

Village of Lemont
Planning and Zoning Commission
Specially Called Meeting of January 8, 2020

A specially called meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, January 8, 2020 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Studebaker called the meeting to order at 6:30 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Carmody, Cunningham, McGleam, O'Connor, Pawlak, Zolecki, Studebaker

Absent: None

Community Development Manager Mark Herman, Consulting Planner Jamie Tate, and Village Trustee Ron Stapleton were also present.

C. Approval of Minutes – December 4, 2019 Meeting

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the December 4, 2019 regular meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Studebaker greeted the audience and asked if anyone was planning on speaking in regards to the public hearing this evening to please stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARING

**A. 2020-02 1297 MCCARTHY ROAD MIXED USE PRELIMINARY
PLANNED UNIT DEVELOPMENT**

Chairman Studebaker called for a motion to open the public hearing for Case 2020-02.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to open the public hearing for Case 2020-02. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said the applicant is JEP, Inc. who is represented by Patrick Roche. They are requesting a Preliminary Planned Unit Development (PUD) to construct a mixed use building. The lot is currently vacant and is located at the northwest corner of McCarthy Road and Walker. They are proposing to construct a two-story mixed use building with masonry, wood, clear aluminum windows with a patio and outdoor space on the second story. The size of the site is 1.91 acres. She then stated the surrounding land uses around the proposed property. The Comprehensive Plan shows it as Neighborhood Retail.

The first floor will have 6,000 square feet of pub/restaurant, 2,000 square feet for office and retail, and 2,000 square feet for a coffee/café which will have the proposed drive-thru associated with it. The second story will have three apartment units which will have 1-2 bedrooms. They range in size of 1,300 square feet to 1,600 square feet with outdoor terraces. Residential units are typically not allowed in the B-3 District and therefore with this request is the PUD which is to allow the residential component. They are also requesting some further exceptions with the PUD as well.

Mrs. Tate stated the proposed property used to be a carwash and it has been vacant for about 10 years. There is a concrete pad that remains on the property, any and all buildings have been demolished. There are two proposed access points existing on the property that they are planning on keeping. The access points are off of Walker Road and McCarthy Road. There is an existing perimeter sidewalk that circles the site which is proposed to stay. There is some established vegetation and trees that are on the site. Some of it is overgrown but there is a buffer that is proposed to remain.

The proposal general meets the intention of the district in the Comprehensive Plan with the exception of the residential component. A residential component on a second story was something more contemplated in the Downtown District when it comes to the Comprehensive Plan rather than in the Village's commercial zones. However, it would be a compliment to the adjacent commercial uses by bringing more residents to the Village and also allowing them to use the existing retail that is in the area and at this proposed project. The residential units can help achieve some of the home diversity goals of the Lemont 2030 Plan while still meeting the objectives and intentions of a commercial zoning district.

Mrs. Tate said one thing staff looks at is the PUD objectives in the UDO, but not all objectives apply to every PUD. For this proposal eight of the eleven objectives applied. One objective is to stimulate creative approaches to the residential, commercial and industrial development of land. The proposed PUD has a mix of residential and commercial uses on a single-lot and in one mixed use building. This is not as common in this area of the Village or in traditional suburban commercial corridors. It is a creative approach and promotes walkability and fewer trips by automobile. It could provide housing for those that work in the area.

Another objective is the proposed plan is preserving the woodland buffer currently in place along the northern and eastern portions of the site. Even though public open space is not being provided onsite, each unit will have an outdoor terrace associated with its space. There is also Covington North Park located approximately a quarter of a mile away and accessible by sidewalk the entire route. One objective is to decrease trip lengths and increase the use of modes of transportation other than a private vehicle. The entire site is surrounded by an existing sidewalk that makes connections to other pathways throughout the Village. There are several residential subdivisions in close proximity that can safely and efficiently access the proposed commercial use simply by walking or cycling. These are just a few key objectives and the remaining objectives can be found in staff's packet.

Mrs. Tate said the proposal should be compatible with the existing land uses as it is a combination of both commercial and residential. While the commercial uses are allowed by right in the B-3 district the outdoor dining patio and drive-thru are a special use and with the subject property's proximity to residential areas it should be a consideration within the request for its special use. Staff has asked for further clarification regarding the (possible) right-in/right-out access point change from McCarthy Road. At that entranceway the site is one-way counterclockwise and it may be confusing and conflicting to keep a full access point.

The plan did go before the Technical Review Committee (TRC) on October 30, 2019 with a slightly different site plan. After the meeting, the applicant did adjust the proposal to accommodate several comments. Staff has asked for clarification on parking stall dimensions, trash enclosure materials, interior landscaping quantities, signage details and other elevation clarifications. The Village Engineer is reviewing the proposal and gave some preliminary comments mostly asking about stormwater detention volumes and how they are computed for the proposal. He also had some questions in regards to the underground storage. The Village Arborist has also reviewed the plan and is asking for the composition of the woodland trees to be preserved and saved. He is also asking how the trees located in the bio-swale are going to be saved. The Fire Department reviewed the plan and had no major concerns.

Mrs. Tate stated there are some departures from the zoning standards that are requested in the PUD. The first is to allow the residential in the B-3 Zoning District which has been discussed. There is a portion of the parking lot and trash enclosure

that encroach into the rear setback. The encroachment is minor and there is existing vegetation and trees in this area that will be saved and enhanced to help minimize the proposed encroachment. There are no 12 foot transition yards which is required when commercial districts are adjacent to residential. This is in addition to the required setbacks. The size of the building and the amount of parking with the required setbacks does not allow for an additional 12 feet.

Another departure is the off-street parking requirement calls for 63 stalls and they are proposing 55 parking stalls. Due to the proposal being a mixed use there is a leniency in the code that shared parking and collective parking agreements may apply. The coffee and café will most likely be busier in the morning while the proposed pub will have more patrons in the late afternoon and evening. The office/retail will require less parking than the other two uses. The residential parking will require five stalls. Each PUD with a residential component should consist of at least 15% open space. The applicant is proposing no open space on the site. This open space requirement is generally meant for residential subdivisions. This proposal is more similar to a mixed use in the Downtown District and this open space requirement is not applicable to the Downtown District. Lastly, the exterior walls for new construction must consist of face brick of clay or native stone or fiber cement board. The applicant is proposing a material of thermally modified wood cladding. The design of the building is more of a modern design with contemporary building materials, so it is common to see this type of material.

Mrs. Tate said the special use is for the drive-through for the café/coffee shop and the outdoor patio for the pub/restaurant. There are six standards for the special use and staff finds that they adequately meet them. There are more clarification recommendations that has been stated in the comment letter that is provided. In regards to the drive-through, due to the proximity of the residential zoned land on the norther and western property line, the hours of operation should be determined to make sure it is not operating in off hours to disrupt any adjacent residents. Signage should also be placed about the site to provide a clear and safe circulation. There should be consideration for a fence or berm at least on the east side of the drive-through to block light and sound from the order board. The applicant did meet the other regulations surrounding the drive-through in the UDO. Staff recommend approval of the special use for the drive-through within the PUD as long as the conditions are clarified.

The standards are the same for outdoor dining and patio special use. It is desirable to have outdoor dining associated with restaurant and bar use. The Village has seen several cases of outdoor dining uses in the past couple of years. The location of the patio on the site is best as its farthest from any residentially zoned land or any existing homes. The noise that would be generated from the patio will compete with the existing road noise and likely travel away from the site. Planters should be scattered throughout the patio to account for foundation landscaping requirements that would typically apply in this area without the patio feature. The hours of

operation for the outdoor dining and drinking patio should be discussed to determine what is appropriate for this location.

Mrs. Tate stated in conclusion, the proposal is in line with many goals and objectives in the Comprehensive Plan. The site has been vacant and underutilized for many years and the proposal will provide vibrancy to the corner and the opportunity for an increased tax base. The incorporation of residential into a primarily commercial corridor will allow for new residents to live within walking distance to restaurants, retail, offices and parks, therefore reducing vehicular trips and encouraging other modes of transportation. The site appears well designed within most of the parameters of the UDO and the uses and building should be a complementary addition to this corner. Staff is recommending approval of the Preliminary PUD with conditions that are listed in staff's report.

Chairman Studebaker asked if any of the Commissioners had any questions for staff.

Commissioner McGleam asked who had jurisdiction over McCarthy Road.

Mrs. Tate said it is the Illinois Department of Transportation (IDOT). As long as they are not touching the access they will not have to get a permit. Staff will clarify this before they come back for final approval.

Commissioner Pawlak asked if staff can explain the number of parking spaces needed.

Mrs. Tate said the code has a list of uses that you have to have a certain square footage for gross floor area. For the pub/restaurant you will need one parking space for every 150 square feet of gross floor area, so that would require 40 stalls. For the retail/office it is one parking space for every 250 square feet of gross floor area, so that would require eight stalls. The coffee and café area would require one parking space for every 200 square feet, which requires 10 stalls and then the residential above would be five parking spaces. A total for all of them is 63 parking spaces. In the off-street parking section it does talk about a mixed use situation. The office/retail and the café will most likely not need a lot or any at night and the pub/restaurant most likely will not be as busy during the day.

Commissioner McGleam asked if there has been any discussion regarding hours of operation with the applicant or at the TRC meeting.

Mr. Herman stated it has not been mentioned and it was not brought up at the TRC meeting. There was more focus on the residential above and the outdoor dining. Also, with the holidays, there was a delay on getting some of the information together.

Chairman Studebaker asked what is the actual distance of what is being proposed from the property line.

Mrs. Tate said any non-residential adjacent to a residential must have the required setbacks, 25 feet, and then the additional 12 feet. So the applicant is not showing any transition yard.

Chairman Studebaker asked if they are requesting any variances for signage.

Mrs. Tate stated they are not including it in the PUD so as of right now there are no variances.

Chairman Studebaker asked about the “cladding” material.

Mrs. Tate said the building will mostly be masonry, but there are areas where they use wood cladding.

Commissioner McGleam asked since they are not providing the transition yard what type of materials are they planning in lieu of not meeting that requirement or what is their plan for a buffer.

Mrs. Tate stated they are planning on keeping the existing buffer, but the arborist wants to know the composition. They will be adding to that buffer. She showed on the overhead the landscape plan. The arborist wants to also know by keeping these trees how it will work with the bio-swale.

Commissioner Cunningham asked if there were any restrictions proposed out of either of the access drives for the carwash.

Mrs. Tate said they were full access drives.

Chairman Studebaker asked if there were any further questions for staff. None responded. He then asked for the applicant to come forward to make a presentation.

Applicant Presentation

Molly Roche stated her and husband had purchased the proposed property. They are hoping to enhance the community of Lemont along with giving their business a place to reside. They currently own and operate Hamilton’s Pub which is located on McCarthy Road already. Their business continues to grow and they need more space to service their customers. She will now have their architect come up and answer any questions.

Patrick Callaghan, Studio GC Architecture, said staff did a thorough presentation this evening. They did receive the comment letters and they are working through them. They are planning on using the current ingress/egress points and they are not planning on widening them. They are working on the permit challenges from any work in the ROW on McCarthy road. They realize that they need to increase the amount of the

underground storage as a result of the open cut that currently exists. The intention is to use area under the driveway for that purpose. In regards to the landscape plan, they are hoping to keep as much foliage and trees as possible and just enhance any gaps or areas with new vegetation. They do recognize that there are some challenges with the bio-swale, but plan on getting those resolved.

Mr. Callaghan stated they plan to mitigate or enhance the trash enclosure or any fencing to the west or north property lines. They would not be able to provide the amount of parking that they have if they are required to provide the additional 12 feet. With the McCarthy road entrance point they are trying to provide an on-site circulation that is logical particularly for the drive-through. It is a counterclockwise direction and they were providing a surface painting. They did not want to trap someone and force them to get back onto McCarthy Road. They are still making adjustments to the plan. They will need to increase the water service to the property. They will have to do some directional boring underneath the roadway there, so they will be engaging IDOT at some point. In regards to the hours of operation, his client is not going to change the hours of the current pub, but is willing to talk with the Village about any restrictions for the drive-through or the pub.

Chairman Studebaker asked what are the current hours of operation.

Mrs. Roche said on Sunday, Monday and Tuesday it is 11 a.m. to midnight, Wednesday and Thursday 11 a.m. to 1 a.m., and Friday and Saturday 11 a.m. to 3 a.m.

Commissioner McGleam asked if they currently have patio space and if so do the same hours apply for the patio.

Mrs. Roche stated they do have a patio and they are the same hours.

Commissioner Zolecki asked if they had tenants lined up for the residential and the café.

Mrs. Roche said they do not have any tenants lined up currently. The anchor tenant will be the business that they own and operate. The coffee section they are hoping to attract a coffee shop of some sort, but do not have a signed lease at this time. For the residential, they are hoping to attract some young professionals that might not be ready to purchase their first home and they don't want to live in the downtown area or might need access to Route 83.

Commissioner Zolecki asked if they are okay with designated stalls for the residents.

Mr. Callaghan stated that was always their plan, but they had not picked which spaces at this time.

Commissioner Cunningham asked if this property did not have existing access points, do they feel the access points are at the safest location.

Mr. Callaghan said he is not sure he could define it by safety. They can go back and look at accident reports when the carwash was in. He does not see there being a mad rush that overload these access points. The Walker Road location is what he would call design standard at the midblock. The McCarthy Road is a little close to the intersection. Their hope is to not to have to deal with IDOT.

Commissioner Cunningham stated he is concerned that the access point is a little close to that intersection and feels that there should be more of a buffer. He would like to see it moved further to the west.

Commissioner McGleam asked if a traffic study was required.

Mrs. Tate said it was not.

Commissioner McGleam asked what is the threshold for one to be provided.

Mr. Herman stated they have not been asking for them on PUD's but if the Planning and Zoning Commission or the Village Board wants to see one then they would be required to provide one.

Trustee Stapleton asked if the applicant can explain the wood cladding.

Mr. Callaghan said most zoning codes have not caught up to building technology. It is a wood veneer surface that is applied to a metal panel. It is thermally applied because it is bonded. It has the appearance of wood from any distance but when you tap it has the maintainability of metal.

Trustee Stapleton stated in one of the renderings it showed a terrace over part of the downstairs and he wondered if that is still there.

Mr. Callaghan said the upper portion above the bar is like an outdoor terrace for the residents.

Trustee Stapleton asked how the hot station was going to be vented when it is directly underneath one of the living rooms.

Mr. Callaghan said it is going to be a horizontal discharge.

Trustee Stapleton stated when the carwash was there it was just a stop sign at that intersection. Now there is a traffic signal there.

Chairman Studebaker said it would be nice to have a consultant take a look at this.

Commissioner McGleam stated there have been a few recent proposals regarding outdoor patios that have more restrictive hours than what the applicant has at their current location. He asked if they are open to hours that are more appropriate to a development that is located next to a residential property.

Mrs. Roche said they are open to that discussion. They placed the patio in a position that would be further away from the residential area and give a buffer from the noise.

Chairman Studebaker asked if there were any further questions from the Commission. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment

Milda Tallat-Kelpsa stated she lives next to the proposed site. She and her husband are concerned about the noise and the run-off onto their property. They would also like to know what the buffer is going to consist of. The trees in the current buffer keep falling down so she is not sure what they will be able to save there. They would like to see a privacy fence put up to prevent people and trash from coming into their yard and stop any headlights shining into their house.

Mr. Gottardo said he is north and east of this project down Walker Road. When the carwash was in operation there was a lot less traffic and the hours of operation ended at 10 p.m. The pub is going to 3 a.m. on some days. With the exit on Walker Road there is going to be more traffic headed northbound. The Village approved a zip line establishment that will also have liquor at the other end of Walker Road. It is going to increase the number of intoxicated people going down Walker Road which is all residential. He does not know why they would contemplate zoning deviations. Residential is not allowed in B-3 zoning. He asked if it was ever allowed elsewhere in the Village.

Mrs. Tate stated it is in the downtown district.

Mr. Herman said besides the downtown the only other ones he found were Franciscan Village and Lithuanian World Center. He understands that these are different but they do have a mixed use in them.

Mr. Gottardo stated if the building was smaller than they would not have to encroach into the neighbor's yard. The PUD requires open space and they are also not providing this.

Gary Kelso said he lives north of the proposal. His concern is the noise with the outdoor dining and recreation area and the fact that it can go as late as 3 a.m. People that are consuming alcohol are generally not the quietest people. He would like to see some type of noise barrier if this goes through.

Tiffany Lutz stated she lives on the corner of Apple and Walker. She understands that the applicant is proposing office space but the office spaces that are right across the street have been vacant since 2012. She asked if there will be music outside at night on the outdoor patio. It was already mentioned about the other business being on the other end of Walker. The speed limit is 40 mph on Walker and both of these businesses will be serving alcohol. There are families and children that cross this street and there are several dips in the road. She reached out to the Township and was told that Cook County owns that area. She hopes there will be some way to lower that speed limit in that area.

Dottie Gottardo said she wants to remind everyone that there is no police presence on Walker Road because where they are located it is an unincorporated area. She is concerned that people who have been drinking are going to be flying down that road knowing that there is no police presence. Walker Road has been growing with homes. Back in the day there was a lot of open land and it made sense to have that road at 40 mph, but now there are several children that live in the area. She is concerned also with the amount of traffic that these businesses are going to generate. This proposal is going to generate a lot of noise with the outdoor dining, the drive-through speaker, outdoor music, and the residents above.

Mrs. Roche stated they will not be having any live music. They do have a juke box and speakers indoors. Their speakers do run outdoors, however if they are going to be amending those business hours then those speakers would be amended also for the outdoor patio. In regards to a buffer and the noise, they are more than happy to entertain a fence on that portion of the property.

Chairman Studebaker asked if there was anyone else in the audience that wanted to speak in regards to this public hearing. None responded. He then called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 2020-02. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Commissioner McGleam stated they need to discuss the hours of operation for the drive-through and the outdoor patio. His opinion is that they can be different than the business hours for the business, which has been done on other developments.

Chairman Studebaker said he would like to see a privacy fence on the property line to the north.

Commissioner Pawlak stated there is a lot of concern in regards to traffic and the entrances so he thinks a traffic study needs to be done.

Commissioner Zolecki said he struggles with the traffic study because it was never requested of them. If they request it now it could delay the project because they would have to come back before the Commission. He would like to see a condition that they need to provide one to staff to be reviewed and then presented at Final. He asked the Chairman if in regards to the privacy to the north was he looking for something in particular or just something either hardscape or softscape to block headlight and again it can be reviewed by staff.

Commissioner McGleam stated he feels a fence solves a number of issues. There were concerns about people migrating, headlights, and garbage. He feels with a softscape approach some of these things would not be prevented.

Commissioner Zolecki said he would hate to dictate something specific if there is another way with a mixture of both. He would hate to have an eyesore of a big tall fence when there might be a better solution.

Commissioner McGleam stated they can put it into the context of a mitigation measure.

Chairman Studebaker asked in regards to the hours for the outdoor patio is there a business that has it that they could mirror this to.

Mr. Herman said the Quarry Pub came before the Commission recently. It was approved for no live outdoor entertainment after 12 a.m. and no amplified entertainment. With the Quarry Pub proposal the patio is in the front of the building and the residents are behind the building, so the building should block out some of the noise.

Commissioner Zolecki stated he feels Quarry Pub is a good example. He would like to also add that the patio was a new use for Quarry Pub. This proposal is for an established business in Lemont which has shown that they are good neighbors. He feels that midnight is well in line for the outdoor patio.

Mr. Herman said in reference to the business, the condition could be that the outdoor dining special use is solely to the existing tenant. Any future tenants that would occupying that space and want to use the outdoor dining area would need to come in and apply for a new special use.

Commissioner Zolecki stated it needs to be stated that it is for piped music and no live entertainment.

Commissioner McGleam asked if they need to address the hours of operation for the drive-through. He is not concerned because most places are not opened past midnight.

Commissioner Zolecki said most issues with coffee shops are traffic concerns and not with the speaker for drive-through.

Chairman Studebaker asked if there were any further comments or questions from the Commission. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Cunningham made a motion, seconded by Commissioner Pawlak to recommend to the Mayor and Board of Trustees approval of Case 2020-02 with staff's recommendations listed in staff's report on pages 9 and 10 and with following additional conditions:

1. Provide a sight line buffer with serious mitigation measures between the business and residential properties that address headlights shining on residential properties, and mitigate the transfer of customers and trash from the proposed site to the residential properties.
2. The outdoor patio hours of operation are defined and agreed to be in line with other current businesses in the Village.
3. A traffic study should be considered especially in regards to egress onto McCarthy Road.

A roll call vote was taken:

Ayes: Cunningham, Pawlak, Carmody, McGleam, Zolecki, O'Connor, Studebaker

Nays: None

Motion passed

Findings of Fact

Commissioner Cunningham made a motion, seconded by Commissioner Carmody to authorize the Chairman to approve the Findings of Fact for Case 2020-02 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

Commissioner McGleam said there has always been a debate in regards to traffic studies for many years. He recommends they come up with a threshold that would trigger whether they need one or not.

Commissioner Zolecki stated requiring a traffic study is only protecting the Village.

Discussion continued as to whether a traffic study is required and who determines the requirement.

Commissioner Zolecki said in the Lemont Plaza the parking along State Street there are no curbs there or wheels stops. He asked if staff could look to see if there is a requirement in the ordinance or a code stating that it is required.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURNMENT

Chairman Studebaker called for a motion to adjourn the meeting.

Commissioner Carmody made a motion, seconded by Commissioner Cunningham to adjourn the meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper