

Village of Lemont
Planning and Zoning Commission
Regular Meeting of July 10, 2024

A regular meeting of the Plan Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, July 10, 2024, 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 6:32 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Carmody, Cunningham, Zolecki, Studebaker

Absent: McGleam, O'Connor, Pawlak

Community Development Director Jason Berry, Consulting Planner Jamie Tate, Village Attorney Mike Stillman, and Trustee Stapleton were also present.

C. Approval of Minutes

Commissioner McGleam made a motion, seconded by Commissioner Carmody to approve the minutes from the May 1, 2024, meeting with no changes. A roll call vote was taken:

Ayes: Carmody, Zolecki, Studebaker

Nays: None

Abstain: Cunningham

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Studebaker greeted the audience and asked anyone who was planning on speaking to stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. CASE 2024-10 – GAS N WASH MAIN STREET REZONING

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

Commissioner Cunningham made a motion, seconded by Commission Carmody to open the public hearing for Case 2024-10. A roll call vote was taken:

Ayes: Cunningham, Carmody, Zolecki, Studebaker

Nays: None

Motion passed

Staff Presentation

Jamie Tate, Village Planner, said the applicant, Gas N Wash, has applied for rezoning of the 7.19 acre site that is adjacent to the west of their current development. It is currently zoned M-1 and they are proposing to rezone the property to B-3. The rezoning would allow for additional parking for their current development to include trucks and trailers or any large vehicles. The surrounding zoning is a mix of B-3. To the south is the residential subdivision Montefiori. To the north is B-3 which is State Express's office building and to the west is also State Express which is zoned M-1. The rezoning to B-3 would square off the property on that corner.

Following extensive redevelopment efforts from the Village, Gas N Wash purchased the three parcels at the corner of Route 83 and Main Street. They obtained a special use for three drive-throughs and several sign variations. In their approvals was a redevelopment agreement that included site design, landscaping, and updated architecture. It was recently revised by removing the one strip center along Archer Avenue but it is still pad-ready and zoned B-3. It is owned by Gas N Wash and there are no current plans for development.

Mrs. Tate stated the Comprehensive Plan shows this corridor as Community Retail. The rezoning would be in line with that plan. It would create more local shopping and space for vehicles to park and so people can shop in the development. It will also help with creating inviting gateways into Lemont. Staff did look at the LaSalle factors which serve as a useful guide when contemplating zoning changes. The rezoning does adequately meet the standards and is compatible with the adjacent districts. There are site design features that can help ensure the health, safety, and welfare of the public such as safe pedestrian connection from the parking lot to the store.

In conclusion, the rezoning to B-3 does extend the Route 83 and Main Street commercial corridor further west toward the Downtown. It would allow for parking expansion at the Gas N Wash for any trucks, trailers, or any large vehicles and provide for employee parking. The rezoning furthers the goals of the Comprehensive Plan and is in line with the future land use of Community Retail. If the Commission was going to recommend approval there are some conditions that staff is recommending which are included in the packet. The M-1 zoning district does not allow for a parking lot to exist on a zoning lot without a building. The B-3 does allow accessory parking when it is associated with a business, but there is a four-hour time limit when it comes to truck or large vehicle parking.

Commissioner Cunningham asked if the truck lot was part of the original preliminary PUD.

Mrs. Tate said they never had a PUD. They have three drive-through special uses and the sign variances. The redevelopment agreement is where the site plan is located and it was not in that original plan. The truck parking lot was something new that came forward during the development of the Gas N Wash.

Commissioner Cunningham asked if it was discussed what the egress was going to be for trucks going in and out of that lot.

Mrs. Tate stated nothing was discussed beyond what was done through the site development permit process for the gas station. Truck traffic was already anticipated for that area and the diesel pumps are there. The site has a lot of pavement so the trucks are parking all over and this would make it more orderly.

Commissioner Cunningham said they are trying to limit truck traffic on Main Street so there might need to be some signage in the lot as to which direction the trucks should be heading.

Jason Berry, Community Development Director, stated because they have quick service restaurant users, and there could potentially be another user on the open lot, they are hoping that trucks will fill up at the pump then pull into the lot and park to use these restaurants or store. Currently, if the trucks are not staying at the pump then they are parking along the edges of the Gas N Wash. This gives them a place to get out of the way and extend their stay.

Commissioner Cunningham said the closest exit is on Main Street which is a right turn only.

Mr. Berry stated that is was IDOT. IDOT believes that a truck is going to traverse the sight and cut across Route 83 which is not safe. For practical purposes, you can turn left at that exit. They are currently working with IDOT regarding that curb cut.

Chairman Studebaker asked for staff to pull up the landscape plan.

Mrs. Tate said they just received the landscape plan yesterday and she has not had time to review it.

Chairman Studebaker stated this is the first property west of Route 83 and he wants to make sure it remains heavily landscaped all the way down.

Mr. Berry said in the revised redevelopment agreement since this is going from a manufacturing district to a commercial district, Gas N Wash is committed to making that a new outlot on Main Street. This is why it does not show any landscaping. By the end

of 2025, there should be a new plan for that area as well as the property on Archer Avenue.

Mike Stillman, Village Attorney, stated they will be hydro-seeding the property to the north which will eventually be redeveloped. The applicant has been a good partner regarding landscaping and they want to make this an inviting gateway.

Trustee Stapleton said once they get their gaming machines they will need more parking on the site.

Mr. Stillman stated there was some desire from the applicant to start construction before going to the Village Board for approval.

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

Applicant Presentation

None responded.

Chairman Studebaker asked if there was anyone in the audience who wanted to speak in regard to this public hearing.

Public Comment

Jonathan Pesavento asked if he could provide a handout to the Commission with some background on the construction of the project and EPA statistics. The first page he has provided is in regard to the construction that took place directly across the street from his home. There was a construction vehicle that was clearly in the lane of traffic disregarding all OSHA standards and was going against the direction of traffic. The next page shows plums of silica dust which was well over any threshold of OSHA standard. There were excessive plums of dust from dumping gravel. He understands that there can be dust but it can be mitigated by using water or waiting for a rainy day.

The next page is the Village of Lemont's code of ordinance, Title 15. There were quite a few items that he noticed infringements. He had called the Village several times and has stopped calling because he saw on the Village website that it states if you make more than five calls and the Village does not determine that they hold any merit you can be held responsible for a fine. There was a lot of construction activity that started at 6 a.m. which would wake his children up in the morning. If the Village determines it is in the best interest to rezone this property he has no objections, however, he does not want these same violations to occur. There was a lot of debris in the street left from the construction process.

Mr. Pesavento said the next packet is standards from the EPA website regarding diesel emissions and idling. The new trucks don't produce nearly enough emissions, however, millions of older, dirty engines that are still in use on the road. Impacts are on our health and environment and can affect our lungs. He had to rush his two-year-old to the pediatrician on January 11th because he was hardly breathing. At that time the construction was taking place across the street. His child is doing much better now but he does not want these issues to reoccur due to the proposed development. He highlighted some important items in the packet. An idling diesel truck emits 18 pounds of CO₂ per hour along with plums that can contribute to ground ozone, smog, acid rain, and climate change. All of these emissions can be reduced by preventing any unnecessary idling. He thanked the Commission for their time and effort. He asks that someone on the Commission adopts a no-idling clause. There is a four-hour parking clause but there is no mention of idling. He is not sure how many parking spots are proposed but he encourages them to broadcast a four-hour time limit and to include no idling. He asked who was going to be monitoring this set time.

Mrs. Tate stated it is in the code so it would be code enforcement.

Mr. Pesavento said he feels that some improvements could be made. If they are looking to generate more revenue, about 25% of the people turn left from that access point.

Mike Hackett stated he appreciates the concerns and will address the issues with the construction. Most of the trucks that come in there are in and out within 15 to 20 minutes. It is not beneficial to them to have the trucks sitting there. The issue that relates to them, is the queuing. There is some truck traffic that backs up into the entrances which is a concern. It does get congested around the lunchtime hour. They have been doing well just starting. They are hoping to clean up that area.

Commissioner Zolecki said the purpose and intent is to clear out some of the congestion at the pumps and move it into this lot. This is an opportunity for people to park and go inside to purchase lunch or items at the store. For these reasons, it should not impact the operations if there is an institution for some type of no-idling restriction.

Mr. Hackett stated there are about 14 to 20 employees at this site and it is monitored very closely. If there is an issue they can make sure that the manager is notified and make sure it is addressed.

Chairman Studebaker asked if there could be a sign that says four-hour parking and no idling.

Mr. Hackett said he feels it is a fair request and the lot is closed in the evening.

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

Commissioner Zolecki made a motion, seconded by Commissioner Cunningham to close the public hearing for Case 2024-10. A roll call vote was taken:

Ayes: Zolecki, Cunningham, Carmody, Studebaker

Nays: None

Motion passed

Plan Commission Discussion

Commissioner Zolecki asked if there was a specific ordinance for diesel vehicles and idling.

Mrs. Tate stated it would not be in zoning but there has to be an ordinance.

Commissioner Zolecki said it is an ordinance issue. There is precedence from other towns. The City of Chicago has had it in effect for over 15 years and they can pull language from that. **This is located next to residential**. He then read the ordinance for the Chicago on idling.

Commissioner Carmody stated there is a state law but it maxes out at 8,000 pounds.

Mr. Stillman said being a Non-Home Rule Community when the State has already spoken to it they are not allowed to go in and do that. He would have to look to see if they are preempted from doing anything other than what the State law is. He then read the fines associated with it.

Commissioner Zolecki stated they could advertise this through signage.

Chairman Studebaker said his only concern is the landscaping and that island.

Commissioner Zolecki stated he can appreciate the urgency of wanting to move forward but he cannot see allowing them to move forward until all of staff's recommendations are met.

Mr. Berry said they just received the landscape plan, photo metrics, and the revised engineering.

Commissioner Zolecki stated no work should start until proper approvals are received.

Mrs. Tate said in regards to the landscaping they will have to meet the UDO requirements.

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

Plan Commission Recommendation

Commissioner Cunningham made a motion, seconded by Commissioner Carmody to recommend to the Mayor and Board of Trustees approval of Case 2024-10 – Gas N Wash rezoning with the following conditions:

1. Address any comments and questions by staff and consultants through the site development process and do not start work until all proper approvals are in place.
2. Provide a safe and efficient pedestrian connection from the proposed truck parking lot to the entrance at the rear of the C-store that is indicated for truckers.
3. Post signs indicating the four-hour time limit and clearly stating “no overnight truck parking”.
4. Full landscaping plan to be included in the redevelopment agreement for staff’s review and approval.
5. The signage should state the State’s statute code number for idling.

Ayes: Cunningham, Carmody, Zolecki, Studebaker

Nays: None

Motion passed

Commissioner Carmody made a motion, seconded by Commissioner Zolecki to authorize the Chairman to approve the Findings of Fact for Case 2024-10 as prepared by staff. A roll call vote was taken:

Ayes: Carmody, Zolecki, Cunningham, Studebaker

Nays: None

Motion passed

B. CASE 2024-11 – UDO AMENDMENTS

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

Commissioner Cunningham made a motion, seconded by Commission Zolecki to open the public hearing for Case 2024-11. A roll call vote was taken:

Ayes: Cunningham, Carmody, Zolecki, Studebaker

Nays: None

Motion passed

Staff Presentation

Mrs. Tate said the first item pertains to when you have a public hearing there is a time period from when you go before the Village Board and the Board has to act which is 90 days. Quite often, time is necessary between the public hearing and the vote due to PZC conditions and other updates and influences. Staff was looking to change it to six months or a year.

Chairman Studebaker stated he feels a year might be too long.

All Commissioners agreed to six months.

Mrs. Tate said the next item she has had a couple of calls on. With all the kits that they sell online you are starting to see these accessory structures come up for Catios. There are dog runs in the code which are allowed in residential districts.

Commissioner Zolecki stated he feels it should be treated the same as a dog run.

All Commissioners agreed.

Mrs. Tate said that the code defines a cabana as an accessory structure of a rigid framework with a fabric covering. They do not get many cabana requests but they are allowed only in the rear and side yards and 10 feet from all lot lines. Gazebos which is a freestanding roofed accessory structure is allowed in the rear, side, and corner side yard and 10 feet from all lot lines. A pergola is a horizontal cross beam or open lattice accessory structure that is allowed in the rear, side, and corner side yard and five feet from all lot lines. This can be confusing for residents.

Commissioner Zolecki stated the pergola should match gazebos and cabanas but it needs to add that it is in line with the principal structure.

Mrs. Tate said she would like to make them all the same and combine all of them. Many other communities have done this.

All Commissioners agreed to combine and make them all 10 feet or in line with the principal structure, whichever is less. All of them to be allowed in side, rear, or corner yard.

Discussion continued in regard to the requirements for sheds.

Mrs. Tate stated another repeat she keeps getting is for accessory structures with townhouses. Lemont does not differentiate between accessory structures allowed between detached single-family homes and attached single-family. Townhouses are platted differently with some having their own small back yard and some having no back yard that is not common space. They have had some requests for a pergola and people asking about variances. She is not they would be interested in allowing some sort of accessory structure that abuts common space or open space.

Chairman Studebaker said it would have to get approved through the HOA first.

Mrs. Tate stated some HOAs are okay with this.

Chairman Studebaker said he feels this could get messy.

Mrs. Tate stated but that is the HOA's job. She feels that there needs to be some type of space between the shared wall.

Commissioner Cunningham said it should be approved by the HOA prior to them coming in and asking for a variance.

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

Commissioner Zolecki made a motion, seconded by Commissioner Carmody to close the public hearing for Case 2024-11. A roll call vote was taken:

Ayes: Zolecki, Carmody, Cunningham, Studebaker

Nays: None

Motion passed

Plan Commission Discussion

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

Plan Commission Recommendation

Commissioner Zolecki made a motion, seconded by Commissioner Carmody to recommend to the Mayor and Board of Trustees approval of Case 2024-11 – UDO Amendments as follows:

1. Modify the 90-day clause to 180-days for action between the public hearing and the Village Board vote.
2. Add Catos to dog runs as an accessory structure.
3. Consolidation of the definitions of gazebos, pergolas, and cabanas to be consistent for a 10-foot setback from all lot lines or equal to the setback of a conforming principal structure, whichever is less, and be allowed in the side, rear, and corner side yards.

A roll call vote was taken:

Ayes: Zolecki, Carmody, Cunningham, Studebaker

Nays: None

Motion passed

Commissioner Carmody made a motion, seconded by Commissioner Cunningham to authorize the Chairman to approve the Findings of Fact for Case 2024-11 as prepared by staff. A roll call vote was taken:

Ayes: Carmody, Cunningham, Zolecki, Studebaker

Nays: None

Motion passed

IV. ACTION ITEMS

Commissioner Zolecki asked if the townhome proposal on Illinois Street went before the Village Board.

Mrs. Tate stated it did and was approved.

V. GENERAL DISCUSSION

None

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURNMENT

Chairman Studebaker called for a motion to adjourn the meeting.

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

Ayes: All

Nays: None

Motion passed

Minutes were prepared by Peggy Billig