

Village of Lemont
Planning and Zoning Commission
Rescheduled Regular Meeting
Wednesday, October 26, 2011

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, October 26, 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, Sanderson, Spinelli

Absent: Messer, Murphy

Economic Development Director Jim Brown and Village Trustee Ron Stapleton were also present.

C. Approve Minutes

Commissioner Maher made a motion, seconded by Commissioner Spinelli to approve the minutes of the September 21, 2011 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN COMMENTS

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

III. PUBLIC HEARINGS

Case #11-13 Archer & Bell Annexation and Rezoning.

Petition for annexation, rezoning to B-3, and special use approval for a drive-through establishment, funeral home, banquet hall, retail business with a gross floor area of 15,000-24,999 square feet, self-storage facility, and childcare facility, for 2.22 acres of land located at the southwest corner of the Archer Avenue and Bell Road.

Commissioner Spinelli made a motion, seconded by Commissioner Kwasneski to open the public hearing for Case #11-13. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated that John B. Murphey was the attorney that was acting on behalf of the owners of the property. He said that the property, which is 2.2 acres, is held in a Trust. Mr. Brown stated that the application is not consistent with the Comprehensive Plan. He said the Plan urges annexation of such properties as this, and is included in the area belonging to Lemont in the future. He stated that the Plan designates this area as low density residential. However, the Plan does give standards for Arterial Commercial and this meets those standards.

Mr. Brown stated that there are no know aesthetics or environmental concerns for the site. He said that water and sewer are not available, which he explained in the staff report. He stated that the Village had signed an agreement with the owners of Cog Hill several years ago to extend water and sewer down to Main Street. Mr. Brown said that the owner of Cog Hill specified a limited area that the Village could extend water and sewer to. He stated that this subject site is not part of that extended area. To extend

water and sewer from the lines on Main Street, the Village would have to seek approval from the owner of Cog Hill. Mr. Brown stated that the applicants are aware of the situation.

Mr. Brown said that staff is recommending approval of the annexation and the rezoning to B-3. He said that staff is not recommending approval of any of the special uses. He stated that the reason for not recommending approval was that the whole concept of a special use is that you agree with those special uses within that zoning district. However, the Municipality would like some discretionary review to ensure any adverse effect can be mitigated. Mr. Brown stated that since there are no site plans or any specific development plans, staff could not comment and ensure that any potential adverse effects would be mitigated. Mr. Brown said that Mr. Murphey was present to speak for the owners.

Chairman Schubert asked the applicants to please come up to the podium to speak.

John Murphey, 30 North LaSalle, Chicago, stated that he was the attorney for the applicant. He said that this is somewhat of an unusual zoning proposal. He stated that the property was held in a land trust. Mr. Murphey said that the beneficiaries, which were disclosed to the Village by law, are the Olsick family and the Hartz Family. He stated that his clients have about 100 years experience in real estate.

Mr. Murphey stated that the reason for the application was due to preliminary discussions with Village representatives and their views of this property. He stated that they both feel that this property is viewed as commercial. He said that the Village is in the process of updated its Comprehensive Plan, and this piece of property, from a long-term view, would fit better as commercial rather than residential.

Mr. Murphey said that they do not have any plans to develop this piece of property at this time. He stated that they do not have a contract to sell the property to anybody at this time or a contract with an option to buy it in one year, two years, or five years. He said that the last twenty years or more, before the crash, the demand for land greatly exceeded the supply. Mr. Murphey said those days are gone. He stated that his clients have seen many ups and downs in the market. He said that they have come to the conclusion that we are at the low end of the market and will be there for the next few years. He stated that when the market comes back, their property would be at a huge disadvantage, when competing with the all the other commercial properties, if they have to then go through this process of rezoning and annexation. Mr. Murphey stated that having the property annexed now and having it ready for when market is ready would be the smart thing to do. He said it would be a good thing for the Village, because they are interested in obtaining an inventory of potentially marketable assets. He stated that doing this now, when there is nothing going on, having the challenges of getting water and sewer, having a Village interested, all adds up that this is a good time to annex. Mr. Murphey stated they want to be in this Village and was impressed with this Village. He stated that the future of this property is better in the Village of Lemont, rather than in unincorporated Cook County.

Chairman Schubert asked if they approached Cog Hill on their own behalf about extending sewer and water.

Mr. Murphey stated that they did not. He said that they felt it was premature.

Chairman Schubert asked if the Board had any questions at this time. None responded.

Chairman Schubert then asked if anyone from the audience would like to come up and speak at this time.

Remo Turano, 4 Clearview Lemont, stated that he was part of the Equestrian Estates Homeowners Association. He asked Mr. Murphey if he was involved with the Mid-Iron project.

Mr. Murphey stated that he was the same Murphey that was involved with the Mid-Iron project.

Mr. Turano stated he then had an issue with this. He said he was concerned with what is going on with Bell Road and this is the same approach the last time he had come to a meeting here. He stated that he has problem with approving this and not having any plans or ideas for this property. He said that there are a lot of million dollar homes whose property values have gone down. He stated that he did not want to see a storage facility or any of the other special uses on this property. Mr. Turano stated that he did

not see the purpose for this zoning change. He said that the Comprehensive Plan was for residential and does not see how this is compatible.

Chairman Schubert stated that right now the Village is in the process of updating the Comprehensive Plan. He said one of the things they have looked at is a lot of areas, including this one, may change because many arterial areas have become B-3 providers for us. He stated that this is one of those arterial areas where you have a main highway, Archer Avenue, which crosses Bell Road. He said someday in the future they could make Bell Road a four lane road. Chairman Schubert stated that he did not want to see a storage facility either, but there is not a plan presented tonight. He said that they are not talking about what is being built there, because they do not give carte blanche.

Mr. Turano stated that this is the second time that this has happened. He stated that down by Mid-Iron the same thing is happening, but that is in the hands of Palos. Now there are two Villages approving zoning changes and waiting to see what happens. He said that he has an issue with that.

Chairman Schubert stated that the Board still has control over it. He said just because it is zoned B-3 doesn't mean that they can do anything they want. He stated that they will have to come back to the Board for review.

Mr. Turano stated that the Board has to understand how they feel. He said they are fighting about taking a nice golf course and changing it to commercial. He stated that this corner is also going to change to commercial if people have their way. He said now there is talk about a cell tower being built by the school. Mr. Turano said that they got blind sided when they built the school and he does not want that to happen again. He stated that he wants the Board to know that they are watching the area and they want something nice. He said that he is a businessman who understands the economy, and all the hoops you have to jump through to get things passed. However, you have to look at the big picture and whatever is built there will be permanent. Mr. Turano stated that they have a stake in this and they do not want their home values to go down any more than what they have.

John Krafcion, 11241 S. Archer Avenue, Lemont asked why the Comprehensive Plan from 2002, which was done with a little forethought, shows this property as residential. He said that there is not a clear explanation why this property, which is on a very busy street, is talking about putting a drive-thru on the property leading out to a residential street. He stated that he did not agree that this property should be commercially zoned.

John Goushas, 12833 Campbell Street, Lemont, stated that his biggest concern would be the water. He said that there is two retention ponds that are about an acre away, and in the spring there is about 10,000 to 20,000 gallons of water that rush out of that pond. He stated that when they did the school, there is an 18 inch culvert and less than 60 feet away it drains down to a six inch culvert. He said that nobody carried it out far enough to see where it went; they all assumed that it drained into the ditch. Mr. Goushas stated that the neighbors on Artesian are now putting up walls to funnel the water from coming into their front yards. He said that he has a large pond in his back yard that drains out all the way through from the southwest corner of the subject site to Bell Road. He stated that there is water that comes around the north end of Archer Avenue that goes over the curb and out into the intersection. He said when it freezes it is a death trap. Mr. Goushas stated that there have been two people killed on that curve within the last six years. He said that there is no way you can make a left hand turn out onto Bell Road from this site, nor could you make a left onto Archer and cross four lanes of traffic. He stated that a drive thru would not work.

Mr. Goushas asked if they put a culvert in, who would clean the culvert every year. He stated that there are heavy wooded lots there. He said that he gets about 23,000 to 40,000 cubic feet of leaves on his lot that he mulches. Mr. Goushas stated that these are things that need to be addressed and it is a major concern.

Rosina Rina, 11271 Bell Road, Lemont, stated that she has been at this residence for 16 years and the traffic was horrible at the beginning. She said it did get better after I-355 was built. Ms. Rina stated that she gets all the water from the lot. She said that it comes under Bell Road and there is a pipe that her husband extended on the side of the driveway that leads to the back yard. She stated that her back yard is

like a swimming pool after it rains real hard. Ms. Rina stated that it is dangerous just getting her mail from the street. She said that the water and traffic is her concern.

Michael Macek, 17 Equestrian Way, Lemont, stated that his main concern is setting precedence for landowners requesting rezoning without plans and it being approved. He said that all commercial properties along arterial roads would be subject to this action, which means we are losing a voice in what gets built on those properties. Mr. Macek stated that they should make the rezoning faster and easier for the applicants and not eliminate the rules that are set up for a reason.

Marsha Kubis, 78 Horseshoe Lane, Lemont, stated that Bell Road has become commercial south of 135th. She stated that residents of Equestrian Estates do not want it to become commercial north of 135th. She said the street is lined with homes and it is not a commercial area. She stated that you could not widen Bell Road because there are homes right up against it. Ms. Kubis stated that it is dangerous already and you could not add any additional traffic. She said they want to keep their rural atmosphere.

Greg Bachelor, 2 Split Rail, Lemont asked if this is not approved, would the applicant go down the road to Palos to see what they would offer.

Chairman Schubert asked if anyone else would like to come up and speak. None responded. He then asked if Mr. Murphey would like to come up and address the comments that were made.

Mr. Murphey stated that zoning is regulatory, some of the comments in regard to storm water or flooding would be performance related. He said that they are obligated by the Village's code to make sure, however that property develops, that they do not increase the burden on anybody's property over and above what nature is doing now. He stated that the Village has in place storm water requirements and engineering requirements that they would have to meet. Mr. Murphey stated the issue relating to Palos Hills and Mid-Iron has nothing to do with this property. He stated that some people stated that they did not want commercial to go there because there is too much traffic. He said that is why sometimes commercial wants to go there. Mr. Murphey stated that they want to be in Lemont, they feel the property long-term will be an asset to Lemont and hopes the Village agrees with them.

Commissioner Sanderson stated that he wanted to clarify that they were voting on two separate issues. He said one being the zoning and the other being the special uses.

Mr. Brown stated that he was correct.

Mr. Murphey stated that when they met with staff, he felt there may be a few special uses that would be harmless or consistent with the permitted uses. He said they asked if they could apply for them also. He said that he understands anything involving a drive thru has special considerations, and the Board would not want to agree to it. He stated that they accept that. Mr. Murphey stated that their main focus is coming into the Village and having that B-3 zoning in place. He said that is how the special uses got involved.

Commissioner Spinelli asked Mr. Brown if Archer Avenue in this area fell under the jurisdiction of IDOT and if Bell Road was still under the County.

Mr. Brown stated that he was correct.

Commissioner Spinelli stated that any entrance permit and any engineering for the entrances would have to be approved by the Village Engineer, IDOT, and the County.

Mr. Brown stated curb cuts and any additional turning lanes.

Commissioner Spinelli stated that the talk about a drive thru would be for the site itself and not immediately off of one of these roads. He said that he does not know of any drive thru facilities where their drive thru access was immediately off of an arterial road that surrounds the property. He said that even though the current Comprehensive Plan shows this as residential, with having that major intersection there, he could not see this site as residential.

Commissioner Kwasneski asked where were the location for the curb cuts and what will the traffic flow be for the property. He asked if they did not get water and sewer from Cog Hill, what the next plan was. He stated that if this was banquet hall would there be enough parking with only 2.2 acres. He asked if it was a self storage, would it be indoor climate control or outdoor. He stated that he felt the outdoor would not fit in a commercial setting.

Chairman Schubert stated that in 1993, before the 2002 Comprehensive Plan, they saw some areas of 127th as commercial that went residential. He stated that times change. He said where the Chipain's Store is located; it started out with just Chipain's and a True Value. It was not part of the Comprehensive Plan, but it changed because it was needed. He said now we are reviewing the 2002 Plan and were looking at a subject property, which might become commercial. Chairman Schubert stated that they are looking at these different arteries that have changed already to commercial that were listed as residential. He stated that the Board is looking at all avenues. He said in regards to this case, he feels that this is a little premature because of not having any specific site plans.

Chairman Schubert said to answer a few questions in regards to water, storm water, and sewer, Lemont is a lot stricter then what it is with the County. He said Lemont's standards are higher. He stated that the school on Bell Road was handled by the County. He said when there are problems in the Village; the Village tries to make them responsible to clean up their act. Hopefully they accomplish their goals.

Ms. Rina asked who would have control of this, County or the Village of Lemont.

Chairman Schubert stated if the Village annexes the property then the Village of Lemont would.

Ms. Kubis said that the other shopping areas went in because there was a need. She stated that there is no need for anything here. She said they moved to a rural area because that is what they wanted. She stated that she knows Equestrian Estates is not part of Lemont, and maybe the Village does not care how they feel, but since they are on their Comprehensive Plan, she hopes they will consider how they feel.

Chairman Schubert stated he always thinks of them as good neighbors and consider them like family.

MaryAnn Bachelor, 2 Split Rail, Lemont, stated that she is concerned why that area is so important to be rezoned commercial. She said right up the street there are lots that are for sale for commercial development. She stated that there are stores by Home Depot and Dominick's that are vacant. Ms. Bachelor asked what makes the owners think that they will be more successful with this area.

Chairman Schubert stated that anyone who owns property has the right to come and ask the Board.

Mr. Brown stated that he wanted to address a few misconceptions. He then read to the audience the first paragraph on page five under "Recommendations." He stated that the Comprehensive Plan is a general guideline and Municipalities will often deviate from the Plan. He said that it is not consistent with the current Comprehensive Plan, and it would be remiss if he didn't call that out to the Board and elected Officials. However, he feels that it is appropriate for this rezoning. Mr. Brown stated that his job here on the Village staff is to respond to requests from people who are interested in starting a business here in Lemont. He said it is a good idea to have an inventory or a bank of various types of properties that the Village can show to land owners or commercial property managers. Sometimes there is a request for something specific, like to be in a shopping mall or they want to build new. He stated that from his perspective it would be advantageous to be annexing and rezoning properties without a specific site plan.

Mr. Brown stated that Lemont has very stringent requirements within their zoning code. He said that if this was approved to the B-3 zoning, there are still stringent landscaping requirements, transition yard requirements, and very detailed architectural standards that they would have to meet when building. Mr. Brown stated that the Village's engineering standards are more stringent then the MWRD standards. Mr. Brown stated that he is very comfortable granting B-3 zoning without any plans because the zoning requirements go a long way to mitigating what might be adverse impacts in potential development.

Mr. Brown stated in regards to comments on traffic, whatever business develops here, they would try to

capture the traffic that already exists. He stated that if it was something that would generate traffic and sales tax, he would be all for it hoping it would bring people into the Village. He stated that the Village relies on sales tax for almost a quarter of its revenue. That reliance will probably increase in the future.

Mr. Brown stated that there are no curb cuts because there is no site plan. He said that there are IDOT standards. He stated any turning lanes would have to be approved by the Village's engineer, IDOT and Cook County officials.

Mr. Brown stated that there was a comment about setting precedence; he said that the Village already did it farther down on Bell Road. He stated that it was something new to the Village and normally they would like to see a development plan before they annexed. He said times have changed. The demand and marketability for sites along with the competition with neighboring communities are dictating a lot of the decisions that Village's will be making over the next five to ten years.

Mr. Brown stated that this property is limited because it is only 2.2 acres. He said because of the smaller size it would be limited on parking. He stated that the Village has parking requirements and this will limit the traffic intensity.

Mr. Turano stated that he understands the economic times. He said that he felt that this hearing was all about the Village needing sales tax revenue. He stated that it is the biggest thing for a Village. Mr. Turano asked how far are they going to take it. He stated that what they do to Bell Road is permanent and has a big effect. He said that the Board should be concentrating on all the property by Main Street and Archer.

Mr. Brown stated that they are and it was just discussed at the Village Board Meeting on Monday.

Mr. Turano stated to leave it residential and work on property by Main Street and Archer.

Mr. Brown stated that he would like to retract the comment about sales tax so that nobody thinks that the Village is only pursuing this property for sales tax reasons. He stated that it was not only to pursue the sales tax. He said that he likes it when the Village can get businesses that people are clamoring and asking for.

Ms. Bachelor stated that she had a comment about the landscaping. She said that the landscaping around the Target gets ruined by the trucks that go there and it takes weeks before it is fixed. She said you can put beautiful landscaping in, but you can't teach a truck driver how to drive. Ms. Bachelor stated in regards to the sales tax concern, Lemont should also be concerned about us who pay the property taxes. If you start doing things that people are not happy with then you could have a mass exit out of Lemont.

Mr. Krafcion said his concern is that there are no plans or nobody interested in the property. He stated that nobody was interested in this property during the economic boom, but suddenly now during a recession they want to make this change. He said to make the decision when you have an idea of what might go in there.

Dorothy Gaushas, 12821 Campbell Street, said they have lived in this house for over 50 years. She asked why the annexation. She stated why can't the Village go and annex the area down by Archer and Route 83. Ms. Gaushas stated that the Village was going to have a hard time annexing anything south on Bell Road. She stated that when she first moved to Lemont, no bank would give them a construction loan because they felt that the area was never going to develop. She said now all of a sudden everyone is finding Lemont and she is wondering why. Ms. Gaushas stated that she knows that if the developers do not get what they want from the Village then they will go to the County. However, the people that live in the Township of Lemont are well versed on how to stop a project that they don't agree with. She said the traffic is bumper to bumper at six o'clock in the morning and it is horrible.

Mr. Murphey said that he feels that everyone at the meeting agrees that this piece of property is not a residential piece of property. He said imagine putting up a sign saying "four single family home sites for sale" with the amount of traffic that goes by the property. He said in response to the comment that it might be premature, it is not because it is not going to be residential. Mr. Murphey stated that Mr. Hartz

has built in about 30 different communities and sometimes the process is more difficult than others. He said what they are most impressed about with this Village, is the concept of partnership and inventory of commercial property. He stated that it is in the Village's best interest to exercise the regulatory control over this property. He said that he hopes the Board gives a favorable recommendation knowing that this is the end of the beginning.

Mr. Brown said he would like to update everyone that the Village is taking steps to clean up the area of Route 83 and Main Street. He stated that they established a TIF District there a few years ago, annexed some land and it is under the Village's control. He said with some of the money from the TIF they were able to purchase two properties there. Mr. Brown said they are dealing with various scenarios and plans for the redevelopment of both junk yards and Route 83 and Main.

Mr. Brown said the reason to annex, besides the sales tax that the Village might get, is so that the Village of Lemont can have control. He said that in the past three years he has appeared before the Cook County Zoning Board of Appeals to argue against proposals that developers were bringing near the boundaries of Lemont. He stated that in all three cases Cook County recommended approval of the development over the Village's objections. Mr. Brown said one of the first questions that the Cook County Board asked him was; if Lemont was so interested why did they not annex the property and if you didn't annex why should their Board care about how Lemont feels about it now. He stated that the B-3 zoning does not allow adult uses, pawn shops, or electronic billboards. He said that there are a lot of land uses that Lemont does not allow that the County would be very eager to approve. That is why they want to annex territory.

Clem Gaushas, 12821 Campbell Street, Lemont asked if the Village was going to bring water and sewer to all this annexation.

Mr. Brown said when time and money permits. He stated that this particular site is a little difficult.

Mr. Gaushas said that for the Township you have one well for an acre a land. He stated that this property is two acres and wants to know what they plan on doing.

Mr. Brown stated that if they did not come into the Village and seek municipal water, they would have to get County approval for well and septic.

Mr. Macek asked why site specific plans were never made a requirement when annex action is taken in a rezoning.

Mr. Brown stated that in the past there were not as many unpleasant experiences with Cook County or people going to the County. He said it was like that with other municipalities. Mr. Brown stated that it was the policy that the Village did not want annex or approve zoning without some specific plans. He said it was a policy, not a rule.

Mr. Stapleton said 15 years ago it was allowed at the corner of 131st and Bell.

Mr. Brown stated that in 2006 the Village updated their zoning codes and put in a lot of provisions that help mitigate many of the adverse impacts. He said now the Village doesn't have to negotiate it in an annexation proceeding.

Chairman Schubert stated that back then the building was going so fast the property was being annexed and site specific plans were being done because the plans were rotating so fast. He stated that instead of having the owner wait for a year before they started building, they would progress at a quicker rate where they would be ready in four to six months.

Mr. Macek stated that it is scary to think that this can be the norm.

Commissioner Maher asked if they would be voting separately for the rezoning and the special uses.

Chairman Schubert stated yes.

Mr. Murphey stated that they would like to withdraw the special uses. He said that they understand the concerns and are more than happy to come into the Village with just the zoning.

Commissioner Spinelli asked Mr. Brown if there was any discussion between the Village and the owners as to why the immediate jump to B-3 instead of B-1. He said was there discussions about coming in and starting as B-1 first, then coming back when they have a specific use and asking for the higher zoning.

Mr. Brown said that they did not discuss that. He said from their perspective they wanted to make this property as marketable as possible and a B-3 gives them a wider range. He stated B-3 is arterial commercial and that is what this is. A B-1 zoning is neighborhood commercial where it is not auto dependent.

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

Commissioner Spinelli made a motion, seconded by Commissioner Maher to close the public hearing for Case #11-13. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to recommend approval of Case #11-13 **without** any special uses.

Chairman Schubert then read the Findings of Fact.

Findings of Fact:

- a. The requested rezoning is consistent with the intent of the Comprehensive Plan in that it provides commercial space along Bell Road, at the intersection of two arterial roads. Although the requested rezoning deviates from the location of commercial land use proposed in the Comprehensive Plan, this deviation is justified by the acknowledgement that the Comprehensive Plan is currently being updated and changes in land use that have taken place along stretches of Bell Road since the Comprehensive Plan's adoption in 2002. *All Commissioners agreed.*
- b. Sufficient safeguards exist within the Unified Development Ordinance to mitigate any potential incompatibility of commercial use with surrounding residential land uses. *All Commissioners agreed.*
- c. Sufficient safeguards exist within the Unified Development Ordinance to ensure that the proposed special uses will be designed so that it protects the public health, safety and welfare. *Chairman Schubert stated this will be stricken since the applicant has withdrawn the special uses.*
- d. The requested special use will create minimal demands for Village services, and this particular site is large enough to allow design flexibility that ensures adverse impacts of the special uses are mitigated. *Chairman Schubert stated this will be stricken since the applicant has withdrawn the special uses.*

A roll call vote was taken:

Ayes: Kwasneski, Maher, Sanderson, Spinelli, Schubert

Nays: None

Motion passed

IV. STAFF REPORT

Mr. Brown stated that next months meeting would probably be devoted to the Comprehensive Plan. He said that there were 415 surveys completed for the Comprehensive Plan so they will start to go over them now.

Commissioner Maher stated that there was an Active Transportation meeting on November 9th.

Commissioner Spinelli stated that the Rolling Meadows detention basin at Rolling Meadows Drive and Harvest was maintained and owned by the Village. He said that the detention basin outfall, on the northeast corner, has four or five metal fence posts that were used during construction to keep the straw bails in place and they are still there. Commissioner Spinelli stated that when the basin fills up with water the kids play there and you only see two to three inches of the top of those poles. In the winter the snow drifts build up there. He asked if Public Works could please take those out.

Mr. Brown stated that he would let them know.

V. ADJOURNMENT

Commissioner Spinelli made a motion, seconded by Commissioner Kwasneski to adjourn the meeting.

A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper