



Village of Lemont
Planning and Zoning Commission

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

PLANNING & ZONING COMMISSION
Regular Meeting
Wednesday, September 15, 2010
6:30 p.m.

**Planning and Zoning
Commission**

Dennis Schubert,
Chairman

Commission Members:

Tony Armijo
Kerry Erber
David Maher
Katherine Murphy
William O'Malley
Anthony Spinelli

I. CALL TO ORDER

A. Pledge of Allegiance

B. Verify Quorum

C. Approval of Minutes: July 21, 2010

II. CHAIRMANS COMMENTS

III. NEW BUSINESS

A. Case 10-12: SW Corner of McCarthy & Bell – Preferred Palos, LLC. Public hearing for rezoning & special use request to annex 8.7 acres at the southwest corner of the intersection of McCarthy Rd. & Bell Rd., to rezone from R-1 to B-3, and to permit a special use for two drive throughs.

B. Case 10-13: NW Corner of McCarthy & Bell – RJ Rymek & Co. Public hearing for rezoning request to annex 22.6 acres at the northwest corner of the intersection of McCarthy Rd. & Bell Rd., to rezone 20.9 acres from R-1 to R-4, and to rezone 1.7 acres from R-1 to B-3.

IV. GENERAL DISCUSSION

V. ADJOURNMENT

**Community Development
Department Staff**

James A. Brown, Director

Charity Jones, Planner

Village of Lemont
Planning and Zoning Commission
Regular Meeting of July 21, 2010

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, July 21, 2010, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Commissioner Erber led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Maher, Spinelli, Armijo, Erber

Absent: O'Malley, Murphy, Schubert

Village Planner Charity Jones, Village Trustee Ron Stapleton, and Village Attorney Dan Blondin were also present.

C. Approve Minutes

Commissioner Spinelli made a motion, seconded by Commissioner Maher to approve the minutes of June 16, 2010 with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN COMMENTS

Commissioner Erber greeted the audience. He then asked everyone to stand and raise his or her right hand. He then administered the oath.

III. NEW BUSINESS

A. Case #10-11: Burrow Barge (ACL) Variation.

Public hearing for a variation to permit the placement of two trailers for business use, for a period of 24 months at Chicago Sanitary and Ship Canal Slip #3, 15900 Des Plaines River Road.

Commissioner Spinelli made a motion, seconded by Commissioner Armijo to open the public hearing for Case #10-11. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Jones stated that the two intended trailers are to be used for office space and an employee break room. The duration time for the trailers is for 24 months. Mrs. Jones then presented some site photos of the property. Mrs. Jones stated that there was a trailer that is currently on the site that was approved as a construction trailer in 2008. She said that the site where the trailers would be located is not very visible from the road. Mrs. Jones stated that with the eight components listed in the UDO, the variation was consistent with the remaining five. She then read through some of those components.

She said as far as the second variation criteria, which is the plight of the owner is due to unique circumstances, staff finds that they petitioner failed to meet this criteria. She said that the special conditions of this site that relate to the physical characteristics are true with any of the properties along the sanitary ship canal. Mrs. Jones stated that the reason why they are requesting the variation was because current employees have to travel two miles away for breaks and lunches. She said that the variation is for 24 months, because the applicant intends to build a permanent structure. However, they have no current plans at this time.

Mrs. Jones stated that the third criteria is that the variation is not going to alter the essential character of the locality. She said that the subject site is not visible from the road and staff feels that they meet these criteria. She said the petitioner meets two of the three criteria, however to recommend the variation the applicant would have to meet all three. Mrs. Jones stated that there was some concern about public health with the use of chemical toilets that the petitioner was proposing to use. She said that the Village Plumbing Inspector took a look at the proposal and said that it would be unduly burdensome for them to come up with any other solution for this area.

Mrs. Jones stated that staff found that the variation would have very minimal impact, except for the impact of setting precedence for properties in that area. She said that there is no guarantee that the petitioner will build a permanent structure at the end of 24 months. If the structure is not built or ready, the Board is in the position of extending the variation or somehow removing the trailers from the site. Mrs. Jones stated that staff does not recommend approval, because the petitioner failed to meet all of the criteria. She said that if the Board finds that the use of trailers are acceptable along the Sanitary and Ship Canal and the subject site, staff would recommend amending the UDO to allow such.

Commissioner Erber asked if there was a spokesperson from Burrow Barge that would like to speak.

Wendel Hackworth, 5575 Cider Grove Court, Plainfield, stated that the office is two miles away from the workers, which creates safety concerns. He said it is burdensome and they waste a lot of gas driving back and forth to the site.

Commissioner Armijo asked if they currently work out of the trailer that is there now.

Mr. Hackworth responded no and that nothing is in that trailer.

Commissioner Armijo asked what size trailer would they be using and how many workers was he talking about.

Mr. Hackworth said the trailers would be 60' x 10' each and not connected. He said there are 15 workers.

Commissioner Armijo asked if they were new trailers and if not were they in good condition.

Mr. Hackworth stated that they were not new and that they around from 1995. He said that the trailers were in good shape. He said that they would skirt them and that they would be on blocks.

Commissioner Spinelli asked if the site was completely secured.

Mr. Hackworth responded yes.

Commissioner Erber asked if the petitioner could elaborate on the fact that there are no current plans for a permanent structure.

Mr. Hackworth stated that they would like to build a permanent structure, but with the current economy they could not afford to at this time. He said that the well and sprinkler system alone would be a huge cost.

Commissioner Erber stated that they are doing well enough though to need these trailers.

Mr. Hackworth stated yes and they would like to be on site rather than two miles away.

Commissioner Erber asked if they had any plans in progress or a time frame.

Mr. Hackworth stated they did not have any plans or timetable at this time.

Commissioner Spinelli asked Mrs. Jones if the Village had any means to ensure that the trailers do get removed at the end of the time period.

Mrs. Jones stated that the Board could recommend approval with a condition that the applicant would have to put up some kind of financial guarantee. That way the Village could afford to remove those trailers if necessary. She said that it has been discussed with previous trailer requests.

Commissioner Spinelli asked if the Board was to recommend approval are they actually recommending changing the text in the UDO or would the UDO change come later?

Mrs. Jones stated that they are here today for the variance request. She suggested that if a variance was granted for this company, that the Board could also recommend to staff to look into changing the UDO to allow trailers in this area on a temporary basis.

Commissioner Maher stated that he drove down in that area and saw about six properties that had trailers. He said that they were worried about setting a precedent, but there are trailers there already. Commissioner Maher said that the proposed trailers would be well hidden from the road. He suggested modifying the UDO.

Mrs. Jones stated that those trailers could have been there for years. She said that the Commission and the Board have to determine if they want to allow trailers in the area or treat them as they are now as nonconforming structures that will eventually need to be replaced with something more permanent. She stated that in 2002 when the Comprehensive Plan was updated the guidance at the time was that this whole area was going to eventually cease to be industrial use. She stated that she doesn't think that is the necessarily the current direction of the Village Board anymore.

Ron Stapleton, Village Trustee, stated that this whole area was annexed about five years ago. If the trailers were there when the property was annexed, then they were grandfathered in.

Commissioner Erber asked if the toilets would be freestanding outside.

Mr. Hackworth stated that they would be outside.

Commissioner Erber stated that the Fire Protection District made comments and one of them was about the trailers would not be used for residential purposes.

Mr. Hackworth stated that there would not be and that they were only there from 7:00 a.m. to 5:00 p.m.

Mrs. Jones stated that Chairman Schubert had called and said that he would not be able to make the meeting. However, he would like to pass along his comments. She said that he expressed concern about setting a precedent and he prefers not to have trailers in this area. She stated therefore, he would recommend denial of the variation request.

Commissioner Erber stated that he shares his concern, but he did like the idea of the petitioner having to place a bond for, if needed, removal of the trailers.

Gabriel Forir, 828 8th Avenue, LaGrange, Director of Sales for American Commercial Lines, stated that when he was hired four years ago they were not housed in the nice terminal warehouse that they are now. They were housed in a trailer on the other side of the canal. He said that they spent about five million on that terminal warehouse. The economy is tough right now and they have to justify every penny spent. Mr. Forir stated that if the Board approves he does have an option for removal of the trailer at the end of the 24 months. He said that with the old trailer they had, they demolished it and put it

on a barge and sent it to a customer in Chicago who are recyclers. He stated that they would be willing to offer that service for a fee.

Ron Novak, 18805 Parkway Lane, Mokena, Facility Manager for ACL stated that it is a little bit more than economics. He said by consolidating this operation to one area they are improving the workplace safety for employees. This is not just for ACL employees it is for Burrow's employees. He stated that safety is the main driver for the necessity of these trailers. Mr. Novak stated that the employees are subject to extreme heat and cold depending on the season. He said they need a place where they can go, take a break, be safe, and be warm or where they can cool off. Mr. Novak said if in two years they could not get it done, then they would make amends and get it done. He stated that they needed to try to provide something for the employees that have to work in these extremes.

Commissioner Erber stated that he understood. However, if every business that wasn't sure how it was going to work out put up a trailer, there would be a lot of trailers.

Mr. Novak stated that there are already a lot of trailers around. He said they were trying to follow the requirements of the Village. He said that is to come before the Board and ask permission. He stated that he did not know if all those other people did. Mr. Novak stated that they are trying to be a dedicated community member.

Commissioner Erber asked if anyone else in the audience would like to come up and speak in regards to this case. None responded.

Commissioner Spinelli made a motion, seconded by Commissioner Maher to close the public hearing for Case #10-11. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Erber asked if any of the Commissioners wanted to say anything before they voted.

Commissioner Spinelli stated that he doesn't have an issue with the trailers being there legally, because they are trying to run their operations from on-site. They are not using the trailers as storage or a dumping ground. He said that they have a 24-month period until they have to ask for an extension or they have to go. He stated that if it has been a nuisance during the time, the Board has the option to not extend the variance.

Commissioner Maher stated that he agreed with Commissioner Spinelli. He stated that the Board should also modify the UDO after this hearing. He said this is what they are using down in this location.

Commissioner Armijo stated that they have a business owner here that is trying to do the right thing. He said that he thinks it is important that he did it the right way.

Commissioner Erber stated that he agreed with all of the comments. He said that it is an excellent point about a bond being collected up front just in case the Village has to remove the trailers at the end of the 24-months. Commissioner Erber stated that they would leave it up to staff to figure out exactly how much that bond should be for. He also said that the petitioner should keep staff up-to-date on any plans that they might have about a more permanent structure.

Commissioner Erber asked if there were any more comments. He then read through the Findings of Fact:

1. The variation is consistent with general purpose and intent of the Unified Development Ordinance in that it will not have a negative impact on surrounding properties, or the Village in general. *All Commissioners agreed.*
2. Strict enforcement of the UDO would pose a practical difficulty for the business by continuing an existing strain on their business operations of the subject site. The variation would provide short-term relief while the applicant seeks a long-term solution. *All Commissioners agreed.*

Commissioner Maher made a motion, seconded by Commissioner Spinelli to recommend approval of Case #10-11 with the following conditions:

1. A financial guarantee (example: bond or letter of credit) must be provided to Village staff for an amount that they deem necessary to help cover the cost for the removal of the trailers, if needed at the end of the 24 months.
2. Follow recommendations of the Fire Protection District.
3. The variation is only for 24 months. At the end of the 24 months the petitioner may reapply for another extension to the variance or remove the trailers from the property.

A roll call vote was taken:

Ayes: Spinelli, Maher, Armijo, Erber

Nays: None

Motion passed

IV. ATTORNEY TRAINING

Dan Blondin, Village Attorney, provided a presentation via power point that covered land use matters, rights of owners and the public, due process, and procedures for the Planning and Zoning Commissioners.

V. GENERAL DISCUSSION

Commissioner Spinelli asked about the two abandoned cars in the Smith Farms subdivision.

Mrs. Jones stated that they were not abandoned, and will check again about the cars.

VI. ADJOURNMENT

Commissioner Spinelli made a motion, seconded by Commissioner Maher to adjourn meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Planning & Zoning Commission #108-10

FROM: Charity Jones, Village Planner

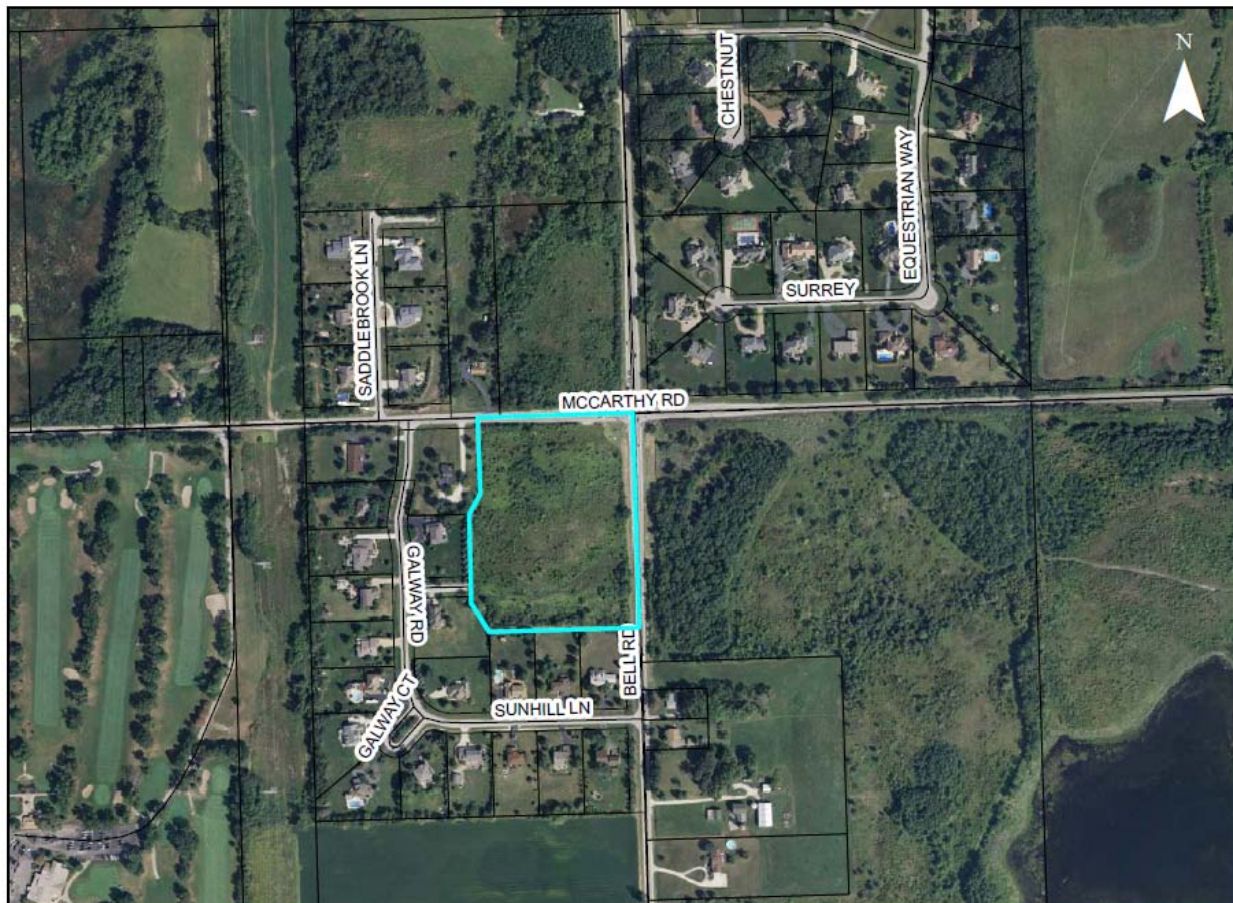
THRU James A. Brown, Planning & Economic Development Director

SUBJECT: Case 10-12 – SW Corner of McCarthy & Bell – Preferred Palos, LLC

DATE: September 09, 2010

SUMMARY

Matthew Klein, agent acting on behalf of Preferred Palos, LLC, owner of the subject property, has requested annexation to the Village, rezoning to the B-3, Arterial Commercial zoning district, and a special use for two drive-throughs. Staff does not recommend approval of either request at this time.



PROPOSAL INFORMATION

Case No. 10.12
Project Name SW Corner of McCarthy & Bell – Preferred Palos, LLC

General Information	
Applicant	Preferred Palos, LLC
Status of Applicant	owner of the subject property
Requested Actions:	Annexation
Requested Actions:	Rezoning from R-1 to B-3
Requested Actions:	Special Use to allow two drive throughs.
Site Location	Southwest corner of the intersection of McCarthy Road and Bell Road.
Existing Zoning	Cook County, R-3 Single-Family Residence District
Size	380,554 sf; approx. 8.7 acres
Existing Land Use	Vacant
Surrounding Land Use/Zoning	North: Vacant & Residential, Cook Co. R-3 Single-Family Residence District
	South: Residential, Cook Co. R-3
	East: Recreation, Cook Co. R-3 (Forest Preserve District)
	West: Residential, Cook Co. R-3
Comprehensive Plan 2002	The Comp Plan calls for this site to be low density residential (0-2 du/acre).
Zoning History	N/A
Special Information	
Public Utilities	Water and sewer would most likely be extended from the Glens of Connemara, along the ComEd right of way to Bell Road and then north to the subject site. This extension of water and sewer to the site is feasible.
Transportation	Traffic impact study not required.
Physical Characteristics	The site is vacant and relatively flat with a slope upward toward the single-family lots to the west.
Other	

GENERAL ANALYSIS

Land Use/Compliance with Comprehensive Plan. The subject site is within the area recommended to be annexed to the Village by the Comprehensive Plan. The Lemont Comprehensive Plan of 2002 recommends as a long-range goal to “annex, to the extent that is practical, legally defensible, and cost-effective, the remainder of the territory in Lemont Township” (p.18). The Plan also states that the future eastern boundary of the Village should extend to Will-Cook Road, “excepting the portion of Lemont Township already occupied by Willow Springs” (p.18).

The Comprehensive Plan recommends low-density residential development for the subject site. The Comprehensive Plan map designates the subject site and the surrounding properties as low-density residential (0-2 d.u. per acre). Additionally, the Land Use chapter of the Comprehensive Plan includes a section that specifically addresses the area southeast of Archer Avenue (p.33). It states that the area should be generally comprised of low-density single-family subdivisions, that “there will be some

small commercial nodes at State & Archer, 127th & Archer, McCarthy & Archer, and 131st & Bell, but the great majority of the public highway will have a parkway character” (p.33).

The requested B-3 zoning district is consistent with the Arterial Commercial¹ future land use category. Although the subject site is not designated for Arterial Commercial use by the Comprehensive Plan, it is well situated for Arterial Commercial use by the Comprehensive Plan’s standards. The Arterial Commercial future land use category is defined as “areas of existing or planned commercial development of an intensity typical of arterial highways and their intersections” (p.23). The subject site is located at the intersection of two arterial roads, as identified by the Comprehensive Plan (p.34). By comparison, the properties at 127th & Archer and at 131st & Bell are designated by the Comprehensive Plan for Arterial Commercial use, but these intersections each only include one arterial road.

Existing land uses in the area near the subject site have changed since adoption of the Comprehensive Plan in 2002. In 2003, the Lemont High School opened up new athletic fields at the southwest corner of the intersection of 131st Street and Bell Road. This site, approximately 25.48 acres, was designated for Arterial Commercial land use in the Comprehensive Plan but it has been developed for noncommercial use. In light of these changed land use patterns, the Village may wish to allocate additional acreage for future commercial development elsewhere along this corridor. If so, the subject site is appropriately located to accommodate Arterial Commercial use.

Compatibility with Existing Land Uses. The surrounding properties are either forest preserve or large lot residential development. Adjacent to the subject site to the west and south are six single family lots, with an average lot size of just over an acre (44,406 sf). Commercial development is not inherently incompatible with adjacent residential uses. However, the requested zoning and size of the subject site predict relatively intense commercial use which could create incompatibilities with adjacent residential uses. The UDO’s transition yard requirements are intended to mitigate adverse impacts of commercial development on adjacent residential land use. Although the residential properties are not within the Village limits, any approval of the requested annexation and rezoning should explicitly state that the site will be subject to the transition yard requirements of the UDO.

UDO Section 17.07.030 Transition Yard Requirements	
Yard Depth Required	12 feet
Screening Required	A wood fence with a minimum of 95% opacity and with a minimum height of five feet plus at least two plant units per 100 linear feet; or An earthen berm at least three feet in height plus at least one plant unit per 100 linear feet along the rear lot line and side lot lines; or

¹ The Comprehensive Plan map calls this land use category “Arterial Commercial” while the text of the Comprehensive Plan refers to it as “Arterial Business.” Although the titles are slightly different, they are the same future land use category.

	Four plant units per 100 linear feet plus an additional two evergreen trees per 100 linear feet along the rear lot line and side lot lines.
Use Restrictions	The transition yard shall not be used for parking, loading, servicing, or storage.

Note: One plant unit equals .5 canopy trees, 1 evergreen tree, 1.5 ornamental trees, and 6 shrubs or ornamental grasses.

Aesthetic and Environmental. No environmental concerns appear evident at this time. At the time of development of the subject site, the applicant will be required to follow all requirements of the Lemont Unified Development Ordinance to address site design, aesthetic, and environmental concerns. Depending on the type and scale of the proposed development, the applicant may be required to acquire a Planned Unit Development (PUD) approval. For example, the concept plan submitted by the applicant includes multiple buildings; Section 17.08.020.3 requires a PUD approval for any development that includes more than one principal building on a lot of record.

Storm Water Management/Engineering Comments. The Village Engineer has no objections to the proposed annexation, rezoning and special use. As noted in the attached letter, the Village Engineer has discussed a potential route for sewer and water connection with the applicant.

Fire Department Comments. The Fire Marshal provided comments on items that would need to be addressed at the time the subject property is developed. He had no comments regarding the requested approvals of annexation, rezoning and special use.

STANDARDS FOR SPECIAL USE

The applicant has requested a special use for two drive throughs. UDO Section 17.04.150.C states that special use requests must be consistent with the following six standards to be recommended by the PZC for approval:

1. The special use is deemed necessary for the public convenience at that location.

Analysis. The requested special use could provide convenient services for the public at the subject site. However, it is unknown exactly what services would be provided at this time since no specific plan has yet been submitted.

2. The special use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.

Analysis. No specific plans have been submitted at this time. However, the requirements of the UDO (see #5 below) would ensure that pedestrian and traffic safety would be addressed.

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

Analysis. The properties that would most directly be affected by the proposed drive throughs would be those located immediately adjacent to the subject site, along

Galway Road. Quantified impacts of drive throughs on residential land values are unknown; however, any impact would likely be related to the design of the drive-through and the hours of operation. Both of these items are unknown at this time. Therefore, staff cannot make a determination as to the likelihood of impact on adjacent properties.

4. The special use shall not create excessive demands on Village service or impair the ability of the Village to maintain the peace and provide adequate protection for its citizens.

Analysis. Drive-throughs do not create excessive demands on Village services, nor impair the ability of the Village to maintain the peace and provide adequate protection for the citizens.

5. The special use is consistent with standards enumerated elsewhere in this ordinance for the specific use, including planned unit developments.

Analysis. The UDO requires that all drive-throughs meet the following requirements:

- Each drive-through facility shall be designed so that the drive-through window is not on a side of a building facing a public street.
- The queue area shall not interfere with other on-site circulation and parking arrangements.
- All pedestrian walkways for a drive-through development shall be clearly marked and enhanced with special paving or markings when they intersect the drive-through aisles.

No site plan is being approved at this time, so the exact location and configuration of the proposed drive-throughs is currently unknown. When the development is reviewed for PUD or site development permit approval, the proposed drive-throughs should be designed to comply with these requirements of the UDO.

6. The special use meets, as applicable, the standards for planned unit developments found in Chapter 17.08 of this ordinance.

Analysis. Not applicable.

CONCLUSIONS & RECOMMENDATIONS

The requested rezoning to the B-3 zoning district is not consistent with the land use recommendations of the Comprehensive Plan. However, if the Commission finds that the Comprehensive Plan land use recommendations for the Bell Road corridor are out of date due to the changes in existing land use since 2002, then the subject site is one potential location that could be considered for additional commercial land use that is appropriately located per the Comprehensive Plan. The Comprehensive Plan requires consistency with its land use chapter; it states that where projects deviate from the land use recommendations of the Plan, then applicants shall present studies or analyses to

justify the change (p.7). In the absence of any such justification, staff can not recommend deviation from the Comprehensive Plan.

Staff does not recommend approval of the requested special use for drive-throughs at this time. Without a specific site plan to be approved, it is impossible to gauge whether the proposed special use meets the requirements of UDO Section 17.04.150.C. Drive throughs may be acceptable on this site, but should be pursued at a later date when a site plan is available.

FINDINGS OF FACT

If the Planning and Zoning Commission recommends approval of the rezoning and special use, the following findings-of-fact might be considered among those appropriate, that:

- a. The requested rezoning is consistent with the intent of the Comprehensive Plan in that it provides commercial space along Bell Road, at the intersection of two arterial roads. Although the requested rezoning deviates from the location of commercial land use proposed in the Comprehensive Plan, this deviation is justified by changes in land use that have taken place along Bell Road since the Comprehensive Plan's adoption in 2002.
- b. Sufficient safeguards exist within the Unified Development Ordinance to mitigate any potential incompatibility of commercial use with surrounding residential land uses.
- c. Sufficient safeguards exist within the Unified Development Ordinance to ensure that the proposed special use will be designed so that it protects the public health, safety and welfare.
- d. The requested special use will create minimal demands for Village services.

ATTACHMENTS

1. Village Engineer comments
2. Fire District comments
3. Site photos
4. Applicant submittals



Frank Novotny & Associates, Inc.

825 Midway Drive ♦ Willowbrook, IL ♦ 60527 ♦ Telephone: (630) 887-8640 ♦ Fax: (630) 887-0132

*Civil Engineers/
Municipal Consultants*

August 6, 2010

Ms. Charity Jones
Planner
Village of Lemont
418 Main Street
Lemont, Illinois 60439

Re: **Case 10-012**
McCarthy & Bell

Dear Charity:

I have reviewed the Case packet for Case 10-12 and do not have any objections to the project.

We have been working with the applicant to implement a plan to bring sanitary sewer and water mains to the site, via the Glens of Connemara, West Shore Pipeline, the First Church of the Nazarene, and the applicant property. The Case packet includes a map of the proposed plan.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

FRANK NOVOTNY & ASSOCIATES, INC.

James L. Cainkar, P.E., P.L.S.

JLC/dn
Enclosure

cc: Mr. Ben Wehmeier, Administrator
Mr. James Brown, Planning & Econ. Development Director
File No. 09321



LEMONT FIRE PROTECTION DISTRICT



BUREAU OF FIRE PREVENTION

15900 New Avenue
Lemont, IL 60439
Business: (630) 257-0191
Fax: (630) 257-5318
lemontfire.com

August 02, 2010

Ms. Charity Jones
Village Planner
Village of Lemont
418 Main Street
Lemont, Illinois 60438

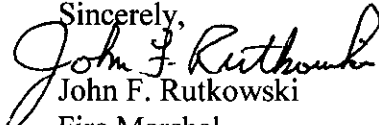
Re: Case 10-12 Commercial Annexation for McCarthy and Bell Road.

Dear Ms. Jones:

This Department is in receipt of the above mentioned submittal. After reviewing this application and related documents, the following items need to be addressed or clarified. They are:

- A looped water main around the perimeter of the property is strongly recommended.
- Location of fire hydrants shall be at 300 feet intervals.
- As a reminder the steamer ports on these hydrants shall be equipped with a five inch storz fitting with a cover/cap. The cover cap shall be connected to the hydrant with a 0.125 vinyl coated aircraft cable.
- These hydrants shall be so located within ten feet from the roadway.
- Since each of these buildings shall be protected throughout by an approved automatic sprinkler system, the exterior fire department connection shall be so located within 75 feet of a hydrant.

These items need to be addressed and incorporated in the plans at the time of submittal for permit application for site development. If you should have any further questions please don't hesitate to contact me.

Sincerely,

John F. Rutkowski
Fire Marshal

cc: file
cc: Chief Churulo



Subject Site



Looking West on McCarthy from Subject Site



NE corner of Bell & McCarthy – Equestrian Estates



SE corner of Bell & McCarthy – Forest Preserve District



Subject Site as viewed from Galway



Adjacent Property to the west

Annexation Application Form (with or without rezoning)

TYPE OF APPROVAL REQUESTED

CHECK ALL THAT APPLY:

- Annexation and Annexation Agreement
- Rezoning

APPLICANT INFORMATION

Applicant Name: Preferred Palos LLC by Matthew Klein ally

Company/Organization: Preferred Development Co
322 W Burlington La Grange IL 60525

Applicant Address: 141 W Jackson Chicago IL

Telephone & Fax: 312-327-2700 312-987-1101 FAX 708-354-8340
708-354-8850 FAX

E-mail: tom@preferreddevelopment.com MMK131@AOL.COM

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

Address of Subject Property/Properties: SW Corner McCarthy & Bell

Parcel Identification Number of Subject Property/Properties: 22-26-401-032-0000

Size of Subject Property/Properties: Approx 0.69 Acre

DESCRIPTION OF REQUEST

Brief description of the proposed annexation/rezoning: Annex & Zone B-3 - R Special Use

REQUIRED DOCUMENTS

See Form 506-A, Annexation Application Checklist of Required Materials, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____ By: _____

Application deemed complete on: _____ By: _____

Current Zoning: _____

Fee Amount Enclosed: _____ Escrow Amount Enclosed: _____

Annexation Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Rezoning Application Fee (based on size of property to be rezoned):

< 2 acres = \$300 10 to < 20 acres = \$1,000
2 to < 5 acres = \$500 20 acres or more = \$1,250
5 to < 10 acres = \$750

Annexation Application Fee = \$250 (per zoning lot)

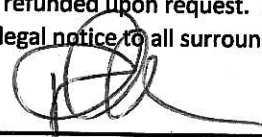
Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance Chapter 17.02).

Required Escrow = \$750 for annexation, plus \$500 for rezoning

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the annexation application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the annexation review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

x 

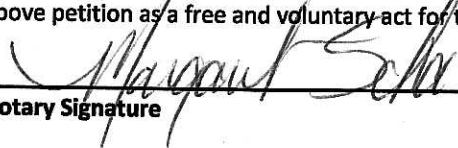
Signature of Applicant

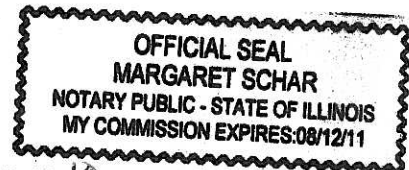
6/29/10
Date
Cook
County

State

County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that _____ is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.


Notary Signature



Given under my hand and notary seal this 25th day of June A.D. 20 10.

My commission expires this _____ day of _____ A.D. 20 _____.

Rezoning Application Form

APPLICANT INFORMATION

Preferred Dubs LLC
Applicant Name

by Matthew Klein - attorney

Preferred Development
Company/Organization

322 W Burlington
La Grange IL 60525

141 W Jackson, 35th Floor
Applicant Address Chicago IL 60606

708-354-8840

312-327-2780
Telephone & Fax 312-987-1101 FAX

8950 FAX

tom@preferreddevelopment.com
E-mail

mmk131@40l.com

CHECK ONE OF THE FOLLOWING:

Applicant is the owner of the subject property and is the signer of this application.

Applicant is the contract purchaser of the subject property.

Applicant is acting on behalf of the beneficiary of a trust.

Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

SW corner McCarthy & Bell
Address of Subject Property/Properties

22-26-401-032-0000

Parcel Identification Number of Subject Property/Properties

Approx 0.69 Acres
Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Requested Zoning: B-3 with SU

REQUIRED DOCUMENTS

See Form 502-A, *Rezoning Application Checklist of Required Materials*, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

Rezoning Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee (based on size of property to be rezoned):

< 2 acres = \$300 10 to < 20 acres = \$1,000
2 to < 5 acres = \$500 20 acres or more = \$1,250
5 to < 10 acres = \$750

Fee is non-refundable.

Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the rezoning application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the rezoning review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

6/28/10

Signature of Applicant

Date
Cook

State

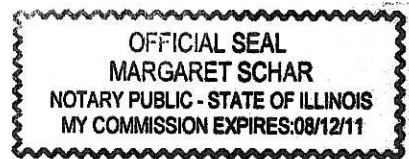
County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that _____ is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Notary Signature

Given under my hand and notary seal this 25th day of June A.D. 20 10.

My commission expires this _____ day of _____ A.D. 20 _____.



Special Use Application Form

APPLICANT INFORMATION

Preferred Palos, LLC
Applicant Name

Preferred Development
Company/Organization

141 W Jackson, 35th Floor
Applicant Address

Chicago, IL 60606

312-327-2700 314 987-1101 FAX
Telephone & Fax

tom@PreferredDevelopment.com
E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

Sw corner McCarthy & Bell
Address of Subject Property/Properties

22-26-401-032-0000

Parcel Identification Number of Subject Property/Properties

Approx 0.69 Acres
Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Allow two drive throughs as part of B-3 shopping center development
Brief description of the proposed special use

REQUIRED DOCUMENTS

See Form 501-A, *Special Use Application Checklist of Required Materials*, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

Special Use Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee = \$500 for properties less than 10 acres, \$750 for properties 10 acres or larger
Fee is non-refundable.

Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the special use application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the special use review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.


Signature of Applicant

6/28/10
Date

State

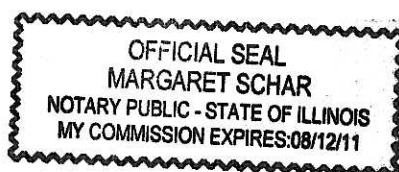
County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that _____ is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.


Notary Signature

Given under my hand and notary seal this 20th day of June A.D. 20 10.

My commission expires this _____ day of _____ A.D. 20 _____.



Special Use Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.140.C establishes the criteria for approval of special use requests; no special use will be recommended by the Planning & Zoning Commission unless it meets the following criteria.

Please describe below how your variation request meets the criteria of UDO Section 17.04.140.C. Attach additional sheets if necessary.

UDO Section 17.04.140.C.1

The special use is deemed necessary for the public convenience at that location:

Full retail development of primary commercial gateway to town and east end of Palos requires provision for drive through for financial pharmacy or food store.

UDO Section 17.04.140.C.2

The special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected:

The future drive through lanes will be so designed

UDO Section 17.04.140.C.3

The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located:

No negative impact from commercial development of long planned commercial corner will result even incorporating drive through lanes in initial site development plan

UDO Section 17.04.140.C.4

The special use shall not create excessive demands on Village service or impair the ability of the Village to maintain the peace and provide adequate protection for its citizens:

No excessive demand or impairment will result from requested special use

UDO Section 17.04.140.C.5

The special use is consistent with the standards enumerated elsewhere in the UDO for the specific use, including but not limited to, planned unit developments:

The requested special use is consistent

UDO Section 17.04.140.C.6

The special use meets, as applicable, the standards for planned unit developments found in Chapter 17.08 of the UDO:

The special use meets such standards and is consistent with commercial development at the location

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

PETITION FOR ANNEXATION

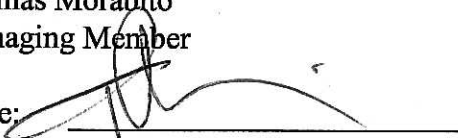
TO THE VILLAGE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF LEMONT
COOK COUNTY, ILLINOIS

The undersigned respectfully represent, state and request as follows:

1. That the undersigned are all of the owners of record of all the land in the following described territory: SEE ATTACHED
2. That the undersigned comprise at least 51% of the electors residing within said territory; and that at least 51% of such electors join in this petition.
3. That such territory hereinbefore described is not within the corporate limits of any municipality, but is contiguous to the Village of Lemont, Cook County, Illinois, a municipality organized and existing under the laws of the State of Illinois.
4. That the undersigned, as all owners of record of the aforesaid land and territory and as at least 51% of the electors residing on said land or territory, hereby petition that said territory be annexed to the Village of Lemont, Cook County, Illinois, conditioned upon entry of an annexation agreement acceptable to such Owners.

OWNERS AND ELECTORS

Preferred - Palos, LLC
By: Thomas Morabito
 Managing Member

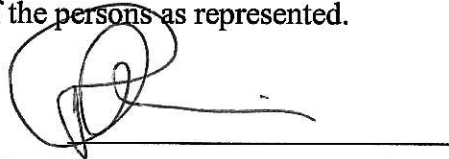
Signature: 
Print name: Thomas Moabito

Address: 141 W Jackson, 35th Floor
 Chicago, IL 60604

Owner Elector

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, being first duly sworn and under oath, depose and say that I am a party to the above petition, have knowledge of the facts stated therein, have read the contents thereof, and that the matters and things therein contained are true in substance and in fact and the signatures on the Petition are the genuine signatures of the persons as represented.



STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that _____ personally known to me to be the same person whose name is subscribed to this instrument, appeared before me this day in person and acknowledged that _____ signed this instrument as _____ own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 28th day of June 2010.



EXHIBIT A

LEGAL DESCRIPTION

A tract of land in the North $\frac{1}{2}$ of the East $\frac{1}{2}$ (except the west 250.00 feet thereof) of the Southeast $\frac{1}{4}$ of Section 26, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois. Bounded and described as follows: Beginning at a Point on the North line of the Southeast $\frac{1}{4}$ of said Section 26, 796.00 feet east of the West line of the West line of the East $\frac{1}{2}$ of said Section 26, thence south along a line that is parallel with the said West line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 26, a distance of 746.00 feet east of the West line of said East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 26; thence south along a line parallel with the West line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 26 a distance of 276.00 feet; thence west along a line parallel to the Southeast to the Northwest corner of Sunhill Subdivision Unit #1 as recorded April 8, 1981, as Document No. 25833414 in Cook County, Illinois. Thence East along the North line of Sunhill Subdivision Unit #1, a distance of 500 feet to the East line of the Southeast $\frac{1}{4}$ of said Section 26; thence North along said East line of the Southeast $\frac{1}{4}$ of Said Section 26, a distance of 710.86 feet to the Northeast corner of the Southeast $\frac{1}{4}$ of said Section 26, thence west along the North line of the said Southeast $\frac{1}{4}$ of Section 26, a distance of 531.41 feet to the place of beginning.



SCALE: 1"=1000'

VILLAGE OF LEMONT

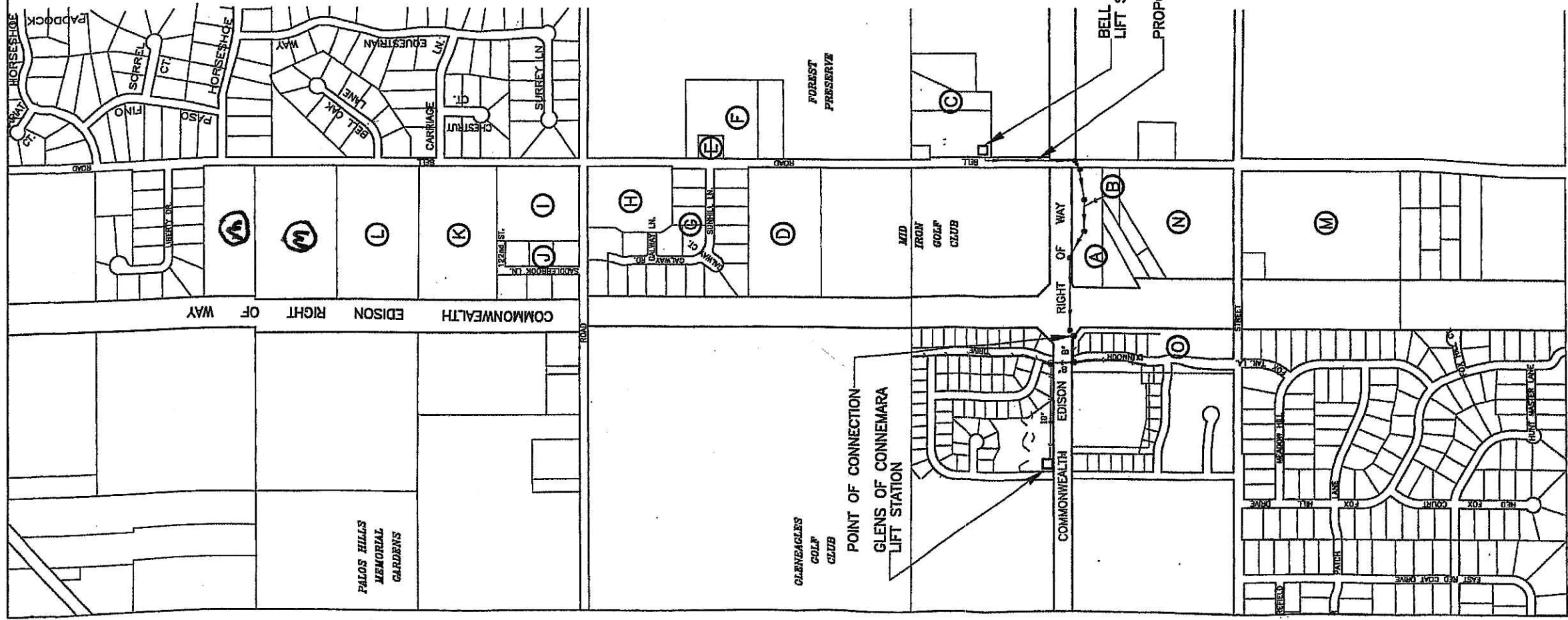
BELL ROAD SANITARY SEWER & WATER MAIN EXTENSION

SERVICE AREA AND FLOW RATES OF 12725 SOUTH BELL ROAD LIFT STATION

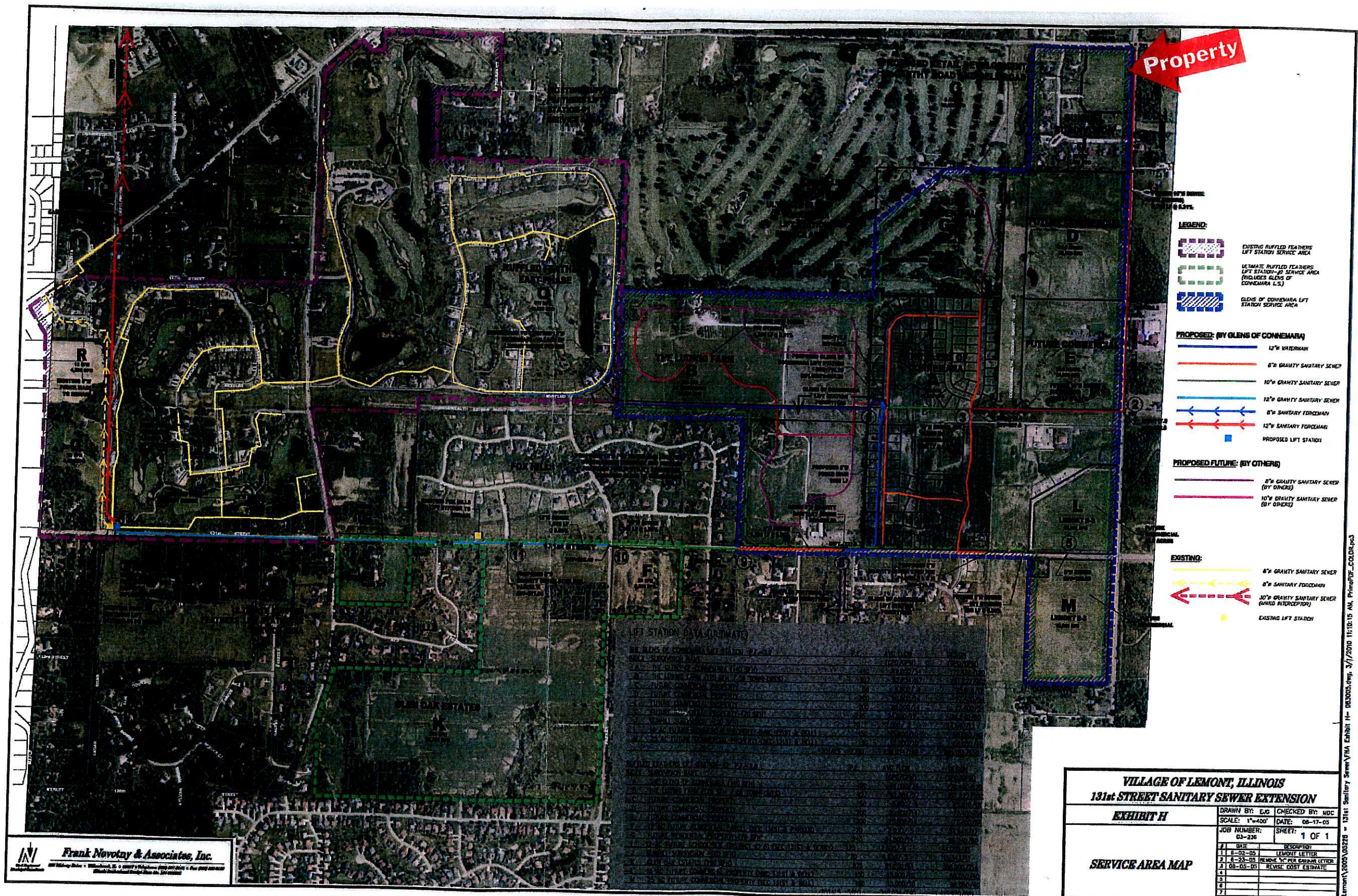
Service Area	Flow (gpd)
A West Shore Pipeline	5 PE 500
B Lemont Fire Protection District	3 PE 300
C First Church of the Nazarene	20 PE 2,000
D Carolyn Kwasniewski (Residential) 14.7 Acre @ 1.5 DU/JAC = 22 SFH @ 3.5	7,700
E Carolyn Kwasniewski Wayne Kwasniewski Keith Hudges	3.5 PE 1,950 3.5 PE 3.5 PE
F Kwasniewski (Residential) 10.3 Acre @ 1.5 DU/JAC = 16 SFH @ 3.5 = 52.5 PE	5,250
G Sun Hill Estates (Residential) 20 SFH x 3.5 = 70 PE	7,700
H Commercial Parcel 8 Acres =	100 PE 10,000
I Commercial Parcel 8.9 Acres =	120 PE 12,000
J Residential Parcel 6 SFH @ 3.5 PE	2,100
K Residential Parcel 15 Acres @ 1.5 DU/JAC = 22 SFH @ 3.5 PE	7,700
L Residential Parcel 15.6 Acres @ 1.5 DU/JAC = 23 SFH @ 3.5 PE	3,050
Total Lift Station Flow	58,650
58650 gpd = 41 gpm Avg. Flow, 184 gpm max. Design Flow	
DU = Dwelling Unit (Single Family Home)	

OTHER DESIGN FLOW TRIBUTARY TO EXISTING 8" PVC @ 0.50% GRADE AT POINT OF CONNECTION ON DUNMORE DRIVE

M Athletic Field Plus 2 Commercial Parcels	15,000
N Commercial Parcel	15,000
O Single Family Homes 21 SFH @ 3.5 PE	7,350
	37,350



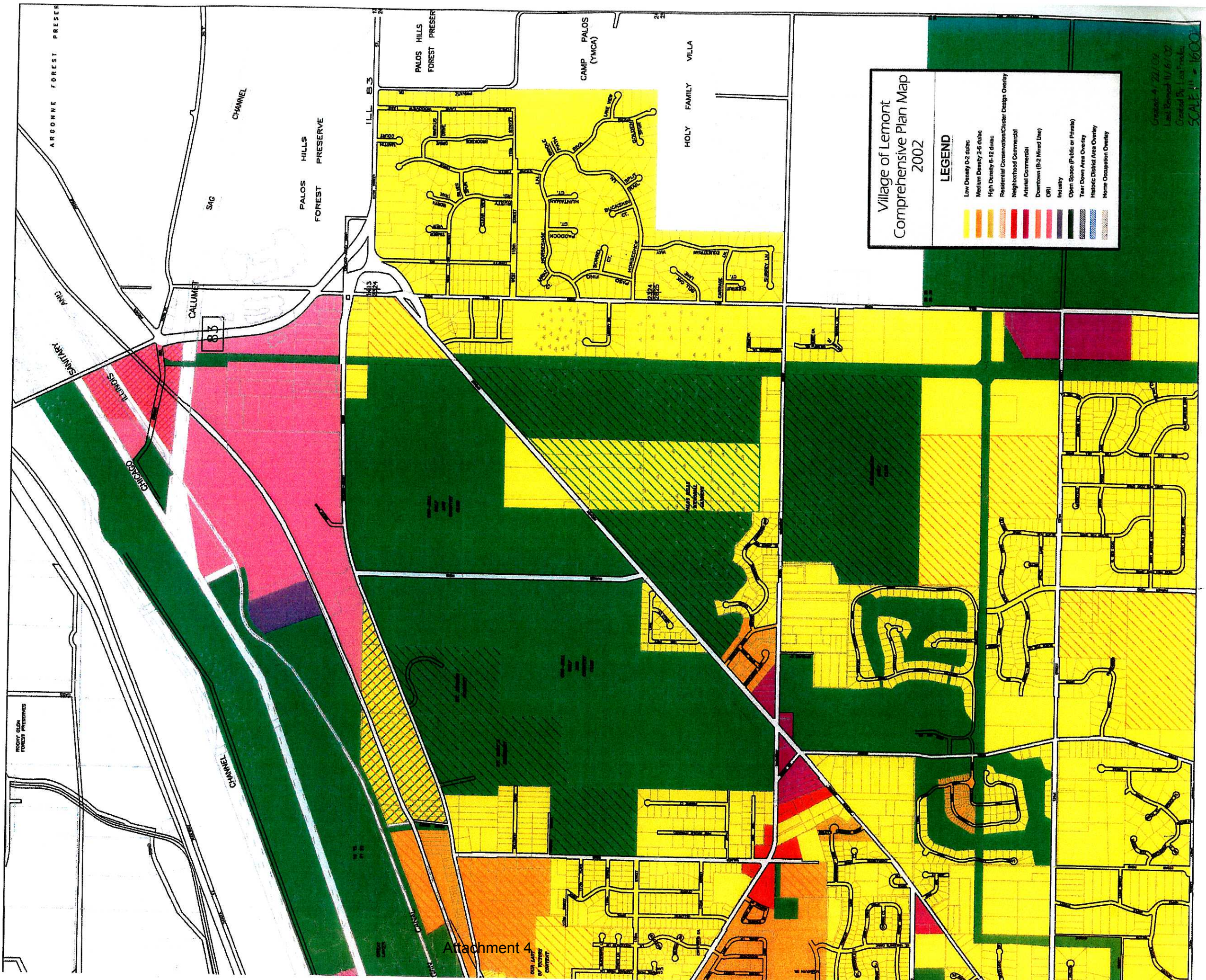
M White Pines Archery
R-8th School
30 acres
Want city water



Frank Novotny & Associates, Inc.
 2001 Midway Drive • Lemont, IL 60439 • Phone: 630.261.1000 • Fax: 630.261.1001
 www.franknovotny.com

VILLAGE OF LEMONT, ILLINOIS	
131st STREET SANITARY SEWER EXTENSION	
EXHIBIT H	
DRAWN BY: E.J.G.	CHECKED BY: MDC
SCALE: 1"=400'	DATE: 08-17-05
JOB NUMBER: 03-236	SHEET: 1 OF 1
1	DATE
2	DESCRIPTION
3	REVISION
4	REVISION
5	REVISION
6	REVISION
7	REVISION
8	REVISION

M:\Lemont\2005\03236 - 131st Sanitary Sewer\YFM Exhibit H - 080805.dwg, 3/7/2010 11:10:10 AM, PrintPlot_COLOR.pc3



Village of Lemont
Comprehensive Plan Map
2002

LEGEND

- Low Density 0-2 du/dc
- Medium Density 2-6 du/dc
- High Density 6-12 du/dc
- Residential Conservation Cluster Design Overlay
- Neighborhood Commercial
- Arterial Commercial
- Downtown (B-2 Mixed Use)
- CR1
- Industry
- Open Space (Public or Private)
- Tear Down Area Overlay
- Historic District Area Overlay
- Home Occupation Overlay

Created: 11/21/02
Last Revised: 10/6/07
Created By: Lisa Tucker
SCALE: 1" = 1600'



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Planning & Zoning Commission #109-10

FROM: Charity Jones, Village Planner

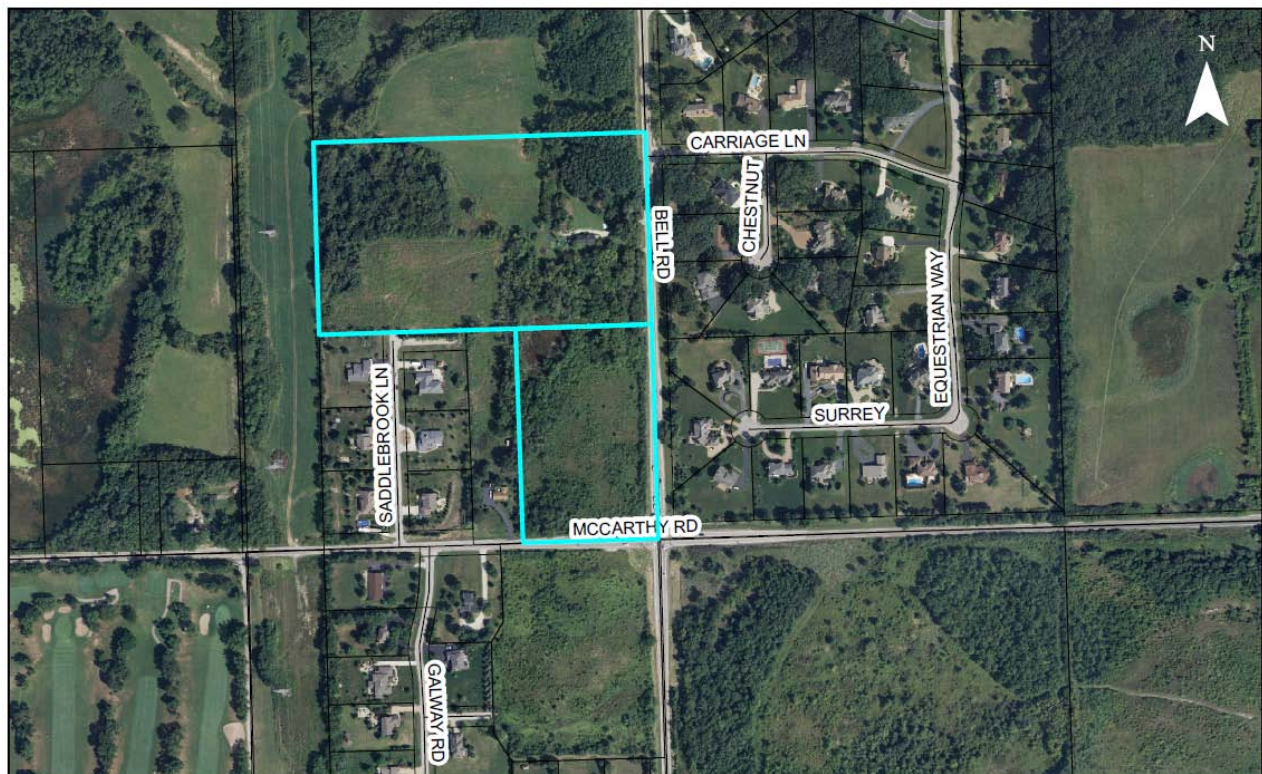
THRU James A. Brown, Planning & Economic Development Director

SUBJECT: Case 10-13 – NW Corner of McCarthy & Bell – RJ Rymek & Co.

DATE: September 09, 2010

SUMMARY

Rich Rymek, agent acting on behalf of the owners of the subject properties, has requested annexation to the Village, rezoning to the B-3, Arterial Commercial zoning district for an approximately 1.7 acre portion of the subject property immediately adjacent to the intersection of McCarthy & Bell Road and rezoning to the R-4, Single-Family Detached Residential zoning district for the remainder of the subject property. Staff recommends approval of the rezoning to R-4 Single-Family Residential, but not to B-3 Arterial Commercial.



PROPOSAL INFORMATION

Case No. 10.13
Project Name NW Corner of McCarthy & Bell – RJ Rymek & Co.

General Information

Applicant	Rich Rymek, RJ Rymek & Co.
Status of Applicant	Agent acting on behalf of the owners of the subject properties.
Requested Actions:	Annexation
Requested Actions:	Rezoning from R-1 to R-4 (20.9 acres)
Requested Actions:	Rezoning from R-1 to B-3 (1.7 acres)
Site Location	Northwest corner of the intersection of McCarthy Road and Bell Road.
Existing Zoning	Cook County, R-3 Single-Family Residence District
Size	987,480 sf; approx. 22.67 acres
Existing Land Use	Vacant & Residential
Surrounding Land Use/Zoning	North: Vacant, Cook Co. R-3 Single-Family Residence District
	South: Residential, Cook Co. R-3
	East: Residential, Cook Co. R-3
	West: Residential, Cook Co. R-3
Comprehensive Plan 2002	The Comp Plan calls for this site to be low density residential (0-2 du/acre).
Zoning History	N/A

Special Information

Public Utilities	Water and sewer would most likely be extended from the Glens of Connemara, along the ComEd right of way to Bell Road and then north to the subject site. This extension of water and sewer to the site is feasible.
Transportation	Traffic impact study not required.
Physical Characteristics	One single-family home is located on the subject site. The western portion of the site has the most varied topography and the site appears to include an approximately 1.12 acre wetland.
Other	

GENERAL ANALYSIS

Land Use/Compliance with Comprehensive Plan. The subject site is within the area recommended to be annexed to the Village by the Comprehensive Plan. The Lemont Comprehensive Plan of 2002 recommends as a long-range goal to “annex, to the extent that is practical, legally defensible, and cost-effective, the remainder of the territory in Lemont Township” (p.18). The Plan also states that the future eastern boundary of the Village should extend to Will-Cook Road, “excepting the portion of Lemont Township already occupied by Willow Springs” (p.18).

The Comprehensive Plan recommends low-density residential development for the subject site. The Comprehensive Plan map designates the subject site and the surrounding properties as low-density residential (0-2 d.u. per acre). Additionally, the Land Use chapter of the Comprehensive Plan includes a section that specifically addresses the area southeast of Archer Avenue (p.33). It states that the area should be

generally comprised of low-density single-family subdivisions, that “there will be some small commercial nodes at State & Archer, 127th & Archer, McCarthy & Archer, and 131st & Bell, but the great majority of the public highway will have a parkway character” (p.33).

Commercial. The requested B-3 zoning is consistent with the Arterial Commercial¹ future land use category. Although the subject site is not designated for Arterial Commercial use by the Comprehensive Plan, it is well situated for Arterial Commercial use by the Comprehensive Plan’s standards. The Arterial Commercial future land use category is defined as “areas of existing or planned commercial development of an intensity typical of arterial highways and their intersections” (p.23). The subject site is located at the intersection of two arterial roads, as identified by the Comprehensive Plan (p.34). By comparison, the properties at 127th & Archer and at 131st & Bell are designated by the Comprehensive Plan for Arterial Commercial use, but these intersections each only include one arterial road. The size of the commercial site is also consistent with the Comprehensive Plan’s recommendation for “small commercial nodes” southeast of Archer Avenue.

Existing land uses in the area near the subject site have changed since adoption of the Comprehensive Plan in 2002. In 2003, the Lemont High School opened up new athletic fields at the southwest corner of the intersection of 131st Street and Bell Road. This site, approximately 25.48 acres, was designated for Arterial Commercial land use in the Comprehensive Plan but it has been developed for noncommercial use. In light of these changed land use patterns, the Village may wish to allocate additional acreage for future commercial development elsewhere along this corridor. If so, the subject site is appropriately located to accommodate Arterial Commercial use.

Residential. The requested R-4 zoning is generally consistent with the Comprehensive Plan guidance for this area. The Comprehensive Plan’s low-density residential future land use category calls for a gross density of zero to two dwelling units per acre (p.22). The R-4 zoning district does not require a specific density; instead it establishes a minimum lot size of 12,500 sf. Theoretically, the minimum lot size of the R-4 zoning district could permit 3.48 dwelling units per acre. However, it is important to remember how density is calculated.

Gross Density is calculated by dividing the number of dwelling units in a development by the development’s total area. This total area includes street right of way, detention pond outlots, park facilities, etc. An analysis of six R-4 subdivisions throughout the Village reveals that on average, 35% of the development’s total area is devoted to these uses; the residential lots make up the other 65% of the total development area. Based on these figures, and assuming all lots in the proposed subdivision would be the minimum 12,500 sf, the gross density for the subject site would be 2.25 dwelling units per acre. However, it is unlikely that this density would be achieved. The average gross density achieved in the subdivisions studied is 1.9 dwelling units per acre. This is because it is practically very difficult for all lots in a development to be limited to the minimum lot size. See Attachment 3 for further details on the subdivisions studied.

¹ The Comprehensive Plan map calls this land use category “Arterial Commercial” while the text of the Comprehensive Plan refers to it as “Arterial Business.” Although the titles are slightly different, they are the same future land use category.

Compatibility with Existing Land Uses. The surrounding properties are vacant, forest preserve, or large lot residential development. Adjacent to the subject site to the west are three single family lots, each slightly less than one acre in size.

Commercial. Commercial development is not inherently incompatible with adjacent residential uses. However, the requested zoning allows relatively intense commercial use which could create incompatibilities with adjacent residential uses. The smaller size of the site (1.7 acres) will limit the intensity of commercial development to some degree and the developer will have the opportunity to design the proposed development in such a way as to further minimize impacts of commercial use on the adjacent residential lots. Also, the UDO’s transition yard requirements are intended to mitigate adverse impacts of commercial development on adjacent residential land use. Although the residential properties are not within the Village limits, any approval of the requested annexation and rezoning should explicitly state that the site will be subject to the transition yard requirements of the UDO.

UDO Section 17.07.030 Transition Yard Requirements	
Yard Depth Required	12 feet
Screening Required	A wood fence with a minimum of 95% opacity and with a minimum height of five feet plus at least two plant units per 100 linear feet; or An earthen berm at least three feet in height plus at least one plant unit per 100 linear feet along the rear lot line and side lot lines; or Four plant units per 100 linear feet plus an additional two evergreen trees per 100 linear feet along the rear lot line and side lot lines.
Use Restrictions	The transition yard shall not be used for parking, loading, servicing, or storage.

Note: One plant unit equals .5 canopy trees, 1 evergreen tree, 1.5 ornamental trees, and 6 shrubs or ornamental grasses.

Residential. The proposed residential use is detached single-family housing; this is consistent with the nearby properties. The requested zoning allows significantly smaller lots than are currently found anywhere near the subject site, however. This is inconsistent, but not necessarily incompatible with the surrounding properties.

Aesthetic and Environmental. U.S. Fish & Wildlife wetlands maps indicate the presence of a 1.12 acre freshwater emergent wetland on the subject site. Emergent wetlands may or may not be classified as open water. The Comprehensive Plan recommends that for areas southeast of Archer Avenue, to “save all open water wetlands and use them as amenities in developments” (p.33). The applicant will be required to follow all necessary procedures to properly address wetlands preservation and/or mitigation. At the time of development of the subject site, the applicant will be required to follow all requirements of the Lemont Unified Development Ordinance to address all site design, aesthetic, and environmental concerns.

Storm Water Management/Engineering Comments. The Village Engineer has no objections to the proposed annexation and rezoning. The Village Engineer has discussed a potential route for sewer and water connection with the applicant.

Fire Department Comments. The Fire Marshal provided comments on items that would need to be addressed at the time the subject property is developed. He had no comments regarding the requested approvals of annexation and rezoning.

CONCLUSIONS & RECOMMENDATIONS

The requested rezoning to the B-3 zoning district is not consistent with the land use recommendations of the Comprehensive Plan. However, if the Commission finds that the Comprehensive Plan land use recommendations for the Bell Road corridor are out of date due to the changes in existing land use since 2002, then the subject site is one potential location that could be considered for additional commercial land use that is appropriately located per the Comprehensive Plan. The Comprehensive Plan requires consistency with its land use chapter; it states that where projects deviate from the land use recommendations of the Plan, then applicants shall present studies or analyses to justify the change (p.7). In the absence of any such justification, staff can not recommend deviation from the Comprehensive Plan.

The requested rezoning to the R-4 zoning district is consistent with the land use recommendations of the Comprehensive Plan. The achievable gross density for the development will most likely not exceed two dwelling units per acre. Although the proposed residential development is of a different intensity than the existing surrounding residential uses, it is of the same type. Therefore, staff recommends approval of the rezoning to the R-4 Single-Family Residential District.

FINDINGS OF FACT

If the Planning and Zoning Commission recommends approval of the rezoning, the following findings-of-fact might be considered among those appropriate, that:

- a. The requested commercial rezoning is consistent with the intent of the Comprehensive Plan in that it provides commercial space along Bell Road, at the intersection of two arterial roads. Although the requested rezoning deviates from the location of commercial land use proposed in the Comprehensive Plan, this deviation is justified by changes in land use that have taken place along Bell Road since the Comprehensive Plan's adoption in 2002.
- b. Sufficient safeguards exist within the Unified Development Ordinance to mitigate any potential incompatibility of commercial use with surrounding residential land uses.
- c. The requested residential rezoning is consistent with the land use recommendations of the Comprehensive Plan for the subject site.
- d. The requested residential rezoning allows for a land use type (single-family detached residential) that is consistent with the existing land use of surrounding properties.

ATTACHMENTS

1. Fire District comments
2. Site photos
3. Density Analysis of R-4 Subdivisions
4. Applicant submittals



LEMONT FIRE PROTECTION DISTRICT



BUREAU OF FIRE PREVENTION

15900 New Avenue
Lemont, IL 60439
Business: (630) 257-0191
Fax: (630) 257-5318
lemontfire.com

September 1, 2010

Ms. Charity Jones
Village Planner
Village of Lemont
418 Main Street
Lemont, Illinois 60438

Re: Case 10-13 Northwest Corner of McCarthy and Bell.

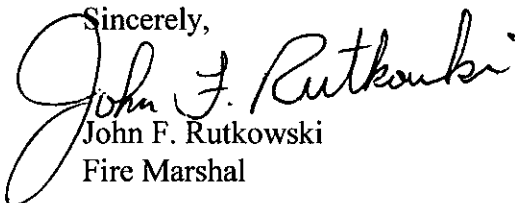
Dear Ms. Jones:

This Department is in receipt of the above mentioned submittal. After reviewing this document, this Department would recommend approval with the stipulation that the following items be incorporated at the time of formal plan submission. They are:

- Adequate accessibility to the property and buildings by emergency vehicles.
- Adequate water supply for any required fire protection systems.
- Adequate water supply and location of hydrants on the property.
-

A list of specific and detailed requirements will be established when a set of formal plans are submitted indicating the type of buildings and potential occupancy for this property. If you should have any further questions or comments please don't hesitate to contact me.

Sincerely,


John F. Rutkowski
Fire Marshal

Cc: file
Cc: Chief Churulo



Subject Site as viewed from McCarthy



Subject Site as viewed from Bell

Density Analysis of R-4 Zoned Subdivisions in Lemont

Subdivision Name	Total Subdivision Size (in acres)	# Dwelling Units	Gross Density (du/acre)	Subdivision Area dedicated to residential lots (in acres)	% of Subdivision dedicated to residential lots	Average Lot Size (sf)
The Glens of Connemara	68.08*	140	2.06	44.88	66%	13,964
Briarcliffe	70.91	128	1.81	42.27	60%	14,384
Smith Farms	10.5	19	1.80	7.18	68%	16,457
Mayfair Estates	28.52	56	1.96	17.62	62%	13,703
Southpointe	11.14	21	1.89	7.72	69%	16,004
Eagle Ridge	11.24	21	1.87	7.26	65%	15,067
AVERAGE			1.90		65%	14,930

** Glens Total Subdivision Size does not include ComED ROW; if included it would have further reduced the gross density of the development.*

Rezoning Application Form

APPLICANT INFORMATION

Applicant Name Std BK TR 12402 (Geno Martin), State Bank Countryside t/u/t

(Michael Finnegan)

Company/Organization c/o Mathew Klein, attorney

Applicant Address 322 W Burlington LaGrange IL 60525

Telephone & Fax 708 354 0840 708 354 9950 (FAX)

E-mail MMK131@AOL.COM

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

Address of Subject Property/Properties 12801 McCarthy Rd, 12150 Bell Rd

Parcel Identification Number of Subject Property/Properties 22-26-201-018000 22-26-201-006-000

Size of Subject Property/Properties 5.7 Acres, 15.09 Acres

DESCRIPTION OF REQUEST

Requested Zoning: R-4, B-3 at corner (250' along Bell, 300' along McCarthy)

REQUIRED DOCUMENTS

See Form 502-A, *Rezoning Application Checklist of Required Materials*, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

Rezoning Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee (based on size of property to be rezoned):

< 2 acres = \$300 10 to < 20 acres = \$1,000
2 to < 5 acres = \$500 20 acres or more = \$1,250
5 to < 10 acres = \$750

Fee is non-refundable.

Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the rezoning application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the rezoning review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

x R.J. Demmel & Co Rich Demmel
Signature of Applicant Date

State _____

County _____

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that _____ is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Notary Signature

Given under my hand and notary seal this _____ day of _____ A.D. 20 _____.

My commission expires this _____ day of _____ A.D. 20 _____.

Annexation Application Form (with or without rezoning)

TYPE OF APPROVAL REQUESTED

CHECK ALL THAT APPLY:

Annexation and Annexation Agreement

Rezoning

APPLICANT INFORMATION

ST2 BKTR TR 12402 (Gino Martin), State Bank Countryside t/o/c
Applicant Name (Michael Finigan)

C/O Matthew M Klein, etc
Company/Organization

322 W Burlington La Grange IL 60525
Applicant Address

708-354-8940 708-354-8850 (FAX)
Telephone & Fax

MMK131@AOL.com
E-mail

CHECK ONE OF THE FOLLOWING:

Applicant is the owner of the subject property and is the signer of this application.

Applicant is the contract purchaser of the subject property.

Applicant is acting on behalf of the beneficiary of a trust.

Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

12801 McCarthy Rd, 12150 Bell Rd
Address of Subject Property/Properties

22-26-201-011-0000, 22-26-201-006-0000 57A, 15.89A
Parcel Identification Number of Subject Property/Properties Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Annexation with Annexation Agreement, R-4 zoning with
Brief description of the proposed annexation/rezoning B-3 at corner (250' along Bell, 300' along McCarthy)

REQUIRED DOCUMENTS

See Form 506-A, Annexation Application Checklist of Required Materials, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

PETITION REQUESTING ANNEXATION
TO THE VILLAGE OF LEMONT

TO: THE VILLAGE CLERK, VILLAGE OF LEMONT, ILLINOIS

The undersigned respectfully represent, state and request as follows:

1. That the undersigned are all of the owners of record of all the land in the following described territory: SEE ATTACHED
2. That the undersigned comprise at least 51% of the electors residing within said territory; and that at least 51% of such electors join in this petition.
3. That such territory hereinbefore described is not within the corporate limits of any municipality, but is contiguous to the Village of Lemont, Cook County, Illinois, a municipality organized and existing under the laws of the State of Illinois.
4. That the undersigned, as all owners of record of the aforesaid land and territory and as at least 51% of the electors residing on said land or territory, hereby petition that said territory be annexed to the Village of Lemont, Cook County, Illinois, conditioned upon entry of an annexation agreement acceptable to such Owners.

STATE BANK OF ILLINOIS OWNERS AND ELECTORS
 TRUST NO 00-2235 VIA US PDE
 BY: FINNEGAN CONSTRUCTION COMPANY
 Signature: [Signature] Address: 13526 S. ERIN DR
 Print name: MICHAEL F. FINNEGAN,
PRESIDENT
 Owner Elector HOMER GLEN, IL
60441

Signature: _____ Property Address: 12150 Bell
 Print name: _____
 Owner Elector Lemont IL
22-26-201-011

Signature: _____ Address: _____
 Print name: _____
 Owner Elector

Signature: _____ Address: _____
 Print name: _____

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

PETITION REQUESTING ANNEXATION
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4. That the undersigned, as all owners of record of the aforesaid land and territory and as at least 51% of the electors residing on said land or territory, hereby petition that said territory be annexed to the Village of Lemont, Cook County, Illinois, conditioned upon entry of an annexation agreement acceptable to such Owners.

OWNERS AND ELECTORS

Signature: Gino Martin Mailing Address: 6549 Fox Ln
Print name: Gino MARTIN Palos Hts, IL 60463
Owner Elector

Signature: Gynthia Martin Address: 6549 Fox Ln
Print name: Gynthia Martin Mailing Address: Palos Hts, IL 60463
Owner Elector

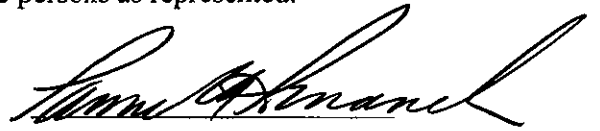
Signature: _____ Property Address: 22-26-201-006
Print name: _____ 12801 McCarthy Rd.
Owner Elector

Signature: _____ Address: _____
Print name: _____

Owner ___ Elector ___

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

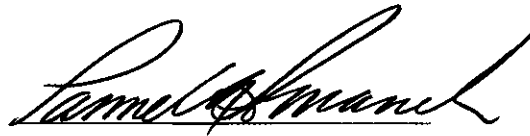
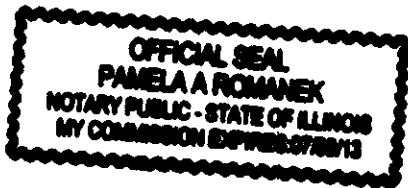
I, the undersigned, being first duly sworn and under oath, depose and say that I am a party to the above petition, have knowledge of the facts stated therein, have read the contents thereof, and that the matters and things therein contained are true in substance and in fact and the signatures on the Petition are the genuine signatures of the persons as represented.



STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that GINO + CYNTHIA MARTIN personally known to me to be the same person whose name is subscribed to this instrument, appeared before me this day in person and acknowledged that they signed this instrument as THEIR own free and voluntary act for the uses and purposes therein set forth.

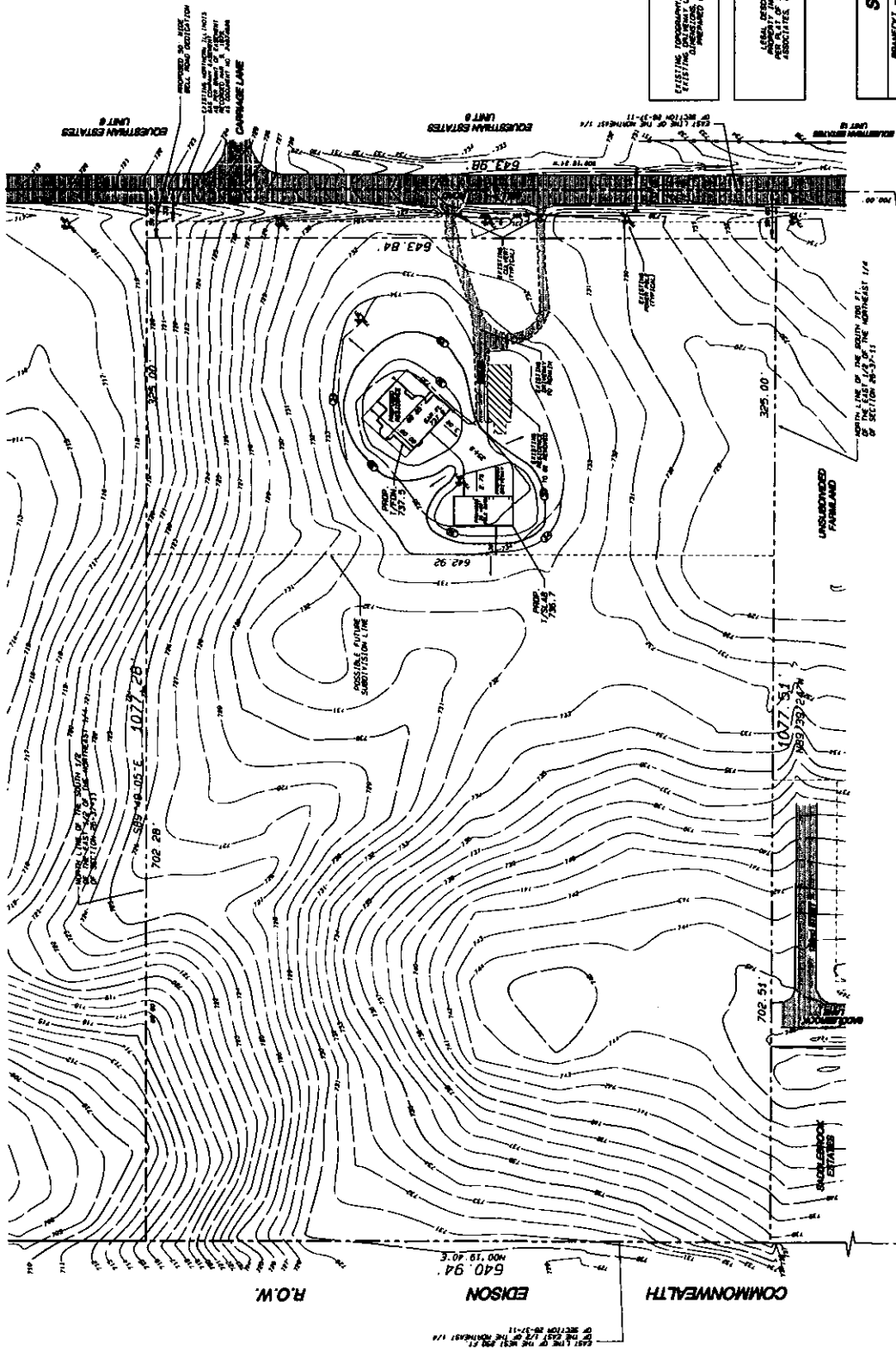
GIVEN under my hand and official seal this 13TH day of AUGUST 2010



LEGAL DESCRIPTION

THE EAST ONE HALF (1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 28, TOWNSHIP 33 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN LEMONT TOWNSHIP, COOK COUNTY, ILLINOIS
 AREA 13 89 AC. +/-
 P. I. N. 28-36-201-011

SCALE 1" = 30'

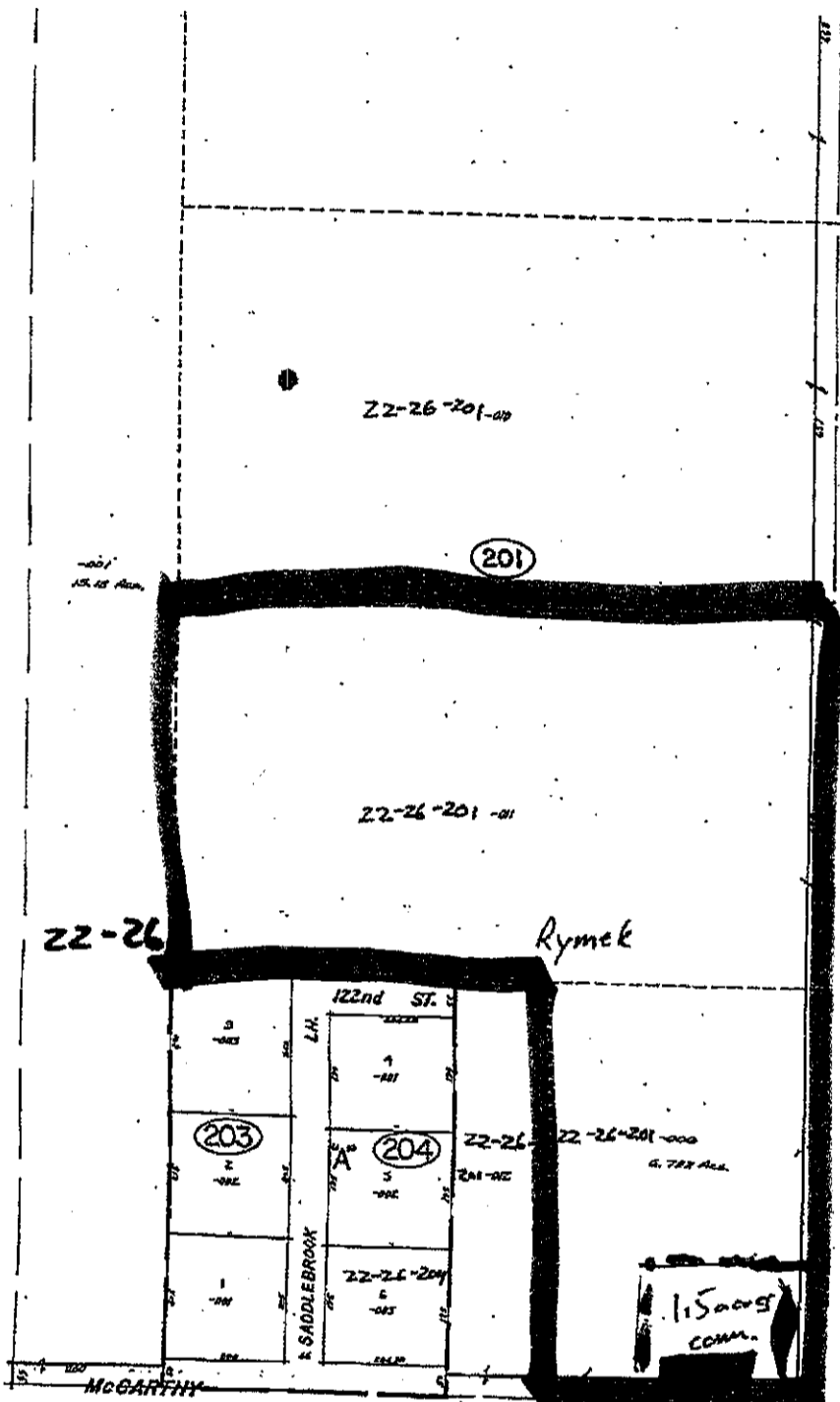


NOTE:
 EXISTING IMPROVEMENTS LOCATING THE LINE LOCATIONS, ELEVATIONS, DISTANCES, BEARING, AREA, PERIMETER, AND OTHER DATA, AS SHOWN ON THIS PLAN, WERE OBTAINED BY FIELD SURVEY CONDUCTED BY THE SURVEYOR.

NOTE:
 ALL INFORMATION AND DATA SHOWN ON THIS PLAN WERE OBTAINED FROM THE RECORDS OF THE SURVEYOR'S OFFICE AND ARE NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY.

SITE PLAN

BRANCKEY - VIRGILIO & ASSOCIATES
 1000 N. LAKE STREET, SUITE 200
 CHICAGO, ILLINOIS 60610
 DATE: 08/11/2011
 SHEET 1 OF 1



W. 1/2 S.W. 1/4 Sec. 25-37-11
LEMONT

