

Village of Lemont
Planning and Zoning Commission
Regular Meeting of August 19, 2009

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, August 19, 2009 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER Meeting was called to order at 6:39 p.m.

A. Pledge of Allegiance

Commissioner Murphy greeted everyone and led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Spinelli, Maher, Erber, Armijo, Murphy

Absent: Predey

Village Planner Charity Jones was also present.

C. Approve Minutes

Commissioner Erber made a motion, seconded by Commissioner Armijo to approve the minutes of July 15, 2009 with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

II. CHAIRMAN COMMENTS

Commissioner Murphy asked everyone to raise his or her right hand and then administered the oath.

III. NEW BUSINESS

A. Case #09.10 – 132nd Street Annexation. Public hearing for proposed annexation and rezoning to R-4 of four lots along 132nd Street.

Commissioner Erber made a motion, seconded by Commissioner Spinelli to open the public hearing for Case #09.10. A voice vote was taken:

Ayes: All

Nays: None

Motion Carried

Mrs. Jones gave background information in regards to the surrounding property. She stated that the property owners are seeking to be annexed into the Village and be rezoned to R-4. The Comprehensive Plan calls for this site to be low density

residential. (0-2 dwelling units per acre) R-4 zoning has minimal lot sizes of 12,500 square feet. Mrs. Jones explained that based on past precedent of rezoning in the area, the Comprehensive Plan might be outdated for this portion of the Village. She said that staff does not have any objection to the rezoning of the property. The issues that are most important are the infrastructure issues. The Comprehensive Plan recommends that the Village not annex existing, improved areas unless the public improvements in those areas are in a good state of repair and consistent with Village standards, or the property owners agree to upgrade improvements to Village standards, or the waiver of Village standards is justified by other recommendations of the Comprehensive Plan. Mrs. Jones stated that 132nd Street did not meet Village standards. An annexation agreement for the property would be a way to deal with the infrastructure issues and ensure that the Village is protecting itself. Staff recommends that the annexation agreement state that 132nd Street should remain private until such time that the property owners choose to develop the property. At that time of development, the property owners would be responsible for bringing the road up to Village standard. Staff also recommends that the payment of library, public safety and fire impact fees be required when the property is developed. Mrs. Jones also stated that staff would want the applicants to grant all required easements and permissions needed to for the Walus Woods Subdivision to do the required improvements to a culvert under 132nd Street, in order for that subdivision to obtain an MWRD permit. Mrs. Jones then presented some photos of the subject site/area via power point.

Commissioner Murphy asked if the Board members had any questions or comments at this time. None responded. She then asked the petitioner to please step up to the podium.

Sheila Donoghue, 100 East Bellevue Place, Chicago, stated that she was one of four owners, and that she would be speaking on behalf of the other owners. She said that they do not have a specific plan for the property, but currently only have a dream. She said that they would like to develop the land in a manner that would be very respectful of the wildlife and trees.

Commissioner Murphy asked if there was any time frame on those dreams.

Ms. Donoghue responded no.

Commissioner Armijo asked how long the annexation agreement was for.

Mrs. Jones stated that it expired after 20 years. If the owners did not develop the property for 20 years then the Village would be out the impact fees. The reason why staff wants the issue of the road improvement written into the agreement, was just in case Ms. Donohue sold her piece and someone else purchased it. Then there would be a record. It is to help protect the Village.

Commissioner Murphy asked if the property would then remain annexed after the 20 years.

Mrs. Jones stated that it would remain annexed, just the terms of the agreement would expire.

Commissioner Murphy asked how would the Board be able to protect the natural beauty of this property if they may never look at this again.

Mrs. Jones stated that staff would review it. The Village had requirements for tree preservation and landscape plans for developments of this size.

Commissioner Armijo asked how far would the road be improved.

Mrs. Jones stated from State Street to the point of access of the property. Then any road that they would be installing on the site would also have to meet Village standards.

Commissioner Armijo asked about the culvert.

Mrs. Jones stated that the improvements to the culvert would be the responsibility of the Walus's because that is what is necessary for their MWRD permit. However, staff is asking for the granting of any necessary easements by the applicants.

Commissioner Maher asked after 20 years who would be responsible for making the improvements to 132nd Street.

Mrs. Jones stated that it would remain a private drive.

Commissioner Spinelli asked what city services were the owners looking for.

Ms. Donoghue stated snow removal would be an example. If the property were developed it would require sewer and water.

Commissioner Spinelli stated that he did not want her to assume that once you became annexed that it was the Village's responsibility to get those to you.

Ms. Donoghue stated that she was aware of that.

Mrs. Jones asked if they were looking for sewer and water now for the existing homes.

Brian Donoghue, 15730 132nd Street, stated that he was also an owner. He said that there is currently no sewer, but there is water available to the east of the property. Currently there is no structured easement to get it and would have to be negotiated with that property owner. There is a current sewer and water line behind the car wash, which is right behind their property.

Ms. Donoghue said that they would consider the sewer and water, but did not have to do it as part of the annexation. She stated that they are aware that if they improved the property for development, then they would be responsible for the sewer and water.

Commissioner Spinelli asked if they had any discussion with the property owners to the east to get that easement.

Mr. Donoghue stated that he has had some discussion but nothing formal.

Commissioner Murphy then asked if anyone in the audience would like to come up and speak.

Patrick Brunory, 15864 132nd Street, asked if he could confirm where the Walus subdivision was so everyone knew exactly where the Board was talking about. (Mrs. Jones showed him on the map that was on page one of the staff report) He then asked if the subdivision had access to 132nd Street. He said that if the petitioner wanted to annex, then there is not much that they could say about it. However, because the road is private, they should follow the sewer and water coming in on 136th Street. He stated that the charm of their neighborhood is this road. The road serves it purpose.

Commissioner Murphy asked if it would be up to the Village Engineer on how the sewer and water would tie in.

Mrs. Jones stated that it would depend on the Village Engineer's review and what other proposal the applicants brought to the Village at that time. It may be a possibility to have access from the south rather than the north.

Mr. Brunory asked how much of the property was stream and ravine and asked if it would be filled in some way.

Mr. Donoghue stated that it was about forty percent of seven acres.

Mrs. Jones stated that filling it in may not be allowed, depending on the nature of the stream.

Commissioner Murphy stated that it has been discouraged. The Board works to keep natural areas to remain natural.

Mr. Donoghue stated that the property was valuable because of its natural beauty and he would not want to destroy that.

Commissioner Erber asked if the applicant might not develop it after it was annexed.

Mrs. Jones stated that they were under no obligation.

Mr. Brunory asked where in Lemont has that happened. He said two of their neighbors got annexed and built twenty plus homes on their property.

Commissioner Murphy stated that if you are annexing and rezoning, then you are usually doing it for a reason. She said that in the end, something should be put in the annexation agreement about preserving the natural area.

Mr. Brunory said that if you have been back there and saw the property, then you would not vote for a 12,000 square foot lot.

Discussion then continued about out lots and cluster design to help preserve the beauty of the area.

Deborah Rex, 15819 W. 132nd Street, stated that she is not concerned about the annexation, but is concerned about the rezoning. The amount of traffic will increase significantly on State Street with cars entering and leaving 132nd Street and the Walus's new subdivision. Mrs. Rex stated that Mr. Donoghue had some incredible trees in his yard. They were better than the trees at the Morton Arboretum. She said when Eagle Crest went in, they were supposed to preserve those trees. If you looked at the property now, there are very few trees. She said some homeowners tried to build around the trees, but the trees died. She said that she feels the character of the street would be greatly affected with the rezoning of this property.

John Wawrzynic, 15804 132nd Street, stated he was present for the Walus property and it was designated as R-2 low density. The Board decided it should be R-3 as a transition between the townhouses and the larger lots. He said this piece of property was really part of their neighborhood. When you look at the Plan or drawing of the neighborhood, the defining line is the drainage ditch. He stated that if the property was zoned R-4 then it would be paved over. He said that he couldn't see how lots are going to be preserved when they are 12,000 square foot lots. He stated that there are trees on the lot that are 300 years old and they are going to die. The entrance to the neighborhood is heavily forested and if you start altering the entrance then there will be problems. The property values goes down, quality of life changes, and forget the wildlife. He said if Mr. Donoghue came back and asked R-3 zoning or half acre lots then they would consider. It would mean that Mr. Donoghue was sincere with trying to maintain the character of the lots. Mr. Wawrzynic said that the neighborhood would change with R-4 zoning.

Stanley Ligas, 16354 Stoneybrook Drive, expressed his concern about the noise and traffic that comes from I-355. He said that with the more homes you build the more trees you will have to cut down. He moved to Lemont for the peace and quiet and there is more noise here now than in a city. He asked the Board to please consider R-2 zoning rather than the R-4.

Catherine Emery, 15801 132nd Street, stated that when they were all there for the Walus's property, she had invited everyone to come look at the creek that runs through

her yard. She stated that it was only viewed from the road and not up close. She said the creek is eroding all the property that is back there.

Mrs. Jones asked if it was in the Village.

Ms. Emery stated that all of Harpers Grove is draining into the creek.

Commissioner Murphy asked Mrs. Jones what she would recommend to do.

Mrs. Jones said that she would talk to the Village Engineer and get back to Ms. Emery.

Ms. Emery said that there was enough housing that was available and for sale in Lemont. There is no reason to rezone and put more housing up in this area. She said that people do not want to move here anymore and that it has become a concrete village. Ms. Emery stated that her property, 9 acres, has been in the family for 65 years. She has a 400-foot driveway that is heavily wooded. She said that the minute you rezone someone would come in and put sewer and water and destroy all that. They do not care.

Mr. Wawrzyniec told a story about the beautiful deer, foxes and wildlife that live on the property. He said he wanted to stress the unique situation they have and to only rezone the property R-2.

David Donnelly, 15928 132nd Street, stated that he lived across the street from Eagle Crest subdivision. He stated that even though there was talk about preserving the trees on the lots, all the trees have died. There is a ravine that comes down through that property and through his property. There is a whole lot more water flowing now than there ever was before. He said that the same thing would happen with this property if they develop it. He stated that it is easy to say now that they would preserve it because there are no plans. They can easily change things after the zoning and annexation. He said that if they had a plan that everyone could see, it would be different. Mr. Donnelly stated that R-4 seems to high and feels it should be left as Cook County zoning.

Ms. Emery asked how wide the current road was that leads back to the property and how wide would it be if they developed the property.

Mrs. Jones stated that if they develop the property it would have to meet Village standards of 28 feet.

Ms. Emery stated that they were sitting on a nice piece of property. She has had many people tell her what the property she owns is worth. She stated that she has not sold it because she wants to preserve the woods and wildlife that is there.

Mr. Brunory stated that some of the issues with the drainage ditch or ravine are the amount of water that is flowing. Before, when it would rain all the water would flow through. Now it rains and it flows for three to four days.

Mrs. Jones stated that it is made by design to flow at a slower rate over a longer period of time. If that is causing erosion problems, than that is something we can look at. Mrs. Jones stated that they would have the Village Engineer take a look at it.

Rich Harbut, 15835 132nd Street, stated that this is his fourth year living there. The reason why he bought the property was because it was a unique area. He said you couldn't find this anywhere. Everyone in the area has at least two or more acres. He asked if they start developing with anything less, than how would that make the area look? He said that they have no idea what they want. The petitioner should come back in five to ten years and then do the rezoning.

Commissioner Murphy asked if anyone else would like to speak. None responded. She then asked if the Commissioners had any questions or comments before they closed the public hearing.

Commissioner Erber stated that everyone has brought up very valid points. The petitioner does not know what they want to do and the road is going to remain private and unimproved. He said that he would not be in favor of doing an R-4 zoning because there are no plans. He is in favor of the annexation but not the rezoning.

Commissioner Armijo stated that he would like to see a better-defined plan rather than it is just a dream.

Commissioner Spinelli asked why are they annexing now.

Ms. Donoghue stated that it is their hope and goal to develop the property. She stated that their only option was the R-4, but it doesn't necessarily mean the end. She said that she respects everyone's concern and her intentions are not to destroy the property. The reason why they are doing the rezoning is a cost issue and time. She said that maybe using the word "dream" was an incorrect word.

Mr. Wawrzynic asked if there could be a compromise from R-4 to a R-2.

Commissioner Murphy asked if staff could help explain the different options. Discussion continued about what alternatives the petitioner and/or Board had in changing the R-4 zoning, so that it would increase the lot sizes.

Commissioner Murphy stated that the Board is not opposed to annexing, but are not in favor of R-4 zoning. She asked if the petitioner would consider allowing it to come in as R-2. Later, when a plan is submitted for development, then the Board would go ahead and look at the plan for further changing.

Ms. Donoghue discussed with Mrs. Jones and the Board about what her options were at that moment. She asked if she could have a few moments to talk with the other property owners.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to continue the public hearing for Case #09.10 temporarily and come back to it after hearing Case #09.11. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

B. Case #09.11 – Rolling Meadows Special Use. Public hearing for a special use application to allow farming in the B-3 zoning district.

Commissioner Maher made a motion, seconded by Commissioner Erber to open public hearing Case #09.11. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

Mrs. Jones said that the petitioner is requesting a special use to allow farming in the B-3 zoning district. She said the contemporary planning theory on farming adjacent to residential uses are mixed. There are potential drawbacks and benefits. Mrs. Jones stated that some of the drawbacks are dust, odors, sounds, traffic impacts from farming, and water and air pollution. She said a lot of the literature pertains to livestock farming, which the petitioner is not considering. Some of the benefits include city beautification, improved storm water management, air quality, and also temperature modification. Mrs. Jones said that the urban farms which are looked on favorably are the ones that produce fruits and vegetables that people eat. There are less vehicle miles used to get the food from the farm to the store.

Mrs. Jones read and commented on the special use criteria that are listed in the staff report. She said that staff is recommending approval with a few conditions. She then read the staff recommendations from the staff report. She said that the third recommendation, to periodically review the special use, is to help protect the area as more homes are being built.

Commissioner Murphy asked if the petitioner would like to speak.

John Jurinek of Hinsdale stated that he owns eight and half acres of property that is zoned commercial in Lemont. He said that he had farmed this area before and did not know he couldn't until this year. Mr. Jurinek said that it has always been some type of grain. The main reason for the special use is because of the property taxes. The tax bill if they don't do the farming is \$38,000.00. If you farm it goes down to \$680. He said that they would continue farming grain, mostly oats because they are popular right now. Mr. Jurinek said he would like to maintain the farming until someone wants to buy or divide the land. He feels that this is not going to happen right now.

Commissioner Spinelli asked how many acres he was using.

Mr. Jurinek responded he was using six acres.

Commissioner Erber asked if he was personally doing the farming or if he was leasing. He also asked about the container that is located on the property.

Mr. Jurinek said he was leasing. As far as the container, Mr. Jurinek stated that he was removing the container and that it contained a bobcat from the construction.

Commissioner Erber asked about farming equipment.

Mr. Jurinek stated it takes one day to plant and one day to harvest. He said that there would be no machinery left on the property.

Commissioner Erber stated that notification might have to be given to new houses being built there that farming is being done there.

Commissioner Murphy asked if anyone else 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 on Case #09.11. A voice vote was taken:

Ayes: All

Nays: None

Motion carried

Commissioner Murphy then read the Findings of Fact:

- a. The special use includes adequate safeguards to ensure long-term compatibility of the proposed farming operations with nearby residential uses. All Commissioners responded yes.
- b. The special use is temporary in nature, and will not have long-term consequences on the value surrounding property. All Commissioners responded yes.
- c. The proposed special use will not create an excessive demand for Village services, since few people will be involved in the operations and minimal traffic will be generated. All Commissioners responded yes.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to recommend approval of Case #09.11 with the following recommendations:

1. Approval of any crop, but no livestock.
2. No on-site storage.
3. No overnight storage.
4. Re-evaluation reduced from three years to two years.
5. A single access drive to crops.

A roll call vote was taken:

Ayes: Erber, Maher, Spinelli, Armijo, Murphy

Nays: None
Motion passed.

C. Case #09.10 – 132nd Street Annexation. Public hearing for proposed annexation and rezoning to R-4 of four lots along 132nd Street.

Commissioner Armijo made a motion, seconded by Commissioner Erber to re-open public hearing Case #09.10. A voice vote was taken:

Ayes: All
Nays: None
Motion carried

Commissioner Murphy asked the petitioners if they have made a decision.

Brian Donoghue stated that they would like to continue the hearing in a month or two so they can explore the idea of a cluster plan or other ideas.

Mrs. Jones said that they would have to set a date to continue the meeting and asked if they preferred October or November.

Mr. Donoghue stated November.

Sheila Donoghue stated that they hope to submit a plan that will make everyone more comfortable and give a more specific direction.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to continue the public hearing for Case #09.10 to the November 18, 2009 meeting. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

IV. GENERAL DISCUSSION

Mrs. Jones stated that the Chicago Metropolitan Agency for Planning is doing a big regional vision project called “Go to 2040”. She said they are having workshops all around the area and there is one being held on Wednesday, August 26th from six to eight at Moraine Valley Community College. If any Commissioners are interested they are to call Mrs. Jones.

V. ADJOURNMENT

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

Ayes: All
Nays: None

Motion passed

Minutes prepared by Peggy Halper