



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, October 20, 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: September 15, 2010

II. CHAIRMANS COMMENTS

III. NEW BUSINESS

**A. Case 10-14: Lemont Village Square Sign Plan
Amendment.** Review of request to amend the
Lemont Village Square Annexation Agreement
to revise the sign plan for the shopping center.

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 September 15, 2010

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, September 15, 2010, in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Schubert led the Pledge of Allegiance. He then asked everyone to continue standing, and raise his or her right hand. He then administered the oath.

B. Verify Quorum

Upon roll call the following were:

Present: Maher, Murphy, O'Malley, Spinelli, Schubert

Absent: Armijo, Erber

Village Planner Charity Jones was also present.

C. Approve Minutes

Commissioner Spinelli made a motion, seconded by Commissioner Maher to approve the minutes of the July 21, 2010 with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN COMMENTS

Chairman Schubert greeted the audience. He then explained that there were several people present that would like to give some input on both cases. He stated that they needed to come up to the podium when asked to speak and to state their name and address. Chairman Schubert then explained that the Board would open both cases to be heard as one. However, they would be voted on separately.

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 Road and Bell Road 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 Road and Bell Road to rezone 20.9 acres from R-1 to R-4 and to rezone 1.7 acres from R-1 to B-3.

Commissioner Murphy made a motion, seconded by Commissioner Spinelli to open the public hearing for Case #10-12 and Case #10-13. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Charity Jones stated that they would be hearing both cases at one time, for those people who just walked into the meeting. She said that when it was time for public comments, if anyone had a comment for either case they would be able to step forward at that time. Mrs. Jones then presented, via power point, some site photos of the subject property. She said that the property on the NW corner did contain approximately one acre of wetland on the site. She stated that some of the homes on Galway had mature landscaping along the rear property line. This landscaping could provide a buffer to the developed site if it was developed.

Mrs. Jones stated that both sides are requesting to be annexed. She said that the Comprehensive Plan does recommend for this area to be annexed into the Village of Lemont. She stated that the Village did not have a boundary agreement with Palos Park and Palos has previously expressed interest in extending its western boundary into this area.

Mrs. Jones went over the remaining staff report broken up into three parts: the commercial rezoning request, the residential rezoning request, and the special use request. She stated that the Comprehensive Plans designates this area as low density residential and the text of the plan also reinforces that recommendation. It does include some recommendations for some commercial nodes but does not identify the subject site as one of those nodes. Mrs. Jones stated that there have been some changes in land uses in the area near the subject site since the adoption of the Comprehensive Plan. She stated that the southwest corner of Bell Rd. and 131st was designated as commercial. However, in 2003 the Lemont High School opened a new athletic field on that site; that land now is no longer available for commercial use.

Mrs. Jones stated that the B-3 zoning that is being requested is equivalent to the Arterial Commercial Land Use category in the Comprehensive Plan. The Comprehensive Plan states that Arterial Commercial uses should be located at the intersection of arterial roads. She stated that in the Comprehensive Plan, Bell Road and McCarthy are designated as two arterial roads. By comparison, the properties at 127th and Archer and 131st and Bell are also designated as Arterial Commercial use, but these intersections each only include one arterial road. Mrs. Jones stated that it could be argued that this site has a better location for Arterial Commercial use than some of the properties that were designated in the Comprehensive Plan. She said due to the changed land uses in the area, the Village might wish to allocate additional acreage for

future commercial development elsewhere along this corridor. If so, this site is a potential site that meets the criteria for the Comprehensive Plan.

Mrs. Jones said that B-3 zoning allows for a variety of land uses. Some of these land uses could have a negative impact to adjacent properties. She said that the UDO does require a transition yard when a commercial is adjacent to residential. She stated that because the adjacent residential properties aren't actually in the Village of Lemont it wouldn't be explicit in the UDO that it is required. However, staff would recommend that if the zoning was allowed then the buffering requirements of the UDO be applied to these sites.

Mrs. Jones stated that in conclusion to the commercial analysis, the zoning is not consistent with Comprehensive Plan. However, there have been changes in land uses since the Comprehensive Plan. She stated that if the Commission finds that the plan for the Bell Road corridor is out-of-date due to these changes in existing land use, then the subject site is one potential location that could be considered for additional commercial use.

Mrs. Jones said in regards to the residential zoning, staff agrees that the R-4 zoning is consistent with low-density residential land use recommendation of the Comprehensive Plan. She said that the lot size that is allowed in R-4 is 12,500 square feet, which equates to a gross density of 3.48 dwelling units per acre if the density is calculated by dividing the total lot area by the minimum lot size in R-4. However, once you factor in street right of way, detention, and any other facilities needed in a subdivision, it can take up 35% of the total development area. She said based on that figure, the gross density would be 2.25 dwelling units per acre. This figure is also unlikely, because this would mean that every lot would have to be the minimum of 12,500 square feet.

Mrs. Jones stated that in regards to compatibility with existing land uses, it is the same type of land use, which is single-family detached residential. The R-4 zoning would be much smaller lots than what is currently surrounding the area. She stated that staff feels that the R-4 zoning is consistent with the Comprehensive Plan and is consistent with the surrounding land uses.

As far as the special use, Mrs. Jones stated that the property that is on the southwest corner of McCarthy and Bell requested a special use for two drive-throughs. She said the UDO has specific criteria that would have to be met to approve a special use. The first is that it is necessary for public convenience. Mrs. Jones stated that drive-throughs are convenient, but it is not known at this time what services would be offered. The second is that the public health, safety and welfare would be protected. She said that the UDO has requirements for the designs of drive-throughs to ensure that the public health, safety, and welfare are protected due to vehicular traffic. The third is that it will not cause substantial injury to the value of other property in the neighborhood. Mrs. Jones said that the properties most impacted would be the ones that are adjacent to the site. She said the impact would be based on how the drive-throughs were designed and the location that they are facing. She said the design is unknown at this time, so it

cannot be answered whether this criteria is met. The fourth criteria would be that the special use would not cause excessive demand on Village services. Mrs. Jones stated that there are several drive-throughs in the Village currently, and from experience they do not cause excessive demand. The last criteria would be that it is consistent with the other standards in the UDO. Mrs. Jones stated that the UDO does contain requirements for drive-throughs, and it would have to comply with those requirements. In conclusion, Mrs. Jones stated that it is unknown at this time if the special use meets the criteria of the UDO. Staff recommends that at the time the property is ready to be developed and when the Village has a site plan, the applicant would then reapply for this special use.

Mrs. Jones then showed a couple of photos of the site that were submitted from the applicant.

Chairman Schubert then asked everyone who had walked in late to please stand and raise his or her right hand. He then administered the oath.

Chairman Schubert asked if the developer for the southwest property could please come forward.

Matthew Klein, 322 W. Burlington, LaGrange, stated that he was the attorney for both applicants. He stated that Mrs. Jones covered the application and what the applicants are proposing. Mr. Klein stated that there is not a current plan for any development on either parcels, but he did provide a typical layout of what it could look like if developed. Mr. Klein stated that he was not aware of the wetland that Mrs. Jones mentioned, but would take that into account.

Mr. Klein said that they are proposing commercial for the southwest corner also and provided a typical layout for that corner too. The plan did include two drive-throughs. He stated that the market for many typical shopping centers demand drive-throughs. Mr. Klein stated that they are seriously requesting the drive-throughs be approved at this time so they could market the property and let potential buyers know that the approval is already there. He said that they would come back to the Board at a later date with the design of the center.

Chairman Schubert stated that they specifically asked for two drive-throughs and did they have a business in mind already.

Mr. Klein stated not at this time. He stated that there are some businesses that Preferred Palos has worked with, but no particular business or plan for development are set at this time. Mr. Klein stated that the intersection meets the definition and would be acceptable for commercial development because both roads being arterial. He stated that he provided a map from the Department of Transportation that did a traffic count for that intersection. He stated that traffic has increased in the area. Mr. Klein said that part of the submittal in the package did include potential expansion of water and sewer from the Village north along Bell Road. This expansion would be needed for future

planning and development in the area. Mr. Klein stated that he asks the Commission not only to think about the rezoning into the Village but also about the infrastructure and development of the area.

Chairman Schubert asked who drew the plan and if that person could step forward.

Tom Morabito, 141 W. Jackson, Chicago, stated that he was Vice-President for Preferred Development.

Chairman Schubert then asked what potential hazard were they looking at with the entrances and exits to this property.

Mr. Morabito stated that they haven't looked at that at this time. He said that they are looking at a nine-acre piece of property not a one-acre. He stated that they laid the plan out specific to the topography of the land. Mr. Morabito stated that they kept the detention or open site at the corner, and by doing so they are pushing the access points to the furthest spot on the site. He stated that they were asking for two cuts on nine acres, which was very reasonable. Mr. Morabito did say that they have not talked with the State or County at this time. He said he knows that there is going to be some negotiating with turning lanes and with the widening of the roads.

Chairman Schubert asked the Commissioners if they had any questions at this time. None responded. He asked if anyone in the audience would like to come up and speak.

Dorothy Goushas, 12821 Campbell Street, Lemont, stated that she lived approximately a mile from the intersection. She said looking at the pictures she would have to say that they were taken on a Sunday afternoon at 2:00 p.m. She has lived in this area for 49 years and from 5:00 a.m. to 9:00 a.m. traffic is backed up from Archer to 131st Street and that is on a good day. She stated that she would sit for five minutes trying to exit her street in the afternoon. Ms. Goushas stated that Bell Road is the only road that Lockport, Orland, Homer Glen and Lemont use to get to Route 83. She said that there is a new school at 115th and Bell Road. It has approximately 200 students and none of them are bused. She stated that there are a lot of traffic problems and fatalities on those roads. Ms Goushas stated that they are going to have to really look at these plans and to also look at what the Lemont High School did with their access points. She said that this is one project they really need to look at.

Mr. Klein stated that the access point would be as far west on McCarthy Road as possible.

Remo Turano, 4 Clearview, in Equestrian Estates, stated that he was on the Board for Equestrian Estates. He said the issue is zoning. He has been a resident for 22 years and he loved the way it looked. He moved from Oak Brook and always envisioned Bell Road to look like 31st Street in Oak Brook. Mr. Turano stated that they did not want a drive-up, or a gas station, and they do not want "typical". He said they worry about their property value and how you go from a 48,000 square foot lot to an adjacent lot of

12,000 square feet. He said that his concern is the look and future of that corner. He said that they have watched Lemont grow and it is a city that they would want to be associated with, however this is not the route they would want.

Ken McVickers, 5 Chestnut Court, Lemont, stated that he has lived out in Equestrian Estates for 24 years. He said that he loves Lemont and would not want to raise his children in any other place. He stated that he was the President of the Equestrian Estates Homeowners Association about 13 years ago. At that time, there was another developer that wanted to develop some of this land. He said that they met with the developer, the County, and Lemont Officials. He said they worked out an agreement with the developer to keep the lots at $\frac{3}{4}$ of an acre. When he brought the plan to the Lemont Board, it was turned down. Mr. McVickers stated that Lemont has not been very good neighbors. He stated that there was an article in the Lemont Suburban Life, in regards to these two cases, and it states "Lemont Officials are concerned that the homes would be built on half-acre lots while surrounding homes sit on acre lots". He said that now it is going to be 12,500 square foot lots. He stated that they couldn't stop progress; however, there would be a huge affect to property values if you put commercial on those corners. He said that he is upset because they had the opportunity to have it residential and have half-acre lots. Mr. McVickers said he doesn't understand what it is they plan on putting on the 1.7 acres on the northwest corner. He said that is the worst place you could have for a commercial site. That whole intersection is a death trap. He said semi-trailers and cars come speeding down there. He said that he recommends not approving these cases. He said he knows that Palos has been after them to be annexed into their town and has even used the ploy of turning those corners into commercial as a threat. He said if you make those corners commercial then the Village is not helping them and it will be long time before their community comes to the Village of Lemont.

Lois Iles, 169 Galway Road, stated that her house has been on the market for a long time. She said some of the comments she has received from people looking at the house are that it is too close to a busy road. She asked staff how could they know that their property values would not go down. Ms. Iles stated that when you turn off of Galway Road to go east on McCarthy, there is a slight incline right before the golf course. She said she doesn't understand how they could have an exit for the golf course, Galway Road and a store before you got to Bell Road. The distance is too short. She stated that the traffic is always backed up on Bell Road from Archer. There are no turn lanes so if traffic is trying to cross to turn they hold traffic up.

Mrs. Jones stated that she would like to address the issue of property values. She said that when she spoke about the impact on property values it was in reference to one of the criteria for special use. She said that the criteria were that the special use would not have a significant negative impact on property values in the neighborhood. Mrs. Jones stated that they did not have a site plan showing where the drive-throughs would be. She said that most negative impacts with drive-throughs are lights and noise and those are highly dependent on how they are situated on the site in relation to the adjacent

property. Mrs. Jones stated that this was the comment about not knowing the impact to the adjacent property and their values.

Beth Butler, 7 Sun Hill Lane, stated in regards to the layout of the detention pond, her concern is that according to township regulations they have to put up landscape barriers with a certain amount of distance. She said that she is unclear as to whether that would fall under Lemont Township or Cook County. She stated that if they are pushing the entrances closer to the houses, how much room does that leave for the barrier. She said the reason for her concern is because there have been times she had to call the police. She said she had to wait 45 minutes for a response from County police. Mrs. Butler asked who is responsible for regulating the distance of space, trees and barriers. She said that her other concern is with traffic and accidents on that corner. She said she lives on the end and doesn't even let her children ride their bikes on the northbound side of the street. She stated that cars come in so fast because they try to cut through the neighborhood. Ms. Butler stated that they now have an Emergency Facility south on Bell Road, so now there are Emergency vehicles whipping down Bell Road every few hours. She stated that this is a catastrophe in the making.

Mrs. Jones stated that if the property were developed as unincorporated and not annexed into Lemont, it would be up to the County. She said if the property was annexed and developed in the Village of Lemont, then staff is recommending that the transition yard requirements would apply. So the developer of that site would be responsible for maintaining a distance that is free and clear, including landscaping to provide a natural buffer and fencing. Mrs. Jones stated that it would depend upon what the Village Board approves.

Ms. Butler said that the Board has to consider that these are people's backyards.

Dan Noonan, 5 Clearview from Equestrian Estates, asked that before any decisions were made on this case, if the Board would go and see how bad the traffic problems are in the morning and afternoon on these roads. He said that there were a lot of negotiations when the school went in on Bell Road. He said he couldn't even imagine how 300 plus stalls for a commercial property would affect the area. Mr. Noonan said he doesn't understand how you can consider a special use for drive-throughs without any plans. He stated that anything with a drive-through would not help the community and it would decrease their property values. Mr. Noonan stated that as far as the residential portion, everything around in the area is one acre or more. He said they would like to keep the area as beautiful as it is with acre plus lot sizes.

Malcolm Derrick, 20 Equestrian Way in Equestrian Estates, stated that he remembers years ago there was a proposal to develop the southwest corner of Bell and McCarthy with 40,000 square foot lots. He said however the Village of Lemont blocked that. He stated that this is another power play between the Village of Lemont and the Village of Palos Park. He stated that in Equestrian they have one-acre lots, and to develop across the street 12,500 square foot lots would be completely out of character. Mr. Derrick

said that he was upset with the presentation that staff had presented. He said that he is adamantly apposed to this proposal.

Eve Markou, 6 Surrey Lane in Equestrian Estates, stated that her back yard faces Bell Road. She said the traffic, especially in the morning, is unreal. She stated that what they are proposing with these two parcels is not right when they have one-acre plus home sites. She stated that she is also adamantly against the proposal.

Greg Gilbertson, 81 Horseshoe Lane in Equestrian Estates, stated that he agreed with all the comments made by his peers. He asked what was the benefit here. He said, for the residents, there is no benefit with developing these two corners. He stated that he has lived here for 23 years. All he can see is increased traffic and decreased property values. He said the Village would get a tax base and revenue. He commends Lemont for the development that they have done. Mr. Gilbertson said that they have the big box stores in the area. Homer Glen, to the south, is a great example of going overboard on commercial. He said they are slaughtering that end of Bell Road. He stated take a look at our strip malls that are empty. He said as a community we don't need commercial on that corner, there is enough in Lemont.

Vicki Melonas, 8 Horseshoe Lane, stated that she is a realtor. She said Lemont is a lovely community and Equestrian Estates as a whole has stood by Lemont. She said Palos has wanted to annex them, but they keep saying no. Now they would like the Village to reciprocate for them. She said being a realtor there are two killers to property values, power lines and if your backyard faces commercial property. She stated that they could drive to Lemont to go shopping, and that they don't need it on their corner.

Dan Bechtloff, 26 Sun Hill Lane, stated that his yard backs up to this southwest lot and finds it shocking that his property value would not go down because of it. He said that there are three blind hills on Bell Road. Two of the hills are on Bell Road and one is on McCarthy. He said that he finds it shocking that they would not expand the streets and expect no increase in accidents. Mr. Bechtloff asked where the 3D graphics were to show what is going to be built. He stated that he finds it hard to believe that they do not know who is going to use the two drive-throughs. He said everything is too vague and he can't believe the Village would approve this without details.

Marcia Lafa, 152 Galway Road, asked if they annexed this property how far are they carrying the water. She asked would they have to get American water and pay \$500 for water. She also asked how much her taxes would be going up.

Mrs. Jones stated that only these properties that they have petitions for would be annexed in at this time. She said water and sewer would be brought up Bell Road where they currently have water and sewer. She told Ms. Lafa that she would stay on well and septic. Mrs. Jones stated that her taxes would not change; it would only affect the properties being annexed.

Ms. Beth Butler stated that she grew up in Palos Park. She said that the pull to Palos Park is the land that is not developed. She said behind the farms are nature preserves that are protected. She said they don't even allow horses through there. She said many people come to this beautiful place of Lemont and Palos because it is so beautiful. Ms. Butler stated that she was so pleased to see what Lemont did to the Quarries. She said that they are cleaning up the garbage in Lemont. She said to make this move would be a step in the opposite direction.

Charles Englund, 20 West 115th Street, stated that he is a resident and part of the Lemont Township Planning Commission. He said that Bell and McCarthy Road are not improved for business traffic at this corner. He said they do not need the business on this corner and it would probably be strip malls anyways. He stated that there are a lot strip malls that are currently empty. He said the residential on the north side is too dense for this area. Mr. Englund asked to not approve these two proposals that do not blend with this area. Any development on these two areas should be within the current zoning.

Marsha Hunter, 8 Carriage Lane in Equestrian Estates, stated that she has lived here 21 years. She said within three miles there are seven banks, 14 storefronts that are available for lease and there is more land down on Bell waiting to be developed. She asked why would Lemont want commercial here. It would draw away from the areas on 127th and the one at Derby and Archer that the Village is trying to develop and are vacant. She stated that they moved here for the rural feel of the area. She stated that the traffic has already been discussed. Ms. Hunter said that the water and sewer sounded like it was a proposal or is it a done deal.

Mrs. Jones stated that they would have to be annexed. She stated that the Village requires them to have water and sewer for development.

Ms. Hunter asked what would stop the developer from the southwest side, once they get annexed, selling off the parcels and not subjecting them to these regulations and public scrutiny.

Mrs. Jones stated that it would be possible for the developer to do a commercial subdivision on that southwest side. She said that the commercial subdivision would have to go through a public meeting process, but then individual developments would possibly not. She said the most likely scenario is that the development would fall under the Planned Unit Development requirements. She stated that there are certain thresholds of square footage were they would have to go through a special use approval. Mrs. Jones said more likely than not they would have to go through a public hearing process, but there are no guarantees.

Ms. Hunter stated that she received other e-mails from other residents in the area. She asked if she could give them to staff.

Mrs. Jones stated that she would take them and that they would become part of the public record.

Ms. Goushas stated that the Village just recently came down Main Street with water and sewer, but did not include everyone. She said there is no guarantee that Lemont is going to go all the way out to McCarthy.

Mrs. Jones stated that those homes that were not included on route 83 were not part of the Village.

Cindy DeMarie, 3 Galway Court, stated that she has lived here for 23 years. She stated that the nine acres on the southwest corner was supposed to be one-acre lots. She said since then it has changed hands. She would like to thank Equestrian Estates, because her subdivision is just a few people. They appreciate their help and voice in this. She stated that she moved out of Orland Park, because of the congestion. Ms. DeMarie said that the only thing she would want to see on either property is residential. She said that the area is a housing area, and that is the way they would like to keep it.

Chairman Schubert asked if anyone else would like to make a comment. None responded. He then asked if Mr. Klein would like to respond to any of the comments.

Mr. Klein stated that Equestrian Estates is a lovely area. He said it was developed with well and septic, that is the basis for the lot size. He stated that you could also have a lovely area with lot sizes at 12,500 square feet. Mr. Klein stated that there was no inconsistency with Equestrian Estates on one side and a beautiful subdivision in the future with development on the other side. He stated that if the Village chooses to annex these properties, provide the water and sewer in conjunction with the development of the properties, then the lot size they are talking about would be appropriate for development. Mr. Klein stated that traffic has increased here and everywhere else. He said the peaks from the operation of a commercial center would offset the peaks of the residential traffic. He said that there would have to be some modifications to the intersection to improve the traffic situation from what it is now. Mr. Klein stated that the applicants have the desire to become part of the Lemont community with the development of these parcels. He stated that officials from Lemont have contacted both property owners about coming to Lemont and proposing appropriate zoning for these properties.

Mr. Turano asked if they have done any demographics or studies on what kind of impact they would have on area.

Mr. Klein stated that when Preferred acquired the property, they would have looked at the impact. He said they are professional developers and do some assessment before they acquire the property. He said that Mr. Morabito could describe some demographic reasons as to why this property is a viable commercial property. Mr. Klein stated that showing 17,000 cars come down this road would be a good traffic basis for a developer. He stated that also the economics of the Lemont community and the Palos community

that surrounds the area is another basis that a commercial developer looks at. Mr. Klein stated that the economy has had a devastating impact with the development of this site at this moment. He said what they are asking for is to be annexed into Lemont and to be able to work with the Village of Lemont to provide water and sewer to the location. He said as far as the demographics of the corner, they did look at the traffic. Mr. Klein stated that they did not have a specific plan or a specific user. However, they are taking the first step in that process to find a community that this developer wishes to part of for this project. He said also setting the utilities in place for the commercial development and in conjunction to provide utilities to allow residential development to a site that has been vacant for years. He said if the neighbors would like to participate in the water and sewer, he was sure that the Village of Lemont would be receptive.

Mr. Turano said that they have respectably seen the growth in Lemont and it is now in the Board's hands. He said you know that the residents are against this plan. He stated they would like to see residential eventually, but would like to see the area go up not down.

Chairman Schubert stated that he would like to let the Commissioners make any comments at this time. He said he would be the first to speak. He said he has lived here many years and have seen this town grow. He said he believes in growth, but does not agree with what they are proposing for commercial at this time. He stated that the Comprehensive Plan shows that the area is suppose to be low density. Chairman Schubert stated that the B-3 zoning can take on any kind of look and he is not comfortable with that for that area. He said that his feelings are residential on the northwest side with the density being looked at. He stated that for the southwest he does not see commercial there.

Commissioner Maher stated that the objective of the Board is to do things within the Comprehensive Plan. He said that this area is zoned for residential and not commercial. He stated that the Plan is eight years old and one of the things the Village needs to do is revisit the Comprehensive Plan and update it accordingly. Commissioner Maher stated that this is a high congested area and it needs to work things out with the County to improve the traffic situation. He said in general this spot would be good for some commercial as well as residential on the northern side. He stated that he was not sure how much residential could fit on the southern lots. He said either the southern area should be left vacant or changed to commercial because it is so close to the high congestion area. Commissioner Maher stated that it comes down to the Comprehensive Plan and it states that the area should be residential.

Commissioner O'Malley stated this site has potential in the future, but there is a lot of planning that needs to be done to move forward. A traffic study specifically needs to be looked at, which was a big problem for a lot of the residents. He said that at this time he would have to wait and see more information before he could make a decision.

Commissioner Spinelli stated that he was never one to vote on any project that comes before the Board without seeing some kind of plan. He said he understands that it is

hard to get a company to commit to a site, but there is no plan. He stated that he did not have a problem with annexing the properties, however he would recommend annexing them as R-2. This would give them the 45,000 square foot lots and then the petitioners can come back later with a plan. He said then it would be up to the Village Board to make a decision on the property. He stated he did not like letting them come in and get the highest up front without a plan.

Commissioner Murphy stated that she agreed with Commissioner Spinelli. She said that she is not opposed with the annexation, but would not want them to come in at the zoning that they are requesting without a plan. She stated that she doesn't think she would change that corner even with a new Comprehensive Plan. She said that area is low density and she would not want that area to lose the rural character. She said that there are very few areas left to develop in Lemont so they have to be choosier in the future.

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to close the public hearing for Case #10-12 and Case #10-13. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Murphy made a motion, seconded by Commissioner Maher to recommend approval for Case #10-12.

Chairman Schubert then read the Findings of Fact for Case #10-12:

1. 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. *All Commissioners did not agree.*
2. Sufficient safeguards exist within the Unified Development Ordinance to mitigate any potential incompatibility of commercial use with surrounding residential land uses. *All Commissioners agreed.*
3. Sufficient safeguards exist within the Unified Development Ordinance to ensure that the proposed special use will be designated so that it protects the public health, safety and welfare. *All Commissioners agreed.*
4. The requested special use will create minimal demands for Village Services. *All Commissioners agreed.*

A roll call vote was then taken for recommendation of approval:

Ayes: O'Malley

Nays: Maher, Spinelli, Murphy, Schubert

Motion denied

Commissioner Spinelli made a motion, seconded by Commissioner Murphy to recommend approval for Case #10-13.

Chairman Schubert then read the Findings of Fact for Case #10-13.

1. 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. *All Commissioners did not agree.*
2. Sufficient safeguards exist within the Unified Development Ordinance to mitigate any potential incompatibility of commercial use with surrounding residential land uses. *All Commissioners agreed.*
3. The requested residential rezoning is consistent with the land use recommendations of the Comprehensive Plan for the subject site. *All Commissioners did not agree.*
4. The request residential rezoning allows for a land use type (single-family detached residential) that is consistent with the existing land use of surrounding properties. *All Commissioners agreed.*

A roll call vote was taken for recommendation of approval:

Ayes: None

Nays: Maher, Spinelli, O'Malley, Murphy, Schubert

Motion denied

IV. GENERAL DISCUSSION

Mrs. Jones stated that at the Committee of the Whole meeting on Monday night they were going to talk about what it would cost to re-look at the Comprehensive Plan. She said they would also talk about if they want to look at a portion of the Plan or the whole thing and whether to do it in house or get a consultant. She said once they have an idea of a financial commitment from the Village Board then her and Mr. Brown can start a plan of work for the project.

Commissioner Spinelli asked Mrs. Jones if someone could look at the ranch home in Smith Farms at 16601 Harvest. He said it is the only structure being built right now next to the detention basin. He said they put the public walk in across the front of their lot and across the front of the vacant lot west of the house. However they left a 20-foot gap to the existing walk that they put in when they went through the detention basin. Commissioner Spinelli stated that before staff approves occupancy, they need to know who is going to put that 20-foot gap of sidewalk in.

Commissioner Spinelli stated that the final surface needs to be put on the roads in Mayfair Estates. He said that they have enough homes in Mayfair to put the final layer on those roads. He stated that the binder coat is really rough.

Mrs. Jones stated that they are talking with Dr. Evans about several issues in Mayfair.

Commissioner Murphy stated that there is a sewer cover that is broken and needs to be fixed in front of 526 Ledochowski. She said that she has been calling for two years.

Commissioner O'Malley had asked about an article that he read that talks about funds from the State or the County being used for improving the canal.

Mrs. Jones stated that the article was referring to the Canal Corridor Association's Corridor Management Plan. Discussion then continued about this Plan.

Commissioner O'Malley said that a lot of communities are doing some kind ordinance towards foreclosures and how they handle the properties. He asked what Lemont is doing.

Mrs. Jones said that they just adopted a vacant property ordinance that gives the building department a little leverage to get into those buildings and check them out.

Discussion continued about the updating of the Comprehensive Plan and potential commercial zoning areas.

V. ADJOURNMENT

Commissioner Maher made a motion, seconded by Commissioner O'Malley to adjourn the 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 #121-10

FROM: Charity Jones, Village Planner

THRU James A. Brown, Planning & Economic Development Director

SUBJECT: Case 10-14 Lemont Village Square Sign Plan Amendment

DATE: October 13, 2010

SUMMARY

Brad Byarski, as a representative of OS Lemont Development, LLC, owner of the subject property, is requesting an amendment to the Annexation Agreement for Lemont Village Square to amend the sign plan adopted therein. Staff recommends approval of the amendment.



PROPOSAL INFORMATION

Case No. 10.14
Project Name Lemont Village Square Sign Plan Amendment

General Information	
Applicant	OS Lemont Development, LLC
Status of Applicant	Owner of the subject site
Requested Actions:	To amend the adopted annexation agreement for Lemont Village Square, to revise the signage requirements therein.
Site Location	1237, 1243, and 1251 State Street (PINs 22-32-200-008, 029, and 048)
Existing Zoning	Lemont B-3, Arterial Commercial District
Size	314,123 sf; approx. 7.2 acres
Existing Land Use	commercial
Surrounding Land Use/Zoning	North: Commercial & Residential, Lemont B-3 and Cook County R-4 South: Commercial & Residential, Lemont B-1 and Cook County R-4 East: Commercial & Residential, Lemont B-3 and Cook County R-4 West: Commercial, Lemont B-3
Comprehensive Plan 2002	The Comp Plan calls for this site to be Arterial Commercial.
Zoning History	The site was annexed to the Village on February 14, 2005. At the time of annexation, an annexation agreement was approved and a PUD was adopted. Since that time, the approvals have been amended to allow for an Aldi's grocery store (O-90-07 and O-91-07); to amend the monument sign design (O-71-07); and to amend the signage allowances for Starbucks (O-77-07).
Special Information	
Public Utilities	The site is serviced by Village water or sewer.
Transportation	Traffic impact study not required.
Physical Characteristics	The site is developed with a shopping center consisting of one main building and one outbuilding.
Other	None.

BACKGROUND

When Lemont Village Square was approved in 2005, the annexation agreement included a sign plan for the development. The requirements of the Lemont Village Square sign plan are generally more restrictive than the standard UDO B-3 and shopping center sign requirements. Additionally, the sign plan contains language that is unclear or contradictory. Over the past two years, as new tenants have moved into the shopping center, the existing sign plan has created challenges for their wall signage. Below are a few examples of some of the issues with the current sign plan requirements (see attachments for illustrations of each).

Example One – Starbucks. Starbucks applied for a variation to the UDO and an amendment to the approved sign plan for Lemont Village Square to accommodate its wall signage. The Lemont Village Square sign plan limited Starbucks to two wall signs, each no more than 1’6” tall. The total sign area allowed by the sign plan is unclear; it was either 25 square feet, or 1 square foot per linear foot of store frontage. The UDO further restricted the placement of signs to only the elevations facing a public right of way (i.e. only the west side of the building). The variation and amendment requests were approved, allowing Starbucks signage on all three elevations of the Lemont Village Square outbuilding in which it is situated. Starbucks has secured its additional signage, but the other units in the outbuilding remain subject to the requirements of the sign plan.

Example Two – Verizon. The Lemont Village Square sign plan states that wall signs on the outbuilding shall be “limited to the name of the tenant and shall not include services provided or tag lines, but may include corporate logos.” Verizon’s proposed sign included the store name “Verizon Wireless” and the words “premium retailer”. Staff interpreted that “premium retailer” was not a tag line or description of services and therefore allowed the sign. However, this sign plan requirement is highly open to interpretation and other similar signs may be interpreted differently.

Example Three – Jimmy John’s. Jimmy John’s has not yet opened for business, but has recently applied for a sign permit. Based on the information provided in the application, the total sign area is acceptable but the sign does not comply with the sign plan requirements because the logo is 30” tall and the sign message is 24” tall.

ANALYSIS

Staff finds that the current sign plan requirements are overly restrictive (e.g. signs can be no taller than 1’6”), vague (e.g. what constitutes “tag lines”), and at times contradictory (e.g. a maximum sign area of 25’ vs. 1 square foot of signage per linear foot of frontage). Therefore, changes to the adopted sign plan are warranted. Based on an evaluation of past, current, and future tenant sign permits, standard UDO sign requirements, and consideration of equal treatment for the center’s tenants, staff recommends the following provisions for an updated Lemont Village Square sign plan; these changes would not effect the approvals granted to Starbucks by O-77-07.

Monument Sign

1. Requirements shall remain as approved by O-71-07.

Main Building Wall Signs

1. Number of Signs
 - a. Each tenant shall be permitted one sign per retail unit occupied (e.g. a tenant occupying three spaces could have three wall signs). *This is consistent with UDO Section 17.11.150.E.1.*
 - b. Tenants in corner units shall be allowed one sign per façade. For the purposes of this sign plan, a façade shall be defined as “that exterior side of a building that faces and is most closely parallel to a public street, a customer parking lot, or pedestrian promenade. *This definition of façade would differ from the UDO definition; the UDO only includes sides of a building that face a public or private street. This would allow signs on the north and west sides of the main building, but not on the east or south side of the building.*

2. Allowable Sign Area
 - a. Each tenant shall be permitted one square foot of signage per linear foot of storefront façade, up to a maximum of 96 square feet. *This is consistent with UDO Section 17.11.150.E.2.*
 - b. Corner units may transfer allowable square footage from one façade to another, provided that the total sign area does not exceed the maximum set in 2.a above. For example, this would allow a corner unit with two 30' wide facades to have one 60 square foot sign or two 30 square foot signs. *This provision was added primarily for the benefit of the units that are tucked into the back corners of the main building, to provide the tenants with some flexibility in designing their signs for optimal exposure.*

Outbuilding Wall Signs

1. Number of Signs
 - a. Each tenant shall be allowed one sign per façade. *This would allow signs on all sides of the outbuilding.*
2. Allowable Sign Area
 - a. Each tenant shall be permitted one square foot of signage per linear foot of storefront façade, up to a maximum of 96 square feet.
 - b. Corner units may not transfer allowable square footage from one façade to another. *The outbuilding already has high visibility and therefore allowance to transfer square footage from one façade to another is not necessary.*

Awnings

1. Awning signs are prohibited. *This is consistent with the current requirements of the Lemont Village Square sign plan, and with the existing awnings in the development.*

Conflicts with the UDO

1. Where conflicts exist between the requirements of the Unified Development Ordinance and this sign plan, this sign plan shall apply. Where no conflict exists, or where this sign plan is silent, the requirements of the Unified Development Ordinance shall apply.

CONCLUSIONS& RECOMMENDATIONS

Staff recommends approval of the above revisions to the Lemont Village Square sign plan.

FINDINGS OF FACT

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

- a. The current sign plan is unduly burdensome and vague. A revised sign plan would expedite sign approvals and be in the best interest of the shopping center's tenants and the Village.

- b. The proposed sign plan provides adequate signage for businesses, and includes proper controls to ensure an attractive environment for residents and customers.

ATTACHMENTS

1. Site Photos – example signs
2. Lemont Village Square Sign Plan from O-10-05
3. UDO Section 17.11.150.E
4. Applicant submittals



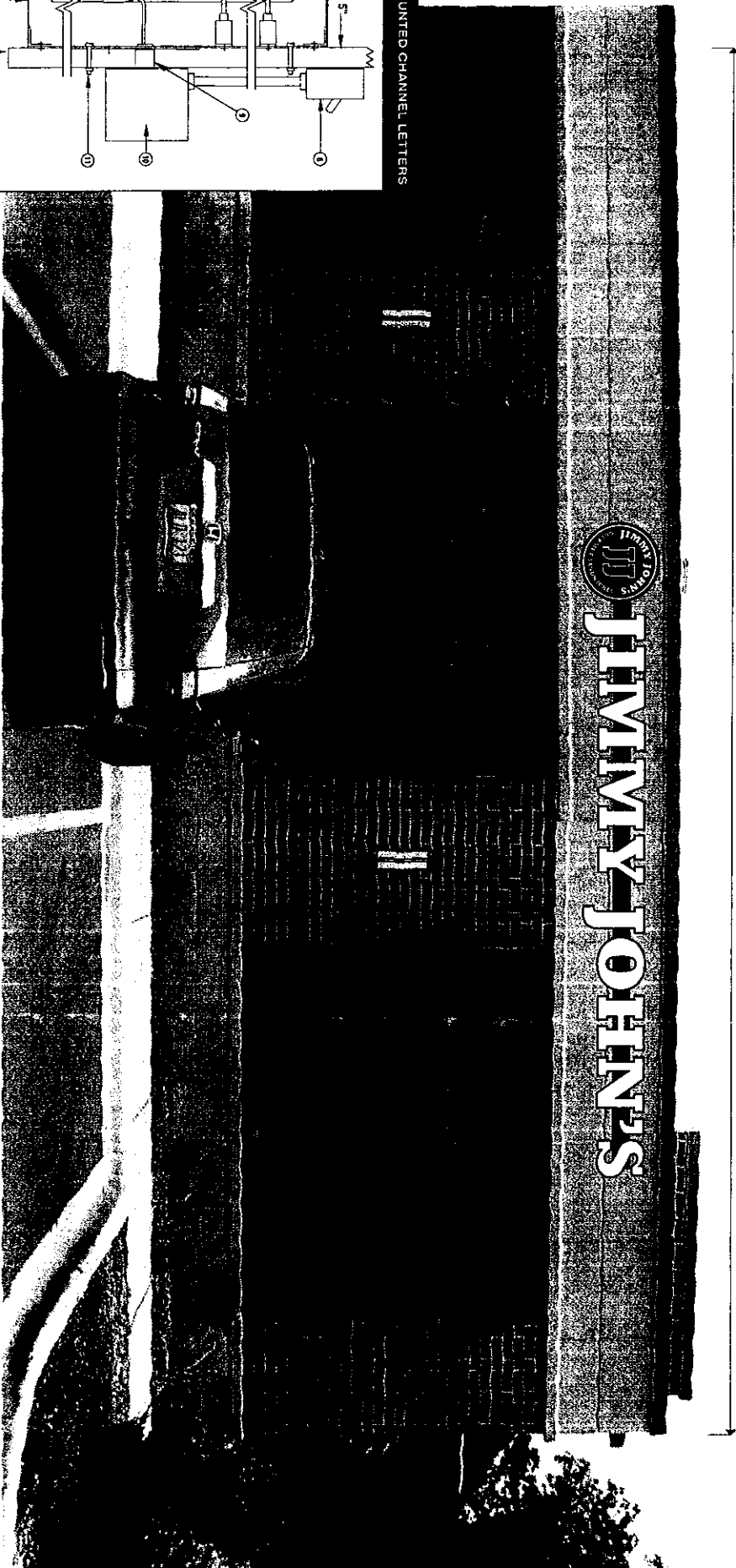
Attachment 1



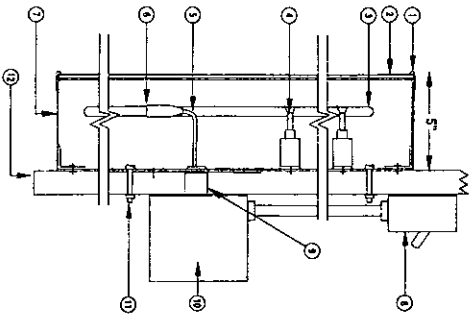
Attachment 1

Internally Illuminated Flush mounted channel letters

44'

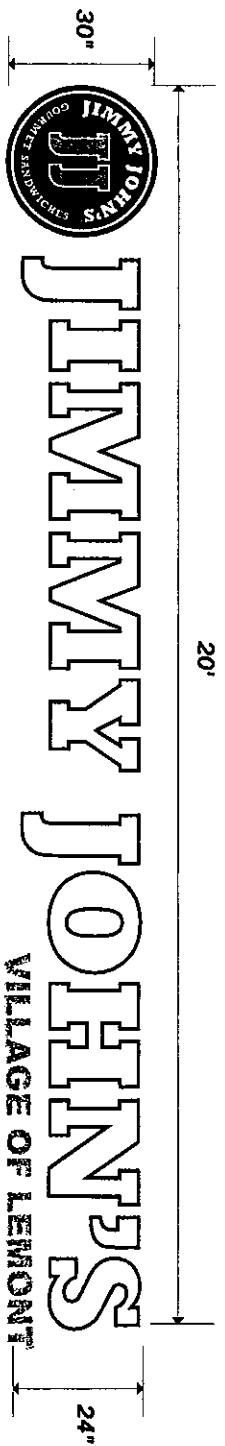


INDIVIDUALLY MOUNTED CHANNEL LETTERS



1. TRIM CAP WITH RETAINING SCREW
2. PLEX FACE
3. NEON TUBE
4. LISTED TUBE SUPPORT
5. LISTED GTO CABLE
6. ELECTRODE INSULATING BOOT AND SLEEVE
7. ALUMINUM .063\"/>

LISTED



STRICTLY NEON, INC.
 4608 W. 137TH ST.
 CRESTWOOD, IL 60445
 (708)597-1616
 (708)597-8638 FAX

1251 STATE
 LEMONT, IL

CLIENT
 JIMMY JOHN'S

- INDIVIDUALLY INTERNALLY ILLUMINATED CHANNEL LETTERS
- FLUSH MOUNTED PAINTED
- FACES 3/16\"/>

APPROVED AS NOTED
 NOT APPROVED

Date _____
 Signature _____

RETAIL CENTER
LEMONT, ILLINOIS

RETAIL SIGNAGE REQUIREMENTS
Revised December 22, 2004

M2O Development
Owner/Developer

Aria Group Architects, Inc.
Retail Architect

Retail Sign Package

A. Design Concept

1. The architectural design goals of the development's signage are to provide superior sign design using quality materials. Each sign should be design to enhance the architectural character of the buildings and comply with the size requirement established by the Village of Lemont.

B. Sign Types

1. Monument/Multi-Tenant Sign. The design of the monument sign incorporates materials used in the retail buildings. It consists of brick piers and a limestone base. Center between the piers is a sign box with an arched top that relates to the arches of the building architecture. The sign box is framed in burgundy metal also matching burgundy accent metal found on the building. The top field of the sign box will have raise black metal letters of 5" and 8" with a silhouette lighting effect naming the development. Below the project name will be four tenant signs with internally illuminated color acrylic face letters of a style unique to the tenant's brand. The maximum height of the letters will be 8" high. The total area of the sign box will be a maximum of 60 square feet. The maximum height of the sign box shall be 8' high above the surrounding grade. The entire monument sign structure shall be set 8' off of the property line.
2. Tenant wall signs-main building. These signs are limited to one per tenant and are limited to the sign band area. Centered in the sign band vertically they are limited to 50 square feet for multi-bay tenants and 25 S.F. for single-bay tenants (based on a 25 foot storefront module). A maximum of one square foot per linear foot of frontage, plus a 10 percent bonus if all signs are a channel letter (no backing). For example a 20 foot wide storefront has an allowance of 22 sq. ft., a 25 foot wide storefront is allowed 27.5 sq. ft. Maximum height of wall sign message is 4' for multi-bay tenant and 3' for single-bay tenants with a single letter maximum height of 2'. Wall sign messages shall be limited to the name of the tenant and shall not include services provided or tag lines but may include corporate logos. Signage can mirror corporate logo including such elements as graphics descriptive wording etc. that appear in corporate logo. Wall signs must be internally illuminated channel letters with black metal returns. Extension of letters from wall face shall not exceed 12".
3. Tenant signs-out building. These wall signs are limited to two per tenant with a maximum of 25 square feet per tenant and limited to the sign band area or directly above tenant entry doors. The maximum total for the two signs must not exceed the allowance. A maximum of one square foot per

linear foot of frontage, plus a 10 percent bonus if all signs are a channel letter (no backing) applies here as well. Maximum height of wall sign message is 1'-6" centered vertically in the sign band with a single letter maximum height of 1'-6". Wall sign messages shall be limited to the name of the tenant and shall not include services provided or tag lines but may include corporate logos. Signage can mirror corporate logo including such elements as graphics, descriptive working etc. that appears in corporate logo. Maximum height of logo may be 3'-6" when located above tenant entry doors. Wall signs must be internally illuminate channel letters with black metal returns. Extension of letters from wall face shall not exceed 12".

4. All graphics and signage are prohibited on awnings.

UDO Section 17.11.150.E →

- E. Wall Signs within a Shopping Center or PUD.**
 - 1. One wall sign per retail unit of a building shall be permitted. Retail units on corner locations within buildings shall be permitted a wall sign on each wall that faces a public street. (Ordinance O-36-08, 2008)
 - 2. Size of each wall sign shall be limited to one square foot of sign area for each linear foot of retail unit frontage, up to a maximum of 96 square feet.
- F. Awning Signs within a Shopping Center or PUD.** Awning signs are permitted within a shopping center or PUD. A maximum of one awning sign per establishment shall be permitted. For §17.11.090.C of this chapter for additional provisions on awning signs.
- G. Changeable Copy Centers.** Changeable copy centers shall be permitted within a shopping center only as approved as part of a special use/planned unit development ordinance. A maximum of one such sign shall be allowed per shopping center or PUD.
- H. Sandwich Signs.** One sandwich sign shall be permitted per street frontage, per establishment.

17.11.160 SIGNS IN THE DD DISTRICT

- A. General.** The Downtown District encompasses much of the historic core of the Village, and most of this zoning district is also within the Lemont Historic District. The sign regulations for this zoning district therefore are promulgated in order to maintain and promote the historic character of the area. Unless otherwise stated in this section, the provisions of §§17.11.080-090 shall also apply. If the provisions of this section conflict with provisions found elsewhere in this chapter, the provisions of this section shall apply.
- B. Approval of Signs.** Sign applications are approved by the Community Development Department. Additionally, the Lemont Historic Preservation Commission shall review applications for signs that are within both the Downtown District and the Lemont Historic District. Upon determination that the application meets the standards of this ordinance the Historic Preservation Commission shall issue a Certificate of Appropriateness. An applicant may erect a sign only after:

Annexation Agreement Amendment

Annexation Application Form (with or without rezoning)

Village of Lemont

Community Development Department

418 Main Street Lemont, Illinois 60439

phone (630) 257-1595

fax (630) 257-1598

TYPE OF APPROVAL REQUESTED

CHECK ALL THAT APPLY:

Annexation and Annexation Agreement Amendment
 Rezoning

APPLICANT INFORMATION

APPLICANT NAME
BRAD BYAPSKI

Applicant Name

OS LEMONT DEVELOPMENT, LLC

Company/Organization

2617 BEAZON HILL, ARDEN HILLS, MI 48326

Applicant Address

248-373-5080

248-373-6280

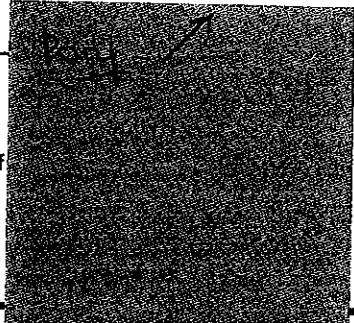
Telephone & Fax

BTRYAPSKI@YAHOO.COM

E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of
- 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

1237, 1243, 1251, 1217 STATE & 15TH W. 12TH ST. W. 12TH ST.

Address of Subject Property/Properties

+/- 6 ACRES

Parcel Identification Number of Subject Property/Properties

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

MODIFY ORDINANCE 0-10-05 TO BE MORE CONSISTENT WITH

Brief description of the proposed annexation/rezoning CHAPTER 17.11 / SIGNS OF VILLAGE ZONING ORDINANCE AND ALLOW

REQUIRED DOCUMENTS

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

1 SQUARE FOOT OF SIGNAGE PER TOTAL FRONT FOOT OF STORE FRONT, SUBJECT TO PLANNING APPROVAL OF SCALE AND CHARACTER.

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)

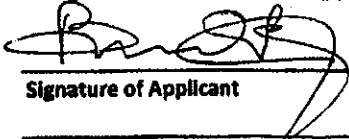
Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance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

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



8/23/10

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 23RD day of AUGUST A.D. 20 10.

My commission expires this 23 day of Sept A.D. 20 11.

JAMES M. TORRE
Notary Public, State of Michigan
County of Oakland
My Commission Expires Sep. 23, 2011
Acting in the County of Oakland