



Village of Lemont  
*Planning and Zoning Commission*

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

**PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**Wednesday, December 18, 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: November 20, 2013 meeting
- II. **CHAIRMAN'S COMMENTS**
- III. **PUBLIC HEARINGS**
  - A. **Case 13-12 – UDO Text Amendments.** A public hearing for changes to the text of the Unified Development Ordinance
- IV. **ACTION ITEMS**
- V. **GENERAL DISCUSSION**
  - A. Comp Plan Update workshop dates
  - B. Ethics training (time permitting)
- VI. **ADJOURNMENT**

**Village of Lemont**  
**Planning and Zoning Commission**  
Regular Meeting of November 20, 2013

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, November 20, 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.

**B. Verify Quorum**

Upon roll call the following were:

Present: Kwasneski, Maher, McGleam, Messer, Sanderson, Sullivan, Spinelli

Absent: None

Planning and Economic Development Director Charity Jones, Planner Martha Glas, and Village Trustee Ron Stapleton were also present.

**C. Approval of Minutes: October 16, 2013 Meeting**

Commissioner Kwasneski made a motion, seconded by Commissioner Messer to approve the minutes from the October 16, 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 then asked for all of them to stand and raise his/her right hand. He then administered the oath.

**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.

Chairman Spinelli called for a motion to open the public hearing for Case 13-09.

Commissioner Maher made a motion, seconded by Commissioner Sullivan to open the public hearing for Case 13-09. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mrs. Glas said the subject property is located at 604 – 606 Stated Street. She stated it does include two parcels, with once parcel having 2 structures and the other being a parking lot with 12 parking spaces. She said the single-family home is currently being occupied and the commercial space has been vacant now for almost two years. Mrs. Glas stated it is a mixed use development so it does not meet the criteria for residential or commercial zoning, and does have the components for both. She said the DD zoning, which is the Downtown District, does allow for mixed uses. However, it is not an option for this property because the DD regulations are based on street type and State Street is not included. She stated the options are limited to commercial zoning.

Mrs. Glas stated she will go over some of the zoning and land use history. She said it had been previously zoned residential, but in 2006 there was a Comprehensive rezoning. She stated it was changed from residential zoning to R-4A, which is residential preservation and infill. Mrs. Glas said the intent was to preserve the character of the residential area and established neighborhood.

Mrs. Glas said there are other commercial uses along State Street that are zoned B-1. She stated B-1 zoning is defined as office/retail transitional district and where the intensity of the uses are less than B-3 and the site layout is less orientated to the automobile than the B-3 zoning district would be. She said in 2004 a special use permit for a unique use was granted for this applicant to allow the commercial space to be utilized for a mortgage broker's office. Mrs. Glas stated that special use had lapsed. She said the provisions in the UDO state if something is vacant for a certain amount of time than that use is no longer effective for that property. She stated also, a special use permit for a unique use is no longer an option in the Unified Development Ordinance (UDO). So that is not an option for this property.

Mrs. Glas stated the B-1 zoning is limited to about eight areas in Lemont. She said as a zoning district that is less orientated to the automobile, it is an important component in the community. She stated there are two benefits that relate to this request. One is it provides businesses in the community a place to grow. Mrs. Glas said many of the uses that are allowed as home occupations in a single-family home are allowed in the B-1. She stated businesses that often start up as home occupation and grow to have a bigger customer base need a stepping stone to grow in the community, which would be the B-1 zoning. She said secondly as a district that is less orientated to the automobile, the State Street corridor and its proximity to the downtown area and the more dense residential development is generally a good location for B-1 zoning.

Mrs. Glas said the commercial design standards could use some work in that regard to help maintain the residential feel and also allow commercial design for commercial uses in the area. She stated this is something that staff is considering.

Mrs. Glas stated in terms of safeguards with B-1 zoning, anything allowed in B-1 zoning would be permissible on this property. However, all proposed uses would be evaluated for commercial building codes, parking, and signage to minimize potential adverse impacts. She said anytime a new business would want to move in they would need a commercial occupancy permit and that is where things would get evaluated. She stated if the impact seems greater than the good those things are addressed at that time. Mrs. Glas said any major redevelopment would require site development. She stated if someone came and decided the home and commercial building was going to be demolished and they wanted to redevelop the site, it would require site development. She said again parking would be a key component of that approval. Mrs. Glas stated the UDO does have safeguards for commercial property that is located adjacent to residential. She said design standards for State Street, which is not currently in place, are being considered to be used as a guide so the character of the State Street corridor will be maintained.

Mrs. Glas said based on these considerations and those outlined in staff report, staff is recommending the rezoning to B-1.

Chairman Spinelli asked if any of the Commissioners had any questions for staff at this time. None responded. He then asked if the applicant wanted to make a presentation.

John Ross, owner of 604 – 606 State Street, said he has owned the property for 10 years. He stated he has never had an issue with the property and does have good tenants in the house. He said the commercial piece has been a struggle with the economy. Mr. Ross stated when he finally had a tenant in mind for that piece is when he had found out that the rules had changed. He said this is where the B-1 zoning is coming from. He stated he has let St. Alphonsus Church use the parking lot for masses. Most of the traffic he has had for the property over the last 10 years has been from the church. Mr. Ross said mostly what he has had has been an office with low impact, only two cars out of the parking lot. He stated the parking lot can hold 12 to 15 cars. He said he needs to get someone in the building to help pay the tax bills and the upkeep for the building.

Chairman Spinelli asked if there was a current tenant in the residential area of the building.

Mr. Ross stated yes. He said the renter that he had for 10 years inherited a home, so her friend is now currently renting it.

Chairman Spinelli asked does he know how long that structure has been used for business.

Mr. Ross said he was told since the 1950's. He stated it was originally a bakery, then a beauty shop, office, then the Church had it and then he purchased it from the Church.

Commissioner Kwasneski asked if he was going still allow the Church to continue to park there.

Mr. Ross stated yes, he has no issue with them parking there.

Commissioner McGleam said he just wanted to clarify that if the single-family home was not occupied for six months then that non-conforming use in the B-1 zoning district would go away and would then have to be re-established.

Mrs. Jones stated it is a non-conforming use so if it was ever discontinued for a period of six months or more then it would not be allowed to be re-established. She said the problem with this property is that it is a mixed use and they do not have the opportunity for a mixed use zoning. She stated so one or the other would be non-conforming.

Mr. Ross said the house is easier to rent.

Chairman Spinelli stated it was also indicated in the staff report that if this was to stay R-4A then a special use is not an option.

Mrs. Jones said that is correct.

Chairman Spinelli asked if there were any further questions from the Commissioners. None responded. He then asked if there was anyone in the audience that wanted to come up and speak in regards to this case.

Carol Newton, 609 Singer, Lemont, stated she lives directly behind the subject property and has lived there since 1986. She said when she moved into Lemont the bridge was new and she has seen a lot of change over the years. She said the property was originally owned by a woman who ran a bakery. It was opened till 3 p.m. everyday and she lived there. Ms. Newton stated she does not have a problem with a business being there; however she does not want it rezoned. She said if it is rezoned and left unoccupied he can have a lot of things changed. She stated even though you state the rules are this, but the rules change just like this can no longer be a special use. Ms. Newton said the Commission and staff can not make that promise to her because things change.

Ms. Newton then provided a letter from the neighbor, P. J. Fitzgerald at 508 State Street, Lemont, voicing their complaint against the rezoning. She stated Ms. Fitzgerald could not attend the meeting due to health reasons. She said the Connelly's also could not come due to health reasons and they are also against the rezoning.

Ms. Newton said her contention is the business has been fine so far as is. She said when it was the bakery there was talk it was going to change to a pizza business. She

stated they were concerned about having food in the alley and the safety of kids running in out delivering pizzas. Ms. Newton said it then became a hair dresser shop. At that time they had closed off the door that led from the business to the residence. She stated that owner sold the business to the church (St. Alphonsus Church), who had rented it out to another church for a period of time. Ms. Newton stated she has no problem with it being an office however, once it is rezoned what can happen to it. She said right now it is a 100 year old house with an attached building. She stated that was how it was zoned. She said there was a house, then they attached the building. Ms. Newton said after six months if there is nobody renting the house the applicant can come back and request to tear down the house and put something else there. She stated that is what she does not want. She said she lives in the historic district and wants to maintain that feel and look. Ms. Newton stated even though it has been stated that it won't impact her, she firmly believes it will.

Ms. Newton stated according to the Cook County tax assessor the property is already taxed commercial and therefore are getting the tax benefit of a commercial property. She said by rezoning this as B-1 it should not make much of difference for a tax benefit. She said this is her only concern. She stated it is a neighborhood and the kids play in the neighborhood.

Ms. Newton said lastly the alley has eight inch ruts that are really bad. She stated the garbage company has requested that they put their garbage out on the street because they don't even want to go down the alley it is so bad. She said the Village has said they have no money to replace it. Ms. Newton stated people are damaging their cars going down it. She said if a business goes in where there are heavy vans, they will be using the alley and the alley is already so bad. She stated it needs to be completely redone and not just a simple repair. Ms. Newton asked if the business is going to repair the alley especially if they have more trucks using it. She stated someone had delivered a dumpster there without permit. She said someone has been using the dumpster and dumping stuff in there.

Ms. Newton stated she hopes that they can work this out amicably so the business can move in without rezoning it. She said that way they will not have to worry about what might go in there and that is what they are concerned about.

Chairman Spinelli said one of the concerns was storage of vehicles or equipment for the business. He asked would that be allowed.

Mrs. Jones stated the vehicles would be allowed to park there in the parking lot, but there would be no outdoor storage allowed.

Ms. Newton said the garage on the property did burn about five years ago and the owner never fixed it.

Mr. Knopinski, 608 State Street, Lemont passed out a packet regarding his comments to each of the Commissioners. He said his property is located south of the subject

property. He stated the building is only inches off the shared property line. Mr. Knopinski said there is no difference between resident and store front by Cook County. He stated the Cook County Assessor shows two properties with the house as a single entity which is owned by Emerald Builders. He said Emerald Builders is a construction company with a P.O. Box in Chicago. Mr. Knopinski stated a construction company takes care of a burned out building by throwing a few pieces of plywood on it. (Mr. Knopinski provided pictures of the burned out garage, the ruts in the alley, and the dumpster that was dropped off on the property) He said over the past four years there have been several raccoons, opossums, and feral cats that have made their homes in the garage that they had to trap and take out of there.

Mr. Knopinski said since St. Alphonsus has been using the alley, they average on a Saturday evening and Sunday about 100 cars using their alley. He stated residents of the neighborhood have paid for asphalt so the Village can repair the alley. He said when he had spoken to the Director of Public Works they had suggested that the neighbors do this again. Mr. Knopinski stated they will not pay again, because it needs to be taken completely out and repaved. He said even if they put another three inches on top you would then be flooding out the natural drainage. He stated they get other traffic in the alley from those trying to avoid the traffic on State Street.

Mr. Knopinski stated the dumpster was dropped off about the fourth week in September in the parking lot. He said then it was moved to the back end by the alley access. He stated the first contact he had with Stack H-Vac was at 8:30 p.m. and they were dropping off tin in the dumpster using three trucks and a SUV. Mr. Knopinski said the ordinance in town is that you can't block the alley for more than five minutes and they were there for about 30 minutes. He stated the next time they had called the police because they were not sure if someone was dumping illegally. He said the Lemont Police Department took 35 minutes to respond and by that time the vans were gone.

Mr. Knopinski said he had printed out a copy off of the Village's website, of a listing of two or three dozen commercial office spaces for lease, rent, or with options. He stated that is item five in his handout.

Mr. Knopinski stated item number six was a letter from the owner of Stack H-Vac. He said the letter was just stating his proposal. He stated his understanding after talking with Mr. Schafer, Village Administrator, that once it is zoned B anything, then anything can go in there. Mr. Knopinski said there are no contingencies that would relate to that zoning. He stated the proposed lessee might be here for 30 years but they could also only be here for six months. He said if this zoning does not take place, the proposed lessee could purchase 805 State Street, which is another option. Mr. Knopinski stated in Mr. Stachovic letter he writes about generating revenue, but he does not see where Lemont would get a portion of the sales tax.

Mr. Knopinski said on the Village's website it talks about special uses.

Mrs. Jones said the way zoning works is there are different zoning districts. She stated each district serves different purposes and she said what each of the districts are. She said each of the districts have a specific set of permitted and special uses within it and it spells out what they are. Mrs. Jones stated they used to have within the special uses a category called unique use. She stated someone could apply for a unique use, however it no longer exists. She said there still are special uses in the zoning districts, but there is no longer a special use for a unique use. Mrs. Jones stated in her professional opinion it undermines zoning in that it would allow for a use that is not otherwise allowed by that zoning district and is inconsistent with the purpose and intent of that zoning district. She said with a unique use there were be no zoning standards with it. So someone can request a unique use for a residential use in a manufacturing district or commercial use in a residential district. Mrs. Jones stated that is why they do not have the unique use anymore. She said it was eliminated five or more years ago.

Mr. Knopinski stated when he talked with Mr. Stachovic from Stack H-Vac he had eluded to buying the property and Mr. Ross was going to tear down the garage and build a new one. He said he does not think that will happen, because he has not fixed it yet. He stated Mr. Ross might be seeking rezoning so he can turn around and sell the property with a B-1 zoning. He said what he is concerned about is unwanted congestion and retail going in there. Mr. Knopinski said the alleys need to be worked on and improved. He stated he is also concerned about after hour noises, garbage being left, and the alley being blocked. He said if it does go to B-1 and a neighbor has a problem with the owner, if they file a complaint will it fall on deaf ears. He thanked the Commission for their time.

Commissioner Messer asked if he was seeing the property being used in a commercial use.

Mr. Knopinski said with the dumpster, as it was put down it raised a red flag. He stated the one night he had seen three vans dumping duct work into the dumpster. He said on a Sunday two vans pulled up and started dumping. Mr. Knopinski stated on Halloween he stopped and talked to someone who said they were buying the place and it was going to be an HVAC place. He said that is the commercial activity they have seen.

Chairman Spinelli asked if anyone else in the audience wanted speak in regards to this case.

Jeff Stachovic, 19W407 Deerpath Lane, Lemont, stated he was the proposed lessee for the property. He said he has been in Lemont now for six and half years. He stated one thing he has picked up is the sense of pride within the community. Mr. Stachovic said he has heard plenty of stories about open fields, walkways, and old carriage stones and he gets what people are saying. He stated he does not think that the heritage is something to oppose change for. He said as far as the B-1 goes, all he wants to do is put an office space in there. Mr. Stachovic stated if there is no special use allowed then they have to go with the B-1 zoning. He said if they can't come to terms with that then he will have to look elsewhere in the community to start his business.



Mr. Stachovic said as far as the alley, it was asked if he was going to pay for the alley to be fixed. He stated if the alley became his ownership with the property purchase, then he would have to take care of it. However, right now it is a public alley so his taxes and any assessments that are due would go to the cost of repairing the alley. Mr. Stachovic stated the lease that they have in place is a lease for 12 months with an option to buy. He said the lease clearly states contingent on the rezoning and also that the garage be torn down by the current owner. He stated the garage is an eyesore. However, he has seen lots of landlords when they are trying to sell a property put as little of expense into the property as they have to until they can get out. Mr. Stachovic said as far as he knows, this is not a crime, but at the same time he does not want to buy the property with that garage in that condition as well.

Mr. Stachovic stated as far as the dumpster, he did ask permission for the dumpster before putting it back there and was allowed permission. He said as far as his guys dumping at 8:30 p.m., they were not his guys. He stated all of his vans are clearly marked and he does not have a red pick-up truck. Mr. Stachovic said the gentleman that Mr. Knopinski referred to in the afternoon was his employee. He stated they were cleaning out their vans and they did not run. He said they did what they thought was right. He stated if the dumpster is violating any current regulations then they will remove it.

Mr. Stachovic said as far as revenue goes, permit fees and license renewal fees play a small part in generating revenue. He stated they live in Lemont and plan to be part of this community as much as possible. He stated he has no good answer for that question, however he feels any business is good business for a community. Mr. Stachovic said people have asked how long he plans on being in there. He stated he does not have an answer. He said he is not going into his business to fail. He stated he can not guarantee that he will be there still in 20 years, but the same people asking the question can't guarantee that they will still be there also. Mr. Stachovic said he hopes to be there as long as possible and he hopes that they can come to some kind of terms.

Commissioner Sullivan stated he had mentioned that he has a proposed lease.

Mr. Stachovic said he has a letter of intent for his intentions for the property. He stated it basically says he wants to buy the property but as a new business he does not have the 20% needed to put down as a commercial loan. He said what they are doing is leasing with an option to buy in 12 months.

Commissioner Sullivan asked if he was currently leasing now.

Mr. Stachovic stated he was not.

Commissioner Sullivan asked what the purpose was for the dumpster on the property.

Mr. Stachovic said it was just to get rid of excess trash and cardboard boxes. He stated there was mention of tin and furnaces. He said he does work with a scraper so nothing like furnaces comes back; they get pulled straight from the job.

Commissioner Sullivan stated it looks like the property is being used for a business that is not there.

Mr. Stachovic said it was just a dumpster which he had asked permission to put back there. He stated as a home based business he was renting a 10 yard dumpster every month or so when his garage got full. He said when he had proposed to buy this property from the current owner, he had asked him since it would take three months to go through the zoning process if it would be okay to put a dumpster there just for trash.

Commissioner Sanderson stated the current owner could have put the dumpster there. He said the issue they are here to discuss is whether this property should be zoned B-1 or not.

Commissioner Messer asked Mr. Stachovic where was he doing fabrication and storage.

Mr. Stachovic said all the metal is fabricated on the job. He stated the supply house that he deals with has a 15,000 square foot warehouse, so they don't really stock a bunch of stuff. He said during the busy season he does keep a couple of extra furnaces or air conditioners on hand which are kept in his garage. Mr. Stachovic stated mostly everything is picked up the day of or the day before the job from the distributor. He said the men keep it in the van and they do take the vans home at night.

Commissioner Sanderson asked if he wanted to park the vans there would he be able to and if he wanted to stock extra furnaces he could as long as it is not outside.

Mrs. Jones stated he would be able to park the vans there and he can stock stuff there inside his store. She said what is not allowed in B-1 is if the primary use of the property became the storage and warehouse of the materials.

Commissioner Sullivan asked if fabrication of material is allowed in B-1.

Mrs. Jones stated fabrication is not. She said next month they will be considering UDO amendments, which is based on code and administration interpretation over the last five years. She stated staff had clarified the administration interpretation with the Village Board two months ago. One amendment would be to further clarify contractor's offices and yards and how they are treated in the B-1 and DD districts. She stated there may be further restrictions placed on contractor's offices in the B-1. Mrs. Jones said regardless there are number of businesses that can go in the B-1. She stated some are beauty salons, cafes, retail, coffee shop or offices.

Chairman Spinelli asked as zoning districts become more restrictive, a tenant is not locked in on certain zoning code based on the year they started renting. He stated they will have to follow the codes as they become more restrictive.

Mrs. Jones stated it depends on what those restrictions are. She said if they restrict the number of vehicles on a lot then the tenant would have to follow that restriction. She stated if they eliminate contractor's offices from B-1 and there are contractor's offices in the B-1 they would be able to stay until that use expired.

Commissioner McGleam asked what would the new garage be considered if it is built.

Mrs. Jones said it would be considered an accessory structure and would not be allowed to be occupied.

Commissioner McGleam asked if any fabrication can be done in there.

Mrs. Jones stated it could not. She said it could only be for storage or for vehicles.

Commissioner Maher asked what other options does the owner have for this property.

Mrs. Jones said if they don't rezone it to B-1 the only other option would be an amendment to the Unified Development Ordinance. She stated it would have to create some kind of overlay district allowing commercial uses along the State Street corridor. She said the other option would be to amending the allowable uses in the R-4A zoning district, which she would not recommend.

Commissioner Maher stated in order to use this building for its intended purpose would then be to change it to B-1.

Commissioner Messer said whatever they do some part of the building is going to be non-conforming.

Mrs. Jones stated under the current options in the UDO one of the two would be non-conforming.

Commissioner Messer said if the store front is non-conforming as it is now why is it okay to change it and make the residence non-conforming.

Mrs. Jones stated their recommendation is based on the past use of the property and the special use approval that was granted previously to allow for commercial use on the property. She said this indicates a past policy by the Village Board to favor commercial use on the property. She stated the property is also taxed based on the type of structure and not so much what is allowed by the zoning district. Mrs. Jones said even though it is residential zoning the commercial building has been taxed commercially because it has been used all these years as commercial.

Mrs. Glas said a non-conforming status also has time limitations just as the special use does. She stated right now the commercial space is vacant and the residential use is occupied, so the residential use would become nonconforming in a B-1. If it was the other way around where the commercial space was occupied and the home was vacant, than the commercial space could be nonconforming in a residential district. That non conforming status lapsed with the extended vacancy and now cannot be reestablished. She said where as the residence is occupied it could be non-conforming if rezoned.

Commissioner Maher asked if the residence goes back to non-conforming can it get another special use for residential.

Mrs. Jones stated no. If the residential use lapsed for more than six months then it could not be re-established. She said this is why long term they need to look at the State Street corridor and write some standards. She stated not just for this property but for other properties that are in residential zoning and are used for commercial use. Mrs. Jones said there are also a lot of other commercial uses along this corridor and older homes that they might want to see utilized in another way. She stated as a neighbor standpoint there needs to be standards written to protect them also.

Trustee Stapleton asked if the storefront could be turned into an apartment.

Mrs. Jones stated under the current zoning it could not because it is a single-family home.

Ms. Newton asked if it could be rezoned multi-family and converted into an apartment.

Mrs. Jones said the applicant can request to rezone. She stated they have not done the analysis on that, but anyone can request any zoning district.

Mr. Ross stated his intention is to keep it low impact office. He said if they were to rezone it, he is not sure if the neighbors would want people living in the unit. He stated he would like to continue what he has been doing for the last 10 years. Mr. Ross said Mr. Stachovic had come to him and he seems like a good guy from the community. He stated the building is vacant, so he had worked a deal with Mr. Stachovic. When Mr. Stachovic went to get his license he found out he could not. Mr. Ross said the dumpster was his fault. He stated he did allow Mr. Stachovic to put one there on the property. He said if there is an issue they can get rid of it. Mr. Ross stated in regards to the garage it will be gone by spring. He said there is no income coming right now and he is being taxed commercial. He stated he also agrees about the alley, but that is an issue with the Village. He said the only way to make it lower impact is to stop the Church from parking there, which he does not want to do. Mr. Ross stated the B-1 zoning is restrictive, so you can't put something that would be detrimental to the Village there. He said his plan is to rent it to Mr. Stachovic with an option to buy it in the future. He stated even if Mr. Stachovic does not go in there he still needs the B-1 zoning, so he can get some income to keep the property up.

Chairman Spinelli asked if anyone else would like to speak in regards to this case. None responded. He then called for a motion to close the public hearing.

Commissioner Maher made a motion, seconded by Commissioner McGleam to close the public hearing for Case 13-09. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Spinelli said someone stated that rules change and that is correct. However, the zoning code does not get less restrictive but only more restrictive. He stated once it is B-1, which is the most restrictive, it will not get less restrictive. Chairman Spinelli said they would have to come in asking for B-3 and he does not see that happening. He said you can't predict the future, but he does not see that being approved for a lesser zoning. He stated there is no outdoor storage. Chairman Spinelli said there was concern about a possible teardown. He stated every property owner has the right to tear down what they own, but what they rebuild does need permission from the Village and has to meet the Village code.

Chairman Spinelli asked if B-1 needs trash enclosures.

Mrs. Jones stated trash enclosures are required everywhere.

Chairman Spinelli said the dumpster is currently temporary. He stated he is not sure what the time length is for it to stay temporary. If this moves forward any trash receptacle is going to have to be enclosed. He asked if business hours are restricted in B-1.

Mrs. Jones stated there isn't anything across the board for restriction. She said there might be certain restrictions for certain uses.

Chairman Spinelli asked if that was something they can restrict for the property.

Mrs. Jones said it is restricted in Planned Unit Developments, but she is not sure if they can restrict it in a straight rezoning request. She stated there are nuisance standards in the UDO that have maximum sound and light levels at the property line. The standards are specific to whether the adjacent property is manufacturing commercial or residential. Mrs. Jones stated if they receive any complaints of any noise for the neighboring property owners they would come out to make sure that they are not being too loud at any time of day.

Chairman Spinelli asked would the inability to restrict hours be also included if the property became a convenient store.

Mrs. Glas stated it would have to come in as a PUD to restrict hours.

Mrs. Jones said she would guess that if the property was redeveloped it would have to come in as a PUD. She stated it would be very hard for someone to meet the landscape standards, parking standards and detention for that site.

Commissioner Sanderson said this piece of property has been used as a home and a business for 50 plus years. He stated he can see both sides. He said if someone would come in like this HVAC company, and say they would stay for the next 50 years then the neighbors probably would not have a problem. Commissioner Sanderson stated it is just the fear of the unknown. He said this is a vacant property and they would like to see it filled, so he can see the owner's side.

Chairman Spinelli asked if there were any other comments or questions for staff. None responded. He then called for a motion for this case.

Commissioner Maher made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Village Board approval of Case 13-09, requesting rezoning from R-4A Single Family Preservation and Infill to B-1 Office/Retail Transitional District. A roll call vote was taken:

*Ayes: McGleam, Kwasneski, Sanderson, Maher, Sullivan, Spinelli*

*Nays: Messer*

*Motion passed*

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

Commissioner Maher made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 13-09 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**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.

Chairman Spinelli called for a motion to open the public hearing for Case 13-10.

Commissioner Kwasneski made a motion, seconded by Commissioner Messer to open the public hearing for Case 13-10. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mrs. Glas said there are two variations being requested for this property located at 12833 Klappa Drive. She showed on the overhead a picture of the property with the property outlined in blue. She stated it is a corner lot with two intersecting streets that

do not make a 90 degree angle. Mrs. Glas said when they calculate how a rear yard is defined this lot is atypical when compared to what a normal corner lot would look like. She showed on the overhead the plat of survey for the property. She identified in red what the rear yard would be as defined in the UDO. She stated the 25 foot setback as it goes on the angle cuts off the rear yard.

Mrs. Glas stated the applicant is requesting a fence that goes into the side yard setback and then meets with the rear lot line. She then showed on the overhead what it would look like with dotted lines. She said in addition the applicant is requesting a variation for lot coverage. Mrs. Glas stated the lot coverage is also determined based on the rear yard. She said the rear yard is roughly 3,400 square feet, which leaves about 1,200 square feet. She stated what the applicant is proposing with the pool and patio is approximately 1,400 square feet. She said staff is recommending approval for both variations.

Chairman Spinelli asked if there were any calculations for this lot because it is such a large irregular shape as to what their current total is for the whole lot.

Mrs. Glas said she does not know their total impervious, but the lot itself is about 19,000 square feet.

Chairman Spinelli stated it is not your standard configuration. He said he feels the ordinance was written so to help to comply with the way the subdivision was designed for maximum coverage of lots. He stated there is a huge portion of this lot that is not easily usable for any kind of structure, which equates to a lot of green space for this property.

Chairman Spinelli asked if the petitioner would like to speak in regards to this case.

Alex Pacey, from Barrington Pools, P.O. Box 3906, Barrington, said the drawings that they have right now have been revised. He said when they initially submitted this; the fence went significantly further out into the yard. He stated the whole project itself went across one of the setbacks. Mr. Pacey said there were some initial comments asking if we could revise some of it a little bit. He stated they did go ahead and do that. He said the whole project itself is within the rear and side yard setbacks. He said the fence has been pulled back so it is behind the house. Mr. Pacey stated they are trying to keep the project unique to the residents and provide the most amount of usable space.

Chairman Spinelli asked Mr. Pacey to verify the drawing that they received to make sure it was the updated drawing.

Mr. Pacey stated it was.

Chairman Spinelli asked if the Commissioners had any questions. None responded. He then asked if anyone in the audience wanted to speak in regards to this case.

Bob Minikel, 12849 Klappa Drive, said he lives south of the subject property. He stated he is not in objection to the project, but his concern is what kind of fence is going to be put up. He said he had bought the lot from Dr. Evans and had his own contractor build his house. Mr. Minikel stated when he bought the lot they had to agree to what he thought were the rules or contingencies for the neighborhood. He said two of the main things were if a fence goes up it had to be 50% opaque and there could be no sheds. He stated the sheds is not a problem here with this property, however there are several sheds that have been put up in the subdivision. Mr. Minikel said the last house that Dr. Evans used as his spec home, which was recently sold; there is a solid wall stockade fence all around the property. He stated he spoke with someone at the Village and they had asked if there was a HOA, and there is not. He said he was told as long as they are within compliance with the Village then there is nothing they could do. Mr. Minikel stated he understands this, but this is why he is concerned as to what kind of fence is being put up.

Chairman Spinelli said what is indicated in the packet is a four foot aluminum fence.

Mrs. Glas stated it will be five feet because of the pool.

Mr. Pacey said it will be similar to the neighbor. He stated it does need to meet the pool fence specifications. He said it will not be a solid fence.

Chairman Spinelli stated he was correct in regard to the covenants. He said municipalities typically do not enforce covenants.

Chairman Spinelli asked if anyone else wanted to speak in regards to this case. None responded.

Commissioner McGleam asked if Mrs. Glas could explain how the fence layout infringed on the side yard setback.

Mrs. Glas then showed on the overhead the setback and explained how the fence infringed on those setbacks.

Chairman Spinelli said when the adjoining owners request had come in there was a restriction on the fence that it could not be closer than seven feet at the property line along Mayfair Drive. He stated they had granted a variance for 18 feet into that setback. He said he would like to make the same change for this petition so there are no 90 degree corners in close proximity to the sidewalk. Chairman Spinelli stated when the north line of the fence heading east gets within seven feet of the property line it must bend and follow the property line until it hits the rear lot line. He said it will not impact the footprint of the pool.

Mrs. Glas stated so this fence would be allowed to go 18 feet into the 25 foot setback.



Chairman Spinelli asked if there was anyone else that wanted to speak in regards to this case. None responded. He then called for a motion to close the public hearing for Case 13-10.

Commissioner Messer made a motion, seconded by Commissioner Maher to close the public hearing for Case 13-10. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Spinelli asked if the Commissioners had any other questions. None responded. He then called for a motion for approval.

Commissioner Sanderson made a motion, seconded by Commissioner Messer to recommend to the Mayor and Village Board approval of Case 13-10, request for 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 with the following recommendation:

1. Allow an 18 foot variance, for the fence, into the corner yard setback (northeast corner) adjacent to Mayfair Drive.

A roll call vote was taken:

*Ayes: McGleam, Kwasneski, Sanderson, Maher, 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 Maher to authorize the Chairman to approve the Findings of Fact for Case 13-10 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

**C. Case 13-11 – Birch path Preliminary PUD/Plat, Annexation and Rezoning.**

An R-4 zoned 19 lots single-family PUD with reduced lot standards at the east end of Stoney Brook Drive in Mayfair Estates.

Chairman Spinelli called for a motion to open the public hearing for Case 13-11.

Commissioner Kwasneski made a motion, seconded by Commissioner Maher to open the public hearing for Case 13-11. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Mrs. Glas said this zoning request is for a preliminary PUD/plat approval, annexation and rezoning. She stated the subject property is outlined in blue on the overhead projection. She said it is located east of Mayfair Estates and south of 127<sup>th</sup> Street. Mrs. Glas said there are six and half acres that are to be annexed and five and half are proposed to be part of the PUD. She stated the property was part of one large parcel that had frontage on 127<sup>th</sup> Street. It was divided with the construction of the tollway. She said in the Comprehensive Plan this property was identified as being an area for low density residential development. Mrs. Glas stated Mayfair Estates, which is west of the subject property, was developed as low density. She said Rolling Meadows which is west of Mayfair is medium density. One thing that has changed since 2002, is that Mayfair Estates was actually developed. She stated if the parcel had been developed along with Mayfair Estates low density may have been feasible, but as a standalone parcel there are some development constraints.

Mrs. Glas stated the applicant has requested R-4 zoning. This has a minimum lot size of 12,500 square feet, a lot width of 90 feet, front yard setback at 25 feet, minimum rear yard setback is 30 feet, and a minimum side yard is based on width of the parcel. She said a 60 foot lot width would give a 10 foot side yard setback. Mrs. Glas stated what the Birch Path Preliminary PUD is proposing is lots that range from 5,147 square feet at the smallest to 10,176 square feet. She said minimum lot width is 60 feet, minimum front yard setback at 15 feet, rear yard setback at 15 feet, and minimum side yard setback at six. Mrs. Glas provided what the requirements are for R-4A. She stated it has never been used for new development, but the site location and the development constraints could be viewed as an infill opportunity. She said the requirements of the R-4A do align better to what the applicant is proposing. Mrs. Glas said the minimum lot size for the R-4A is 5,000 square feet, minimum lot width is 45 feet, front and rear yard setbacks are the same for both, and side yard setback are 12% of lot width or 5 feet whichever is greater.

Mrs. Glas said the preliminary PUD/Plat does consist of 19 single-family lots. She stated there was a landscape plan that was submitted. She said it did include a significant amount of landscaping to be done in the tollway right-of-way. Mrs. Glas stated the applicant did have a letter of support from the tollway, but not an official approval. She said the northern tip of the parcel is not part of the PUD; however it is suppose to be annexed. She stated the fate of that parcel still needs to be clarified. Mrs. Glas said the applicant did submit a concept plan. She stated the house styles are smaller and narrower with some having attached garages and some that do not. Mrs. Glas showed on the overhead some of the pictures of the different styles of houses. She said staff is recommending approval with the conditions 1 through 5 listed in staff's report on page six and seven.

Chairman Spinelli asked if the photos shown were what they were actually proposing. He stated right now they are not reviewing any type of architectural review. He said this is Preliminary Plat, annexation, and rezoning.

Mrs. Jones stated this is a PUD so they could require architectural elevations as part of the PUD. She said the applicant chose to submit sort of conceptual examples.

Chairman Spinelli asked if that could wait till the final PUD comes through.

Mrs. Jones said it does not have to happen at the preliminary stage it could happen at the final PUD stage. She stated she thinks the points that Mrs. Glas made in the staff report were the key considerations that staff saw that were appealing. The examples provided by the applicant were quality material, front porches, and the garages were not the predominant feature of the home. She said with the applicant fully understanding that those are things we're going to look for with the residential design standards, staff is confident with having that be done in the final phase.

Commissioner Messer asked if staff knew what was happening with outlot A.

Mrs. Glas stated there is some landscaping proposed. She said it is common open space, but they are still working out who is going to maintain it and how it is going to stay open space.

Commissioner Kwasneski asked what the Village's initial concerns were in the background session.

Mrs. Glas said the applicant had initially come in with 24 single-family homes and the outlots didn't have access. She stated the applicant had revised the preliminary down to 19 single-family homes, expanded some of the lots and provided access to outlot B.

Chairman Spinelli stated since this is being presented as a PUD, can they restrict driveway locations. He said the configuration of lots five and six are too tight. He stated a shared apron is not ideal in a residential neighborhood. Chairman Spinelli said it was also one of the Village Engineer's concern for snow plowing activities. He stated the pavement radius is tighter than a normal intersection corner. He said he feels that the radius is too small.

Mrs. Jones said the Public Works Director did look at that based on the Engineer's comments and he had no concerns. She stated they will definitely take a close look at it when it comes back for final approval.

Chairman Spinelli stated it could be resolved by having one driveway as right and the other one as left.

Commissioner Kwasneski asked if staff had received any complaints or concerns from the area residents.

Mrs. Jones said staff has not received any calls or e-mails.

Chairman Spinelli asked if any of the Commissioners had any other questions for staff. None responded. He then asked if the applicant wanted to make a presentation.

Mike Ford from Tempo Developments, 11921 Hobart Drive, Palos Park, stated when they originally came in they were asking for 24 homes. He said after meeting with the Village, they worked it down to 19 homes for a better site plan. He stated one reason for the smaller lot subdivision is the location of the property. Mr. Ford said with I-355 proximity it would be very difficult to have a seven or eight million dollar home sell. He stated it is evident with some of lots that haven't been sold along the perimeter of Mayfair Estates. He said with this subdivision going forward he feels it would help with the lots that haven't been sold.

Mr. Ford said the homes that they are proposing are going to be good quality homes, but they will be smaller than the existing homes that are there now. He stated he feels they will compliment them in a lot of different ways. He said the landscaping for the sight will also compliment the subdivisions that are there now. Mr. Ford stated the landscaping will buffer the toll road and in about five to ten years it will seem like they are living in a forest. He said the reason for the heavy landscaping is to eliminate any concerns about the toll road. He stated they will be using some fairly mature trees to begin with. Mr. Ford said they are trying to create something that will be an asset to the community and create something that will compliment the existing homes. He also provided pictures of different styles of homes that they are looking at to build. He stated they will meet all building requirements required by the Village.

Chairman Spinelli stated he liked the pictures that he brought with rather than a three flat look.

Mr. Ford said he agreed. He stated he did meet with the toll road and they stated they would approve the landscaping for the location. He said once the Village's Arborist and the toll road agree to all the plantings they would issue a permit for about a year. He stated they would put a temporary access to the toll road property with a temporary gate. Mr. Ford said after the year the toll road would take over maintenance of all the plantings that they put in. He stated there would be no issues for the homeowners or for the Village.

Chairman Spinelli asked if he was putting this landscaping on the tollway ground.

Mr. Ford stated yes.

Commissioner McGleam asked what the square footage was on the proposed homes.

Mr. Ford said the smallest home would be about 1,400 square feet and the largest about 2,500 to 2,800 square feet. He stated the 1,400 would be a smaller ranch that would maybe be for an empty nester about 55 years old or older looking to downsize.

Commissioner McGleam asked what the price range would be.

Mr. Ford stated maybe \$300,000 to \$350,000.

Commissioner Sanderson asked why the 60 square foot lot width. He said when he looks at the layout there is nothing stopping him from going with wider lots.

Mr. Ford said the 60 foot lot width motivation was the location. He stated if he had a 100 foot lot he would not be able to sell the type of home that you would put on that lot. He said the economics would not be feasible.

Chairman Spinelli asked if he did have a letter of approval from IDOT.

Mr. Ford said they had a letter stating they would consider it.

Chairman Spinelli asked if there was anyone in the audience that would like to speak in regards to this case.

Jerry Pazdan, 12991 Mayfair, Lemont said he is adjacent to the largest portion of this subdivision. He stated he had bought his house about a year and half ago. He said there have been some issues with it, but they are at a point now where they are quite happy to be in this subdivision. He stated he appreciates Mr. Ford coming to his home and showing him what his plans were with the subdivision. Mr. Pazdan said what is not being looked at is the amount of homes being put into such a small area. He stated he feels it is a safety issue. He said it states the increased traffic would only be 11%. He stated he feels it will increase 180% with all those new homes. Mr. Pazdan said when you look at utilities that have to support that area like garbage trucks, mail, school buses, police, and fire it also increases traffic. He stated there is a lot of talk about the aesthetics of the area which is important but you need to look at the surrounding area of what is there.

Mr. Pazdan said this particular parcel after it rains tends to stay wet for quite a period of time. He stated if you put concrete over the land then that water has to go somewhere. He said his concern is his home flooding and he does have a storm sewer in his back yard. Mr. Pazdan stated his main concern is there are a lot of homes going into a small area.

Chairman Spinelli stated he would like to comment in regards to a few of the statements made by Mr. Pazdan. He said in regards to utility capacity, no development in Lemont would be built if there wasn't enough capacity. He stated Mayfair Estates and Rolling Meadows are using the same sanitary sewer and they both have their own storm water drainage. He stated that was all planned well before Mayfair Estates was put in. Chairman Spinelli said when the original developer of Rolling Meadows started building, there were already sketches for this lot to be developed but they ended up selling the property. He stated it is a valid concern; however the utility capacity will be reviewed and approved by the Village when they get to final engineering. He said this is just showing what they intend on planning to do. Chairman Spinelli stated this

development will have their own storm sewer and all the drainage will go to the south into their own detention basin. He said it will be located adjacent to Mayfair Estates detention basin, but will be independent from it.

Mr. Pazdan said his biggest concern is there is so much going into a small area.

Stanley Ligas, 16354 Stoney Brook Drive, Lemont, stated he has been there for eight years. He said the four empty lots next to the toll road have not been touched because of the noise level from the toll road. He stated he gets the noise from the north and the south where he is at. Mr. Ligas said his concern is safety because they are proposing the entrance for the development to be off of Stoney Brook Drive. He stated he has two grandchildren and he wants to make sure that they stay safe.

Mr. Ligas said eight years ago IDOT had built an access road to that development area along the back area. He stated he had suggested to Mr. Ford to build a road along there. He said the housing development is slow and construction can continue for another ten years before he finishes everything. Mr. Ligas stated if you go to Briarcliffe Estates there are a bunch of empty lots along I-355. He said nobody wants them because of the noise level. He said they did have a meeting with IDOT about putting a wall up, but they stated they were broke. He stated his concerns are the safety issues with all the construction and extra traffic.

Bernice Hill, 12944 Mayfair Drive, Lemont said her concern is the property value for them. She stated they have homes starting out at 3,000 square feet and going up to 5,000 square feet. She said he is coming in at 1,500 square feet. Ms. Hill stated everyone in their subdivision has lost property value already, so what will this do to them. She said this is going to increase traffic for them and add more danger for the kids there.

Jason Shaldecker, 16322 Stoney Brook Drive, Lemont, stated he is lot 23 on the plat. He said he just bought his home about two months ago. He stated his concern is the detention pond right behind his house. He said his other concern are lots 1, 2, 3, and 4 are all small homes. He stated he now has four extremely small homes right outside his master bedroom window. Mr. Shaldecker said this is supposed to be lower density. He stated this is a lot of homes going into a small space. He stated nobody is going to pay \$350,000 for a 1,500 square foot home, especially an empty nester, to live right next to I-355. He said that is his personal opinion.

Bryan Ptak, 12914 Klappa Drive, Lemont, said he shares similar concerns with area residents in regards to this property. He stated location and sizes of homes are some. He said he appreciates Mr. Ford's comments about building the landscaping, because there have been issues with IDOT. He said initially, the way they built the toll road was not as low as they originally told us. Mr. Ptak stated the berms are not as high as they told them it would be. He said if something was going to be developed there his belief is it should be inline with what has been developed in Rolling Meadows and Mayfair Estates and it is also low density.

Chairman Spinelli asked if there was anyone else that would like to speak in regards to this case. None responded. He then asked if Mr. Ford can come back up to the podium. He stated he had a few questions.

Chairman Spinelli said he is not sold on the 60 foot lots when the neighboring lots are at a minimum of 90 feet. He stated he would not call this piece a hardship because he did know what he was getting into. He said however, it is a tight piece and a difficult piece to develop. Chairman Spinelli stated he does not agree with the 60 foot lots. He said he is not saying they have to be 90 feet though. He stated he is requesting side yards down to 6 feet and with 60 foot lots you do need 10 feet. He said his recommendation would be no less than 10 feet. Chairman Spinelli stated the front yard setback is 25 feet and he does not see any reason to vary. He said possible lots 9 and 17 might need a reduced setback, but looking at the layout of the lots he does not see any other lots that would require a reduced front yard setback. He stated his biggest problem with a front yard setback is the sidewalk being blocked and that is a public safety issue. Chairman Spinelli said when you have a 15 foot rear yard easement for public utility and drainage then in addition you put a building setback at that same location, it is not good building practice.

Mr. Ford stated he is not sure why that is in there because he never really considered a variation on the rear yard setback. He said it was mostly the side and the front.

Chairman Spinelli said he knows they are in preliminary stages, but the way the building footprints were put on there, specifically lot 19 could be configured differently. He stated it could be placed parallel to the west property line and you would not need any variances for that lot. He said again, he is not sold on the setback variances that he is requesting. Chairman Spinelli stated in the past they have varied certain lots, but they were specified in the plat. He said to blanketly give him a 15 foot setback on every lot when only two may need it is not right. He stated the same thing goes for the rear yard. Chairman Spinelli said until you know what kind of houses you plan on building he can not allow a variance for a setback.

Mr. Ford stated he does not disagree. He said the initial request for the front yard was to create a more neighborhood friendly area with the porches and decks. He stated there would be a lot of side drives where the cars would be off the street beside the homes or in the rear garages. Mr. Ford said he understands what he is saying and if that is something they need to look at then they will.

Chairman Spinelli said staff mentioned in the report that the north triangle was not part of the preliminary plat but is part of the annexation. He stated he does not know what his intentions are for that north triangle.

Mr. Ford stated he thinks the intent was to put some space between the toll road. He said one homeowner at the far north end stated he would consider taking the property and put it as his back yard. He stated that is the intent. He said he has also talked with

Mr. Evans about buying the remaining lots and incorporate the remaining land into those backyards.

Chairman Spinelli said his recommendation would be until that occurs, the preliminary plat should include that triangular lot as an outlot. He stated prior to final plating if that land has changed hands or is in the process of changing hands the final plat can be modified. He said if this property is coming in being annexed and zoned then that triangle part should be part of this preliminary plat. Chairman Spinelli stated he mentioned already about the radius down on lots five and six. He said if public works is fine with it then that is their call.

Mr. Ford stated he thinks they met the requirements for the radius.

Chairman Spinelli said it appears that you have in front of lots seven through ten, but it may be a little tight on four through six. He stated if the Village Engineer and Public Works has looked at it and they are okay with it then that is fine. Chairman Spinelli said at the north end near lots 19 and 18, he would like the sidewalk modified. He stated that lot 45 has a fence right on the property line and if this sidewalk is constructed as proposed then the fence would be a foot from the sidewalk.

Mr. Ford stated that would be corrected without any issues.

Commissioner Messer said he has put in a lot consideration regarding the landscaping for the tollway. He asked if there was going to be any landscaping between lots one through four and lot 23.

Mr. Ford stated there is a buffer that runs through there. He said they can additionally add some landscaping in there. He stated he knows what the homeowner is indicating. Mr. Ford said until you get done it would be difficult, but they can take a look at it and put more of a buffering there.

Commissioner Maher asked if he had considered anything but houses here.

Mr. Ford stated M&I are doing townhomes across from Rolling Meadows and Mayfair Estates. He said as a homeowner he would much rather look at single-family rather than townhomes or condominiums. He stated you would get a much higher density, but that is not his intent. Mr. Ford said his intent is to compliment the homes that are already there and put homes that are very attractive there. He stated in regards to the comment about pricing earlier, the townhomes at that area are 1,100 square feet and they are at \$250,000. He said the decrease in value, which was also brought up, is a non-issue. He stated you would not have people in Lemont, Hinsdale, Willowbrook, Orland putting up a million dollar home next to a \$200,000 home. Mr. Ford said that doesn't even apply in most cases. He stated it is used, but it doesn't really have any application. He said the homes and the area are going to warrant the value and maintain the value of the home. Mr. Ford stated what he plans on doing is complimenting the homes that are there and help increase the value of those homes.



Commissioner Maher said he does not feel comfortable converting this to an R-4A. He stated he does not feel this is the purpose of an R-4A, to go into an established subdivision. He said he is not comfortable with not seeing any homes or layouts. Commissioner Maher stated even if he addressed all the conditions that Chairman Spinelli requested he would still not be comfortable with this subdivision. He said he feels the density does not fit for this area. He stated he feels there is still going to be an issue with I-355 and this would just add to problems. He said to him this is not an appropriate use for this lot. Commissioner Maher stated he would need to see what the homes are going to look like and how they are going to layout before he could consider something like this.

Mr. Ford stated he understands and he has looked at this a lot of different ways. He said it is not economically feasible to do it similar to what is already in place. He stated that is why the property has stayed vacant and he is sure there are a lot of people that would like for it to stay vacant. Mr. Ford said he is a builder and he can see how it will compliment the area. He stated he would be more than happy to show what they are talking about in regards to the homes that would be going in there. He said they would be smaller but they will compliment the area and increase in value quicker than the homes that are already there.

Commissioner McGleam asked staff if part of the PUD process could be they set a minimum square footage for the homes.

Mrs. Jones said it has been done.

Commissioner Maher stated he gets where he is going but before they set a minimum square footage they have to make sure it is practical. He said if it is not practical with these lots then they need to address that first.

Chairman Spinelli said you basically are going to set your minimum square footage by setting your lot coverage and setbacks. He stated independent of what the property is costing this gentleman; he was originally at more lots and is now down to 19. He said where it can go from here is unknown. Chairman Spinelli stated he said it is not feasible to do much different. He said in order to make it work for him or any builder in his opinion is this development.

Mr. Ford stated M&I townhomes, which is a very good company, is a product typically you would see going into a site like this. He said it is a higher density and you can get six to eight units per acre. He stated it buffers and it is an affordable product. Mr. Ford said with the berming that is there and the additional landscaping they are going to add, single-family will do very well at this site. He stated he has built every product you could possible build and if there was something going in next door to him, he would want it to be single-family. Mr. Ford said he did talk to all the residents ahead of time knowing that this was not going to fit the norm. He stated he doesn't take it lightly, but

instead he tries to work with the people that are there. He said he might not have talked to all the neighbors because some of them were not home.

Commissioner Kwasneski asked if he would consider lowering the number of homes from 19.

Mr. Ford said it would be very difficult based on the improvement cost and the price points where they are at. He stated if he was in Hinsdale where he would get \$700,000 for a small house then he would. He said right now they would be hitting around \$300,000 for a house. Mr. Ford stated construction prices have gone up and he is pretty much at his threshold.

Commissioner Messer stated this type of plan is something they have talked about before in regards to the Comprehensive Plan. He said a smaller, more affordable house is something that would be appealing to younger families. He stated he agrees with Chairman Spinelli's comments in regards to the technical aspect. However, he encourages him to stick with this. He said he feels it is a good fit and hopes it goes forward.

Mr. Ford said he is willing to address any issues like that and if they can do it then they will do it. He stated the only problem he can see is the side yard setback when they have a side driveway.

Chairman Spinelli stated he would have to talk with staff on how they varied setbacks in Briarcliffe.

Commissioner Kwasneski said he also agrees with Commissioner Messer. He stated as a younger person looking to purchase a home in Lemont, it is very difficult to do with the pricing of the homes that are out there. He said a development like this, that would be more affordable, is essential to the growth of Lemont especially for the younger families.

Commissioner Sullivan stated he agrees with Commissioner Messer too. He said to the residents their concerns are all important; however there is a uniquely shaped lot along a unique road. He stated something is going to be done with this property.

Commissioner Sullivan said national studies show that smaller homes are going to be the norm. He stated he does not believe that it will hurt home values. He said he likes what he is proposing and he understands the traffic concerns. He stated he feels what he is proposing would be good for that unique piece of property.

Chairman Spinelli said until their engineer would be able to evaluate, let's go with the assumption that the 25 foot front yard setback and 30 foot rear yard setback becomes the recommendation. He asked with lots 9 and 17 if they would not be able to meet those setbacks, could those specific lots or any specific lot at the time of Final Plat, when it comes back to the Commission and Village Board, be modified for specific building footprint.

Mrs. Jones stated yes.

Chairman Spinelli said then at this point they would not be putting any undue restrictions on the developer since it is a preliminary plat.

Mrs. Jones stated at the stage of final plat, you are ensuring that the final plat is consistent with what was approved at preliminary. She said the Commission and the Village Board have the discretion at that time to change any setbacks on any certain lots if they feel the footprint will not fit correctly. However, over all the plat is still consistent with what was approved for preliminary.

Mr. Ligas asked what about the access road that was specifically built for that plat of land. He asked what the plan was for that road.

Chairman Spinelli asked if he was talking about the road that comes off of Big Run subdivision.

Mr. Ligas said yes.

Chairman Spinelli said he is not sure of the history behind that road.

Mr. Ligas stated IDOT specifically built the road for that lot.

Trustee Stapleton said when the toll road cut through the middle of that property the owner stated that IDOT had to build something. He stated IDOT said they will build a road to it. He said after that Mayfair Estates was built, a stub street ended up coming to his property. Trustee Stapleton stated IDOT came to him and offered him money so they wouldn't have to build the road. He said the owner told them to build the road.

Chairman Spinelli stated he believes the access actually came through Mayfair along the north edge of Rolling Meadows not necessarily through Big Run.

Trustee Stapleton said it always came out of Big Run. He stated that road is in an unincorporated area.

Mrs. Jones stated in the future that road can serve further development to the south.

Chairman Spinelli said when the Village worked with the developer from Mayfair it was fully intended that Stoney Brook would lead to this parcel. He stated it is not a cul-de-sac but an actual stub street.

Chairman Spinelli asked if anyone else in the audience would like to speak in regards to this case. None responded. He then called for a motion to close the public hearing.

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to close the public hearing for Case 13-11. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

Chairman Spinelli asked if any of the Commissioners had any additional comments or questions.

Commissioner Sanderson said when he first came on the Commission he remembers the Mayor talking to them and stating that the days of the extra large homes are gone. He stated there were some comments in regards to the townhomes to the north. He said he agrees that those townhomes are nice, and they offer something to the residents who are looking for something at a lower cost. Commissioner Sanderson stated this seems like something nestled in back of a bigger development. He said it does not seem like the same fit as M&I homes on 127<sup>th</sup> Street. He stated he is a builder himself and that is how he makes his living, but he feels like they are making this fit in just to make it happen. Commissioner Sanderson stated he is not sold on 19 homes in this parcel.

Chairman Spinelli asked if there were any more comments. None responded. He stated he would like to clarify his recommendation for this development. He said he would only consider varying the side yard setback from the required 15 foot side yard setback to 10 feet side yard setback which follows with staff's recommendation. Chairman Spinelli stated at this point he does not see the need to vary the front or rear yard setbacks until the developer has further information regarding the true depth he will need for these lots. He said during final plat, after the developer and his engineer have figured out which lots they are going to have issues with will they look at possibly granting a variance for those lots. He stated at this time though it is not warranted. Chairman Spinelli said he understands that we need smaller lots and affordable living but he can not see reducing these lots down to 60 feet especially when they do not have building footprints. He stated he knows they are not reviewing architectural or building style at this point, but to grant a reduction in width based on good faith is not right at this time. Chairman Spinelli stated he does not feel it is fair to that existing subdivision. He said he is not saying this has to be 90 foot wide lots, but he does not think it should be 60 feet wide. He stated he is going to leave it up to the developer, but his opinion is that 60 feet is too narrow. Chairman Spinelli said his recommendations are to only vary the side yard setback, increase the minimum lot size to something other than 60 feet wide, and shift the sidewalk away from lot 45 on the north end.

Chairman Spinelli stated if nobody else has any questions or comments then a motion would be in order.

Commissioner Maher made a motion, seconded by Commissioner Messer to recommend to the Mayor and Village Board approval of Case 13-11, the Birch Path Preliminary PUD/Plat, annexation and rezoning request with the following recommendations:

1. Side yard setbacks are increased from 6 feet to 10 feet.
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.
6. No modifications to front or rear yard setbacks.
7. Shift the sidewalk away from lot 45 on the north end.

A roll call vote was taken:

*Ayes: Kwasneski, Messer, Sullivan*

*Nays: McGleam, Sanderson, Maher, Spinelli*

*Motion denied*

Commissioner Messer made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 13-11 as prepared by staff. A voice vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

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

Mrs. Jones stated next month they will have a meeting in regards to UDO amendments. She said also next month they will be discussing medical marijuana.

#### **V. GENERAL DISCUSSION**

None

#### **VI. ADJOURNMENT**

Chairman Spinelli called for a motion to adjourn the meeting.

Commissioner Sanderson made a motion, seconded by Commissioner Maher to adjourn the meeting. A roll call vote was taken:

*Ayes: All*

*Nays: None*

*Motion passed*

*Minutes were prepared by Peggy Halper*



Village of Lemont  
*Planning & Economic Development Department*

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

TO: Planning & Zoning Commission  
FROM: Charity Jones, AICP, Planning & Economic Development Director  
SUBJECT: Case 13-12 UDO Amendments  
DATE: December 13, 2013

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**SUMMARY**

Attached is a table detailing proposed amendments to the UDO to address a variety of issues. Words underlined in table are proposed additions to the text of the UDO and words ~~stricken~~ are proposed deletions. The amendments are organized by topic, rather than by chapter, to facilitate discussion.

Additional background information regarding fences in residential districts will be presented at the meeting, including illustrations of the impact of the proposed amendment on allowable fence locations.



TOPIC: MEDICAL MARIJUANA	Reason for Change
<p><i>17.11.02 DEFINITIONS, amend as follows:</i></p> <p><b><u>CULTIVATION CENTER.</u></b> A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.</p> <p><b><u>MEDICAL CANNABIS DISPENSING ORGANIZATION.</u></b> A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. Also referred to as a "dispensing organization," or "dispensary organization".</p> <p><b><u>MEDICAL CANNABIS ORGANIZATION.</u></b> A Medical Cannabis Dispensing Organization or Cultivation Center.</p> <p><i>TABLE 17-06-01, amend as follows:</i> Add cultivation center and medical cannabis dispensing organization as special uses in the M-3 and/or M-4 zoning district.</p> <p><i>Add NEW SECTION, 17.06.180, as follows:</i></p> <p><b><u>17.06.170. - Medical Cannabis Organizations.</u></b></p> <p><u>Cultivation centers and registered medical cannabis dispensing organizations, together known as "Medical Cannabis Organizations" for purposes of this section, shall be regulated as follows:</u></p> <p><b>A. <u>Location Restrictions.</u></b> Medical Cannabis Organizations may only be considered as a special use within the M-4 district provided that:</p> <p>1. <u>A cultivation center shall not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use;</u></p>	<p>Adding regulations for medical cannabis, consistent with new statutory requirements. The Village should accommodate the medical cannabis use in some zoning district to remain in compliance with statutory requirements. Proposed for discussion is whether to allow the uses as special uses in the M-3 and M-4 zoning districts, or just the M-4 zoning district. Currently the zoning map does not include any M-4 zoning.</p>

2. A dispensing organization shall not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, and may not be located in a house, apartment, condominium, or an area zoned for residential use;

3. Medical Cannabis Organizations shall not be located within 1,000 feet of a property boundary of any cemetery, public park, forest preserve, public housing, or place of public worship; and

4. Medical Cannabis Organizations shall not be located within 500 feet of the boundary of any parcel in the DD district.

**B. Method of Measurement.** Measurement of the location restrictions described in paragraph A of this section shall be made in a straight line, without regard to intervening structures or objects, from the nearest lot line of the lot where the adult use is to be located, to the nearest lot line of the other specified use.

**C. Exterior Display.** No Medical Cannabis Organization shall permit the observation of any material depicting, describing or relating to specified cannabis use from any other property, public or private. This provision shall apply to any display, sign, window or other opening. All entries, windows or other openings for Medical Cannabis Organizations shall be covered or screened in a manner that prevents a view into the interior from any public way. Dispensing organizations shall be permitted one sign describing its organization as a Medical Cannabis Dispensing Organization.



TOPIC: CONSTRUCTION CONTRACTOR OFFICE/YARD	Reason for Change																																																																				
<p>17.11.02 DEFINITIONS, amend as follows:</p> <p><b>CONSTRUCTION CONTRACTOR OFFICE/YARD</b> <del>Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, lumber, or electrical components used by the owner or occupant of the premises</del> <u>An individual or business engaged in the conduct of any building trades, building craft, or road construction.</u></p> <p><b>CONSTRUCTION CONTRACTOR YARD</b> <u>Any land used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, lumber, or electrical components used by the owner or occupant of the premises in the conduct of any building trades, building craft, or road construction.</u></p> <p>TABLE 17-06-01, amend as follows:</p> <table border="1"> <thead> <tr> <th style="background-color: #000000; color: white;">COMMERCIAL</th> <th>B-1</th> <th>B-3</th> <th>B-4</th> <th>DD</th> <th>INT</th> <th>M-1</th> <th>M-2</th> <th>M-3</th> <th>M-4</th> <th>R-1</th> <th>R-2</th> <th>R-3</th> <th>R-4</th> <th>R-4A</th> <th>R-5</th> <th>R-6</th> </tr> </thead> <tbody> <tr> <td style="background-color: #ffff00;">Construction Contractor Office/Yard</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjacent to R-district <u>Construction Contractor Office, consistent with the requirements of §17.06.180 of this ordinance.</u></td> <td>- P</td> <td>S P</td> <td>-</td> <td>- P</td> <td>-</td> <td>S P</td> <td>P -</td> <td>P -</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>Not adjacent to R-district <u>Construction Contractor Office with Yard</u></td> <td>-</td> <td>S P</td> <td>-</td> <td>-</td> <td>-</td> <td>P</td> <td>P</td> <td>P</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> </tbody> </table> <p>Add NEW SECTION 17.06.180</p> <p><b>17.06.180 CONSTRUCTION CONTRACTOR OFFICE</b></p> <p><b>A. Offices in the DD and B-1 Districts.</b> Construction Contractor Offices in the DD and B-1 zoning districts shall comply with the following requirements:</p> <ol style="list-style-type: none"> <li>The building is primarily used for office and/or retail showroom space; warehousing or other</li> </ol>	COMMERCIAL	B-1	B-3	B-4	DD	INT	M-1	M-2	M-3	M-4	R-1	R-2	R-3	R-4	R-4A	R-5	R-6	Construction Contractor Office/Yard																	Adjacent to R-district <u>Construction Contractor Office, consistent with the requirements of §17.06.180 of this ordinance.</u>	- P	S P	-	- P	-	S P	P -	P -	-	-	-	-	-	-	-	-	Not adjacent to R-district <u>Construction Contractor Office with Yard</u>	-	S P	-	-	-	P	P	P	-	-	-	-	-	-	-	-	<p>The UDO currently does not differentiate between construction contractor offices that are primarily office use and those that are primarily warehousing and fabrication, potentially with outdoor storage. Administratively, staff has approved contractor offices in B-1 and DD where the use is primarily office.</p> <p>The proposed amendment would allow contractor offices as a permitted use in the B-1 and DD but would not allow outdoor storage. For comparison, Hardware/home improvement stores and garden centers are allowed in these districts with outdoor storage.</p> <p>Contractor offices with outdoor storage would be allowed in B-3, much like auto, RV, and heavy equipment sales and service are permitted to have outdoor storage.</p>
COMMERCIAL	B-1	B-3	B-4	DD	INT	M-1	M-2	M-3	M-4	R-1	R-2	R-3	R-4	R-4A	R-5	R-6																																																					
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Not adjacent to R-district <u>Construction Contractor Office with Yard</u>	-	S P	-	-	-	P	P	P	-	-	-	-	-	-	-	-																																																					

<p>storage is limited to less than 50% of the gross floor area.</p> <ol style="list-style-type: none"> <li>2. No outdoor storage is permitted. Up to three trucks, vans, or other company vehicles may be parked outdoors on the property overnight, if adequate off-street parking is available.</li> <li>3. No fabrication is allowed on the property.</li> </ol> <p><b>B. Offices in Other Districts.</b></p> <ol style="list-style-type: none"> <li>1. No outdoor storage is permitted. Up to three trucks, vans, or other company vehicles may be parked on the property overnight.</li> <li>2. Fabrication is only permitted in manufacturing zoning districts.</li> </ol>	
<p><b>TOPIC: DECK SETBACKS IN R-4</b></p>	<p><b>Reason for Change</b></p>
<p><i>Table 17-06-02, amend as follows:</i></p> <p>Decks and terraces in a residential district, DD, or INT district, provided they are: at least 15 ft from all lot lines in districts R-1, R-2, <u>and R-3</u>, <del>and R-4</del>; and in districts DD, INT, <u>R-4</u>, R-4A, R-5, and R-6 at least 10 ft from all lot lines or equal to the setback of a conforming principal structure, whichever is less.</p>	<p>R-4 allows for less than 15 side setbacks for principal structures, depending on lot width. Not allowing decks to align with the setback of a conforming principal structure in R-4 creates unnecessary demand for variations.</p>
<p><b>TOPIC: PORTABLE STORAGE CONTAINERS / PODS</b></p>	<p><b>Reason for Change</b></p>
<p><i>17.11.02 DEFINITIONS, amend as follows:</i></p> <p><b>CONTAINER, <del>STORAGE</del> CARGO</b> An industrial, standardized reusable vessel that:</p>	<p>Amend to allow for PODS and other similar storage containers for residential use (moving) and</p>

<p>1. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or</p> <p>2. Was designed for or is capable of being mounted or moved on a rail car; and/or,</p> <p>3. Was designed for or is capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship; and/or</p> <p>4. Is typically delivered or removed from site by truck, truck trailer, rail, or ship.</p> <p><b><u>CONTAINER, SELF-STORAGE</u></b> <u>A portable storage unit designed and used exclusively for the storage of personal property which is designed to be delivered to a customer's house for on location packing and subsequent pick-up and delivery to a storage facility.</u></p> <p><i>Section 17.06.150, amend as follows:</i></p> <p><b>17.06.150 TEMPORARY BUILDINGS, STRUCTURES, AND USES</b></p> <p><b>A. Authorization.</b> Except where stated otherwise in this section, temporary uses, buildings and structures may be placed on a lot or parcel only when:</p> <ol style="list-style-type: none"><li>1. In compliance with the provisions of this section; and</li><li>2. The Village has issued a permit or license, or with the express written consent of the Community Development Director.</li></ol> <p><b>B. Permitted Temporary Uses, Buildings, or Structures.</b> Only the following temporary uses, buildings or structures are permitted:</p> <ol style="list-style-type: none"><li>1. A temporary building or structure for use as temporary housing in accordance with the</li></ol>	<p>temporary, occasional use.</p>
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provisions of 17.06.060.

2. Temporary buildings and structures incidental to construction work, except those related to construction of single-family dwellings, provided they are placed on the developing tract or parcel. No cooking accommodations shall be maintained and the temporary building or structure shall not be used for dwelling purposes. The temporary building or structure shall be removed within 15 days after construction is complete.

3. Temporary classrooms for public or private schools with expansion needs. Such temporary classrooms shall be placed a minimum of 250 feet from any adjacent R-zoned property. Temporary classrooms shall not be allowed more than 18 months; the 18-month period shall commence with zoning approval by the Zoning Administrator. At the applicant's request, the Community Development Director may, at his/her discretion, extend the 18-month period for a maximum of six months.

4. Tents or membrane structures 150 square feet or less for periods of less than 120 days in all zoning districts.

5. Tents or membrane structures in excess of 150 square feet in the B-4, M-1, M-2, and M-3 zoning districts.

6. Tents or membrane structures in excess of 150 square feet as a special use in the B-3 zoning district.

7. Temporary real estate offices in accordance with the provisions of 17.06.070.

8. Temporary uses and structures, associated with bona fide special events, as approved through the Village's special events approval procedure, for the tenure of the special event only.

9. Temporary buildings or structures which are part of a movie production project per agreement between the Village and the production company.

<p>10. Temporary buildings or structures and tents or membrane structures in any B or M zoning district associated with seasonal outdoor storage, as defined by this ordinance. The temporary building, structure, tent, or membrane structure shall only be allowed for the duration of the seasonal outdoor sales operations.</p> <p><u>11. Self-storage containers in any residential zoning district, for periods of less than 15 days. The self-storage container must be placed on the property’s driveway, if a driveway is available. If a driveway is not available, the container must be placed at least five feet from the property line.</u></p>	
<p><b>TOPIC: SCRIVNERS ERROR CORRECTION</b></p>	<p><b>Reason for Change</b></p>
<p><i>Table 17-07-01, amend as follows:</i></p> <p><b>Note 2:</b> Setback shall be 25 ft, unless subject lot is part of a block face where at least 50% of the lots are improved with principal buildings having a front yard depth of less than 25 ft, the minimum setback shall be the average of principal buildings on adjacent lots. The burden of proof for determining the 50% requirement and providing information for the average shall be on the applicant. <del>See Figure 17-01-01 for an example.</del></p>	<p>Removing reference to Fig. 17-01-01, which does not exist.</p>
<p><b>TOPIC: FENCES IN R DISTRICTS</b></p>	<p><b>Reason for Change</b></p>
<p><i>17.12.030 FENCES in R DISTRICTS, amend as follows:</i></p> <p><b>A. Permitted Locations.</b> In an R district, fences are not permitted <u>in corner side setbacks. Fences are only permitted in front yards as specified in paragraph B of this section only in conformance with See Figures 17-12-02 and 17-12-03 for an illustration.</u> <del>of this chapter and in any portion of a front yard as specified in paragraph B of this section.</del> <u>Any portion of a façade that 1) is recessed at least 10 feet from the part of the façade to which it is immediately adjacent, 2) has a width no more 50% of the distance between it and the part of the façade to which it is immediately adjacent and 3) does not include the primary entrance to the structure, shall not be considered a part of the building façade for the purpose of determining allowable fence location. See Figure 17-12-04 for an illustration.</u></p>	<p>The 706 Hickory variation was approved, and Trustee Sniegowski requested that staff revisit the residential fence requirements to allow fence arrangements similar to what was approved in that case. A draft of Figure 17-12-04 is attached to the end of this table.</p>

TOPIC: HPC PROCEDURES / CERTIFICATES OF APPROPRIATENESS	Reason for Change
<p data-bbox="178 237 1039 269"><i>17.16.030 CERTIFICATE OF APPROPRIATENESS, amend as follows:</i></p> <p data-bbox="178 315 1115 347"><b>17.16.030 CERTIFICATE OF APPROPRIATENESS – MINOR ALTERATIONS</b></p> <p data-bbox="233 431 1556 618"><b>A. When Required.</b> A Certificate of Appropriateness shall be required prior to the issuance of building permits for <del>restoration or preservation work, new construction, alteration, or and</del> <u>demolition of structures properties and any work impacting the exterior appearance of existing structures</u> within a historic district or for any designated national, state, or Village landmarks, or for any structure on the National Register of Historic Places.</p> <p data-bbox="233 664 1545 850"><b>B. Minor Alterations.</b> Minor alterations to the exterior of a structure subject to the provisions of this article shall be reviewed by the Planning and Economic Development Director. If the minor alteration meets the design guidelines established in this article, the Planning and Economic Development Director shall issue a Certificate of Appropriateness. For the purposes of this article, a “minor alteration” is:</p> <ol data-bbox="283 859 1535 1084" style="list-style-type: none"> <li data-bbox="283 859 1535 930">1. <del>A non-structural alteration to a building or structure</del> <u>Construction, demolition, and alterations of accessory structures, except those otherwise defined as major alterations;</u> or</li> <li data-bbox="283 976 1409 1047">2. Addition or removal of paint, re- shingling, <u>and</u> installation or removal of gutters and downspouts; <del>or</del></li> <li data-bbox="283 1052 1415 1084">3. <del>Any interior remodeling that does not affect the exterior of the building or structure.</del></li> </ol> <p data-bbox="233 1130 1451 1240"><b>C. Major Alterations.</b> <del>Major alterations are all other changes to a structure that are not minor alterations as described in paragraph B of this section. Work that requires a Certificate of Appropriateness includes, but is not limited to, the following:</del></p> <ol data-bbox="283 1248 1079 1395" style="list-style-type: none"> <li data-bbox="283 1248 835 1281">1. A change in the height of a structure; or</li> <li data-bbox="283 1286 869 1318">2. A change in the footprint of a structure; or</li> <li data-bbox="283 1323 695 1356">3. An addition to a structure; or</li> <li data-bbox="283 1360 1079 1395">4. A change in the exterior materials on a structure, including</li> </ol>	<p data-bbox="1577 237 1906 976">Staff felt that we needed to clarify the definitions of major vs. minor alterations. Additionally, changes were needed to the public notice requirements to clarify how applicants are notified of pending reviews for Certificates of Appropriateness and ensure compliance with statutory requirements. Finally, appeal procedures needed to be added for decisions regarding minor alterations. These changes necessitated some restructuring of many components of Chapter 17.16.</p>

- ~~siding and a change in the roofing materials (e.g. slate roof replaced by asphalt singles); or~~
- ~~5. A change in the fenestration of a structure; or~~
- ~~6. Replacement of windows, awnings, or exterior details on a structure; or~~
- ~~7. Installation or alteration to a fence on the lot; or~~
- ~~8. Construction of a new structure on a lot; or~~
- ~~9. Demolition of a structure~~

**DC. Approval Process.** The approval process for a Certificate of Appropriateness for a minor alteration is:

1. Property owner concurrently submits application and fees for a building permit and Certificate of Appropriateness to the Building Department.

2. The applications are forwarded to the ~~Community Planning & Economic Development~~ Department for review of completeness and compliance with the provisions of this Article, Article II (Zoning) and Article IV (Site Development) of this ordinance. If one or both of the applications are either incomplete or not in compliance, the applicant is notified about and is required to correct the deficiencies. The Planning & Economic Development Director will then approve the application; approve the application with modification; or deny the application.

~~a. If the Certificate of Appropriateness application is for minor alteration as described in paragraph B of this section, the Planning and Economic Development Director, shall approve the application and return it to the Building Department.~~

~~b. If the Certificate of Appropriateness application is for a major alteration as described in paragraph C of this section, the Planning and Economic Development Director shall forward the application to the Historic Preservation Commission for review.~~

~~3. Within 15 days of receiving the application for a major alteration, the Historic Preservation~~

~~Commission shall:~~

- ~~a. Schedule a public hearing on the application; and~~
- ~~b. Notify the applicant of the time, date, and venue of the hearing; and~~
- ~~c. Publish notice of the hearing in compliance with paragraph E of this section.~~

~~4. The Historic Preservation Commission shall conduct the public hearing, and shall use the standards and guidelines of Chapter 17.17 of this ordinance when evaluating the application. The HPC may decide to:~~

- ~~a. Approve the application; or~~
- ~~b. Approve the application with modification; or~~
- ~~c. Deny the application; or~~
- ~~d. Continue the hearing because of lack of information or upon agreement with the applicant.~~

~~5. The HPC shall notify the applicant of a decision within 15 days after the close of the hearing. The decision shall include findings of fact. Additionally, the Historic Preservation Commission shall notify the Community Development Department of its decision.~~

~~63.~~ If the application is approved, the Community Planning & Economic Development Department issues ~~both~~ the Certificate of Appropriateness. Approval of a Certificate of Appropriateness does not constitute approval of a building permit; applicants must seek approval of all applicable building permits prior to commencing with the changes approved by the Certificate of Appropriateness.

~~74.~~ If the application is approved with modification, the Community Planning & Economic Development Department will determine if the modifications require submission of new plans or additional materials ~~for building code compliance~~ and inform the applicant. If no new plans or materials are required, the Community Development Department will annotate the previously submitted plans to indicate the conditions of approval.

~~85.~~ If the application is denied, the applicant may apply for a Certificate of Economic Hardship in accordance with the provisions of §17.16.040 or appeal the decision in accordance with



~~§17.16.060~~§17.16.030.D of this ordinance.

**D. Appeal Process.** When a Certificate of Appropriateness is denied, approved with conditions, or approved by the Planning & Economic Development Department, the applicant or any interested party may, within 60 days of the decision, appeal such decision to the Village Board. The Village Board shall conduct a public hearing in accordance with the requirements of §17.16.035.D of this ordinance and shall use the standards and guidelines of Chapter 17.17 of this ordinance when evaluating the application. The Village Board may affirm, reverse or modify the Planning & Economic Development Department’s decision by a majority vote of the Village Board. The decision of the Village Board shall be final, subject only to judicial review as provided by law.

**E. Public Notice Requirements**

- ~~1. Not less than seven days and not more than 15 days prior to the scheduled public hearing, the Historic Preservation Commission shall cause to be published in a local newspaper a notice announcing the public hearing. Such notice shall contain:
  - ~~a. The common street address of the subject property; and~~
  - ~~b. The scheduled time, date, and venue of the public hearing; and~~
  - ~~c. A description of the nature, scope, and purpose of the application or proposal; and~~
  - ~~d. The name and address of the applicant; and~~
  - ~~e. A statement that additional information concerning the hearing or application can be obtained from the Community Development Department or other appropriate Village staff, and the address and contact information for the department or staff.~~~~
  
- ~~2. The Historic Preservation Commission shall ensure inclusion of the scheduled public hearing on its meeting agenda, and ensure the agenda is posted in the Village Hall and on the Village’s website in accordance with Illinois state statute.~~
  
- ~~3. The Historic Preservation Commission shall notify the applicant, in writing, of any denial of an application for Certificate of Appropriateness within 15 days of the decision.~~

**F. Validity.** Certificates of Appropriateness are valid for one year from the date of issuance.

*Add new section 17.16.035*

**17.16.035 CERTIFICATE OF APPROPRIATENESS – MAJOR ALTERATIONS**

**A. When Required.** A Certificate of Appropriateness shall be required prior to the issuance of building permits for new construction and demolition of structures and any work impacting the exterior appearance of existing structures within a historic district or for any designated national, state, or Village landmarks, or for any structure on the National Register of Historic Places.

**B. Major Alterations.** Major alterations are all other changes to the exterior of a structure that are not minor alterations as described in §17.16.030 of this chapter. For the purposes of this article, a “major alteration” is:

1. Construction, demolition and alterations of principal structures; or
2. Construction and alterations of detached garages, decks, awnings, and signs; or
3. Demolition of detached garages and removal of awnings.

**C. Approval Process.** The approval process for a Certificate of Appropriateness is:

1. Property owner concurrently submits application and fees for a building permit and Certificate of Appropriateness to the Building Department.
2. The applications are forwarded to the Planning & Economic Development Department for review of completeness and compliance with the provisions of Article II (Zoning) and Article IV (Site Development) of this ordinance. If one or both of the applications are either incomplete or not in compliance, the applicant is notified about the deficiencies and must correct the deficiencies prior to review by the Historic Preservation Commission. Once the application is complete, the Planning and Economic Development Director shall forward the application to the Historic Preservation Commission for review.

3. Within 15 days of receiving the application for a major alteration, the Historic Preservation Commission shall:

- a. Schedule a public hearing on the application; and
- b. Notify the applicant of the time, date, and venue of the hearing; and

4. The Historic Preservation Commission shall conduct the public hearing, and shall use the standards and guidelines of Chapter 17.17 of this ordinance when evaluating the application. The HPC may decide to:

- a. Approve the application; or
- b. Approve the application with modification; or
- c. Deny the application; or
- d. Continue the hearing because of lack of information or upon agreement with the applicant.

5. The HPC shall notify the applicant of a decision within 15 days after the close of the hearing. The decision shall include findings of fact. Additionally, the Historic Preservation Commission shall notify the Planning & Economic Development Department of its decision.

6. If the application is approved, the Planning & Economic Development Department issues the Certificate of Appropriateness. Approval of a Certificate of Appropriateness does not constitute approval of a building permit; applicants must seek approval of all applicable building permits prior to commencing with the changes approved by the Certificate of Appropriateness.

7. If the application is approved with modification, the Planning & Economic Development Department will determine if the modifications require submission of new plans or additional materials and inform the applicant. If no new plans or materials are required, the Planning & Economic Development Department will annotate the previously submitted plans to indicate the conditions of approval.

8. If the application is denied, the applicant may apply for a Certificate of Economic Hardship in accordance with the provisions of §17.16.040 or appeal the decision in accordance with

§17.16.035.E of this ordinance.

**D. Public Notice Requirements**

1. Not less than seven days and not more than 15 days prior to the scheduled public hearing, the Historic Preservation Commission shall notify the applicant by certified mail of the scheduled public hearing.
  
2. The Historic Preservation Commission shall ensure inclusion of the scheduled public hearing on its meeting agenda, and ensure the agenda is posted in the Village Hall and on the Village's website in accordance with Illinois state statute.
  
3. The Historic Preservation Commission shall notify the applicant, by regular mail, of any denial of an application for Certificate of Appropriateness within 15 days of the decision.

**E. Appeal Process**

When a Certificate of Appropriateness is denied, approved with conditions, or approved by the Historic Preservation Commission, the applicant or any interested party may, within 60 days of the decision, appeal such decision to the Village Board. The Village Board may affirm, reverse or modify the HPC's decision by a majority vote of the Village Board. The decision of the Village Board shall be final, subject only to judicial review as provided by law.

**F. Validity.** Certificates of Appropriateness are valid for one year from the date of issuance.

*Section 17.16.040.G.3, delete:*

~~3. If the application is denied, the applicant may appeal the decision in accordance with §17.16.060 of this chapter.~~

*Add Section 17.16.040.H*

**H. Appeal Process.** When a Certificate of Economic Hardship is denied, approved with conditions, or

approved by the Historic Preservation Commission, the applicant or any interested party may, within 60 days of the decision, appeal such decision to the Village Board. The Village Board may affirm, reverse or modify the HPC's decision by a majority vote of the Village Board. The decision of the Village Board shall be final, subject only to judicial review as provided by law.

*Section 17.16.050.C, amend as follows:*

**C. Approval Process.** See §17.16.0305.C of this ordinance for approval procedures.

*Section 17.16.050.(Demolitions) D & E amend as follows and add section F:*

**D. Public Notice Requirements**

1. Not less than seven days and not more than 15 days prior to the scheduled public hearing, the Historic Preservation Commission shall cause to be published in a local newspaper a notice announcing the public hearing. Such notice shall contain:
  - a. The common street address of the subject property; and
  - b. The scheduled time, date, and venue of the public hearing; and
  - c. A description of the nature, scope, and purpose of the application or proposal; and
  - d. The name and address of the applicant; and
  - e. A statement that additional information concerning the hearing or application can be obtained from the Planning & Economic Development Department and the address and contact information for the department.
  
2. Not less than seven days and not more than 15 days prior to the scheduled public hearing, the Historic Preservation Commission shall notify the applicant by certified mail of the scheduled public hearing.
  
3. The Historic Preservation Commission shall ensure inclusion of the scheduled public hearing on its meeting agenda, and ensure the agenda is posted in the Village Hall and on the Village's website in accordance with Illinois state statute.

4. The Historic Preservation Commission shall notify the applicant, by regular mail, of any denial of an application for Certificate of Appropriateness within 15 days of the decision.

**DE. Criteria to be Considered**

When determining whether to approve a Certificate of Appropriateness for demolition, the HPC shall consider and may give decisive weight to any one or all of the standards of this paragraph. In addition to the criteria, demolition should not be permitted unless the building is beyond all economically feasible repair as determined by the HPC. The criteria are:

1. Whether the structure has significant value as part of the historic or cultural heritage of Lemont, Cook County, the State of Illinois, or the United States.
2. Whether the structure is identified with a person or persons who significantly contributed to the development of Lemont, Cook County, the State of Illinois, or the United States.
3. Whether the structure is representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction, or use of indigenous materials, especially the use of stone known as "Lemont limestone" or "Athens marble."
4. Whether the structure is a notable work of a master builder, designer, architect or artist.
5. Whether the structure has a unique location or singular physical characteristic that makes it an established or familiar visual feature, including presence in the Lemont skyline.
6. Whether the building is a particularly fine or unique example of a utilitarian structure, including but not limited to utilitarian, residential or commercial structures with a high level of integrity or architectural significance.
7. Whether the building, although it may or may not be designated as a landmark, is considered to be a contributing historic structure and whether it contributes to the overall character of the historic district.

8. Whether the demolition of the structure would create a breach in the visual streetscape of the historic district, or be detrimental to public interest and contrary to the general welfare of the historic district.

9. Whether any new structure proposed to be constructed upon demolition of a non-contributing structure is compatible with the buildings and environment of the historic district and would qualify for a Certificate of Appropriateness.

10. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, or whether there is a compelling health or safety reason to demolish the building or structure. Any hardship or difficulty claimed by the owner which is self-created or which is the result of failure to secure or maintain the property in good repair cannot qualify as a basis for a Certificate of Appropriateness.

11. Whether the building is 50 years or older unless it has no historic or architectural merit.

12. Whether the building or structure is within a grouping of similar buildings or structures that creates a distinctive pattern or historic rhythm of masses and spaces that would be significantly altered by the removal of one or more of its parts.

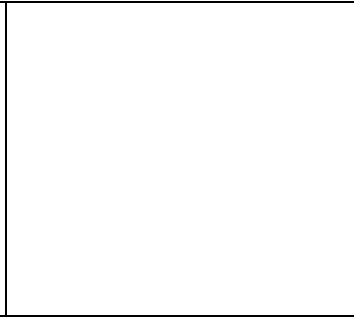
13. Whether the building has architectural characteristics associated with hand-built buildings, such as hand-hewn timbers, scroll saw cut architectural trim, finished stone trim, or any other stone features.

**~~DE~~. Possible Repair of Building.** In addition to the criteria in paragraph ~~DE~~ of this section, demolition of building that contributes to the district's historic appearance should not be permitted unless the HPC determines that it is not economically feasible to repair the building. An evaluation may be required by the HPC, performed by an analyst experienced in historic restoration, at the expense of the applicant for demolition.

*Delete Section 17.16.060*

**~~17.16.060 APPEAL OF HPC DECISIONS~~**

~~When a Certificate of Appropriateness or a Certificate of Economic Hardship is denied or approved by the Historic Preservation Commission, the applicant or any interested party may, within 60 days of the decision, appeal such decision to the Village Board. The Village Board may affirm, reverse or modify the HPC's decision by a majority vote of a quorum of the Village Board. The decision of the Village Board shall be final, subject only to judicial review as provided by law.~~





**Proposed Figure 17-12-04**

