

Village of Lemont
Planning and Zoning Commission
Regular Meeting of March 4, 2020

A regular meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, March 4, 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: Cunningham, O'Connor, Pawlak, Zolecki, Studebaker

Absent: Carmody and McGleam

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

C. Approval of Minutes – February 5, 2020

Commissioner Cunningham made a motion, seconded by Commissioner Pawlak to approve the minutes from the February 5, 2020 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 hearings this evening to please stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. CASE 2020-03 PAWL SUBDIVISION WITH VARIATIONS

Chairman Studebaker called for a motion to open the public hearing for Case 2020-03.

Commissioner Pawlak made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 2020-03. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said the applicant John Pawl is requesting approval of a three lot subdivision with variations. The property is one acre in size and the applicant wants to split the property into three single-family home lots. The property currently contains a single-family home and it is addressed to 4th Street. The home will remain and will be on Lot 1. Lots 2 and 3 will be accessed from 5th Street. With the subdivision the applicant is asking for variations for reduced lot widths and reduced lot area for each buildable lot, along with relief from curb and gutter and sidewalks on each of the streets.

The property is surrounded by R-4 Single-Family Detached District. To the north is the Hoffman's four lot subdivision which recently came before the Plan Commission and the Village Board at the end of last year. To the south is the Erie Subdivision which was subdivided into two lots. To the east are existing detached single-family residents. The west is also zoned R-4 but it is the Northview Park Ballfield. The applicant will lose a portion of the lots, approximately 1,979 square feet, and that is due to right-of-way (ROW) dedication along 5th Street.

Mrs. Tate stated the Comprehensive Plan labels this area as Infill Residential. Dividing this property into two buildable lots does further some of the goals of the Comprehensive Plan. It would be encouraging infill development in established neighborhoods. In the Our Homes section it states to "allow detached single-family development on smaller lots" in order to achieve the right housing mix. The homes will be utilizing nearby utilities and existing infrastructure while designed to meet the residential design guidelines.

There are four variations that are being requested. The first is the minimum lot request which is supposed to be 12,500 square feet for R-4 and the applicant is proposing 8,904 square feet. This is a 29% variation from the UDO, however they are dedicating 990 square feet of each proposed lot to the ROW. The lots are similar in size to the adjacent subdivision. The other request is for the minimum lot width. The applicant is proposing 65.93 feet and the minimum lot width is 90 feet. This is a 27% variation from the minimum per the UDO. Other lots on 5th Street do have similar lot widths. The applicant is planning on meeting the rest of the lot and dimensional standards.

Mrs. Tate said they have submitted an updated plan and they are now showing a sidewalk along 4th Street. For a sidewalk along 5th Street, staff is recommending an escrow for each lot construction or construct the sidewalk along 5th Street. This has

been a requirement for the subdivisions that have come through. The last variation is for no curb and gutter associated with the new homes. There is no curb and gutter found in this area. It has also been a granted variation with all the new subdivisions along 5th Street.

There are three standards that the variations should be consistent with. The first is that the variation is in harmony with the general purpose and intent of the UDO. The homes will access to 5th Street and will meet the setbacks. The new homes will not alter the established surrounding residential area. The lots will have similar widths to the lots along 5th Street. The proposal does meet the goals of the Lemont 2030 Plan as Infill Residential (INF). A goal of the INF is the construction of new home sites on the remaining vacant lots in the area that are consistent with the established neighborhood. The next standard looks at unique circumstances and there are five different standards to determine if it is a unique circumstance. One is physical surroundings, shape or topographical conditions. The property is surrounded by existing lots that do not meet all the standards defined in the UDO. The property is land locked and restricted by narrower surrounding existing lots with an average width of 66 feet. The variations for lot size and lot width are partially affected by the dedication of property along 5th Street. The request should not be detrimental to public welfare or injurious to other properties. The last standard is to make sure the variations will not alter the essential character or be a detriment to adjacent property. The proposed subdivision will not alter the essential character of the local area. It will be providing a nice blend to both a newer and older residentially developed area.

Mrs. Tate said the applicant has provided an updated plan and a lot of the comments have been addressed, but a full review has not been done to the updated plans. Planning and Community Development is requesting a tree survey which the applicant said they were going to provide. Staff is recommending approval along with three conditions that are listed in staff's report.

Chairman Studebaker asked if there were any questions from the Commission for staff.

Commissioner Zolecki asked how does this proposal compare to the Hoffman Subdivision as it relates to lot size.

Mrs. Tate showed on the overhead the plat and the depth on the Pawl Subdivision which is a little shorter because they are maintaining the house on Lot 1. She believes the lot size for the Hoffman Subdivision was 9,600 square feet.

Chairman Studebaker stated it looks like there is a water detention device in the backyard. When he drove by today there was a lot of water on the property right where the houses are going to build.

Commissioner Zolecki said it is detailed as a dissipation trench which is a couple of structures that takes the water down to the gravel below. His understanding is that it

is supposed to help reduce the release rate into the adjacent storm system. He asked if any of the other developments were started in the area. The condition is not written that it is limiting on-street parking but rather to provide parking onsite. He just wanted to make note of that and he understands that it was carried from the previous developments.

Commissioner Cunningham asked if the garage on Lot 1 met the setback requirement.

Mr. Herman, Community Development Manager, stated it is a detached garage so the setback is 10 feet.

Commissioner Cunningham confirmed for Lot 1 there are no variations being sought.

Mr. Herman said that is correct.

Commissioner O'Connor confirmed that they are providing a sidewalk for 4th Street and an escrow for 5th Street.

Mrs. Tate stated with the engineering plans that were submitted yesterday, it shows a sidewalk on 4th Street. There is nothing proposed on 5th Street at this time, so they either provide an escrow or construct the sidewalk at the time of building.

Commissioner O'Connor said he noticed from the meeting minutes from the Hoffman subdivision Commissioner McGleam made a comment about videotaping the water main to the riser. He asked if the same concept need to be applied here.

Mrs. Tate stated she vaguely remembers him asking that for that application. This application will also be reviewed by the Village Engineer.

Commissioner Pawlak asked if it is the Village's planning precedence to not ever put curbs on streets that don't have them or is there a plan to try to encourage curbs for the aesthetics and functionality of them.

Mrs. Tate said it is not a good design to have one lot with curbs and the remaining lots not having them. It would be the Village's responsibility to come in and put curb and gutter everywhere.

Mr. Herman stated in regards to the videotaping of the riser, it was the Village's Engineer opinion to put it in as a condition. He felt that for Hoffman with the age it may not have been necessary but it would be good to make that decision in the field. Once they dig and see what is going on in the area it may be necessary or not. He feels they may want to keep the same process or attitude with this one.

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

Applicant Presentation

John Pawl, applicant, said he does not have anything to add. He asked if the Village does own the portion of 5th Street now.

Mr. Herman stated there is a court decision that the entirety of 5th Street is a public road. There are easements that the Village is still working out with homeowners on that street.

Chairman Studebaker asked if any of the Commissioners had any questions for the applicant. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment

None

Chairman Studebaker called for a motion to close the public hearing.

Commissioner O'Connor made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 2020-03. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Studebaker asked if there were any further questions or comments from the Commission.

Commissioner Zolecki asked if the recommendation for the videotaping should be carried through to this case or just a recommendation to Hoffman.

Mr. Herman said he is not sure and it did not come up with this property. It did not come up in the Village Engineer's review of this proposal.

Commissioner Zolecki asked if Commissioner O'Connor was comfortable deferring to the engineer for that.

Commissioner O'Connor stated he is comfortable with that.

Chairman Studebaker then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Zolecki made a motion, seconded by Commissioner Cunningham to recommend to the Mayor and Board of Trustees approval of Case 2020-03 Pawl Subdivision with variations and with the following conditions:

1. Provide an escrow for the public sidewalk in front of the proposed lots on 5th Street or construct the sidewalks at time of permit for each home.
2. Provide onsite parking for workers during construction of all lots.
3. Provide a tree preservation plan and survey to verify if any trees can and should be saved on Lots 2 and 3.

A roll call vote was taken:

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

Nays: None

Motion passed

Findings of Fact

Commissioner Cunningham made a motion, seconded by Commissioner Pawlak to authorize the Chairman to approve the Findings of Fact for Case 2020-03 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

B. CASE 2020-4 406 E. LOGAN AVENUE VARIATION

Chairman Studebaker called for a motion to open the public hearing for Case 2020-04.

Commissioner Pawlak made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 2020-04. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Consulting Planner, said the applicant is Morgan Homes, LLC represented by Brian Baetz. They are requesting a variance to construct a new home with an attached side loaded garage to be accessed from Logan Street rather than the alley that is required by the UDO. When an alley is available or existing in the R-4A zoning district, the UDO requires the garage on the lot to be accessed from the alley. The existing single-family home will be demolished and replaced with the new home. The existing home does not have a garage associated with the property but there is an alley adjacent to the site. The proposed new home will meet all the R-4A setbacks, standards and other UDO requirements.

The proposed property is surrounded by R-4A. There are new homes in the area that have been constructed and they have varying access ways to their garages. There are a mix of driveways and garages being accessed from street and alleys. There is a creek that runs along the front portion of the property and that is in the parkway and there are retaining walls. Due to this it seems to discourage access from the front or from East Street. There are neighboring homes on the west side of East Street that have front loaded garages and with driveway access from the street as well. Also, there are multiple curb cuts and personal driveway access points on Logan Street that is adjacent to the subject property.

Mrs. Tate stated the Comprehensive Plan designates the area as Infill Residential. There are some goals that will be achieved with new construction on the site. It will be preserving Lemont's single-family character and also maintain high standards of residential design. Redevelopment of the site is not increasing the number of dwelling units, but rather utilizing more of the property to provide a modern and aesthetically pleasing home in an already established neighborhood.

The home is proposed to be a side loaded garage that will be accessed from the east side on Logan Street. The existing home did not have a garage associated with it so therefore the alley did not serve the home. There is an existing curb cut on Logan Street for this property and it is not used for a garage at this point. It is closer to the intersection of Logan and East Street so the new curb cut will shift closer to the alleyway. The new home is not going to be using the existing curb cut. Staff is recommending that the existing curb cut be closed up.

Mrs. Tate said when looking at the standards for variations the first is to make sure the variation is in harmony with the general purpose and intent of the UDO. The new home is designed to meet all the perimeters for the R-4A District except the access for the garage. In this area there is a mix of driveway access. The proposed garage is not visible from the front elevation and does blend into the side elevation. The second variation is if there is a unique circumstance and there are five factors you have to look at. There does not appear to be a topographical condition but there is a creek running through the front yard. There are some existing homes that have side loaded access next to an alley. The hardship has been created by the applicant as they desire to access the garage from Logan. The variation should not be detrimental to the public welfare or injurious to other property or improvements to the neighborhood. It will also not alter the essential character of the adjacent properties either which is the last standard for variations. Therefore, staff is recommending approval with conditions.

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

Commissioner Zolecki asked if the curb infill needs to be made as a condition.

Mrs. Tate stated it could be made as a condition but is generally typical practice.

Commissioner Cunningham said this is a unique block with the creek running through the front. He asked if there is anything in the UDO that states you need access to the front of the home from the street. A couple of the houses in the area don't have access but then there are a couple that do with a bridge going over the creek.

Mrs. Tate stated she is not sure.

Mr. Herman said he not aware of any requirement.

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

Applicant Presentation

Brian Baetz, applicant, stated staff did a great job with the presentation. In regards to the sidewalk, the revised grading plan does include a full sidewalk down Logan. He has designed the house around the two trees and plan on keeping the trees. The four homes on the corner of Logan all access their driveways from Logan and not from the alley. It would be nonconforming to not access from Logan. He feels they did a good job to make it conform and fit in with the neighborhood. He surveyed the homes from Logan to Pfeiffer and Warner and Singer and there are 24 corner properties. Out of the 24 more than half access to the streets. He does not feel the language in the UDO did not fit exterior corner lots and it was more for the streetscapes of an interior lot.

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

Commissioner Cunningham asked if he was planning on replacing the curb cut.

Mr. Baetz said yes he was.

Commissioner Cunningham asked if there were any plans for a pedestrian walk across the creek.

Mr. Baetz stated yes. His intention is to do that for all three of the homes. It would include this home and the two homes to the south of the proposed property. His plan is to do all three at the same time.

Chairman Studebaker asked if there were any further questions for the applicant 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

None

Chairman Studebaker then called for a motion to close the public hearing.

Commissioner Cunningham made a motion, seconded by Commissioner Zolecki to close the public hearing for Case 2020-04. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Studebaker asked if there were any further questions or comments from the Commission.

Commissioner Zolecki said he has one comment. He agrees with the applicant that the ordinance for this variation did not take into account corner lots. This house is maintaining the streetscape along with the others on East Street. He feels it is appropriate for an attached garage to have the curb cut. This is a good ordinance but he feels it was not intended for a corner lot.

Chairman Studebaker then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Cunningham made a motion, seconded by Commissioner O'Connor to recommend to the Mayor and Board of Trustees approval of Case 2020-04 – 406 E. Logan Avenue Variation with the following recommendations:

1. Provide a sidewalk along Logan Street for the duration of the property connecting to the sidewalk on the corner of Logan and East Street.
2. Make a good faith effort to save the existing tree(s) along Logan Street and work with the Village Arborist on the best approach.

A roll call vote was taken:

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

Nays: None

Motion passed

Findings of Fact

Commissioner Cunningham made a motion, seconded by Commissioner Zolecki to authorize the Chairman to approve the Findings of Fact for Case 2020-04 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

Commissioner Zolecki asked if staff can look into the wheel stops along the parking lot at Pete's for along State Street.

Commissioner Cunningham said Pete's still has a temporary sign saying "Now Open" still up. He feels this can come down now.

VI. AUDIENCE PARTICIPATION

Lori Barnett, 471 5th Street, said she would like to make a statement regarding the Pawl Subdivision. She is not sure what he has proposed but her property is adjoined with his property on her west side. Her concern is that even though the street has been made public she still owns property on the west side of 5th Street. She is not sure how he is proposing to access the properties on the backside, but he does not have her permission to use her property.

Mr. Herman stated this is a legal issue and it is above and beyond this Commission. It will have to be taken care of before any houses can be built.

Mrs. Barnett asked if there is anyone she needs to be in contact with.

Mr. Herman said he can give her his card and he will follow-up with her. He recommended that she attend the Village Board meeting as well.

VII. ADJOURNMENT

Chairman Studebaker called for a motion to adjourn the meeting.

Commissioner O'Connor 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

