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Community Development Department

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Village of Westmont Planning and Zoning Commission January 11, 2017 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, January 11, 2017 at 7:00 p.m., at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Gregg Pill led in the following:

(1) Call to Order

(2) Roll Call

In attendance: Chair Gregg Pill, Commissioners Craig Thomas, Thomas Sharp, Janis Bartel, Doug Carmichael, Secretary Wallace Van Buren, Planner Joe Hennerfeind

Absent: Community Development Director Jill Ziegler

(3) Pledge of Allegiance.

(4) Swearing in of testifying attendees and reminder to sign in.

(5) Reminder to silence all electronic devices.

(6) Approval of Minutes of the December 14, 2016 meeting.

MOTION to approve the December 14, 2016 minutes.

Motion by: Bartel

Second by: Thomas

VOTING A

Van Buren--Yes

Thomas--Yes

Sharp--Yes

Bartel--Yes

Pill--Yes

Carmichael--Yes

Motion passed.

Chair Pill introduced Village Manager Steve May. May discussed both the recent retirement of Ed Richard and the appointment of Commissioner Pill to Chair of the Planning and Zoning Commission. Manager May discussed that Richard served for 34 years and will be missed. He mentioned that the Mayor and Village Board would like to have a joint meeting with the Commission to make sure their views are in alignment. He stated that they appreciate all the work performed by the commission, and he will coordinate solidifying potential dates for the joint meeting in the near future.

Manager May also informed the Commissioners about an upcoming change in compensation. While most committees of the Village Board are voluntary without pay, the Planning and Zoning Commissioners are compensated for each individual meeting. Manager May stated that Village Board had recently approved changes for a new monthly stipend that will take effect May 1st. Chairman Pill thanked him for coming by with the updates.

(7) Open Hearing

New Business

PZ 17-001 Gediminas Acas regarding the property located at 3902 North Grant Street, Westmont, IL 60559 for the following:

- (A) Map Amendment Request to Rezone from R-1 Single Family Detached Residence District to R-3 Single Family Detached Residence District upon annexation.

PRESENTATION: Mr. Acas opened by stating that he has owned property for over ten years and is currently building a new single family house on the lot. He stated that he is requesting a zoning change approval to be able to have a Village water supply. To obtain the supply, he will need to run a water main to the property, and will install a hydrant to serve the neighboring properties as well.

STAFF COMMENT: Hennerfeind stated that this is a rezoning request from R1 to R3. While not currently located in the Village boundaries, the applicant will be making a pre-annexation request to the Village Board in order to extend the Village water main to serve the lot. In preparation for the annexation that would occur once the property is contiguous to the Village boundary, the property would need to be rezoned from R1 to R3. Every property defaults to an R1 zoning when annexed, and a rezoning approval is necessary when R1 is not appropriate for the lot. As the pre-annexation is heard by the board, the rezoning specifically is considered by the PZC. In this case, staff has determined that the lot is more appropriate to an R3 zoning, which is the smallest single family lot zoning. Any determined discrepancies to the the current zoning bulk standards do not require variances, but are documented and considered grandfathered upon eventual annexation. The owner has received all construction permits through the County and has met necessary requirements. Hennerfeind stated at 7500 square feet in size and 50' in width, the lot does not meet the required 7800 square feet size and 60' width minimums established for the R3 zoning district. The house sits at 30.4', which meets county requirement of a 30' setback, but not 35' that is Village requirement.

PUBLIC COMMENT: Faith Floyd asked if this property was annexed in, would the rest of the neighborhood that is still unincorporated be forced to annex in as well?

Attorney Zemenak commented that the Village has the authority to force annex any property 60 acres or less that is wholly surrounded by one or more municipalities. In this case, Liberty Park is larger than 60 acres so the Village would not be able to force annexation, nor is it the Village's intention at this point. There are properties that have with pre-annexation agreements because they wanted Village water. But just because one property is annexed does not mean that the rest have to follow suit. There could be a point in time where if 50 percent of the properties were annexed in that area the Village might force the balance, but that would not be in the immediate future.

Chairman Pill clarified that this is not a proposal to annex into Village, just a pre-annexation agreement as the property does not currently adjoin the Village. Another property would have to also annex that borders his property and village for it to move forward.

Floyd also asked if adding the Village water would affect their wells. Pill replied that the wells are well

below the water supply and would not affect the wells at all.

Liberty Park resident Best Siegfried F. inquired about the legal description and 1.75 acres that was owned by someone else. Attorney replied that the owner would need provided proof of ownership for the application and the legal description was not in question. Hennerfeind mentioned the wording is east of the third principal meridian and most of the properties there are east of the third principal meridian to attempt to clarify questions on the legal description. Pill and Attorney mentioned that this pre-annexation agreement does not affect any other lot other than the petitioner.

COMMISSIONER COMMENT:

Carmichael: asked about Liberty Park, if not Westmont water would they have to dig a well. Reply: Acas replied that he is looking to spend his own funds to invest in extending the water supply, which is considerably more than what it would cost to drill a well. Attorney asked if he would be seeking to recoup some of that expense if other homes want to connect. Reply: Acas stated it would if they wanted to connect, that they cannot be forced to connect.

Van Buren: asked if he had discussed with the neighbors. Reply: neighbors are not interested in the expense at this time because it is costly.

Thomas: asked about the front yard setback. He asked if he was aware of the 35' setback in the Village guidelines. Reply: he was following DuPage County codes and thought he could just contact the village about the water. He also stated that any home in that area could currently build at the 30'. Thomas stated though he understands that he was following County laws, he should have maybe checked into the Village requirements as well. Reply: Acas stated that this was new for him and he certainly would do a better job of going through the permits, etc. if he was to do this again.

Sharp: agreed with Thomas about following Village code but also understands the situation that this would be required in order to get the water. He hopes if other people would like the water they will join with him.

Bartel: she was questioning why the construction wasn't being built under Westmont parameters, but does understand now and would be supportive.

Pill: inquired as to whether owner would be doing more construction projects in the Liberty Park area. Reply: Acas stated that he was not planning additional projects and may live in the house for a year but feels in terms of value that the water would increase value. Pill commented that they would welcome him back but he would like to see the homes kept in line so the setback would be an issue to address. Acas replied that he didn't even realize as his engineers drew up the plans but he would pay attention now.

PUBLIC HEARING REOPENED

Floyd commented that the house he is building is huge, very close to the neighbors and the windows line up with the neighbors house allowing no privacy. She commented that she doesn't understand why he is seeking permission now after construction has begun. Pill stated that the owner is still currently governed under the same rules as her property and he has followed them which is the County. This is the first time Westmont is seeing this proposal. She inquired about the timeline for getting the water. Pill stated that he can access the water right away because he is paying for the access but he would not be annexed into the Village until an adjoining property was annexed. Pill stated that they have no say over the construction but only made suggestions that if he built additional homes that they also follow Westmont code. Floyd asked about the cost of the water access. Attorney commented that it is dependent on the length of pipeline required, if it was one lot it would be cheaper versus the 6 lot lengths that current owner will need to access and stated that the owner mentioned a cost of \$40,000.

Hennerfeind mentioned that the lot met all other requirements, building height, side setbacks, lot coverage the items noted were the only criteria that was not met.

Attorney mentioned as part of this process there is a public hearing for the pre-annexation where they can require a developer to meet certain obligations as part of that process. Though since the lot coverage is within Village requirements he commented that maybe that is not an issue.

MOTION A

Motion to recommend to the Village Board of Trustees to approve to a Map Amendment Request to Rezone from R-1 Single Family Detached Residence District to R-3 Single Family Detached Residence District upon annexation.

Motion by: Carmichael

Second by: Sharp

VOTING A

Van Buren--Yes

Bartel--Yes

Thomas--Yes

Sharp--Yes

Carmichael--Yes

Pill--Yes

Motion passed.

It was mentioned to the public in attendance that the next part of process would not be mailed but would be posted on Village website and posted in the newspaper.

The Commissioners commented about Ed Richards and his years of service and his retirement and also congratulated Pill on his appointment to Chairman.

Carmichael congratulated the Westmont Fire Department for their Class One ISO standing as only 1 percent of departments reach that certification.

Chairman Pill discussed a small process change in the order of Commissioners' comments and he would like to rotate the starting person which each new item discussed going forward.

Pill also commented on Richards service and dedication to Westmont, that he is a great leader and mentor and has always had the spirit of Westmont in mind. The foundation is stronger due to Richard's work. He wished Ed and his wife the best with their travels and thanked him for personally helping Pill.

Hennerfeind mentioned that February's meeting has been cancelled. Next meeting will be March 8th.

(8) Motion to adjourn.

Motion by: Thomas

Second by: Bartel

Meeting adjourned 7:45 p.m.