

Village of Lemont
Planning and Zoning Commission
Regular Meeting of July 21, 2010

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, July 21, 2010, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Commissioner Erber led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Maher, Spinelli, Armijo, Erber

Absent: O'Malley, Murphy, Schubert

Village Planner Charity Jones, Village Trustee Ron Stapleton, and Village Attorney Dan Blondin were also present.

C. Approve Minutes

Commissioner Spinelli made a motion, seconded by Commissioner Maher to approve the minutes of June 16, 2010 with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN COMMENTS

Commissioner Erber 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 #10-11: Burrow Barge (ACL) Variation.

Public hearing for a variation to permit the placement of two trailers for business use, for a period of 24 months at Chicago Sanitary and Ship Canal Slip #3, 15900 Des Plaines River Road.

Commissioner Spinelli made a motion, seconded by Commissioner Armijo to open the public hearing for Case #10-11. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Jones stated that the two intended trailers are to be used for office space and an employee break room. The duration time for the trailers is for 24 months. Mrs. Jones then presented some site photos of the property. Mrs. Jones stated that there was a trailer that is currently on the site that was approved as a construction trailer in 2008. She said that the site where the trailers would be located is not very visible from the road. Mrs. Jones stated that with the eight components listed in the UDO, the variation was consistent with the remaining five. She then read through some of those components.

She said as far as the second variation criteria, which is the plight of the owner is due to unique circumstances, staff finds that they petitioner failed to meet this criteria. She said that the special conditions of this site that relate to the physical characteristics are true with any of the properties along the sanitary ship canal. Mrs. Jones stated that the reason why they are requesting the variation was because current employees have to travel two miles away for breaks and lunches. She said that the variation is for 24 months, because the applicant intends to build a permanent structure. However, they have no current plans at this time.

Mrs. Jones stated that the third criteria is that the variation is not going to alter the essential character of the locality. She said that the subject site is not visible from the road and staff feels that they meet these criteria. She said the petitioner meets two of the three criteria, however to recommend the variation the applicant would have to meet all three. Mrs. Jones stated that there was some concern about public health with the use of chemical toilets that the petitioner was proposing to use. She said that the Village Plumbing Inspector took a look at the proposal and said that it would be unduly burdensome for them to come up with any other solution for this area.

Mrs. Jones stated that staff found that the variation would have very minimal impact, except for the impact of setting precedence for properties in that area. She said that there is no guarantee that the petitioner will build a permanent structure at the end of 24 months. If the structure is not built or ready, the Board is in the position of extending the variation or somehow removing the trailers from the site. Mrs. Jones stated that staff does not recommend approval, because the petitioner failed to meet all of the criteria. She said that if the Board finds that the use of trailers are acceptable along the Sanitary and Ship Canal and the subject site, staff would recommend amending the UDO to allow such.

Commissioner Erber asked if there was a spokesperson from Burrow Barge that would like to speak.

Wendel Hackworth, 5575 Cider Grove Court, Plainfield, stated that the office is two miles away from the workers, which creates safety concerns. He said it is burdensome and they waste a lot of gas driving back and forth to the site.

Commissioner Armijo asked if they currently work out of the trailer that is there now.

Mr. Hackworth responded no and that nothing is in that trailer.

Commissioner Armijo asked what size trailer would they be using and how many workers was he talking about.

Mr. Hackworth said the trailers would be 60' x 10' each and not connected. He said there are 15 workers.

Commissioner Armijo asked if they were new trailers and if not were they in good condition.

Mr. Hackworth stated that they were not new and that they around from 1995. He said that the trailers were in good shape. He said that they would skirt them and that they would be on blocks.

Commissioner Spinelli asked if the site was completely secured.

Mr. Hackworth responded yes.

Commissioner Erber asked if the petitioner could elaborate on the fact that there are no current plans for a permanent structure.

Mr. Hackworth stated that they would like to build a permanent structure, but with the current economy they could not afford to at this time. He said that the well and sprinkler system alone would be a huge cost.

Commissioner Erber stated that they are doing well enough though to need these trailers.

Mr. Hackworth stated yes and they would like to be on site rather than two miles away.

Commissioner Erber asked if they had any plans in progress or a time frame.

Mr. Hackworth stated they did not have any plans or timetable at this time.

Commissioner Spinelli asked Mrs. Jones if the Village had any means to ensure that the trailers do get removed at the end of the time period.

Mrs. Jones stated that the Board could recommend approval with a condition that the applicant would have to put up some kind of financial guarantee. That way the Village could afford to remove those trailers if necessary. She said that it has been discussed with previous trailer requests.

Commissioner Spinelli asked if the Board was to recommend approval are they actually recommending changing the text in the UDO or would the UDO change come later?

Mrs. Jones stated that they are here today for the variance request. She suggested that if a variance was granted for this company, that the Board could also recommend to staff to look into changing the UDO to allow trailers in this area on a temporary basis.

Commissioner Maher stated that he drove down in that area and saw about six properties that had trailers. He said that they were worried about setting a precedent, but there are trailers there already. Commissioner Maher said that the proposed trailers would be well hidden from the road. He suggested modifying the UDO.

Mrs. Jones stated that those trailers could have been there for years. She said that the Commission and the Board have to determine if they want to allow trailers in the area or treat them as they are now as nonconforming structures that will eventually need to be replaced with something more permanent. She stated that in 2002 when the Comprehensive Plan was updated the guidance at the time was that this whole area was going to eventually cease to be industrial use. She stated that she doesn't think that is the necessarily the current direction of the Village Board anymore.

Ron Stapleton, Village Trustee, stated that this whole area was annexed about five years ago. If the trailers were there when the property was annexed, then they were grandfathered in.

Commissioner Erber asked if the toilets would be freestanding outside.

Mr. Hackworth stated that they would be outside.

Commissioner Erber stated that the Fire Protection District made comments and one of them was about the trailers would not be used for residential purposes.

Mr. Hackworth stated that there would not be and that they were only there from 7:00 a.m. to 5:00 p.m.

Mrs. Jones stated that Chairman Schubert had called and said that he would not be able to make the meeting. However, he would like to pass along his comments. She said that he expressed concern about setting a precedent and he prefers not to have trailers in this area. She stated therefore, he would recommend denial of the variation request.

Commissioner Erber stated that he shares his concern, but he did like the idea of the petitioner having to place a bond for, if needed, removal of the trailers.

Gabriel Forir, 828 8th Avenue, LaGrange, Director of Sales for American Commercial Lines, stated that when he was hired four years ago they were not housed in the nice terminal warehouse that they are now. They were housed in a trailer on the other side of the canal. He said that they spent about five million on that terminal warehouse. The economy is tough right now and they have to justify every penny spent. Mr. Forir stated that if the Board approves he does have an option for removal of the trailer at the end of the 24 months. He said that with the old trailer they had, they demolished it and put it

on a barge and sent it to a customer in Chicago who are recyclers. He stated that they would be willing to offer that service for a fee.

Ron Novak, 18805 Parkway Lane, Mokena, Facility Manager for ACL stated that it is a little bit more than economics. He said by consolidating this operation to one area they are improving the workplace safety for employees. This is not just for ACL employees it is for Burrow's employees. He stated that safety is the main driver for the necessity of these trailers. Mr. Novak stated that the employees are subject to extreme heat and cold depending on the season. He said they need a place where they can go, take a break, be safe, and be warm or where they can cool off. Mr. Novak said if in two years they could not get it done, then they would make amends and get it done. He stated that they needed to try to provide something for the employees that have to work in these extremes.

Commissioner Erber stated that he understood. However, if every business that wasn't sure how it was going to work out put up a trailer, there would be a lot of trailers.

Mr. Novak stated that there are already a lot of trailers around. He said they were trying to follow the requirements of the Village. He said that is to come before the Board and ask permission. He stated that he did not know if all those other people did. Mr. Novak stated that they are trying to be a dedicated community member.

Commissioner Erber asked if anyone else in the audience would like to come up and speak in regards to this case. None responded.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to close the public hearing for Case #10-11. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Erber asked if any of the Commissioners wanted to say anything before they voted.

Commissioner Spinelli stated that he doesn't have an issue with the trailers being there legally, because they are trying to run their operations from on-site. They are not using the trailers as storage or a dumping ground. He said that they have a 24-month period until they have to ask for an extension or they have to go. He stated that if it has been a nuisance during the time, the Board has the option to not extend the variance.

Commissioner Maher stated that he agreed with Commissioner Spinelli. He stated that the Board should also modify the UDO after this hearing. He said this is what they are using down in this location.

Commissioner Armijo stated that they have a business owner here that is trying to do the right thing. He said that he thinks it is important that he did it the right way.

Commissioner Erber stated that he agreed with all of the comments. He said that it is an excellent point about a bond being collected up front just in case the Village has to remove the trailers at the end of the 24-months. Commissioner Erber stated that they would leave it up to staff to figure out exactly how much that bond should be for. He also said that the petitioner should keep staff up-to-date on any plans that they might have about a more permanent structure.

Commissioner Erber asked if there were any more comments. He then read through the Findings of Fact:

1. The variation is consistent with general purpose and intent of the Unified Development Ordinance in that it will not have a negative impact on surrounding properties, or the Village in general. *All Commissioners agreed.*
2. Strict enforcement of the UDO would pose a practical difficulty for the business by continuing an existing strain on their business operations of the subject site. The variation would provide short-term relief while the applicant seeks a long-term solution. *All Commissioners agreed.*

Commissioner Maher made a motion, seconded by Commissioner Spinelli to recommend approval of Case #10-11 with the following conditions:

1. A financial guarantee (example: bond or letter of credit) must be provided to Village staff for an amount that they deem necessary to help cover the cost for the removal of the trailers, if needed at the end of the 24 months.
2. Follow recommendations of the Fire Protection District.
3. The variation is only for 24 months. At the end of the 24 months the petitioner may reapply for another extension to the variance or remove the trailers from the property.

A roll call vote was taken:

Ayes: Spinelli, Maher, Armijo, Erber

Nays: None

Motion passed

IV. ATTORNEY TRAINING

Dan Blondin, Village Attorney, provided a presentation via power point that covered land use matters, rights of owners and the public, due process, and procedures for the Planning and Zoning Commissioners.

V. GENERAL DISCUSSION

Commissioner Spinelli asked about the two abandoned cars in the Smith Farms subdivision.

Mrs. Jones stated that they were not abandoned, and will check again about the cars.

VI. ADJOURNMENT

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

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper