

Village of Lemont
Planning and Zoning Commission
Regular Meeting of June 16, 2010

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, June 16, 2010, 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, Murphy, Spinelli, Schubert

Absent: O'Malley

Planning & Economic Development Director Jim Brown was also present

C. Approve Minutes

Commissioner Erber made a motion, seconded by Commissioner Murphy to approve the minutes of May 19, 2010 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 everyone to stand and raise his or her right hand. He then administered the oath.

III. NEW BUSINESS

A. Case #10-09: NTS Special Use.

Public Hearing for a special use to allow a container storage yard at the intersection of Maley Road and Main Street, 13453 Main Street.

Commissioner Murphy made a motion, seconded by Commissioner Armijo to open the public hearing for Case #10-09. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated that Mr. Fred Nolan of NTS Trailer had requested a special use for a container storage yard for the parking of semi-trailer containers. He said a rock-

crushing corporation formerly owned the site and some of the debris is still there. Mr. Brown stated that staff is recommending approval, even though it is not consistent with the Comprehensive Plan. He said that there are other similar uses within the vicinity. Mr. Brown stated that under the Conclusions and Recommendations section in the staff report, it listed some conditions. Removal of concrete rock and other debris from previous uses would be cleared from the site prior to initiating any operations. He said that the applicant should submit a detailed landscape plan with screening along Main Street. Another condition is that the containers shall not be stacked. The applicant must also address the Fire Marshall's question of emergency access to the subject site.

Mr. Brown then stated that he received a letter that day addressed to Chairman Schubert in regards to this case. The letter is from IMTT-Illinois (International-Matex Tank Terminals) who are adjacent property owners of the proposed site. They had a concern about the entrance on the west side of the property off of Maley Road. Mr. Brown read that they would like to see this entrance closed if the petition is granted. There is another entrance on the north side of the property that could be used. The letter is signed by James Durham, Facilities Operations Manager and dated June 16th. Mr. Brown stated that the applicant is present and that he had no further comments.

Chairman Schubert stated that in the letter, Mr. Durham had requested that the containers be only single stacked.

Chris Lavoie from C. M. Lavoie and Associates stated that he is the consulting engineer for NTS. Mr. Lavoie stated that he has helped Mr. Nolan develop his other property, which is right next to the subject site. He said Mr. Nolan is looking to expand his business to this piece of property. Mr. Lavoie stated that they have read the staff report and plan on providing a detailed landscape plan. He said as far as the access that was mentioned in the letter, they are considering having a gated entrance off of Maley. They would eliminate the entrance from the north. Mr. Lavoie stated that there would be a crossover from the existing facility to the new facility with an access for fire protection and emergency use.

Chairman Schubert asked how far off the road the gated access would be and would it cause traffic problems.

Mr. Lavoie stated that he did not have those dimensions, but it is far enough away from the road. He said that there would be no traffic problems.

Chairman Schubert asked if the property would be fenced in.

Mr. Lavoie said yes, but on the north side there is a steep slope that is heavily wooded and that would not be fenced in.

Chairman Schubert stated that there were issues from staff and the police department in regards to vandalism.

Mr. Lavoie stated that he understood, and they would address that with staff.

Fred Nolan, owner of NTS, stated that the hours of operation are from 8 a.m. to 5 p.m. He said that there is little to no night business. The gate is open from morning to close, so nobody would be stopping on that road. The trucks would pull in and be inspected. Mr. Nolan stated that these are empty trailers that are rented to different companies.

Chairman Schubert asked how many trailers would be put on the property.

Mr. Nolan stated the most would be around 120 trailers.

Chairman Schubert asked if he owned the property to the east and if he had trailers on that property.

Mr. Nolan stated that they did own the property to the east and that they are at 95% utilization. He said that there are about 30 trailers on the lot.

Commissioner Armijo asked if there was an access road from the other property.

Mr. Lavoie presented a plan showing the access points, parking and fencing of the subject site.

Commissioner Maher stated that he wanted to clarify the letter that Mr. Brown read. He stated that Mr. Durham wants the gate that is coming right off of Main Street closed. However, Mr. Nolan wants to leave that gate as a secondary access.

Mr. Lavoie stated that was correct.

Commissioner Maher asked if there was fencing and drainage on the existing property.

Mr. Lavoie stated that there was fencing and drainage.

Commissioner Maher asked if they were combining both properties to that drainage system or if he was planning on making them separate.

Mr. Lavoie stated that they would talk to Mr. Cainkar, Village Engineer, about what would be the best solution.

Chairman Schubert stated a problem would be that one of the access points is right in the middle of the property, which is going in both directions. If there is situation in the middle, where would the fire department go for access? There might have to be another access up in the northeast corner.

Mr. Lavoie stated that they would work with staff on that problem.

Commissioner Spinelli stated that the site needed some circular flow. He stated that if the fire department went all the way to the north end they would have to back up the entire length. Commissioner Spinelli stated that they are maximizing the entire site and should leave four or five spaces open for a more circular flow.

Commissioner Murphy asked if the other property was operating under a special use and what the duration was on that.

Mr. Brown stated that the adjacent property owner two lots down was just granted a special use about two years ago, but did not know if there was an end clause.

Commissioner Erber asked if there was a lot trees on south side for a buffer zone. He said that he did not want to see the trees torn out to expand parking.

Mr. Lavoie stated that it would not be cost effective. A retaining wall would have to be put in because of the slope.

Commissioner Erber asked about the monument sign.

Mr. Lavoie said that they have not designed the sign, but would work with staff to make sure it is built with all the requirements.

Chairman Schubert asked if anyone in the audience would like to come up and speak in regards to this case. None responded.

Commissioner Erber stated that along with the condition of the removal of rock, he would like it stated that it be cleared and removed from site.

Commissioner Murphy asked about the duration of special uses and what the requirement would be.

Mr. Brown stated that a time limit could be added if they felt suspicious about an applicant. Otherwise, they have granted an open-ended special use.

Commissioner Murphy stated that given that the proposed special use does not comply with the Comprehensive Plan, and should the Plan change, there should be a duration on the special use. If there is no duration, it does not give them any flexibility as a community.

Chairman Schubert stated that he would not be opposed to putting a ten-year duration.

Mr. Lavoie stated that Mr. Nolan did not have a time limit on the existing sight. However, the Board could consider upon ownership transfer the special use would end or the new owner would have to come back.

Chairman Schubert stated that there would be no hazardous materials stored.

Mr. Nolan stated that there would not.

Chairman Schubert asked if anyone else would like to comment on this case. None responded.

Commissioner Maher made a motion, seconded by Commissioner Murphy to close the public hearing for Case #10-09. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Maher made a motion, seconded by Commissioner Armijo to recommend approval of Case #10-09 with the following conditions:

1. Another access is added to the property and the Lemont Fire Department approves that access.
2. The special use will remain in effect until termination of ownership or until termination of container storage business. Upon death of owner, the trustee of the trust, who should be family member, may come before the Board to ask for continuance of the special use at no charge.
3. Hours of operation are 8:00 a.m. to 5:00 p.m.
4. If dust from parking lot becomes a nuisance, due to the gravel, owner must eliminate the problem.

Chairman Schubert then read the findings of fact:

1. The proposed special use does not involve any combustible or hazardous material and therefore will not create any excessive demands on Village services.
2. The proposed special use is consistent with the existing land uses on surrounding property and will not have a negative impact on nearby properties.

All Commissioners responded yes.

A roll call vote was taken for recommendation of approval:

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

Nays: None

Motion passed

B. Case #10-10: Heritage Park Condos PUD Amendment & Final Plan/Plat.

Public hearing for amendments to the approved PUD Preliminary Plan/Plat for Heritage Park Condos to add additional dwelling units and an increase in building height on two of four buildings. Also, a review of the PUD Final Plan/Plat for Heritage Park Condos.

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to open public hearing for Case #10-10. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mr. Brown stated that the Village Board approved this plan back in June of 2007. He said it was approved for four condominium buildings. The two inner buildings would be four stories high and the two outer buildings would be three stories high for a total of 56 units. Mr. Brown said the final plat has not changed substantially except for the height and density. The final plan includes the addition of a floor on the two outer buildings so that all four buildings would be the same height. This will increase the number of units to 64. Mr. Brown said that staff did not initially approve of the project, but have since changed their opposition due to other developments that were approved in the area. He said that the density is not increased by that much. The density for not only this project, but also for the subsequent two projects in the area, raises the density from 10.66 units to 10.94 units. Mr. Brown stated that staff is recommending approval of the Final Plan/Plat and the proposed amendments. There are some minor comments and/or concerns with the landscape plan that need to be addressed. Mr. Brown stated that the petitioner is present.

Phil Cullen, developer for Heritage Park Condos, stated that he spoke with Mayor Reaves in regards to Main Street being improved. He said that he would like to get the water, sewer, and the left turn lanes completed before the Main Street improvement project starts. Mr. Cullen presented a board showing what was proposed two years ago. He said that when he bought all the property he made sure that he would have enough to meet all the Village codes. He said that he has not changed the plan and they still meet all the codes for parking and storm water retention. Mr. Cullen said that there was only one variance with a slope off the back, and that is still remaining in the final plans. He said that he has no problems with the changes that staff would want to make to the landscape plan. Mr. Cullen said that they are making changes to the floor plans, because he did see another plan that he liked better.

Mr. Cullen then presented some brick samples to show the color and style he would be using.

Chairman Schubert asked if it would still be two bedroom.

Mr. Cullen responded that they would still be two bedroom with the only change to the dining room.

Chairman Schubert asked what the price would be for a unit.

Mr. Cullen stated approximately \$269,000.00

Chairman Schubert asked about what type of stone he would be using.

Mr. Cullen said that he is open for suggestions and that he was looking more at the coloring. He said that he has talked about the split-face block and the renaissance, but he would like to see something in bigger scale.

Chairman Schubert stated that Mr. Cullen does a good job on his projects and whatever he puts on this site will look beautiful. He said that his concern is the density and the property of Main Street in the future. He does not want to be setting precedence for future builders.

Commissioner Erber agreed that Mr. Cullen is an excellent builder, however he would like to see a smaller development for the area. He said to increase the density even more would not be the right thing to do.

Commissioner Murphy said that she likes the buildings but is also concerned about the density.

Mr. Cullen stated that this is a tough economy. He does feel confident that this product will sell. He said that he understands that density is an issue, but feels that eight more units would not make a difference.

Commissioner Murphy stated that it is eight more units here, then eight more units for the next project and then traffic is suddenly affected. Commissioner Murphy asked about what other projects were approved for the area.

Mr. Cullen said that the other projects won't go forward until he brings water and sewer down to that area.

Commissioner Spinelli stated that he was approved for 56 units so he could bring the sewer and water to property already. He said that he did not understand the urgency to be back to 64 units.

Mr. Cullen stated it was the economy that has changed. He said the Village needs to start offering incentives for builders like other villages are doing. Mr. Cullen stated that he could end up sitting with a quarter of a million dollars in the ground if the economy takes another hit. He said he is willing to take the risk even if he has to sit on the property for a couple more years.

Chairman Schubert asked if it was true, how it is stated in the staff report, that the developer of Ashford or Windsor would not likely come back and ask for an increase in density.

Mr. Brown stated anyone could come and ask for more density, but the Ashford Condos is a very restrained site. He said that the builder would not be able to meet the parking requirement. Mr. Brown said in response to Commissioner Spinelli asking what has changed, this was the first project that was presented and approved for this area. Now staff and the Board know what other developments are going to be

developed in the area. He said most people when they look at a project they don't understand density. What people look at is the aesthetics and does it contribute to the community.

Mr. Cullen stated that the surrounding neighbors are not concerned because none are present. He said that it would be a good working relationship with the Village to approve the amendments.

Chairman Schubert said that aesthetically it would look better with the buildings all the same height.

Commissioner Maher stated that two meetings ago the Board did not recommend approval for a townhouse development. One of the factors was because there were too many townhouse approved to be built and for sale in the Village of Lemont. He said we are now going in the opposite direction and are going to increase the density by adding condos. He said the only way the Lofts were able to sell, in downtown Lemont, was by decreasing the price by \$100 to \$200 thousand. Commissioner Maher stated that he knows the townhouse development two meetings ago was not appropriate for the area, however they are having the opposite conversation now.

Commissioner Armijo stated that the Board has plans from a builder who has a good track record in the Village, compared to the developer two months ago who did not even have plans.

Commissioner Maher stated that he has a problem with approving 8 additional units just because the developer did not get what he wanted after two rounds of negotiations. He said the only change made is that the units will be smaller. He stated that the Board has to look at this for longer than two years as a development. The economy is going to turn around and this building will sitting here for 30 to 40 years. Commissioner Maher stated that you couldn't guarantee that other developers won't come back and ask for more density, or that the other homeowners in the area won't sell their property to developers.

Chairman Schubert stated that the property discussed two meeting ago had lots of restraints due to water runoff issues. He said that the property owner did come back and ask for more density.

Commissioner Armijo stated that Mr. Cullen is a friend, and that this is a beautiful product. He said that there is risk involved, but the developer is willing to invest \$250,000.00 up front. He said that he looks at it as a business deal and not by density. He said that this is a nice product.

Mr. Cullen stated that he could build units with 1,800 to 1,900 square feet, but that would not be economically smart to do. He said that times have changed and the Village needs to start offering more incentives to increase density.

Chairman Schubert stated that he does not agree that the Board should make concessions for things that should not be negotiated.

Commissioner Murphy stated that the Board does not want to set a precedent. She said that looking at the buildings, she does not like having the buildings at different heights. She stated that she does not like making the units smaller.

Commissioner Armijo asked who would be the demographic for these units.

Mr. Cullen stated people younger than 55 years of age. He said that they are changing it from 1,800 square feet to 1,600 square feet and the floor plan is not changing. He stated this is what is selling in today's market. In Homer Glen they are selling these types of condos for \$279,000.00, however they have a tax bill of \$8,000.00.

Discussion continued on using real stone for the building and style.

Commissioner Spinelli stated that he did not like the density, however having varying heights on the building is worse. He said anyone standing on Main Street looking at the project would not know the density unless they are a builder. He stated he has the parking, so let's make the building look right.

Chairman Schubert asked if there were any more comments. None responded.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to close the public hearing for Case #10-10. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to recommend approval of Case #10-10.

Chairman Schubert then read the Findings of Fact:

1. The proposed amendments for increased height and eight additional dwelling units will not substantially alter the density of the area.
2. The proposed amendments for increased height and eight additional dwelling units will not alter the character of the area.

Chairman Schubert stated that the density would alter, but is acceptable for the aesthetics of the building. The Board hopes that the properties on either side of subject site do not come back for increased density.

A roll call vote for the findings of fact:

Commissioners Murphy, Erber, Spinelli, and Schubert responded yes

Commissioner Maher responded no

Commissioner Armijo abstained

A roll call vote was then taken for recommendation of approval:

Ayes: Maher, Spinelli, Murphy, Schubert

Nays: Erber

Abstained: Armijo

Motion passed

IV. GENERAL DISCUSSION

Commissioner Spinelli stated that most of the streetlights were working in Smith Farms subdivision. He said that the weeds were getting high on some of the lots. Also, the white pick-up truck is still sitting behind the pile of dirt. He stated that the flat bed truck (located across the street from the house that is for sale) is still sitting there and both vehicles were said to be not abandoned.

Commissioner Erber stated that the entrance was not being maintained at Smith Farms. He said that the weeds at the Old Quarry Office Complex were also very high.

V. ADJOURNMENT

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper