

Village of Lemont
Planning and Zoning Commission
Regular Meeting of April 20, 2011

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, April 20, 2011, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

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: Armijo, Erber, Maher, Spinelli, Schubert

Absent: O'Malley, Murphy

Village Planner Charity Jones and Planning and Economic Development Director Jim Brown were also present.

C. Approve Minutes

Commissioner Erber made a motion, seconded by Commissioner Maher to approve the minutes of the March 16, 2011 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN COMMENTS

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

III. PUBLIC HEARINGS

- A. Case #11-01: 703 Porter Street Variation.** Public hearing for a variation from the required garage setback in the R-4A district to permit the construction of a garage at 703 Porter Street.

Commissioner Spinelli made a motion, seconded by Commissioner Armijo to open public hearing for Case #11-01. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated that there is an existing garage on the property. He stated that the owner plans on removing the existing garage and reconstruct a new garage in the exact same location. Of the eight components listed in the UDO, four are not applicable to this variation request. Mr. Brown stated that it will not harm the public health or safety. It will also not affect natural light and access to the property. He said it will not change the characteristic of the neighborhood. Mr. Brown stated that there are several other garages that are on or similarly placed to their rear lot line or side lot line. He said it will also not affect the land value at all. Mr. Brown stated that the Village Engineer and Fire District did not have any comments.

Chairman Schubert asked the owner if the garage was going to be the same height.

Keith Michalek, 703 Porter Street, Lemont, stated that it would be the same size and height.

Commissioner Erber asked about the condition of the foundation.

Mr. Michalek stated that he was planning on replacing the driveway and garage foundation with concrete.

Chairman Schubert stated that Commissioner Murphy arrived for the meeting at 6:39 p.m.

Mr. Brown stated that they could possibly move the garage up or inward, but did not see any advantage by doing that.

Commissioner Spinelli asked if the shed was going to remain.

Mr. Michalek stated that he was going to remove it when he tore down the existing garage.

Chairman Schubert asked if anyone wanted to come up and comment on this public hearing. None responded.

Commissioner Erber made a motion, seconded by Commissioner Murphy to close the public hearing for Case #11-01. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Murphy made a motion, seconded by Commissioner Erber to recommend approval of Case #11-01.

Chairman Schubert then read the Findings of Fact:

- a. The requested variation will have no impact to the Village as a whole and the impact to the adjacent properties will be negligible, since the new garage will be of similar dimensions and placement as an existing garage.
- b. The variation request will not injure the public health, safety and general welfare.
- c. The unusually small size of the lot and placement of the house and driveway on the lot make it impractical to place a new garage within conformance of the setback requirements for garages in the R-4A zoning district.

A roll call vote was taken:

Ayes: Armijo, Murphy, Erber, Spinelli, Maher, Schubert

Nays: None

Motion passed

- B. Case #11-02: 10985 S. Archer Avenue.** Public hearing for rezoning to the B-3 zoning district and a special use for a drive-through for property proposed to be annexed, located at 10985 S. Archer Avenue.

Commissioner Maher made a motion, seconded by Commissioner Armijo to open public hearing for Case #11-02. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Jones said this property is currently not designated with any particular land use in the Comprehensive Plan. She stated that the properties west are shown as industrial. She said that staff feels it is appropriately situated for the Comprehensive Plan's standards for commercial zoning. Mrs. Jones stated that the Comprehensive Plan states within its text that the route 83 area should be redeveloped with light industrial and commercial uses. She said that because it is a small parcel it would be very limited for light industrial unless it was consolidated with other lots nearby. Therefore, it is more suited for commercial use. Mrs. Jones stated that the Gateway TIF Redevelopment Plan from 2008 also states that there should be a mixture of industrial and commercial uses in this area. She said that it is currently compatible with the current existing land uses. She stated that as far as aesthetic and environmental concerns, any development that would happen on this site, after receiving the rezoning and annexation, would be subject to the commercial design standards of the Village.

Mrs. Jones stated that as far as the special use, the way the applicant is proposing to have the drive-through orientated on the site, would be the best orientation with the Village's code standards. She said that the UDO doesn't allow drive-through windows on the side of the building that faces a street. However, with this site being triangular in shape it is hard to orientate. She stated that the way the applicant has proposed to orientate the window is as close to not facing a street as possible. Mrs. Jones said that there currently was no site plan approval being issued at this time, there is no PUD associated with this and no annexation agreement. She stated that staff recommends adding one condition. A certain level of review that prior to the issuance of any site or

building permit for the drive-through, the design shall be reviewed and approved by the Planning & Economic Development Director, Chairman of the Planning and Zoning Commission, and the Mayor.

Chairman Schubert stated that one concern would be signage if this was a hot dog stand.

Mrs. Jones stated that any signage would be required to comply with the standards of the UDO. She said that it is noted in the packet that the concept plan that was submitted may have components that don't meet the requirements of the UDO. She stated that the applicant is aware of this and that he will be receiving annexation into the Village, commercial zoning, and special use of the drive-through but no site plan approval at this time.

Chairman Schubert asked if the underground tanks have been removed.

Mrs. Jones stated that she was not sure; however that issue would be addressed during the site development process.

Chairman Schubert then sworn in anyone who had arrived after the Chairman Comments.

Chairman Schubert asked if the owner of the property could please step forward to speak. He said that he was concerned with the flow of traffic through that intersection. He asked the owner if he had any idea how the traffic coming north was going to access that property.

Gus Tingos, owner of the subject property, stated that there was a turning lane there. He said the majority of the traffic that they would receive would be the traffic heading south. He said that IDOT has already approved their exit and entrance to the property. Mr. Tingos stated that they were going to close two of the four entrances.

Commissioner Erber asked what the owner was proposing for the subject site and what the square footage of the building would be.

Mr. Tingos stated it would be a hot dog business with about ten sandwiches, ice cream and no liquor. The building would be about 800 square feet.

Commissioner Erber asked if he was going to have seating outside.

Mr. Tingos stated that if there were room maybe a few tables with umbrellas.

Commissioner Murphy asked what would be the hours of operation.

Mr. Tingos stated about ten in the morning to about nine at night.

Commissioner Maher asked when he was looking to build.

Mr. Tingos stated as soon as everything is worked out with the Village.

Chairman Schubert asked if the owner would have access to sewer and water.

Mrs. Jones stated that water is not an issue, but sewer is something that still needs to be worked out.

Chairman Schubert asked if anyone else wanted to come up and make comments.

Dawn Degenhardt, 2 North Trail, Lemont, stated that she just wanted clarification as to the location of the property.

Mrs. Jones showed Ms. Degenhardt the exact location of the subject property.

Carole Degenhardt, 2 North Trail, Lemont asked how people were going to access the property from Route 83.

Chairman Schubert explained to Ms. Degenhardt and showed her on the projection screen the access points.

Robert Horvath, 10980 Archer Avenue, stated that he thinks it is a great idea. He stated that he had the residential house, across the street, and it was built in 1835. He said that he had promised the previous owner that he would keep the house as long as possible. He said he would like to plant trees to make it more aesthetically pleasing and was wondering if that was Cook County or the Village.

Mrs. Jones stated that his property would probably be Cook County, but she was not completely sure.

Chairman Schubert asked if anyone else would like to come up and speak. None responded.

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to close the public hearing for Case #11-02. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Murphy made a motion, seconded by Commissioner Armijo to recommend approval of Case #11-02.

Chairman Schubert then read the Findings of Fact.

- a. The requested rezoning is consistent with the Comprehensive Plan in that it provides commercial space near industrial uses, in the vicinity of S.R. 83. The site

- is appropriately situated for arterial commercial use under the standards of the Comprehensive Plan.
- b. Sufficient safeguards exist within conditions of the special use approval and the Unified Development Ordinance to ensure that the proposed special use will be designated so that it protects the public health, safety and welfare.
 - c. The requested special use will create minimal demands for the Village services.

A roll call vote was taken:

Ayes: Armijo, Murphy, Erber, Spinelli, Maher, Schubert

Nays: None

Motion passed

IV. GENERAL DISCUSSION

A. Comprehensive Plan – Natural Resources

Mr. Brown stated that the natural resource element identifies the natural area of the community that needs to be protected, preserved, or set aside from development. He said that the 2002 Comprehensive Plan does contain a natural resource section and also some recommendations in the Growth Management section. He stated that he would like to go through the recommendations to determine whether or not to place them in the new Comprehensive Plan. Also, if the recommendations haven't been achieved, determine as to why they haven't be accomplished.

Mr. Brown said the first recommendation under Growth Management is to increase open space resources in direct proportion to the increase in development in the community. He said in August of 2005 the policy for new developments were to ask the Park District Board if they wanted cash or open space. At that time it was preferred cash and either no park or a meager park was put in. Mr. Brown stated that after a growing concern the Park District then chose land. He said now it has changed again and the Park District is back to cash. Mr. Brown recommended that in the Comprehensive Plan it should state that the Village seeks a land donation first from the developer. He said that if there is a reason why a land donation can not be met then try to do a small land donation and cash before an all cash donation.

Chairman Schubert stated that staff should not be looking for a land donation on the inside of the property. The donation should be on the outside where it can then be combined with another land donation. He said that this would then create a larger park area.

Mr. Brown stated that the open space preservation has been somewhat accomplished by the Township acquiring 50 acres of open space near the I&M Canal and establishing the Woodland Preserve.

Mr. Brown said that another point to preserving open space under Growth Management were to encourage cluster or conservation design.

Commissioner Murphy asked if the Board were interested in doing that, instead of listing it as a recommendation, are there specific areas they can identify that they would like that done.

Mr. Brown stated that there was an overlay on the map that identified areas appropriate for cluster design. He stated that they can review that map.

Mr. Brown stated that open space preservation is also tree preservation. He said that there are no current regulations on tree preservation. He stated that staff does look at it in annexations and PUDs. He said applicants are required to do a tree survey, but maybe this should be written in the Plan that it is our policy.

Commissioner Spinelli asked if there was a replacement policy.

Mrs. Jones stated that there wasn't, only if it was marked preserved on a tree preservation plan. She said that tree preservations are not required for all types of land developments.

Discussion continued on tree preservation and replacement policy.

Mr. Brown reiterated that a recommendation can be added to change their approach and push for stronger or better tree preservations on annexations and PUDs.

Mr. Brown stated that the next recommendations were from the Natural Resources Section of the Comprehensive Plan. He felt that the recommendation on preserving bluffs should be kept. He said this helped win the recent billboard sign lawsuit and should be strengthened.

Mr. Brown stated that the local wetland regulations to prevent the dredging and filling of high quality isolated wetlands was in response to a 2000 Supreme Court decision. He said that this might not be an issue now because there are sufficient controls with the Environmental Protection Agency and the Army Core of Engineers.

Commissioner Spinelli agreed that it would be duplicating efforts, but they could require developers to provide a wetland report.

Mr. Brown said the next point was maintain unique physical landscape, which includes avoid mass grading; avoid loss or degradation of woodland, wetlands, etc.

Commissioner Spinelli stated that he doesn't agree telling a developer how to develop his property.

Commissioner Murphy asked what could you do to avoid mass grading.

Commissioner Spinelli stated that if the Village was requiring tree surveys and wetland reports, and then giving developers incentive to save the trees, they would not want to do mass grading.

Commissioner Murphy stated that it can be more than just trees. They could be flattening out rolling areas.

Discussion continued on mass grading.

Mr. Brown stated that in the Land Use Section there is language about open space and if there are any outstanding topographic features, it states to try and maintain those features. He said they can look at that language and strengthen it.

Mr. Brown said the next one is to use an overlay map of known wetlands in conjunction with new local regulations preserve wetlands. It states to adopt the American Planning Association policy as a guideline to determine where wetlands are saved. He stated that this might have been trumped by EPA and ACOE requirements.

Mrs. Jones stated that they do have a wetland layer that they get from the Federal Government. She said that she does check any zoning or land use that the Board might see against that wetland layer to ensure there are no wetlands on the sight. She stated that anything going through sight development, Jim Canikar checks for wetlands. She said it is covered in the procedures, so it might not need to be listed in the Comprehensive Plan.

Commissioner Spinelli stated that what they are receiving from the Federal Government does not include all the localized wetlands. He said that is why the Village should require a wetland report.

Mr. Brown said another one is adopt setbacks from stream courses to protect both the stream course and the property owner from flooding and erosion. He said that staff has other ways when they look at storm water management.

Commissioner Spinelli stated that the Village should have setback requirements for wetlands and flood plains.

Mr. Brown stated that the last one was to obtain Tree City USA status for the Village. He said that staff did not do this. He explained what Tree City status was and what you need to meet the requirements.

Commissioner Murphy asked if the Village would be able to get grant money for being part of the Tree City.

Mr. Brown stated that he was not sure.

Mr. Brown then quickly presented a power point presentation called Green Compass that he presented at a conference. He talked about the “Green Lemont Initiative” that listed different recommendations on ways to promote, educate, and maintain going green in the community.

Mr. Brown asked the Board if they would like a checklist or guideline, like the Delaware Valley Smart Growth Alliance that is found in their packet, for larger PUD’s.

Commissioner Erber stated that it would scare the developer away.

Commissioner Spinelli stated that most of the comments are not even applicable. It does help, but as long as the person reviewing the application understands that not everything applies.

Commissioner Murphy stated that it would add accountability.

Commissioner Maher stated that a checklist gives consistency when going to different meetings. He said giving the developer all the questions that the Board is going to ask them and following the Village’s guidelines would make it a smoother process.

Mr. Brown stated that a recommendation would be to develop a checklist that relates to natural resources. It can then be used by the Planning and Zoning Board, staff and the Committee of the Whole.

Mr. Brown asked if there was anything in the community that stood out right now, which has not been developed or touched, that the Board would like to protect.

Commissioner Maher asked if he could have time to think about this and address it at the next meeting.

Mr. Brown stated yes he could.

Chairman Schubert stated that an area that he can think of is anything from Derby Road going back towards Archer Avenue. He stated that the lots there are three plus acre lots and should remain that way.

Mr. Brown said that would be more land use and subdivision. He stated he was looking for more topographic or hydrologic features in town.

Mrs. Jones said that the land on 132nd Street is an example of an area that Commissioner Murphy really wanted to preserve.

Mr. Brown said lastly, to what extent do the Village’s land use regulations concerning storm water management or tree preservation needed to be modified? He said in the UDO it was changed that you can do naturalize detention. He stated that someone can do out curb and gutter, which has been done in very limited instances. He asked the

Board if they needed to do more encouraging for requirements like permeable paving or rain garden.

Commissioner Spinelli said they should give initiatives for builders who do this, however they need to be careful with permeable paving. He said that it has a high maintenance issue and it is not recommended where there would be any vehicle turning movements. He stated that they are perfect for bike paths, but not for parking lots.

Mr. Brown stated that he was done and asked if the Board had any further comments on natural resources. None responded.

V. ADJOURNMENT

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper