

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of October 2, 2019

A regular meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, October 2, 2019 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 6:35 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

Mayor John Egofske, Community Development Director Jason Berry, Community Development Manager Mark Herman, Consulting Planner Jamie Tate and Village Trustee Ron Stapleton were also present.

**C. Approval of Minutes – September 4, 2019 Meeting**

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

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS**

Mayor Egofske congratulated the three new members to the Commission and thanked the existing Commissioners for their time and service. He stated development has been key over the past two years and the Village needs to continue to grow. He talked about developments that the Village is working on and how they are looking at quality growth but yet wanting to keep the quaintness of the town. Again, he thanked the Commission for their time and service.

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Chairman Studebaker said he is excited to back and looks forward to serving the Community. He then asked anyone in the audience who wanted to speak to stand and raise his/her right hand. He then administered the oath.

### III. PUBLIC HEARINGS

#### A. 19-13 HOFFMAN SUBDIVISION WITH VARIATIONS

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

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to open the public hearing for Case 19-13. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

#### **Staff Presentation**

Jamie Tate, Consulting Planner, said the applicant is requesting approval of variations from the UDO for purpose to allow a subdivision of an existing property to be divided into four single-family home lots. The current zoning on the property is R-4 and it is approximately 1.01 acres. The property currently has a single-family home and detached garage on it that will be demolished. The property is surrounded by R-4 zoning.

As part of the proposal they will be dedicating right-of-way (ROW) on both 4<sup>th</sup> and 5<sup>th</sup> Streets. They will continue the curbs south along 4<sup>th</sup> Street along with the sidewalk. Two of the homes will have access onto 4<sup>th</sup> Street and two of the homes will have access on 5<sup>th</sup> Street. They plan on meeting all the standards in the UDO except for the minimum lot size and width. If the variance for the width is approved, then they will be able to meet the setback requirements.

Mrs. Tate stated they are asking for a minimum lot size of 9,835 square feet and minimum lot width of 65.95 feet. Again, they are dedicating approximately 1,121 per lot of ROW. Homes across the street have similar 66 feet lot width. The applicant is also asking for relief from curb and gutter and sidewalk just along 5<sup>th</sup> Street. Currently, there is no curb and gutter on that street. Staff has suggested that they can put money into an escrow just in case the adjacent lots were ever to develop or if a sidewalk was ever going to be constructed along there.

The Comprehensive Plan designates the area as Infill Residential. She then read the definition for Infill Residential. There are three Standards for Variations that have to be consistent in order to be approved. The subject property is proposed to be split into single-family home lots that are of similar width of the 5<sup>th</sup> Street lots. The narrow and smaller lots do fit with the established character of the neighborhood better than the R-4 standards.

Mrs. Tate stated the difficulty is created by the current property owners as the request is to subdivide the lot. However, the lot size and width are partially affected by the

dedicated ROW. The property owners are requesting similar standards that are already found on the block. Fifth Street does not have sidewalks or curb and gutter so putting something like that in would not fit in with the character of the neighborhood. The applicant is also proposing single-family detached homes which the property is surrounded by. Lastly, the variation should not alter the essential character of the local area. The proposal of the homes is consistent with the land use surrounding the property.

Staff has received comments back from the Village Engineer and he is okay with the stormwater as it is proposed. The Fire District did not have any comments regarding the subdivision. Staff is recommending approval with two conditions. The first is to provide an escrow for the public sidewalk in front of both proposed lots on 5<sup>th</sup> Street. Also, provide onsite parking for workers during construction of all lots.

Chairman Studebaker asked if there were any questions for staff.

Commissioner Pawlak asked who determines the amount for the escrow and what are the rules and regulations for disbursement.

Mrs. Tate said she would assume Engineering would determine the cost and staff would most likely determine a time frame. Staff is currently working on something similar with another project.

Commissioner Pawlak asked if there was any incentive for the other neighbors to have sidewalks put in place.

Mr. Herman stated there is no incentive other than if another property were to subdivide.

Commissioner Cunningham asked if the properties to the south aren't developed then does that escrow have a time limit.

Mr. Herman said there currently is no time limit, but they can talk with the Village Attorney about that.

Commissioner McGleam stated on the applicant Engineer's letter dated September 12<sup>th</sup> it states that they are going to add a note to the plan relative to the existing sanitary sewer riser. Typically, if you are going to connect to an existing sanitary riser it should also be videotaped back to the sewer main. He would recommend adding this and have the Village Engineer approve the condition of the riser all the way back to the main before the contractor ties into it.

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

### **Applicant Presentation**

Applicant declined making a presentation.

Chairman Studebaker then asked if there was anyone in the audience that wanted to come up and speak in regards to Case 19-13.

### **Public Comment**

None

Chairman Studebaker 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 19-13. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Chairman Studebaker asked if there were any further comments or questions from the Commission. None responded.

### **Plan Commission Recommendation**

Chairman Studebaker called for a motion for recommendation.

Commissioner Pawlak made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 19-13 Hoffman Subdivision and Variations - 459 4<sup>th</sup> Street with the following conditions:

1. Provide an escrow for the public sidewalk in front of both proposed lots on 5<sup>th</sup> Street.
2. Provide onsite parking for workers during construction of all lots.
3. Village Engineer must approve a videotape from the riser all the way back to the main.

A roll call vote was taken:

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

*Nays: None*

*Motion passed*

### **Findings of Fact**

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to authorize the Chairman to approve the Findings of Fact for Case 19-13 as prepared by staff. A voice vote was taken:

*Ayes: All*  
*Nays: None*  
*Motion passed*

**B. 19-14 SPECIAL USE PERMIT WITH VARIATIONS FOR A CHILD DAYCARE FACILITY (KIDDIE ACADEMY)**

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

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to open the public hearing for Case 19-14. A voice vote was taken:

*Ayes: All*  
*Nays: None*  
*Motion passed*

**Staff Presentation**

Mrs. Tate said Kelly Harper and Christopher Grahn of Masters in Educated Incorporated are requesting a special use with associated variations to allow for Kiddie Academy child daycare facility at 15907 W. 127<sup>th</sup> Street. A child daycare facility is a special use in the B-1 Zoning District. The variation requests are to allow more than 50% of the parking in the front yard and a reduction in the amount of parking stalls required by the UDO. The proposed lot is 1.1 acres and was part of the Alpine Estates Subdivision. The surrounding properties are R-4 residential to the north and B-1 to the east, west and south. The Comprehensive Plan designates the area as Neighborhood Retail.

Some background information on Kiddie Academy is that it started in 1981. In the early 90's, they expanded into other communities and in 1992 the first franchise opened. In 1999, there were over 50 Kiddie Academy locations, and in 2008 the renown and accredited curriculum was named *Life Essentials*. There are 13 locations in the Chicagoland area.

Mrs. Tate stated the proposed building is 11,030 square feet with a fenced outdoor playground in the rear. The hours of operation will be from 6:30 a.m. to 6:30 p.m., excluding holidays. The facility will be alarmed with cameras and be completely fenced with one secure point of entry into the building via a security code. It is designed to meet all the requirements of the UDO except for the parking requirements. The applicant is proposing 44 parking stalls when the code requires 59 stalls. The applicants have over 200 locations and have been in business for over 30 years and know how much parking they are going to need. They feel the 44 parking stalls are adequate for the size of the facility they are proposing. The 44 stalls does meet the requirement for an office building in the UDO.

The second request is that no more than 50% of off-street parking shall be located between the principal building façade and the street. Currently as it proposed a 100%

is located in the front. They did propose to the Village multiple plans. The parking being located in the front did allow for better circulation for vehicles and emergency vehicles. It also allows for a safer play area that is fully screened. The Comprehensive Plan designates this as Neighborhood Retail. It is characterized by convenience-orientated retail uses. The proposal appears to meet the general intentions of the Neighborhood Retail district as it states, "Development within the neighborhood retail district will be designed to complement adjacent neighborhoods" and "stand alone commercial buildings with on-site parking provided".

Mrs. Tate said that staff did find the child daycare facility special use does meet the standards for the special use. The transitional yard and landscaping in the rear will allow for a 50 foot setback from the outdoor playground fence to the rear property line. There will be detention basin and bioswale in-between the playground and berm with plantings. The most noise from the property will be children playing and the site has been designed to keep the children safe by having the playground in the rear.

The staff report goes in detail regarding the three variation standards that it must be consistent with. Some highlighted items are having the parking in the front did allow for better site circulation and more space for emergency vehicles. The outdoor play area will be fully screened and the reduction of parking stalls did allow for landscaping with less impervious surface. The shape and the size of the lot did prevent a bit of a challenge with the design. For commercial lots they are pretty narrow, which could be why they have been vacant for 30 years. Lastly, it does not appear the variations will alter the essential character of the locality. The addition of the daycare center will fill a vacant space and be a complementary addition to the businesses along 127<sup>th</sup> Street.

Mrs. Tate stated that the application did go before the Technical Review Committee (TRC) and this plan was the plan that staff and everyone at the meeting agreed with. The Arborist has reviewed the plans and provided comments. Two questions that staff had was where were they planning on stacking snow removal and if there are any buses where would they be parking them. The Fire Marshall requested that the fire plans show an overlay of the turning radius on the architectural drawing to verify that the emergency vehicle turns will comply. There is a chance that four more stalls could be lost due to that. Staff has not received comments back yet from the Village Engineer. Staff is requesting that any comments or concerns brought up by the Engineer must be addressed.

In conclusion, staff finds that it meets the 2030 Comprehensive Plan. Staff finds the variations are acceptable and staff is recommending approval with conditions listed in staff's report.

Chairman Studebaker asked if the Commission had any questions.

Commissioner McGleam asked if there was a monument sign.

Mrs. Tate said she believes that there is a monument sign but no plans have been submitted.

Commissioner Cunningham asked if the applicant agreed to all the comments from the Fire Marshall including the sprinkler and fire suppression system.

Mrs. Tate stated yes it is a requirement.

Chairman Studebaker asked if the applicant had any statistics related to the parking. He feels the parking is fine but would like to see data that can back it up.

Mr. Herman, Community Development Manager, said the applicant had submitted a variety of designs that did try to meet the parking, but that created a number of other variations. Staff suggested seeking the variation for parking in luau of two, three or four other variations. In discussion with the applicant, it was stated that parents generally park and walk the children into the facility and then leave. There will be staggered times that these parents will be coming in. They will only have 10 to 15 employees working at one time. He agreed that prior to going before the Village Board they could provide data on the parking.

Commissioner Pawlak asked if they were going to have bus service.

Mr. Herman stated they will have the applicant answer that question.

Commissioner Zolecki asked if the mention of snow removal was so that the lot was having the clear widths for fire or just to maintain the bare minimum or both.

Mrs. Tate said the snow removal comment was so that they don't overlook that. They will already have reduced parking so they would want to make sure they are looking at more reduced parking if needed for snow removal.

Commissioner Zolecki stated it is already a tight parking lot so they need to know where they are going to be putting it because of the emergency vehicles and there is only one access point.

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

### **Applicant Presentation**

Chris Grahn, applicant, said he and his wife are the applicants wanting to start the Kiddie Academy. He thanked the Commission and staff for their time. In regards to the monument sign, the UDO states the requirements for the sign and they plan on complying with the requirements. They will not need a lot of parking. The most they will have on-site would be 22 cars. There will be schedules and shifts so people will

be coming and going at different times. They anticipate about 20 to 30 stalls being used at most by them. They can provide reference numbers. They do not plan on doing buses. They can push the snow to the unused area and leave the spots closest to the building open as possible.

The Fire Department gave them some numbers and they just need to make sure that they are good. They just want to make sure that the rear wheel base does not clip the island. If it does then they will need to shift it to make sure that they are clear. Their intent is to make sure they are clear so there is not delay with the emergency vehicles. They plan on complying with the sprinklers and fire suppression which is also a requirement of the franchise.

Kelly Harper, applicant, stated there are other academies in the area that do have branded buses that do occupy parking stalls. It is their understanding that the local schools will send buses to the daycares that are in the area to pick up school aged children. They do not see the need to have their own buses.

Mr. Grahn asked if the Commission had any questions.

Commissioner Cunningham asked if the Kiddie Academy had a staff ratio for staff to children.

Mrs. Harper said it depends on the age group. For 6 weeks to 14 months it is one teacher per four children ratio. For five year olds you can have one lead teacher for 20 children.

Commissioner Cunningham asked what are the age limits for the academy.

Mrs. Harper stated they will go up to 12 years of age to provide before and after care.

Commissioner Cunningham asked if the turning radius on a bus is the same as a fire truck.

Mr. Grahn said he will find out. He will make sure that fire trucks, garbage trucks and school buses can turn in the lot.

Commissioner Zolecki asked who is performing the turning radius study.

Mr. Herman stated he received information from the Fire Department and sent it to the applicant and their engineer.

Nick Varchetto, Project Manager, said they have auto turn software that will be used to calculate this and they will make sure it works in the parking lot.



Chairman Studebaker asked if the Commission had any further 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**

Joseph Morand was sworn in. He is concerned about the noise and the buffer they are providing. He understands that there is a utility easement between his property and the daycare. He asked what kind of a fence are they planning on installing and what type of landscaping.

Mr. Herman showed him the landscape plan. He explained that chain-link fences are prohibited but he is not sure the exact type of fencing. The applicant has provided an entire tree survey of the property. The applicant will be providing a variety of trees and shrubs for a berm.

Mr. Morand stated a childcare facility will be nice in the neighborhood. There is a lot of noise at night from the postal facility with air condition and trucks, so he does have a little concern in regards to the busing.

Mr. Herman said the buses will only be going in the front parking area and not behind the facility.

Mrs. Harper stated the hours of operation will be from 6:30 a.m. to 6:30 p.m.

Kevin Lynch was sworn in. He stated that he owns the property to the west of this daycare facility. He asked with having the daycare facility how will it affect future development to the west. He asked what type of restrictions would the Village have.

Mr. Herman said the purpose of having the special use is that the use is compatible within that zoning district. The reason it is a special use is so they take a look at any possible restrictions or conditions they might want to set like looking at the bus service. Having bus service there could be a nuisance and this would not be offered with a permitted use in the B-1 like with an office space. The only restriction might be with the new cannabis law, so there might be a state law restricting it from licensed daycare facilities. At this time the Village has not opted in and most likely it will not be allowed in B-1 Zoning. It might also impact a tobacco type of business but he is not sure if that is also even allowed in the B-1 Zoning.

Angela Cipolla was sworn in. She asked why she received the letter because she is more than 250 feet away from this property.

Mr. Herman stated the buffer is measured from the applicant's property lines and does not include any right-of-ways.

Ms. Cipolla said her only concern would be the increased traffic on Leinster Drive. She lives in unincorporated Cook County and Cook County has not been out once in the 30 plus years to fix anything.

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

Commissioner O'Connor made a motion, seconded by Commissioner Cunningham to close the public hearing for Case #19-14. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Commissioner McGleam said he would like to reword staff's recommendation number three.

Chairman Studebaker stated he would like to see the applicant provide data to back up the parking statistics. He asked if the Commission had any other comments. None responded.

### **Plan Commission Recommendation**

Chairman Studebaker called for a motion for recommendation.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to recommend to the Mayor and Board of Trustees approval of Case 19-14 Special Use Permit with Variations for a Child Daycare Facility (Kiddie Academy) with the following conditions:

1. Provide a location for snowplowing in the winter.
2. Provide a designated location for the Kiddie Academy buses (if applicable) and verify they do not block the drive aisles or vision.
3. Applicant is to secure the Fire Protection District approval of their engineer's developed auto turning radius submittal.
4. Address any outstanding or forthcoming comments from the Village Engineer.
5. The applicant is to provide historical parking data to support their position for the reduced number of parking stalls.

A roll call vote was taken:

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

*Nays: None*

*Motion passed*

### **Findings of Fact**

Commissioner McGleam made a motion, seconded by Commissioner Carmody to authorize the Chairman to approve the Findings of Fact for Case 19-14 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **C. 19-15 HUGHIE’S IRISH PUB SPECIAL USE PERMIT TO ALLOW OUTDOOR DINING**

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

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 19-15. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

#### **Staff Presentation**

Mrs. Tate said Manus McClarrferty, of the Lemont Group, is requesting a special use to allow for an outdoor dining and drinking area at Hughie’s Irish Pub. Outdoor dining is a special use in the Downtown District when there is a capacity of 10 or more patrons. There is currently 1,200 square feet of paved area which allows for 112 people to be on the outside patio. They are proposing to have a small stage for live outdoor entertainment that would be on Thursday, Friday and Saturday. The request will be till 12 a.m. On the other days they are requesting to have music from the jukebox playing outside till 11 p.m. Patio access will be through the front door.

The Comprehensive Plan designates this area as mixed use. Some of the goals is to develop the downtown area as a destination place for visitors and to also support local establishments in the downtown and throughout Lemont. There are four applicable standards for the special use that should be met for recommendation. The downtown district is a unique district meant to have mix uses and offerings. The dining area is enclosed and will keep patrons inside the gated space in an orderly and safe manner. Staff is recommending an appropriate end time for outside entertainment, food and drink so to not disturb neighboring properties and cause excessive demands on Village services. Further explanation of egress and emergency exits is being requested from the applicant to verify safe and orderly exiting during an emergency event.

Mrs. Tate stated there are residential units on second floors adjacent to the subject property and also in close proximity down the street and across the street. General concerns for this type of proposal are noise, garbage, access to the patio from the outside and safety. The applicant has stated that the patio will only be accessed from

the front door of the pub, but further clarification on emergency exit and access should be provided.

In conclusion, this would be a great enhancement for the downtown however, there is still the concern of noise and sensitivity for neighbors. Staff is recommending approval with conditions that are listed in staff's report.

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

Commissioner McGleam asked what noise ordinance does the Village have in place that would regulate the amount of noise that would come from this.

Mr. Herman said he would look them up and get back to him.

Commissioner Pawlak asked for the other establishments that have outdoor dining are there similar restrictions.

Mrs. Tate stated you typically see for Friday and Saturday so the Thursday night was not a standard request.

Chairman Studebaker said there is the gate for the emergency exit, but where is the additional emergency exit.

Mrs. Tate stated the gate is not supposed to be used as an entrance so staff wants to know if there is a locking mechanism on it that does allow for easy emergency exiting.

Commissioner McGleam asked if building code governs egress.

Commissioner Zolecki said the gate will have to swing out and typically the gate cannot swing out into a right-of-way. The fence appears to be right on the property line. The gate needs to set inward so it can swing out.

Commissioner Pawlak asked if the fencing was already in place.

Mrs. Tate stated the fence is in place.

Mr. Herman said going back to the sound levels, there is a table that establishes a maximum permissible sound level. The table does have a source zoning district and then the receiving zoning district which the downtown would be both. The number is 60 which he assumes would be decibels. There is some text in the code in regards as to how that is to be measured. If there is a nuisance complaint it does need to be followed up with by code enforcement. It also includes illumination as well.

Chairman Studebaker asked if they are issued tickets what would the next step be. He asked would their special use would be in jeopardy.

Mr. Herman stated if fines are issued and they do not comply then the liquor license or business license could be pulled or a condition could be written in to revoke the special use if they don't comply.

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

### **Applicant Presentation**

Mrs. Tate said the applicant is not present this evening and they do not have a representative present this evening.

Chairman Studebaker asked if there was anyone in the audience that wanted to come up and speak in regards to this public hearing.

### **Public Comment**

Humberta Gallardo, owner of H & H Restaurant, was sworn in. She stated that the owner and employees of Hughie's are parking in front of the building. She feels those should be left open for customers.

Chairman Studebaker said he understands but feels that needs to be worked out outside from this public hearing this evening. He recommended talking with the Chamber of Commerce.

Mrs. Gallardo stated their patrons are smoking in front of her building and leaving the cigarette butts there on the ground. The outdoor patio tables where people are sitting out front keep moving over in front of her business.

Mr. Herman said there is an outdoor café license agreement that the Village has. Hughie's should have provided a site plan. The tables should be in front of their space, but over time things slightly move or customers want a little more room. The owners should move them back.

Mrs. Gallardo stated she is concerned that the music will be noisy at night.

Richard Czuchra said H & H has been around for 30 some years and have done a lot for the community. If the gate is locked then emergency services are not able to get in there. The fence is completely blocking off the other businesses from getting deliveries and basically putting them out of business. He does not mind the outdoor dining because we live in a climate where it is only good for three to four months a

year. Lemont used to be the Village of Faith but the people made them drop it. He wonders with all the bars that are going in what will be the next by-line.

Stacy Stackhouse stated she has been going to H & H restaurant for over 20 years. The mayor spoke earlier about how Lemont is a quaint and wonderful community. This proposal is not quaint whatsoever. If this proposal is for outdoor dining then how is it already built when the hearing is today. The stage is already built. If this patio can hold 112 people there is going to be an issue with parking. Currently, she has to park by Pollyanna's just so she can go to H & H for breakfast or dinner. The outdoor dining in the front of Hughie's is halfway in front of H & H. There are people that live above these businesses and she feels that allowing music whether through speakers or live music till 11 p.m. at night is unacceptable in our "quaint" Village of Lemont. There are several small businesses that have come and gone in the downtown area because there is no place to park. Now the Village wants to bring people downtown for an outdoor beer garden which is not consistent with the kind of neighborhood and the quaintness that they are stating that they want, which has been here for years.

Ms. Stackhouse said when the business opens the front windows you can hear everything that is going on in the business. Mrs. Gallardo is not able to access her garbage or get deliveries. The owner of the business is constantly parking in the no parking spot. She stated that Mrs. Gallardo does not speak very good English, is hard of hearing and she does not understand how all of this is able to happen all around her.

Commissioner Pawlak asked if there have been permits for the fencing.

Mr. Herman stated any property can build a fence as long as it complies with the zoning regulations. This does comply with the zoning regulations and the fence is on his property.

Ms. Stackhouse said she feels that the fencing does not fit in with the downtown area and is surprised he was allowed to put it up.

Commissioner McGleam clarified that the proposal was just for property that the applicant owns.

Mrs. Tate stated yes it is.

Ms. Stackhouse asked if it was okay for a special use to be allowed to have music blaring so late at night.

Mr. Herman said like he stated for the previous public hearing, a special use is a use that has been determined to be compatible for the zoning district. It does require some additional level of review for various reasons and one could be the noise. This is why they send out notices and it is up to the Planning and Zoning Commission to

consider as part of their recommendation to put any special conditions or limitations on the special use.

Ms. Stackhouse asked if there were any notices sent out for him to build the outdoor patio or was he okay to build it.

Mr. Herman stated he built the fence but the “use” cannot be used without the special use.

Commissioner McGleam asked if the applicant needed a permit to build the stage.

Mr. Herman said he is not aware of the stage. He does not believe it is a permanent structure.

Ms. Stackhouse asked if there is so many feet that they are allowed to have in front of their business and does anyone check on that.

Mr. Herman stated this is the first time he has heard that there was an issue and he will have code enforcement follow-up with it.

Ms. Stackhouse said she feels the special use does not go along with the quaintness of the Village. There will be parking issues, noise pollution, and safety issues. Unfortunately, she did not help Mrs. Gallardo sooner because all of this has happened and she did not know how to take charge of it. She hopes the Commission will consider this and how ridiculous having a band out there would be. There is no reason why it has to go to midnight. Having the band play to 6 p.m. or 7 p.m. is reasonable. She does not understand where the 112 people are going to park. She would hate to see H & H close and for the people in this room be responsible for it.

Chairman Studebaker asked if her patrons use the parking garage or the Metra lots.

Ms. Stackhouse stated the parking located by Pollyanna and Bottles are always full. She will look by the Post Office and Canal Street but they are always full and she has to drive around.

Commissioner Cunningham said the issue of smoking was brought up and he assumes it is not allowed at an outdoor restaurant area.

Mr. Herman stated it was discussed recently and there is a distant requirement from the door which is a State law.

Trustee Stapleton said it cannot be anywhere near dining.

Commissioner Cunningham asked if the garbage for Hughie’s is located in the back in the same area as this outdoor dining. He asked if there is a distance requirement from where the garbage receptacle is located and the dining area.

Mr. Herman stated he is not sure but every restaurant gets inspected twice a year regarding health codes. Staff can follow-up with the Village's Health Inspector.

Commissioner Carmody asked what is the cut-off time for other events in the downtown area.

Commissioner Cunningham said the Sunset Soiree was done at 10 p.m. He felt the 12 a.m. cut-off on a Thursday night was not acceptable.

Chairman Studebaker asked in regards to safety and the back walkway area, is there a way for someone to get out into that walkway. If there was a fire in the front of the building or the south side is there a way for people to get out into the gangway area. He asked if there was a way one could be put in.

Commissioner Zolecki said that would be up to the building review to decide if 112 people going through the building is acceptable or not. Staff had talked about in their report about having an egress plan and it is up to the Commission to echo that concern. The gate looks like it swings out into the right-of-way and it doesn't have the proper hardware. Those are things that they need to be looking at.

Commissioner McGleam asked during what review do they look at the quantity of egresses based on the number of occupancy.

Commissioner Pawlak stated he thinks the Fire Department should evaluate and review to determine for this use that they have the proper exit strategy for the safety of the 112 people.

Mr. Herman said staff can touch base with the Fire Department.

Commissioner Zolecki stated he agrees that the Fire Department needs to review this but more importantly the Building Code reviewer to review this use. These are building codes that they are talking about.

Commissioner McGleam said they need to submit an egress plan at a minimum.

Discussion continued in regards to the egress for the maximum amount of occupancy.

Commissioner Zolecki stated they currently have an occupancy permit. This request would significantly change that occupancy permit so it needs to be re-evaluated.

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 Cunningham to close the public hearing for Case 19-15. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

### **Plan Commission Discussion**

Commissioner Zolecki said in regards to smoking, there is most likely a law requiring the owner of the establishment to post a sign for the smoking distance from the entrance. However, they might want to make a recommendation to have something at the Canal Street egress.

Commissioner McGleam asked if the other Commissioners were in agreement in regards to the noise.

Chairman Studebaker stated he feels Thursday should end at 10 p.m. There is already a noise ordinance that has to be followed.

Commissioner Pawlak said he feels Thursday at 10 p.m. would be good and then 11 p.m. on Friday and Saturday.

Commissioner Carmody asked staff if they knew what other Village's did for cut-off times.

Chairman Studebaker asked if it had to be consistent with other outdoor dining.

Commissioner McGleam stated it is not the dining but rather the music.

Mr. Herman said most Village's do regulate these things through special use permits. Some communities might add in addition to the special use that they might have to apply for an entertainment permit request as well. You do want to be consistent but you do have to look at all the context like different zoning and location.

Chairman Studebaker asked if there were any further comments or questions. None responded.

### **Plan Commission Recommendation**

Chairman Studebaker called for a motion for recommendation.

Commissioner Zolecki made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Board of Trustees approval of Case 19-15 Hughie's Irish Pub Special Use Permit to Allow Outdoor Dining with the following conditions:

1. The outdoor dining area shall close no later than 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday.

2. The patio shall not allow patrons to enter at the gates without a staffed attendant working the gate. The gate or another gate should be provided for an emergency exit.
3. The outdoor entertainment volume should be kept at a minimum; to be enjoyed by Hughie's patrons but not heard beyond the subject property.
4. Provide planters for landscaping at or near the gate entrances.
5. Signage identifying smoking restrictions should be posted at the egress on Canal Street.
6. The plans are reviewed for proper occupancy permitted by the Village of Lemont and/or authority having jurisdiction over any/all code requirements for egress, including but not limited to quantity of egress, direction of travel and proper hardware.

A roll call vote was taken:

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

*Nays: None*

*Motion passed*

### **Findings of Fact**

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to authorize the Chairman to approve the Findings of Fact for Case 19-15 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

## **IV. ACTION ITEMS**

None

## **V. GENERAL DISCUSSION**

Commissioner McGleam thanked staff for putting together such a good packet.

## **VI. AUDIENCE PARTICIPATION**

None

## **VII. ADJOURNMENT**

Chairman Studebaker called for a motion to adjourn the meeting.

Commissioner O'Connor made a motion, seconded by Commissioner Pawlak to adjourn the meeting. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*