



Village of Lemont  
*Planning and Zoning Commission*

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418 Main Street · Lemont, Illinois 60439  
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**PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**Wednesday, November 20, 2013**  
**6:30 p.m.**

**Planning and Zoning  
Commission**

Anthony Spinelli,  
Chairman

**Commission Members:**

Ryan Kwasneski  
David Maher  
Jerry McGleam  
Gregory Messer  
Jason Sanderson  
Phil Sullivan

**Planning & Economic  
Development Department  
Staff**

Charity Jones, AICP, Director  
Martha M. Glas, Planner

- I. CALL TO ORDER
  - A. Pledge of Allegiance
  - B. Verify Quorum
  - C. Approval of Minutes: October 16, 2013 meeting
- II. CHAIRMAN'S COMMENTS
- III. PUBLIC HEARINGS
  - A. **Case 13-09 – 604-606 State Street Rezoning.** A public hearing for a rezoning from R-4A Single Family Preservation and Infill to B-1 Office/Retail Transitional District.
  - B. **Case 13-10 – 12388 Klappa Dr. Variations.** A variation to allow a portion of the fence in a corner side yard setback and a variation to allow the maximum lot coverage to exceed 36% in the rear yard.
  - C. **Case 13-11 – Birch Path Preliminary PUD/Plat, Annexation and Rezoning.** An R-4 zoned 19 lot single-family PUD with reduced lot standards at the east end of Stoney Brook Drive in Mayfair Estates.
- IV. ACTION ITEMS
- V. GENERAL DISCUSSION
- VI. ADJOURNMENT

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of October 16, 2013

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, October 16, 2013 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

**I. CALL TO ORDER**

**A. Pledge of Allegiance**

Chairman Spinelli called the meeting to order at 6:33 p.m. He then led the Pledge of Allegiance. He asked the audience to continue standing and to raise his/her right hand. Chairman Spinelli then administered the oath.

**B. Verify Quorum**

Upon roll call the following were:

Present: Kwasneski, Messer, Sanderson, Sullivan, Spinelli

Absent: Maher and McGleam

Planner Martha Glas and Village Trustee Ron Stapleton were also present.

**C. Approval of Minutes: September 18, 2013 meeting**

Commissioner Kwasneski made a motion, seconded by Commissioner Messer to approve the minutes from the September 18, 2013 meeting with no changes. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**II. CHAIRMAN'S COMMENTS**

Chairman Spinelli greeted the audience. He stated there is a short agenda so hopefully we will be able to get through it quickly for those attending the meeting.

**III. PUBLIC HEARINGS**

**A. Case 13-08 – 706 Hickory Street Fence Variation.** A public hearing for a variation to allow an existing 4 foot fence to remain in its current location.

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

Commissioner Sullivan made a motion, seconded by Commissioner Sanderson to open the public hearing for Case 13-08. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mrs. Glas said the subject property is located at 706 Hickory Street. She stated it is zoned R-4A which is single family preservation and infill. She said the variation is to allow a four (4) foot height fence to remain in its current location. Mrs. Glas stated the applicant constructed the fence prior to permit approval. She said the permit was applied for and it was under review at the time and by the time the comments came back the fence was constructed.

Mrs. Glas stated the Unified Development Ordinance (UDO) regulates fence location based on the two figures, which are shown in staff's report on page two (2). She said the building on the left shows an "L" shaped footprint and the building on the right has a front protrusion. She stated the intent with the fence regulation is to allow a six (6) foot privacy fence around a lot line from the front corners of a house. Mrs. Glas said additionally, the UDO does allow a fence in the front yard, however it has to be decorative fence and up to three (3) feet in height.

Mrs. Glas presented the survey of the subject property on the overhead. She showed where the existing fence was constructed and where the fence should have been placed per the UDO. She stated the portion in the back that jets out about nine (9) feet is an addition to the house. Mrs. Glas said originally the home was just the small section in the front. Had it only been that small section on the home, the fence would have been permitted. She stated once that addition was added it had changed the footprint of the house and subsequently, the permitted location of the fence.

Mrs. Glas said when reviewing a variation there are three standards that are identified in the UDO. The first is the variation is in harmony with the general purpose and intent of the UDO. She stated there are eight different factors that are identified and four are implacable. Mrs. Glas said the first two, promoting and protecting the general health and ensuring adequate light, air and privacy are not impacted by the variation. She stated the next is protecting the character of established residential neighborhoods. She said in this case as the home was originally constructed, a fence to the front of the house is more in character with the neighborhood rather than set back to where the addition is. However, a three (3) foot fence would have the same effect and would still be in character with the neighborhood. Mrs. Glas stated the other factor is conserving the value of land and buildings throughout the Village. She said the addition of a fence is generally seen as an improvement to a property as long as it is maintained, so it should not have an impact.

Mrs. Glas stated the second variation standard is the plight of the owner is due to unique circumstances and enforcement would impose exceptional hardships. She said in this case they do recognize that the addition is what changes the footprint. However, the

UDO does not go into those kinds of details and just states where the fence is allowed. She stated taking that into consideration; this particular request would be applicable to other properties that had that same building footprint.

Mrs. Glas said the third standard is it will not alter the essential character and will not be a substantial detriment to adjacent property. She stated as mentioned the character could still be maintained if the fence in the front was three (3) feet as opposed to what is existing which is four (4) feet. She said the property to the north is newer construction homes which are set back further than this house and the houses further south. Mrs. Glas stated the fence along the north side of the property is essentially the front yard of the other property. She said the fence regulations are written to protect adjacent property owners too. She stated with this particular case there is also the issue of topography, because this property does slope down to the north. Mrs. Glas said a three (3) foot fence for the neighbor to the north is actually higher because of the two (2) foot drop.

Mrs. Glas stated based on the fact that there is an inability to meet all three standards staff is recommending denial of the variance. She said the applicant is present to speak and answer any questions. She asked if the Board had any questions. None responded.

Anne Knight, 706 Hickory Street, stated she was the owner along with Jeff Luoma, who was her finance. Mr. Luoma was also present. She thanked the Board for taking the time to hear their variance petition. She said she wanted to apologize that this fence went in without a permit. Ms. Knight stated they gave a check to the fence company and they intended to get the permit. She said the reason why they went with this fence company was because they were the only one who identified that they can not put the fence all the way to the front line of the grass. She stated it is a big fence company and one hand was not talking to the other. Ms. Knight said the fence company did schedule installation before the permit was approved and it was her fault for not confirming there was a permit. She stated that night the salesman called not realizing that the fence was installed stating there was a problem with the permit.

Ms. Knight presented via power point, pictures of their two large dogs which are very tall. She also showed pictures of the house before and after the fence was installed. She said she will try to go through the standards quickly. She said in regards to the first standard the UDO only provides a diagram and does not show purpose or intent. Ms. Knight said their assessment of the diagram is to keep people from fencing in the front façade of their house.

Ms. Knight stated the next standard is to look at the unique circumstances resulting in practical difficulties. She said the language states hardship or practical difficulties. She stated they do understand that this is not some horrible hardship but they do feel it is a practical difficulty based on the topography of the property.



Ms. Knight said the last one is not altering the character of the neighborhood. She stated Mrs. Glas had pointed out that the fence would be consistent with the character of the neighborhood.

Ms. Knight stated she would like to talk about the first component under the first standard, which is promoting and protecting the general health. She said there is a three foot retaining wall on the north side that the neighborhood children have used as a jump or slide. She stated it has become a hazard in the neighborhood and by putting the fence up they have eliminated that opportunity.

Ms. Knight said the second component talks about privacy to the property. She stated due to the uniqueness of the lot the most private area of their yard is the side area that they would not be able to fence off. She said the house south is uphill from them and they have a second floor balcony that looks down onto their backyard. Ms. Knight stated the neighbors have two dogs that bark a lot. If the dogs see them then they start barking and the owners have to come down and get them. She said when they are on the side they can't see them and it makes everyone a lot happier.

Ms. Knight stated as far as protecting the character of the neighborhood she feels Mrs. Glas had covered that and she will show more pictures later in regards to this. She said regarding conserving the value of land, this is a fence that will increase the property value of their home. Ms. Knight stated this is more so when it is a straight line with the front of the house as apposed to dropping it back so far where you can't see it. She presented the diagram in the UDO again and stated when you look at the diagram of the house it is just protecting against a little jut out. She said for the first 110 years the house existed, the front part was the house until the addition was added to the back.

Ms. Knight said again in regards to unique circumstances they had talked about the hills and the topography. She stated it is a narrow lot that is unbuildable and whatever is there will stay there. She said you can not take this house down and build another unless you buy another lot next to it. Ms. Knight stated so improving the aesthetics to it is important. She said with the lot being so narrow, the retaining wall and mature trees there is limited space to enjoy. Ms. Knight stated they had not found a house similar in design to this. She said they did not build this addition and if they had built the addition straight back then there would not be this issue.

Ms. Knight stated this is not detrimental to the neighborhood, but is an improvement. She said they do have a petition that neighbors had signed in support of the fence and there are a few neighbors that are present at the meeting in support. She then presented pictures on the overhead of the fence and the little window on the side of the addition. She stated the fence is also blocking utility boxes which you would see if the fence was not there because the house to the north is set back. Ms. Knight said the neighbor to the south of them have a five foot fence which is directly in line with their fence. She stated even though the issue is not with that side, they are still maintaining that straight line which is consistent with the neighbors. Ms. Knight said the neighbors to the north of them have both expressed support for the fence.

Mr. Luoma said their one dog can definitely jump a three foot fence. He stated if this does not go through they would not be able to do the three feet fence and they would have to back the fence up the 22 feet.

Ms. Knight stated they have heard of other dogs in the area jumping four foot fences and attacking other dogs. She said their dogs would never attack anyone; however a passerby would not know this. She asked if the Board had any questions.

Chairman Spinelli said he did drive past the residence and stated the fence does look very nice. He asked if there was a patio area that they were trying to preserve.

Ms. Knight stated there is some patio furniture there and it is their most private area. She said it is a rustic mulch area.

Chairman Spinelli asked who owns the retaining wall that is to the north.

Ms. Knight said she thinks it is their wall. She stated the other two properties were part of one big lot and was subdivided. Ms. Knight then asked her neighbor Mr. Rinchich if he knew who owned the wall.

Richard Rinchich, 711 Hickory Street, Lemont, stated when the previous owner sold the lots to the north the deal he made with the developers was they would build the addition for the house and build the retaining wall to hold things in and make it look proper.

Chairman Spinelli thanked the petitioner and asked if there was anyone from audience that would like to come up and speak.

Mr. Rinchich said Hickory Street is unique and has many homes that are over 100 years old. He said other houses that were as small as the petitioners have been demolished. He stated the petitioners have said there was a mix-up with communication in regards to the fence going in. Mr. Rinchich said besides the street being unique there are 18 kids that live on the block that go to elementary and high school and 15 dogs. He stated there are a lot of dog walkers in their neighborhood and that additional height to fence is very beneficial. He said the fence is a safety factor for when Ms. Knight has one of her dogs out and a dog walks by. Mr. Rinchich stated the fence is in character with what the neighbors have next door. He stated six years ago, the vacant lot across the street from the petitioner, had a three foot high picket fence that went up to the sidewalk. He said as the petitioner stated these lots are not buildable unless you combine lots.

Mr. Rinchich stated the petitioner is a great neighbor. He said they care about the residents on the block and their dogs. He stated he is glad the fence is there to help with the retaining wall. He said one of his kids have fallen off that wall. Mr. Rinchich said the fence is a benefit, an addition and is in good character. He stated as much as staff recommends denial, he feels the safety, support, and the increase in lot values should be

well received by the Board. He said he recommends that the variation be passed and approved.

Chuck Cicora, 309 Logan Street, Lemont, said where the fence is, for 100 years that is where it would have been. He stated the house has changed only within the last 10 years with the addition. He said it would be detriment to the petitioners and the community if they had to tear down the fence.

Mrs. Glas stated prior to this meeting she did receive an email from another resident that was in support of this fence. She said she provided a paper copy of that email for the Commissioners. The email was from Michael Cherniss at 709 Hickory Street.

Chairman Spinelli asked if the Commission had any questions.

Commissioner Kwasneski asked if they had received any complaints.

Ms. Knight and Mr. Luoma stated they did not receive any complaints.

Chairman Spinelli called for a motion to close the public hearing.

Commissioner Kwasneski made a motion, seconded by Commissioner Sanderson to close the public hearing for Case 13-08. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Spinelli stated he wanted to defend staff in regards to Mr. Rinchich's comment. He said staff makes their recommendation strictly based on the zoning code. He stated if it does not comply then they have to recommend denial.

Ms. Knight said Mrs. Glas has been very helpful through all of this.

Chairman Spinelli asked staff if a three (3) foot high fence would be permitted.

Mrs. Glas stated yes.

Chairman Spinelli said then they are only requesting an additional foot height variance.

Mrs. Glas stated that is correct. She showed again on the overhead where a three foot decorative fence would be permitted.

Commissioner Sanderson said what is tough is when you look at both these diagrams, the front bump out is narrower than the back. He stated when you look at their house the front is wider then the setback bump. He asked if there was a two foot bump out would that still make that the corner. He stated at what point do you say that is their threshold.

Mrs. Glas stated they looked at the definition of façade and elevations. She said façade includes the face of the building and anything that has windows. She stated that bump out being nine and half feet does have a window. Mrs. Glas said there is nothing stating that the building has to articulate a certain depth. So whether it is 22 feet or 3 feet, there is nothing in the ordinance that states one is different then the other.

Commissioner Kwasneski asked if it does meet the decorative open design.

Mrs. Glas stated it does. She said if that addition was not put on then, a six (6) foot privacy fence would be allowed there. She stated some of their arguments that they are presenting can be achieved with a three foot fence.

Commissioner Messer asked if that was a gate right by the house and asked if it was wider than normal.

Ms. Knight stated it was and it was four feet wide which is normal.

Chairman Spinelli asked if there was any other access to the house on that side.

Mr. Luoma said on that side about five feet down by the jet out.

Commissioner Sullivan stated he does not have an issue with this. He said seeing young people invest in some of the oldest homes in this community is a huge asset. He stated he wished it would happen more in this town. Commissioner Sullivan said it is great that they just want to be outside which is missing in all communities these days. He stated they just have big dogs instead of small dogs. He said this is why they have the request for a variation, for unique circumstances like this.

Commissioner Sanderson and Commissioner Kwasneski both agreed.

Commissioner Spinelli said he does like the fence. He stated because a three foot fence would be allowed all the way to the sidewalk, he is only looking at a one foot variance from the height. He said the addition is only about 30% of the front façade. He stated he feels they are all in agreement and then called for a motion for recommendation.

Commissioner Sanderson made a motion, seconded by Commissioner Messer to recommend to the Mayor and Village Board approval of the request for a variance to allow an existing four (4) foot fence to remain in its current location. A roll call vote was taken:

*Ayes: Kwasneski, Sanderson, Messer, Sullivan, Spinelli*

*Nays: None*

*Motion passed*

Chairman Spinelli then called for a motion for the Findings of Fact.

Commissioner Kwasneski made a motion, seconded by Commissioner Sanderson to authorize the Chairman to approve the Findings of Fact for Case 13-08 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

#### **IV. ACTION ITEMS**

##### **A. Lemont 2030 – Civic Engagement and Governance Element**

Mrs. Glas said this element was presented at the last meeting. She stated it was revised based on some of the comments and feedback that they had received. She said the guiding principles started out with ten and have been reduced down to seven. Mrs. Glas stated some were removed because they sound more like recommendations and should this section should reflect values. She said nothing was completely removed but rather reworked into a different area based on whether it was a value or recommendation.

Mrs. Glas stated for this element they have come up with five goals. She said they are as follows:

1. Employ early involvement, transparency and good process design.
2. Provide inclusivity and accessibility of participation.
3. Encourage partnerships and define roles.
4. Promote education, capacity building and stewardship.
5. Practice good governance and accountability.

She stated from those five goals staff has come up with recommendations. She said from within the first action area the first goal is develop a civic engagement guide to be utilized for all projects and planning efforts. Mrs. Glas stated this comes from the fact that sometimes things happen quickly and you forget to let people know what is happening. She said this would guide staff as to what level of participation for the public is appropriate.

Mrs. Glas said the second goal is increase communications with the public. She stated this has been mentioned a number of times. She said the Village Board is also in line with this with their strategic plan. Mrs. Glas stated department heads are supposed to be trained so they can update the website quickly with information. She said the third goal is host public information meetings for all major public works projects. She stated this was in the 2002 plan and was carried over. She said this deals with a lot of phone calls that staff receives regarding the public being upset about not knowing why roads are being torn up. Mrs. Glas said the last goal for this element is community residents and stakeholders will support active participation in the development of the Comprehensive Plan. She stated the Plan is suppose to have input from the residents so having a goal that they will be active participants is key.

Mrs. Glas stated that covered action area one. She asked if the Commission had any questions or comments. None responded.

Mrs. Glas stated the next implementation area has two recommendations. She said the first is utilizing everyday language when making public notices announcements. She stated this was in the 2002 Plan that they planned on carrying over. Mrs. Glas said there is a lot of jargon in the field and the more simple text they use the more public participation they will receive. She stated the second is actively seeking opportunities to engage traditionally underrepresented groups. She said this is particularly important when engaging the youth. Mrs. Glas stated there is research that states the more you get young people exposed to civic duty the more active they will be in their community as adults.

Mrs. Glas said the next action area is three with three recommendations. The first is identify common goals between the Village and other taxing districts and pursue opportunities to partner. She stated this is another goal for the Village Board with their strategic planning. She stated this was in the 2002 Plan but was redefined so it becomes more specific. Mrs. Glas stated secondly encourage taxing districts to participate in the review of new development proposals. She said they currently do this and feel it is important to keep. She stated when there is a big proposal or if someone has an idea there is a technical review committee. She said everyone is involved and can comment on it. Mrs. Glas stated third is work with Village Commissions on project proposals that are within their area of interest. She said this was in the 2002 Plan, but is not sure how actively this is done. She stated there are other Commissions that meet and there is a disconnect with staff as to what they are doing, so there needs to be more of a connection and opportunity to work together.

Mrs. Glas stated in action area four there are three recommendations. She said the first is coordinate communication within all elements of the Comprehensive Plan. She stated all the different elements might have an educational piece to it. Mrs. Glas said keeping the participation plan of this piece as the guide for the other elements. She stated if they can increase the knowledge about a certain piece then you might get more participation. She said another recommendation is to support regional and issue oriented planning initiatives that positively impact Lemont. Mrs. Glas stated this is just realizing that Lemont is not in a bubble and that there are other things going on. She said the third recommendation is seek opportunities to collaborate with other agencies and organizations on education. She stated there are a lot of educational materials that are readily available so there is no reason to recreate things.

Mrs. Glas said the last action area also has three recommendations. She stated this area covers services that the Village provides. She stated in the 2002 Plan there were many recommendations that were specific to fire, water, sewer, telecommunications, etc. Mrs. Glas said the general idea is that the services the Village provides remain adequate as the Village grows. She stated they put it together as one recommendation. To ensure that services remain in adequate supply as the community grows and service demands increase. She said the second recommendation is increase efficiency in Village

processes through conservation, coordination and consolidation of services while maintaining quality public services. Mrs. Glas stated this is a goal that is evident in the Village strategic plan, which is referenced. She said lastly; maintain ethical code of conduct and accountability. She stated they do have an ethical code of conduct which is outlined in the Lemont Municipal Code. She said this is just acknowledging it and it is maintained.

Mrs. Glas asked if there were any questions or comments.

Commissioner Messer asked if they would be having the Village Attorney come in and do some training since there are two new Commissioners.

Mrs. Glas stated she would look into it and it would be a good idea to do that again.

Commissioner Kwasneski said he is not sure where this would fit in, but he has seen other municipality's websites and they are promoting new businesses coming into town. He asked if they did this and at what level.

Commissioner Messer stated there is another website called "I live Lemont" that does a good job promoting businesses in town.

Commissioner Kwasneski stated then maybe it is just promoting that website more.

Mrs. Glas said enhancing that website and the Village's website might help.

Trustee Stapleton stated they are trying to notify homeowners when construction is taking place. He said several weeks ago they had notified homeowners on First Street of the road construction with a diagram.

Chairman Spinelli said that will help limit the number of phone calls staff receives.

Mrs. Glas stated if they have any other comments or think of anything else to add to please notify staff.

## **B. Lemont 2030 – Built Environment Element Introduction**

Mrs. Glas said the built environment is supposed to address the physical feel of the community. She stated some of this is done by visual preference surveys. She said the 2002 Plan addresses the built environment based on different geographical areas of Lemont. This included downtown, traditional neighborhoods, State Street (various segments), 127<sup>th</sup> Street and southeast of Archer Avenue.

Mrs. Glas stated there are six guiding principles. She then read all these principles.

1. Architecturally and historically significant buildings and assets will be preserved.
2. Lemont's history will continue to be celebrated through public art; the downtown mural will be maintained.

3. Residential, commercial and industrial properties will be well maintained; deteriorating properties will not be permitted to become a blighting deleterious influence on surrounding properties.
4. The Village's existing high standards of architectural design and landscaping will be maintained for new commercial, industrial, and residential development.
5. The physical environment of key gateways into Lemont will be improved to provide a welcoming experience for visitors.
6. Lemont will encourage design features that foster community interaction, such as front porches, walking trails, open spaces, gathering points, plazas, etc.

Commissioner Kwasneski asked about principle number four, would they be giving any compromise. He said they should be promoting the growth of the community.

Mrs. Glas stated the high standard it is referring to is the standards in the UDO for commercial and residential design standards. She said design standards regulate things such as brick or stone for the facade or adding articulation if there is more than 100 feet of length of a commercial wall. She stated if there is a project that does not meet those standards there is a little give but the intent is to keep architecture standards high to get quality design features.

Commissioner Kwasneski said if they can make a number seven and add Lemont should encourage sustainable design features for residential, commercial, and industrial properties.

Commissioner Sullivan asked what the plan was with handling old buildings that have become blighted and weeds are overgrown. He stated he is starting to see it more in Lemont and the downtown area. He said we are spending time worrying about 2030, however he is concerned with 2015.

Mrs. Glas stated that is more of a function of code enforcement which handles property maintenance. She said whether it is weeds or garbage, residents would get a ticket and then they would have to comply. She stated she does not feel it is specific in Lemont; with the downturn in the economy lots of communities saw an increase in code enforcement violations. Mrs. Glas said ticketing those means imposing another fine. She stated whether that works or not, especially when they are already in a financial bind is uncertain.

Commissioner Sullivan said the number one thing that people want to see in town is a vibrant downtown area. He stated the downtown has the oldest buildings and they are not going anywhere. He said he understands there is the recession and people don't have money, but take the path along the north end of the canal. Commissioner Sullivan stated that area is nothing but weeds and dog feces and that is the Village's responsibility. He said we are taking the time with the concern for a building that isn't even there yet, but we need to focus on what is there.



Mrs. Glas said not having those in place means when the opportunity does come up the Village is not ready to tell the prospective owner what we might want to see there. She stated the fact that there are buildings in the downtown area that are underutilized; there are owners that might want to sell. However, some are trying to sell higher than what the market can take. She said they will just continue to wait and pay taxes. Mrs. Glas stated there are recommendations in the plan to try and consolidate properties if the opportunity arises, but it is not something staff can do.

Discussion continued in regards to renting out buildings in the downtown area and promoting or working with new developments.

Mrs. Glas stated the chart in staff's report identifies everything was included in 2002. She said they will start with the Downtown. The first is a modest increase in the structural density of the downtown TIF is advised, to increase the assessed valuation and to abide by the principles of Transit-Oriented Development. Mrs. Glas stated this was partly achieved with the newer development like Lofts and Old Downtown Square. She said this would just be revised to reflect current ongoing efforts.

Mrs. Glas said next is buildings that are "non-contributing" structures in historic district should be considered for removal, and if the buildings are incompatible with their surroundings. She stated contributing or non-contributing status is one of several factors listed in the UDO to be considered by HPC (Historic Preservation Committee) when the property is up for demolition. Mrs. Glas said HPC has a list of homes in the historic district and they have identified what is contributing and non-contributing. She asked since it is already in the UDO do they want to just rely on that or is it more actively pursuing it.

Commissioner Spinelli stated since it is in the UDO to just let it run its course. He said they might think a building needs to be demolished but there still might be someone living there.

Mrs. Glas stated next is make capital improvements in and around the downtown to improve access, expand parking, and strengthen the connections between downtown and the quarry recreation area. She said this has been partly achieved, but needs to stay in there because they are continuing to work on these areas. Another is through landscaping, street furniture, and pedestrian path improvements, highlight the segment of the Illinois Michigan Canal in the downtown. Mrs. Glas stated this is partly achieved. She said Mrs. Jones noted, need to continue efforts to expand landscaping to south side of canal and addresses maintenance/improvement of the canal and canal wall. She stated we highlight the waterways as an asset to the community and there are some issues with the canal wall that need to be addressed. Next, is increasing the number of housing units in the downtown. Mrs. Glas said this was achieved in the downtown district, but will be revised to reflect the current situation.

Commissioner Kwasneski asked if there was emphasis on planning for more affordable housing for the younger, out of college age group. He said a lot of the housing is not

affordable for this age group. He stated there are many people his age that are moving out of town because they can't afford to live here.

Mrs. Glas stated she agreed. She said the Housing Element would address this more specific. She stated she knows one of the values for the Housing Element is to encourage or promote housing that is accessible to a range of people. Mrs. Glas said what they do to promote that is a different issue.

Commissioner Messer asked with that element can't you include rehabbing. He said this is what they were just talking about.

Mrs. Glas said that is a good point and it should include existing stock as well. She said the next one is reconstruct the old Stephen Street Bridge over the Sanitary Ship Canal to create a direct route to and from downtown and the MWRDGC property. She stated this is not complete and should be revised. Mrs. Glas said it should be revised to reflect the Active Transportation Plan Goal to use that bridge as one of several bike/pedestrian connections to Centennial Trail.

Chairman Spinelli said this is not likely because it would have to be higher than the railroad bridge. He stated this would be very expensive and it would be hard to get a permit to build it. He said your connection would just be using the State Street Bridge.

Mrs. Glas stated the next would be constructing a public plaza at the end of Stephen Street to create a public view on the Sanitary and Ship Canal. Improve the viaduct at the BNSF RR crossing to create a more appealing entry to this area. She said this is not complete and is open for discussion.

Commissioner Messer asked if this was where they were proposing to put the Sports Complex.

Trustee Stapleton said yes. He stated MWRD also bought some of the homes on Stephen Street. He said they are going to have a road going in there with a pump station. Trustee Stapleton stated they might also expand the quarry next to it as a collection basin for storms. He said he is not sure when this will happen.

Commissioner Sullivan stated that if the Sports Complex goes through it would change the whole demographics down there.

Trustee Stapleton said yes it would.

Mrs. Glas asked if the idea of a public plaza at the end of Stephen Street, regardless of what might happen with a big development, would be something to pursue in that area. All Commissioners agreed that it should be included.

Mrs. Glas stated next is pursuing a second grade-separated access, at minimum for pedestrians, across the BNSF RR between the downtown and the former Tri-Central

parcel. She said again this might come up if that property is redeveloped. She stated how that gets done will be determined if those plans ever come up.

Commissioner Messer said he feels it states that the Village is in support of developing that property.

Mrs. Glas said continuing on, plan and build a Village owned structured parking facility in the downtown. She stated this is complete, but should be revised to reflect current situation. She said as the Village or downtown grows, it is important to make sure that parking is adequate.

Commissioner Messer asked if there was signage stating free parking.

Trustee Stapleton stated there is a sign around Main Street saying free parking but after that there really is nothing.

Commissioner Sanderson and Commissioner Kwasneski stated they just found that out recently.

Mrs. Glas stated next is support redevelopment initiatives that conform to the goals and objectives of a unified downtown plan. She said this is complete and should be left in plan. Next, is favoring the assemblage of parcels and coordinate redevelopment over the piecemeal, uncoordinated development of individual parcels. Mrs. Glas said this is currently a Village policy, but difficult to enforce. She stated the recommendation is to leave it in the plan. She said in terms of downtown redevelopment it would be easier to do things with multiple parcels and get that bigger development. Mrs. Glas stated it is difficult to enforce because all of the parcels are individually owned and their intentions are not really inline with what the Village might want to do with the parcel or what they foresee.

Mrs. Glas said another is maintaining an unobstructed view of the historic Churches and Central School from the north gateway to the community. She stated this we would leave in plan with just some rewording so it is not so specific.

Mrs. Glas stated requiring the use of limestone in landscape plans, sign monuments, building facades to expand the quarry heritage theme throughout the community is next. She said current Village policy is to require limestone or products simulating limestone in monument signs and often requiring it on buildings in PUD's. She asked if it should be reworded to say "encourage".

Commissioner Kwasneski said it should say encourage because then it shows that the Village is willing to work with a developer.

Mrs. Glas said another is identifying properties that are in violation of outdoor storage regulations or other property maintenance on a regular basis, and cite violators for non-

compliance. She said this is the current policy. She stated the new Plan should have a more detailed analysis and recommendations related to code enforcement.

Mrs. Glas stated the next recommendation is eliminate signs that are larger than necessary to communicate their message to public. She said the next five recommendations have to do with signs, which sign regulations were reviewed extensively recently. She stated the recommendation would be to remove these from the Plan because the sign ordinance in the UDO addresses those concerns.

Mrs. Glas said continuing through, use the sign grant program as an incentive to businesses to erect signs that are constructed of high-quality materials and make a positive contribution to the streetscape. She stated this is currently done in the downtown TIF district. She said they were wondering if this should be expanded to areas beyond the TIF.

Commissioner Kwasneski stated it should.

Trustee Stapleton said the TIF district is going to disappear in about a year and a half. He stated there is a new TIF which would be north of the canal.

Mrs. Glas stated if they were going to expand it and do a grant project then they would have to find a funding mechanism for it.

Commissioner Kwasneski asked if they could search out those grants before we put it in as a recommendation.

Mrs. Glas said they could. She stated next is creating standards of commercial building design such that commercial building facades have the same richness of detail and quality of materials as single-family dwellings in Lemont. She stated since the writing of this, the UDO contains commercial design standards. She said the recommendation would be to reword and leave it in the Plan.

The next recommendation is creating a timely site plan and architectural elevation review procedure that requires approval of building site plans, architectural elevations, and landscape plans of all buildings prior to issuance of a building permit. She said there is a site development permit that is required if a development is over a certain square footage. She stated once that permit is issued then building permit gets reviewed. She said the recommendation would be to remove this from the Plan since it is already in practice.

Mrs. Glas said another is require design review of the appearance of all new and reconstructed commercial, industrial and multi-family residential buildings. She stated the UDO contains commercial design guidelines, but the only design review board is for the Historic District. She said the question is what level of design review is appropriate and are additional standards needed.

Commissioner Spinelli stated he thinks it is good.

Mrs. Glas asked if it should be left as what we currently have in the UDO and staff reviews it. All Commissioners agreed.

Mrs. Glas stated next is maintained and strengthen the identity of Lemont as Historic District. She said the recommendation is to leave it in the plan. She stated this is a key asset to the community.

Mrs. Glas said another recommendation is enhance the downtown as a town center with a balance of retail, entertainment, office, civic, and housing space. She stated the downtown district is intended to achieve this goal. She said there is a specific zoning district that is a DD district that has its own regulations and any property with that district has guidelines and recommendations.

Commissioner Messer stated it sounds redundant to what they talked about earlier with suggestions made in regards to having retail on ground level and residential above. He asked can't they be combined. He stated the other one he was looking at stated increase the number of housing units in the downtown by planning sites suitable for mixed use and residential buildings.

Mrs. Glas said she will look to change the wording and combine those. She said next is complete the Illinois and Michigan Canal as a public open space in downtown and as a bicycle path route to the Heritage Quarries recreation area and other bicycle paths. She stated the I&M path does connect to the Heritage Quarries and the Transportation Element will address bicycle and pedestrian paths. She said this recommendation would be moved to there or adjusted.

Mrs. Glas stated another is increase the number of housing units within walking one-half mile of the Metra Station, and in areas within approximately one mile of the Metra Station that have capacity for additional dwelling units. She said the downtown district is intended to achieve this goal. She stated the recommendation would be to leave and reference the downtown district. Next, is increase the number of public parking spaces in central locations in the downtown. Again, that is the goal of the downtown district so it will also be left in the Comprehensive Plan.

Mrs. Glas continued stating, amend the zoning ordinance to recognize existing single-family dwelling structures on particular blocks (north Stephen Street, east side; east Talcott Street, south side) as a permitted use. Allow adaptive re-use or redevelopment of these structures when compatible with the downtown environment. She said the status on that is single-family detached residential is a permitted use in the downtown. Adaptive reuse is also allowed, with guidance based on street type. She stated if you look at the downtown district in the UDO the type of development that is encouraged is based on the type of street that the property is on. Mrs. Glas said so it takes into effect the scale of the street and what is permitted. She stated the recommendation would be

since it is already addressed in downtown district then it is completed and will not need to be addressed in the Comprehensive Plan.

Mrs. Glas said another is amend the zoning ordinance and other relevant planning tools to require an off-site or within-building parking contribution from new construction in the B-2 District. She stated B-2 no longer exists, but was replaced by the downtown district, which does not require a parking contribution for small developments. Larger developments are required to provide parking. She said this is open for discussion.

Trustee Stapleton stated the deal with the parking garage was anything that is built within 500 feet of the parking garage would not have to supply parking.

All Commissioners agreed that it would continue to stay that way.

Mrs. Glas said next is improve Stephen Street to the Sanitary & Ship canal and prepare plans and designs for a public plaza at the end of the street, as recommended by the 1994 Downtown Plan. She stated this is a repeat of the plaza which is not completed. She asked if the Commissioners agreed that was worth to pursue.

Commissioner Messer stated to combine this with the other one that talks about the plaza.

Mrs. Glas continue by saying if available, continue to use the TIF revenues to make capital improvements and provide grants for building revitalization projects that further the goals of the downtown plan. She said this was the current practice, so it would just be reworded to reflect current status and be left in Plan.

Mrs. Glas stated this would conclude the downtown district and now they would move on to Traditional Neighborhoods. She said first is continue opposition to use of the Illinois Central/Canadian National Railroad line as a high-speed rail route. She stated it has been determined that the high-speed rail route will not go through Lemont, so this will be removed from Plan.

Next, is to keep a lively streetscape, encourage use of the public sidewalks by local businesses, while ensuring pedestrian accessibility and community aesthetics are not compromised. She stated the comment is that it is complete and should be removed from Plan.

Mrs. Glas continued stating reduce the maximum height of dwellings to avoid construction of houses that are out of proportion to existing dwellings in the neighborhood. She said the R-4A guidelines were written to amend the allowable home size in older neighborhoods. By all accounts it has been successful, so it just needs to be reworded to reflect current status. Next, is reducing the number of non-conforming structures and uses in the Village. There were at least 68 non-conforming structures in 1999, and possibly many more that have not been documented. She stated the UDO does not allow replacement of non-conformities. She asked for discussion, is a stronger

approach needed. Mrs. Glas stated right now non-conformities are addressed when someone comes in to do something with their property.

Commissioner Sanderson stated he feels it needs to wait till the use or the owner changes.

All Commissioners agreed.

Mrs. Glas stated next would be State Street, from Illinois north. The recommendation is future capital improvements budgets should include landscaping and other beautification on the excess land beside the State Street Bridge. She said the status is not complete and should be left in Plan.

Mrs. Glas said from State Street, from Illinois to Peiffer. The first recommendation is encourage preservation of traditional style homes on busy arterial road environment, consider "Level II" home occupations, or adding an adaptive reuse category when a business renovates a home but the owner does not necessarily live in the home. She stated homes on State Street are zoned residential and do not allow any commercial use. She said they would reword, but leave policy in to revise zoning to allow limited commercial use of these existing homes as a way to extend the useful life of these often historic and charming structures.

Trustee Stapleton stated the problem is you can't park on State Street.

Mrs. Glas said this recommendation would be looking to make a revision in the zoning for the UDO to allow limited commercial use where right now it is residential.

Commissioner Sanderson stated the question is where do we see State Street going.

Chairman Spinelli said the point of this is to try and maintain the residential building by allowing an office in there. He stated like Trustee Stapleton said there is no parking on State Street and a lot of the side streets have no parking on that first block.

Mrs. Glas stated the idea of "limited commercial use" could be a use that does not require a lot of parking.

Chairman Spinelli said he is not sure if they need to reword it. He stated if it states "limited commercial use", then people will ask what is "limited". He said he thinks it should be kept as is and if people want to come in and ask for a variance then it gives the Commission and Village Board a right to refuse it.

All Commissioners agreed.

Mrs. Glas continued by saying, invest in streetscape improvements (parkway trees, decorative banners, etc.) to enhance property values. She said the status is partly completed and should be left in the Plan with more detail and recommendations.

Commissioner Messer stated they had the ash borer bug come through and we are not even funding replacement trees. He said now we are investing in streetscape. He asked where is that funding coming from.

Mrs. Glas said it is a recommendation that is in the Comprehensive Plan. She stated when they go to Public Works and state we need to come up with a plan for parkway trees they have a reason why. She stated she doesn't think Public Works has a tree care plan. Mrs. Glas said if it is part of the Plan and the Village and residents value their parkway trees, this gives them initiative to get something going.

Commissioner Messer asked if that would include funding it.

Trustee Stapleton stated the problem is there are so many trees affected by the ash borer beetle that they don't have enough funding. He said he will be attending a seminar in regards to the ash trees.

Discussion continued on replacing parkway trees.

Mrs. Glas said next would be study traffic signal/safe pedestrian crossing options at Logan and State. She stated this has been done already. Next, discourage/prohibit home occupations that make demands on parking. She said the UDO contains restrictions on home occupations related to parking and traffic generation. She stated the current practice is effective and no policy change is needed.

Mrs. Glas stated another is requiring site improvements before rezoning legal non-forming uses (medical and dental buildings in 800 block State Street). She said the status is unknown. The recommendation is these buildings are zoned commercial; policy not needed.

Mrs. Glas said the next section is State Street from Freehauf to 129<sup>th</sup>. The first recommendation is introduce new development design guidelines to require reduced front yard parking fields. She stated Mrs. Jones needed time to research this one.

Chairman Spinelli stated he thinks it would be to maintain site lines. He said he would not be in favor of reducing front yard parking areas. He stated you need to maintain that site line visual especially for that corridor.

Mrs. Glas said the next one is require brick/stone exteriors including limestone as the Lemont "signature". She stated it is not currently required for as of right development, but has often been a condition of PUD approvals. She said this is open for discussion, and they will change require to encourage.

Commissioner Sanderson stated it is not required but it is handled in the PUD which is good. He said then not every single building has it, but your larger PUD's they will get a chance to review it all.



Mrs. Glas said they will keep that one. She stated next is avoid narrow-lot “strip” development. She said the status is current policy, but difficult to enforce.

Commissioner Sanderson stated as long as they meet code requirements and the UDO covers it then you don’t need it.

Mrs. Glas stated another is requiring sidewalks/bikeways both sides of roadway. She said this is current policy and it is addressed in the Transportation Element. She stated it is not needed in this element.

Next, require bike racks be added to parking standards. She stated it is not currently required, but it is addressed in the Transportation Element so it is unnecessary here.

Mrs. Glas continued by saying signs – reduce the percentage of face that may be illuminated. She said the sign regulations have been amended and this can be removed. Next, preserve tree stands, especially east side of State. She stated the UDO currently contains tree preservation standards. She said this will be addressed in the natural resources development.

Mrs. Glas stated next is work with Lemont Plaza Shopping Center ownership to reconfigure the parking lot. Require more aggressive property maintenance. She said Lemont Plaza remains an issue, but do we want to include something specifically about this plaza.

All Commissioners agreed to remove.

Mrs. Glas said increase roadway capacity south of 127<sup>th</sup> street, perhaps adding a center turn lane was next. She stated this has been done and can be removed. She said the last recommendation is add street trees where parkways offer adequate planting spaces. Mrs. Glas stated the comment is it is unknown where street trees have been added, but new development has been required to install street trees. She stated this can be removed.

Mrs. Glas stated the next section is State Street from 129<sup>th</sup> to 132<sup>nd</sup>. She said the first recommendation is require improvements to road capacity as condition of “upzoning”. Improved circulation is needed. Connections to 129<sup>th</sup> Street and Walnut Street should be considered. She stated the UDO requires right-of-way improvements as conditions of development. She said this is addressed in transportation element.

Mrs. Glas said require sidewalks/bikeways both sides of roadway, is next. She said this is addressed in the Mobility Element. She stated next would be protect the natural drainage way on the east side of State. Mrs. Glas said the UDO contains numerous drainage regulations. She stated if this is necessary in the Comprehensive Plan, it would probably be best addressed in the Natural Resources Element.

Commissioner Spinelli stated he feels it is too specific for a Comprehensive Plan and should be left for the UDO.

Mrs. Glas stated another is requiring distinctive appearance in multi-family developments, use high quality exterior finishes, and creative site planning. She said the UDO contains some design standards for multi-family and most are approved via PUD, where additional design standards are often enforced. She stated they would leave this in the plan.

Mrs. Glas said the next section is 127<sup>th</sup> Street. She stated a harmonious streetscape design should be promoted on 127<sup>th</sup> Street, in anticipation of its creation as a new community gateway when the tollway is constructed. She asked the Commissioners if they felt it should be left in the Plan.

Commissioner Spinelli stated he felt it should not be included because the streetscape has already been created.

Discussion continued in regards to property between I355 and Smith Road.

Mrs. Glas said the next recommendation section is southeast of Archer Avenue. She stated where indicated by the use of overlays on the land use map “conservation design” should be practiced. This technique of land planning incorporates natural features into the subdivision design and uses only the most suitable soils and topography for construction purposes. Conservation design may be combined with cluster development, a related concept in which lot areas and setbacks are reduced within the “buildable” acreage to provide the developer an incentive to set aside the natural features. She said this is a long recommendation. Mrs. Glas stated there is the Kettering subdivision which is the first conservation design subdivision to be built in Lemont. She said there will be a subdivision coming up with a conservation design. She stated the idea is to create some kind of overlay that identifies where conservation should be done, rather than every development. Mrs. Glas said the idea would be to move this recommendation to the Natural Resources Element, which will identify areas of high ecological value or concern. She stated this concludes this element.

**V. GENERAL DISCUSSION**

Mrs. Glas said next month there will not be anything for the Comprehensive Plan, it should be public hearings. She stated they will pick it up again in December.

**VI. ADJOURNMENT**

Chairman Spinelli called for a motion to adjourn the meeting.

Commissioner Kwasneski made a motion, seconded by Commissioner Messer to adjourn the meeting. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes prepared by Peggy Halper*



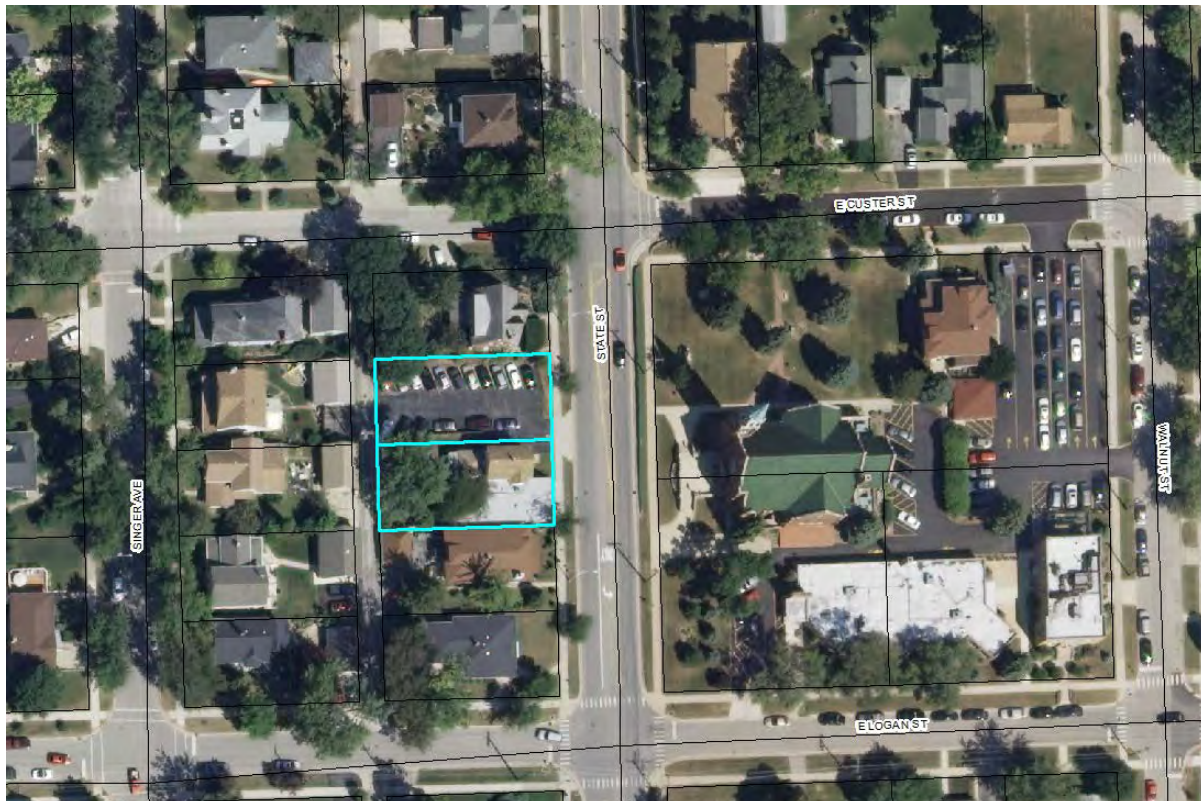
Village of Lemont  
*Planning & Economic Development Department*

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

TO: Planning & Zoning Commission  
FROM: Martha M. Glas, Village Planner  
THRU: Charity Jones, AICP, Planning & Economic Development Director  
SUBJECT: Case 13-09 – 604-06 State Street Rezoning from R-4A to B-1  
DATE: November 15, 2013

**SUMMARY**

John Ross, authorized agent of State Bank of Countryside Land Trust 04-2647 and owner of the 604-06 State Street property, has requested a rezoning of the subject property from R-4A, Single Family Preservation and Infill to B-1, Office/Retail Transitional District. The property consists of 2 lots. The lot to the north is a parking lot which can accommodate 12 parking spaces and the lot to the south consists of a single family home attached to a commercial space. Staff is recommending approval of the requested rezoning.



**PROPOSAL INFORMATION**

Case No. 13-09  
Project Name 604-06 State Street Rezoning from R-4A to B-1

<b>General Information</b>	
Applicant	John Ross
Status of Applicant	Owner and beneficiary of State Bank of Countryside Land Trust 04-2647
Requested Actions:	Rezoning from R-4A to B-1
Purpose for Requests	To allow the residential use to continue and allow the commercial space to be used for business use.
Site Location	604-06 State Street, PINs 22-29-108-007 & 22-29-108-008
Existing Zoning	R-4A; Single Family Preservation and Infill
Size	0.25 acres; Commercial space is 1,493 sq. ft.
Existing Land Use	Residential in the single family home and vacant commercial space
Surrounding Land Use/Zoning	North: Residential / R-4A South: Residential / R-4A East: St. Alphonsus / R-4A West: Residential / R-4A
Comprehensive Plan 2002	The Comprehensive Plan map designates this area as residential.

<b>Special Information</b>	
Physical Characteristics	PIN 22-29-108-007 consists of the parking lot. PIN 22-29-108-008 consists of the single family home and the commercial building. The mailing address for the home is 604 State St. and the mailing address for the commercial space is 606 State St.
Utilities	The site is serviced by Village water and sewer.

**BACKGROUND**

The owner of the property requested and was granted (O-103-04) a special use permit in 2004 to allow a mortgage broker / professional use to operate out of the commercial building as a "unique use" in an R-4 district. The special use is no longer in operation and the commercial space has been vacant for 23 months; therefore the special use has expired. Additionally, a special use for a unique use is no longer an option in the current Unified Development Ordinance.



As such, the owner is requesting a rezoning from R-4A to B-1 to allow for commercial use in the commercial portion of the property and to maintain the residential home for residential use as a nonconforming use. B-1 zoning is intended to provide an environment suitable for retail, service and office establishments.

## STANDARDS FOR REZONING

Illinois courts have used an established set of criteria when evaluating the validity of zoning changes. The criteria are known as the LaSalle factors, as they were established in a 1957 lawsuit between LaSalle National Bank and Cook County. Additionally, the “LaSalle factors” serve as a useful guide to planners and appointed and elected officials who are contemplating zoning changes. The LaSalle factors and accompanying analysis is as follows:

1. The existing uses and zoning of nearby property.

**Analysis:** This property, based on its physical design and previously approved special use permit, has historically been a mixed use property. The home has been occupied for residential use and the commercial space has been used for professional office use. Zoning of property in the immediate vicinity is R-4A. Other B-1 zoning exists in the 800 block of State Street.

2. The extent to which property values are diminished by the particular zoning;

**Analysis:** Rezoning would not diminish the property value of the subject parcel; rezoning from residential to commercial typically raises the value of the rezoned property. Adjacent property that is zoned R-4A Single-family Preservation and Infill should not see a negative impact in property values as the property has historically been a mixed use property and already has associated parking. Upon any future major redevelopment of the property, nearby property owners would be safeguarded by regulations in the UDO that take special consideration for commercial properties adjacent to residentially zoned properties.

3. The extent to which the destruction of property values of the complaining party benefits the health, safety, or general welfare of the public;

**Analysis:** The applicant's property values are not expected to be diminished by the rezoning. The property values of nearby properties are generally not expected to be impacted, due the property's history of mixed residential and commercial use.

4. The relative gain to the public as compared to the hardship imposed on the individual property owner;

**Analysis:** The requested rezoning presents no hardship for the applicant, as it will enable the property to again be used as a commercial, income generating property.

The State St. corridor contains a mix of uses including multi-family, institutional, commercial and single family. It serves as a connection between the downtown area and more intense shopping districts located near 127<sup>th</sup> and State St. The single family homes in the near vicinity of the subject corridor are zoned R-4A for the purpose of preserving residential character. The character is generally, older homes, smaller lots and more compact development. Allowing limited commercial activity along the portion of State St. that serves a compact residential area is a gain to the public in that it can provide business retail or service options that can help reduce drive times, promote walkability and serve an established part of town.

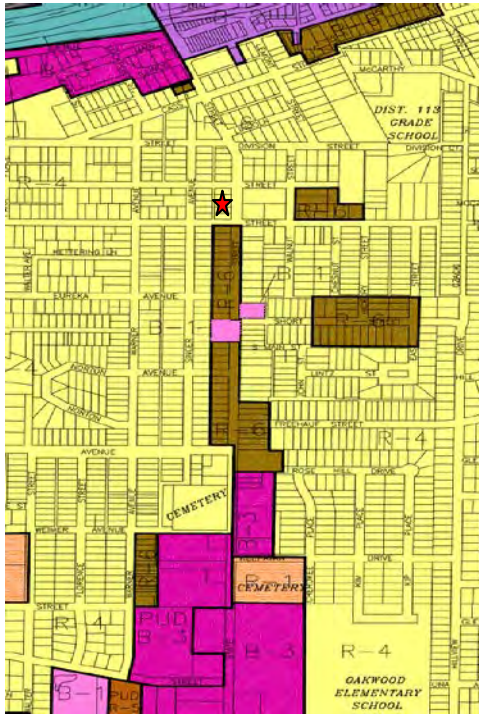


5. The suitability of the property for the zoned purpose;

**Analysis:** The property is suitable for the zoned purpose in that it has previously been approved for use as a commercial office and has parking to accommodate office and business use.

The State St. corridor is somewhat of a transitional area. In 1998, the area from Logan Street to Peiffer Ave. was zoned R-6 multi-family residential district and had pockets of B-1 and B-2 zoning. The subject property, which lies in the area between Cass Street and Logan Street was zoned R-4 at the time. By 2004, the B-2 zoning was replaced by B-1.

Figure 1 2004 Zoning Map



In 2006, the area had an R-4 Overlay District in place to recognize the need to preserve the established character of the area.

Figure 2 2006 Zoning Map, with R-4 Overlay district (orange hatching)

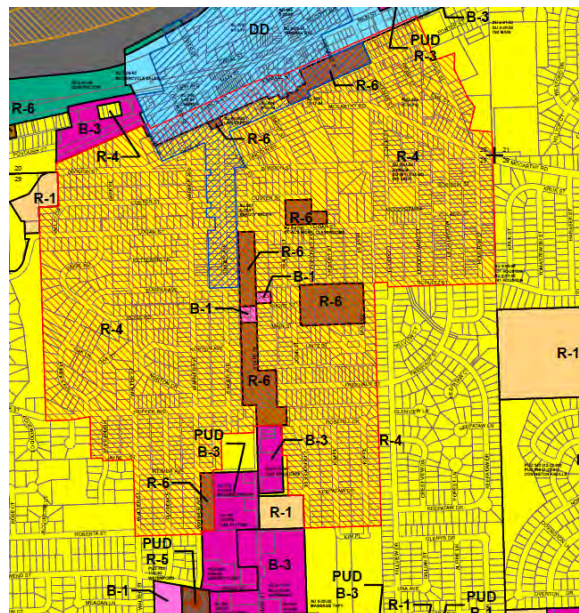
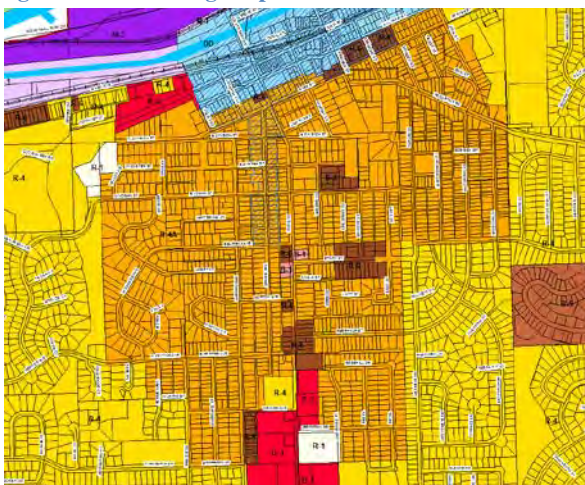


Figure 3 2013 Zoning Map



The overlay district later resulted in a comprehensive rezoning to the R-4A district. During that rezoning all but 10 of the lots zoned R-6 Multi-family were rezoned to R-4A. Along State St. (see Figure 3) B-1 zoning remained for what is currently occupied by Celina's Deli and Petr's Deli and for the office space on the 800 block of State Street. The subject property was changed from R-4 to R-4A along with the other properties in the original overlay district.

While the property has historically been zoned residential, commercial uses have been approved with a special use permit. This is likely due to the uniqueness of the building on the property, as it has both residential and commercial features. The existence of both residential and commercial on one lot creates a nonconforming use in either the B-1 or R-4A zoning district. The DD zoning district would allow for mixed use on the subject site, but its regulations are tailored specifically to downtown properties and therefore it would be inappropriate to apply that particular zoning designation outside the downtown. Rezoning to B-1 would allow the commercial portion of the property to be utilized for business use as it was previously approved to do. The parking demands of the use would be met by the existing parking lot. All future commercial uses would be reviewed for compliance with parking ratios to ensure adequate parking exists as part of commercial occupancy approval.

The single-family home, which is currently occupied, would become a nonconforming use in the B-1 zoning district. If there is vacancy in the nonconforming use for a period of six consecutive months it cannot be re-established, and any subsequent use of the property shall conform to the regulations of the subject zoning district.

6. The length of time the property has been vacant as zoned, compared to development in the vicinity of the property;

**Analysis:** The applicant has stated that the commercial space has been vacant for 23 months. The original special use was discontinued for a period of more than six months and approval has lapsed. With no active special use permit and zoning that does not allow commercial use beyond a home occupation, the commercial space has remained vacant.

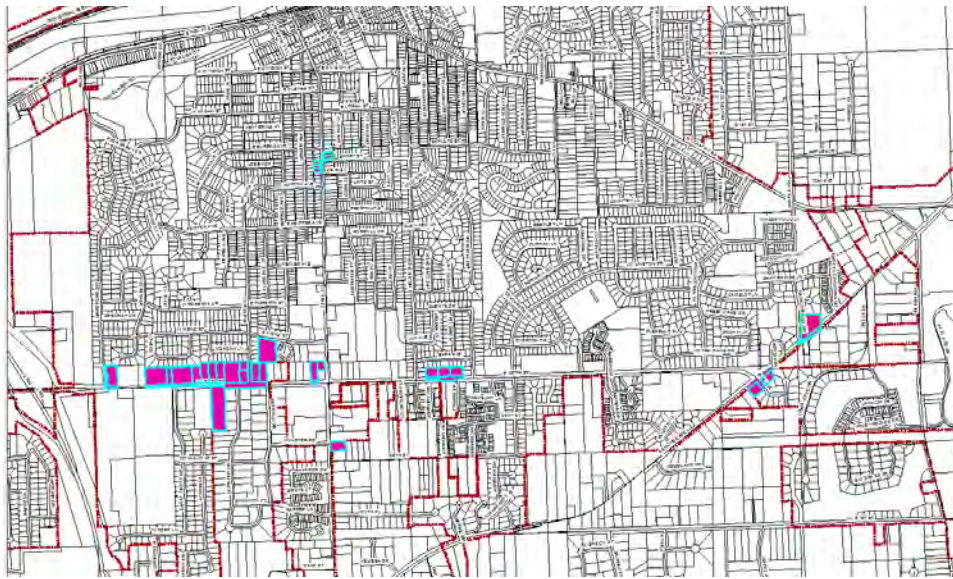
7. The public need for the proposed use;

**Analysis:** The proposed use is office space in the portion of the building designed for commercial use. The public need for a particular use cannot be identified as a variety of uses are permitted in B-1 zoning, but available commercial space in a mixed use setting is generally seen as serving a public need by providing more diversity in options for residents and business owners of a community. The site is equipped with ample parking and would allow for reuse of the building portion that was previously approved for commercial use.

B-1 zoning is meant for uses that are less intensive than B-3 and less oriented toward the automobile. Looking at our current supply of B-1 zoning, there are 8 general areas with this zoning, comprising of 30 parcels. A majority (17) of the parcels are located along 127<sup>th</sup> St. and 6 are located along State St. Other locations include a small area along Archer Ave. Increasing the supply of B-1 zoning in areas that could foster and sustain more walkable and pedestrian oriented designs would serve the community well.



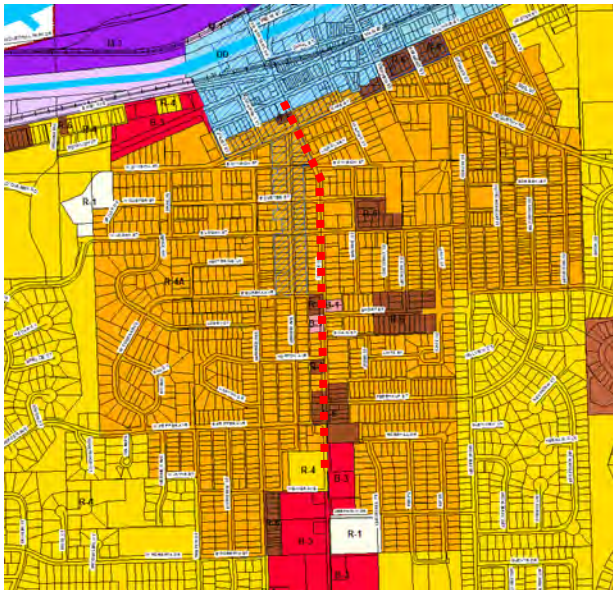
Figure 4 Supply of B-1 zoned property, 2013



8. The thoroughness with which the municipality has planned and zoned its land use

**Analysis:** As discussed in an earlier section, the zoning history on this corridor has been R-6 multi-family with a few parcels zoned for business use to R-4A single-family residential preservation and infill with a few business uses. The west side of the corridor along State Street from Illinois St. to Peiffer Ave. has been identified in the Unified Development Ordinance as distinct for having commercial use in a residential area. The designation resulted in a State Street Sign Overlay (red dotted line depicted in Figure 4) which regulates the design of commercial signs within this corridor.

Figure 5 State Street Sign Overlay



To the north of the State Street Sign Overlay is the Downtown District (light blue area) The DD was established to promote a compatible mixture of commercial, cultural, institutional,

governmental, and residential uses in a compact, pedestrian-oriented, traditional village center. To the south of the State Street Sign Overlay is R-6 multi-family and B-3 arterial commercial district, which has higher density, more intense business use and vehicular traffic. With the two zoning districts at either end of the State Street Sign Overlay at opposite ends of intensity in terms of use, it is understandable that the State Street corridor functions as a transitional area.

The Village has taken steps through past rezoning action and the 2002 Comprehensive Plan to designate this corridor as one that is primarily single-family residential in nature.

However, small pockets of limited, pre-existing, commercial development have been recognized and permitted through these planning efforts. This site, with its past history of commercial use, is similar to the other commercial properties along the State Street corridor and therefore it is consistent with the Village's past planning efforts to allow this site to be rezoned to B-1.

## **GENERAL ANALYSIS**

**Consistency with the Comprehensive Plan.** The 2002 Comprehensive Plan calls for the Street St. corridor to maintain residential land use to minimize interruptions to traffic flow and to preserve the traditional-style residential construction that characterizes the street. It also suggests considering "Level II" home occupations or adding an adaptive reuse category when a business renovates a home but the owner does not necessarily live in the home. Since the writing of the Comprehensive Plan, no adaptive reuse category was added and proposed business uses have been handled on an individual basis.

Many home occupations that are currently permitted by the UDO are also permitted in B-1 zoning. One major difference, however, is the allowance for signage. A home occupation is only permitted to have one nameplate not more than 72 sq. in. or 0.5 sq. ft. whereas a business in the State Street Sign Overlay is allowed 30 sq. ft. Home occupations serve multiple purposes; one is that they can serve as incubators for business development and growth. Home occupations can be a stepping stone to growing a business. B-1 zoning is beneficial in a community as it allows a business of generally low intensity to grow into a space that provides more signage and opportunity for a public presence. The proposed rezoning is not consistent with the proposed "Level II" home occupations described by the 2002 Comprehensive Plan because the applicant is not proposing commercial use within a renovated single-family home, but rather an existing commercial building. However, the proposed rezoning to B-1 is consistent with the Comprehensive Plan's intent of reusing existing building stock and with many of the kinds of commercial uses envisioned by the "Level II" home occupations.

## **CONCLUSIONS & RECOMMENDATIONS**

The property has been used as commercial space in previous years as a result of an approved special use permit. The proposed rezoning would allow the property and accompanying parking lot to be used lawfully for business and commercial use. The existing single-family home would be a nonconforming use in the zoning district. Much of the concern around having a business in an environment like the subject site's revolves around the parking demands of a proposed business. In this instance, parking needs are accommodated by the presence of the existing parking lot and would have minimal impact to the area. Parking demands of future uses would be evaluated when an application for a commercial occupancy permit is submitted to ensure that adequate parking was always available. For any major redevelopment in the future, neighboring residents would be safeguarded by regulations in the UDO that minimize impacts to residential properties when they are adjacent to commercial uses. Additionally, B-1 zoning would allow for business uses that are less auto-dependent in a compact, pedestrian friendly area. Based on the intent of the B-1 district, analysis of the LaSalle factors, and previous approval for business use, staff is recommending approval of the rezoning request.

## ATTACHMENTS

1. Application Materials

# Rezoning Application Form

### APPLICANT INFORMATION

John Ross

Applicant Name

EMERALD HOME BUILDERS

Company/Organization

6 N. OLD CREEK, PALMS PARK, FL 60464

Applicant Address

773-251-0747

Telephone & Fax

EMERGUY @ YAHOO.COM / JOHN.ROSS @ RB.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

604-606 STATE STREET, LEMONT, FL 60464

Address of Subject Property/Properties

Parcel Identification Number of Subject Property/Properties

Size of Subject Property/Properties

### DESCRIPTION OF REQUEST

Requested Zoning: B1

### 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 Checklist of Required Materials

## Materials Required at Submittal of Application

A complete application for a rezoning must include **all** of the following items. Any application that does not include all of the following items will not be considered complete. The Planning & Economic Development Department **will not** schedule a public hearing for any rezoning request until a complete application has been submitted.

- Application Form.** One original copy of the attached *Rezoning Application Form*, signed by the applicant and notarized.
- Application Fee.** A non-refundable fee in the appropriate amount.
- Escrow Account.** \$500 per application. Any unused portion may be refunded upon request after completion of the rezoning review process.
- Proof of Ownership & Applicant Authorization.** One copy of a deed that documents the current ownership of the subject property. If the applicant is the owner, this is the only documentation necessary. If the applicant is not the owner, the following are required in addition to a copy of the deed:
  - If the applicant is the contract purchaser of the property, a copy of said contract must be attached.
  - If the applicant is acting on behalf of the beneficiary of a trust, a notarized letter from an authorized trust officer identifying the applicant as an authorized individual acting in behalf of the beneficiaries must be attached. The letter must also provide the name, address and percentage of interest of each beneficiary.
  - If the applicant is acting on behalf of the owner, a notarized letter of consent from the owner must be attached.

If the property owner is a company, a disclosure of the principals of the company must be included in the application materials. For example, an LLC may submit a copy of the LLC Management Agreement.



**Submittal Packet.** 9 collated copies of a submittal packet for distribution at public meetings and one digital copy for Village files. Additional copies of the submittal packet may be required after initial submission of the rezoning application. Planning & Economic Development Staff will advise if/when additional copies are needed.

Any plans and maps included in the submittal packet should contain the following: a north arrow or other indication of true north or map north; the date of map/plan preparation; the name of the person preparing the map/plan; and a scale, the scale may be expressed verbally (e.g. 1 inch equals 60 ft.) but other forms of scale are preferable (e.g. scale bar or ratio such as 1:24,000). All plats should be printed on at least 11"x17" sized paper.

The submittal packet shall include the following:

- **Project Summary.** A written overview of any proposed development on the property to be rezoned. This overview should include a quantitative summary that includes the following, as applicable:
  - Acreage and/or square footage of subject site
  - Square footage of commercial space
  - Proposed residential density (# dwelling units/gross site area)
  - Total square footage covered by structures
  - Total square footage covered by roads and other impervious surfaces
  - Total square footage of commonly owned and maintained open space
  - Number of off-street parking spaces
- **Legal Description.** A legal description of the subject property.
- **Plat of Survey.**
- **Additional Plans or Documents as Required by the Planning & Economic Development Director.** Department staff will advise if any additional materials are necessary.

# 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

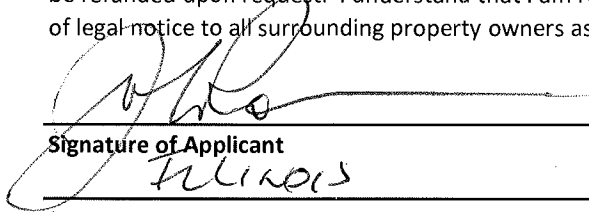
Fee is non-refundable.

**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.

  
Signature of Applicant

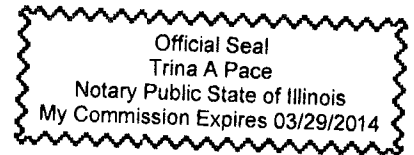
10-10-13  
Date

Illinois  
State

Cook  
County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that John F. Ross 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 21<sup>st</sup> day of October A.D. 20 13.

My commission expires this 29<sup>th</sup> day of March A.D. 20 14.

PROJECT SUMMARY

REZONING OF PROPERTY AT 604-606 STATE TO B1 ZONING .

PROPOSED USE:

604 STATE STREET- CONTINUED USE OF HOME AT 604 STATE STREET AS RESIDENTIAL DWELLING.

606 STATE STREET- USE OF OFFICE BUILDING FOR BUSINESS PURPOSES. PROPOSED TENANT IS "JSTACK HVAC" OWNED BY JEFF STACHOVIC of Lemont,IL.. Premises will be used as office.

-ACREAGE OF SITE- 11,930 SQUARE FEET =.256 OF ACRE

-SQAURE FOOTAGE OF COMMERCIAL SPACE (606 STATE) =1,493 SQ FEET

-PROPOSED DWELLING UNIT-1 DWELLING UNIT AT 604 STATE STREET

-TOTAL SQAURE FOOTAGE COVERED BY STRUCTURES=2,842 SQ FEET

-TOTAL SQUARE FEET COVERED BY ROADS AND OTHER IMPREVIOUS SURFACES=6,188 SQ FEET  
(PARKING LOT)

-TOTAL SQUARE FOOTAGE PF COMMONLY OWNED AND MAINTAINED OPEN SPACE=0

-NUMBER OF OFF STREET PARKING= 12 PARKING SPOTS IN PARKING LOT



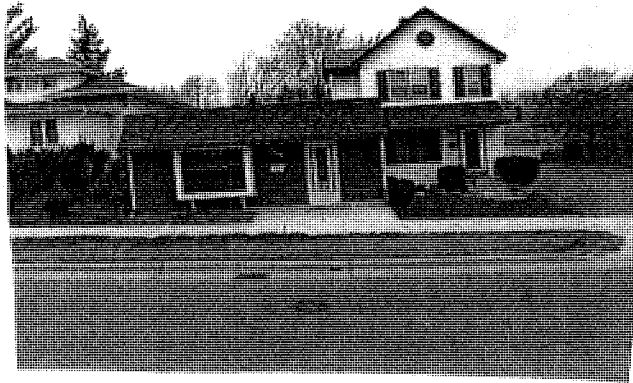
Parcel 1: Lot 8 in Block 4 in Norton and Warner's Subdivision of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 (except the South 30 feet of said Northeast 1/4 of the Northwest 1/4) of Section 29, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2: Lot 9 in Block 4 in Norton and Warner's Subdivision of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 (except the South 30 feet of said Northeast 1/4 of the Northwest 1/4) of Section 29, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

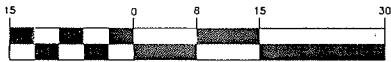
Commonly Known As: 604 & 606 State Street  
Lemont, IL 60439

P.I.N.: 22-29-108-007 & 008

## LEGAL Description



GRAPHIC SCALE



( IN FEET )  
1 inch = 15 ft.

GREMLEY & BIEDERMANN

LICENSE No. 184-002761

SOUTH LINE OF CUSTER STREET

PROFESSIONAL LAND SURVEYORS

4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630  
TELEPHONE: (773) 685-5102 FAX: (773) 286-4184 EMAIL: INFO@PLCS-SURVEY.COM

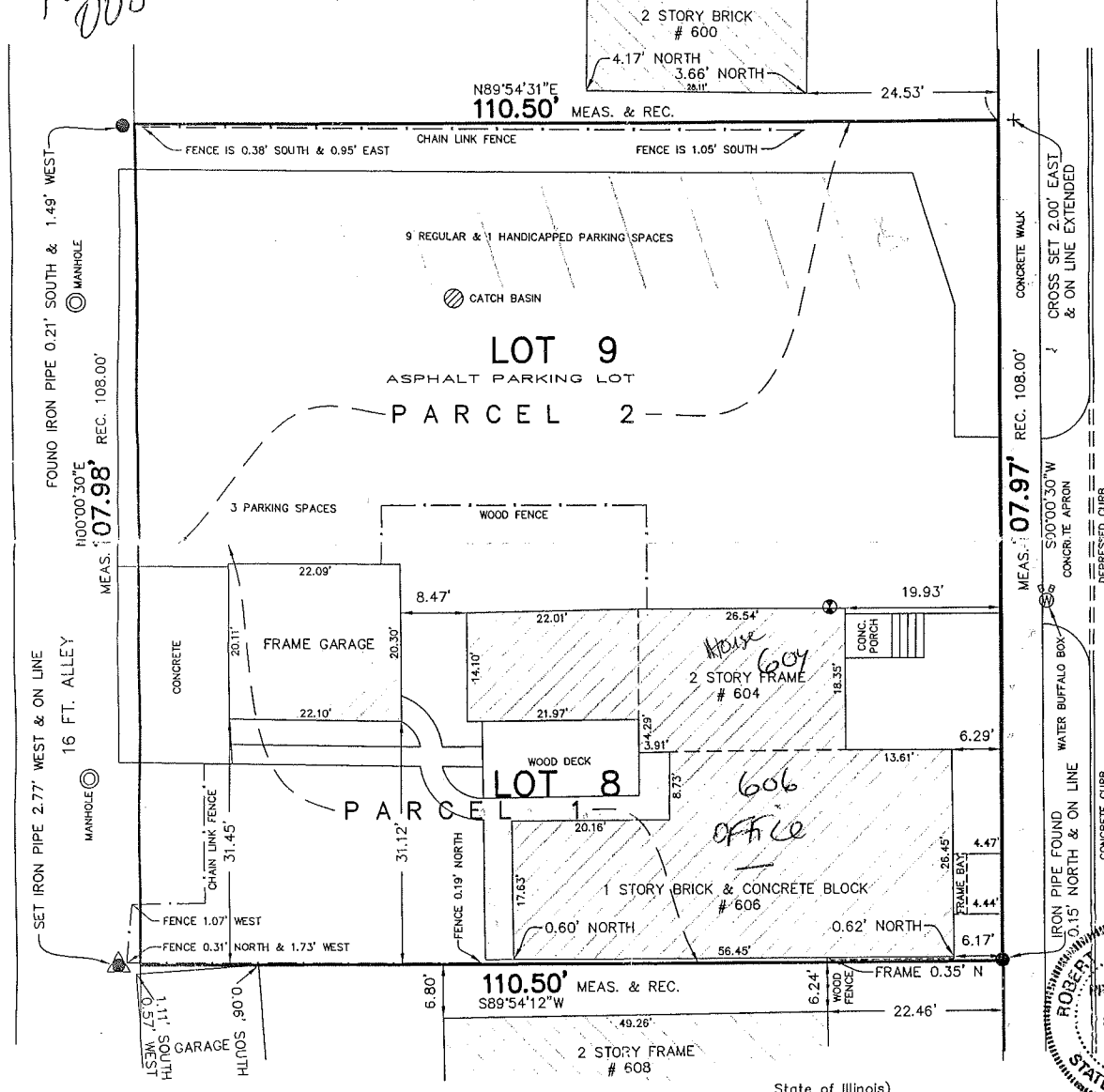
ALTA / ACSM Land Title Survey

*Handwritten notes:*  
P/R  
22'-  
29'-  
108'-  
008'

PARCEL 1:  
LOT 8 IN BLOCK 4 IN NORTON AND WARNER'S SUBDIVISION OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (EXCEPT THE SOUTH 30 FEET OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER), OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:  
LOT 9 IN BLOCK 4 IN NORTON AND WARNER'S SUBDIVISION OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (EXCEPT THE SOUTH 30 FEET OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER), OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

REC. = 54.00'



STATE STREET



State of Illinois)  
County of Cook)ss

This is to certify that this map or plot and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements and Classifications for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999. Pursuant to the Accuracy Standards as adopted by ALTA and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

Field measurements completed on July 19, 2004.

Signed on July 22, 2004

By: Robert G. Biedermann

Professional Illinois Land Surveyor No. 2802  
My License Expires November 30, 2004  
This professional service conforms to the current Illinois minimum standards for an ALTA survey.

Distances are marked in feet and decimal parts thereof. Compare all points BEFORE building by same and at once report any differences BEFORE damage is done.

NO dimensions shall be assumed by scale measurement upon this plat.

Unless otherwise noted hereon the Bearing Basis, Elevation Datum and Coordinate Datum if used is ASSUMED.

COPYRIGHT GREMLEY & BIEDERMANN, INC. 2004  
"All Rights Reserved"

ORDERED BY: ARCHDIOCESE OF CHICAGO	CHECKED: JB	DRAWN: RS
ADDRESS: 604-06 STATE STREET, LEHONT, IL	GREMLEY & BIEDERMANN	
LICENSE No. 184-002761 PROFESSIONAL LAND SURVEYORS 4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630 TELEPHONE: (773) 685-5102 FAX: (773) 286-4184 EMAIL: INFO@PLCS-SURVEY.COM		
ORDER NO. 2004-01374-001	DATE: JULY 19, 2004	PAGE NO. 1 OF 1
SCALE: 1 INCH = 15 FEET		



**STATE BANK  
OF COUNTRYSIDE** Member FDIC  
"We Make Excellence a Habit."



September 27, 2013

RE: Land Trust No. 04-2657  
604-606 State Street

To Whom It May Concern:

Please be advised that John Ross holds the power of direction under State Bank of Countryside land trust number 04-2647 and is therefore an authorized individual who may act on behalf of the trust.

Sincerely,

STATE BANK OF COUNTRYSIDE

Joan Micka  
Vice President

State of Illinois }  
County of Cook } SS

Subscribed and sworn to before me this

27 day of September, 2013

Linda D. Yanz  
Notary Public



**WARRANTY DEED  
IN TRUST**



Doc#: 0424514110  
Eugene "Gene" Moore Fee: \$28.00  
Cook County Recorder of Deeds  
Date: 09/01/2004 09:17 AM Pg: 1 of 3

The above space for recorder's use only

THIS INDENTURE WITNESSETH, That the Grantor, the Catholic Bishop of Chicago

of the County of Cook and State of Illinois, for and in consideration of the sum of Ten Dollars

Dollars (\$ 10.00 ), in hand paid, and of other good and valuable considerations, receipt of which is hereby duly acknowledged, Conveys and Warrants unto State Bank of Countryside, a banking corporation duly organized and existing under the laws of the State of Illinois, and duly authorized to accept and execute trusts within the State of Illinois, as Trustee under the provisions of a certain Trust Agreement, dated the 12th day of August ~~2004~~ June and known as Trust Number 04-2657, the following described real estate in the County of Cook and State of Illinois, to-wit:

390853

Parcel 1: Lot ~~8~~ <sup>11th</sup> in Block 4 in Norton and Warner's subdivision of the East half of the Northeast quarter of the ~~Northeast~~ <sup>11th</sup> quarter (except the South 30 feet of said Northeast quarter of the Northwest quarter) of Section 29, Township 37 North, Range 11 East of the Third Principal Meridian in Cook County, Illinois.

Parcel 2: Lot 9 in Block 4 in Norton and Warner's subdivision of the East half of the Northeast quarter of the Northwest quarter (except the South 30 feet of said Northeast quarter of the Northwest quarter) of Section 29, Township 37 North, Range 11 East of the Third Principal Meridian in Cook County, Illinois.

STEWART TITLE OF ILLINOIS  
2 NORTH LA SALLE STREET, SUITE 1020  
CHICAGO, IL 60602

This space for affixing Riders and Revenue Stamps

(3)  
9/1

**SUBJECT TO**

22-29-108-007, 008

TO HAVE AND TO HOLD the said real estate with the appurtenances, upon the trusts, and for the uses and purposes herein and in said Trust Agreement set forth.

Full power and authority is hereby granted to said Trustee to improve, manage, protect and subdivide said real estate or any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision or part thereof, and to re-subdivide said real estate as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said real estate or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said Trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber said real estate, or any part thereof, to lease said real estate, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or in futuro, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 99 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and to grant options to

lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals, to partition or to exchange said real estate, or any part thereof, for other real or personal property, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to said real estate or any part thereof, and to deal with said real estate and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times thereafter.

In no case shall any party dealing with the Trustee, or any successor in trust, in relation to said real estate, or to whom said real estate, or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustee, or any successor in trust, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on said real estate, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the authority, necessity or expediency of any act of said Trustee, or be obliged or privileged to inquire into any of the terms of said Trust Agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said Trustee, or any successor in trust, in relation to said real estate shall be conclusive evidence in favor of every person (including the Registrar of Titles of said county) relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created by this Indenture and by said Trust Agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said Trust Agreement or in all amendments thereof, if any, and binding upon all beneficiaries thereunder, (c) that said Trustee, or any successor in trust, was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors, in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

This conveyance is made upon the express understanding and condition that neither State Bank of Countryside, individually or as Trustee, nor its successor or successors in trust shall incur any personal liability or be subjected to any claim, judgment or decree for anything it or they or its agents or attorneys may do or omit to do in or about the said real estate or under the provisions of this Deed or said Trust Agreement or any amendment thereto, or for injury to person or property happening in or about said real estate any and all such liability being hereby expressly waived and released. Any contract, obligation or indebtedness incurred or entered into by the Trustee in connection with said real estate may be entered into by it in the name of the then beneficiaries under said Trust Agreement as their attorney-in-fact, hereby irrevocably appointed for such purposes, or at the election of the Trustee, in its own name, as Trustee of an express trust and not individually (and the Trustee shall have no obligation whatsoever with respect to any such contract, obligation or indebtedness except only so far as the trust property and funds in the actual possession of the Trustee shall be applicable for the payment and discharge thereof). All persons and corporations whomsoever and whatsoever shall be charged with notice of this condition from the date of the filing for record of this Deed.

The interest of each and every beneficiary hereunder and under said Trust Agreement and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or any other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate, as such, but only an interest in the earnings, avails and proceeds thereof as aforesaid, the intention hereof being to vest in said State Bank of Countryside the entire legal and equitable title in fee simple, in and to all of the real estate above described.

If the title to any of the above real estate is now or hereafter registered, The Registrar of Titles is hereby directed not to register or note in the certificate of title or duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," or words of similar import, in accordance with the statute in such case made and provided, and said Trustee shall not be required to produce the said Agreement or a copy thereof, or any extracts therefrom, as evidence that any transfer, charge or other dealing involving the registered lands is in accordance with the true intent and meaning of the trust.

And the said grantor \_\_\_\_\_ hereby expressly waive \_\_\_\_\_ and release \_\_\_\_\_ any and all right or benefit under and by virtue of any and all statutes of the State of Illinois, providing for the exemption of homesteads from sale on execution or otherwise.

Document Number



In Witness Whereof, the grantor \_\_\_\_\_ aforesaid has \_\_\_\_\_ hereunto set \_\_\_\_\_ its  
hand \_\_\_\_\_ and seal \_\_\_\_\_ this 12th \_\_\_\_\_ day of  
August \_\_\_\_\_ 2004 .

Catholic Bishop of Chicago  
a corporation sole (Seal)

State Bank of Countryside Trust 04-2657

*Thomas M. Brennan*

(Seal)

(Seal)

(Seal)

STATE OF ILLINOIS,

COUNTY OF *Cook*

SS.

I, *Bylle Skoczek*, a Notary  
Public in and for said County, in the state aforesaid, do hereby  
certify that *Thomas M Brennan*

personally known to me to be the same person \_\_\_\_\_  
whose name *LO* subscribed to the foregoing

instrument, appeared before me this day in person and  
acknowledged that *he* signed, sealed and  
delivered the said instrument as *his* free and voluntary  
act, for the uses and purposes therein set forth, including the  
release and waiver of the right of homestead.



Given under my hand and notarial seal this *23rd*  
day of *August* *2004*

*Bylle L Skoczek*  
Notary Public

Mail to:

STATE BANK OF COUNTRYSIDE  
6734 Joliet Road - Countryside, IL 60525  
(708) 485-3100

THIS INSTRUMENT WAS PREPARED BY:

*Thomas S Moore*  
111 W Washington, Suite 1100  
Chicago, IL 60602



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  
FROM: Martha M. Glas, Village Planner  
THRU: Charity Jones, AICP, Planning & Economic Development Director  
SUBJECT: Case 13-10 12833 Klappa Drive Variations  
DATE: November 15, 2013

### **SUMMARY**

Alex Pacey, the authorized agent for Steven and Tracy Sawatzky, owners of 12833 Klappa Drive, is seeking variations from the Unified Development Ordinance to allow for the construction of an in-ground pool and fence. The lot is a corner lot, though atypical in that the intersecting streets are not at a 90 degree angle. The curvature of the lot creates a side yard in what would more commonly be a rear yard, considerably reducing the usable space in the rear yard. The request includes a variation for the fence to be located in a portion of the corner side yard and to allow lot coverage to exceed 36% in the rear yard. Staff is recommending approval.





**PROPOSAL INFORMATION**

Case No. 13-10  
 Project Name 12833 Klappa Drive Variations

General Information	
Applicant	Alex Pacey
Owners	Steven and Tracy Sawatzky
Status of Applicant	Authorized agent of the owners
Requested Actions:	Variation to allow fence in a portion of the corner side yard and variation to allow rear yard lot coverage to exceed 36%
Site Location	12833 Klappa Drive (PIN 22-31-206-011-0000)
Existing Zoning	Lemont R-4 Single-Family Detached Residential District
Size	19,200 sq. ft.
Existing Land Use	Residential
Surrounding Land Use/Zoning	R-4 Single-Family Detached Residential District
Comprehensive Plan 2002	The Comprehensive Plan calls for this site to be residential.
Zoning History	N/A
Special Information	
Public Utilities	The site is serviced by Village water and sewer.

**BACKGROUND**

Section 17.030.A of the UDO states that fences are permitted only in conformance with Figures 17-12-02 and 17-12-03. The Figure 1 shows that a fence must not be located within a corner side yard setback.

Figure 1. Permitted fence location on corner lots

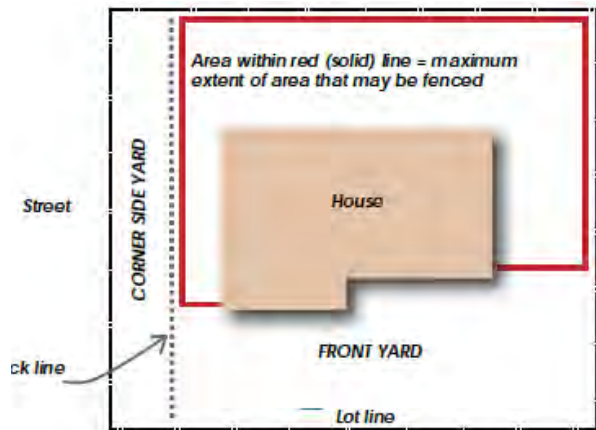


Figure 2. Boundaries of the rear yard in red



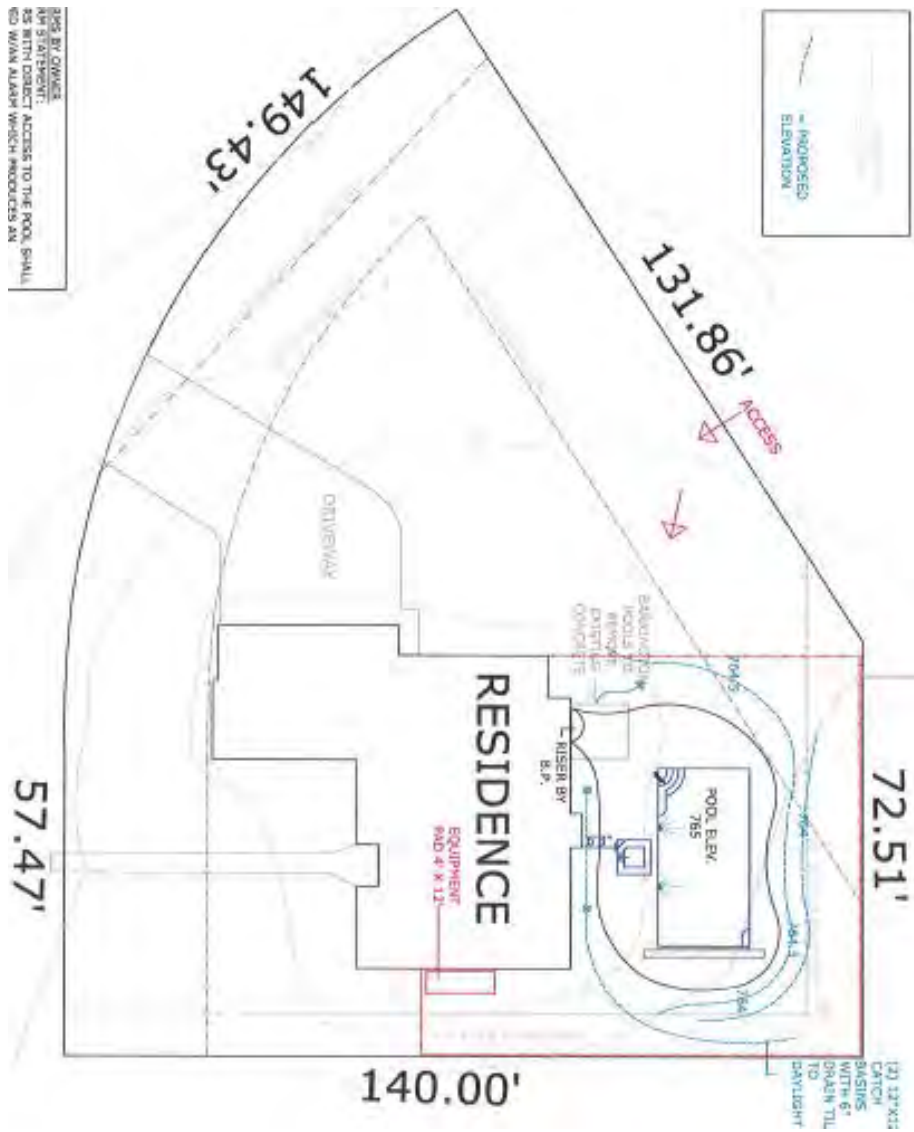
For the subject property, the boundaries of the rear yard are shown in red in Figure 2. This is also where a fence would be permitted based on the 25' corner side yard setback and how the rear yard is defined for the purposes of calculating lot coverage in a rear yard.

Section 17.06.030.H of the UDO states that impervious surface area shall not exceed 36% in a rear yard. The area of the rear yard in this configuration is 3,392 sq. ft., therefore the maximum rear yard lot coverage for this property is 1,221 sq. ft.



The proposed pool and associated patio is approximately 1,400 sq ft. The proposed location of the fence and proposed location of the in-ground swimming pool can be seen in Figure 3.

Figure 3. Proposed location of the fence and pool



### STANDARDS FOR VARIATIONS

UDO Section 17.04.150.D states that variation requests must be consistent with the following three standards to be approved:

1. The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

**Analysis.** The general purpose of the UDO is specified in UDO Section 17.01.050. Of the eight components listed, four are not applicable to these variation

requests. The variation requests for a fence to be located in a portion of the corner side yard setback and to allow the rear yard lot coverage to exceed 36% are consistent with the remaining four components.

- **Promoting and protecting the general health, safety and welfare.** The variation requests will not injure the health, safety and general welfare of the public.
  - **Ensuring adequate natural light, air, privacy, and access to property.** The variations will have no impact on light, air, and access to property.
  - **Protecting the character of established residential neighborhoods.** The subject site is in a developing residential area. It is located within the R-4 zoning district and building permits for in-ground swimming pools and fences are common. The variation requests are in accordance with the character of the residential area.
  - **Conserving the value of land and buildings throughout the Village.** The addition of a fence and in-ground pool is generally seen as an improvement to a property and when kept in good repair, would not negatively impact surrounding property values.
2. The plight of the owner is due to unique circumstances, and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unique conditions that are not generally found on other properties in the same zoning district;

**Analysis.** The UDO states that in making a determination whether there are unique circumstances, practical difficulties, or particular hardships in a variation petition, the Planning and Zoning Commission shall take into consideration the factors listed in UDO §17.04.150.D.2.

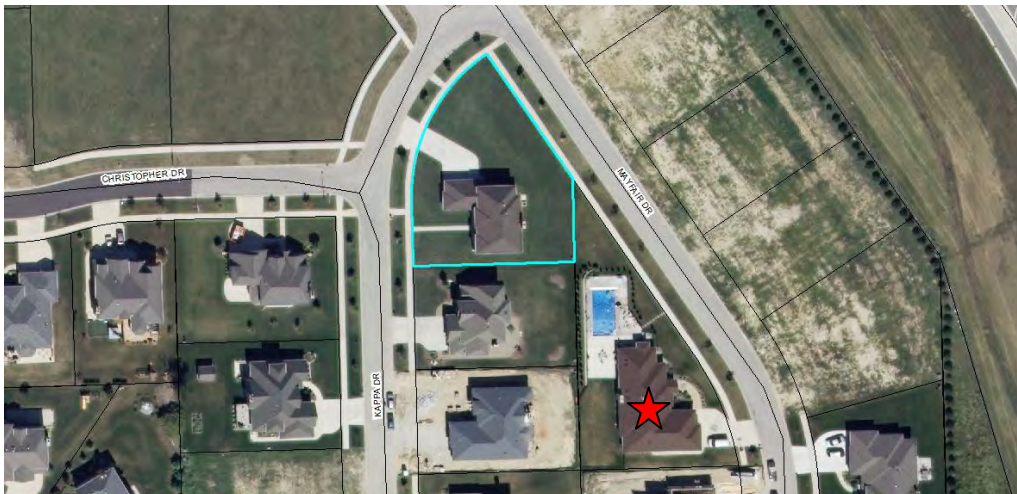
- a. *Particular physical surroundings, shape or topographical conditions results in a particular hardship upon the owner as distinguished from a mere inconvenience.* The subject property is an atypical corner lot in that the intersecting streets are not at a 90 degree angle. This creates a corner side yard that intrudes into an area that would normally function as a rear yard and limits the amount of useable space in the rear yard. Corner lots in this and neighboring subdivisions have, on average, 1,450 sq. ft. available for lot coverage in the rear yard. The subject property has 1,222 sq. ft. available for lot coverage in the rear yard. Staff finds that the reduced rear yard area and allowable lot coverage is a credible hardship for the owners resulting from the unusual configuration of the lot.
- b. *The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district.* The conditions upon which this petition is based would not generally be applicable to other properties in residential zoning districts. The lot is bound by 2 streets that do not intersect at a 90 degree angle limiting the amount of useable rear

yard space. The only other lot in this subdivision that is a corner lot with a unique configuration is an adjacent neighbor which received variances in 2005 for both the fence and pool location.

- c. *The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The hardship rests in the configuration of the lot which was determined at the time of subdivision approval and not with the current owner of the property.*
  - d. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject project is located. The variations would not be detrimental to the public welfare or injurious to other property.*
  - e. *The variation will not impair an adequate supply of light and air to adjacent properties or substantially increase congestion in the public street or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood. The variations would not endanger public safety, impair property values, adequate supply of light or air or increase the danger of fire or congestion.*
3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

**Analysis.** The proposed 5 ft. aluminum fence and in-ground pool would not alter the essential character of the locality and are not believed to be a detriment to the adjacent property. The property owner to the southeast of the subject property (identified with a red star) was approved for variances in 2005 for the pool to be located in the side yard and the fence to be located in the front yard to accommodate their lot configuration.

**Figure 4. Adjacent neighbor**



## **RECOMMENDATIONS**

Staff recommends approval of the variation requests. The UDO requires that the applicant demonstrate consistency with all three of the variation standards contained within §17.04.150.D. and staff finds that they were substantially met.

## **ATTACHMENTS**

1. Site Photos
2. Applicant Submissions

## Site Photos



Front of the subject property, looking east



Side of the home, looking south



Rear of the home, looking west



## Site Photos



Looking southeast along Mayfair Drive towards the other corner lot that received approval for variations for the fence and pool location.

# Variation Application Form

### APPLICANT INFORMATION

Alex Pacey - Barrington Pools, Inc  
Applicant Name

Barrington Pools Inc.  
Company/Organization

P.O. Box 3906 Barrington IL 60011  
Applicant Address

847-381-1245                      847-551-1318  
Telephone & Fax

apacey@barrington-pools.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

12833 Klappa Dr. Lemont IL 60439  
Address of Subject Property/Properties

22-31-206-011-0000  
Parcel Identification Number of Subject Property/Properties

19,200 sq  
Size of Subject Property/Properties

### DESCRIPTION OF REQUEST

Allow for proposed outdoor inground swimming pool + fence  
Brief description of the proposed variation

### REQUIRED DOCUMENTS

See Form 500-A, *Variation 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: \_\_\_\_\_

# Variation Application Form

Village of Lemont

## APPLICATION FEE & ESCROW

### 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 = \$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 variation 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 variation 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.

Alex Pacey - Borrington Park, Inc      10/8/13  
Signature of Applicant      Date  
Illinois      Cook  
State      County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that Alex Pacey 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.

Karla Murillo  
Notary Signature

Given under my hand and notary seal this 8<sup>th</sup> day of October A.D. 20 13.

My commission expires this 13<sup>th</sup> day of July A.D. 20 2016.





# Variation Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.150.D.1 establishes the criteria that all applications for variations must meet. In addition, Section 17.04.150.D.2 of the Unified Development Ordinance requires that the Planning & Zoning Commission or Zoning Hearing Officer take the following conditions into consideration when determining whether a request qualifies for a variation. You may want to consider the following in your variation request:

- The particular physical surroundings, shape, or topographical condition of the specific property involved results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations of the Unified Development Ordinance were fulfilled;
- The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located; and
- The variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please describe below how your variation request meets the criteria of UDO Section 17.04.150.D.1. Attach additional sheets if necessary.

## **UDO Section 17.04.150.D.1.a**

The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

The Pool Project has been relocated to be  
behind the house, and out of all easements. The Fencing  
has been relocated to be in the smallest amount of  
Easement area yet safely enclose a useable pool area due  
to near yard shape.

**UDO Section 17.04.150.D.1.b**

The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and

Due to the location of the 25' Building Line and the property being a corner lot, the acceptable project area is significantly limited. We have relocated the pool project in attempt to comply with the standard guidelines and codes. The enclosed fence area has also been reduced.

**UDO Section 17.04.150.D.1.c**

The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

The fencing for the project area has been reduced. The path of stormwater has been taken into consideration and grading has been added to show that the stormwater path will not be altered.

# Variation Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.150.D.1 establishes the criteria that all applications for variations must meet. In addition, Section 17.04.150.D.2 of the Unified Development Ordinance requires that the Planning & Zoning Commission or Zoning Hearing Officer take the following conditions into consideration when determining whether a request qualifies for a variation. You may want to consider the following in your variation request:

- The particular physical surroundings, shape, or topographical condition of the specific property involved results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations of the Unified Development Ordinance were fulfilled;
- The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located; and
- The variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please describe below how your variation request meets the criteria of UDO Section 17.04.150.D.1. Attach additional sheets if necessary.

## UDO Section 17.04.150.D.1.a

The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

The project is located directly behind the house and within all building lines. Grades have been taken into consideration during planning so that stormwater will not affect neighboring properties.

**UDO Section 17.04.150.D.1.b**

The plight of the owner is due to unique circumstances and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and

The odd shape of the rear yard area limits the amount of buildable space. The Deck area of the project is to make the pool area useable and has not been made excessively large.

**UDO Section 17.04.150.D.1.c**

The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

The Project has been positioned so that the stormwater flow will not be re-directed and the project will not change grades in the P.U.D. Easement

Steven Sawatzky  
12833 Klappa Dr  
Lemont, IL 60439  
October 12, 2013

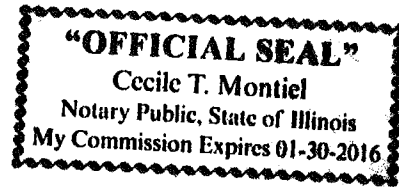
To whom it may concern:

I hereby give me consent, as a free and voluntary act, to authorize Barrington Pools, Inc. to act on my behalf for the purpose of requesting a Variation from the Village of Lemont Planning & Economic Development Department concerning my property at 12833 Klappa Drive.

Sincerely,



Steven Sawatzky



Cecile T. Montiel 10/15/2013  
Notary Public

**TRUSTEE'S DEED**



Doc#: 0432746003  
Eugene "Gene" Moore Fee: \$28.00  
Cook County Recorder of Deeds  
Date: 11/22/2004 08:08 AM Pg: 1 of 3

M

THIS INDENTURE, made this 18th day of October, 2004, between State Bank of Countryside, a banking corporation of Illinois, as Trustee under the provisions of a deed or deeds in trust, duly recorded or registered and delivered to said Bank in pursuance of a trust agreement dated the 17<sup>th</sup> day of October 2002, and known as Trust No 02-2458, party of the first part, and STEVEN L. SAWATZKY and TRACY M. SAWATZKY, husband and wife, not as joint tenants or tenants in common, but as tenants by the entirety, of 11 S 405 Rachael Court, Hinsdale, IL 60521, parties of the second part. Witnesseth, that said part of the first part, in consideration of the sum of Ten and 00/100 (\$10.00) dollars, and other good and valuable considerations in hand paid, does hereby grant, sell and convey unto said parties of the second part STEVEN L. SAWATZKY and TRACY M. SAWATZKY, husband and wife, not as joint tenants or tenants in common, but as tenants by the entirety, the following described real estate, situated in Cook County, Illinois.

Ex 15 720-34

Lot 34 in Final Plat of Subdivision of Mayfair Estates, Being a Subdivision in Part of the West 1/2 of the West 1/2 of the Northeast 1/4 of Section 31, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

P.I.N. 22-31-200-004-0000

Commonly known as 12833 Klappa Drive, Lemont, IL 60439

Subject to general real estate taxes not yet due or payable and all easements, covenants, conditions and restrictions of record, if any.

Together with the tenements and appurtenances thereunto belonging.

TO HAVE AND TO HOLD the same unto said parties of the second part, and to the proper use, benefit and behoof forever of said party of the second part.

This deed is executed by the party of the first part, as Trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in it by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling, subject, however, to: the liens of all trust deeds and/or mortgages upon said real estate, if any, of record in said county; all unpaid general taxes and special assessments and other liens and claims of any kind; pending litigation, if any, affecting the said real estate; building lines; building, liquor and other restrictions of record, if any; party walls, party wall rights and party wall agreements, if any; Zoning and Building Laws and Ordinances; mechanic's lien claims, if any; easements of record, if any; and rights and claims of parties in possession.

ENTERPRISE LAND TITLE, LTD.

STATE TAX

STATE OF ILLINOIS



NOV. 19.04

COOK COUNTY

# 0000017083

REAL ESTATE  
TRANSFER TAX

00611.00

FP351009

COUNTY TAX

COOK COUNTY  
REAL ESTATE TRANSACTION TAX



NOV. 19.04

REVENUE STAMP

# 0000003101

REAL ESTATE  
TRANSFER TAX

00305.50

FP351019

11/19/04 10:00 AM

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its Trust Officer and attested by its Vice President the day and year first above written.

STATE BANK OF COUNTRYSIDE  
as Trustee as aforesaid

By [Signature]  
Attest [Signature]

STATE OF ILLINOIS,  
COUNTY OF COOK

This instrument prepared by:

Terry LeFevour  
6734 Joliet Road  
Countryside, IL 60525

I, the undersigned, a Notary Public in and for said County, in the state aforesaid, DO HEREBY CERTIFY that Joan Micka of State Bank of Countryside and Susan L. Jutzi of said Bank, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Trust Officer and Vice President, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said Bank, for the uses and purposes therein set forth; and the said Vice President did also then and there acknowledge that said Trust Officer as custodian of the corporate seal of said Bank did affix the said corporate seal of said Bank to said instrument as said Trust Officer's own free and voluntary act, of said Bank, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this 18<sup>th</sup> day of October, 2004.

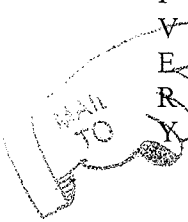


[Signature]  
Notary Public

D Name Sally A. Read  
E Attorney at Law  
L Street 1261 Brookside Ln  
I  
V City Downers Grove, IL  
E 60515  
R Or:  
Y Recorder's Office Box Number

For Information Only  
Insert Street and Address of Above  
Described Property Here

[Signature]  
Steven & Tracy Swartzky  
12833 Klappa Drive  
Lemont, IL 60439





SCALE: 1/8" = 1'

SUBMIT DRAWINGS 10-17-13

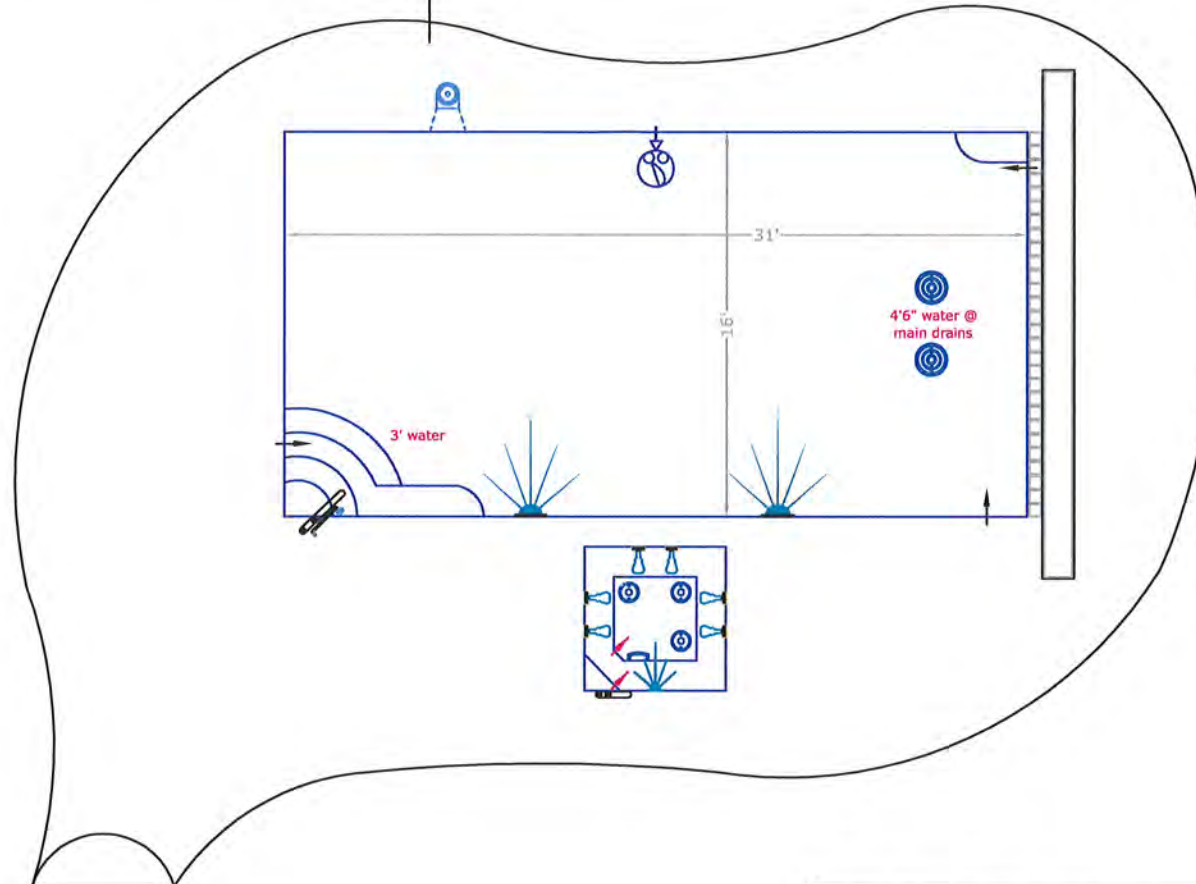
PAGE 1 OF 4

SAWATZKY RESIDENCE  
OUTDOOR INGROUND SWIMMING POOL, SPA, AN DECK/PATIO PLAN



JOB#13-039  
 NAME: STEVE & TRACY SAWATZKY  
 ADDRESS: 12833 KLAPPA DR.  
 CITY: LEMONT ZIP: 60439  
 HM #:  
 CELL #: 630-750-1338 MR  
 OTHER #:  
 SUBDIVISION: MAYFAIR ESTATES  
 LOT #34  
 SALESPERSON: TOD BROWN  
 DRAWN BY: AAP DATE: 9-5-13  
 DRAWN BY: DATE:  
 DRAWN BY: DATE:

CONCRETE DECK BY BARRINGTON POOLS  
 NOTE: APPROXIMATELY 1/4" PITCH PER FOOT AWAY FROM POOL



GENERAL NOTE: ALL WORK SHALL COMPLY WITH LOCAL ORDINANCES & CODES

SPA SPECIFICATIONS

APPROX. AREA: 6' X 6'-DECK LEVEL  
 EST. VOLUME: 743 GALLONS  
 PIPING MATERIAL: SCH. 40 P.V.C., N.S.F. APPROVED, 330 P.S.I. WORKING PRESSURE  
 4-MAIN DRAINS: 8" W/ GRATE, HYDROSTATIC RELIEF VALVE  
 6-SINGLE THERAPY JETS  
 2-INLETS: 2"  
 INTERIOR ENTRY STEP W/STAINLESS STEEL HANDRAIL  
 1-UNDERWATER WHITE LIGHT: 100 WATT/110 VOLT, LIGHT SHELL COPPER W/GROUND FAULT DETECTION SYSTEM  
 AIR BLOWER  
 ALUMINUM SPA COVER

POOL SPECIFICATIONS

APPROX. AREA: 16' X 31' SHAPE: RECTANGLE  
 EST. VOLUME: 13,950 GALLONS +/- APPROX. TURNOVER RATE: 3.32 HOURS  
 PIPING MATERIAL: SCH. 40 P.V.C., N.S.F. APPROVED, 330 P.S.I. WORKING PRESSURE  
 2-MAIN DRAINS: 8" W/ GRATE HYDROSTATIC RELIEF VALVE  
 1-SKIMMER: AUTO-IN THE WALL W/ STRAINER BASKET  
 HEATER: JANDY-GAS  
 FILTER: MODULIFILTER-POLYMERIC-CARTRIDGE FLOW 90 G.P.M. 460 S.F. W/ MANUAL RELIEF VALVE  
 CHLORINATOR: SANI-KING - WITH CIRCULATION PUMP  
 POLARIS LINE ONLY  
 3-INLETS WITH 1 1/2" DIRECTIONAL INSERTS  
 2-UNDERWATER WHITE LIGHTS: 500 WATT/110 VOLT, LIGHT SHELL COPPER W/ GROUND FAULT DETECTION SYSTEM  
 PUMP: ONE HORSEPOWER SELF-PRIMING HEAVY DUTY WITH HAIR & LINT STRAINER  
 TEST KIT: TAYLOR #H.S. K-2005  
 CLEANING EQUIPMENT: 1-NYLON BRUSH, 1-8 1/16 POLE, 1-VACUUM HEAD, 1-LEAF SKIMMER, 1-FLEX HOSE  
 4 ENTRY STEPS W/STAINLESS STEEL HANDRAIL & LOVESEAT  
 SWIM-IN  
 SAFETY EQUIPMENT: 1-4 FLOAT, 3/8" LIFELINE SEPARATING DEEP/SHALLOW END NATURE II  
 FILLSPOUT  
 AQUALINK CONTROLLING SYSTEM  
 AUTOCOVER W/ALUMINUM LID

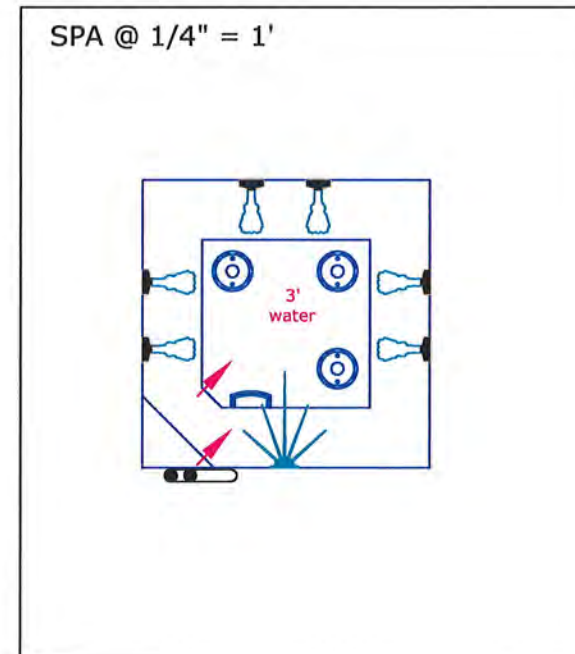
ELECTRICAL NOTES

1. NO CONDUCTIONS OVERHEAD WITHIN 10' OF POOL
2. GROUNDING AND ALL ELECTRICAL WORK SHALL COMPLY WITH NATIONAL CODES
3. INSTALL GROUND FAULT INTERRUPTERS ON ELECTRICAL CIRCUITS

BUYERS NOTES

1. TO DETERMINE APPROXIMATE ELEVATION OF POOL ON DAY OF EXCAVATION
2. WET DOWN CONCRETE SHELL AT LEAST TWICE DAILY
3. DO NOT TURN ON POOL LIGHT WHEN POOL IS EMPTY
4. POOL AREA TO BE FENCED, PER COUNTY OR CITY ORDINANCE

SPA @ 1/4" = 1'



LEGEND

POOL SYMBOLS

- = MAIN DRAIN (MDX)
- = SKIMMER
- = FILLSPOUT
- = UNDERWATER LIGHT
- = POOL INLET
- = POLARIS LINE ONLY
- = STAINLESS STEEL HANDRAIL
- = SAFETY ROPE WITH RECESSED ANCHORS

SPA SYMBOLS

- = STAINLESS STEEL HANDRAIL
- = MAIN DRAIN
- = SECONDARY MAIN DRAIN
- = SPA INLET
- = SPA SINGLE JET
- = UNDERWATER LIGHT



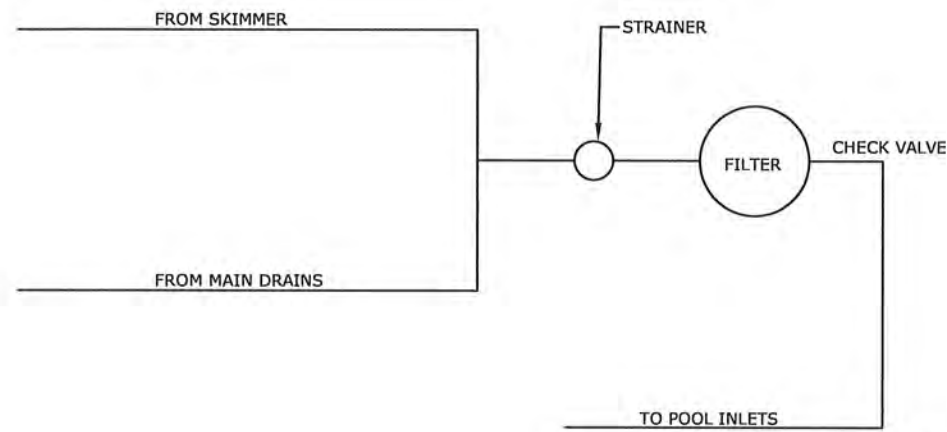


SAWATZKY RESIDENCE  
OUTDOOR INGROUND SWIMMING POOL, SPA, AN DECK/PATIO PLAN

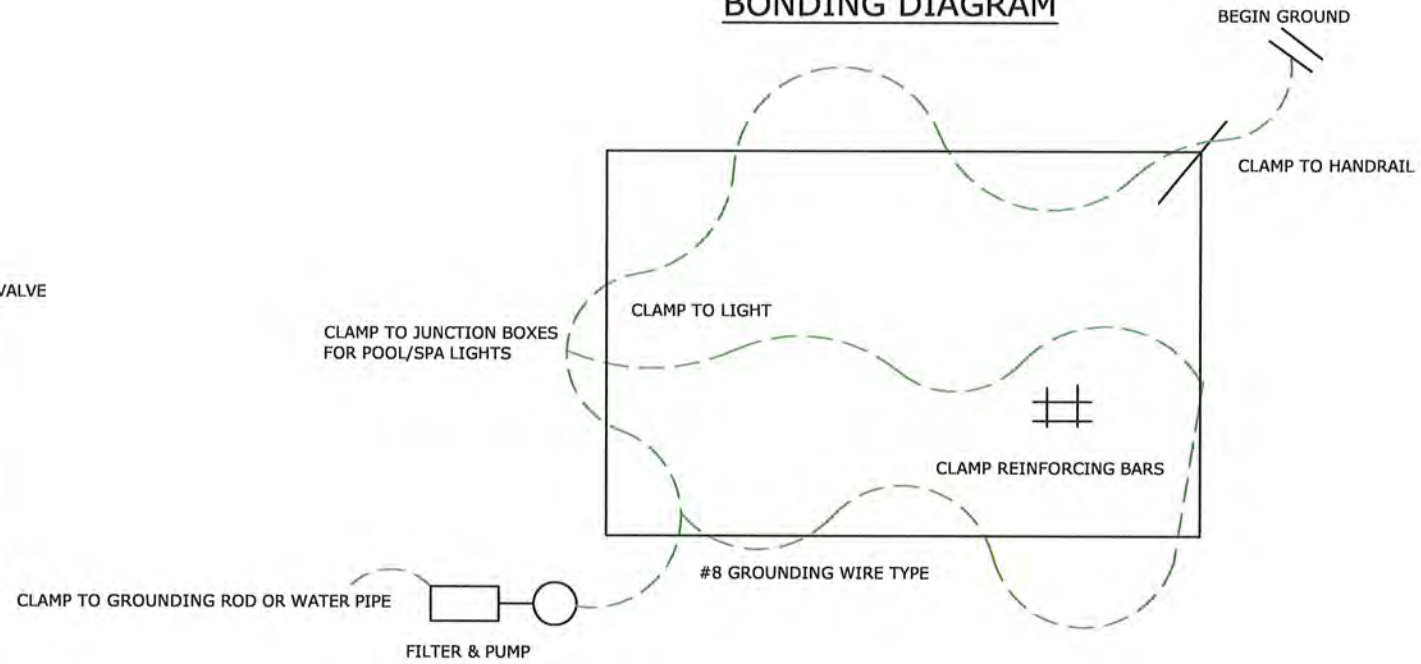


JOB#13-039	
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ADDRESS: 12833 KLAPPA DR.	
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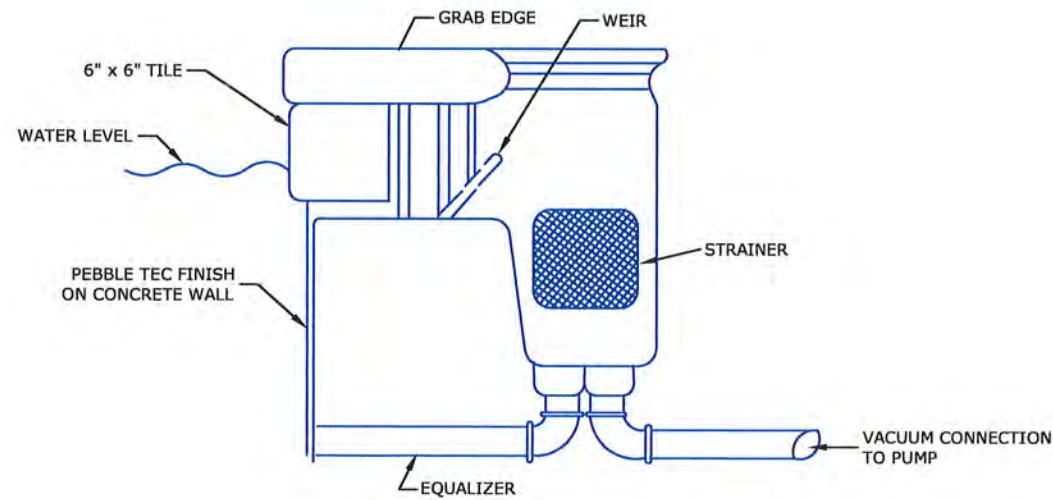
PLUMBING SCHEMATIC



BONDING DIAGRAM



SKIMMER DETAIL



BONDING NOTES

- 1) ELECTRICAL GROUNDING SHALL COMPLY TO ALL LOCAL AND NATIONAL ELECTRICAL CODES.
- 2) ALL GROUNDING WIRE SHALL BE #8 CONTINUOUS COPPER GROUNDING CABLE.
- 3) ALL GROUND CLAMPS TO BE INSTALLED EVERY 10' ALONG GROUND WIRE.
- 4) ALL ELECTRICAL FIXTURES SHALL BE UL LISTED.



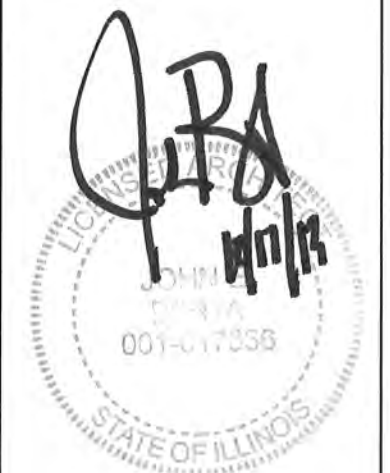
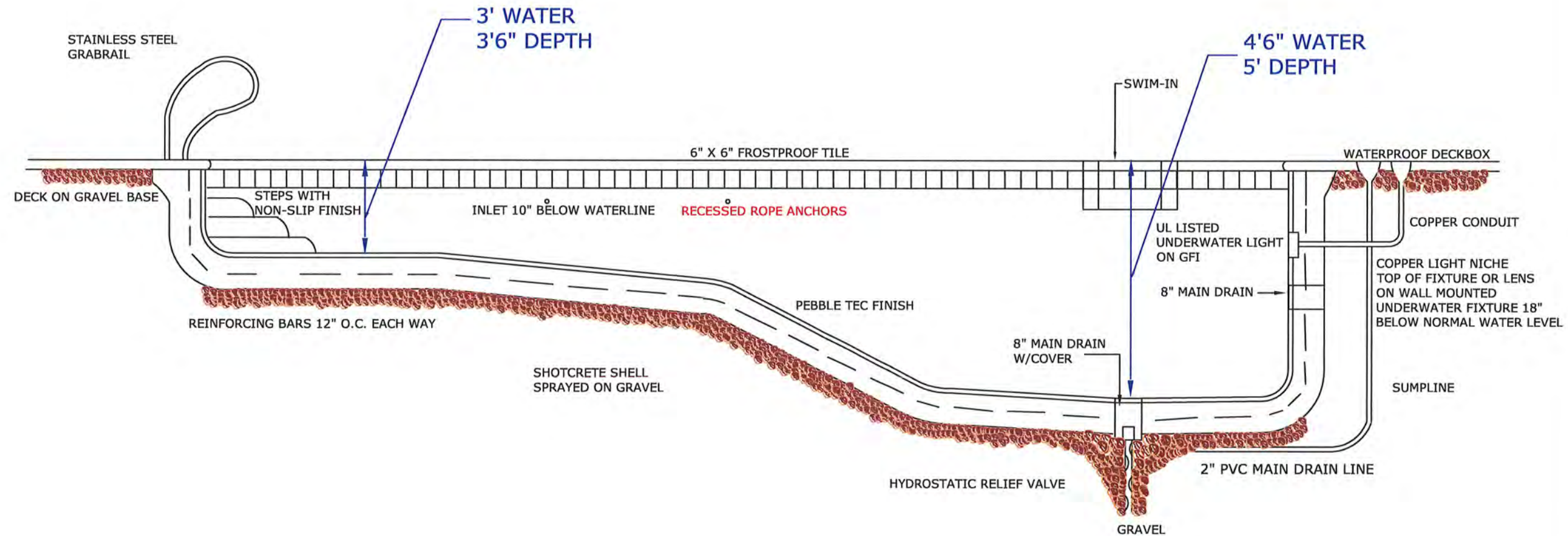
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DRAWN BY: AAP DATE: 9-5-13
DRAWN BY: DATE:
DRAWN BY: DATE:
DRAWN BY: DATE:

# TYPICAL POOL SECTION

THIS DRAWING IS NOT TO SCALE

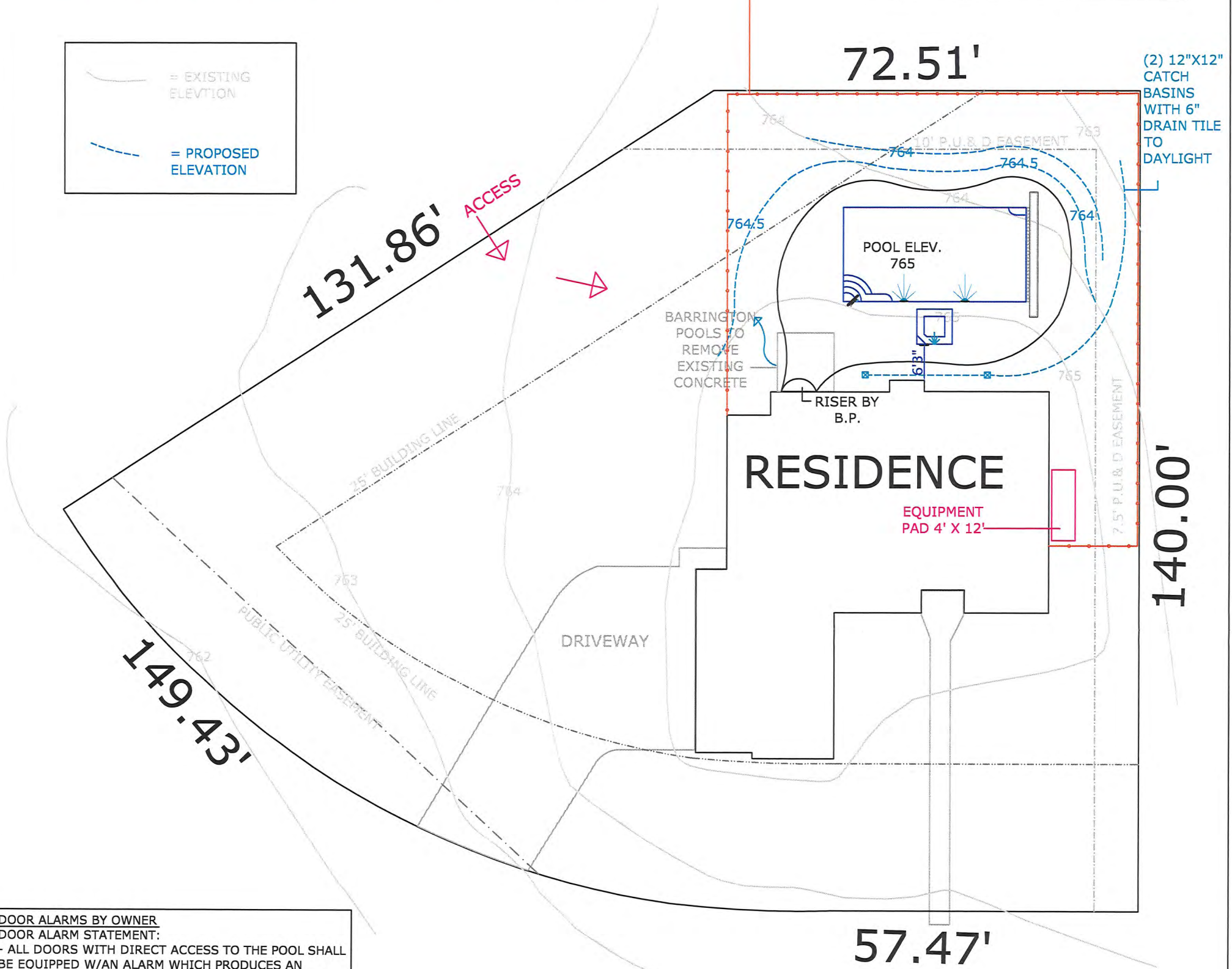
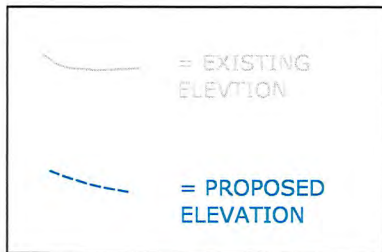




**BARRIER FENCE BY OWNER  
 PROPOSED 4' ALUMINUM FENCE  
 W/SELF-CLOSING, SELF-LATCHING GATES**



NOTE: BARRINGTON POOLS PROVIDES THE COVER BOX DRAIN TO THE OUTSIDE OF THE POOL DECK, THE OWNER IS RESPONSIBLE TO RUN IT AWAY FROM THE POOL DECK.



**DOOR ALARMS BY OWNER**  
 DOOR ALARM STATEMENT:  
 - ALL DOORS WITH DIRECT ACCESS TO THE POOL SHALL BE EQUIPPED W/AN ALARM WHICH PRODUCES AN AUDIBLE WARNING WHEN THE DOOR & ITS SCREEN IF PRESENT ARE OPENED.  
 - THE ALARM SHALL SOUND CONTINUOUSLY FOR A MIN. OF 30 SECONDS IMMEDIATELY AFTER THE DOOR IS OPENED.  
 - THE ALARM SHALL HAVE A MIN. SOUND PRESSURE RATING OF 85 DBA @ 10' & THE SOUND OF THE ALARM SHALL BE OF DISTINCTIVE FORM PER CHAPTER 41 2000 IRC THAN OTHER HOUSEHOLD SOUNDS OR EQUAL TO COMPLY W/(80DBA).



ALL MEASUREMENTS ARE APPROXIMATE

# PLAT OF SURVEY

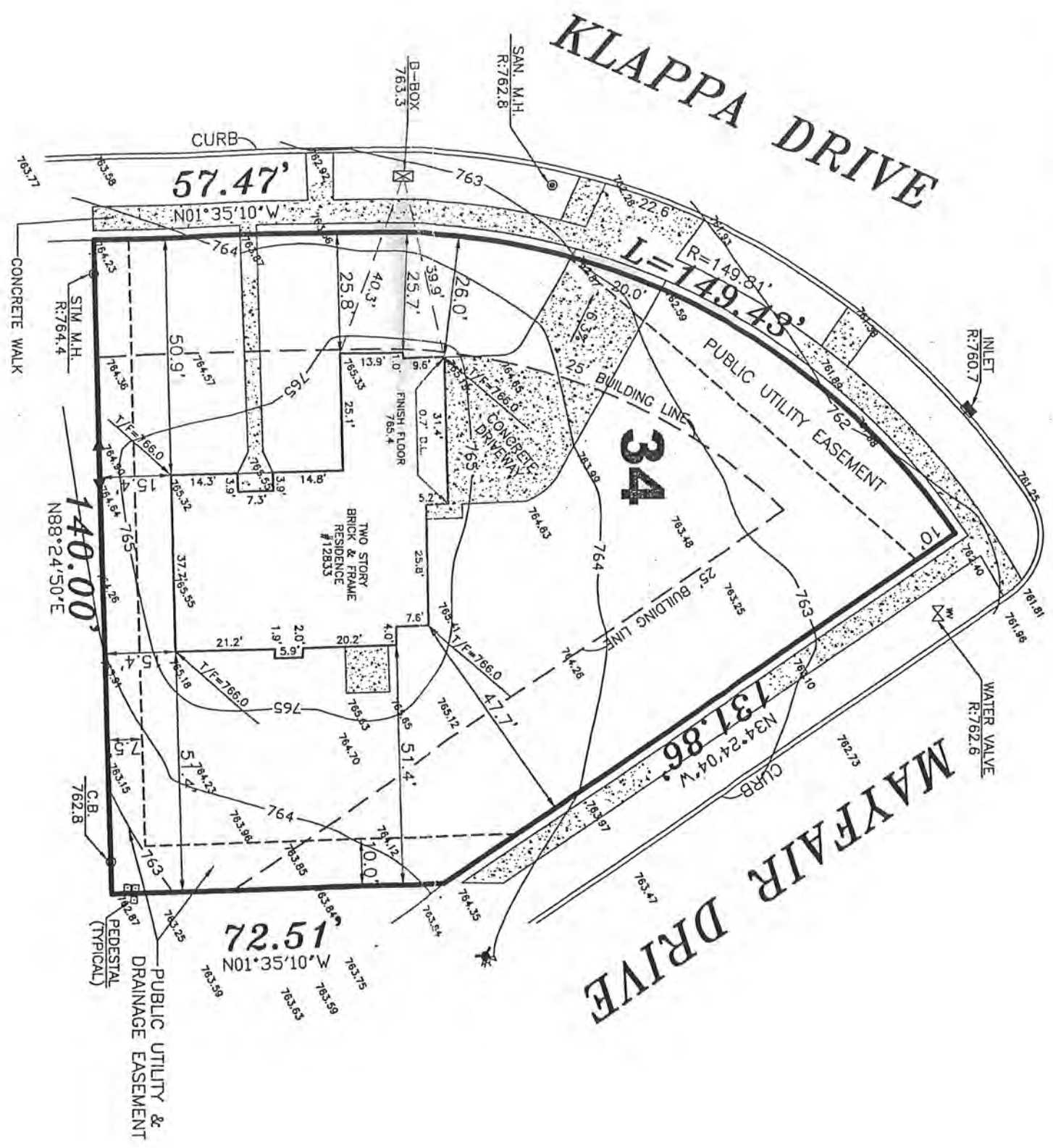
OF

LOT 34 IN MAYFAIR ESTATES, BEING A SUBDIVISION IN PART OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN COOK COUNTY, ILLINOIS.

VILLAGE OF LEMONT

APPROVED  
 APPROVED AS NOTED  
 NOT APPROVED

Date 10/20/04 Signature [Signature]



CLIENT: THOMAS EVANS DEVELOPMENT

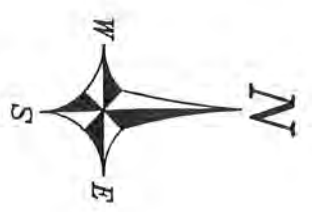


LAND SURVEYING SERVICES INC.  
 14545 S. Palomino Ct. (708) 645-1136  
 Lockport Il. 60441 Fax (708) 645-1138

No improvements should be made on the basis of this plat alone. Field monumentation of critical points should be established prior to commencement of any and all construction. For building line and other restrictions not shown hereon refer to your deed, abstract, title policy contracts and local building and zoning ordinance.



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. LICENSE EXPIRES 11/30/06



STATE OF ILLINOIS } S. S.  
COUNTY OF WILL }

JNT LAND SURVEYING SERVICES INCORPORATED HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

Dated this 15TH Day of OCTOBER, 2004.

PLS No. 3354

SURVEY NO. 04-10-077





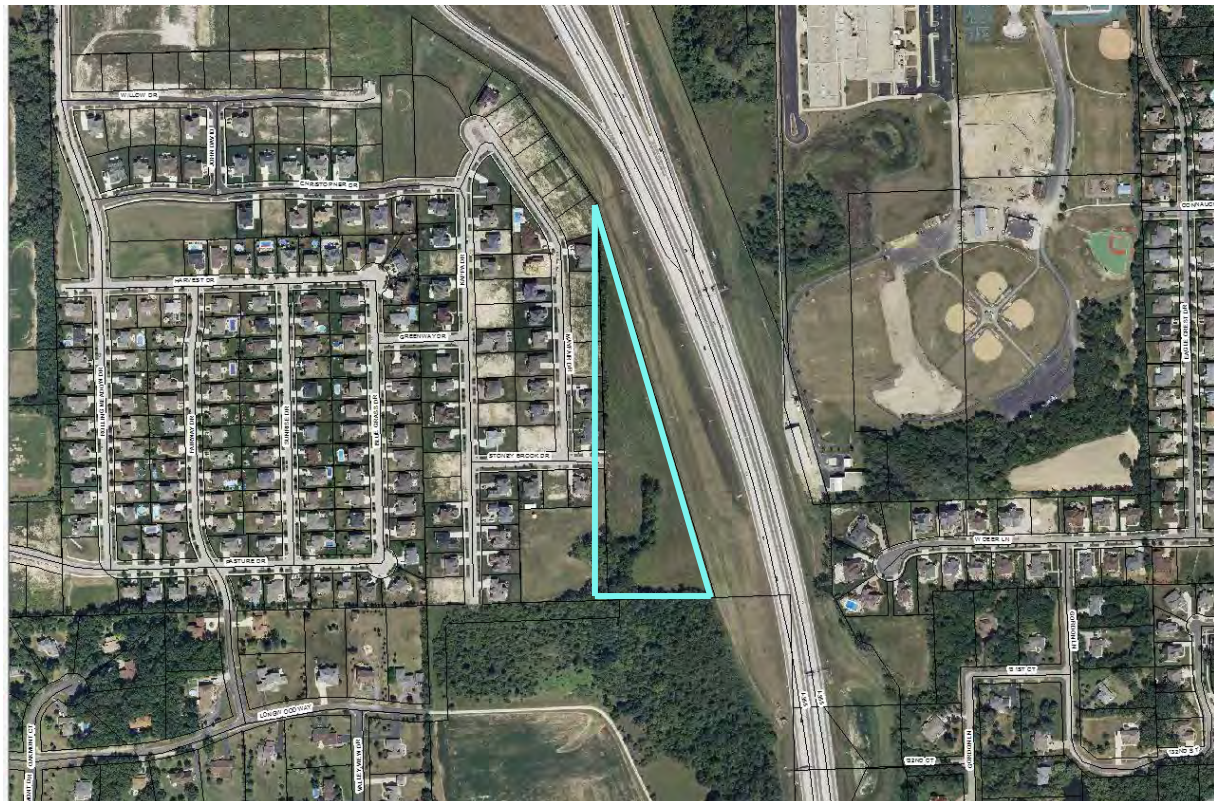
Village of Lemont  
*Planning & Economic Development Department*

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

TO: Planning & Zoning Commission  
FROM: Martha M. Glas, Village Planner  
THRU: Charity Jones, AICP, Planning & Economic Development Director  
SUBJECT: Case 13-11 Birch Path PUD & Annexation and Rezoning  
DATE: November 13, 2013

**SUMMARY**

John M. Ford of Tempo Development Inc., the contract purchaser of the subject property, has requested a preliminary PUD plan/plat approval, annexation and rezoning to R-4 Single-Family Detached Residential District for approximately 6.5 acres of property at the east end of Stoney Brook Drive in Mayfair Estates. Staff is recommending approval with conditions.



## PROPOSAL INFORMATION

Case No. 13-11  
Project Name Birch Path PUD & Annexation

General Information	
Applicant	John M. Ford, of Tempo Development, Inc.
Status of Applicant	Contract purchaser of the subject property
Requested Actions:	Preliminary Planned Unit Development (PUD) approval for a 19 lot single family development. Annexation and Rezoning to the R-4 Single-Family Detached Residential District for PIN 22-31-200-007-0000
Site Location	6.5 acres +/- at the east end of Stoney Brook Drive in Mayfair Estates, Lemont, IL (PIN 22-31-200-007-0000)
Existing Zoning	R-4 Single Family Residence, Unincorporated Cook County
Size	Approximately 6.5 acres
Existing Land Use	Vacant
Surrounding Land Use/Zoning	North: I-355 Tollway property South: R-4 Single Family Residence, Unincorporated Cook County East: I-355 Tollway West: R-4 Single-Family Detached Residential
Comprehensive Plan 2002	The 2002 Comprehensive Plan map designates this area as low-density residential (0-2 du/acre)
Zoning History	N/A
Special Information	
Public Utilities	The site can be serviced by Village water and sewer.
Transportation	Traffic study completed. It estimates that traffic generated by the project would represent a less than an 11 % increase in total traffic volume and this can be safely accommodated by the existing roadway network.
Physical Characteristics	The site is west of the I-355 tollway south of 127 <sup>th</sup> Street near Mayfair Estates Subdivision. Topography in this area varies from 739 ft. to 762 ft.

## BACKGROUND

The applicant submitted an application for a technical review of this proposal in July and subsequently met with the Committee of the Whole. The applicant made changes to the original proposal to address some of the initial Village concerns and is now applying for preliminary PUD/Plat approval, annexation and rezoning. The application consists of annexing approximately 6.5 acres and rezoning the property to R-4 and developing 5.5 acres as a PUD of 19 single family dwelling units.

According to Birch Path PUD topographical survey dated 10/24/13, the PUD site consists 5.5 acres. Approximately one acre of the northern portion of the parcel is not included in the PUD. The Village Engineer and Arborist have both requested more information regarding that portion of the site. The applicant has stated that it may be sold to the residents of Mayfair Estates whose lots back up to the area.

The applicant is requesting a PUD to allow reduced lot standards for R-4 zoning to accommodate site constraints and to increase the economic viability of the project. R-4 zoning requires a 12,500 sq. ft. lot size and a 90 ft. lot width. Lot sizes in this proposed development range from 5,000 to 10,000 sq. ft. and have 60 ft. lot widths. The proposed density of this development, based on 5.5 acres, is 3.4 dwelling units per acre.

**DEPARTURES FROM ZONING STANDARDS**

The requested zoning for the subject site is R-4, which is consistent with the adjacent zoning in the Mayfair Estates and Rolling Meadows subdivisions. The R-4A zoning district has never been utilized for new development, primarily because was written with the express intent of preserving the character of Lemont's older established neighborhoods. However, the R-4A regulations also provide guidance for infill development and the subject site could be considered an infill site due to its location, surrounding uses and development constraints. The applicant's proposed lot sizes are also similar to those allowed by the R-4A zoning district. Given these factors, the applicant's proposal is presented for comparison to both the R-4 and R-4A standards.

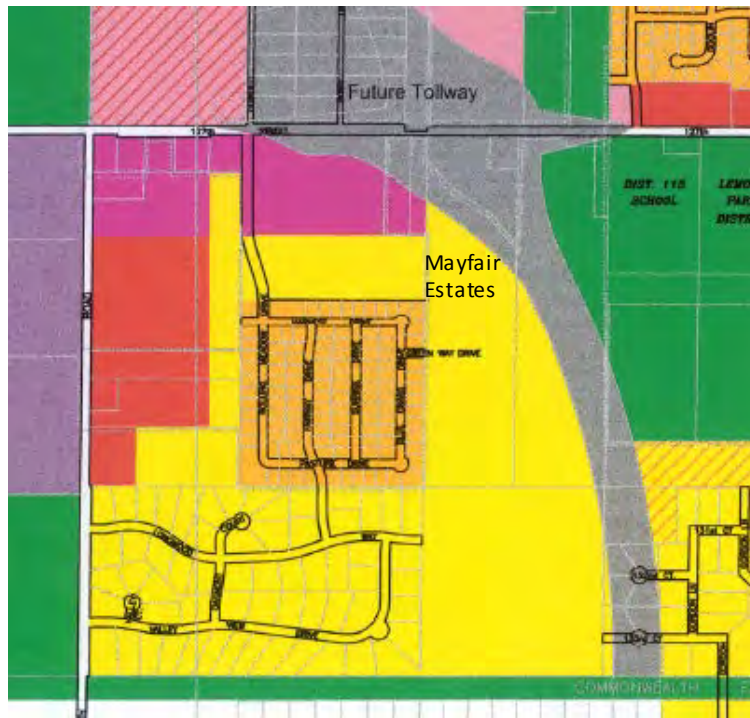
	<b>R-4</b>	<b>R4-A</b>	<b>Birch Path PUD</b>
<b>Minimum lot size</b>	12,500 sq. ft.	5,000 sq. ft.	5,147 sq. ft. to 10,176 sq. ft.
<b>Minimum lot width</b>	90 ft.	45 ft.	60 ft.
<b>Minimum front yard setback</b>	25 ft.	25 ft.	15 ft.
<b>Minimum rear yard setback</b>	30 ft.	30 ft.	15 ft.
<b>Minimum side yard setback</b>	>80ft = 15ft 80ft-55ft = 16.5% of lot width <55ft = 12% of lot width	12% of lot width or 5 ft. whichever is greater	6 ft.

**GENERAL ANALYSIS**

**Land Use/Compliance with Comprehensive Plan.** The 2002 Comprehensive Plan designates this area for low density residential development, defined as developments with density of 0 to 2 dwelling units per acre. The area in yellow in Figure 1 is planned for low-density. This proposal consists of 19 dwelling units which amounts to 3.4 dwelling units per acre and is therefore not consistent with the recommendations of the Comprehensive Plan.



Figure 1 2002 Comprehensive Map, Residential Low Density in yellow



In 1996, the Rolling Meadows subdivision, identified in Figure 1 as the orange colored square, was approved at medium density (119 dwelling units/42 acres or 2.8 units per acre). Medium density is defined as 2-6 dwelling units per acre. Mayfair Estates, the 28.4 acre subdivision to the east of Rolling Meadows, was approved for development in 2002 as a low-density (56 dwelling units, 1.97 units per acre) subdivision.

The parcel to the east of Mayfair Estates has since been divided in half (roughly as shown by what is identified as the future tollway).

As a result of the tollway construction, the southwestern

portion of the property (the subject site) is now a 6.5 acre stand alone parcel adjacent to Mayfair Estates on the west and the I-355 tollway to the east. Had the subject property been developed as part of Mayfair Estates, low density may have been economically feasible.

The development options for the subject site are now limited and may now be more suitable for medium density, which would provide smaller homes at lower price points. Medium density is defined in the Comprehensive Plan to include single-family detached dwellings on narrower lots. It is recommended in the Plan that any new development of this density be done as a Planned Unit Development (PUD) to ensure that developments are creatively executed. While the location of medium density is not consistent with the Comprehensive Plan, medium density development does exist in near proximity. Additionally, the traffic study commissioned by the applicant suggests that the current road network will support the traffic generated by the project.

Within the framework of a PUD normal zoning standards may be modified. The resulting flexibility is intended to encourage a development that is more environmentally sensitive, economically viable, and aesthetically pleasing than might otherwise be possible under strict adherence to the underlying zoning district's standards.

Given the site's constraints, a subdivision that adheres to current lot standards would likely not be economically feasible at this location. If the road surface and common open space remained as proposed, but minimum lot standards were utilized, the developed would likely yield about 10 dwelling units. Because larger lots generally result in larger homes and location is a key factor in sales prices, larger homes in this close proximity to the I-355 tollway make it economically challenging to develop using current standards.

With the proposed 15 ft. front yard setbacks, narrow lots, homes with porches and a de-emphasis on garages, the development has potential to be a more environmentally sensitive development. The overall design fosters social interaction and walkability. The proposal includes a variety of home designs ranging from ranch style with an attached garage to 2-story homes with and without attached garages. Five concept designs were included with the application submittal for consideration. Because the proposed designs are a key feature of the development and add to the aesthetics of the development, staff would recommend that residential design guidelines be in place to ensure development occurs with this intent.

**Compatibility with Existing Land Uses.** The subject site is surrounded by single-family residential development to the west and unincorporated Cook County property zoned for single-family to the south. North and east of the property is the I-355 tollway. The requested R-4 zoning is consistent with the surrounding zoning and existing land uses. The density that would result from reduced lot sizes requested in the PUD would be considered medium density and compatible with the neighboring Rolling Meadows subdivision, although at a higher density. If the 1 acre triangular piece is included in the PUD, as recommended by the Engineer, the density would be 2.9 dwelling units per acre, similar to Rolling Meadows.

**Aesthetic and Environmental.** As noted, the property is adjacent to the I-355 tollway. The close proximity to I-355 is a concern; however the applicant proposes to install a considerable amount of landscaping along the tollway right-of-way to help mitigate noise and visual impacts. The plant material is proposed to be located on the existing berm which should provide an additional shield from noise and should further reduce the visual impacts of the tollway. The proposed landscape plan needs some revisions based on the Arborist's comments and it is recommended that final PUD approval be contingent on an approved landscape and maintenance plan and a final approval from the tollway. A tree survey will also be required.

**Traffic.** The applicant commissioned a traffic study for the proposed development. The study concludes that the traffic generated by the proposed development would represent a less than 11% increase in local traffic volume and can be safely accommodated by the existing roadway network.

**Engineering Comments.** The Village Engineer stated that water and sanitary sewer service are available on Stoney Brook Dr. and the proposed drainage is in the correct location. The Engineer questioned the proposed use of the north triangular portion that is currently not depicted in the PUD application and stated that it should be shown as lot within the PUD regardless of the proposed use so that drainage could be evaluated. Other concerns included the feasibility of snow storage at the southern cul-de-sac, access to the toll way property for landscape maintenance and access to Outlot B. The snow storage concern and access to Outlot B where deferred to Public Works for comment. The Public Works Director stated that access to Outlot B does not have to be paved and that snow storage should not be an issue in the cul-de-sac.

**Fire District Comments.** The Fire Marshal stated that the submittal does not address parking of vehicles on the street. If parking is permitted, the roadway must remain accessible for emergency vehicles.

The proposed right-of-way is compliant at 66 ft. and the pavement width is the required minimum of 27 ft. The PUD plan does indicate that 38 spaces are available for off street parking. Additionally the Fire Marshall provided information on requirements pertaining to the fire hydrants. The plan review letter is included for review.

**Arborist comments.** The Village Arborist had concerns similar to the Engineer regarding access to the tollway property for landscape maintenance and the proposed use of the triangular portion of the lot to the north. The Arborist recommended changes to the landscape plan including increasing species diversity and made recommendations on the type of plants proposed. Additionally the Arborist had concerns about the ability to use tollway property for landscaping. Staff did receive a letter from Illinois Tollway stating the concept is acceptable and they are willing to consider landscaping in the tollway right-of-way after final review and approval of the landscaping plan. The Arborist's review and the letter from the Illinois Tollway are included for review. Final approval of the PUD will be contingent on approval of the landscape and maintenance plan and final approval from the Tollway.

## CONCLUSIONS & RECOMMENDATIONS

Due to the development constraints of the property, staff finds the proposed development suitable for the site. As a PUD, the proposal is more economically viable than a subdivision developed with current lot standards. The close proximity to I-355 and the small acreage make it a challenge to sustain large home development. The proposal is more environmentally sensitive in that it has narrow lots, smaller homes. The criteria for being aesthetically pleasing is generally one of personal preference as one person may like smaller homes on narrow lots while another prefers large homes and ample space. The important factor in this regard is that the proposal is increasing housing diversity in the community. This allows younger families an opportunity to purchase in the community and older residents a place to downsize without leaving Lemont. With residential design standards in place, the development can be aesthetically pleasing and a welcomed addition to the housing stock in Lemont.

Because housing is not a one size fits all product, housing development that produces options for attracting new and retaining current residents is an asset to the community. The lot sizes are comparable to what can be found in the R-4A district. Based on the above, staff recommends approval of the annexation, rezoning and preliminary PUD/Plat with the following recommendations and conditions:

- 1) Side yard setbacks be increased from 6ft. to 10ft. to meet the minimum require side yard setbacks for lots of this width in the R-4 zoning district. Current standards would require side yard setbacks at 16.5% of the lot width, which seem attainable in this development.
- 2) The fate of the 1 acre triangular piece at the north end of the site is resolved prior to approval of the preliminary PUD/Plat.
- 3) The access and maintenance plan for the common landscaped areas, including the tollway is resolved prior to approval of the preliminary PUD/Plat.
- 4) Final approval of the landscape plan is given including approval from the tollway prior to Final PUD/Plat approval.

- 5) Submittal and approval of residential design guidelines prior to Final PUD/Plat approval.

## **ATTACHMENTS**

1. Preliminary PUD Application
2. Annexation & Rezoning Application
3. Site plan
4. Plat of annexation
5. Landscape plan
6. Village Engineer, letter dated 11/4/13
7. Lemont Fire Protection District, letter dated 11/5/13
8. Village Arborist, letter dated 11/3/13
9. Illinois Tollway, letter dated 10/3/13

# Annexation Application Form (with or without rezoning)

## TYPE OF APPROVAL REQUESTED

CHECK ALL THAT APPLY:

- Annexation and Annexation Agreement
- Rezoning

## APPLICANT INFORMATION

John M. Ford

Applicant Name

Tempo Development, Inc.

Company/Organization

11921 S. Hobart St., Palos Park, IL 60464

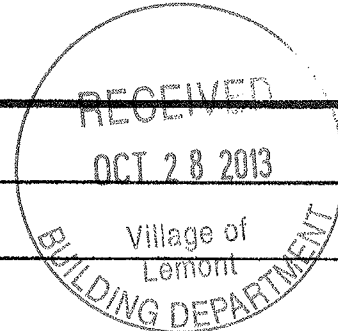
Applicant Address

(708)-751-2070

Telephone & Fax

ford.johnmike@gmail.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

6 acres at the East end of Stoney Brook Drive, 30 Longwood Way

Address of Subject Property/Properties

22-31-200-007

6 acres

Parcel Identification Number of Subject Property/Properties

Size of Subject Property/Properties

## DESCRIPTION OF REQUEST

Annexation and creation of a 19 single family PUD

Brief description of the proposed annexation/rezoning

## 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.

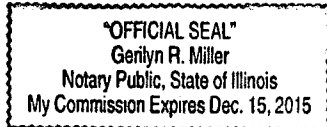
## AFFIRMATION

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.

<u>John M Ford</u>	<u>10/28/13</u>
Signature of Applicant	Date
<u>Illinois</u>	<u>Cook</u>
State	County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that John M. Ford 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.

Genilyn R. Miller  
Notary Signature



Given under my hand and notary seal this 28<sup>th</sup> day of October A.D. 20 13.

My commission expires this 15<sup>th</sup> day of Dec. A.D. 20 15.

# PUD Preliminary Plan/Plat Application Form

## APPLICANT INFORMATION

John M. Ford

Applicant Name

Tempo Development, Inc.

Company/Organization

11921 S. Hobart St., Palos Park, IL 60464

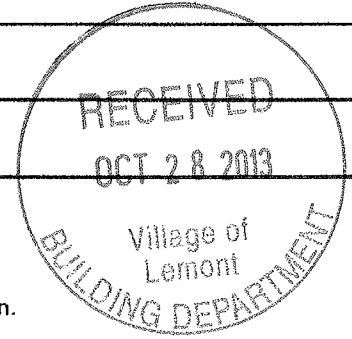
Applicant Address

(708)-751-2070

Telephone & Fax

ford.johnmike@gmail.com

E-mail



### CHECK ONE OF THE FOLLOWING:

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

## PROPERTY INFORMATION

6 acres at the East end of Stoney Brook Drive, 30 Longwood Way

Address of Subject Property/Properties

22-31-200-007

Parcel Identification Number of Subject Property/Properties

Six acre parcel

Size of Subject Property/Properties

## REQUIRED DOCUMENTS

See Form 507-A, *PUD Preliminary Plan/Plat 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: \_\_\_\_\_

# PUD Preliminary Plan/Plat Application Form

Village of Lemont

## APPLICATION FEE & ESCROW

### Application Fee:

\$500 for properties less than 10 acres, \$750 for properties 10 acres or larger

AND

If the PUD includes a preliminary plat of subdivision, the following fee applies (based on size of property and number of proposed and/or existing dwelling units):

< 3 acres = \$300, plus \$50 per existing and/or proposed dwelling unit

3 to <5 acres = \$600, plus \$50 per existing and/or proposed dwelling unit

5 to <10 acres = \$1000, plus \$50 per existing and/or proposed dwelling unit ✓

10 acres or more = \$1200, plus \$50 per existing and/or proposed dwelling unit

Fee is non-refundable.

### Required Escrow = \$2,000

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 PUD preliminary plan/plat application. After completion of the 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.

John M. Ford  
Signature of Applicant

10/28/13  
Date

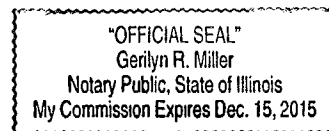
Illinois  
State

Cook  
County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that

John M. Ford 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.

Gerilyn R. Miller  
Notary Signature



Given under my hand and notary seal this 28<sup>th</sup> day of October A.D. 20 13.

My commission expires this 15<sup>th</sup> day of Dec. A.D. 20 15.



## AGREEMENT OF PURCHASE AND SALE

THIS AGREEMENT OF PURCHASE AND SALE (the "Agreement") is made and entered into as of the day and date written below and is by and between Thomas Gunia and Michalene Gunia, as co-trustees of the 651 Trust dated September 30, 1998 (collectively, "Seller"), and Tempo Development, Inc. or its Nominee ("Purchaser").

IN CONSIDERATION of the mutual promises, covenants and agreements hereinafter set forth and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Purchaser agree as follows:

1. **SALE OF PROPERTY:** Seller hereby agrees to sell, assign and convey to Purchaser and Purchaser agrees to purchase from Seller, all of Seller's respective right, title and interest in that certain vacant land consisting of approximately six acres located on the South side of 127th Street West of I-355, in unincorporated Lemont, Cook County, Illinois and legally described on exhibit A attached hereto. (the "Property").
2. **PURCHASE PRICE:** The purchase price for the Property shall be One Hundred and Eighty Thousand and No/100 Dollars (\$180,000.00) (the "Purchase Price"). The Purchase Price, as adjusted by all prorations as provided for herein, shall be paid to Seller by Purchaser at closing by wire transfer of immediately available federal funds or by certified funds.
3. **EARNEST MONEY:** Purchaser shall deposit the amount of \$1,000.00 as Earnest Money within 3 business days following the date the last party hereto executes this Agreement. The Earnest Money shall be held in escrow in Seller's attorney's client trust account, for the benefit of Purchaser and Seller and be applied to the Purchase Price at Closing.
4. **CLOSING DATE:** Closing shall occur 30 days after the conditions of closing as described in Section 9 herein shall have been fully satisfied or waived in writing by Purchaser.
5. **POSSESSION:** Possession shall be granted to Purchaser at the time of closing unless otherwise agreed in writing by the parties.
6. **THE DEED:** Seller shall convey or cause to be conveyed to Purchaser or Purchaser's nominee by a recordable general Warranty Deed with release of homestead rights, good title to the premises subject only to the following exceptions, if any: (a) General real estate taxes not due and payable at time of closing; (b) Special assessments confirmed after this Contract date; (c); (d) Easements for public utilities; (e) Public roads and highways and easements pertaining thereto.
7. **SURVEY:** Within 20 days prior to closing, Seller shall, at Seller's expense, deliver to Purchaser an ALTA survey of the property dated not more than six (6) months prior to closing certified by a licensed surveyor in favor of Purchaser, having all corners staked and showing any improvements, and all easements and building lines existing as of the date of this Agreement.

8. SELLER'S REPRESENTATION: Seller represents and warrants to Purchaser that the following are true and correct as of the Effective Date, and will be true and correct as of the Closing Date:

A. Seller now has and as of the Closing Date will have and will convey to Purchaser good and marketable title to the Property, free and clear of any and all liens, leases, easements, encumbrances, covenants and restrictions of any kind and nature, except the Permitted Exceptions.

B. Seller has no knowledge or reason to know of any pending, contemplated or threatened (i) condemnation or similar proceeding, (ii) special tax or assessment affecting the Property, or any part thereof, (iii) widening, change of grade or limitation on the use of any streets abutting the Property, or (iv) change in the tax assessment of the Property.

C. Seller has full capacity, right, power and authority to execute, deliver and perform this Agreement and all documents to be executed and delivered by Seller pursuant hereto, and all required actions and approvals of any person, entity or governmental agency required therefor have been duly taken and obtained. The individuals signing this Agreement and all other documents executed or to be executed pursuant hereto on behalf of Seller are and shall be duly authorized to sign the same on Seller's behalf and to bind Seller thereto. This Agreement and all documents to be executed pursuant hereto by Seller are and shall be binding upon and enforceable against Seller in accordance with their respective terms, and the transaction contemplated hereby will not result in a breach or constitute a default or permit acceleration of maturity under any indenture, mortgage, deed of trust, loan agreement or other agreement to which Seller or the Property is subject or by which Seller or the Property is bound.

D. There are no persons in possession of the Property or any part thereof, nor are there any persons who have possessory rights in respect to the Property or any part thereof other than as have been disclosed by Seller and all such possessory rights shall be terminated by Seller on or prior to closing.

E. No assessments for public improvements or otherwise have been made against the Property which remain unpaid; and none have been proposed.

F. No commitments or agreements have been or will be made to any governmental agency, utility company, school board, church or other religious body, or any home owners or home owner's association, or to any other organization, group or individual relating to the Property which would impose an obligation upon Purchaser or its successors or assigns to make any contributions or dedications of money or land or to pay for, construct, install or maintain any improvements of public or private nature on or off the Property.

G. Seller has not received notice of, and, to the best of Seller's knowledge, there are no violations of any laws, statutes, ordinances, orders, regulations or requirements of any governmental agency affecting the Property or any part thereof.

H. To the best of Seller's knowledge, the Property is not within an area determined by the Department of Housing and Urban Development or the United States Department of Agriculture to be flood prone or within a flood plain.

I. From the date hereof through the closing date, Seller will neither execute any new lease or contract nor renew or modify any existing contract without Purchaser's prior written consent, except Seller may enter into contracts which will be canceled prior to the closing date.

J. There is no existing or proposed moratorium on construction or restriction upon water storage, sewage treatment facility or water and sewer transmission lines which would affect the development of the Property.

K. Seller will refrain from committing any waste or nuisance upon the Property, and will not create any violation of law, ordinance, regulation or restriction affecting the Property or its use. No soil shall be removed from or debris deposited on the Property.

L. There are no obligations burdening the Property created by any so-called "recapture agreement" involving refund for sewer or water extension or other improvements to any sewer or water systems, oversizing utility, lighting or like expense or charge for work or services done upon or relating to the Property which will bind the Purchaser or the Property from and after Closing other than the following: \_\_\_\_\_.

M. Seller has no knowledge of hazardous wastes, toxic substances or related materials ("Hazardous Materials") located above, in, under or around the Property. For the purposes of this representation and warranty, Hazardous Materials shall include but shall not be limited to any substance, material or waste which is or becomes regulated by any local governmental authority, the State of Illinois or the United States of America. The term "Hazardous Materials" also includes without limitation any material or substance which is listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) as amended from time to time.

N. All representations and warranties of Seller set forth in this and any other sections of this Agreement are true and correct, shall survive Closing and shall not merge into any deed of conveyance.

O. Seller hereby agrees to indemnify, defend and hold Purchaser harmless from and against any and all loss, damage, liability and expense (including reasonable attorneys fees and any litigation expenses) which Purchaser may suffer, sustain or incur as a result of any misrepresentation or breach of warranty or agreement by Seller under or in respect of this Agreement or any document or instrument executed or to be executed by or on behalf of Seller pursuant to this Agreement or in furtherance of the transaction contemplated hereby. In the event such misrepresentation or breach of warranty is discovered prior to closing, Purchaser shall have the right to terminate the Agreement, receive the return of the Earnest Money, without waiver or release, of any remedy Purchaser may have. Seller's obligation hereunder shall survive Closing and shall not merge into any deed of conveyance.

9. CONDITIONS PRECEDENT TO PURCHASER'S OBLIGATION TO CLOSE:

A. The obligation of Purchaser to close the transaction contemplated hereby is, unless waived in writing by Purchaser, subject to Purchaser's review and approval of the physical condition of the Property, and Purchaser's review and approval of the following within 20 days prior to closing:

i. Seller shall deliver to Purchaser all reports, studies, plats, titles, engineering plans, surveys, approvals, zoning regulations, recapture agreements, and other title documents or studies, including environmental reports that pertain to the Property and are in the possession of Seller.

ii. Purchaser may conduct, at its own expense, any soil or site inspections, and engineering tests, including without limitation, soil boring tests, and the like, and receive satisfactory results of the same. Purchaser and its agents, employees or consultants shall have access to the Property and every part thereof for the purpose of conducting such tests and inspections. In the event the results of the tests are not satisfactory to Purchaser in its sole discretion, Purchaser can elect to rescind this Agreement. Provided, however, Purchaser shall restore any damage in the event this Agreement is terminated through no fault of Seller.

iii. Purchaser shall satisfy itself that sanitary sewer, storm sewer, telephone and water, gas and electric utilities are available at or on the Property in volume and amount satisfactory to Purchaser.

iv. Purchaser shall have obtained all annexation, zoning, planning, and plat approval, building and other permits and licenses necessary for the Purchaser's intended use of the Property and in form and substance satisfactory to Purchaser issued by such governmental authorities having jurisdiction over the Property (the "Governmental Approvals"). Seller agrees to cooperate with Purchaser to obtain the Governmental Approvals.

v. Purchaser shall have the right to cause an independent environmental consultant chosen by Purchaser at its sole discretion, to inspect, audit and test the Property for the existence of any and all environmental conditions and any and all violations of environmental laws ("Environmental Assessment") and to deliver a report describing the findings and conclusions of the environmental Assessment. The scope, sequence and timing of the Environmental Assessment shall be at the sole discretion of the Purchaser, and the Environmental Assessment may be commenced on the execution hereof. The cost and expense of the Environmental Assessment shall be borne by Purchaser. If the Environmental Assessment reveals, or if at any time prior to closing Purchaser otherwise becomes aware of, the existence of any environmental condition or violation of an environmental law which Purchaser is unwilling to accept, Purchaser shall have the right and option to terminate this Agreement and to declare it null and void.

vi. Purchaser in Purchaser's sole discretion, shall be satisfied that all curb cuts and street opening permits or licenses required for vehicular access to and from any part of the Property to any adjoining public street have been approved.

B. In the event all of the conditions are not satisfied as specified above or not waived in writing by Purchaser, or in the event Purchaser is not satisfied in Purchaser's sole and absolute

discretion with any analysis, study, report, plat or investigation, then Purchaser may terminate this Agreement by sending written notice to Seller on or before the expiration of the Due Diligence Period in which event the Agreement shall terminate and be deemed null and void, without liability of either party to the other; and Purchaser shall receive the return of the Earnest Money, with all accrued interest thereon. Notwithstanding the foregoing, if Purchaser has diligently and in good faith sought the Governmental Approvals and the applications are pending, in the event the conditions in Paragraphs iv and vi are not satisfied within the specified time period, Purchaser shall have a right upon written notice to Seller to a 30-day extension.

10. **CONDITION PRECEDENT TO SELLER'S OBLIGATION:** Seller also owns the approximately 10 acres of vacant land on the East side of Interstate 355 on the South side of 127th Street in Lemont, Illinois (the "Additional Property"). Seller's obligation to transfer the Property to Purchaser under the terms of this Agreement is contingent upon Purchaser securing a contract for the purchase of the Additional Property for a purchase price of at least Two Million Two Hundred Thousand and No/100 Dollars (\$2,200,000.00). In the event Purchaser has not secured said contract on or before the date that is 120 days after the Effective Date, then Purchaser or Seller may terminate this Agreement by sending written notice to the other, in which event, the Earnest Money shall be returned to Purchaser and this Agreement shall be of no further force or effect.

11. **COMMISSION:** Purchaser and Seller agree that they have dealt with FPC Realty, and that Seller shall pay any Broker's commission due.

12. **TITLE:**

A. Within ten (10) days prior to closing on the Property, Seller shall furnish or cause to be furnished to Purchaser, at Seller's expense, a commitment issued by a title insurance company licensed to do business in the State of Illinois to issue an Owner's Title Insurance Policy on the current form of American Land Title Association Owner's Policy (or equivalent policy) including coverage over General Schedule B Exceptions in the amount of the purchase price, covering the date hereof, subject only to: (i) those exceptions to title set forth on Exhibit "A" attached hereto and incorporated herein (the "Permitted Exceptions"); (ii) title exceptions pertaining to liens or encumbrances of a definite or ascertainable amount which may be removed by the payment of money at the time of closing, in which case an amount sufficient to secure the release of such title exceptions shall be deducted from the proceeds of sale due Seller at closing; and (iii) acts done or suffered by, or judgments against Purchaser, or those claiming by, through or under Purchasers.

B. If the title commitment discloses unpermitted exceptions, Seller shall have thirty (30) days from the date of delivery thereof to have the said exceptions waived, or to have the title insurer commit to insure against loss or damage that may be caused by such exceptions and the closing date shall be delayed, if necessary, during said 30-day period to allow seller time to have said exceptions waived. If Seller fails to have unpermitted exceptions waived or, in the alternative, to obtain a commitment for title insurance specified above as to such exceptions, within the specified time, Purchaser may terminate the Contract between the parties, or may elect, upon notice to Seller within ten (10) days after the expiration of the 30-day period, to take

the title as it then is, with the right to deduct from the purchase price, liens or encumbrances of a definite or ascertainable amount. If Purchaser does not so elect, this Contract between the parties shall become null and void; without further action of the parties, and all monies paid by Purchaser hereunder shall be refunded.

13. AFFIDAVIT OF TITLE: Seller shall furnish to Purchaser at closing an Affidavit of Title, covering the date of closing, subject only to those permitted special exceptions set forth in Section 11, and unpermitted exceptions, if any, as to which the title insurer commits to extend insurance in the manner specified in Paragraph 11.

14. PRORATIONS & EXPENSES: General and special real estate and other ad valorem taxes and assessments affecting the Property shall be prorated as of the closing date on the basis of 105% of the most recent ascertainable amounts of or other reliable information in respect to each such item, and the net credit to Purchaser or Seller shall be paid in cash on the Closing Date. All such taxes prorations shall be final as of the closing date. The parties shall each be solely responsible for the fees and disbursements of their respective counsel and other professional advisers.

15. ESCROW CLOSING: At the election of Seller or Purchaser, upon notice to the other party not less than five (5) days prior to the closing date, the sale shall be closed through an Escrow with a title company licensed to do business in the State of Illinois, in accordance with the general provisions of a deed and money escrow agreement consistent with the terms of this Agreement. Upon creation of such an Escrow, anything in this Contract between the parties to the contrary notwithstanding, payment of the Purchase Price and delivery of the Deed shall be made through the Escrow. The cost of the Escrow shall be divided equally between Seller and Purchaser, except that Purchaser shall pay the money lender's escrow charges.

16. PERFORMANCE: Time is of the essence of this Contract.

17. DEFAULT.

A. In the event Purchaser should fail to perform its obligations under the Contract, then Seller shall have the right to cancel the Contract by giving notice to Purchaser and the Title Insurer and to receive the forthwith delivery of the Earnest Money, and all accrued interest thereon, and the Contract shall be deemed to be terminated as of the date of such notice.

B. In the event the sale of the Property fails to close as a result of a default by Seller, Purchaser's remedy shall be to either: (a) enforce the terms hereof by action for specific performance with a reduction against the Purchase Price equal to the costs and fees incurred by Purchaser in obtaining such judicial relief; or (b) terminate this Agreement and receive a return of the Earnest Money, and all accrued interest thereon, Purchaser may also seek an action against Seller for all costs, fees and expenses incurred by Purchaser.

18. SURVIVAL AND BENEFIT. Seller may not assign all or any part of its interest under this Agreement without the express written consent of Purchaser, which consent shall not be unreasonably withheld.

19. NOTICES: All notices required to be given under this Contract shall be construed to mean notice in writing signed by or on behalf of the party giving same, and served upon the other party or their attorney personally or deposited properly addressed to such party at the address herein set forth in the U.S. mail, postage paid, certified or registered mail, return receipt requested.

20. TRANSFER TAX STAMPS: Seller shall pay for the State of Illinois and County Real Estate Transfer Tax stamps. Any applicable City or Village transfer tax shall be paid by the party designated in the Ordinance of the Municipality imposing the tax, except if no party is so designated, then the City or Village transfer tax shall be paid by Purchaser.

21. MERGER OF AGREEMENTS: This Agreement contains the entire agreement between the parties hereto. All negotiations between the parties are merged in this Agreement, and there are no understandings or agreements other than those incorporated in this Agreement.

22. Deleted

23. ASSIGNMENT: It is understood and agreed that Purchaser has the right to assign its rights under this Agreement to any other person, party or entity and that the assignee shall be in and stand in the same place and stead as Purchaser with all of the Purchaser's rights and privileges herein.

24. PREVAILING PARTY: Should either party employ an attorney to enforce any of the provisions hereof, (whether before or after closing, and including any claims or actions involving amounts held in escrow), the non-prevailing party in any final judgment agrees to pay the other party's reasonable expenses, including reasonable attorneys' fees and expenses in or out of litigation and, if in litigation, trial, appellate, bankruptcy or other proceedings, expended or incurred in connection therewith, as determined by a court of competent jurisdiction. The provisions of this Section shall survive closing and/or any termination of this Agreement.

25. COUNTERPARTS: This Agreement may be executed in two or more counterpart copies, all of which counterparts shall have the same force and effect as if all parties hereto had executed a single copy of this Agreement.

26. HEADINGS: The captions and headings herein are for convenience and reference only and in no way define or limit the scope or content of this Agreement or in any way affect its provisions

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the days and dates written below.

Sellers:

Thomas Gunia

Thomas Gunia, Co-Trustee of the 651 Trust dated September 30, 1998

Michalene Gunia

Michalene Gunia, Co-Trustee of the 651 Trust dated September 30, 1998

Buyer: Tempo Dev. Inc.

By: John M. Ford

Its Pres.  
(Title)

DATE OF ACCEPTANCE (the "Effective Date"): 10/26/13

SELLER: PURCHASER:

Tempo Development, Inc.

By: John M Ford

Printed Name: JOHN M. FORD

Its: Pres.

(This date shall be inserted only after the parties have agreed to all the terms and conditions of this Contract.)





Doc#: 0535746009 Fee: \$30.00  
 Eugene "Gene" Moore  
 Cook County Recorder of Deeds  
 Date: 12/23/2005 12:37 PM Pg: 1 of 4

DEED IN TRUST

THE GRANTOR, THOMAS E. GUNIA, of the County of Cook, State of Illinois for and in consideration of Ten (\$10.00) Dollars and other good and valuable considerations in hand paid, Conveys and Quits Claim unto Thomas E. Gunia, as Trustee under the provisions of The 651 TRUST dated September 30, 1998 (hereinafter referred to as "said trustee"), and unto all and every successor or successors in trust under said Declaration, the following described real estate in the County of Cook and State of Illinois, to wit:

X A

AN UNDIVIDED HALF OF THE EAST 1/2 (EXCEPT THE NORTH 635.36 FEET OF THE EAST 100 FEET THEREOF) OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH 88 DEGREES 34 MINUTES 08 SECONDS WEST, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1427.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREE 28 MINUTES 08 SECONDS EAST, 73.30 FEET; THENCE SOUTH 84 DEGREES 20 MINUTES 32 SECONDS WEST, 482.57 FEET; THENCE SOUTH 21 DEGREES 24 MINUTES 35 SECONDS EAST, 1704.40 FEET TO THE EAST LINE OF SAID EAST HALF; THENCE SOUTH 01 DEGREE 28 MINUTES 08 SECONDS EAST, ALONG SAID EAST LINE 948.89 FEET TO THE SOUTH LINE OF SAID EAST HALF; THENCE SOUTH 58 DEGREES 21 MINUTES 42 SECONDS WEST, ALONG SAID SOUTH LINE 271.47 FEET; THENCE NORTH 16 DEGREES 31 MINUTES 47 SECONDS WEST, 1504.79 FEET TO THE WEST LINE OF SAID EAST HALF; THENCE NORTH 01 DEGREE 31 MINUTES 54 SECONDS WEST, ALONG SAID WEST LINE 1207.73 FEET TO THE NORTH LINE OF SAID SECTION 31; THENCE NORTH 88 DEGREES 34 MINUTES 08 SECONDS EAST, ALONG SAID NORTH LINE 563.81 FEET TO THE POINT OF BEGINNING, CONTAINING 22.8234 ACRES (994.203 SQUARE FEET), MORE OR LESS, OF WHICH, 0.4271 ACRE (18.605 SQUARE FEET) HAS BEEN PREVIOUSLY DEDICATED OR USED FOR PUBLIC RIGHT-OF-WAY, AND EXCEPT AN ACCESS CONTROL LINE ACROSS THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH 88 DEGREES 34 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1427.01 FEET; THENCE SOUTH 01 DEGREE 28 MINUTES 08 SECONDS EAST, 73.30 FEET TO THE POINT OF BEGINNING OF SAID ACCESS CONTROL LINE; THENCE SOUTH 84 DEGREES 20 MINUTES 32 SECONDS WEST, 482.57 FEET AND THERE SAID ACCESS CONTROL LINE TERMINATES IN COOK COUNTY, ILLINOIS .

Permanent Real Estate Index Number: 22-31-200-007 (affects the underlying and other property)

Address of real estate: 16244 127th Street, Lemont, Illinois 60439.

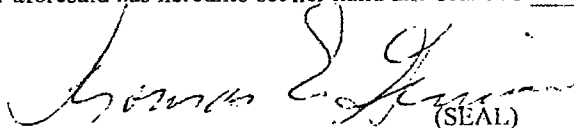
TO HAVE AND TO HOLD the said premises with the appurtenances upon the trusts and for the uses and purposes herein and in said trust declaration set forth.

Full power and authority are hereby granted to said trustee to improve, manage, protect and subdivide said premises or any part thereof; to dedicate parks, streets, highway or alleys; to vacate any subdivision or part thereof, and to resubdivide said property as often as desired; to contract to sell; to grant options to purchase; to sell on any terms; to convey either with or without consideration; to convey said premises or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said trustee; to donate, to dedicate, to mortgage, pledge or otherwise encumber said property, or any part thereof; to lease said property, or any part thereof, and to deal with said property and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said trustee in relation to said premises, or to whom said premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on said premises, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said trustee, or be obliged or privileged to inquire into any of the terms of said trust agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created by this indenture and by said trust agreement was in full force and effect; (b) that such conveyance or other instruments was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said trust agreement or in some amendment thereof and binding upon all beneficiaries thereunder; (c) that said trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument; and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

The interest of each and every beneficiary hereunder and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate as such, but only an interest in the earnings, avails and proceeds thereof as aforesaid.

In Witness Whereof, the grantor aforesaid has hereunto set her hand and seal this 17 day of June, 2004.

  
(SEAL)

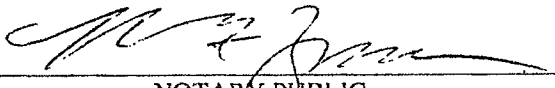
THOMAS E. GUNIA

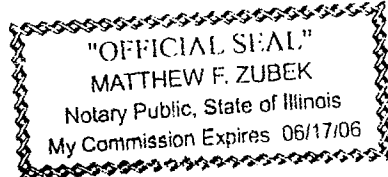
State of Illinois, County of Cook ss.

I, the undersigned, a Notary Public in and for said County, in the State aforementioned DO HEREBY CERTIFY that THOMAS E. GUNIA, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 17<sup>th</sup> day of June, 2004.

My commission expires June 17, 2006.

  
\_\_\_\_\_  
NOTARY PUBLIC



This instrument was prepared by: Matthew F. Zubek, 8855 S. Ridgeland Ave., Ste. 211, Oak Lawn, Illinois 60453.

MAIL TO:

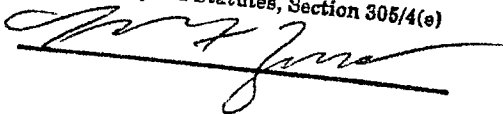
Matthew F. Zubek  
8855 S. Ridgeland Ave., Ste. 211  
Oak Lawn, Illinois 60453

SEND SUBSEQUENT TAX BILLS TO:

Thomas E. Gunia  
9700 S. Kean Avenue  
Palos Hills, Illinois 60465

**Exempt Under Provisions of Chapter 35**

**Illinois Compiled Statutes, Section 305/4(e)**

  
\_\_\_\_\_

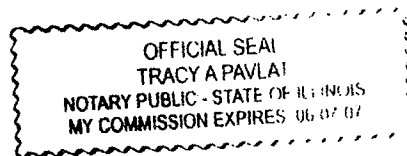
STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated 12/15, 2005 Signature: [Signature]  
Grantor or Agent

SUBSCRIBED AND SWORN TO BEFORE ME  
this 15<sup>th</sup> day of December, 2005.

[Signature]  
Notary Public

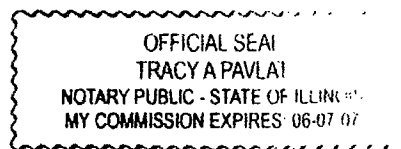


The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated 12/15, 2005 Signature: [Signature]  
Grantee or Agent

SUBSCRIBED AND SWORN TO BEFORE ME  
this 15<sup>th</sup> day of December, 2005.

[Signature]  
Notary Public

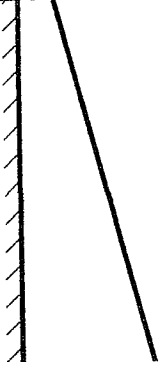


NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and a Class A misdemeanor for subsequent offenses.

[Attach deed or ABI to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]

LEGAL DESCRIPTION

THAT PART OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID EAST HALF; THENCE SOUTH 88 DEGREES 21 MINUTES 42 SECONDS WEST ALONG THE SOUTH LINE OF SAID EAST HALF, 271.47 FEET TO A POINT OF BEGINNING; THENCE NORTH 16 DEGREES 31 MINUTES 47 SECONDS WEST 1504.79 FEET TO THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 1 DEGREE 31 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, 1454.25 FEET TO THE SOUTH LINE OF SAID EAST HALF; THENCE NORTH 88 DEGREES 21 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH LINE, 389.42 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.



STATE OF ILLINOIS )  
 ) SS.  
 COUNTY OF COOK

~~XXXXXXXXXX~~ PETITION REQUESTING ANNEXATION  
 TO THE VILLAGE OF LEMONT

TO: THE VILLAGE CLERK, VILLAGE OF LEMONT, ILLINOIS

We, the undersigned Petitioners, owners of record of all of the land herein requesting to be annexed, respectfully represent, under oath, that all conditions required for annexation to the Village of Lemont pursuant to and in accordance with Illinois Municipal Code Chapter 65 Illinois Compiled Statutes Section 5/7-1-8 do hereby state under oath to wit:

1. That the territory requested to be annexed is described as follows:

(See legal description attached hereto on Exhibit A and made a part hereof)

2. That the described territory is not within the corporate limits of any municipality but is contiguous to the Village of Lemont, a municipality organized and existing under the laws of the State of Illinois.

3. That a Plat of Annexation showing the described territory is attached hereto and made a part of this Petition or will be provided prior to adoption of the Ordinance annexing said territory.

4. That this Petition is signed by all of the owners of record of all land in the described territory and at least 51% of the electors residing in the described territory.

5. That this Petition is irrevocable once signed and submitted to the Village of Lemont by the owner(s) of record. *ONLY UPON FINAL APPROVAL OF P.O.D.*

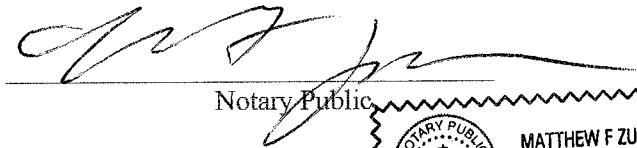
WHEREFORE, your Petitioners respectfully request the Corporate Authorities of the Village of Lemont to annex the above described territory to the Village of Lemont.

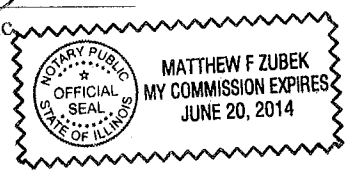
<u>NAME</u> (Printed & Signed)	<u>ADDRESS</u>	<u>OWNER</u> (Check all that apply)	<u>ELECTOR</u>
<i>Thomas Gurnia</i> THOMAS GURNIA, Trustee of The GSI Trust	9700 S. Kean Ave, Palos Hills, IL 60765	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Michaela Gurnia</i> MICHAELA GURNIA, Trustee of The GSI Trust	201 N. Linden, Mokena, IL 60449	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

STATE OF ILLINOIS )  
COUNTY OF Cook )

I, the undersigned, as a Notary Public DO HEREBY CERTIFY that Thomas Guina, Trustee, as a for personally known to me to be the person whose name is subscribed to the foregoing Petition for Annexation, appeared before me this day in person and acknowledged that he/she, being thereunto duly authorized, signed and delivered said Petition for Annexation as his/her own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 31st day of October, 2013.

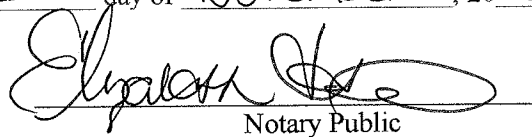
  
\_\_\_\_\_  
Notary Public

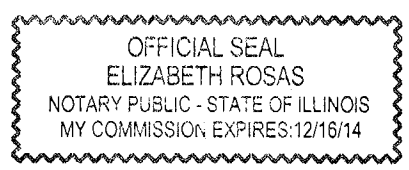


STATE OF ILLINOIS )  
COUNTY OF Cook )

I, the undersigned, a Notary Public DO HEREBY CERTIFY that Micheline Guina, Trustee as a for personally known to me to be the person whose name is subscribed to the foregoing Petition for Annexation, appeared before me this day in person and acknowledged that he/she, being thereunto duly authorized, signed and delivered said Petition for Annexation as his/her own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 2nd day of NOVEMBER, 2013.

  
\_\_\_\_\_  
Notary Public





## Bluestone

Country Ranch

1,840 sf

3

2

Features:

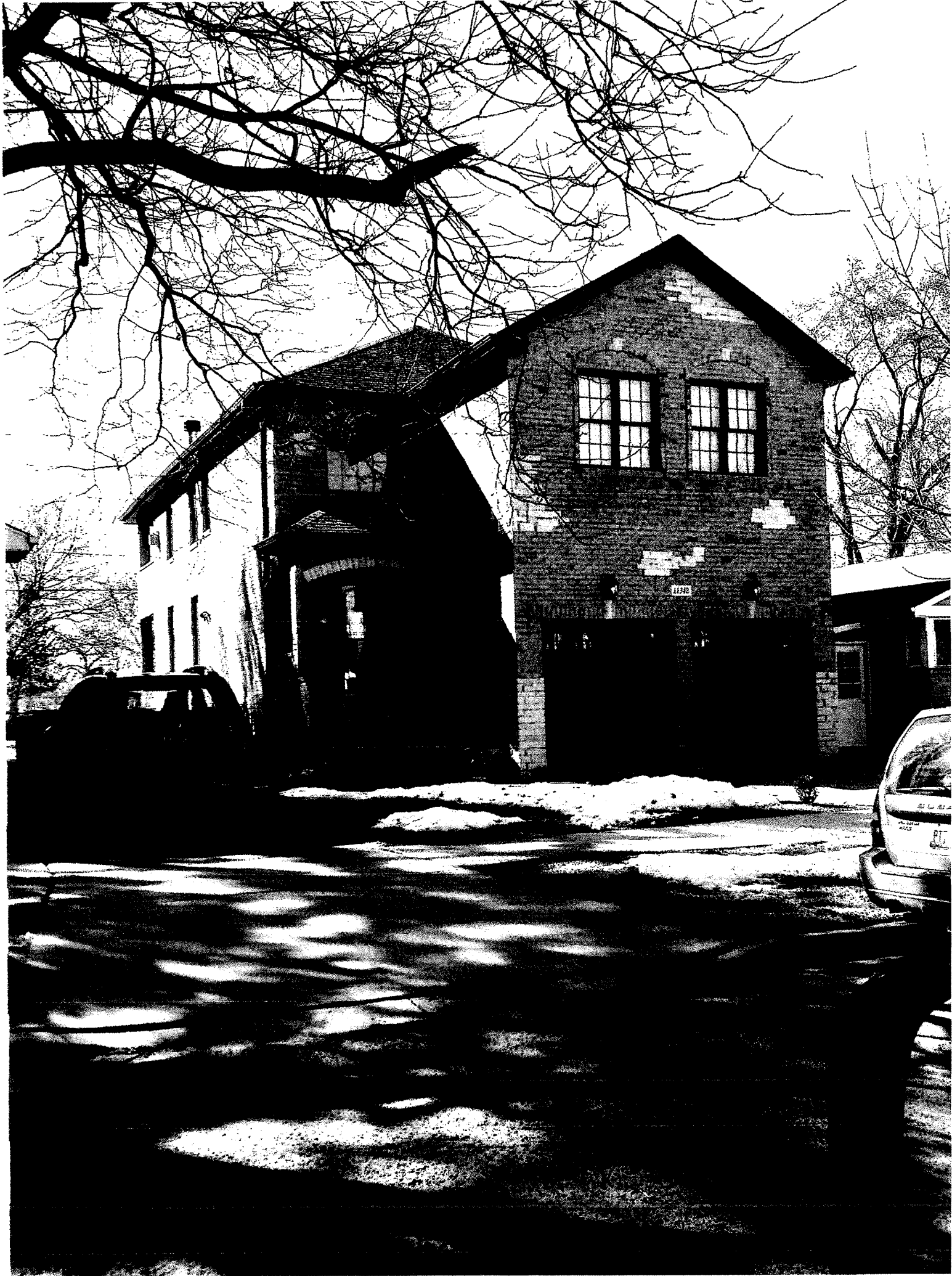
Laundry Room, Breakfast Nook,  
Family Room, Extended 2nd Floor,  
Integrated Garage















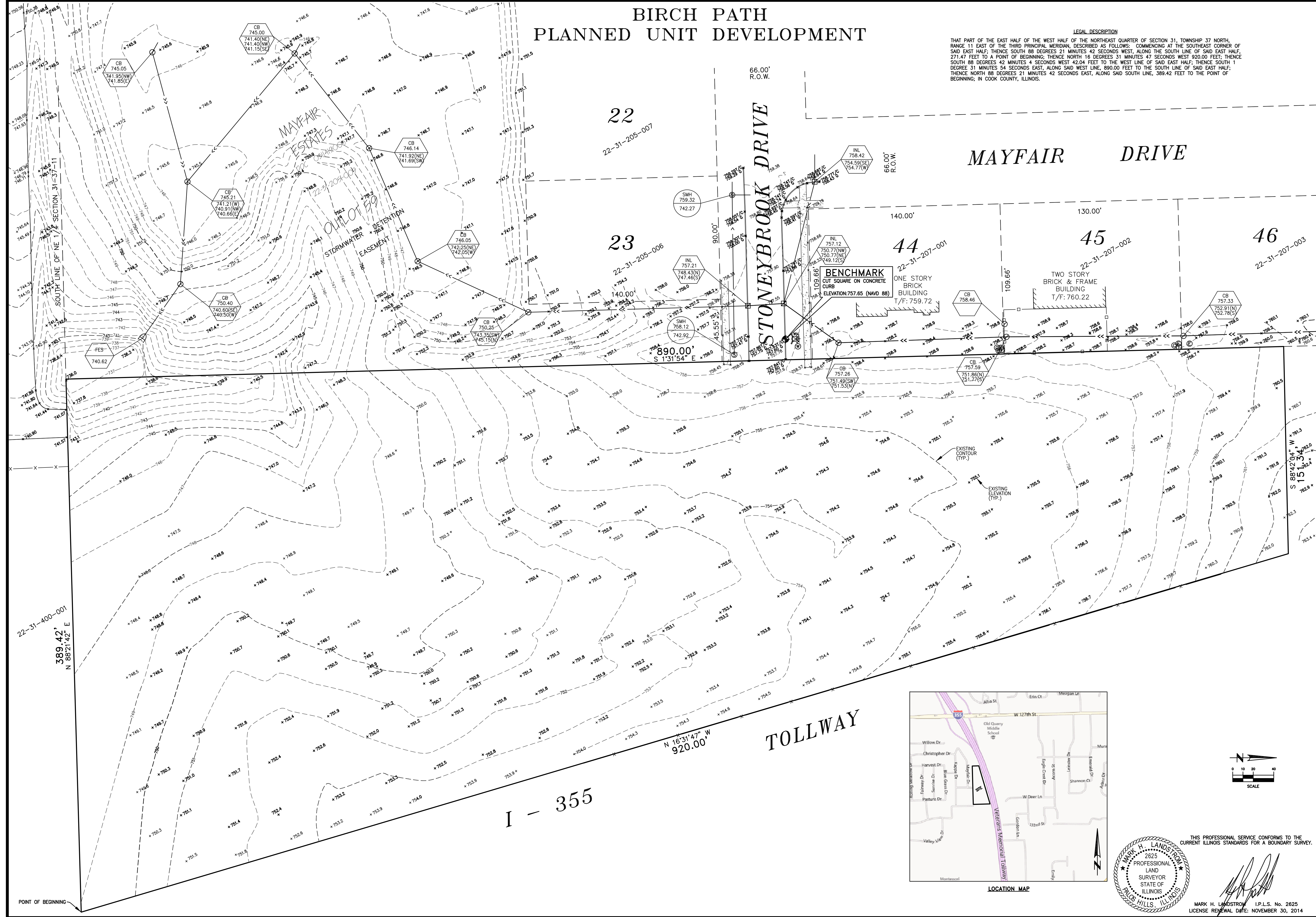


**BERŽU ALEJA**  
Birch Path



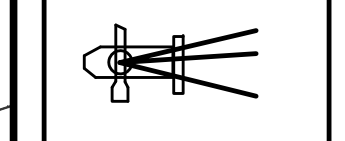
# BIRCH PATH PLANNED UNIT DEVELOPMENT

**LEGAL DESCRIPTION**  
 THAT PART OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID EAST HALF; THENCE SOUTH 88 DEGREES 21 MINUTES 42 SECONDS WEST, ALONG THE SOUTH LINE OF SAID EAST HALF, 271.47 FEET TO A POINT OF BEGINNING; THENCE NORTH 16 DEGREES 31 MINUTES 47 SECONDS WEST 920.00 FEET; THENCE SOUTH 88 DEGREES 42 SECONDS WEST 42.04 FEET TO THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 1 DEGREE 31 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, 890.00 FEET TO THE SOUTH LINE OF SAID EAST HALF; THENCE NORTH 89 DEGREES 21 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH LINE, 389.42 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.



REV. BY	DATE	REVISIONS
T.G.	10/24/13	INITIAL SUBMITTAL

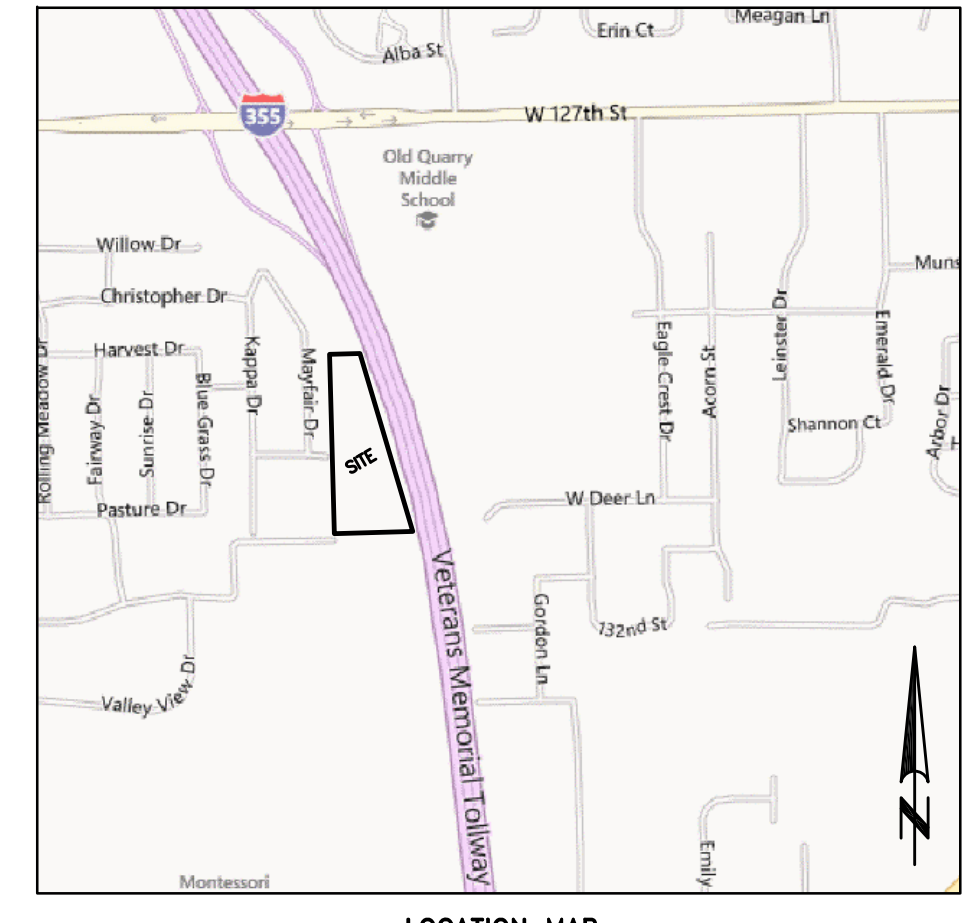
**LANDMARK**  
 ENGINEERING LLC  
 DESIGN FIRM REGISTRATION NO. 194-005777  
 7808 WEST 103RD STREET  
 PALOS HILLS, ILLINOIS 60465-1529  
 Phone: (708) 589-5737  
 Fax: (708) 589-2251



BIRCH PATH P.U.D.  
 127TH & I-355, LEMONT, IL  
 TOPOGRAPHICAL PLAT OF SURVEY

DRAWN BY: T.G.  
 DESIGNED BY: B.H.  
 CHECKED BY: M.L.

**SHEET**  
 1 OF 2  
 13-04-061



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS STANDARDS FOR A BOUNDARY SURVEY.

MARK H. LANDSTROM, I.P.L.S. No. 2625  
 LICENSE RENEWAL DATE: NOVEMBER 30, 2014





# PLAT OF ANNEXATION

## LEGAL DESCRIPTION

THAT PART OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID EAST HALF; THENCE SOUTH 88 DEGREES 21 MINUTES 42 SECONDS WEST, ALONG THE SOUTH LINE OF SAID EAST HALF, 271.47 FEET TO A POINT OF BEGINNING; THENCE NORTH 16 DEGREES 31 MINUTES 47 SECONDS WEST 1504.79 FEET TO THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 1 DEGREE 31 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, 1454.25 FEET TO THE SOUTH LINE OF SAID EAST HALF; THENCE NORTH 88 DEGREES 21 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH LINE, 389.42 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.

MAYFAIR ESTATES

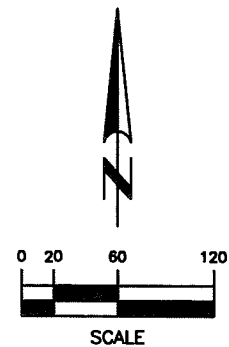
1454.25' S 1°31'54" E  
WEST LINE OF E 1/2 W 1/2 NE 1/4 SEC 31-37-11  
EXISTING VILLAGE LIMITS

I - 355

1504.79' N 16°31'47" W

TOLLWAY

AREA = 6.50 AC  
(more or less)



POINT OF COMMENCEMENT:  
SE CORNER E 1/2 W 1/2  
NE 1/4 SEC 31-37-11

271.47'  
S 88°21'42" W

N 88°21'42" E  
389.42'  
POINT OF BEGINNING  
SOUTH LINE OF NE 1/4 SECTION 31-37-11

PREPARED FOR:

TEMPO DEVELOPMENT, INC.

PREPARED BY:

**LANDMARK**  
ENGINEERING LLC

DESIGN FIRM REGISTRATION NO. 184-005577

7808 WEST 103RD STREET  
PALOS HILLS, ILLINOIS 60465-1529  
Phone (708) 599-3737

PROJECT No. 13-04-061-ANNEX

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS

I, MARK H. LANDSTROM, ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2625, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE-DESCRIBED TRACT OF LAND FOR THE PURPOSE OF ANNEXATION TO THE VILLAGE OF LEMONT, ILLINOIS, AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND BEARINGS ARE BASED ON TRUE NORTH DETERMINED BY GPS MEASUREMENT USING THE NORTH AMERICAN DATUM OF 1983 ILLINOIS EAST STATE PLANE COORDINATE SYSTEM.

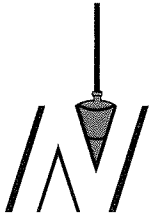
DATED AT PALOS HILLS, THIS 24TH DAY OF OCTOBER, A.D. 2013.



MARK H. LANDSTROM  
I.P.L.S. No. 2625







# *Frank Novotny & Associates, Inc.*

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

*Civil Engineers/  
Municipal Consultants*

November 4, 2013

Ms. Martha Glas  
Planner  
Village of Lemont  
418 Main Street  
Lemont, Illinois 60439

Re: **Birch Path PUD - Zoning Case No. 2013-11**

Dear Martha:

I have reviewed the preliminary engineering plans prepared by Landmark Engineering, dated October 27, 2013, and have the following comments:

1. Water main and sanitary sewer service are available on Stoney Brook Drive, east of Mayfair Drive, at the property boundary. The sanitary sewer is deep enough to service the entire site.
2. The property generally slopes from north to south, so the detention area is in the correct location.
3. Access to Outlot B for maintenance is provided by means of a 15 foot strip of land between Lots 6 and 7. (Public Works should be asked whether this needs to be paved, or not.)
4. What is to be the status of the north triangular portion that is not part of the PUD? In any case, it should be shown as a lot(s) within the PUD, whether it is sold off to adjacent homeowners or not. The drainage from this parcel needs to be investigated and managed, preferably into a storm sewer.
5. Access to the I-355 property needs to be provided, in order to maintain the landscape area on the Tollway property.
6. The large cul-de-sac on the south end could provide a challenge for snow storage. (Please check with the Public Works Department for their comments.)

Please feel free to contact me if you should have any questions.

Very truly yours,

**FRANK NOVOTNY & ASSOCIATES, INC.**

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

JLC/ce

cc: Mr. George Schafer, Administrator  
Mr. Ralph Pukula, Director of Public Works  
File No. 13237



**LEMONT FIRE PROTECTION DISTRICT**



**BUREAU OF FIRE PREVENTION**

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

November 5, 2013

Ms. Martha Glas  
Village Planner /LEED Green Associate  
Village of Lemont  
418 Main Street  
Lemont, Illinois 60439

Re: Site Plan- Birch Path PUD and Annexation.

Dear Sir:

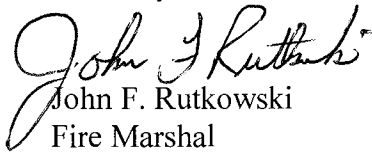
This Department is in receipt of the site plans for the above mentioned project. The 2006 edition of the International Fire Code and local Ordinances were utilized for this process. The following issues need to be addressed. They are:

- Submittal does not address parking of vehicles on the street. If parking is permitted, the roadway shall remain accessible for emergency vehicles.
- When the fire hydrants are installed the following requirement shall be provided. Local ordinance requires that each large steamer port on each hydrant be equipped with a five (5) inch "storz" fitting with a cover/cap. This cover/cap shall be connected to the hydrant with a 0.125" vinyl coated aircraft cable.

The review of these drawings does not relieve the contractor or developer from designing and installing and completing this project per all Code and standard requirements. Fire Code and standard requirements not necessarily noted on these plans, in the plan review letter, or noted during inspections are still required to be provided and installed in full compliance with all adopted Codes standards, and ordinances.

I will recommend approval with the stipulation that the above issue is addressed satisfactorily. This approval, with the noted requirements from the adopted Codes and Standards is not to be construed as final approval. This can only be granted only after construction and occupancy inspections. If you should have any further questions please don't hesitate to contact me.

Sincerely,

  
John F. Rutkowski  
Fire Marshal

cc: Chief Rimbo

cc: file





November 3, 2013

Ms. Martha M. Glas, Village Planner  
Village of Lemont  
418 Main Street  
Lemont, IL 60439

**RE: Birch Path PUD  
Site and Plan Review #1**

Dear Martha:

As requested, I have visited the site and I have reviewed the Plat of Annexation, the Topographical Plat of Survey, and the Preliminary Engineering Plan all by Landmark Engineering LLC and all dated 10/24/17. I have also reviewed the Landscape Plan, Sheet L-1 dated 7-25-13 by J.G.S. Landscape Architects. The following comments summarize this review:

1. The Plat of Annexation shows a west property line of 1454.25' and an east property line of 1504.79'. The Topographical Survey, Preliminary Engineering Plan, and the Landscape Plan all show a west property line of 890.00' and an east property line of 920.00'. What happens to the rest of the property and who will be maintaining it?
2. There are existing trees along the west property line and over the south 1/3<sup>rd</sup> – 1/4<sup>th</sup> of the site. It may or may not be possible to save any of these trees depending on final engineering and utility locations. The Unified Development Ordinance requires a tree survey for all trees 6" D.B.H. and larger.
3. The Landscape Plan includes Canopy Trees, Evergreen Trees, Understory Trees, Deciduous Shrubs, and Seeding.

#### *Canopy Trees*

There 3 species of canopy trees in the Plant Schedule. These species are Autumn Blaze Maple (17- 3" Cal.), Red Oak, (30-2.5" Cal.) and Redmond Linden (16-3" Cal). All of the Autumn Blaze Maple and all of the Redmond Maple are to be planted in the parkway. These 33 trees meet the minimum caliper size and they are appropriate species for the parkway. The problem is that they are all grouped together and they do not provide enough species diversity. There should be a minimum of 5 different species of canopy trees in the parkway. This species list should include red oak, swamp white oak, and bur oak.

Six of the red oaks are to be planted at Outlot B and two are to be planted in Outlot A. It appears that the rest will be planted on the Tollway property.



### *Evergreen Trees*

There is one species of evergreens shown on the Plant Schedule. Thirty-eight (38-6'-8') Austrian pines are to be planted. Three of these pines are to be planted in Outlot A and the rest are to be planted on Tollway property. The minimum size for evergreens is 8'. We have not planted Austrian Pines from many years. They have numerous insect and disease issues. There should be a minimum of 5 different species of evergreens. There are several varieties of spruce and a couple of varieties of fir that would be appropriate.

### *Understory Trees*

The Plant Schedule includes one species of understory trees. Thirty-two (32- 6'-8') river birch trees are to be planted. Six of these trees are to be planted in the parkway at the entrance to the proposed development. It appears that the rest are to be planted on Tollway Property. These trees meet the minimum height requirements. Since these trees are measured by height, they will be clump (multiple stems) form plants. These plants should not be planted in the parkway. This species is also available in tree form, however, this species is better planted by a river. On this site the best place to plant river birch trees is between normal water level and high water level for a wet bottom storm water management facility and anywhere below high water level and the bottom of the basin for a dry bottom storm water management facility.

### *Deciduous Shrubs*

It appears that all of the deciduous shrubs are to be planted on Tollway Property.

### *Seeding*

The seeding is to be low-profile prairie seed mix. It appears the Outlot B is the only place where this seed mix is to be used. Since Outlot B is noted as is in a Storm Water Detention Easement, this mix should be satisfactory depending on how long the water is detained and how long the soil in the bottom of the facility is saturated.

4. The landscape details for Outlot A need to be defined. Three evergreens and two red oaks are to be planted. Is there a use for this area or is it just space that is not buildable?
5. This landscape plan proposes that a significant amount of plant material is to be planted on Tollway Property. Is a permit required for this planting? Who will maintain the proposed plantings and replace dead plants in perpetuity? A large portion of the Tollway Property east of this site is a big berm. Some of the proposed plants like river birch do not grow well on berms. These plants may also receive a large amount of salt spray from snow plowing operations on the Tollway.



6. Who will maintain the proposed planting and replace dead plants in perpetuity and the prairie plantings in Outlot B and the plants and turf in Outlot A?

Please call if you have any questions.

Sincerely,  
URBAN FOREST MANAGEMENT, INC.



Charles A. Stewart  
Vice President





*The Illinois Tollway  
2700 Ogden Avenue  
Downers Grove, Illinois 60515-1703  
Phone: 630/241-6800  
Fax: 630/241-6100  
TTY: 630/241-6898*

October 3, 2013

**Planning Director**  
Village of Lemont  
1345 Acorn Street  
Lemont, IL 60439

**RE: Tempo Development  
Proposed Landscape Work  
127<sup>th</sup> Street  
North-South Tollway, Mile Post 12.0**

Gentlemen:

The Illinois Tollway received a request from Tempo Development Company to install landscaping on Tollway right-of-way adjacent to their proposed development along I-355 near 127<sup>th</sup> Street.

We are willing to consider the landscaping proposal pending final review and approval of the landscaping plan. The concept is acceptable to us; however we reserve the right to ultimately reject the plan if it does not meet with our approval.

Should you have any further questions, please call.

Sincerely,

Dana Havranek  
Permit/Utility Manager

DBH:pm

cc: Paul D. Kovacs, P.E.  
John Benda  
Patricia Mathez  
Jeff Schneberg  
Mike Ford, Tempo