

CITY OF PALOS HEIGHTS



Planning and Zoning Committee Meeting Minutes July 24, 2018

Call to Order

Chairman Clifford called the meeting to order at 7:00 p.m. on July 24, 2018. In attendance were: Chairman Clifford, Alderman Fulkerson, Alderman McGrogan, Alderman Key, Community Development Coordinator Ken Busse, and Recording Secretary Pat Sheppard. Also present was the petitioner and various others.

Approval of Minutes

Chairman Clifford called for approval of the minutes of the June 26, 2018 Planning & Zoning meeting. So moved by Alderman Fulkerson, seconded by Alderman McGrogan. All in favor and motion carried.

Old Business: Docket 2017-10

A petition was filed by John Vanderlaan for a zoning change from R to R-1 for purposes of re-subdividing one large parcel located at 12930 S 76th Ave (PIN 23-36-102-008-0000) into three parcels each measuring 74' x 208' and containing approximately 15,392 sf. At the P&Z Commission Hearing held on May 15, 2017, the vote on the zoning change was 6 ayes and 1 nay. On May 23, 2017, Docket 2017-10 was reviewed by the Planning & Zoning Committee, where it received 3 ayes and 1 nay. On June 6, 2017, Docket 2017-10 was reviewed by the City Council, where it received 5 ayes and 4 nays, with the Mayor casting a vote to break the tie.

A second and corresponding petition, Docket 2017-11, was considered on the same dates noted above. Docket 2017-11 was for a one-foot lot-width variance for each of three lots, which would allow three lots on the subject parcel. On May 15, 2017, Docket 2017-11 received a 3-3 tie vote at the Zoning Board of Appeals hearing, and advanced to City Council without recommendation, and thereby requiring a supermajority vote for passage at the City Council. On May 23, 2017, Docket 2017-10 was reviewed by the Planning & Zoning Committee, where it received 3 ayes and 1 nay. On June 6, 2017, Docket 2017-11 did not advance at City Council for lack of a supermajority vote by the City Council, and therefore the R to R-1 zoning change to permit three lots became a moot point, and the Council directed the ordinance for the zoning change not be drafted.

At the July 24, 2018 Planning and Zoning Committee meeting, Chairman Clifford asked the petitioner to come forward and explain his current request. Dave Sosin, Attorney representing John Vanderlaan, explained that since last year, his client had been working with Landmark Engineering, Morris Engineering (the City's Engineer), and City staff. On March 22, the current request was filed with the City which included a petition for plan review and approval, a rezoning evaluation/analysis, a plat of subdivision, a sidwell map, a zoning map, title policy and trustee's deed, and a tax bill. It had been recommended by another committee that Mr. Vanderlaan submit preliminary engineering plans to the City's Engineer for review. Subsequently, a meeting was held with various City staff and the preliminary engineering plans were based on the feedback from that meeting. The City's Engineering did review Landmark

Engineering's plans and submitted a letter on July 19, 2018 approving the preliminary engineering plans. Mr. Sosin felt the plat of subdivision complied with the City's Code. Their request tonight was to recommend approval of the zoning change and plat of subdivision to the City Council

Alderman Fulkerson inquired why they were requesting approval if they no longer needed a variance and the plat of subdivision met City requirements. Mr. Sosin explained it was because of the concerns raised by the City Council and neighboring property owners and for the rezoning of the property from R to R-1. Mr. Busse explained the variance requested in 2017 was no longer needed as the lots were reconfigured on the plat of subdivision to meet the R-1 requirements of 75 ft. at the building setback line. Mr. Sosin stated all the surrounding properties in the area are zoned R-1 and the plan submitted is consistent with the existing homes.

Alderman Key questioned the reference from Landmark Engineering in their letter to the City's Engineer, Aurimas Spucys, that "the front sewer pipe system had been redesigned to safely carry a 10-year storm event". Alderman Fulkerson said that due to the flooding issues in that area, they needed to address 100-year storm events. Alderman Key agreed that a 10-year event did not seem adequate.

Brad Hensley with Landmark Engineering (7808 W. 103rd Street, Palos Hills) addressed the aldermen's concerns. He said the sewers, pipes, and structures were designed for a 10-year storm which is a normal design for any sewer system in any subdivision. What handles the 100-year storm was the rest of the configuration and engineering of the lot (property). Because this lot pitches from north to south and a little towards the street, smaller sewers would be placed in the rear yards to pick up the runoff and a retaining wall (curb) would be installed on the south side of the lot for compliance with MWRD's requirements as well as a bio-swale system. He further explained most storms/average rainfalls are considered a 1 to 2 year event, and a 10-year event is a rather large storm. Alderman Key asked how you would keep a property owner from filling in the swales at some point. Mr. Hensley explained that MWRD required the easements (where the swales are) to be recorded with Cook County and can't be disturbed. He said the easements are/should be monitored by the City, MWRD and such.

Chairman Clifford noted that the letter from Morris Engineering stated "Final approval of the project will be subject to a Final Engineering review of the plans, as well as permit application, plan review and approval by other necessary agencies such as, but not limited to, IDOT, MWRD, and the IEPA." Alderman Clifford had his concerns due to some severe flooding issues in the area that were obviously a result from poor engineering in the past. Mr. Hensley said they had taken a lot of measures to address the flooding issues. He noted they had engineered all the runoff away from the adjacent properties, especially the neighbor directly to the south. Additionally, the front yards of all three homes will be graded to run towards 76th Avenue where there would be a storm sewer at the property line to intercept that flow; downspouts would also be routed to that storm sewer. It was his opinion that the City was well protected in regards to potential flooding issues between the two engineering firms and local agencies.

Alderman McGrogan stated this property was in his ward – Ward 4. He knew the topography and had walked the property. He said the biggest concern of developing that property was the drainage. He agreed with Mr. Hensley's engineering proposal which would alleviate and/or illuminate the current drainage issues for the neighbors. He liked the submitted plat of subdivision and was in favor of the zoning change. He thought the three lots were a good size and would not be squeezed on the property.

Alderman Clifford referenced minutes from the May 15, 2017 Zoning Board of Appeals hearing which indicated the commissioners concerns were drainage and traffic safety which they wanted the petitioner to address prior to any variances being granted. Mr. Sosin stated that was last year and since that time, those concerns had been addressed. He said the current plan was engineered to provide better drainage on the property and the neighboring properties as opposed to leaving the property as is.

Alderman Fulkerson stated he had heard the arguments over the past several years about engineers and their calculation, particularly in the southwest quadrant of Palos Heights and nothing has helped. He was worried about the water runoff heading to the north, potentially increased runoff, that could create further problems upstream around 69th Avenue. Mr. Sosin explained the amount of rainwater that falls on this lot in any storm is the same regardless of what is on it. What the engineers look at is how quickly the water leaves the site. Mr. Hensley said they were mandated to address volume control, which is retention of the first one inch of every rainfall. This is accomplished through bio-swales, storm sewers, and catch basins which he explained in detail. He also explained how they are now mandated by MWRD to clean the runoff water before it enters the storm sewers. Mr. Hensley noted Mr. Vanderlann had a lot of infrastructure to install on this property to bring it into compliance. Alderman Fulkerson said there was a lot of clay in the soil around the city and wondered how that would affect the installation of the bio-swales. Mr. Hensley said they had not done soil boring tests yet, but they would be required through the MWRD permitting process.

After listening to Mr. Hensley's explanation, Alderman McGrogan said he understood how three storm sewers in the rear yards would be much better than two.

Chairman Clifford inquired about the lot size configurations. Mr. Hensley said they were configured that way to comply with the 75 ft. at the building line code. Chairman Clifford also inquired about easements. Mr. Hensley said there were proposed easements all around the property as required. Alderman Fulkerson said the new property owner would be able to obtain easements.

Comments/Questions.

Alderman Clifford asked Mr. Jack Trevillian to come forward to talk about the easements. Mr. Trevillian resides at 7654 Sequoia Drive, directly to the south of the subject property. He had the survey of his property from 1968 which showed there was a 10 ft. easement in their yards, but there was no easement to the north. He explained the previous owner of the subject property, Mrs. Crawford, would not allow an easement for utilities. Mr. Trevillian noted there were several homeowners from the area present at the meeting. He had lived in his home for 50 years and they all understand the water problems. Many have spent a lot of money to rectify the situation. They were dead-set against three houses on the subject property. Mr. Trevillian distributed a picture to the committee which showed the pitch from the top of the subject property towards the south end to his property. In closing, Mr. Trevillian appealed to the committee not to allow three houses to be built on the subject property. He felt three driveways coming out onto 76th Avenue, near a hill, was a very dangerous situation.

Mr. Mark Hodorowitz, 12921 Sycamore Lane, addressed the committee. He's lived there for 23 years and shared the property line on the west of the subject property, noting there was about a 3 ft. drop-off between the properties. He voiced his concerns about the amount of clay in the soil (which he voiced he was aware of firsthand) and how it would affect the drainage

proposal as well as the run-off from three homes. He was adamantly opposed to three (3) house being built on the subject property, but not opposed to two (2) houses.

Mr. Sosin addressed the concerns: 1.) 76th Avenue Safety - he said each of the three (3) driveways had been configured to have a turn-around area and were long enough to accommodate up to 10 cars; 2.) The size of the three (3) lots were larger than many of the lots in the surrounding area; 3.) In regards to the clay, he said when the property was properly engineered, the water would no longer flow over the clay as it does now. Mr. Sosin was confident in the expertise of the engineers and MWRD; and 4.) the property owner had the right to request the rezoning of the property to R-1 since the entire area was zoned that way.

Mr. Trevillian rebutted Mr. Sosin's comments in regards to the driveways. He said that if there were 10 cars parked on the driveway, there would be a lot moving/backing out of cars (like musical cars) onto 76th Avenue.

In closing, Alderman McGrogan stated in cases like this there are always 2 sides, and sometimes it can be tough to choose what the right thing to do was. If the petitioner's rezoning request were to be denied and he is forced to build two larger homes on the property to justify his investment, how would that affect the area?

Motion

Chairman Clifford called for a motion to rezone the property located at 12930 S. 76th Avenue from R to R-1. Alderman Fulkerson inquired if the Plat of Subdivision also required a vote. Mr. Sosin confirmed the Plat of Subdivision had been submitted with the rezoning request. Chairman Clifford restated the call for a motion to include the approval of the Plat of Subdivision.

Alderman McGrogan moved to approve the request to rezone property located at 12930 S. 76th Avenue from R to R-1 and accept the Plat of Subdivision, seconded by Alderman Key. On a voice vote, there was a tie: 2 Ayes (Aldermen McGrogan and Key), and 2 Nays (Aldermen Fulkerson and Clifford). A supermajority vote will be required by the City Council (6 Ayes).

AGENDA

Adjourn

There being no further business, Alderman Fulkerson moved to adjourn, seconded by Alderman Key. All in favor, motion carried. Meeting at 7:59 pm

Respectfully submitted

Patricia M. Sheppard
Recording Secretary