

Village of Lemont
Planning and Zoning Commission
Regular Meeting of September 21, 2011

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, September 21, 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: Kwasneski, Maher, Messer, Sanderson, Schubert

Absent: Murphy, Spinelli

Planning & Economic Development Director Jim Brown, Village Planner Charity Jones, Planning & Economic Development Department Alexa Naudziunas, and Village Trustee Ron Stapleton were also present.

C. Approve Minutes

Commissioner Messer made a motion, seconded by Commissioner Kwasneski to approve the minutes of the August 17, 2011 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS None

III. PUBLIC HEARING

A. Proposed Amendments to the Unified Development Ordinance.

Commissioner Maher made a motion, seconded by Commissioner Sanderson to open the public hearing for proposed amendments to the Unified Development Ordinance. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated that there was a spreadsheet that was included in the Commissioner's packet that he would go thru which explains the proposed changes. He stated that on

page one there is a definition for outdoor dining, which was never defined. He said that the outdoor dining and café's have been an issue over the past year or two.

Mr. Brown stated that sidewalk café's do not fall under the UDO. He said that staff has spoken with the Village Attorney and he explained what belongs under zoning, licensing, and/or the Liquor Commission. Mr. Brown stated that anything on sidewalks should be regulated under a license agreement and anything on private property should fall under zoning. He stated that if someone wanted to do outdoor dining on private property, then they would have to apply for a special use. Mr. Brown said that another issue would be the consumption of alcohol at these venues and that would be controlled by the Liquor Commission.

Mr. Brown stated that the sidewalk café's regulations have provisions and then he read those provisions. He stated to deter any types of beer gardens there is a requirement that people must be seated and food must be served. He said that this should also be included in the zoning provisions. Mr. Brown then read the zoning provisions. He said that he thought provision "d", which specified hours of operation, should be stricken. He stated that the hours of operation should be decided during the processing of the application for the license or during the hearing for the special use. Mr. Brown asked if any of the Commissioners had any comments about provision "d".

Chairman Schubert stated that the hours should be handled on a case-by-case basis.

Mr. Brown stated that he did want to go over provision "g". He said that he and Charity have looked at the Illinois and National Accessibility Codes and have spoken with the Village Engineer in regards to the five foot pedestrian clearance requirement. He stated that he is not sure why there is a demand of five feet. He said that in his reading of the National Code there is verbiage that talks about an accessible path and that it is 36 inches wide. This is wider than a wheelchair, which is usually 32 inches wide. He stated that if the path exceeds 200 feet then there is a requirement to have a bump out of 40 inches for people to be able to step aside.

Mrs. Jones stated that Jim Cainkar, Village Engineer, can only assume that the reason for the five foot requirement was because that it is the standard sidewalk width requirement. She said that the provisions in the municipal code are under the assumption that it is on a public sidewalk, so the logic was they wanted to leave the full public sidewalk space. Mrs. Jones stated that they can not find anything in any accessibility codes that would require five feet.

Chairman Schubert stated that he could only think it was for a radius turn.

Mr. Brown stated that they are limiting it down to four feet; however the petitioner would always be subject to accessibility codes.

Commissioner Messer asked how the outdoor dining perimeter would be defined.

Mr. Brown stated that for a sidewalk café there would be some type of requirement for a definition or marking. He said for a special use they would have to show how that area was being defined.

Mr. Brown said that for item C (Consumption of Alcoholic Beverages in Outdoor Dining Area) they would retain the requirement that patrons would have to be seated at a table receiving food service. Also, approval would be expressly granted by the Lemont Liquor Commission. Mr. Brown stated that he felt “expressly granted” should mean that a petitioner’s liquor license would state that it is specifically for consumption outdoors. However, the license might not always specify this, so the Board might want to add this as a condition to the special use.

Mr. Brown then read the definition of Outdoor Dining to the Commissioners. He said that his intention is to have the sidewalk café as an annual renewal.

Trustee Stapleton asked if there was going to be any limitation to the width due to encroachment.

Mr. Brown stated that it would be restricted to only in front of their property. Mr. Brown said that Mrs. Jones would go over signage.

Mrs. Jones presented a power point presentation with pictures of the different types of signage. She stated that they were making several changes to signs in the historic and downtown zoning district. She stated that the historic and downtown districts don’t have the same boundaries, so there are a few differences. She said that the purpose of the sign amendments was to allow more design flexibility with more modern materials, but still achieve the historic aesthetic.

The first sign covered was the dimensional sign. She stated that it was three dimensional with either recessed letters or letters that protrude out. She said that they would be mounted on or routed into a sign board.

The next sign was a flat sign. She said that staff is proposing that they be allowed on side elevations only. She stated that this would be consistent to what was allowed in the past.

Mrs. Jones stated that two types of signs that would be prohibited in these districts would be cabinet and pan face signs. She stated that channel letters and illuminated signs are also prohibited.

Mrs. Jones stated that they were adding a definition for an abandoned sign as a prohibited sign type. She said that this will help with code enforcement.

Mrs. Jones stated that as far as political signs they could regulate the placement and size, but not the amount of time.

Mrs. Jones stated there is a revision pertaining to the minimum required depth on awnings. She said that in the downtown district it was a six foot depth which seemed too much. It was revised to three feet with the exception to the Esplanade street standards which are five feet.

Discussion continued on political signs.

Mrs. Jones stated that they did talk with the Historic Preservation District and they agreed with these changes.

Commissioner Messer asked what the definition of an abandoned sign was.

Mrs. Jones then read the definition.

Chairman Schubert asked about signs that are painted on or put over cars.

Mrs. Jones stated that those are currently not allowed in the Village.

Mr. Brown then stated that they would go over the section that says other amendments (general). He said that when they modified the UDO a couple years ago, they modified the definition for front lot line. He stated that he felt that it was not clarified as much as he would like. Mr. Brown stated there needs to something that states this is the front of the house and then side and rear yards will follow.

Chairman Schubert asked if they could do something with the egress of the front of the house.

Mr. Brown stated that they could, however there are some bungalows with a side egress. He stated that where the front entrance way is would not be a good way to define the front of the house. Mr. Brown then read the new definition of façade.

Commissioner Maher asked why it was not based on address.

Mr. Brown stated that sometimes addresses are assigned before the house is built. He stated that there can be a clause added that the tie-breaker would be the address.

Discussion continued on façade.

Mr. Brown reiterated that they would use the new definition but add some language for situations where a case could be made that a house has two facades. For those situations then, the address would be used.

Mr. Brown stated that he wanted to add a definition for sidewalk and also for trees for clarification.

Mr. Brown said that there is a requirement in the code now that there has to be a 10 foot separation between accessory structures and dwelling units. He stated that it was impractical because an accessory structure is a deck. He said more people are adding outdoor entertaining items such as pools, fireplaces, and pergolas. It is all designed to make a transition from indoor to outdoor and distinctions are becoming blurred.

Mr. Stapleton stated that if it is a detached garage it has to be 10 feet from the house to the garage.

Mrs. Jones stated that detached garages or sheds were addressed in the code.

Mr. Brown stated that there were a few provisions in the code that address lot coverage. He said that one is the over all impervious surface of a lot is limited and that limitation varies by zoning district. He then stated, for example, in an R-4 district it was limited to 65% and explained what that covered. Mr. Brown stated that there was a separate provision governing each yard. Each individual yard can not exceed 30% of the impervious surface. He stated that these provisions were added to the code for two reasons. One was for aesthetics and second for drainage and storm water management. Mr. Brown said that 30% has been a problem for rear yards. He stated that permeable pavers are becoming more popular and they are allowed. He said they do help for drainage, but not on aesthetics due to the fact it is all brick.

Mrs. Jones then presented photos of homes that were allowed to exceed the 30% rear yard maximum by using permeable pavers.

Mr. Brown stated that over the past two years there have been about 102 permits for patio/swimming pools. Only eight exceeded the 30%, and they did not count the permeable paving against that 30%.

Mrs. Jones stated that the problem seems to be when they are adding a pool and a patio to the yard. Of the permits for pools with patios, approximately one-third exceeded the 30% requirement.

Mr. Brown stated that he proposes to keep the overall maximum thresholds. He would recommend for the side yard, to not have any maximum percentage. He said for the front yard, either keep it at 30% and just raise the back the back yard, or raise the back and front yard so they mirror each other. Mr. Brown recommended raising it from 30% to around 35%. He also stated that there would be language added saying that pools and permeable paving would count towards the percentage.

Discussion continued on percentage and permeable paving.

Commissioner Messer stated that if you increased it by 20% then it would raise it from 30% to 36%.

Chairman Schubert asked if all the Commissioners agreed with the 36%. *All Commissioners agreed.*

Mr. Brown stated, in regards to manufactured homes, the issue is that the B-4 district includes a lot of parcels that need to be rezoned to something else and until that happens the trailers should be allowed in that district.

Mr. Brown said on the section of Type II Thresholds the word building was missing in the definition and the Canal Reserve Strip was added to item #1 for clarification. He stated that the canal reserve strip was 90 feet from the canal wall. The 90 feet was reserved for expansion if needed on the canal.

Mr. Brown stated that for the impact fee chapter's section of Applicability the word "development" is stricken because the UDO's definition is too broad. The amendment clarifies when impact fees should be paid.

Mr. Brown said that changes were made to the wording under "Improvements" to promote naturalized detention and/or green infrastructure. He stated that crown vetch, which is listed as a suitable vegetative cover, is actually an invasive species and has been deleted.

Mr. Brown stated that staff felt that the required landscaping in commercial developments is a little too much. He stated that staff is proposing to change the requirement from 2.0 to 1.5 plant units per 100 feet, which leaves room for the plants or shrubs to mature.

Mr. Brown said one minor word change under foundation plantings is changing the word "may" to "shall".

Mrs. Jones stated one other change is to allow chain link fencing in the B-4 district.

Commissioner Maher made a motion, seconded by Commissioner Messer to close the public hearing for proposed amendments to the Unified Development Ordinance. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. STAFF REPORT

Mrs. Jones stated that on the Village website there is a survey for the community to fill out in regards to the Comprehensive Plan. She said they will be collecting that data from now until October 20th.

Commissioner Sanderson asked how does the public know that the survey is there.

Mrs. Jones stated that it just got on the website, but hard copies would be available at the Village Hall and Library. She said it will be on Patch.com and also on the cable channel.

Commissioner Kwasneski asked if it would be on Facebook.com.

Mrs. Jones stated that it would and it would go out on Nixle.

Mrs. Jones stated that the regularly scheduled meeting on October 19th would have to be rescheduled. The Active Transportation Plan Community Workshop was scheduled on that evening. She then asked if there were any days that the Commissioners could not make.

Commissioner Kwasneski stated Mondays were not good for him.

Commissioner Maher said that the next Wednesday after October 19th would be good.

Mrs. Jones stated that she would check with the applicant and would get back to the Commissioners.

V. ADJOURNMENT

Commissioner Kwasneski 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