

Village of Lemont
Planning and Zoning Commission
Regular Meeting of March 21, 2012

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, March 21, 2012, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois 60439.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Schubert led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Maher, Murphy, Sanderson, Spinelli, Schubert

Absent: Messer

Economic Development Director Jim Brown, Village Planner Charity Jones, and Village Trustee Ron Stapleton were also present.

C. Approve Minutes

Commissioner Kwasneski made a motion, seconded by Commissioner Spinelli to approve the minutes of the February 15, 2012 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN COMMENTS

Chairman Schubert greeted the audience. He asked everyone to stand and raise his or her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. Case #12-07 – Advocate Sign Variation. A public hearing for a variation to allow an internally illuminated monument sign at 15900 W. 127th Street.

Commissioner Murphy made a motion, seconded by Commissioner Maher to open the public hearing for Case #12-07. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Jones stated that the petitioner had requested to continue the public hearing to the April 18, 2012 meeting.

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to continue the public hearing for Case #12-07 to the April 18, 2012 meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

B. Case #12-08 – Night Blue Theater Performing Arts Center. A public hearing for a special use to allow an entertainment complex within the Centennial (Jewel) Plaza at 1232 State Street.

Commissioner Maher made a motion, seconded by Commissioner Murphy to open the public hearing of Case #12-08. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Jones stated that the applicants were purposing to have a Performing Arts Center in the Jewel shopping plaza. She said under the UDO a Performing Art Center is considered an entertainment complex and therefore a special use is needed. Mrs. Jones then briefly went through the standards for the special use. One is that it is necessary for the public convenience. She stated that a Performing Art Center is something that is not currently in the Village. She then read the next two standards in the packet and stated that the applicants are working with the Building Department and Fire District to meet the applicable codes for public safety. She said that there is more than enough parking to accommodate this use in addition to the retail uses that are currently there. Mrs. Jones said that the last few standards are that it won't create excessive demands for Village services. She stated that staff does not see any excessive demands. The theater is looking for about 100 seat capacity for the theater. Another standard is that it meets the standards for the PUD. Mrs. Jones said that the shopping center is a PUD and it does not have any specific requirements that would relate to an entertainment complex use. Therefore, it is not in conflict with the PUD.

Mrs. Jones stated that the Fire Marshall had a few comments which are provided in the staff report. She said that the Fire Marshall is confident that they can work things out in the Certificate of Occupancy process to ensure that all public safety standards are met. Mrs. Jones said that staff is recommending approval of the purposed special use. Staff feels it fills a niche within the community that is not currently being filled.

Chairman Schubert asked if any of the Commissioners had any questions.

Commissioner Spinelli asked if the special use is approved would the PUD have to be amended.

Mrs. Jones stated that it would not.

Commissioner Murphy asked if there was any discussion of food and drink being served.

Mrs. Jones stated that in the application it states that in the future they would like to partner with some of the restaurants in the area to do a dinner/theater option. She said that it did say that they might want to pursue a liquor license in the future. However, they would have to go through the Liquor Commission to get that license.

Chairman Schubert asked if the applicant would come up to speak.

Commissioner Maher asked if they were staying within the inside structure of the building.

Mrs. Jones stated that it is entirely inside the building.

Paul Packer, Board Member as well as Company Member of the Performing Arts Center came up to the podium.

Chairman Schubert asked in regards to sound, what kind of sound proofing were they doing for neighboring businesses.

Mr. Packer stated that they could hang sound panels that prevent sound from reverberating through the space. He stated that their plan is to build a space within a space. There would be a stage and then an eight to ten foot wall around the stage space.

Chairman Schubert asked what the hours of operation are going to be.

Mr. Packer stated that rehearsal times would generally run no later than 11:00 p.m. He said that they do not foresee performances any later than that. He stated that they sometimes do late night performances like a production of the Rocky Horror Picture Show. He stated that those sometimes lead to late night performances. Mr. Packer said that there might be after performance discussions or a get together that would take place within the space, but outside of the acting space that would not go later than 1:00 a.m. Mr. Packer stated that they would be using the space during the day by offering theater classes for children and matinee performances.

Chairman Schubert asked if there is anything in the PUD stating hours of operation due to the fact it backs up to a residential neighborhood.

Mrs. Jones stated that there was limitation for deliveries, but not for hours of operation of the shopping center. She stated that there might be some imposed by the manager of the shopping center.

Chairman Schubert asked if they were planning on fitting all age groups.

Mr. Packer stated that was correct.

Mrs. Jones stated that in regards to the noise concern, the applicant would be held to the Village standards for noise nuisance.

Mr. Packer stated that currently the space to the south is empty and the space to the north is Kitaro restaurant. He stated that they hope to work with them and create a dinner/theater package.

Chairman Schubert asked how they created this idea.

Mr. Packer stated that they have been in existing for 5 years and started in Tinley Park with their Park District. He stated that they have been moving around since. Mr. Packer said that they would rent spaces to perform and have performed in Orland and downtown Chicago. He stated that they operate a summer theater program in New Buffalo as well. Mr. Packer stated that they are hoping to make this their home base.

Chairman Schubert asked if they were still in Tinley Park.

Mr. Packer stated that they have been “dark” for about a year and a half due to finances. He is hoping that this would reinvigorate the company as well as the area.

Chairman Schubert asked if there were any other questions. None responded. He then asked if anyone from the audience would like to come up and speak. None responded.

Mrs. Jones stated that staff received one phone call from a neighbor behind the plaza. She said that they were inquiring about the notice and wished the petitioner luck.

Commissioner Maher made a motion, seconded by Commissioner Spinelli to close the public hearing for Case #12-08. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Murphy made a motion, seconded by Commissioner Sanderson to recommend approval of Case #12-08.

Chairman Schubert then read the Findings of Fact:

- a. The proposed special use is located within an existing shopping center with adequate parking and therefore will not create any excessive demands on Village services. *All Commissioners agreed.*
- b. The proposed special use is consistent with the Comprehensive Plan recommendation for the area. *All Commissioners agreed.*
- c. The proposed special use is compatible with other uses on the subject site. *All Commissioners agreed.*
- d. Any issues related to public health and safety will be adequately addressed by the building permit and/or certificate of occupancy review and approval. *All Commissioners agreed.*

A roll call vote was taken:

Ayes: Kwasneski, Sanderson, Murphy, Spinelli, Maher, Schubert

Nays: None

Motion passed

Mr. Brown asked if they could take care of the PUD review because there are two representatives from MI Homes that were present and the UDO Amendments might take some time.

Chairman Schubert called for a motion to move Case #12-06 down and to take care of Case #09-01 next.

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to move the Cases. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

A. Case #09-01 Courtyards of Briarcliffe Estates. Review of the Final PUD Application for Courtyards of Briarcliffe Estates.

Mr. Brown said the purpose was to ensure that there is substantial conformance with the preliminary plans that were submitted a couple of years ago. He said that this project was approved in September of 2010. He stated that it was a Preliminary Planned Unit Development and Plat. Mr. Brown stated that for the new members of the Board the purpose is that the Village gives them this Preliminary approval without requiring a full set of engineering and landscape plans. He said that this vests the applicant's rights and then they know that they can proceed and invest more money with the assurance that the concept is okay with the Village Board. Mr. Brown said that then they go back and finalize all the plans and come back for the public hearing. He stated tonight it is a review and confirmation that the final plans are consistent with the preliminary plans. Mr. Brown stated that staff reviewed the plans and feel that they are in conformance. He said that the Board will state that they either comply or not and then it goes before the Village Board. He stated that once they get that final approval then the applicant can proceed with building and site development.

Chairman Schubert stated that about five to six months ago there was a meeting with Mr. Brown, Mrs. Jones, the Mayor and himself to approve the building materials that were going to be used. He said that at that time they had asked the applicant to take out the split face block at the bottom of the building. Chairman Schubert stated that the applicant agreed and they added a couple of different things like limestone or decorative stone. Chairman Schubert stated that he sees that this was done in the plans.

Mr. Brown said that the elevations that were approved were minor modifications per the Unified Development Ordinance and were signed off by the Mayor, Chairman and himself. Mr. Brown stated that the elevations are not a concern tonight. He said that he reviewed the plans and that there are diagrams in the staff report. Mr. Brown said that the buildings shifted slightly, but nothing significantly. The final landscape plan is really nice and met all the requirements of the code. He said that it was consistent with the preliminary plans. He stated that the Village Engineer did not have any concerns with the engineer plans. Mr. Brown stated that included in the packet were the

preliminary plans and the final plans so the Board can compare the two.

Commissioner Spinelli stated that when the preliminary plans came through there was a right-in/right-out access on 127th. He said that he does not remember the specifics as to why it was required. However, the new plan does not show the restricted access to 127th but instead shows a full access. Commissioner Spinelli stated that the speed of the trucks coming off of the highway is significant crossing the hill at Briarcliffe Drive. This entrance is only about 330 feet to Briarcliffe Drive. He stated that this is something that the Village Engineer should look into with regards to sight distance requirements. He said that the posted speed is a lot lower than what they actually drive, which may have been the concern as to why that requirement was made.

Mr. Brown stated that the representatives from MI Homes did bring that up. He said that he went back and reviewed the record and could not find any statement as to why that was done. Mr. Brown stated that MI Homes wanted that changed. He told them that they could write it up with that right-in/right-out gone and it would be reviewed.

Commissioner Spinelli asked if there was a traffic study done or a sight distance analysis done for that entrance.

Mr. Brown stated that there was a traffic study done that was part of this.

Commissioner Spinelli stated that he was not concerned with the volume that would be coming out of the development. He said his concern is the sight distance of those vehicles coming over the hill at Briarcliffe Drive. He stated that 330 feet is a little close for two access points on this property. Commissioner Spinelli stated that his concern would be the safety of the sight distance.

Chairman Schubert stated that he was not sure that the third lane (turning lane) was actually there when they originally looked at this application. He stated that could be why they restricted the access.

Commissioner Spinelli stated that it should be something that is looked into and checked.

Mr. Brown stated that Mark Hanson from MI Homes was present if the Board had any questions for him.

Chairman Schubert asked the Board if they had any questions. None responded.

Commissioner Kwasneski made a motion, seconded by Commissioner Sanderson to recommend approval of the Final PUD application for Courtyards of Briarcliffe Estates.

A voice vote was taken:

Ayes: Kwasneski, Sanderson, Murphy, Spinelli, Schubert

Nays: None

Abstain: Maher

III. PUBLIC HEARINGS

C. Case #12-06 – UDO Amendments. A public hearing for text amendments to the UDO on a variety of topics, including the permitted use table and residential design standards.

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to open the public hearing for Case #12-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated this is another round of amendments to the UDO which was approved in 2008. He said that the amendments are broken down with definitions. He stated that Table 17-06-01 is what explains the permitted and prohibited uses in town. He stated that they are looking at a possible new section on garages, a minor change to outdoor storage and display, a change to political signs, temporary use signs, some changes to the chapter on impact fees and then a whole new chapter on the residential design standards.

He stated that he would go through it in the way it appears in the UDO. He said first a new category, Hardware Store/Home Improvement Center, will be added to the Table 17-06-01. Mr. Brown stated that the Board could read the definition in their packet. He stated that it would be permitted in the B-1, B-3 and the Downtown Districts. He stated that right now they have retail and lumber yard, but did not have anything to fit this definition and felt that it was prudent.

Commissioner Murphy asked if this meant that a Home Depot could purchase a building downtown, tear it down, and build a new building there.

Mr. Brown stated that if it was in the historic district they would have to get permission from the Historic Preservation Commission before demolition. The downtown is part of the form-based code and there are restrictions on massing and bulk of the building.

Mrs. Jones stated that just because the use is permitted it doesn't mean that a Home Depot would build down there.

Commissioner Murphy stated that there are empty store fronts in the downtown area. If someone found it viable to purchase a building because they could get the property for a lower cost, this would be an option for them because it is allowed in the downtown district. She asked if there could be a limitation on square footage. Commissioner Murphy asked if she should be worried.

Commissioner Sanderson stated that she should not worry.

Mr. Brown stated that most hardware stores would want outdoor storage or display and that there is another amendment that goes with this that she will see later on.

Mrs. Jones stated that if a business did want to go in the downtown area then they would have to comply with the downtown standards.

Mr. Brown then continued with the next category called Smoking Lounge. He stated that it would be in the Table but not shown as a special permitted use, meaning it is expressively prohibited. He stated that they have received numerous calls in regards to hookah lounges or cigar bars. He said that his understanding is that due to the smoking laws in Illinois and Cook County; they would be allowed to open an establishment only if it was a stand alone building. Mr. Brown stated that all requests that they have gotten have been in strip malls. Mr. Brown asked if there were any comments from the Board. None responded.

Mr. Brown said that there is a gap in the current code. He stated that there is a listing for bars, taverns, and restaurants. He said that they did not have anything that clearly defines nightclub. He said it would be allowed in B-3, and if they would want, it could be considered for the downtown district. Mr. Brown asked if there were any comments. None responded.

Mr. Brown stated that pawn shop is another definition that is added, however the use is prohibited.

Commissioner Sanderson asked if there were any pawn shops currently.

Mr. Brown stated that there is not and the Cash for Gold does not fit this definition. He said at the Cash for Gold you are not depositing something that you intend to recoup later.

Mr. Brown said that they would change freight transportation terminal from a permitted use to a prohibited use in the M-2 zoning district. He said there are two related definitions and categories in the code. He stated that one is a container storage yard, which is used for parking trucks or trailers overnight. The other is a freight transportation terminal, which is a place that has an actual building and loading dock where trucks are loaded and unloaded. He stated that freight transportation would not be allowed anymore in the M-2 zoning. Mr. Brown said the reason for this is because the Village has been buying up property on Route 83 and Main Street. He stated that this is a TIF district and they hope for it to be a commercial area. Mr. Brown said that most of the area is currently zoned M-2. He stated that they could do two things. One is to rezone all that property now or secondly make this change to ensure that something does not go in there that is not compatible with the future commercial use for that site. Mr. Brown said that there are some people present tonight, which purchased a piece of property, that this change would effect who would like to speak.

Ken Kredens stated that he was the attorney for Art Gruszka. He stated that Art Gruszka was with Art Logistics. He said that they purchased the ten acres at 13065 Main Street in Lemont. Mr. Kredens stated that before they entered into a contract they made sure that the property had the correct zoning. In December they signed a contract and then met with Mr. Brown to make sure that this use would be allowed on

the property. He stated that Mr. Brown said that it is a permitted use and would not have to get a special use variation or zoning change. He said that his client has been looking for a piece of property for a long time and loved this property. Mr. Kredens stated that they closed on the property in February and have already submitted plans to the building department. He stated that they have spent about \$150,000 already with site plan and preparation. He said his client would like to put up a truck terminal which was permitted when they purchased this property. He stated that it would be a terminal with 20 doors and it would be a repair shop. He said that the property is located just west of the high power lines. Mr. Kredens said that immediately west of this property there is already a trucking facility. All down that the street there are many types of these facilities.

Mr. Kredens stated he would like to give some information in regard to Mr. Gruszka's company. This project would be about 2 million to 2.5 million dollars. He said they would be using some local contractors and want to be good neighbors to Lemont. He stated that Mr. Gruszka is looking for property for himself in Lemont. Mr. Kredens said that this is not a short term plan and he hopes to continue to develop this property throughout his lifetime.

Mr. Kredens said that it would benefit the Village of Lemont and help some of the businesses here. He stated that they employ about 150 people currently. They do both local and over the road delivery. He said another reason why they liked this property was because they felt that they would not be bothering anyone. There are the power line on the west and canal to the north.

Mr. Kredens stated that this is a little unusual that this comes up all of a sudden. He understands that the Village is buying property there and they have their own design and use. However, they would not impact that. They could put enough screening along the high tension wires by using evergreen trees. He stated that it would be beautiful and it would be subject to all the building requirements of the Village. Mr. Kredens stated that he would vigorously fight the change of this zoning, because of the money they had invested. He said it was a permitted use when they entered their contract and he had confirmed it with the city. He stated that they are going to start building as soon as they get their permits.

Mr. Kredens said that 70% of their fleet are 2012 models which are 70% less in pollution, less in noise and they would not be operating at night. He stated that this business would be beneficial to Lemont. He said that this business fits with what is there. He asked how far west the Village is planning on going. Mr. Kredens said that immediately west of them, 100 feet, is the same use, a trucking facility. He said that this would be an unfair change in the zoning district and prejudice with their efforts and investment to develop the property.

Chairman Schubert asked Mr. Brown if this was correct that the gentleman had already engaged in some type of agreement.

Mr. Brown stated that it was correct.

Chairman Schubert asked if the Village was interested in purchasing the property and if so did they have any plans for the property.

Mr. Brown stated that Mr. Gruszka had already purchased it and he does not think that they would be eager sellers or that the Village is interested in buying the property. He said that they do have an application in for site development. Mr. Brown stated that the approval of this change would not necessarily impact their development. He said that the best course of action would be for staff, the Mayor and the applicant to get together to work something out.

Mr. Brown stated that regardless of what takes place and occurs on this property, it is important to take a look at either changing the zoning on the other commercial property or doing something to the other M-2 properties that are out there. That way the Village does not get any more trucking companies that want to come in. Mr. Brown said that the aggregate effect of two or three more of these would have a severe impact with the commercial development. Mr. Brown said that this change is larger than that one piece of property because it affects more than one piece of property.

Commissioner Murphy stated that she could see, as far as a community vision, how this is fitting in. However, if Mr. Gruszka plans are in compliance with the Village, does this change at all for the people who in good faith bought the property and met with the Village.

Mr. Brown stated that it is hard to answer right now. He stated that he hopes they could work something out. He said that he is not opposed with what they are doing or proposing. He said the one issue that is important for them is that if the Village approves this amendment, signs off on their permits and allows them to build; they are still in an M-2 district and are now a non-conforming use. Mr. Brown stated that if they do proceed then that is something that they are going to have to address. As a non-conforming use they would have trouble expanding or changing their operations. He said that there are a couple of different ways to handle this; however his concern and the Villages concern should extend beyond their limited case.

Commissioner Sanderson asked why they are not just changing the zoning down there.

Mr. Brown said one reason is that there are a number of M-2 parcels down there that already have industrial uses on them. The change in zoning immediately makes them non-conforming. Another reason is the extent of the properties that they plan to purchase and the extent of the commercial area is uncertain at this time. He stated that they might be making that little loop much too big and causing problems for some good corporate citizens that should not be having that problem. This seemed like a simpler one and when reviewing the M-2 uses this one, due to the high amount of traffic, would have an impact on the area. Mr. Brown said that rezoning when you get in a court of law, are a little more complicated. He said that here we are not rezoning but making a change to what is permitted in that area.

Mr. Kredens stated that what they are proposing specifically is a de facto of rezoning for their intended purposes. He said since they have gone so far with their project already, could this be tabled for awhile. He stated that they plan to be under permit as soon as possible. Mr. Kredens stated that the building department would be impressed with how quickly they have moved from time of purchase to the time plans were submitted. He said another option would be that their property would be specifically exempted from this change.

Mr. Brown stated that this is just a recommending Board and it still has to come before the Village Board.

Mr. Stapleton asked the petitioner if the Village told him before the closing that they were planning on making these changes.

Mr. Kredens stated that they were under contract and they could not get out of it at that point. He said that their property is pretty far away from the area that the Village is trying to develop.

Commissioner Murphy asked if the properties become non-conforming and then are sold, would they have to conform to the new regulations.

Mr. Brown stated that it could continue as long as the use continues to exist continuously and there is no gap of six months or more.

Chairman Schubert asked if this property was purchased without having a definite answer as to whether or not what their proposing would be accepted.

Mr. Kredens stated that they had a contract for it with a due diligence period. During the due diligence period they met with Mr. Brown. He stated that Mr. Brown confirmed that their intended use would be accepted under current zoning and they would not need a special use. He said based on that information they waived their contingency period on their due diligence. Mr. Kredens stated that Mr. Gruszka is happy with this property and wanted this property.

Commissioner Sanderson asked when do they become legal.

Mr. Brown stated that he could not comment on that because he is not an attorney. He stated that he would like to avoid all that.

Chairman Schubert asked if they were doing a blanket approval.

Mr. Brown said that they could vote on everything but this. He stated that regardless of what vote the Board makes tonight, he knows that they would have some conversations with Mr. Gruszka and work things out.

Commissioner Murphy asked when the discussions with the Village took place.

Mr. Brown stated that it was early January.

Commissioner Maher asked if that conversation was before they started writing these changes to the M-2.

Mr. Brown said that they had talked in early January and then he had a discussion with the Mayor. He said that if they were going to allow truck terminal that this would be the last one. He said that no one thought they would be proceeding with the TIF district quite as quickly as they are. Mr. Brown said there was a discussion at one of the Board meetings about proceeding with this and some of the gentlemen present tonight were at that meeting. He stated that they had talked to him after the meeting and at that time they were closing in a couple of days on that property. Mr. Brown stated that once he had direction from the Board then they started to do all these amendments. He said that they do these amendments periodically.

Commissioner Maher asked if this property was part of the TIF district.

Mr. Brown said that they are in the TIF district and special service area.

Commissioner Murphy asked how large the parcel was.

Mrs. Jones stated close to ten acres.

Chairman Schubert stated that they should continue with the amendments.

Mr. Brown said they get requests for temporary uses like Halloween costume stores, which has been undefined in the code. He said that this would add a definition. He said it is addressed in the code for seasonal uses like the sale of Christmas trees. He stated that the temporary use would have to be consistent with the other permitted uses in the zoning district.

Mr. Brown stated that they are now moving away from the Table for the outdoor storage section. He said that they would add a long list of what is allowed for outdoor storage. He said most hardware stores need the outdoor storage for seasonal items which would be on their property.

Mr. Brown stated that the current code has limitation on the display of political signs. He said there was a new state law that was approved that says you could not limit. He said that you can limit the size but not the duration of display.

Mr. Brown said that in regards to temporary use signs, staff is finding that it is not adequately covered in the code. He said if a temporary use store comes in this would address their temporary signage. He stated this would allow the temporary use and allow them to have some signs.

Mr. Brown said that Section 17.18.050 was the chapter on impact fees and the addition comes at the end of one paragraph. It mentions the Fire Protection which was not present in the current impact fees and they do sometimes collect fire impact fees. Secondly, it states that cash contributions shall occur at time of building permit.

He said that right now it is demanded upon approval of final plat. He said that they have numerous discussions with developers and they do not like this and makes it really difficult to pay. He said most communities do it at time of building permit. Mr. Brown stated that it has been brought up over the years. He said that they have always resisted it because administratively it was too hard to handle. However, they have a new software system in place now in the building department that can easily track this. Mr. Brown said that this is more appropriate in this building environment and it is also fairer to the homeowners and builders.

Mr. Brown said that Section 17.18.140A was amended because there was a sentence that did not read correctly and it was put in there for clarification.

Mr. Brown said that there would be a new section that actually addresses the Fire Protection Contributions. He said that it is currently not in the code. It will be \$100 per dwelling unit and limited to instances where they are annexing new territory.

Mr. Brown said Section 17.18.060C pertains to the impact fees and the land donations that are included in there. He said there is a sentence in there that refers to locations of parks and mentions the Park District Master Plan. He stated that he was not sure that they had a Master Plan and there have been some differences with the Park District. He said that staff feels it is prudent to delete that statement. He said that it makes it clear that the Village has the final say where the parks would be located.

Mr. Brown said that the next two items have to do with residential standards and then garages. He stated that if the Board wanted to vote on a recommendation on what they covered so far so the gentlemen present can leave if they want.

Mr. Kredens asked to make one more comment. He said that the company currently uses 10,000 gallons of fuel per week and would love to purchase it with Osco which is a local business here in Lemont. He stated that their employees would be eating and shopping in Lemont. He said the parts they put in their trucks are expensive and have sales tax. Mr. Kredens said that the fuel is essential and it is beneficial to Lemont to have them there.

Commissioner Maher stated that he would like to remove that section until the Village decides on what they want to do and then bring it back up for a vote.

Commissioner Maher made a motion, seconded by Commissioner Spinelli to recommend approval for all the amendments that they have discussed so far, excluding the section in regards to changing "freight transportation terminal from a special use to a prohibited use in the M-2 zoning district".

A roll call vote was taken:

Ayes: Kwasneski, Sanderson, Murphy, Spinelli, Maher, Schubert

Nays: None

Motion passed

Mr. Brown stated that they would now cover 17.22 amendments in regard to anti-monotony. He said that this issue has come up many times before. He stated that

staff does not like the way the current code is set up. He said that there is nothing wrong with harmony. Mr. Brown said that right now under the current ordinance if staff were to get a set of plans, they would have to look at the house next to it and find things that are different. He said that staff is given a list to compare with and if they find three things that are the same then you can not approve it. Mr. Brown then showed the Board the list via power point.

Mrs. Jones stated that the review area is two lots on either side and then across the street.

Commissioner Spinelli stated that then the third lot could then be the same.

Mr. Brown stated that the current ordinance does not take into consideration a variation of color, variation in roofing material, minor design elements, reverse of the plan, variation in window types, and less than five percent difference. He said that the last one is a paraphrase for a lengthy sentence which the wording in the sentence is not very clear.

Mr. Brown said that the current ordinance is backwards. He stated that they should be looking at minor design elements, color, and variation in window types. He said they should not be looking at height, because everything is the same height. He said that they are all very similar in silhouette. Mr. Brown stated that with those two then they already have two strikes against them.

Mr. Brown said that they need to acknowledge that there is nothing wrong with harmony and unity. He stated that a series of minor changes to details can make a significant difference, as well as color change. He said that they have to also acknowledge that owners change their home over time anyways.

Mr. Brown said that they want to have a new chapter that involves no discretionary reviews. He stated that what he means is that they do not want to have a designer review board. He said that it would be hard to find volunteers that were educated and qualified. Mr. Brown stated that it has to be clear to staff and the applicant so everyone understands. He said it should include definitions and illustration which he will provide later. It should also include flexibility with a range of options that can make the change easy.

Mr. Brown then went through a set a pictures showing the Board how by making minor changes in color, windows, brick design, and roofing design can make a huge difference when comparing houses. He then showed how homes built in the past were built in neighborhoods to be similar and this was what makes them historic today. Some examples were the Chicago bungalow, colonial style, ranch homes, and cape cods. Mr. Brown stated that he is not saying that this is how homes should be built now. He then showed a picture of a block of homes that are similar, but look different because of minor changes that were made. Mr. Brown then showed more pictures on how minor changes can make a difference.

Mr. Brown stated that staff came up with four broad categories and the applicant

would have to go through and satisfy each of these categories. He said that the categories were: Exterior Material and Details, Entrance Features and other Façade Features, Fenestration, and Roof Line. Mr. Brown then explained and showed via power point what was included for entrance surround. He said for example when looking at the Exterior Material and Details, there are six ways an applicant can be different. He stated that they would have to satisfy at least two out of the six. Mr. Brown then read the six ways to be different.

Commissioner Sanderson asked if they were talking about stone besides brick on the houses. He stated that there were some houses in Lemont that had stone near the bottom front façade of the home.

Chairman Schubert stated that they need to make sure that quick brick is not used as a type of bricking material.

Mr. Brown said that they can change “B” under Exterior Materials and Detail to read brick or stone.

Mr. Brown stated that in Entrance Features and other Façade Features there are only two ways for these to be different. He said that the applicant only has to satisfy one and should be easy to fulfill. Mr. Brown said that for Fenestration there are three ways to be different and only one needs to be satisfied. Number of windows, lintels or arches over windows and types of window are ways to be different. The last criteria is Roofline and there are four ways to be different. Only one of the ways has to be satisfied.

Mr. Brown then asked the Board if they had any questions or concerns. None responded.

Mr. Brown said the next thing they will cover is Architectural Standards. He stated that he wanted to make it quick and easy for staff to justify to the applicant, and for the applicant to read and understand. He said that the first thing he wanted to talk about is what can be called “snout houses”. He then provided a picture via power point to explain what he was referring to. Mr. Brown said that it is when the garages are sticking out attached to the house.

Commissioner Spinelli said it states that the garage can not project more than six feet from the main structure. He stated that if the people wanted to buy or build a house like that then they could not do this. He said his house was built with the entire garage outside of the house because he wanted more living space. He stated that the City of Joliet, six years ago, started making requirements on houses being built and he feels that by making this requirement they are doing the same thing. Commissioner Spinelli stated that he did not like this restriction.

Mr. Brown stated that a lot of people do not like the appearance of an entire streetscape of these houses.

Commissioner Spinelli stated that it could be part of the anti-monotony.

Commissioner Maher stated that to him, a street with all garage doors in front, is when you have a three car garage, whether set into the house or not, and you have a door on the side. He stated that he also has an issue with that restriction. He stated that he built his house this way so that the bedrooms would not be above the garage. He said that it makes the bedrooms colder.

Commissioner Spinelli stated that he would be fine if they revised it so that every third lot could have a “snout house”.

Mr. Brown stated that maybe six feet was a little too restrictive.

Discussion continued in regards to “snout houses”.

Commissioner Spinelli stated that he felt under Garages number one in regards to placement should be stricken.

Mr. Brown said that on Chapter 17.22.050 the last page under Architectural Standards for Residences, part B roofing materials would apply to all new residential construction. He stated that they would allow metal roofs, however the ribbing must be 12 inches apart. Mr. Brown said that if there is a chimney on the roof then it has to be constructed of brick.

Mrs. Jones asked if they would like to make that brick or stone. There were no objections.

Mr. Brown said that the next section under Architectural Standards would be permitted exterior materials. He then asked Chairman Schubert how he would like to further define “brick” or if he would want to list prohibited types of brick.

Chairman Schubert asked Mr. Brown to list what would be prohibited.

Mr. Brown then read the other exterior materials. He stated that there is a prohibited list and they would add quick brick and utility brick to that list.

Chairman Schubert stated that it should also read that regular block called CMU can not be used besides split-face, quick brick and utility brick as well.

Mr. Brown said that the last section they need to cover is Garages. Mr. Brown then showed a picture of a three car garage, in the picture the width of the drive-way exceeded the average width of 22 feet through the parkway to the curb. He stated that there are several new homes in town that have three car garages and you could not limit the number of garages. He said that they can accept the fact of three car garages, but how do they want to treat the driveways. Mr. Brown asked how the Board would like to handle this.

Mr. Stapleton stated that 22 feet was the limit.

Mrs. Jones said that was not true, only in the R-4a was it limited. Mrs. Jones said anywhere else if you had a three car garage the driveway can be up to 33 feet.

Commissioner Spinelli stated that he also thought it was a two car width at the property line.

Mrs. Jones said that it was in the engineering details of the UDO and she does not know if the detail was changed at some point.

Commissioner Spinelli stated that he knows a lot of municipalities require it to be a two car at the property line. He said that if the Village comes through and tears up the parkway drive-way then they are responsible for a 40 foot wide driveway. He also stated that there is maximum coverage on the lots.

Mr. Brown stated that it is more pedestrian friendly if you limit it. He said he would suggest limiting it at the parkway.

Mrs. Jones stated that there is maximum impervious coverage in the front yard which was just changed in the last round of UDO amendments.

All Commissioners agreed that a driveway should be tapered down to 22 feet at the property line.

Mrs. Jones stated that the latest thing they have been getting inquiries about are people with attached garages wanting to build a detached garage on their lots.

Commissioner Spinelli asked where the access was from.

Mrs. Jones stated from the front. There would be a driveway to the attached garage and one to the detached garage. Mrs. Jones stated that they have had three recent calls.

Commissioner Maher asked how big the lots are.

Mrs. Jones stated that they are in the R-4 district, but the older parts of town. They are narrow but deep lots.

Commissioner Maher asked if the garage was in the front or back part of the house.

Mrs. Jones said that it would be in back, because they do not allow detached garages in the front yards. She said the issue for her would be having two driveways.

Commissioner Maher stated that if he had a two car garage in the front and a third driveway going into the rear yard what is the difference between that and a three car garage in the front.

Commissioner Spinelli said as long as you have a same curb cut.

Mrs. Jones stated that she thinks that these people are trying to store something that is not a passenger vehicle in the garage. By adding an additional garage they can do it, because you can not store a recreational vehicle out in the open.

Commissioner Spinelli stated that he agrees as long as it meets setback requirements and there is a single curb cut which meets the new 22 feet.

Mr. Stapleton asked how you think the neighbors would feel.

Discussion continued in regards to adding a detached garage to the backyard.

Mrs. Jones stated that she liked the idea that Commissioner Spinelli stated about limiting it to one curb cut, with the exception for someone who wanted to do a “U” drive.

Commissioner Maher stated that you can limit it to lots where the “U” drive is on a corner where it enters and exits on two different streets.

Mr. Brown stated that you can limit it to lots that are 110 or 120 feet wide.

Commissioner Murphy stated that she would like to see the worst case scenario.

Mrs. Jones said that the worst case scenario would be if someone had a large lot, someone could put a very large detached garage on the lot. However, if the lot is big and there is a lot of space then the visual impact would not be so great.

Mr. Brown said that staff’s reaction was that they would like to look more into this.

Chairman Schubert said that you might have people using these garages to start a business out of the garage.

Commissioner Spinelli stated that you would have to put something in there about accessory to the garage can be three feet from the property line, however it still must maintain a minimum separation to a structure that is not same ownership.

Mrs. Jones stated that any garage if it is within ten feet has to be built to the building code for an attached garage for fire safety.

Commissioner Spinelli stated that if the garage is three feet from the property line and is within eight feet to the neighbor’s house it should not be allowed. There should be a minimum distance between structures for different owners.

Commissioner Murphy stated that she does not feel comfortable making a decision on this tonight.

Discussion continued on additional detached garages and if the Board could continue the section on just garages till next month when they could research it further.

Commissioner Maher made a motion, seconded by Commissioner Sanderson to close the public hearing for Case #12-06. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Maher made a motion, seconded by Commissioner Spinelli to recommend approval of the residential portion of the UDO amendments. There will be a continuation on the garage section of the UDO amendments till next month. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. GENERAL DISCUSSION None

V. ADJOURNMENT

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper