local. The Village had recommended a few spots and this was one of the locations. It took a very long time to close because even though it is unincorporated in the county it is residential zoning that has never been used as residential. When Mr. White bought the property he started getting cited for illegal use of the property when he is not even there yet. As soon as we can get into the Village we can get his business moved over.

Mr. Coules stated the M-1 use is less of a heavy use than what is existing out there now. There has been people fly dumping on his property and Mr. White is not getting any help from the County to stop it. This property is adjacent to the Village and he is going to move over buildings from his old property. The applicant will save a couple

of the buildings located on the property and he will pave below them. The applicant is planning on improving the property and screening everything in. There is a big natural berm located on the property for having outdoor storage and you will not be able to see it from the street. The applicant wants to put a gate up to stop people from fly-dumping on the property. He said as part of the annexation agreement, which they have talked to staff about, is that the property could be divided up into six different pieces. They have offered the other pieces to some of the other people that the Village has bought property from. They are hoping to get this property rezoned to M-1, which makes a great fit for this property, so they can enter in a contract with the Village. He said he could answer any questions that they might have.

Commissioner McGleam asked if there was a proposed site plan for the property.

Mr. Coules said there is no actual plan because some grade sites have to be shot and they have to be approved where the buildings are going to be placed.

Mrs. Glas stated if there are improvements that are proposed for that lot then staff will see a site plan. Currently all they have right now is what exists.

Mr. Coules said the site is about 8.53 acres and staff has seen plans for behind the berm. There is about a four acre parcel right there in the middle that is really flat and that is where he would like to put the buildings. The actually spot has to be calculated as to where the pads can go.

Chairman Spinelli asked if there were any more questions from the Commissioners. 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.

Matt Hedger, 16490 New Avenue, Lemont, said he is located next door to the subject property. He stated he has a young daughter and is concerned if there is going to be a fenced put up. He also asked if the property would be hooking up to water and sewer.

Chairman Spinelli stated if there are any improvements made to the property in regards to the structures the Village will require them to hook up to sewer and water since it is accessible.

Mr. Coules said they will be putting a fence up.

Chairman Spinelli stated the fence will have to meet whatever the Village code requires.

Mr. Hedger said he does not care what they are using the property for but just wants to make sure his young daughter is safe with the trucks by having a fence there.

Chairman Spinelli asked if there were any more questions or comments from the audience. None responded. He then asked if any of the Commissioners had any questions.

Commissioner McGleam stated he wanted clarification in regards to the water and sewer.

Mrs. Glas said if they develop the site or subdivide then they would be required to hook -up to water and sewer. If they were just moving on the site then they can remain on well and septic until they either develop the property or subdivide.

Chairman Spinelli asked if there were any further questions. None responded. He then called for a motion to continue the public hearing until the July 16th meeting.

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to continue the public hearing for Case 13-14 until the July 16, 2014 meeting. A roll call vote was taken:

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

Nays: None

Motion passed

B. Case 14-04 – Talcott Outdoor Dining and Drinking Area Special Use

A special use permit to allow an outdoor dining and drinking area at 427 – 443 Talcott.

Chairman Spinelli called for a motion to open the public hearing for Case 14-04.

Commissioner McGleam made a motion, seconded by Commissioner Maher to open the public hearing for Case 14-04. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Glas showed an aerial photo of the subject property on the overhead. She showed the building requesting the special use and the walkway surrounding the building. The applicant is the owner of the development and also occupies two of the units. The Unified Development Ordinance (UDO) states that outdoor dining and drinking areas on private property need to be approved by a special use permit. The applicant indicated on an exhibit that he would like the area to go from the Bottles location around to the future Pollyanna Brewing Co. The Village also has a sidewalk café license which was used to allow outdoor seating on public property. There has been a change in the interpretation of that license. The Village Attorney has stated that even when there is an approved special use permit on private property, a café license will also be required.

Mrs. Glas stated staff is recommending approval with four conditions. The first is to extend the special use area to include the southernmost unit and wrapping around the building. That would allow the entire area to be available for the special use and would allow any future food/drink tenants incorporate a dining and drinking area provided that clearance restrictions are met. The idea is they still have to get a café license and they will have to submit a site plan. This special use will allow any of that walkway to be eligible for that use provided that they meet that clearance. If they do it the way the applicant has requested then if that last unit changes they would have to amend the special use to allow outdoor dining. If you do it with this condition then they are allowing it but it will still be limited by the fact they have to apply for a license to do it.

Commissioner Sullivan asked if they get food or drink from one establishment can they walk down to another establishment to sit there.

Mrs. Glas said they could not. The second condition is to limit the drinking and dining seating area to the area in front of tenants (current and future) that provide food and/or drink. The third condition is to designate the area with markers such as chained bollards, planters and/or signage. Additionally, these markers should be approved by Village staff and used consistently for all tenants (current and future) wishing to establish a dining and drinking area. She stated there is currently a florist between those two food uses. They want to be able to restrict people from taking food across a walkway and the only way to do this is by portioning it off.

Mrs. Glas stated the fourth condition is to incorporate signage at all points of exit indicating that no open alcohol is permitted beyond that point to restrict areas of open alcohol. The applicant has suggested some points where he would do that.

Chairman Spinelli asked with these café licenses is there anything with them or in the code that indicates if the areas can be permanent or not.

Mrs. Glas said there is nothing in the license application as of yet, but it is something that they are considering.

Chairman Spinelli stated the reason why he asking whether permanent or temporary is because many of these outdoor cafes never maintain handicapped accessible ways. The temporary bollards tend to get moved to expand seating area then restrict the public way. He said maybe this is something they should be looking at by having something permanent but yet removable during the winter.

Mrs. Glas said the site plan requires them to show where they are meeting clearance. However, whether they maintain that throughout the summer would be a code enforcement issue. With this particular case to require permanent ones might not work because the tenants can change.

Chairman Spinelli stated if this does get approved the property owner now knows where he is allowed to have bollards at. He suggested that the owner might put something in the pavement that way if you need to put the bollards in you can. He said that could be part of the lease agreement.

Mrs. Glas said they can work with the applicant in regards to what works for this particular application. She stated going forward they can put something in the license application.

Commissioner McGleam asked if any of the shaded area is public property or is it all private.

Mrs. Glas stated it is all private.

Chairman Spinelli asked if the applicant can step up to the podium.

Jerry Kulhanek, 8525 Kearney Road, Downers Grove, said the area was originally going to be dedicated to the Village. However, due to the location the Village did not want to take responsibility. He stated with it being private property they now want to get the zoning for what they have been doing on occasion over the past few years. They have been able to monitor where the people sit but with Pollyanna Brewing coming in they want to make sure everything is done correctly.

Chairman Spinelli stated the comment made earlier was not implied in regard to his business but something he has noticed in other municipalities. He feels it is something the Village needs to look at.

Commissioner McGleam asked for clarification that there would be an underlying license that comes after this zoning change and with that license they will be asking for seating plans.

Mrs. Glas said that is correct.

Paul Ciciora, 1342 Keywest Drive, Lockport, stated he is with Pollyanna Brewing. He said it sounds like you are going to allow outdoor seating for the whole section, but then it is going to be divided by bollards.

Mrs. Glas said the underlying special use allows any of the tenants to have outdoor dining. However, they still have to apply for the outdoor license and submit a site plan.

Mr. Ciciora asked if someone wants to sit outside the Brewery to have a beer but their wife wants to get wine from Bottles, they would not be allowed to walk across the florist with alcohol in their hand.

Mrs. Glas stated that is correct. The use would have to stay in front of the establishment that is asking for the use.

Commissioner Sanderson said there could be another scenario besides a husband and wife. There could be someone during the day that had a little too much to drink that you would not want hanging in front of the flower shop while that owner is trying to run a business. He stated there are always two sides that they are trying to balance. If their business grew and the florist was no longer there then he can expand his business and connect that outdoor seating.

Mrs. Glas stated they have to respect the other tenants that are there.

Chairman Spinelli asked if there were any further questions. None responded. He then called for a motion to close the public hearing for Case 14-04.

Commissioner Maher made a motion, seconded by Commissioner Sanderson to close the public hearing for Case 14-04. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Spinelli then called for a motion for recommendation to the Mayor and Board of Trustees.

Commissioner Maher made a motion, seconded by Commissioner Sullivan to recommend to the Mayor and Village Board approval of the special use for outdoor dining and drinking area at 427 – 443 Talcott with the following recommendations:

1. Extend the special use area to include the southernmost unit and wrapping around the building on the south end. Allowing the entire area to be available for the special use will allow any future food/drink tenants to incorporate a dining and drinking area provided clearance restrictions are met. See Exhibit A.
2. Limit the drinking and dining area to the area in front of tenants (current and future) that provide food and/or drink.
3. Designate the dining and drinking area with markers such as chained bollards, planters and/or signage. Additionally, these markers should be approved by Village staff and used consistently for all tenants (current and future) wishing to establish a dining and drinking area.
4. Incorporate signage at all points of exit indicating that no open alcohol is permitted beyond that point to restrict area of open alcohol.

A roll call vote was taken:

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

Nays: None

Motion passed

Commissioner Kwasneski made a motion, seconded by Commissioner Sanderson to authorize the Chairman to approve the Findings of Fact for Case 14-04 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

Mrs. Glas made sure that each of the Commissioners received a scenario #3 Future Land Use Map. This map was created after receiving comments from the Special Meeting on June 4, 2014. She asked the Commissioners to take a look at it and if they have any comments or questions to please email or call Mrs. Jones, Planning and Economic Development Director for the Village.

Commissioner Maher asked what was going on at the corner of Talcott and Stephens.

Trustee Stapleton stated they had received a façade grant from the Village.

Commissioner Maher asked what was approved for the Kettering subdivision.

Mrs. Glas said that Staff was asking that the corner lots be included as the high visibility lots. The Board had added concerns about the lots that faced Red Drive. First floor brick was not added as a requirement. They are getting closer to coming to terms.

Trustee Stapleton stated if it wasn't for the residents on Red Drive they would not be able to annex the property and the Village wanted to protect them.

Trustee Stapleton said the meeting was just the Committee of the Whole and it has not been voted on at this time.

Commissioner Sullivan stated the property located on Illinois Street that has the air conditioning units hanging and the deck falling apart needs to be fenced in. He said that is an accident waiting to happen if any young kids go near there.

Mrs. Glas said she will ask the code enforcement about the property.

Chairman Spinelli asked if there were any further questions or comments. None responded.

VI. ADJOURNMENT

Chairman Spinelli called for a motion to adjourn the meeting.

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

Ayes: All

Nays: None

Motion passed

Minutes were prepared by Peggy Halper